

HB 27

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 26, 1991

FURTHER REFERRALS:

Date of Committee Action: 4-10-91

The FINANCE Committee considered:

SSHB 27

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 27

DRUG & ALCOHOL USE BY MINORS/SCHOOL ZONES

"An Act relating to the possession of controlled substances and imitation controlled substances, to misconduct involving controlled substances and imitation controlled substances by minors, and to the provision of information that appries students about controlled substances and the penalties applicable to misconduct involving controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug-free school zones'; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CSSSH 27 (FIN) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) EDUCATION 3/1/91

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>John Ulmer</i>	✓				
<i>Michael J. Tamm</i>	✓				
<i>Paul E. Bell</i>	✓				
<i>Bob Sharp</i>	✓				
<i>George S. ...</i>	✓				
<i>[Signature]</i>	✓				
<i>Ray Brown</i>	✓				
<i>Mark ...</i>	✓				
<i>Mike ...</i>	✓				
<i>[Signature]</i>	✓				
<i>Demetrius ...</i>	✓				

Mike ...
CHAIRMAN'S SIGNATURE

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 27 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES B.DAVIS, Boyer, Ellis, Brown, Lincin, Mackie, Choquette, C.Davis, Finkelstein, Navarre, Parnell, Ulmer, Gonzales, Donley, Hanley, Taylor, Moyer, Baker

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the possession of controlled substances and imitation controlled
2 substances, to misconduct involving controlled substances and imitation controlled substances
3 by minors, and to the provision of information that appries students about controlled
4 substances and the penalties applicable to misconduct involving controlled substances; and
5 requiring municipalities to post signs in the vicinity of schools declaring the areas to be
6 'drug-free school zones'; and providing for an effective date."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 11.71.030(a) is amended to read:

9 (a) Except as authorized in AS 17.30, a person commits the crime of misconduct
10 involving a controlled substance in the third degree if the person

11 (1) manufactures or delivers any amount of a schedule IIA or IIIA controlled
12 substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to
13 manufacture or deliver;

1 (2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to
2 a person under 19 years of age who is at least three years younger than the person delivering the
3 substance; or

4 (3) [BEING 18 YEARS OF AGE OR OLDER,] possesses any amount of a
5 schedule IA or IIA controlled substance

6 (A) with reckless disregard that the possession occurs on or within 500
7 feet of school; [THE] grounds; or

8 (B) on a school bus [OF OR ON A PARKING LOT IMMEDIATELY
9 ADJACENT TO A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY, JUNIOR
10 HIGH, OR SECONDARY SCHOOL].

11 * Sec. 2. AS 11.71.030(b) is repealed and reenacted to read:

12 (b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section that the
13 prohibited conduct took place entirely within a private residence located within 500 feet of the
14 school grounds, and that the prohibited conduct did not involve distributing, dispensing, or pos-
15 sessed with the intent to distribute or dispense a controlled substance for profit. Nothing in this
16 subsection precludes a prosecution under any other provision of this section or any other section
17 of this chapter.

18 * Sec. 3. AS 11.71.040(a) is amended to read:

19 (a) Except as authorized in AS 17.30, a person commits the crime of misconduct
20 involving a controlled substance in the fourth degree if the person

21 (1) manufactures or delivers any amount of a schedule IVA or VA controlled
22 substance or possesses any amount of a schedule IVA or VA controlled substance with intent to
23 manufacture or deliver;

24 (2) manufactures or delivers, or possesses with the intent to manufacture or
25 deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight
26 of one ounce or more containing a schedule VIA controlled substance;

27 (3) possesses

28 (A) any amount of a schedule IA or IIA controlled substance;

29 (B) 25 or more tablets, ampules, or syrettes containing a schedule IIIA or
30 IVA controlled substance;

31 (C) one or more preparations, compounds, mixtures, or substances of an

1 aggregate weight of three grams or more containing a schedule IIIA or IVA controlled
2 substance;

3 (D) 50 or more tablets, ampules, or syrettes containing a schedule VA
4 controlled substance;

5 (E) one or more preparations, compounds, mixtures, or substances of an
6 aggregate weight of six grams or more containing a schedule VA controlled substance;

7 or

8 (F) one or more preparations, compounds, mixtures, or substances of an
9 aggregate weight of one pound or more containing a schedule VIA controlled substance;

10 (4) [BEING 18 YEARS OF AGE OR OLDER,] possesses a schedule IIIA, IVA,
11 VA, or VIA controlled substance

12 (A) with reckless disregard that the possession occurs on or within 500
13 feet of school [THE] grounds [OF OR ON A PARKING LOT IMMEDIATELY
14 ADJACENT TO A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY, JUNIOR
15 HIGH, OR SECONDARY SCHOOL]; or

16 (B) on a school bus;

17 (5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building,
18 vehicle, boat, aircraft, or other structure or place which is used for keeping or distributing
19 controlled substances in violation of a felony offense under this chapter or AS 17.30;

20 (6) makes, delivers, or possesses a punch, die, plate, stone, or other thing which
21 prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or
22 device of another or any likeness of any of these upon a drug, drug container, or labeling so as
23 to render the drug a counterfeit substance;

24 (7) knowingly uses in the course of the manufacture or distribution of a controlled
25 substance a registration number which is fictitious, revoked, suspended, or issued to another
26 person;

27 (8) knowingly furnishes false or fraudulent information in or omits material
28 information from any application, report, record, or other document required to be kept or filed
29 under AS 17.30;

30 (9) obtains possession of a controlled substance by misrepresentation, fraud,
31 forgery, deception or subterfuge; or

1 (10) affixes a false or forged label to a package or other container containing any
2 controlled substance.

3 * Sec. 4. AS 11.71.040(b) is repealed and reenacted to read:

4 (b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the
5 prohibited conduct took place entirely within a private residence located within 500 feet of the
6 school grounds. Nothing in this subsection precludes a prosecution under any other provision
7 of this section or any other section of this chapter.

8 * Sec. 5. AS 11.71.900 is amended by adding new paragraphs to read:

9 (28) "school bus" means a motor vehicle operated by a school district or private
10 school, directly or by contract, to transport students;

11 (29) "school grounds" means a building, structure, athletic playing field,
12 playground, parking area, or land contained within the real property boundary line of a public
13 or private preschool, elementary, or secondary school.

14 * Sec. 6. AS 14.07 is amended by adding a new section to read:

15 Sec. 14.07.181. ADDITIONAL DUTIES OF BOARD. The board shall direct the
16 department to develop, adopt, periodically review, and distribute annually to each student enrolled
17 in a public school an information pamphlet. The pamphlet must be written in easily
18 understandable language, must be designed to educate the student about controlled substances,
19 and must summarize information relating to the criminal penalties applicable to the possession
20 and sale of controlled substances in public schools, in areas adjacent to schools, and on school
21 buses.

22 * Sec. 7. AS 28.01.010(d) is amended to read:

23 (d) A municipality shall erect necessary official traffic control devices on streets and
24 highways within its jurisdiction which as far as practicable conform to the current edition of the
25 Alaska Traffic Manual prepared by the Department of Transportation and Public Facilities. The
26 municipality shall post a sign indicating that the school is a "drug-free school zone" at each
27 location in which it has installed a sign identifying the location of a school.

28 * Sec. 8. AS 47.10.080(b) is amended to read:

29 (b) If the court finds that the minor is delinquent, it shall

30 (1) order the minor committed to the department for a period of time not to
31 exceed two years or in any event extend past the day the minor becomes 19, except that the

1 department may petition for and the court may grant in a hearing (A) two-year extensions of
2 commitment that do not extend beyond the child's 19th birthday if the extension is in the best
3 interests of the minor and the public; and (B) an additional one-year period of supervision past
4 age 19 if continued supervision is in the best interests of the person and the person consents to
5 it; the department shall place the minor in the juvenile facility that the department considers
6 appropriate and that may include a juvenile correctional school, detention home, or detention
7 facility; the minor may be released from placement or detention and placed on probation on order
8 of the court and may also be released by the department, in its discretion, under AS 47.10.200;

9 (2) order the minor placed on probation, to be supervised by the department, and
10 released to the minor's parents, guardian, or a suitable person; if the court orders the minor
11 placed on probation, it may specify the terms and conditions of probation; the probation may be
12 for a period of time, not to exceed two years and in no event extend past the day the minor
13 becomes 19, except that the department may petition for and the court may grant in a hearing

14 (A) two-year extensions of supervision that do not extend beyond the
15 child's 19th birthday if the extension is in the best interests of the minor and the public;
16 and

17 (B) an additional one-year period of supervision past age 19 if the
18 continued supervision is in the best interests of the person and the person consents to it;

19 (3) order the minor committed to the department and placed on probation, to be
20 supervised by the department, and released to the minor's parents, guardian, other suitable person,
21 or suitable nondetention setting such as a family home, group care facility, or child care facility,
22 whichever the department considers appropriate to implement the treatment plan of the
23 predisposition report; if the court orders the minor placed on probation, it may specify the terms
24 and conditions of probation; the department may transfer the minor, in the minor's best interests,
25 from one of the probationary placement settings listed in this paragraph to another, and the
26 minor, the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice
27 of the transfer; the probation may be for a period of time, not to exceed two years and in no
28 event extend past the day the minor becomes 19, except that the department may petition for and
29 the court may grant in a hearing

30 (A) two-year extensions of commitment that do not extend beyond the
31 child's 19th birthday if the extension is in the best interests of the minor and the public;

1 and

2 (B) an additional one-year period of supervision past age 19 if the
3 continued supervision is in the best interests of the person and the person consents to it;

4 [OR]

5 (4) order the minor to make suitable restitution in lieu of or in addition to the
6 court's order under (1), (2), or (3) of this subsection; [.]

7 (5) order the minor committed to the department for placement in an adventure
8 based education program established under AS 47.21.020 with conditions the court considers
9 appropriate concerning release upon satisfactory completion of the program or commitment under
10 (1) of this subsection if the program is not satisfactorily completed; or

11 (6) in addition to an order under (1) - (5) of this subsection, if the
12 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or
13 11.71.040(a)(4), order the minor to perform 50 hours of community service; for purposes
14 of this paragraph, "community service" includes work

15 (A) on a project identified in AS 33.30.901; or

16 (B) that, on the recommendation of the city council or traditional
17 village council, would benefit persons within the city or village who are elderly or
18 disabled.

19 * Sec. 9. Section 7 of this Act takes effect August 16, 1992.

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

Revision Date: _____ Department Affected: Education
 Title: Delivery and possession of controlled substances... 'drug free school zones' BRU: Executive Administration
 Component: Executive Administration
 Sponsor: Bettye Davis
 Requestor: House HESS COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	12.7	11.5	11.5	11.5	11.5	11.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	12.7	11.5	11.5	11.5	11.5	11.5

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	12.7	11.5	11.5	11.5	11.5	11.5
FEDERAL FUNDS						
OTHER						
TOTAL	12.7	11.5	11.5	11.5	11.5	11.5

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.) This fiscal analysis assumes distribution of the information pamphlet to 112,200 students in the 54 public school districts in the state. Four versions of the pamphlet will be developed, targeting grades K-12, 3-5, 6-8, 9-12.

Prepared By: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 2/27/91
 Approved by Commissioner: Steve Hole, Acting Commissioner
 Agency: Education Date: 2/27/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSH B 27 (HES)

Page 4, following line 21:

Insert a new bill section to read:

"* Sec. 7. AS 14.08.111 is amended by adding a new paragraph to read:

(12) post at least one sign on the school grounds indicating that a school is a "drug-free school zone" at schools near which a "drug-free school zone" sign has not been posted under AS 28.01.010(d) because the school is not located in a municipality."

Renumber following bill sections accordingly.

Page 6, line 23:

Delete "Sections 7 and 8"

Insert "Sections 7 - 9"

FISCAL NOTE

Revision Date: 1/21/91

Title: " An Act relating to the Delivery and possession of controlled substance

Department Affected:

DOT&PF
Maintenance &
Operations

BRU:

Sponsor:
Requestor:

Component:
Component Serial Number:

Central, Northern & S. E.
564, 584, 587, 590, & 603

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	148.5	15.0	30.0	30.0	30.0	45.0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	148.5	15.0	30.0	30.0	30.0	45.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	148.5	15.0	30.0	30.0	30.0	45.0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)
See Attached.

Prepared by: Jeffery C. Ottesen, Director

Phone: 465-2951

Division: Engineering and Operations Standards

Date: Feb 26, 1991

Approved by Commissioner:

Frank G. Turpin
Frank G. Turpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: Feb 26, 1991

Distribution By Preparer: Legislative Finance, Legislative Sponsor, Requestor, OMB, Impacted Agency(ies).

Department of Transportation and Public Facilities

Fiscal Note Analysis: House Bill No. 27

2/25/91

This is the same analysis that was proposed for last year's HB 391

There is no way to make an actual inventory of signed school locations without considerable effort. However, there are 660 schools, and it can reasonably be assumed that at least half are on or near the state system (including municipal arterials), and are marked as schools by school speed zones, marked crosswalks, or advance school warning signs.

Furthermore, where schools are signed there would rarely be less than two marked locations (one in each direction on one road) and probably rarely more than four (one in each direction on two roads) for an average of 3 per school. This amounts to 330 schools X 3 signs per school average = 990 signs total.

Large signing contracts average approximately \$50 per square foot for installed signs. The required sign size for legibility and consistency would be about two square feet. However, such smaller signs have much the same mounting, labor and equipment costs as those several times larger. Including the need to locate the signs rather accurately, the estimated cost per sign is conservatively \$150 each.

This results in an estimated initial cost of \$148,500 in 1990 dollars.

The sign life due to deterioration, accidental destruction, and the high vandalism target value cannot be expected to exceed about five years with, for all causes, 10% loss the first year, 20% the second through the fourth years, and 30% the last year when deterioration sets in, and about 20% per year average thereafter.

This results in maintenance as follows (in 1990 dollars):

1st year	0.10 X \$150K = \$15,000
2nd thru 4th years	0.20 X \$150K = \$30,000 per year
5th year	0.30 X \$150K = \$45,000
thereafter	0.20 X \$150K = \$30,000 per year

There is no way to accurately speak for the municipalities for the costs on their road system.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SSHB #27

Revision Date: 2-26-91 Department Affected: Corrections

Title: An act relating to .drug-free zones BRU: _____
Component: _____

Sponsor: Rep. B. Davis

Requestor: Rep. B. Davis COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Thomas Sutton, Director *Tom Sutton* Phone: 465-3376

Division: Administrative Services Date: 2-26-91

Approved by Commissioner: Lloyd Hames

Agency: Dept. of Corrections Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ALASKA STATE LEGISLATURE

Office of Majority Whip

3111 C STREET
ANCHORAGE AK 99503

PO BOX V
JUNEAU AK 99811
(907) 465-3875/4894

VICE CHAIR
HEALTH, EDUCATION
& SOCIAL SERVICES

COMMUNITY AND
REGIONAL AFFAIRS

INTERNATIONAL TRADE
AND TOURISM

CHAIR
CHILDREN'S CAUCUS

REPRESENTATIVE BETTYE DAVIS

DISTRICT 14 SEAT B • EAST ANCHORAGE • MULDOON

M E M O R A N D U M

TO: REPRESENTATIVES MIKE NAVARRE, CO-CHAIR
REPRESENTATIVES EILEEN MACLEAN, CO-CHAIR
HOUSE FINANCE COMMITTEE

FROM: REPRESENTATIVE BETTYE DAVIS *BjD*

DATE: MARCH 27, 1991

RE: CS FOR SSHB 27 - DRUG-FREE SCHOOL ZONES

I am writing to request that the House Finance Committee schedule a hearing on CS for SSHB 27, relating to conviction for possession, delivery, and use of controlled substances in school, on or near school grounds, and on school buses.

Criminal justice, education, and substance abuse prevention leaders unanimously agree that the only possible resolution to the current drug epidemic lies in successful reduction of the demand for illegal drugs, particularly among our nation's youth. Of all known drug reduction strategies, the Drug Free School Zones initiative is perhaps the most promising systemic demand-reduction innovation. Drug-Free School Zones can unite community leaders in partnerships with criminal justice, education, and prevention efforts to protect children and enhance the school learning environment by constricting the supply and lessening the demand for drugs. Conceptually, Drug-Free School Zones are designed to create drug-free "safe havens" within geographic zones surrounding schools.

Recognizing the need for greater legislative innovation the following organizations strongly supported the development of drug-free school zones: National School Boards Association, National Association of Secondary School Principals, National Association of Elementary School Principals, National Association of Partners in Education, National School Safety Center, National Association of State Alcohol and Drug Abuse Directors, Council of State Governments, National Council of

As of June 1990 forty-two (42) States plus the District of Columbia have institute Drug-Free School Zones. It has been recognized by the National Coalition for Drug-Free School Zones that Alaska already has incorporated the concept of Drug Free-School Zone in its laws. What we hope to do is enhance the law by doing the following.

(1) amends certain criminal law provisions applicable to possession of controlled substances and imitation controlled substances on or near school grounds and on school buses;

(2) requires the State Board of Education to initiate certain activity apprising the state's public and private Students about controlled substances and the criminal penalties applicable to them;

(3) directs the state and municipalities to install "drug-free school zone" signs near schools.

The Association of Alaska School Boards, Alaska Council of School Administrators, NEA-Alaska, Departments of Corrections, Education, Health and Social Services, and Public Safety all support this bill.

Thank you for hearing this bill.

BILL NO: CSSSHB 27(HESS)

DATE: 3/07/91

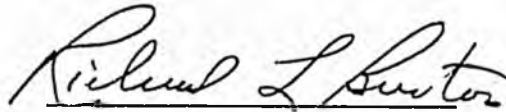
TITLE: "An Act relating to . . .
drug free School zones . . ."

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

DEPARTMENT OF
PUBLIC SAFETY

POSTAL CENTER

The Department of Public Safety supports CSSSHB 27(HESS), which amends present criminal laws regarding possession of controlled substances and imitation controlled substances. The bill establishes a "drug-free zone" on or near school grounds or on a school bus. This is one more tool that will be used by law enforcement officers attempting to prevent youngsters from being exposed to illicit drugs.



Richard L. Burton
Commissioner

STATE OF ALASKA
Department of Corrections
LEGISLATIVE POSITION PAPER
Lloyd Hames, Commissioner

P.O. Box 7, Juneau, AK 99801-2000 (907) 466-8878

Carl Nickel, Legislative Liaison

February 26, 1991

SPONSOR SUBSTITUTE HOUSE BILL NO. 27

"An act relating to the delivery and possession of controlled substances....installation of signs in the vicinity of schools....
"drug-free school zones.

The Department of Corrections supports SSHB No.27. The bill fundamentally addresses the national effort to protect young people and to encourage a drug free school environment.

SSHB No.27 does not have a fiscal impact on Corrections.

FISCAL NOTE:

ZERO
ATTACHED

APPROVED:

L.H. by *Carl Nickel*

Commissioner

DATE:

2-26-91

February 28, 1991

Sponsor: Rep. Bettye Davis

**SECTIONAL ANALYSIS
SPONSOR SUBSTITUTE FOR HB 27**

"An Act relating to the possession of controlled substances and imitation controlled substances, to misconduct involving controlled substances and imitation controlled substances by minors, and to the provision of information that apprises students about controlled substances and the penalties applicable to misconduct involving controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug free school zones'; and providing for an effective date."

Sections 1 and 3 amend laws defining, respectively, the crimes of misconduct involving a controlled substance in the third and fourth degrees by

(1) broadening to 500 feet around school grounds the geographic area adjacent to a school within which possession of a controlled substance is made a criminal offense, and extending that prohibition to possession occurring on a school bus; and

(2) deleting a condition in current law that the illegal possession in or adjacent to a school bus must be by someone not a minor; the deletion thus broadens the reach of these two criminal provisions to minors. Misconduct in the third degree is a class B felony, misconduct in the fourth degree is a class C felony.

Sections 2 and 4 establishes as affirmative defenses, respectively, for the two offenses above that the alleged offense occurred within a private residence that is situated within 500 foot school grounds perimeter. (An affirmative defense simply means that, as to an issue for which an affirmative defense may be raised, once the state offers some evidence that permits the defendant to use the defense, the defendant has the burden of establishing the defense by a preponderance of the evidence.)

Section 5 defines the terms "school bus" and "school grounds," used in the preceding criminal provisions.

In an adjudication of delinquency of a minor charged with a violation of one of the two preceding criminal provision, Section 9 directs the superior court to order the minor to perform 50 hours of community service, i.e. "work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public services, lands, forests, park, roads, highways, facilities, or education."

II

Section 6 adds to the duties of the State Board of Education the responsibility of directing the Department of Education to develop and annually distribute to students enrolled in public and private schools an information pamphlet about controlled substances.

III

Section 7 directs the Department of Transportation and Public Facilities to erect "drug-free school zone" signs at locations to which the department has placed school zone signs.

Section 8 assigns the same duty to municipalities that erect official traffic control devices.

Section 10 delays until August 16, 1992, the effective date of the two-sign placement sections, allowing the department and local governments time to prepare and position signs in advance of the 1992-93 school year.



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408, Juneau, AK 99801-1101 (907) 586-9702 FAX (907) 586-5879

POSITION STATEMENT

HOUSE BILL 27

ENTITLED: DRUG & ALCOHOL USE BY MINORS/SCHOOL ZONES

The Alaska Council of School Administrators supports having a drug free zone located around a school site.

The Alaska Association of Secondary School Principals and the Alaska Association of Elementary School Principals are very aware of detrimental affects drugs can have on our students and society and have long been involved in fighting the menace of drug abuse in Alaska. We are also very aware of the fact that drug pushers have often found a lucrative market among students who cannot say "no" to drugs.

On the national level a recent survey by the Coalition for Drug-Free School Zones shows that 23 states now have drug-free school zones on the books, and legislation is pending in several other states.

Both the Alaska Association of Secondary Principals and the Alaska Association of Elementary School Principals passed resolutions at their annual conference supporting the drug-free school zone legislation.

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 West 11th Street, Juneau, Alaska 99801-1510 • Tel. (907) 586-1083 • Fax (907) 586-2995

Serving Alaskan Education



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POSITION PAPER

HB 27

IN SUPPORT OF LEGISLATION CREATING A DRUG-FREE SCHOOL ZONE

The Association of Alaska School Boards endorses and supports legislation, such as HB 27, creating a drug free school zone and urges quick passage of such legislation by the Alaska Legislature. At least 23 other states have enacted such legislation with resulting decreases in drug related activity in and around schools.

The Association of Alaska School Boards has a strong commitment to a drug-free school environment in the State of Alaska. However, current Alaska law does not dictate increased penalties associated with possession of drugs on school grounds, or with delivery of, or possession with intent to deliver on school grounds.

AASB also endorses allowing the extent of the zone to be decided by local schools. A flexible boundary zone, decided upon by local schools or a school district, would grant the necessary latitude for districts to determine an effective drug-free school zone and would recognize the differences between Alaska's very small rural villages and larger communities.

2/1/91



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536
FAX: (907) 274-0551

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090
FAX: (907) 586-2744

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435
FAX: (907) 456-2159

February 26, 1991

**To: Representatives Carney and Lincoln, Co-Chairs
Members, House HESS Committee**

Re: HB 27: "An Act relating to the delivery and possession of controlled substances and imitation controlled substances, to misconduct involving controlled substances, imitation controlled substances, and alcohol by minors, and to the provision of information that includes penalties applicable to misconduct involving controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be "drug-free" school zones; and providing for an effective date."

NEA-Alaska strongly supports and encourages your favorable consideration of HB 27.

Public schools through-out our nation, unfortunately, have become focal points for those who would encourage illegal and inappropriate use of drugs and alcohol. The eventual solution to the myriad of attendant problems will happen only when the collective conscience of society is raised to such a level that alcohol and substance abuse is unacceptable behavior.

HB 27 properly increases penalties and, even more importantly, defines a process for raising an awareness of them. It is appropriate for the board of education to have a greater responsibility in providing students with specific information about controlled substances.

The creation of "drug-free" school zones is a positive step and represents a statement of public policy that it is time for all of us to deal with this problem.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners
Executive Director

Don Oberg
President

cc: **Representative Bettye Davis**



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99519-6614
AREA CODE [907] 333-9561

February 27, 1991

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President

Carol Stolpe
Vice President

Darryl Jordan
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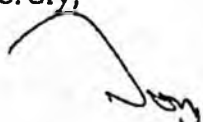
The Honorable Bettye Davis
House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Bettye:

Per your request, the administration reviewed the contents of Sponsor Substitute for House Bill No. 27, and believes that it supports the existing philosophy and practice of the School District relating to the possession of controlled substances and/or imitation controlled substances involving students in our schools. Our current School Board Policy 451.4 - Illegal Drug/Alcohol (see attached), is but one example of our practice in dealing with this topic.

Because we are an educational institution, we believe we have an obligation to take a strong position on the use, sale, and possession of controlled substances by students in our schools and, where possible, provide appropriate education through regular and optional programs to those students impacted. As an educational organization, we would participate with the intent of drug free school zones.

Sincerely,


Thomas C. O'Rourke
Superintendent

mt

cc Carl LaMarr, Deputy Superintendent

Attachment: School Board Policy 451.4

NATIONAL COALITION FOR DRUG-FREE SCHOOL ZONES
State Legislation
June 1990

One of the goals of the National Coalition for Drug-Free School Zones is the passage of state drug-free school zone legislation. This goal is being achieved. To date 42 states plus the District of Columbia have state legislated Drug-Free School Zones. Five states have proposed or pending legislation (i.e., Nebraska, North Carolina, South Dakota, Texas, and Wyoming). Only three states remain without Drug-Free School Zones laws (i.e., Idaho, Montana, and Tennessee).

As each state has adopted unique DFSZ legislation, this legislation brief has been prepared to bring together all of the variations of DFSZ laws nationwide. It is hoped that this material will prove useful to leaders and legislators as they move to improve their DFSZ laws. The following are excerpts of state legislation for Drug-Free School Zones.

Alabama

Division 4.

Sale on or Near School Campus.

§ 13A-12-250. Additional penalty if unlawful sale on or near school campus.

In addition to any penalties heretofore or hereafter provided by law for any person convicted of an unlawful sale of a controlled substance, there is hereby imposed a penalty of five years incarceration in a state corrections facility with no provision for probation if the situs of such unlawful sale was on the campus or within a three-mile radius of the campus boundaries of any public or private school, college, university or other educational institution in this state. (Acts 1987, No. 87-610, p. 1060; Code 1975, § 20-2-79; Acts 1988, 1st Sp. Sess., No. 88-918, p. 512, § 2; Acts 1989, No. 89-950.)

Alaska

Sec. 11.71.030. Misconduct involving a controlled substance in the third degree.

(3) being 18 years of age or older, possesses any amount of a schedule IA or IIA controlled substance within the grounds of or on a parking lot immediately adjacent to a public or private preschool, elementary, junior high, or secondary school.

(b) It is an affirmative defense to a prosecution under (a)(3) of this section that at the time of the possession the school was closed to any organized activity involving persons under 18 years of age. [Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.]