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HOUSE COMMITTEE REPORT

5-10-92
Finance

(7)
Date Referred: May 8, 1992

FURTHER REFERRALS:

Date of Committee Action: _____

The JUDICIARY Committee considered:

CSSB 343(JUD) am

CS FOR SENATE BILL NO. 343 (JUDICIARY) am
"An Act relating to the crime of conspiracy."

CRIME OF CONSPIRACY

RECOMMENDATIONS:
be replaced with HCS CS SB 343 (JUD) [] 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: COURTS 5-5-92
(Dept/Date)

fiscal impact COURTS

fiscal note(s)

(4) Corrections 3-19-92

[] zero fiscal note _____

(7) (6) (2) S. Fin Cmt for DOA 5-5-92
(4) zero fiscal note(s). LAW. 3-19-92; DBS 5-5-92

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Terry Martin					
Mike Miller	<input checked="" type="checkbox"/>	not necessary	<input checked="" type="checkbox"/>		
Kevin Pat Parnell	<input checked="" type="checkbox"/>				
David Douley	<input checked="" type="checkbox"/>				

David Douley
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. HCS CSSB 343 (JUD)

Revision Date: May 10, 1992 Department Affected: Alaska Court System
 Title: "An Act relating to the crime of conspiracy." BRU: Trial Courts
 Sponsor: Sen. Halford Components: _____
 Requestor: House Judiciary COMPONENT SERIAL NO.

000 000	000 788
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	296.7	296.7	296.7	296.7	296.7	296.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	296.7	296.7	296.7	296.7	296.7	296.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	296.7	296.7	296.7	296.7	296.7	296.7
FEDERAL FUNDS						
OTHER						
TOTAL	296.7	296.7	296.7	296.7	296.7	296.7


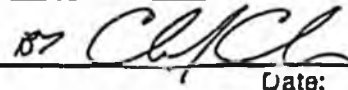
POSITIONS:

FULL-TIME	7.0	7.0	7.0	7.0	7.0	7.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Division: Alaska Court System Date: 05/10/92
 Approved by: Arthur H. Snowden, II, Administrative Director 
 Agency: Alaska Court System Date: 05/10/92

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

HCS CSSB 343 (JUD)

This bill creates a new crime of conspiracy to promote or facilitate an offense relating to the delivery of a controlled substance, murder, arson, or certain environmental offenses. Its purpose is to create a crime under which persons not presently prosecutable can be prosecuted.

The Department of Law has not estimated the number of prosecutions which will result from this legislation. When much narrower conspiracy legislation was considered in 1987, the department projected a need for two additional attorneys, a paralegal, and a secretary, indicating a potentially large caseload. OPA has estimated that the earlier, more limited versions of SB 343 would require it to defend 25 co-defendants per year, in addition to those co-defendants represented by the Public Defender. The addition of new types of conspiracy offenses to HCS CSSB 343 (JUD) can be expected to increase the caseload over these early projections. Experience in other states and at the federal level demonstrates that conspiracy cases generally require extensive pre-trial motion work, and are more likely to go to trial than other felony cases.

Alaska Court SystemFiscal Analysis

HCS CSSB 343 (JUD)

Personal Services

<u>Classification</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge Anchorage, 12 months	\$24,150	\$19,673	\$43,823
Pro Tem Superior Court Judge Anchorage, 12 months	24,150	19,673	43,823
Pro Tem Superior Court Judge Fairbanks, 12 months	24,500	19,711	44,211
Pro Tem Superior Court Judge Juneau, 12 months	24,150	19,673	43,823
In-Court Clerk, 12A, PFT, Anchorage	27,108	11,675	38,783
In-Court Clerk, 12A, PFT, Fairbanks	30,780	12,626	43,406
In-Court Clerk, 12A, PFT, Juneau	27,108	11,675	<u>38,783</u>
	Total		<u><u>\$296,652</u></u>

7-LS1705Y
Casey
5/9/92

HOUSE CS FOR CS FOR SENATE BILL NO. 343 (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS HALFORD, Collins, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the crime of conspiracy."

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

3 * Section 1. AS 11.31 is amended by adding new sections to read:

4 Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime of conspiracy if,
5 with the intent to promote or facilitate an offense relating to the delivery of a controlled
6 substance under AS 11.71.010 - 11.71.030, murder, arson, or an environmental offense under
7 AS 46.03.790, (1) the offender agrees with one or more persons to engage in or cause the
8 performance of the offense and communicates the agreement to the other person or persons; and
9 (2) the offender or one of the persons with whom the offender has agreed does an overt act in
10 furtherance of the conspiracy. In this section, "overt act in furtherance of the conspiracy" means
11 an act of such character that it manifests a purpose on the part of the actor that the object of the
12 conspiracy be completed.

13 (b) In a prosecution under this section, it is not a defense

14 (1) that the defendant belongs to a class of persons who by definition are legally

1 incapable in an individual capacity of committing a crime that is an object of the conspiracy; or

2 (2) that a person with whom the defendant conspires could not be guilty of a
3 crime that is an object of the conspiracy because of

4 (A) lack of criminal responsibility or other legal incapacity or exemption;

5 (B) unawareness of the criminal nature of the conduct in question or of
6 the criminal purpose of the defendant; or

7 (C) any other factor precluding the culpable mental state required for the
8 commission of the crime.

9 (c) In a prosecution under this section, it is a defense that, if the criminal objective were
10 achieved, the defendant would not be legally accountable under AS 11.16.120(b) for the conduct
11 of the person with whom the defendant conspired.

12 (d) In a prosecution under this section, it is an affirmative defense that, in order to obtain
13 evidence of the commission of a conspiracy, a public law enforcement official or a person
14 working in cooperation with the official agreed with the defendant to engage in or cause the
15 performance of the offense, and the defendant and the law enforcement official or person working
16 in cooperation with the official were the only persons who conspired to commit the offense.

17 (e) In a prosecution under this section, it is an affirmative defense that the defendant,
18 under circumstances manifesting a voluntary and complete renunciation of the defendant's
19 criminal intent, gave timely warning to law enforcement authorities to prevent the commission
20 of the crime that was the object of the conspiracy and the authorities, acting reasonably upon the
21 warning, would have had the opportunity to prevent the commission of the offense that was the
22 object of the conspiracy. Renunciation by one conspirator does not affect the liability of another
23 conspirator who does not join in the renunciation.

24 (f) The liability of a conspirator for offenses committed in furtherance of the conspiracy,
25 including a crime that is an object of the conspiracy, shall be determined under AS 11.16.

26 (g) Conspiracy is

27 (1) an unclassified felony if the object of the conspiracy is murder in the first
28 degree;

29 (2) a class A felony if the object of the conspiracy is a crime punishable as an
30 unclassified felony other than murder in the first degree;

31 (3) a class B felony if the object of the conspiracy is a crime punishable as a class

1 A felony;

2 (4) a class C felony if the object of the conspiracy is a crime punishable as a
3 class C or class B felony;

4 (5) a class B misdemeanor if the object of the conspiracy is a crime punishable
5 as a class A or class B misdemeanor;

6 (h) Notwithstanding AS 22.10.030, venue in actions in which the crime of conspiracy is
7 alleged to have been committed may not be based solely on the location of overt acts done in
8 furtherance of the conspiracy.

9 Sec. 11.31.125. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITATIONS
10 OF ACTIONS. (a) For purposes of applying AS 12.10 governing limitations of actions, in a
11 prosecution under AS 11.31.120, conspiracy is a continuing course of conduct that terminates

12 (1) when all of the crimes related to controlled substances, murder, arson, or
13 environmental offenses under AS 46.03.790 that are its objects are completed;

14 (2) when the agreement is abandoned by the defendant and by all persons with
15 whom the defendant agreed; or

16 (3) as to an individual defendant, when

17 (A) the defendant abandons the agreement by advising the persons with
18 whom the defendant agreed of the defendant's abandonment; or

19 (B) the defendant informs law enforcement authorities of the existence of
20 the conspiracy and of the defendant's participation in it.

21 (b) For purposes of (a)(2) of this section, abandonment of an agreement is rebuttably
22 presumed if neither the defendant nor anyone with whom the defendant conspired does an overt
23 act in furtherance of the conspiracy during the applicable period of limitations.

24 * Sec. 2. AS 11.31.140 is amended to read:

25 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a defense to a
26 prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] that the crime that
27 is the object of the attempt, conspiracy, or solicitation was actually committed pursuant to the
28 attempt, conspiracy, or solicitation.

29 (b) A person may not be convicted of more than one crime defined by AS 11.31.100 -
30 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct designed to commit or culminate in
31 commission of the same crime.

1 (c) A person may not be convicted on the basis of the same course of conduct of both
2 (1) a crime defined by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR 11.31.110];

3 and

4 (2) a [THE] crime that is an [THE] object of the attempt, conspiracy, or
5 solicitation.

6 (d) This section does not bar inclusion of multiple counts in a single indictment or
7 information charging commission of a crime defined by AS 11.31.100 - 11.31.120 [AS 11.31.100
8 OR 11.31.110] and commission of the crime that is the object of the attempt, conspiracy, or
9 solicitation.

10 * Sec. 3. AS 11.31.140 is amended by adding a new subsection to read:

11 (e) If a person conspires to commit more than one crime under AS 11.31.120, the
12 defendant commits only one crime of conspiracy if the multiple crimes are the object of the same
13 agreement.

14 * Sec. 4. AS 12.55.125(b) is amended to read:

15 (b) A defendant convicted of murder in the second degree, attempted murder in the first
16 degree, conspiracy to commit murder in the first degree, kidnapping, or misconduct involving
17 a controlled substance in the first degree shall be sentenced to a definite term of imprisonment
18 of at least five years but not more than 99 years.

SENATE FINANCE COMMITTEE REPORT

DATE: 3/19/92

FURTHER:

DATE TURNED INTO OFFICE: 5-4-92

The Finance Committee considered SENATE BILL NO. 343

"An Act relating to the crime of conspiracy."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous CS SB 343 (Jud)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

DDA-OPA ~~0~~

DDA-DD ~~0~~

fiscal notes DPS ~~0~~ 1/27/92

CPA 1289 3/1/92

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes Doc. 811.3 ~~0~~

fiscal notes Doc. 811.3 3-4-92

appropriation--no fiscal note

DO PASS:

OTHER RECOMMENDATIONS:

Dirk Schultz

Alan A. McGee
Raymond A. Noe
Ed Adams - Do Not Pass

Rich Gehring (No Rec)

1. _____

Co-Chair: Signature/Recommendation

2. Don Pomeroy do not pass without

Co-Chair: Signature/Recommendation fiscal
note



Official Business

Alaska State Legislature

Senate

Office of The Majority Leader

Rick Halford
P.O. Box V
State Capitol
Juneau, Alaska 99811
Phone (907) 465-4958

P. O. Box 190
Chugiak, Alaska 99567
(907) 694-4958

MEMORANDUM

TO: Senator Pat Pourchot, Co-chair
Senate Finance Committee

FROM: Senator Rick Halford *Rick*

DATE: March 19, 1992

SUBJECT: Scheduling of SB 343 -- "An act relating to the crime of conspiracy."

Senate Bill 343 has passed out of the Judiciary Committee and is now in the Finance Committee. Please schedule this bill for a hearing at your earliest convenience.

When enacted, this legislation will provide our law enforcement officers and prosecutors with a valuable tool that will allow for the prosecution of a crime before the actual crime is committed. Thus, charges may be filed and arrests made once sufficient evidence is obtained. This bill will also be pivotal in our fight against drugs as it will enable our state to prosecute entire drug organizations rather than just the pushers.

Thank you for your consideration in scheduling this bill.

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

John

DATE: 1/13/92

FURTHER: *Fin*

Date of 5-Day Notice: 3/5/92
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/18/92

Judiciary Committee considered SENATE BILL NO. 343

"An Act relating to the crime of conspiracy."

and a majority of the committee recommends it be replaced with

and recommends:

replace with CS SB 343 (JUD)

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts Judiciary Letter of Intent

further referral to the Finance

- do pass
- do not pass
- no recommendation
- individual recommendations

Attaching a letter of intent of 3/15/92 + 2 p of 1574 number - per referral

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

Governor's bill with fiscal notes:

zero fiscal notes Law 2/24/92

fiscal notes Law 2/24/92

Admin/PD 1-28-92

Admin/OPA 1-28-92

Corrections 3-4-92

DO PASS:

OTHER RECOMMENDATIONS:

Brook Fran
Christina Caldwell

Mike Foley *Rod*

Rich Halford do pass
Chair: Signature and Recommendation

Alaska State Legislature



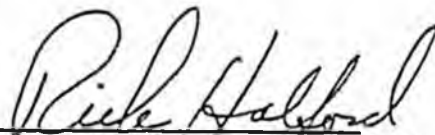
Sen. Rick Halford, Chair
Sen. Pat Rodey, Vice-Chair
Sen. Al Adams, Member
Sen. Virginia Collins, Member
Sen. Steve Frank, Member

Senate Judiciary Committee

Letter Of Intent

The Senate Judiciary Committee does not support the fiscal notes from the Public Defender Agency and the Office of Public Advocacy relating to Judiciary Committee Substitute for Senate Bill 343.

It has been the experience of the federal prosecutor that when an individual is faced with being prosecuted for committing a crime, in addition to also being prosecuted with conspiracy to commit that crime, the individual is more motivated to plead his case and therefore adjudicate more swiftly. This is consistent with the fiscal note from the Department of Law.


Rick Halford, Chairman
Senate Judiciary Committee

BILL NO: CSSB 343(JUD)

DATE: April 29, 1992

TITLE: "An Act relating to
the crime of conspiracy"

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

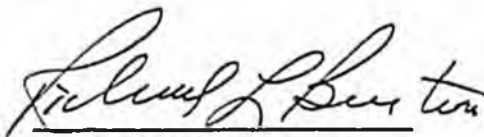
CSSB 343(JUD) creates the new crime of "conspiracy". An offender commits this crime if:

1. with intent to commit a "serious felony offense",
2. the offender agrees with one or more others to commit the offense, and
3. the offender or one of the others performs an overt act in furtherance of the conspiracy.

The offenses for which a conspiracy prosecution could be brought are listed in section 1, proposed AS 11.31.120(g), page 2, lines 27-31, and include unclassified or class A felonies against a person and unclassified, class A, or class B felonies involving controlled substances.

The Department of Public Safety supports CSSB 343(JUD). Adoption of this bill will provide Alaska law enforcement officers and prosecutors with a valuable tool which is available to law enforcement in the federal system and in most other states. If sufficient evidence of the conspiracy is obtained, charges may be filed and arrests made before the conspirators actually commit the underlying planned serious felony offense.

I urge the Legislature's prompt and favorable consideration of this bill.



Richard L. Burton
Commissioner

POSITION PAPER - Department of Public Safety

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF STATE TROOPERS

WALTER J. HICKEL, GOVERNOR

RICHARD L. BURTON, COMMISSIONER

5700 EAST TUDOR ROAD
ANCHORAGE, ALASKA 99507
PHONE: (907)

269-5641

February 20, 1992

Senator Rick Halford
Alaska State Legislature
Box V
Juneau, AK 99811

Dear Senator Halford:

I, Director of the Alaska State Troopers heartily support SB 343, creating the new crime conspiracy.

This bill will significantly increase efficiency of the criminal justice system within Alaska and provide a valuable and essential tool to all law enforcement within Alaska.

Federal conspiracy laws assist State and local law enforcement, however it is imperative that Alaska enact it's own conspiracy statute in order that State prosecutors can prosecute criminal organizations.

I wholeheartedly support your efforts towards passage of SB 343 (an act relating to the crime of conspiracy).

Sincerely,

John R. Murphy
Colonel John R. Murphy
Director

cc: Commissioner Burton

Post-It™ brand fax transmittal memo 7871 # of pages > 2

To <i>Sen. Halford</i>	From <i>Col. Murphy</i>
Co. <i>6</i>	Co. <i>11</i>
Dept.	Phone #
Fax #	Fax # <i>465-3825</i>



U. S. Department of Justice

United States Attorney

District of Alaska at Anchorage

February 18, 1992

Federal Building & U.S. Courthouse
222 West 7th Avenue, #9, Room 253
Anchorage, Alaska 99513-7567

FTS-868-5071
Commercial: (907) 271-5071
Fax Number: (907) 271-3224

The Honorable Rick Halford
State Senate
Alaska State Legislature

Re: State Conspiracy Laws
Violent Crime, Drugs, Guns and Fraud
Law Enforcement Coordinating Committee

Dear Mr. ~~Halford~~ 

It is important that the Legislature enact conspiracy laws to address violent crime, drugs, guns and fraud. This is an area of criminal law that has been neglected by the State for too long. Organized crime in Alaska must be adequately addressed.

Enclosed for your review is my article that was published in "The Anchorage Times" this past Saturday. The article sets forth my position on the need for State conspiracy laws.

It is vitally important for the welfare of the citizens of this State and local law enforcement that conspiracy laws are enacted this session. The laws should adequately address Alaska's growing organized complex criminal element.

Please do not hesitate to contact me if I may be of assistance. I will be happy to meet with you. Your assistance and support is greatly appreciated by law enforcement and all concerned Alaska citizens.

Best Wishes.

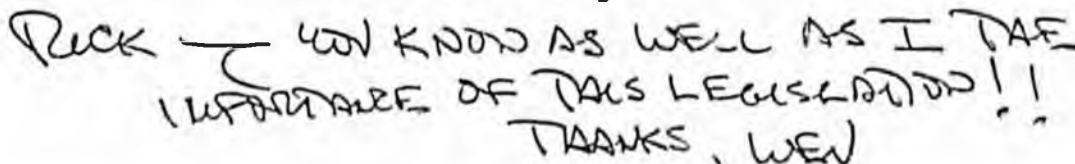
Yours Very Truly,


WEVLEY WILLIAM SHEA
United States Attorney

WWS:kjm

Enclosure

cc: Chuck Farmer, Coordinator
Law Enforcement Coordinating Committee


Rick - you know as well as I the
importance of this legislation!!
Thanks, WEN

FRANK H. MURKOWSKI
ALASKA

COMMITTEES:

SELECT COMMITTEE ON INTELLIGENCE (VICE CHAIRMAN)
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS
VETERANS' AFFAIRS
SELECT COMMITTEE ON INDIAN AFFAIRS

United States Senate

WASHINGTON, DC 205 10-0707
(202) 274 8665

February 28, 1991

The Honorable Rick Halford
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Halford:

When I had the opportunity to speak before the State Legislature earlier this month, I expressed my deep concern about the escalation of drug activity in Alaska. We must recognize that the weakness of our state's drug laws sends an unfortunate message to those who would traffic in illegal drugs. I applaud your efforts to address this problem by introducing legislation calling for a state conspiracy law. The passage of such a law should dispel any notion drug organizations may have that Alaska is a safe haven for their illicit operations.

It is time to give law enforcement in Alaska the tools necessary to break the criminal organizations that prey on our youth. Your legislation is an important step toward achieving that goal. The enactment of a state conspiracy law would allow us to bring down entire drug organizations rather than just prosecuting the pushers who are easily replaced.

We cannot simply rely upon the federal criminal justice system to deal with the rise of criminal organizations in Alaska. While federal conspiracy laws play a significant role in combatting criminal organizations, we must give the state's law enforcement community the ability to use effectively their valuable resources to stem the tide of drugs washing up on Alaska's shores. We must make every effort to ensure that state and local law enforcement can take the steps necessary to adequately protect our youth and our communities.

I am hopeful that the Legislature will act quickly to provide for this protection by enacting a criminal conspiracy statute.

Sincerely,

Frank H. Murkowski
United States Senator

222 WEST 3TH AVENUE, D.
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(907) 271-3734

101 10TH AVENUE, BOX
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(907) 466-0233

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109 MAIN STREET
KETCHIKAN, AK 99901 60
(907) 221 6000

907337...
COPY

FBI National Academy Associates

Alaska Chapter



February 20, 1992

269-5641

Senator Rick Halford
Alaska State Legislature
Box V
Juneau, AK 99811

Dear Senator Halford:

The FBI National Academy Associates, Alaska Chapter strongly support SB 343, creating the new crime conspiracy.

This bill will significantly increase efficiency of the criminal justice system within Alaska and provide a valuable and essential tool to all law enforcement within Alaska.

Federal conspiracy laws assist State and local law enforcement, however it is imperative that Alaska enact it's own conspiracy statute in order that State prosecutors can prosecute criminal organizations.

Once again, Senator, we wholeheartedly support your efforts towards passage of SB 343 (an act relating to the crime of conspiracy).

Sincerely,

Colonel John R. Murphy
President

FBINAA
Officers &
Executive Board

President
John R. Murphy, 136th
5700 Tudor Road
Anchorage Alaska 99507
(907) 760 5641

Secretary
Ted R. Carlson, 121st
P.O. Box 773288
Eagle River, Alaska 99577
(907) 694-2573Hm

John T. McConaughy, 120th, Past President
Glenn Flothe, 152nd, Vice President, South Central
Michael A. Nielson, 118th, Vice President, Northern
Dan Anlinger, 144th, Vice President, Southeast

Alaska Association Chiefs of Police



February 21, 1992

Senator Rick Halford
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Halford,

On behalf of the Alaska Association of Chiefs of Police, I would like to offer our support of Senate Bill 343, an act relating to conspiracy. For many years, law enforcement has asked that the legislature pass such a law.

We believe that a conspiracy law is an effective way to combat crime. Most states have conspiracy laws, as does the federal government. Alaska also needs such laws, and we urge the passage of Senate Bill 343.

If we can be of any assistance, please contact me at 786-8552.

Sincerely,

A handwritten signature in cursive script that reads "Duane S. Udland".

Duane S. Udland, President
Alaska Association of Chiefs of Police
4501 South Bragaw
Anchorage, Alaska 99507

Letters of Support

Recommended State Legislation

No strategy to combat illegal drug use can ignore the crucial role played by State and local governments. Many States have already enacted much useful anti-drug legislation. States that do not adopt legislative deterrents, while neighboring jurisdictions adopt bold legislation, will become havens for drug activity. No State can afford that risk or that reputation.

The Administration urges State officials, particularly State legislators, to consult with law enforcement officials, State and local prosecutors, treatment and education officials, and others to determine what laws or modifications to existing laws are needed in their States. In November 1990, the Office of National Drug Control Policy released a White Paper entitled "State Drug Control Status Report," which contained a number of suggestions for State anti-drug legislation. The following is a brief list of provisions that should form the core of a State's anti-drug efforts.

Criminal Statutes

States should bolster their criminal codes with additional legislation tailored to the increased sophistication of today's drug trade. Among the statutes that State lawmakers should consider are the following:

Attempted Drug Crimes. Attempts to commit any drug crime should be punishable with up to the same penalty as if the offense had been completed. Such statutes permit law enforcement officers to

make drug arrests without consummating a sale or purchase with actual drugs.

Drug Paraphernalia Laws. Every State should enact a drug paraphernalia law based on the Model Drug Paraphernalia Act, originally drafted by the Drug Enforcement Administration in 1979. Such a law criminalizes the manufacture, distribution, and sale of paraphernalia intended for use with illegal drugs.

Wiretap Statutes. Some State laws governing the use of wiretaps and other electronic surveillance techniques may require dual consent, or may otherwise be outdated. These statutes should be amended to bring them into conformity with Federal law.

Conspiracy Statutes. Conspiracy statutes should be updated and expanded to enhance the ability of State officials to prosecute drug traffickers and dismantle the criminal enterprises they control. For example, the prohibition of joint trials of trafficking defendants renders impractical many State conspiracy statutes.

Money Laundering Statutes. States should enact criminal statutes to prohibit knowingly engaging in delivery, receipt, transfer, or any other transaction of funds derived from the proceeds of drug offenses. States should also pass other laws to control the activities of unregulated money exchange houses in their jurisdiction.

Precursor Chemical Control Statute. State laws should regulate the purchase of chemicals and, if appropriate, glassware and other equipment commonly used to manufacture and process drugs. Such laws are necessary to reduce the domestic production of drugs such as methamphetamine.

Maintenance, Control, and Use of Buildings. Landlords who knowingly allow their property to be used in connection with drug activity are just as responsible as the dealers themselves. States should adopt laws to punish landlords who continue to collect rents from tenants involved in the production or distribution of drugs, unless the landlord was reasonably unaware of the unlawful activity or notified the police of what was happening.

Designer Drugs. Chemists can synthesize new drugs that are almost identical to scheduled drugs but are sufficiently different that their manufacture and sale are legal. These drugs may be as dangerous as scheduled drugs. States should have emergency scheduling authority to prevent this practice and should also allow prosecution of those who engage in it.

Counterfeit Substances. Drugs produced in clandestine labs are often stamped with a legitimate company's trademark. It should be a criminal offense to misuse a trademark in this way.

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

TAKING A STAND

Without conspiracy laws Alaska easy target for organized crime

Alaska is unique. Approximately 50 percent of our population resides in the Anchorage area. Much of Alaska's remaining population is isolated. This isolation and lack of a transportation infrastructure places a substantial burden on state and local law enforcement.

Crime in Alaska is complex and organized in the areas of illicit drugs, fraud, corruption and violent crime. Federal law enforcement agencies work closely with state and local agencies in combating crime. This is a federal, state and local "team approach" with communication, coordination and cooperation to attack state-wide crime.

Federal conspiracy laws assist federal law enforcement in effectively addressing criminal organizations. A conspiracy is an agreement between two or more persons to commit a crime or accomplish a legal purpose through illegal action. Alaska does not have state conspiracy laws. Virtually all other states do.

Local law enforcement is the first line of defense for crime involving drugs, guns and violence. The Alaska State Troopers and Anchorage Police Department, as well as state prosecutors, are severely restricted without state conspiracy laws. As the complexity of criminal organizations has increased, the burden placed upon state law enforcement has increased.

State prosecutors should have the basic "tools" to attack crime. It is a tremen-



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dous handicap not to have state conspiracy laws to address criminal organizations. The public should demand and have adequate protection.

Anchorage over the past few years has become a base or transshipment point for complex criminal organizations. In the last eight months, the United States Attorney for Alaska has initiated prosecution of the following criminal organizations:

• MEXICAN MARIJUANA/COCAINE CONSPIRACY

The Anchorage area was the site of numerous, very high quality marijuana "indoor grows." The marijuana was exported to the Lower 48 in exchange for cocaine and cash. The U.S. Attorney's Organized Crime and Drug Enforcement

State prosecutors cannot prosecute criminal organizations without conspiracy laws. Alaska's problem is complex due to the previous state "legalization" of marijuana. Alaska is looked upon as a haven for drug traffickers.

Task Force led by the Drug Enforcement Administration and composed of federal, state and local law enforcement investigated and prosecuted the case. The conspiracy investigation involved the U.S. Attorney for the Eastern District of Washington.

• NIGERIAN HEROIN CONSPIRACY

Nigerian heroin traffickers established a smuggling conspiracy utilizing Anchorage International Airport as a transshipment point to the Lower 48. United States Customs has intercepted over 60 pounds of pure China-white heroin with a street value of \$1 million per pound. The heroin conspiracy operated primarily in New York, Florida and Texas. The heroin originated in Thailand and was shipped to Anchorage via Japan and the Philippines. The conspiracy investigation involved the U.S. Attorney Offices in Texas, Hawaii, Washington, New York and Florida.

• MUSLIM CRIPS CRACK-COCAINE CONSPIRACY

The Muslim Crips gang of Los Angeles has attempted to make inroads in the crack cocaine distribution in Anchorage. Recently Crips were arrested in Anchorage on drug and gun charges. The investigation involved the U.S. Attorney for the Central District of California.

State prosecutors cannot prosecute criminal organizations without conspiracy laws. Alaska's problem is complex due to the previous state "legalization" of marijuana. Alaska is looked upon as a haven for drug traffickers. In addition, individuals who conspire to manufacture, transport and distribute drugs look upon Alaska as a "permissive" environment since Alaska has no conspiracy laws. Virtually all other states have conspiracy laws.

Over the past 16 years, state and local law enforcement, as well as concerned citizen organizations, such as the Anchorage Chamber of Commerce, have stressed the importance of the Alaska state Legislature enacting conspiracy laws to address criminal organizations.

However, the Legislature has failed to act or the governor has not supported the conspiracy legislation.

The U.S. Attorney's Law Enforcement Coordinating Committee comprised federal, state and local law enforcement agencies recognizes that Alaska laws are not adequate to address the criminal organizations in Alaska. This is especially true in the area of drugs, guns and violence. More cases are prosecuted federally due to inadequate state laws.

The Federal Court System in Alaska is not adequate to handle the dramatic increasing criminal element in Alaska that thrives on drugs, guns, fraud and corruption. Alaska Attorney General Charles Cole, as well as local district attorneys, support enacting adequate state conspiracy laws to address the criminal environment in Alaska.

The Anchorage Chamber of Commerce anticipates that Gov. Walter Hickel and concerned legislators will again be addressing Alaska's need for conspiracy laws. The Anchorage Chamber of Commerce urges all Alaska citizens to support the enactment of conspiracy laws necessary to address an increasing criminal element in Alaska.

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