

HB

28

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 15, 1993

FURTHER REFERRALS:

Date of Committee Action: 1/19/94

The FINANCE Committee considered:

HB 28

HOUSE BILL NO. 28

PENALTY FOR PROVIDING ALCOHOL TO A MINOR

"An Act relating to the penalty for providing alcoholic beverages to a person under the age of 21; and providing for an effective date."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] 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)

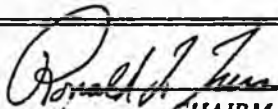
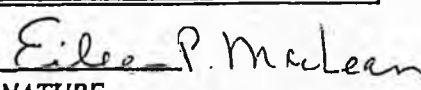
fiscal impact Courts, Corrections ^{Rev}

[] fiscal note(s) _____

zero fiscal note SDA, LAW, PS

[] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ronald J. Linn</i>	X	<i>Eileen P. McKeen needs amendment</i>			
<i>Mark Hurling</i>	X	_____			
<i>Terry Martin</i>	Y				
<i>Paul Hamell</i>	X				
<i>James J. ...</i>	X				
<i>James H. ...</i>	✓				
<i>Ken ...</i>	✓				
<i>Mike ...</i>	✓				
<i>Gene ...</i>	X				
<i>Richard ...</i>	X				



 CHAIRMAN'S SIGNATURE

The bill makes the second or subsequent conviction for furnishing alcohol to a minor a class C felony. The first offense would remain a class A misdemeanor, as are all convictions under current law.

Assumptions:

1. The Department of Law estimates approximately 100 cases per year include sufficient evidence to prosecute for this crime. It is assumed that only ten percent of these offenses, or ten cases per year, would be second or subsequent offenses prosecuted as felonies.
2. Out of those ten felony cases per year, it is assumed that half would be sentenced to formal, supervised probation and half to incarceration. This assumption is based on the fact that this would be a first felony conviction in some cases, and a non-violent offense. A 1983 Judicial Council study indicated that approximately half the cases (2 out of 4) included in the study received probation rather than incarceration, for the misdemeanor offense of furnishing alcohol to a minor.
3. The Alaska Judicial Council study estimated the lowest mean sentence length of incarceration for a class C felony of this type to be 7.5 months, or 225 days. It is assumed that those sentenced to probation would be supervised for that period of time. It is assumed that those sentenced to incarceration would serve two thirds of the sentence, or 150 days, due to deduction for statutory good time.
4. Misdemeanants are not supervised by the department's probation officers, whereas these felony cases would result in formal supervision by the department. The average daily cost of probation/parole supervision is \$6 per day.
5. It is assumed that those convicted of this non-violent felony could be diverted to CRC beds for most of the period of incarceration. It is assumed that each felony case involving incarceration would require a state correctional bed for approximately 30 out of the 150 days. This would include booking upon arrest, any time served while awaiting sentencing, and a short period after sentencing for classification and processing for placement in a CRC bed. The average daily cost of incarceration in a Community Residential Center (CRC) is \$57 per day. The average daily cost of incarceration in a state correctional bed is \$113 per day.
6. Probation and state correctional center incarceration costs are reflected under "miscellaneous" on page 1 of the fiscal note. The daily costs of incarceration and supervision are composite numbers including some overhead costs and cannot be attributed to specific line items in this fiscal note.

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 15, 1993

FURTHER REFERRALS:

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HOUSE BILL NO. 28

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"An Act relating to the penalty for providing alcoholic beverages to a person under the age of 21; and providing for an effective date."

RECOMMENDATIONS:

[] the same title

be replaced with _____

[] 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)

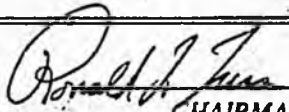
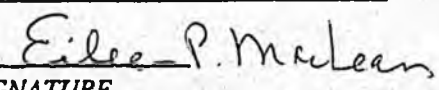
3 fiscal impact Courts, Corrections ^{Rev}

[] fiscal note(s) _____

4 zero fiscal note(s) DGA, LAW, PS

[] zero fiscal note(s) _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Ronald J. Linn</u>	X	<u>Eileen P. McKeen needs amendment</u>			
<u>Mark Harley</u>	X	_____			
<u>Terry Martin</u>	Y				
<u>Frank Russell</u>	X				
<u>_____</u>	X				
<u>_____</u>	✓				
<u>_____</u>	✓				
<u>_____</u>	✓				
<u>_____</u>	X				
<u>Richard [Signature]</u>	X				



 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 28(JUD)

Revision Date:	<u>1/17/94</u>	Dept. Affected:	<u>Corrections</u>
Title:	<u>An Act RE: furnishing alcohol to a minor</u>	BRU:	<u>Statewide Operations</u>
Sponsor:	<u>Rep. Williams</u>	Component:	<u>All institutions, regional probation offices, Director C.C.</u>
Requestor:	<u>House Finance</u>	COMPONENT SERIAL NO.	<u>708-1884</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	34.2	34.2	34.2	34.2	34.2	34.2
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	23.7	23.7	23.7	23.7	23.7	23.7
TOTAL OPERATING	57.9	57.9	57.9	57.9	57.9	57.9

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	57.9	57.9	57.9	57.9	57.9	57.9
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	57.9	57.9	57.9	57.9	57.9	57.9

Estimate of any current year (FY94) cost: \$ 0

POSITIONS

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Diane Schenker, Spec. Asst.
 Division: Office of the Commissioner
 Approved by Commissioner: J. Frank Prewitt, Jr.
 Agency: Corrections

Phone: 465-3315/561-4426
 Date: 1/17/94
 Date: 1/17/94

The bill makes the second or subsequent conviction for furnishing alcohol to a minor a class C felony. The first offense would remain a class A misdemeanor, as are all convictions under current law.

Assumptions:

1. The Department of Law estimates approximately 100 cases per year include sufficient evidence to prosecute for this crime. It is assumed that only ten percent of these offenses, or ten cases per year, would be second or subsequent offenses prosecuted as felonies.
2. Out of those ten felony cases per year, it is assumed that half would be sentenced to formal, supervised probation and half to incarceration. This assumption is based on the fact that this would be a first felony conviction in some cases, and a non-violent offense. A 1983 Judicial Council study indicated that approximately half the cases (2 out of 4) included in the study received probation rather than incarceration, for the misdemeanor offense of furnishing alcohol to a minor.
3. The Alaska Judicial Council study estimated the lowest mean sentence length of incarceration for a class C felony of this type to be 7.5 months, or 225 days. It is assumed that those sentenced to probation would be supervised for that period of time. It is assumed that those sentenced to incarceration would serve two thirds of the sentence, or 150 days, due to deduction for statutory good time.
4. Misdemeanants are not supervised by the department's probation officers, whereas these felony cases would result in formal supervision by the department. The average daily cost of probation/parole supervision is \$6 per day.
5. It is assumed that those convicted of this non-violent felony could be diverted to CRC beds for most of the period of incarceration. It is assumed that each felony case involving incarceration would require a state correctional bed for approximately 30 out of the 150 days. This would include booking upon arrest, any time served while awaiting sentencing, and a short period after sentencing for classification and processing for placement in a CRC bed. The average daily cost of incarceration in a Community Residential Center (CRC) is \$57 per day. The average daily cost of incarceration in a state correctional bed is \$113 per day.
6. Probation and state correctional center incarceration costs are reflected under "miscellaneous" on page 1 of the fiscal note. The daily costs of incarceration and supervision are composite numbers including some overhead costs and cannot be attributed to specific line items in this fiscal note.

7. By making second and subsequent offenses into felonies, the bill will also impact the department by requiring probation officers to prepare Presentence Investigation Reports for the court prior to sentencing. Ten additional reports will not require a new position, but will increase the workload for current probation officers.

8. The state correctional system has been operating over emergency capacity for the past year. In addition to posing safety hazards, the department can be fined up to \$1,000 per day if found in contempt of court for violating population caps. If the assumptions or data upon which this fiscal note is based are inaccurate, and the impact of this bill is greater than anticipated, the current population crisis will be worsened.

Operating Expenses

Probation supervision costs:

225 days X 5 cases per year X \$6 per day supervision = \$ 6,750 per year

State correctional center incarceration costs:

30 days X 5 cases per year X \$ 113 per day = \$ 16,950 per year

CRC incarceration costs:

120 days X 5 cases per year X \$57 per day = \$ 34,200

TOTAL: \$ 57,900

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CS HB 28 (JUD)

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to the penalty for BRU: Trial Courts
providing alcoholic beverages to a person under 21 Components: _____
 Sponsor: Rep. Williams, Phillips, B. Davis ...
 Requestor: House Finance COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	9.3	9.3	9.3	9.3	9.3	9.3
TRAVEL						
CONTRACTUAL	9.5	9.5	9.5	9.5	9.5	9.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	18.8	18.8	18.8	18.8	18.8	18.8

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	18.8	18.8	18.8	18.8	18.8	18.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	18.8	18.8	18.8	18.8	18.8	18.8

POSITIONS

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

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

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 01/17/94

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CSC*
 Agency: Alaska Court System Date: 01/17/94

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CSHB 28 (JUD)

The House Judiciary Committee Substitute for House Bill 28 would raise the penalty for furnishing alcoholic beverages to persons under the age of 21 from a Class A misdemeanor to a Class C felony, if the defendant has previously been convicted of the same offense.

The Department of Law has estimated that approximately 200 complaints regarding furnishing alcoholic beverages to minors are received each year. 100 of these have sufficient evidence for prosecution. Law has not estimated the number of these complaints which involve repeat offenders, but the Department of Corrections puts this number at ten per year.

This fiscal note assumes that the Department of Law will prosecute an additional ten Class C felony cases each year, with an average trial length of four days, including jury selection and deliberation.

Alaska Court System
Fiscal Analysis
CS HB 28 (JUD)

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, 3 month FPT, Anchorage	\$12,075	\$6,898	\$18,973
Less existing judicial funding - 10 trials at 2 days plus 1 day file review	6,142	3,562	<u>9,704</u>
Increase in judicial resources			\$9,269

Ten additional felony trials of 4 days each and one additional day of file review will require additional judicial resources.

Contractual

Jury fees - with the increase in seriousness of this crime, trial length is expected to increase from 2 days at the misdemeanor level to 4 days at the felony level. Misdemeanor juries are typically comprised of 6 members and one alternate. A felony trial requires 12 jurors and an alternate. Ten trials are expected a year. Jury fees are expected to increase as follows:

10 felony trials - 12 jurors at \$25 a day for 4 days	\$12,000		
Less existing funding for 10 misdemeanor trials - 7 jurors at \$25 a day for 2 days		<u>3,500</u>	
Increase in jury fees			<u>\$9,500</u>
Estimated Total Cost			<u><u>\$18,769</u></u>

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: CSHB 28(JUD)

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to the penalty for providing
alcoholic beverages to a person under 21" BRU: Alaska State Troopers
 Sponsor: Representative Williams Component: Detachments
 Requestor: H. FIN COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY 94) impact: \$ 0.00 _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/14/94
 Approved by Commissioner: *Richard L. Burton* Date: 01/17/94
 Agency: Richard L. Burton Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 28(JUD)

Revision Date: _____
 Title: 'An Act relating to the penalty for pro-
viding alcoholic beverages to a person under...'
 Sponsor: Representative Williams
 Requestor: House Finance

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUNDING SOURCE:

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 94) cost: \$ None

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: _____

Approved by Commissioner: Nancy Bear Usara
 Agency: Administration

Date: 1/14/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 28 (JUD)

Revision Date: January 11, 1994
Title: "...penalty for providing alcoholic beverages to a person under the age of 21..."
Sponsor: Representative Williams
Requestor: Representative Williams

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Pegues Director
Division: Administrative Services Division Phone: 465-3672
Date: January 11, 1994
Approved by Commissioner: Bruce M. Botelho Acting Attorney General
Agency: Department of Law Date: January 11, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 28 (JUD)

ANALYSIS CONTINUATION:

The House Judiciary Committee Substitute for HB 28 would raise the penalty for furnishing alcoholic beverages to persons under the age of 21 to a Class C felony from a Class A misdemeanor, if the person has previously been convicted of the same offense within the preceding five years. Because the increased penalty would be limited to repeat offenders, the potential number of felony prosecutions should be less than the 100 prosecutions that were estimated in our earlier fiscal note of January 28, 1993. Consequently, and for the reasons previously stated in the January 28, 1993 fiscal note, a fiscal impact is not being shown.

See attached 1-28-93 FN (Fiscal Note)

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

ANALYSIS (Continued):

This bill amends AS 04.16.051 and AS 04.16.180(a) to raise the penalty for furnishing an alcoholic beverage to a person under the age of 21 years from a class A misdemeanor to a class C felony.

About 2,000 misdemeanor liquor violations are referred to the Department of Law for prosecution each year. Most of these are minor consuming complaints and about 10 percent, or 200 of these complaints, involve furnishing alcoholic beverages to minors. About one-half of this latter number of complaints, or 100, will include evidence sufficient enough to permit us to bring a felony prosecution.

Although bringing a felony prosecution is somewhat more time-consuming and costly than bringing a misdemeanor prosecution, when the work that will be caused by this bill is spread throughout the entire criminal division we cannot show a significant fiscal impact at any particular location. However, in a time of substantially diminishing resources, such as now, we strongly caution against creating additional workload for our prosecutors. Any new workload can only be handled at the expense of decreasing prosecutorial efforts in other areas, such as violent crimes and drug trafficking.

FISCAL NOTE

STATE OF ALASKA

BILL NO. CS HB25 (Jud)

1994 LEGISLATIVE SESSION

Revision Date: January 18, 1994 - Correct error when updating prior fiscal note. Dept. Affected: Revenue
 Title: That signs warn of the penalty for providing beverages to a person BRU: Alcoholic Beverage Control Board
under the age of 21. Component: _____
 Sponsor: House Judiciary Committee
 Requestor: House Finance Committee COMPONENT SERIAL NO. 0100

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY85	FY86	FY87	FY88	FY89	FY90
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	2.0	0.8	0.8	0.8	0.8	0.8
SUPPLIES	0.2	0.1	0.1	0.1	0.1	0.1
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	2.2	0.9	0.9	0.9	0.9	0.9
CA/ITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	2.2	0.9	0.9	0.9	0.9	0.9
1006 GF/MHTA						
Other						
TOTAL	2.2	0.9	0.9	0.9	0.9	0.9

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY84) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

See attached cost analysis for initial and annual issuance of warning signs to liquor licensees and permittees.

Prepared by: Director Patrick L. Shanrock Phone: (907) 277-8838
 Division: Alcoholic Beverage Control Board Date: January 18, 1994
 Approved by Commissioner: Daniel J. Boxwinkal Date: 1/18/94
 Agency: Department of Revenue

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CS RB28 (Jud) Page 2 of 2
 Attachment to fiscal note
 Alcoholic Beverage Control Board
 Based on March '91 estimate for signs warning of danger from
 smoking during pregnancy.

<u>Initial Issue</u>	<u>Number of Licenses</u>
Beverage dispensary	179
Restaurant or eating place	314
Club license	81
Brewery	3
Package Store	454
Common Carrier	175
Recreational Site	19
Pub license	1
Winery	0
Community license	3
Club caterer's permit	1
Theater site license	2
Restaurant caterer's permit	5
Total	1,737
Assume 2 signs per premises	x2
	3,474

<u>Annual Issue</u>	
Caterer's permit	629
Special events permits	89
Club caterer's permit	6
Restaurant caterer's permit	5
wear and tear	50
	770
	x2
	1,558

	<u>Initial</u>	<u>Annual</u>
Approx. \$175. per thousand		
Initial: \$175 x 3,474	608	
Annual : \$175 x 1,558		272
Postage		
Initial: \$.75 x 1,737	1,303	
Annual : \$.75 x 779		584
Envelopes		
Initial: \$.12 x 1,737	208	
Annual : \$.12 x 799		93
Letters	26	
	2,145	949

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 28(JUD)

Revision Date: January 18, 1994
Title: 'An Act relating to the penalty for providing alcoholic beverages to a person under...'
Sponsor: Representative Williams
Requestor: House Finance

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 94) cost: \$ None

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: John Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: _____

Approved by Commissioner: Nancy Bear Userra
Agency: Administration

Date: 1/18/94

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CS FOR HOUSE BILL NO. 28(JUD)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/15/93
 Referred: Finance

Sponsor(s): REPRESENTATIVES WILLIAMS, Phillips, B.Davis, Nicholia, Olberg, Bunde, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the penalty for providing alcoholic beverages to a person
 2 under the age of 21; and providing for an effective date."

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

4 * Section 1. AS 04.16.051 is amended by adding a new subsection to read:

5 (d) A person acting with criminal negligence who violates this section is guilty
 6 of a class C felony if, within the five years preceding the violation, the person has
 7 been previously convicted under

8 (1) this section; or

9 (2) a law or ordinance of this or another jurisdiction with elements
 10 substantially similar to this section.

11 * Sec. 2. AS 04.16.180(a) is amended to read:

12 (a) Except as provided in AS 04.11.015, AS 04.16.051, 04.16.200 - 04.16.210
 13 [AS 04.16.200 - 04.16.210], and AS 04.21.065, a person who violates a provision of
 14 this title or a regulation adopted by the board is guilty, upon conviction, of a class A

1 misdemeanor. Each violation is a separate offense.

2 * Sec. 3. AS 04.21.065(a) is amended to read:

3 (a) A holder of one of the following types of licenses or permits shall post on
4 the licensed or designated premises two separate [A] warning [SIGN OR] signs as
5 described in (b) of this section:

6 (1) beverage dispensary license;

7 (2) restaurant or eating place license;

8 (3) club license;

9 (4) brewery license; this paragraph applies only to a brewery that
10 permits a person to sample portions of the brewery's product;

11 (5) package store license;

12 (6) common carrier dispensary license;

13 (7) recreational site license;

14 (8) community liquor license;

15 (9) pub license;

16 (10) winery license; this paragraph applies only to a winery that permits
17 a person to sample portions of the winery's product;

18 (11) caterer's permit;

19 (12) special events permit;

20 (13) conditional contractor's permit;

21 (14) another license or permit issued by the board authorizing
22 consumption of alcoholic beverages.

23 * Sec. 4. AS 04.21.065(b) is amended to read:

24 (b) The [A] warning signs [SIGN] required by (a) of this section must be at
25 least 11 inches by 14 inches and the lettering must be at least one-half inch high
26 and in contrasting colors. The first sign must read, [IN LETTERING AT LEAST
27 ONE-HALF INCH HIGH AND IN CONTRASTING COLORS,] "WARNING:
28 Drinking alcoholic beverages such as beer, wine, wine coolers, and distilled spirits or
29 smoking cigarettes during pregnancy can cause birth defects." The second sign must
30 read, "WARNING: A person who provides alcoholic beverages to a person under
31 21 years of age, if convicted under AS 04.16.051, could be imprisoned for up to

1 five years and fined up to \$50,000." The license or permit holder shall display the
2 signs in a manner that would make them conspicuous to a person who will be
3 purchasing or consuming alcoholic beverages or smoking cigarettes on the licensed or
4 designated premises.

5 * Sec. 5. This Act takes effect July 1, 1993.

Alaska State Legislature



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Committees:
House Resources,
Chairman
Community &
Regional Affairs
Labor & Commerce

Representative William K. Williams

January 18, 1994

**Testimony provided to the House Finance Committee
by prime sponsor Rep. Bill Williams on House Bill 28,
relating to the penalty for providing alcoholic
beverages to a person under the age of 21.**

Honorable Co-chairs, members of the committee, thank you for hearing this bill today.

House Bill 28 is based on legislation first introduced during the 1992 legislative session by former Representative Cheri Davis in response to the tragic alcohol-related deaths of two youths in the community of Ketchikan. The purpose of the legislation is to strengthen the penalty for providing alcoholic beverages to a person under the age of 21.

Currently, furnishing alcohol to a minor is a misdemeanor carrying a maximum penalty of one year in prison and a \$5,000 fine. As introduced, House Bill 28 changed the penalty for this offense to a class "C" felony with a maximum penalty of five years in prison and a \$50,000 fine.

Provisions incorporated by the Judiciary Committee in its version of the bill would make providing alcohol to a minor a class "C" felony on the second offense, if the offender had been convicted within the past five years.

The aim of this legislation is to create stiffer penalties for providing alcoholic beverages to minors, thus strengthening the deterrent effect of the law and enforcement efforts.

I appreciate the committee hearing this bill today, and urge your favorable consideration. Thank you.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
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Juneau, Alaska 99801-2105

MEMORANDUM

January 11, 1994

SUBJECT: Sectional Summary of CSHB 28(JUD)

TO: Representative Bill Williams

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides that a person who provides alcohol to a minor in violation of AS 04.16.051 is guilty of a class C felony if, within the previous five years, the person has a prior conviction for the same offense.

Section 2. Technical amendment to add a statutory reference.

Section 3. Requires two separate warning signs as described in sec. 4.

Section 4. Requires separate warning signs regarding the danger of drinking and the penalty for providing alcohol to a minor.

Section 5. Effective date.

MFF:gc
94-015.glc

WJD

8-LS0287E.1
Ford
1/13/94

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSHB 28(JUD)

BY REPRESENTATIVE WILLIAMS

Page 1, lines 6 - 10:

Delete all material.

Insert "of a class C felony if

(1) within the five years preceding the violation, the person has been previously convicted under

(A) this section; or

(B) a law or ordinance of this or another jurisdiction with elements substantially similar to this section; or

(2) a person receives a serious physical injury or dies as a result of the furnishing or delivery of the alcoholic beverage; in this paragraph, "serious physical injury" has the meaning given in AS 11.81.900(b)."

The new provision contained in this proposed amendment is subsection (2), which states that if someone dies or is seriously injured as a result of alcoholic beverages being furnished to a minor, the person who furnished the alcohol to the minor would have committed a felony (even if it was the first offense).

BILL NO: CSHB 28(JUD)

DATE: January 15, 1994

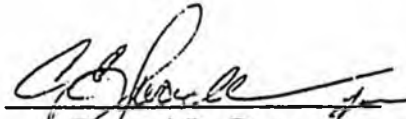
TITLE: "An Act relating to the
Penalty for Providing
Alcohol to a Minor

CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

CSHB 28(JUD) amends AS 04.16.051, furnishing alcoholic beverages to persons under 21 by making this offense a Class C felony. This proposed legislation will affect anyone who furnishes or delivers (not just sells) alcohol to a person under the age of 21 years.

Currently the courts view this crime as a most serious misdemeanor for sentencing purposes. Creating a felony for this offense will require presentation of the case before a Grand Jury and intake by the District Attorney's office. This law would go from a most serious misdemeanor to being viewed by the judicial system as a minor felony offense. Additional time will be necessary for court preparation and testimony for the investigating trooper.

This bill will have no effect on the way this crime is investigated or reported to the court system.


Richard L. Burton
Commissioner

Back-up



Ketchikan High School

2610 Fourth Avenue • Ketchikan, Alaska 99901-5799 • (907) 225-9815

March 23, 1993

To Whom It May Concern:

This letter is to state our support of H.B. 28 which would make furnishing alcohol to a minor a felony. Our High School and our community has suffered greatly because of the tragic consequences of our students being furnished alcohol by adults. This bill would be a step in the right direction in deterring such destructive action.

Sincerely,

Bob Hewitt
Vice-Principal

Don Pennington
Principal

Jeanneane Henry
3812 Baranof
Ketchikan, Ak. 99901
(907) 225-2428

Rep. Ron Larson
Co-Chairman
Finance Committee
Alaska State Legislature
Juneau, Ak.

Representative Larson,

I am writing to urge you to pass HB 28 out of your committee in a timely manner so this bill has a chance to get through the Senate and become law and perhaps save a young life from death or possible drug addiction.

My son Joshua Smith and his friend Mike Nygard were killed Dec. 31, 1991 in a horrible accident after an adult in this community furnished a group of teens ranging from 15-17 with a large amount of alcohol. I can tell you as a mother there is no way of measuring the emotional costs to our family and to those who know us and to the youth in the community.

The financial costs to our family has devastated us. The cost to the State on this case is way above an average misdemeanor case. I have compiled stats. on teen drinking and the teens say they can get anyone hanging around the bars to buy or older friends. The stats. from Loren Jones office on what alcohol related problems cost the state is a crisis in itself. What I have found is 98% of teens have used alcohol, many on a reg. basis. Yet the Dept. of Law sites only 100 cases with enough evidence to prosecute in the entire state. The reality is by the time an individual is charged with furnishing the first time this person has possibly furnished 8-10 times prior to being caught. It is also true responsible citizens in the "90,s" do not provide drugs to minor. ALCOHOL IS A DRUG, a legal drug for those over 21 but it is a drug. Considering that 98% of the crime is alcohol or other drug related, the cost to the state of Alaska is already out of control. The purpose of this bill is to set a standard and to educate these possible offenders as well as sending a message to our youth. It is clear that the law that is in place is not effective. It is possible that increasing the consequences will not only decrease the number of furnishing cases but the minor consuming as well. The long term goal is a healthy society, healthy people cost the state less than the dysfunctional families caught in drug abuse. I do not suggest that this bill will be the end to minor consuming or all alcohol problems but it is a step in the right direction.

(2)

We are all responsible for allowing this problem to escalate to epidemic proportions and now it is our responsibility to find solutions. The United States Congress made the drinking age 21 after research that included emotional and physical development. It is my right under the Constitution to expect that our youth are protected from adults who are not interested in their well being or if they grow into adulthood or not. Nationwide there is a movement on youth and crime, focused on protection, stopping dangers in young lives before it is too late. When James C. Porter furnished alcohol to my son and other teens he was not thinking of the rights of my son, to grow up in spite of bad choices all teens make, he was not thinking of the rights of those who loved him. Any act an adult commits that violates a child or a youth and their right to life liberty and the pursuit of happiness is not a misdemeanor because this implies it is minor. Death is not minor, and it is always a possibility when teens or younger drink

I am aware that this committee is concerned with the budget and the declining revenue, I too am concerned, however Public Safety is a no. one priority. I realize many people complain about the declining revenue and program cuts yet do not offer any solutions. I am enclosing a list of suggestions which I support to this committee. I have been a resident for 20 yrs. in Aug. and would like to see the economy stable for all who love this state as I have. My son that was killed was born in Fairbanks, he is buried here. My other son was born here, most of my adult life has been spent here. I have an investment in this state and would like to contribute to a healthy and prosperous future for my son and daughter and their children. I am committed to the ideal that Joshua's death will bring about a healthy change for other youth and families.

I am enclosing a copy of Mr. Porter's sentence. Today at 4:00 I will be attending another hearing for him. This is related to a criminal act committed while in jail for his third probation violation while under this charge. One includes a DWI. After 2 yrs he has not completed his community service and has continued to commit drug related crimes. In another state before he furnished here he was ordered by the court to complete alcohol screening. He fled to Alaska and is now in our system. If the other state would have dealt with the problem perhaps the boys would be alive and we would not be assuming the emotional and financial burden. He, like most furnishers have a drug problem. He, like most are not deterred by a misdemeanor.

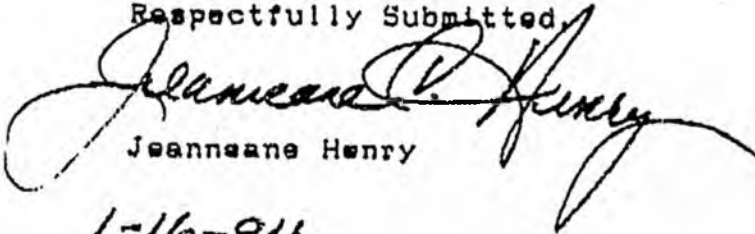
Cheri Davis, a former State Rep. who is now employed by Alaskans for Drug Free Youth, informed me they were writing to Judge Zervos because after 2 yrs. Mr. Porter has not completed his community service and has, from her perspective, learned nothing from this experience. They have filed numerous affidavits with apparently no results. Had Mr. Porter had a probation officer it may have saved the state money in the long run.

I urge you to consider the long term results of this bill which I

③

believe will end up saving lives and revenue. I wish you to consider all the hidden costs to the residents and the state when alcohol problems are allowed to run amuck and it is clear to anyone who reads the paper or listens to the news it has run amuck in our state.

Respectfully Submitted,



Jeannene Henry

1-16-94

Ⓟ