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# HOUSE COMMITTEE REPORT

(9) Date Referred: January 10, 1994 FURTHER REFERRALS: Judiciary

Date of Committee Action: 3/3/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 337

HOUSE BILL NO. 337 DRUG FREE RECREATION AND YOUTH CENTERS

"An Act relating to the possession of controlled substances within 500 feet of recreation and youth centers."

RECOMMENDATIONS:  
 be replaced with CS HB 337 (HESS)  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) \_\_\_\_\_  
 zero fiscal note Law, Public Safety, Corrections  zero fiscal note(s) \_\_\_\_\_

SIGNATURE	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>		X	
<i>[Signature]</i>	✓	<i>[Signature]</i>		X	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	

*[Signature]*  
 CHAIRMAN'S SIGNATURE



# Alaska State Legislature

House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: 3/3/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
 \* HB 506: STUDENT LOAN PROGRAM  
 \* HB 356: LIVING WILLS AND MEDICAL CARE DECISIONS  
 \* HB 357: DRUG FREE RECREATION AND YOUTH CENTERS  
 \* HB 52: INCREASE IN FEDERAL MATCH FUNDED

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
MARK JOHNSON	DSS, EMS	P.O. BOX 110616 Juneau	99811-0616	463-5817	465-3027	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 356
Verna Hall	AARP	23590 Glenview Highway	99801	780-4089	780-4089	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 356
Rupe Andrews	AARP	9416 Long Run, Seward	99801		789-7122	<input type="radio"/> Y <input checked="" type="radio"/> N	HB 356
Kim Burch	DHSS				465-3235	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 52
<del>Stacie Han</del>						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

LN#100-R01  
03/11/94

LEGISLATIVE TELECONFERENCE NETWORK

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11:45:58

TCN: 40411 DATE & TIME: 03/03/94 15:00 TO 17:00 STATUS: 7 STATS: IN

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HHS HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHAY  
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE BURDE  
CONTACT: LYNNE SMITH TEL#: (907)465-6825  
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY: Y ALLOWED 5 MINUTE LIMIT  
HB 356 WILL NOT BE THE FIRST BILL ON THE CALENDAR.  
TESTIMONY WILL BE TAKEN WITH A 5 MINUTE LIMIT.  
TCN REQUESTED ON 03/03/94 AND HAS 7 UPDATES

\*\*\*\* AGENDA \*\*\*\*

- 1 HB 356 LIVING WILLS AND MEDICAL CARE ORDERS
- 2 HB 506 STUDENT LOAN PROGRAM

\*\*\*\* PARTICIPATING LTOS \*\*\*\*

COR CORDOVA	705 2ND STREET	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
HOM HOMER LTC	126 W PIONEER 44	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP106	LOCATION STAFF
NAT NATSU	165 E PARKS HWY.	LOCATION STAFF
PSG PETERSBURG	101 GJOA STREET	LOCATION STAFF
SEW SEWARD	2001 SEWARD HWY	LOCATION STAFF
SIT SITKA	210 LAKE STREET	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF

\*\*\*\* VOLUNTEER & OFFNET SITES \*\*\*\*

222 OF1 OFFNET 1 FAIRBANKS CRAIG LEWIS (907)456-3976

PARTICIPANTS IN: FAIRBANKS FBX

1 MR.	BRIAN BRUBAKER	COAL.STUD.LEADER TSYF. HB 506
	PO BOX 84791	FAIRBANKS AK 99708 (907)474-9052
2 MR.	NICHOLAS ABRAMCZYK	ASUAF TSYF. HB 506
	PO BOX 99775	FAIRBANKS AK 99775 (907)474-5156

PARTICIPANTS IN: HOMER LTC HOM

1 MRS.	MILDRED MARTIN	OBSV. HB 356
	PO BOX 2652	HOMER AK 99603 (907)235-6652
2 MS.	BRENDA STEENBLOK	SENIOR CITIZENS OBSV. HB 356
	3935 SVEDLUND ST	HOMER AK 99603 (907)235-7675

PARTICIPANTS IN: JUNEAU JNU

1	TO	OBSERVE	OBSV. ALL ITEMS
2	TO	OBSERVE	OBSV. ALL ITEMS
3	TO	OBSERVE	OBSV. ALL ITEMS
4	TO	OBSERVE	OBSV. ALL ITEMS
5	TO	OBSERVE	OBSV. ALL ITEMS
6	TO	OBSERVE	OBSV. ALL ITEMS
7	TO	OBSERVE	OBSV. ALL ITEMS
8	TO	OBSERVE	OBSV. ALL ITEMS
9	TO	TESTIFY	TSFY. ALL ITEMS
10	TO	TESTIFY	TSFY. ALL ITEMS
11	TO	TESTIFY	TSFY. ALL ITEMS

LTH100-R01  
03/11/94

LEGISLATIVE TELECONFERENCE NETWORK

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11:45:58

ICN: 40411 DATE & TIME: 03/03/94 15:00 TO 17:00 STATUS: ? STATS. IN

PARTICIPANTS IN: JUNEAU

JNU

13	TO	TESTIFY	TSFY. ALL ITEMS
14	TO	TESTIFY	TSFY. ALL ITEMS
15	TO	TESTIFY	TSFY. ALL ITEMS
16	TO	TESTIFY	TSFY. ALL ITEMS
17	TO	TESTIFY	TSFY. ALL ITEMS
18	TO	TESTIFY	TSFY. ALL ITEMS
19	TO	TESTIFY	TSFY. ALL ITEMS
20	TO	TESTIFY	TSFY. ALL ITEMS
21	TO	TESTIFY	TSFY. ALL ITEMS
22	TO	TESTIFY	TSFY. ALL ITEMS
23	TO	TESTIFY	TSFY. ALL ITEMS
24	TO	TESTIFY	TSFY. ALL ITEMS
25	TO	TESTIFY	TSFY. ALL ITEMS
26	TO	TESTIFY	TSFY. ALL ITEMS
27	TO	TESTIFY	TSFY. ALL ITEMS
28	TO	TESTIFY	TSFY. ALL ITEMS

PARTICIPANTS IN: NAISU

HAT

1 MR	ERNEST	LINE	TSFY. HB 356
	2654 WHISPERING WOODS DR	WASILLA	AK 99645 (907)376-6709

PARTICIPANTS IN: PETERSBURG

PSG

1 MS	SANDY	TACKETT	PSG GEN HOSPITAL	TSFY. HB 356
	P.O. BOX 589		PETERSBURG	AK 99833 (907)772-4291
2 MRS.	FLORENCE	LEROY		OBSV. HB 356
	P.O. BOX 313		PETERSBURG	AK 99833 (907)772-3200

PARTICIPANTS IN: SEWARD

SEW

1 MS.	JULIE	RENWICK	WESLEY REHAB	TSFY. HB 356
	PO BOX 1066		SEWARD	AK 99664 (907)224-5241
2 MS.	BARBARA	BLACKWELL	R.N. WESLEY REHAB	OBSV. HB 356
	PO BOX 1541		SEWARD	AK 99664 (907)224-8613
3 MS.	JOAN	CLEMENS	R.N. WESLEY REHAB	OBSV. HB 356
	PO BOX 1345		SEWARD	AK 99664 (907)224-3674
4	MARJORIE	MCLEOD	DOWNNEY R.N. SEWARD HOSPITAL	OBSV. HB 356
	PO BOX 365		SEWARD	AK 99664 (907)224-5205
5	DOREEN	BOOTH	SEWARD HOSPITAL	OBSV. HB 356
	PO BOX 365		SEWARD	AK 99664 (907)224-5205
6	LINDA	SWENSON	RN SEWARD HOSPITAL	TSFY. HB 356
	PO BOX 365		SEWARD	AK 99664 (907)224-5205
7 MS.	ELLF.	O'BRIEN	SEWARD HOSPITAL	OBSV. HB 356
	PO BOX 365		SEWARD	AK 99664 (907)224-5205
8 MS.	DITA	DEBOER	RBHC	OBSV. HB 356
	PO BOX 1526		SEWARD	AK 99664 (907)224-3181
9 MR.	RICHARD	JONES	(DIRECTOR) SGH RBHC WR&CC	TSFY. HB 356
	PO BOX 361		SEWARD	AK 99664 (907)224-5241
10	DOROTHY	LOCKE	SPRING CREEK CC	OBSV. HB 356
	BOX 2109		SEWARD	AK 99664 (907)224-8200
11	ANN	WHITMORE	-PAINTER WRCC	OBSV. HB 356
	PO BOX 516		MOOSE PASS	AK 99631 (907)288-3143

PARTICIPANTS IN: SITKA

SIT

1	NANCY	ILSTER	SEABHC	TSFY. HB 356
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LF01100-R01  
03/11/94

LEGISLATIVE TELECONFERENCE NETWORK

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11:45:58

TEN: 40411 DATE & TIME: 03/03/94 15:00 TO 17:00 STATUS: 7 STATE: IN

PARTICIPANTS IN: SITKA  
2 322 TONGASS  
ANDREA PAIGE ADAMS SITKA AK 99835 (907)966-8413  
6-B LIFESAVER DRIVE SITKA AK 99835 (907)966-7244

PARTICIPANTS IN: KEN/SOL  
1 MS. LINDA KRISTENSEN SOL CPC-FORGETMENDT OBSV. HB 35A  
905 COOK AVE. STE. 9 KENAI AK 99611 (907)283-7294

PARTICIPANTS IN: OFFNET 1  
1 CRAIG LEWIS IZZ OF1 FAIRBANKS AK (907)456-3478



# Alaska State Legislature

House of Representatives  
COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

DATE: 3/2/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
\* HB 340: NO FOREIGNERS FOR LEAD & SEX OFFENDERS  
\* HB 337: DRUG FREE RECREATION AND YOUTH CENTERS  
\* HJR 52: INCREASE IN FEDERAL MEDICARE FUNDING  
\* INDIANAS FIRST PUBLIC HEARING

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Audene Ewing ✓	SELF	203 W 3rd B Juneau AK	99801	586-2231	465-3205	(Y)	N	HB 340
Gerald W. Bailey ✓	GHS	5597 A. sek Juneau, AK	99801	780-4338	780-4338	(Y)	N	HB 340
Cindy Smith ✓	NETWORK on Am. Violence	#130 Seward H 501	99801	4633350	5863250	(Y)	N	340
Diane Schenker ✓	DOC	2200 E. 42nd Ave. Anch. AK	99508		561-4424 465-4643	(Y)	N	HB 340
Caren Thomson ✓		PO Box 33702 Juneau, AK 99803		586-1101	Summe	(Y)	N	HB 340
Kim Burch ✓	DHSS	AOD Juneau		465-3355	→	(Y)	N	HJR 52
Jayne Anderson ✓	CDVSA	Box 117200 Juneau	99811		465-4356	(Y)	N	HB 340
						Y	N	
						Y	N	
						Y	N	
						Y	N	



Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

SUBJECT OF MEETING:

DATE: 3-2-94

PLACE: Capito! Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
SHERIE GOLL	Alaska Womens Lobby	P.O. box 22156 Juneau	99802		463-6744	<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 340
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	

8-LS1373E  
Luckhaupt  
1/25/94

CS FOR HOUSE BILL NO. 337( )

IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES NORDLUND, Porter, Finkelstein, Martin, Brown, Ulmer, Brice, Hudson, Menard, Sitton, Navarre, Davies, Phillips, B.Davis, Green, Nicholia

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the possession of controlled substances within 500 feet of  
2 recreation and youth centers; and permitting municipalities to install drug-free  
3 recreation and youth center zone signs."

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

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

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

8 (1) manufactures or delivers any amount of a schedule IIA or IIIA  
9 controlled substance or possesses any amount of a schedule IIA or IIIA controlled  
10 substance with intent to manufacture or deliver;

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

14 (3) possesses any amount of a schedule IA or IIA controlled substance

1 (A) with reckless disregard that the possession occurs  
2 (i) on or within 500 feet of school grounds; or  
3 (ii) at or within 500 feet of a recreation or youth  
4 center; or

5 (B) on a school bus.

6 \* Sec. 2. AS 11.71.030(b) is amended to read:

7 (b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section  
8 that the prohibited conduct took place entirely within a private residence located within  
9 500 feet of the school grounds or recreation or youth center, and that the prohibited  
10 conduct did not involve distributing, dispensing, or possessing with the intent to  
11 distribute or dispense a controlled substance for profit. Nothing in this subsection  
12 precludes a prosecution under any other provision of this section or any other section  
13 of this chapter.

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

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

17 (1) manufactures or delivers any amount of a schedule IVA or VA  
18 controlled substance or possesses any amount of a schedule IVA or VA controlled  
19 substance with intent to manufacture or deliver;

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

24 (3) possesses

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

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

28 (C) one or more preparations, compounds, mixtures, or  
29 substances of an aggregate weight of three grams or more containing a  
30 schedule IIIA or IVA controlled substance;

31 (D) 50 or more tablets, ampules, or syrettes containing a

1 schedule VA controlled substance;

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

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

8 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

9 (A) with reckless disregard that the possession occurs

10 (i) on or within 500 feet of school grounds; or

11 (ii) at or within 500 feet of a recreation or youth  
12 center; or

13 (B) on a school bus;

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

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

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

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

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

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

1 \* Sec. 4. AS 11.71.040(b) is amended to read:

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

7 \* Sec. 5. AS 11.71.900 is amended by adding a new paragraph to read:

8 (30) "recreation or youth center" means a building, structure, athletic  
9 playing field, or playground operated by a municipality or the state to provide athletic,  
10 recreational, or leisure activities for minors.

11 \* Sec. 6. AS 28.01.010(d) is amended to read:

12 (d) A municipality shall erect necessary official traffic control devices on  
13 streets and highways within its jurisdiction that as far as practicable conform to the  
14 current edition of the Alaska Traffic Manual prepared by the Department of  
15 Transportation and Public Facilities. The municipality

16 (1) shall post a sign indicating that the school is a "drug-free school  
17 zone" at each location in which it has installed a sign identifying the location of a  
18 school;

19 (2) may post a sign at each recreation or youth center indicating  
20 that the center is a "drug-free recreation or youth center zone"; in this  
21 paragraph, "recreation or youth center" has the meaning given in AS 11.71.900.

716 W. FOURTH AVE.  
ANCHORAGE, ALASKA 99501-2133  
258-8191

WHILE IN SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
465-4968

Alaska State Legislature  
House of Representatives



DISTRICT 11:  
SAND LAKE  
SPENARD  
TAKU-CAMPBELL

Representative Jim Nordlund

SECTIONAL ANALYSIS

CSHB 337

- Section 1. Amends AS 11.71.030(a)(3) by providing that it is illegal to possess any amount of a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center.
- Section 2. Amends AS 11.71.030(b) to provide that it is an affirmative defense to a prosecution for possessing a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center and that the possession did not involve distributing, dispensing, or possessing with the intent to sell.
- Section 3. Amends AS 11.71.040(a)(4) to make it illegal to possess a schedule IIIA, IVA, VA, VIA controlled substance at or within 500 feet of a recreation or youth center.
- Section 4. Amends AS 11.71.040(b) to make it an affirmative defense to a prosecution for possessing a schedule IIIA, IVA, VA, or VIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center.
- Section 5. Defines "recreation or youth center."
- Section 6. Amends AS 28.01.010(d) by providing a new paragraph that allows municipalities to post "drug-free recreation and youth center zone" signs.

FISCAL NOTE

Work Draft

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSHB 337 ( )

Dated 1/25/94

Revision Date: January 27, 1994  
Title: "... relating to the possession of controlled substances within 500 feet of recreation and youth centers."  
Sponsor: Representative Nordlund  
Requestor: Representative Nordlund

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 SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE						
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FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
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 27, 1994

Approved by Commissioner: Bruce M. Borelho, Attorney General

Agency: Department of Law

Date: January 27, 1994

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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Work Draft  
BILL NO. CSHB 337 ( )  
Dated 1/25/94

ANALYSIS CONTINUATION:

The work draft CS for HB 337 adds a definition for "recreation or youth center" to mean a building, structure, athletic playing field, or playground operated by a municipality on the state to provide athletic, recreational, or leisure activities for minors. As previously stated, the bill amends AS 11.71 to increase the penalty for possession of a controlled substance within 500 feet of a recreation or youth center. This increased penalty provision is already the law for possession within 500 feet of school grounds. We do not believe the bill will have a fiscal impact because the number of cases involving possession of a controlled substance under current law is not significant and, extension of "Drug Free" zones to include recreation and youth centers, will not add any new significant workload.

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 337

Revision Date: January 14, 1994

Department Affected: Department of Law

Title: "...relating to the possession of controlled substances within 500 feet of recreation and youth centers."

BRU: Prosecution

Sponsor: Representative Nordlund

Component: All

Requestor: Representative Nordlund

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	****	****	****	****	****	****

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

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

POSITIONS:

FULL-TIME	****	****	****	****	****	****
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 14, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General  
Agency: Department of Law

Date: January 14, 1994

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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 337

ANALYSIS CONTINUATION:

This bill amends AS 11.71 to extend the current prohibitions and penalties for possession of a controlled substance within 500 feet of school grounds to also include prohibiting possession of a controlled substance within 500 feet of a recreation or youth center. These latter terms have not been defined in the bill and could be interpreted somewhat broadly unless their meaning is clearly spelled out. For this reason, we are unable to determine whether there will be a fiscal impact. Department of Law staff is available to help clarify this issue.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 337

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act relating to the possession BRU: All  
of controlled substances... Component: All  
 Sponsor: Rep. Nordlund  
 Requestor: House HESS COMPONENT SERIAL NO. 694-1884

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004-GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0	0	0	0	0	0

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant *D. Sch* Phone: 65-4643/786-2147  
 Division: Office of the Commissioner Date: 2/8/94  
 Approved by Commissioner: J. Frank Prewitt, Jr. *D. Sch (for)* Date: 2/8/94  
 Agency: Department of Corrections

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The bill would increase the severity, and thus length of sentence, for certain drug crimes if committed in proximity to recreation and youth centers. A class C felony (MICS IV) would become a class B felony (MICS III), and a class A misdemeanor (MICS V) would become a class C felony (MICS IV) if certain controlled substances were possessed within 500 feet of a youth or recreational center.

#### Assumptions

1. It is assumed that the effect of this measure might be similar to the effect of increasing the severity of MICS offenses which are committed in the proximity of schools, as provided under current law. The department was unable to locate any meaningful data on the frequency with which these offenses occur or their impact on the incarcerated or probation/parole populations. Only data on the actual offense category is available, which does not include the specific elements of the offense, such as proximity to a school. Therefore, the department contacted several law enforcement agencies/personnel and one prosecutor and asked how frequently such offenses occur. A district attorney informed the department that one such case occurred in the two years he was in that position. Three police officers stated such offenses occur "almost never." One police agency reported an average of 5.5 arrests near schools within the past four years. The department does not have the research resources needed to find out how this would correlate with actual convictions and sentences, so no conclusion could be drawn. Based upon this small amount of information, the department assumes that the behaviors described in the bill will "almost never" result in raising the severity of an offense from one category to another, and thus will not impact incarcerated or probation/parole populations.
2. In a profile of the incarcerated population on June 30, 1993, there were 41 inmates incarcerated for MICS IV and 75 incarcerated for MICS III. There were 96 inmates actually sentenced for MICS IV during 1992, and 119 sentenced for MICS III. In the June profile, there were 211 offenders under probation or parole supervision for MICS IV and 346 offenders being supervised for MICS III. Any increase in sentence length, or movement from misdemeanor to felony level which might result from this bill would seriously impact the department, given the number of cases involved. (Misdemeanor cases are not supervised by the department when placed on probation.)
3. If the department obtains any information contradicting the "almost never" incidence rate assumed above, the fiscal note will be revised to reflect an increase in prisoner-days (\$113/day) and probation/parole-days (\$6/day), as well as any capital funds necessary to expand correctional bedspace, based upon the numbers of current MICS III and IV cases under the department's custody on June 30, 1993.

# FISCAL NOTE

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO: HB 337**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act relating to possession of controlled substances within five hundred feet of youth centers" BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Representative Nordlund  
 Requestor: Representative Nordlund 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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>REVENUE FUND SOURCE:</b>						

**FUNDING: (Thousands of Dollars)**

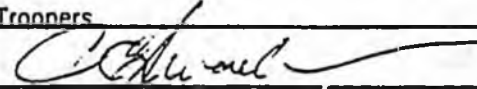
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary.)**  
 No fiscal impact upon the Alaska State Troopers anticipated.

Prepared By: Francis C. Allan Phone: (907) 269-5691  
 Division: Alaska State Troopers Date: 01/12/94  
 Approved by Commissioner:  Date: 01/24/94  
 Agency: Richard L. Burton, Dept. of Public Safety

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WHILE IN SESSION:  
ALASKA STATE CAPITOL  
JUNE 11, 1980-1182  
5-4968

Alaska State Legislature  
House of Representatives



DISTRICT 11:  
SAND LAKE  
SPENARD  
TAKU-CAMPBELL

Representative Jim Nordlund

**SPONSOR STATEMENT**

House Bill 337 takes the idea of "Drug-Free School Zones" and expands it to include the areas around "recreation and youth centers." This includes buildings, structures, playgrounds and athletic playing fields. The legislation stiffens the penalties on people who possess drugs where children go to play.

Criminal justice, education and substance abuse prevention leaders agree that the best resolution to the current drug epidemic lies in reducing the demand for illegal drugs, particularly among youth. The reason we create neighborhood playgrounds and recreation centers is to provide healthy alternatives for our citizens. Children and adults should not be intimidated by people who push or possess illegal substances in these areas.

Under HB 337, if a person is caught with drugs within 500 feet of a recreation or youth center, they will be charged with either misconduct involving a controlled substance in the third degree or the fourth degree, depending on the nature of the drug. Both of these are felony charges. Current statutes provide for only misconduct involving a controlled substance in the fourth degree or fifth degree (a misdemeanor). The proposed penalties are the same as current statutes for "Drug-Free School Zones."

Anchorage Police Chief Kevin O'Leary says the area around recreation and youth centers are a fertile ground for those who promote and sell drugs to our children. Officer Patrick O'Brien, a police/school liaison officer, says the parking lot of the Fairview Recreation Center is the site of a huge drug trade. The director of Spenard Recreation Center says the local drug dealer lives across the street. We must give law enforcement officials additional weapons to stop this illegal activity.

SPONSOR STATEMENT

716 W. FOURTH AVE.  
ANCHORAGE, ALASKA 99501-2133  
258-8191

WHILE IN SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
465-4968

Alaska State Legislature  
House of Representatives



DISTRICT 11:  
SAND LAKE  
SPENARD  
TAKU-CAMPBELL

Representative Jim Nordlund

SECTIONAL ANALYSIS

Section 1. Amends AS 11.71.030(a)(3) by providing that it is illegal to possess any amount of a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center.

Section 2. Amends AS 11.71.030(b) to provide that it is an affirmative defense to a prosecution for possessing a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center and that the possession did not involve distributing, dispensing, or possessing with the intent to sell.

Section 3. Amends AS 11.71.040(a)(4) to make it illegal to possess a schedule IIIA, IVA, VA, VIA controlled substance at or within 500 feet of a recreation or youth center.

Section 4. Amends AS 11.71.040(b) to make it an affirmative defense to a prosecution for possessing a schedule IIIA, IVA, VA, or VIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center.

Section 5. Defines "recreation or youth center."

**BILL NO:** HB 337

**DATE:** January 24, 1994

**TITLE:** "An Act relating to the possession of controlled substance within 500 ft. of a recreation or youth center"


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

HB 337 includes recreation centers and youth center in the controlled substance statutes that currently outline violations of controlled substances when they take place within five hundred feet of a school grounds.

This bill adequately and logically places these locations, recreation centers and youth centers, within the same category as schools for being drug free zones.

This bill has low impact on the Alaska State Troopers as it is consistent with current enforcement policies and creates no additional work but does create potentially an additional charge for persons caught with controlled substances near these locations.

The Department of Public Safety supports this legislation as it is consistent with a strong enforcement attitude and the Division's goals of controlling distribution of controlled substances.



---

Richard L. Burton  
Commissioner

**POSITION PAPER - Department of Public Safety**



Tom Fink, Mayor

# ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99507-1599  
TELEPHONE (907) 786-8500



Service since 1921

1/18/94

Representative Jim Nordlund  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

Dear Representative Nordlund:

I have received a copy of your proposed legislation, House Bill 337, which widens the scope of areas designated as drug-free zones. As you have already found through your meeting with Officer O'Brien, the areas around recreation and youth centers are indeed fertile ground for those who promote and sell drugs to our children. The fact that you have included buildings, playgrounds and athletic fields in the bill enhances the effectiveness of this important legislation.

The Anchorage Police Department, in cooperation with the School District, does its very best to protect our youth from drugs by education, counseling, and by vigilance in and near schools. However, it is time to attack the drug problem on as many fronts as possible. We enthusiastically support HB 337 and its goals to eradicate drugs from any area where children may be present, and to severely punish those who would possess, use, promote or sell controlled substances near our children.

Sincerely,

Kevin M. O'Leary  
Chief of Police

*Alaska Recreation and Park Association*

P.O. Box 102664  
Anchorage, Alaska 99510-2664

February 17, 1994

Representative Jim Nordlund  
Alaska State Capitol  
Juneau, Alaska 99801-1182

Rep. Nordlund:

Thank you for your sponsorship of House Bill No. 337 and for sharing a copy of this proposed legislation with me. After studying the bill this week, asking for opinions from my membership and then sharing it with my own city Police Chief for his comment, I believe HB337 will greatly benefit communities throughout our state and will assist the goals of the Alaska Recreation and Park Association (ARPA).

Not only does HB337 clear up current law and make it more enforceable, but it extends stiffer penalties for possession of controlled substances to include zones where young people play and recreate, as well as where they attend school. It is an unfortunate fact of life that drugs are available and readily accessible throughout our state, but we should not tolerate this condition and should take steps like HB337 to "say no to drugs" and to drug dealers.

ARPA believes recreation and play should be a positive experience. We support HB337 and other efforts like it that would help say "NO!" to those who would enter our parks, play areas and recreation centers to ruin that positive experience and to potentially ruin the lives of those we serve.

Please feel free to contact me at any time regarding this issue or any other involving recreation and parks, and I thank you for your fine efforts.

Sincerely,



William J. Musson, President  
Alaska Recreation and Park Association

cc: ARPA Board of Directors



**ALASKA COUNCIL ON  
PREVENTION  
OF ALCOHOL AND DRUG ABUSE, INC.**

Founded 1962

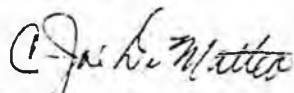
February 14, 1994

Representative Jim Nordlund  
House of Representatives  
State Capitol, Room 426  
Juneau, AK 99801-1182

Dear Representative Nordlund:

This letter is in support of House Bill 337. It seems logical to me that any area where young people gather we have a responsibility as a community to protect them as much as possible. This bill sends that kind of message. It also gives the police the authority to take action if these violations occur. Substance use and abuse have been on the decline for the past few years, however when it comes to young people that's still the area where most problems are occurring. So anything that can continue to assist this problem from rising again we should support. These areas where young people gather are most vulnerable for this kind of activity. We have to let the young people know that we are working in their best interest. I am very grateful for this legislation it proves to me that you and your colleagues are very concerned about the teenagers of our communities. Prevention is the only hope we have for the future. Best of luck with this bill.

Sincerely,



Joseph DiMatteo  
Executive Director

/JDM

# Municipality of Anchorage



P.O. BOX 196650  
ANCHORAGE, ALASKA 99519-6650

TOM FINK  
MAYOR

PARKS AND RECREATION

Representative Jim Nordlund  
Alaska State Capitol  
Juneau, AK 99801  
February 18, 1994

Letter of Support for House Bill No 337

As Director of the Spenard Community Recreation Center and speaking from a youth oriented perspective, I support House Bill No. 337. Having read the bill I believe that setting up drug free zones for youth and recreation centers will greatly benefit not only the Spenard Community Recreation Center, but similar areas across the state. The bill will benefit the youth of the community and hopefully prevent any problems with controlled substances.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Perrin".

Sharon Perrin, Director  
Spenard Community Recreation Center

# ANCHORAGE POLICE DEPARTMENT EMPLOYEES ASSOCIATION

4501 South Bragaw Street

Anchorage, Alaska 99507-1599

Representative Jim Nordlund  
Alaska State Legislature  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

February 3, 1994

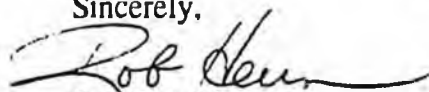
Dear Representative Nordlund:

The Anchorage Police Department Employees Association strongly endorses House Bill 337. The Association feels that youth and recreation centers should be drug free zones that offer families and children recreational opportunities free of infringements from street predators.

Recognizing that the expanded wording in this statute is the first step toward aggressive, proactive enforcement, the A.P.D.E.A. encourages all legislators to support HB 337. This will send a clear message throughout the state's criminal justice system that this legislature means business by targeting specific elements of the criminal community who have blatantly and deviously infringed on areas which should be oases of childhood innocence and strongholds of wholesome family activities.

The represented employees of the A.P.D.E.A. stand firm in our support of HB 337 and commend your efforts pertaining to this issue.

Sincerely,



Sgt. Rob Heun  
President, A.P.D.E.A.

Municipality  
of  
Anchorage



P.O. BOX 196650  
ANCHORAGE, ALASKA 99519-6650

TOM FINK  
MAYOR

DEPARTMENT OF CULTURAL AND RECREATIONAL SERVICES

February 21, 1994

Representative Jim Nordlund  
Alaska State Legislature  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

Dear Representative Nordlund:

I am writing to support the bill you have introduced which relates to the possession of controlled substances within 500 feet of recreation and youth centers. We agree with your move to add recreation and youth centers to the list of locations in which such activity will be considered a criminal offense.

As with schools and school buses, recreation centers are gathering places for our youth. We are concerned that the recreation centers operated by this department remain places that youth can use without fear of encountering drug use or sales. I am also aware that this legislation will cover other athletic fields and playgrounds under our supervision and I certainly support this inclusion as well.

I hope the legislation is successful and I applaud your efforts in bringing it forward.

Sincerely,

A handwritten signature in cursive script that reads "Connie Jones". The signature is written in dark ink and is positioned above the typed name and title.

Connie Jones, Director  
Cultural and Recreational Services

CRJ/csj