

HB

28

03/24/93
13:07:58

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:30434 SCHEDULED FOR:03/24/93 13:00 TO 15:00
PUBLIC HEARING HOUSE JUDICIARY

LTN1150
BY:ANC
FOR:ANC

LOCATION: ANCHORAGE

HB 28
HB 168

JOHN
RONALD

SALEMI
ROBINSON

PUBLIC DEFENDER TESTIFY
LUCKY STK BINGO ORSERVE

168 → Elsie O'Brian is on line in Houston (AK)

03/24/93
13:10:42

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:30434 SCHEDULED FOR:03/24/93 13:00 TO 15:00
PUBLIC HEARING HOUSE JUDICIARY

LTN1150
BY:KTN
FOR:KTN

LOCATION: KETCHIKAN

HB 28	MS	JEANENNE	HENRY ✓	TESTIFY
HB 28	MS	SUE	PICKRELL ✓	AKNS DRUG FREE YTESTIFY
HB 28	MS	LYNDA	ADAMS ✓	TESTIFY

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: March 24, 1993
Place: Capitol Room 120

Subject of Meeting: HB 136 Drunk Driving and
Breath Test Offenses; HB 28 Penalty for Providing
Alcohol to a Minor; HB 168 Multiple Permitted Gaming

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
Margaret Knuth	Law-CDCO	Box 110300	99811		4049	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	HB 136 HB 28
John L. Lamm	DCEO					<input type="checkbox"/> Y <input type="checkbox"/> N	168 IF NEEDED
Juanita Hensley	DPS/DMV	Box 20020	99802		4335	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	HB 136 (C)
Bill Williams						<input type="checkbox"/> Y <input type="checkbox"/> N	
Dana La Tou	Corrections				3454	<input type="checkbox"/> Y <input type="checkbox"/> N	IF needed HB 136/28
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 5, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 4-14-93

The JUDICIARY 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:

be replaced with CS HB 28 (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): _____ (Dep*)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

4 zero fiscal note(s) ⁽²⁾ LAW (1-28-93)
 ADMINISTRATION (2-12-93)
 PUBLIC SAFETY (2-10-93)

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Jeannette James</i>	<input checked="" type="checkbox"/>	<i>Brian Porter</i>		<input checked="" type="checkbox"/>	
<i>Pete Kott</i>	<input checked="" type="checkbox"/>	<i>Tom Donohue</i>		<input checked="" type="checkbox"/>	
<i>Joseph [unclear]</i>	<input checked="" type="checkbox"/>	<i>Cap [unclear]</i>		<input checked="" type="checkbox"/>	

DOC FN
not adopted

Brian Porter
CHAIRMAN'S SIGNATURE



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

8-LS0287E

Ford

4/1/93

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:
Referred:

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 (!0) 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



During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
352 Front Street
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546

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

Representative William K. Williams

MEMORANDUM

TO: Representative Brian Porter, Chairman, House Judiciary
FROM: Representative William K. Williams *W.K.W.*
DATE: March 5, 1993
RE: Request for scheduling of HB 28 for House Judiciary hearing

I would like to request a hearing of HB 28 in the House Judiciary Committee at your earliest convenience. The bill, which deals with the penalty for providing alcohol to minors, was passed out of House Health, Education, and Social Services on March 4, 1993.

I am attaching back-up information on HB 28, and would appreciate your consideration of scheduling it soon. If you need further information please contact my office at 465-3424.

Thank you.

Alaska State Legislature

Committees:

House Resources,
Chairman

Community &
Regional Affairs

Labor & Commerce



Representative William K. Williams

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
352 Front Street
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546

SPONSOR STATEMENT HB 28

Honorable Co-Chairs and members of the committee thank you for hearing this bill today.

House Bill 28 is legislation first introduced in the 1992 Legislature by former Representative Cheri Davis in response to the tragic alcohol related deaths of two youths in our community. The purpose of this legislation is to change the penalty for providing alcoholic beverages to a person under the age of 21.

Currently, Furnishing alcohol to a minor is a misdemeanor with a maximum penalty of one year in prison and a \$5,000 fine.

House Bill 28 would make furnishing a minor with alcohol a class "C" felony with a maximum penalty of five years in prison and a \$50,000 fine.

By creating stiffer penalties for providing alcoholic beverages to minors, House Bill 28 will strengthen the deterrent effect of the present laws and enforcement efforts.

Thanks again for hearing this bill today. I'd be glad to try to answer any questions you may have in regard to HB 28.

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 11, 1993

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3-4-93

The HEALTH, EDUCATION AND SOCIAL SERVICES 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
- [X] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

- ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
- [2] fiscal impact Corrections, Admin - Public [] fiscal note(s) _____
- [3] zero fiscal note law, Public Safety, Admin [] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Don Bando</i>	✓	<i>Public Safety</i>		X	
<i>[Signature]</i>	✓	<i>At Verby</i>		X	
<i>Vene Neche</i>	✓	<i>Township</i>		X	

[Signature]
CHAIRMAN'S SIGNATURE

BILL NO: HB 28

DATE: February 10, 1993

TITLE: "An Act relating to the
penalty for providing
alcohol to a minor"

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

HB 28 amends AS 04.16.051 - Furnishing Alcoholic Beverages to Persons under 21 - by making this offence 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.

Creating a felony for this offense will require presentation before a Grand Jury to review each case. Additional time will be necessary for Grand Jury preparation, witness coordination and transportation, and Trooper testimony.



Richard L. Burton
Commissioner

POSITION PAPER - Department of Public Safety

Position Paper - Public Safety

(b) A person receiving compensation for transporting alcoholic beverages may not knowingly deliver alcoholic beverages to a drunken person. (§ 3 ch 131 SLA 1980; am § 6 ch 156 SLA 1988)

Effect of amendments. — The 1988 amendment added subsection (b).

Legislative history reports. — For Senate letter of intent relating to the en-

actment of (b) of this section by sec. 6, ch. 156, SLA 1988 (HCS CSSB 371 (Jud) am H), see 1988 Senate Journal 2939.

NOTES TO DECISIONS

Effect of AS 04.21.020. — Section 04.21.020, which provides conditions for the civil liability of persons providing alcoholic beverages, does not immunize vendors who violate this section. *Williford v. L.J. Carr Invs., Inc.*, 783 P.2d 235 (Alaska 1989).

Recognition of bystander's right to

recover damages for negligent infliction of emotional distress caused by injury to another. — See *Tommy's Elbow Room, Inc. v. Kavorkian*, 727 P.2d 1038 (Alaska 1986).

Applied in *Lord v. Fogcutter Bar & Stacy Cap*, 813 P.2d 660 (Alaska 1991).

Sec. 04.16.050. Possession or consumption by persons under the age of 21.

NOTES TO DECISIONS

Comparative negligence. — A licensee who violates this section is not entitled to assert the comparative fault of the minor/consumer, in an action for damages resulting from the unlawful sale of intoxicating liquor. *Loeb v. Rasmussen*, 822 P.2d 914 (Alaska 1991).

Stated in *Shamberg v. State*, 762 P.2d 488 (Alaska Ct. App. 1988).

Cited in *Alfred v. State*, 758 P.2d 130 (Alaska Ct. App. 1988).

Sec. 04.16.051. Furnishing or delivery of alcoholic beverages to persons under the age of 21. (a) A person may not furnish or deliver an alcoholic beverage to a person under the age of 21 years.

(b) This section does not prohibit the furnishing or delivery of an alcoholic beverage

(1) by a parent to the parent's child, by a guardian to the guardian's ward, or by a person to the legal spouse of that person if the furnishing or delivery occurs off licensed premises; or

(2) by a licensed physician or nurse to a patient in the course of administering medical treatment.

(c) Acts unlawful under AS 11.51.130 are not made legal by (b) of this section. (§ 3 ch 131 SLA 1980; am § 9 ch 109 SLA 1983; am §§ 7, 8 ch 156 SLA 1988; am § 1 ch 50 SLA 1989)

Effect of amendments. — The 1988 amendment inserted references to delivery in the catchline and in subsections (a) and (b).

The 1989 amendment, effective May 27, 1989, inserted "or delivery" in paragraph (b)(1).

Legislative history reports. — For Senate letter of intent relating to the amendments to (a) and (b) of this section by secs. 7 and 8, ch. 156, SLA 1988 (HCS CSSB 371 (Jud) am H), see 1988 Senate Journal 2939.

Sec. 04.16.150. Licensee responsible for violations.**NOTES TO DECISIONS**

Stated in *Tommy's Elbow Room, Inc. v. Kavorkian*, 727 P.2d 1038 (Alaska 1986).

Article 2. Penalties and Forfeitures.**Section**

180. Penalties for violation

200. Unlicensed persons

Sec. 04.16.180. Penalties for violation. (a) Except as provided in AS 04.11.015, AS 04.16.200 — 04.16.210, and AS 04.21.065, a person who violates a provision of this title or a regulation adopted by the board is guilty, upon conviction, of a class A misdemeanor. Each violation is a separate offense.

(b) A suspension or revocation of a license ordered by the board under AS 04.11.370(4) and (5) shall be as follows:

(1) On first conviction: the license of the premises involved may not be revoked, but may be suspended for not more than 45 days.

(2) On second conviction: the license of the premises involved may not be revoked, but may be suspended for not more than 90 days.

(3) On third conviction: the license of the premises involved may be suspended or revoked.

(c) In this section, the terms "second conviction" and "third conviction" include only convictions for violations that occur within five years of the first conviction. The terms refer to the cumulative number of convictions of a licensee of any combination of violations of the provisions of this title, regulations adopted under this title, or ordinances adopted under AS 04.21.010. The terms "second conviction" and "third conviction" include a conviction of the agent or employee of a licensee of a violation of a law, regulation, or ordinance if the conviction constitutes a ground for suspension or revocation under AS 04.11.370(5).

(d) This section does not affect the authority of the board to suspend or revoke a license when the board determines that continuance of activities under a license would not be in the best interests of the public. (§ 3 ch 131 SLA 1980; am § 10 ch 156 SLA 1988; am § 1 ch 81 SLA 1989)

Effect of amendments. — The 1988 amendment inserted "AS 04.11.015 and" in the first sentence in subsection (a).

The 1989 amendment, effective August

30, 1989, inserted a reference to AS 04.21.065 in the first sentence of subsection (a) and made related grammatical changes.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: _____
 Title: 'An Act relating to the penalty for providing
alcoholic beverages to a person under 21.'
 Sponsor: Reps. Williams, Phillips, Davis, Nicholia
 Requestor: _____

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency

 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	67.3	69.3	71.4	73.5	75.7	78.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	4.0	4.1	4.2	4.3	4.4	4.5
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	4.0	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	77.3	75.4	77.6	79.8	82.1	84.5

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING:

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	77.3	75.4	77.6	79.8	82.1	84.5
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	77.3	75.4	77.6	79.8	82.1	84.5

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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

Phone: 279-7541
 Date: _____

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 2/12/93

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CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 28

This bill amends Title 4 (A.S. 04.16.051 and A.S. 04.16.180) as a means of enhancing the penalty for furnishing alcohol to an individual under the age of 21 years. The actual penalty increase is significant; from a class A misdemeanor, a crime carrying a maximum sentence of one year in jail and a \$5,000 fine, to a class C felony, a category of crime with a jail sentence of up to five years in prison and a fine of up to \$50,000.

The Department of Law has indicated in their fiscal analysis that 200 complaints per year are processed involving furnishing alcoholic beverages to minors. They estimate that 100 of these "will include evidence sufficient enough to permit (the District Attorney's office) to bring a felony prosecution." Assuming that the Public Defender would eventually take on representation of the vast majority of these felony cases a significant fiscal impact will be realized.

The National Advisory Commission on Criminal Justice Standards, established by the administrator of the Law Enforcement Assistance Administration, has established national caseload standards applicable to Public Defender agencies. With respect to felony cases, the standards indicate that the felony caseload of a Public Defender attorney should not exceed that of 150 cases per year. Using this standard of measurement the anticipated impact on this agency if this proposal becomes law will be the equivalent of one half-time attorney position (75 new felony cases per year). Some support staffing is also necessary to absorb a significant felony caseload increase. Therefore a half-time paralegal position would also be necessary. (It should be noted that in 1992 the Public Defender Agency submitted an indeterminate fiscal note with respect to a similar legislative proposal. That fiscal note was prepared without the benefit of the Department of Law's estimates with respect to felony prosecutions that would be initiated if this bill were to become law).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 28

BUDGET ANALYSIS

100	Personal Services		
	1/2 Attorney IV	41.5	
	1/2 Paralegal Assistant II	25.8	
			67.3
200	Travel		-0-
300	Contractual		4.0
400	Supplies		2.0
500	Equipment (one time)		<u>4.0</u>
		TOTAL	77.3

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: _____ Dept. Affected: Department of Corrections
 Title: "An Act relating to increasing the BRU: Statewide Programs
penalty for providing alcoholic beverages to a minor Component: _____
 Sponsor: Rep. Williams
 Requestor: Rep. Williams COMPONENT SERIAL NO. 1858

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	600.	600.	600.	600.	600.	600.
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	600	600.	600.	600.	600.	600.

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

REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF	600.	600.	600.	600.	600.	600.
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	600.	600.	600.	600.	600.	600.

POSITIONS:

POSITIONS	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary)

See attached page

Prepared by: Dana LaTour
 Division: Commissioner's Office
 Approved by Commissioner: Lloyd G. Rupp
 Agency: Department of Corrections

Phone: 465-3376
 Date: 2-12-93
 Date: 2-12-93

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Fiscal Note - Corrections

Fiscal Note

HB 28: An Act relating to the penalty for providing beverages to a person under the age of 21;..."

Page 2

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

The Department of Law has estimated that approximately 200 complaints involving furnishing alcoholic beverages to minors are referred to their department for prosecution each year. About 100 of those complaints will include sufficient evidence to bring a felony prosecution.

For the purpose of this fiscal note it is assumed that the lowest mean sentence for a class C felony of this type is 7.5 months or 225 bed-days. The average mean sentence length for the class A misdemeanor of providing alcoholic beverages to a minor is 1.5 months or 45 bed-days. Thus it is assumed that raising the offense from a class A misdemeanor to a class C felony would result in an increase in sentence of 180 bed-days. Subtracting one-third of the sentence for statutory good time results in an increase of 120 bed-days per offense. It is assumed that these offenders could be placed in contract community residential center beds at an average cost of \$50 per day.

The following calculation is used to compute the fiscal impact to the Department of Corrections:

100 convictions per year x 120 additional bed days x \$50 =
\$600,000 per year

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: January 28, 1993
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 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

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

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

Estimate of current year (FY93) impact: -0-

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

Richard I. Peques

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division

Phone: 465-3672
Date: January 20, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: January 28, 1993

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Fiscal Note - Law - Prosecution

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
1993 LEGISLATIVE SESSION

BILL NO: HB 28

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: Representative Williams COMPONENT SERIAL NO. 799

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

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-

POSITIONS:

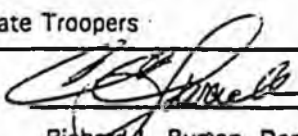
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 1/29/93

Approved by Commissioner:  Date: 2/10/93
 Agency: Richard J. Burton, Dept. of Public Safety

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Fiscal Note - Public Safety - Troopers

FISCAL NOTE

BILL NO. HB 28

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to the penalty for providing alcoholic beverages . . .
 Sponsor: Representatives Williams, Phillips, et al.
 Requestor: House HESS

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

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

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

POSITIONS:

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

Estimate of current year (FY93) impact: None

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 Usera
 Agency: Administration

Date: 2/10/93

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