

**HB**

**28**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/22/94

FURTHER:

DATE TURNED INTO OFFICE: 4-19-94

The Finance Committee considered CS FOR HOUSE BILL NO. 28(JUD) am

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

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attaches amendment(s)

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

- adopts \_\_\_\_\_ Letter of Intent
- further referral to the \_\_\_\_\_

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

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
DOR	1/18/94		2.2
Courts	1/17/94		18.8
DOC	1/17/94		57.9
DOA (ODA)	1/14/94	0	
DOA (POA)	1/18/94	0	
DPS	1/17/94	0	
DeLaw	1/11/94	0	

DO PASS:

Tim Kelly  
[Signature]  
[Signature]

OTHER RECOMMENDATIONS:

Please see No Recommendation

1. [Signature]  
 Co-Chair: Signature/Recommendation

2. [Signature]  
 Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 12

Bill Version: CSHB 28 (JUD)

(H) Publish Date: 1/21/94

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

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						
---------	--	--	--	--	--	--

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.

*Richard I. Peques*

Prepared by: Richard I. Peques, Director

Phone: 465-3672

Division: Administrative Services Division

Date: January 11, 1994

*Richard I. Peques FOR*

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  
1994 LEGISLATIVE SESSION

No. 11  
Bill Version: CSHB 28 (JUD)  
(H) Publish Date: 1/21/94

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
Title: "An act relating to the penalty for providing BRU: Alaska State Troopers  
alcoholic beverages to a person under 21 Component: Detachments  
Sponsor: Representative Williams  
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						
<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

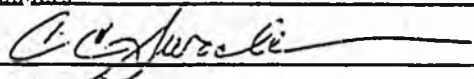
Estimate of current year (FY 94) impact: \$ 0.00 \_\_\_\_\_

**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:  Date: 01/17/94  
Agency: Richard L. Burton, Dept. of Public Safety

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STATE OF ALASKA  
1994 LEGISLATIVE SESSION

FISCAL NOTE

No. 10  
Bill Version: CSHB 28 (JUD)  
(H) Publish Date: 1/21/94

Revision Date: January 18, 1994  
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: 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
PERSONNEL 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/MHTI	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 Usery  
Agency: Administration

Date: 1/18/94

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FISCAL NOTE

No. 9

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BI Bill Version: CSHB 28 (JUD)

(H) Publish Date: 1/21/94

Revision Date: \_\_\_\_\_

Department Affected: Administration

Title: "An Act relating to the penalty for providing alcoholic beverages to a person under..."

BRU: Office of Public Advocacy

Sponsor: Representative Williams

Component: Office of Public Advocacy

Requestor: House Finance

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

Phone: 274-1684

Division: Office of Public Advocacy

Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usura *NBU*

Date: 1/14/94

Agency: Administration

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# FISCAL NOTE

No. 8

Bill Version CSHB 28 (JUD)

(H) Publish Date: 1/21/94

**BII**

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Revision Date: 1/17/94

Dept. Affected: Corrections

Title: An Act RE: furnishing alcohol to a minor

BRU: Statewide Operations

Component: All institutions, regional probation offices, Director C.C.

Sponsor: Rep. Williams

Requestor: House Finance

COMPONENT SERIAL NO. 708-1884

**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
<b>TOTAL OPERATING</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>

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)

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
<b>TOTAL</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>

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

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

Please see the attached analysis.

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

No. 7  
 Bill Version: CSHB 28 (JUD)  
 (H) Publish Date: 1/21/94

STATE OF ALASKA  
 1994 LEGISLATIVE SESSION

BILL NO

Revision Date: \_\_\_\_\_ DepL 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						
<b>TOTAL OPERATING</b>	<b>18.8</b>	<b>18.8</b>	<b>18.8</b>	<b>18.8</b>	<b>18.8</b>	<b>18.8</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

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						
<b>TOTAL</b>	<b>18.8</b>	<b>18.8</b>	<b>18.8</b>	<b>18.8</b>	<b>18.8</b>	<b>18.8</b>

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 Phone: 264-8228  
 Agency: Alaska Court System Date: 01/17/94

Approved by: Arthur H. Snowden, II, Administrative Director 07 AS  
 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 SystemFisac AnalysisCS HB 28 (JUD)Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, 3 month PPT, 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 - 13 jurors at \$25 a day for 4 days	\$13,000	
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>\$18,769</u>

No. 6 -- CORRECTED  
Bill Version: CSHB 28 (JUD)  
(H) Publish Date: 1/24/94

# FISCAL NOTE

BII

## STATE OF ALASKA 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 under the age of 21. BRU: Alcoholic Beverage Control Board  
 Sponsor: House Judiciary Committee Component: \_\_\_\_\_  
 Requestor: House Finance Committee COMPONENT SERIAL NO. 0100

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
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
<b>TOTAL OPERATING</b>	<b>2.2</b>	<b>0.9</b>	<b>0.9</b>	<b>0.9</b>	<b>0.9</b>	<b>0.9</b>
<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>REVENUE FUND SOURCE:</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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						
<b>TOTAL</b>	<b>2.2</b>	<b>0.9</b>	<b>0.9</b>	<b>0.9</b>	<b>0.9</b>	<b>0.9</b>

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 (FY94) 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) 277-8638  
 Division: Alcoholic Beverage Control Board Date: January 18, 1994  
 Approved by Commissioner: Daniel J. Rawinski Date: 1/18/94  
 Agency: Department of Revenue

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CS HB28 (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 Licensees</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

Approx. \$175. per thousand	<u>Initial</u>	<u>Annual</u>
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

# Alaska State Legislature



Committees:

House Resources,  
Chairman

Community &  
Regional Affairs

Labor & Commerce

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

Representative William K. Williams

## MEMORANDUM

TO: Rep. Drue Pearce, Co-Chair  
Senate Finance Committee

FROM: Rep. William K. Williams

DATE: March 21, 1994

RE: Request for hearing on ~~HB 28~~

*Bill*

I would like to request that you schedule for a hearing before the Senate Finance Committee House Bill 28, relating to changing the penalty for providing alcoholic beverages to a person under the age of 21.

Accompanying this request is a packet of information supporting the proposed legislation. Please don't hesitate to call me if you have any questions or need further information. Thank you for your consideration.

# Alaska State Legislature



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

Feb. 4, 1994

## SPONSOR STATEMENT CSHB28(Jud)am, relating to the penalty for providing alcoholic beverages to a person under the age of 21

House Bill 28 is based on legislation first introduced during the 1992 legislative session 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 person under 21 is a misdemeanor carrying a maximum penalty of one year in prison and a \$5,000 fine. The provisions of CSHB 28(Jud)am change the penalty for the second or subsequent violations of the law to a class "C" felony, with a maximum penalty of five years in prison and a \$50,000 fine, if the offender had been convicted within the past five years. CSHB28(Jud)am also requires a warning sign to be posted in places where alcoholic beverages are sold.

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

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

150 Seward Street, Suite 409  
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

*only change  
in CSHB 28(Jud)am  
is effective date.*

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

*Floor amendment adopted*

8-LS0287E.2 ✓  
Ford  
1/25/94

A M E N D M E N T

OFFERED IN THE HOUSE  
TO: CSHB 28(JUD)

BY REPRESENTATIVE WILLIAMS

Page 3, line 5:

Delete "1993"

Insert "1994"

Back-up



# Ketchikan High School

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

March 20, 1973

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*  
Bob Hewitt  
Vice-Principal

*Don Pennington*  
Don Pennington  
Principal



To the Finance Committee

I respectfully submit the following suggestions :

In view of the increasing cost of alcohol related crimes and problems in the State and in view that the revenue from the sale of alcohol and license,s do not begin to cover those cost, I suggest increasing sales tax and designate that revenue to cover alcohol problems including treatment.

In view of declining revenue I suggest inmates work in some way to help pay for thier stay while in Jail and do not need cable tv.

In view of the minor consuming problem and the high number of arrests , we provide some consequences for even first offenders rather than a trip to probation and a " don,t do it again ". When consequences become unappealing offenders numbers will go down and possibly we may see fewer adult offender in years to come. At the present nothing much happens to youth untill it is really out of hand. Sending one clear strong message will save sending the same lame one over and over.

I suggest we look to some creative and innovative ideas concerning consequences as alternatives to jail time for those incarcerated for alcohol or other drug related crimes.

Ketchikan needs another State Trooper, when the youth of our community are drinking out of city limits the Troopers can not even arrest them , thus another message is sent which may cost the state in the end.

Considering the Three Strike,s Your Out Bill that other states are going to adopt.

I also suggest that allowing victims to have more input in consequences for the perpetrator and allowing inneraction for those who wish it.

Alcoholism is of epidemic proportion , it would be cost effective to implement tough laws against abuse and treatment for those who will accept it. Looking to the future is dealing with the root of the problem & prevention. Bandaid's after the fact is throwing good money after bad as the problem will just keep reoccurring. As a state we can not afford to continue to bandaid

As a resident I am willing to activly lobby for any positive change as outlined above.

Thank you for taking the time to read this.

*Jeannene Henry*  
1-16-94

# House approves bill to stem alcohol abuse

By BRIAN S. AKRE  
Associated Press Writer

JUNEAU—The House has approved legislation that would increase penalties for providing alcohol to minors, and a bill to allow creation of youth-run courts that hear charges against juveniles.

The alcohol measure would make second or subsequent convictions of furnishing alcohol to a minor a felony, rather than a misdemeanor. The maximum sentence would increase from one year to five years in prison, and could include up to a \$50,000 fine.

Supporters say the change is needed

to deter adults from buying alcohol for juveniles. Critics say the extra cost of prosecuting the violators for felonies and jailing them longer would be better used for education.

The total extra cost of prosecuting and jailing the estimated 10 violators a year who would fall under the bill was estimated at about \$79,000 a year.

The bill was first submitted in 1992 by then-Rep. Cheri Davis, R-Ketchikan, in response to the deaths of two 17-year-old Ketchikan boys who were involved in a drunken driving accident. An adult had bought the boys a large quantity of

See 'Alcohol,' page A-3

## In brief

### Taylor recovering

State Sen. Robin Taylor, R-Wrangell, is recovering today in a Bellingham hospital from a successful back operation.

The operation to relieve the pain from the pressure of a compressed disc was undertaken Friday morning.

Taylor will be in the hospital until Monday. He will remain in the Puget Sound area a few days for recovery.

Before returning to Juneau Feb. 6, he will attend a special meeting of the Western States Legislative Forestry Task Force to interview applicants for the executive director position.

While Taylor was out, some Republicans tried to force a bill out of committee without Taylor's knowledge. The bill involves moving the Legislature from Juneau to Anclorage. See story, page A-3.

## Alcohol

Continued from page A-1

alcohol the night they died.

The latest version of the bill was introduced last year by Rep. Bill Williams, D-Saxman. The House passed House Bill 28 on Thursday without opposition, sending it to the Senate.

The bill would also require that liquor establishments post two signs in prominent places. One sign would warn that the use of either alcohol or cigarettes during pregnancy can cause birth defects. The second sign would warn of the potential penalties of furnishing alcohol to a minor.

Jeanne Henry of Ketchikan, who has battled hard for the measure, said she was pleased with the action.

"I am very very pleased that it got

through and I am hoping that it will quickly go through the Senate," Henry said.

"It's a big step in the right direction," she added.

Henry's son, Joshua Smith, and Michael N. Nygard, both 17, were killed in a motorcycle accident on North Tongass Highway New Year's Eve several years ago. Both minors were intoxicated.

If passed, the law would take effect July 1, 1994.

House Bill 195, approved Friday, would allow youths who have committed a minor offense, such as shoplifting, to choose to go before a court of their peers instead of a regular juvenile court.

The consent of parents and juvenile authorities would be required.

Anchorage has had a youth court since 1989 and it has been considered a success, said Rep. Joe Sifton, D-Fairbanks and the bill's prime sponsor.

Students who would serve as volunteer judges, jurors and attorneys would undergo training and have to pass a youth court bar exam. Legal advisers

would be available to help the students prepare for trial.

The legislation makes the youth courts optional for each community, which can tailor the program to its own needs and resources, Sifton said.

The House passed the bill without opposition and referred it to the Senate.

The Ketchikan Daily News contributed to this report.

Jeanneane Henry  
 3812 Baranof  
 Ketchikan, Ak. 99801  
 (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 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

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 D. Henry*  
Jeannene Henry

1-16-94

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