

SB

19

SFIN

FILE

FISCAL NOTES FOR SB 19

*For Joyce
in Sen. Sec. Office*

3-3-93

SB 19

CSSB 19 (JUD)

TO ISSUE FROM SFC

- 1. DOC 365.0
- 2. COURTS 121.1
- 3. DOLAW 0
- 4. DPS 0

- DOC 365.0
- COURTS 121.1
- DOLAW 0
- DPS 0

- DOC ~~54.8~~ *Replaces #1*
- COURTS ~~0~~ *Replaces #2*
- DOLAW ~~0~~ *#3*
- DPS ~~0~~ *#4*
- DOA ~~45.0~~ *New #5*
(OPA)
- DOA ~~0~~ *New #6*
(PDA)

TWO ADDITIONAL NOTES
DID NOT TRAVEL WITH
THE BILL:

- 5. DOA 513.0
(OPA)
- 6. DOA 402.6
(PDA)

= New Notes

SENATE FINANCE COMMITTEE REPORT

DATE: 2/24/93

FURTHER:

DATE TURNED INTO OFFICE: 3-5-93

The Finance Committee considered SENATE BILL NO. 19

"An Act relating to the crime of conspiracy."

and recommends:

- replace with CS 5B19 (FINANCE)
- or adopt previous CS ()
- attaches amendment(s)

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

adopts SFC Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DO Corrections	3-3-93		54.8
Courts	3-3-93	0	
DVA (OPA)	3-3-93		45.0
DVA (POA)	3-3-93	0	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Dept. Law	2-5-93	0	
DPS	1-13-93	0	

Appropriation No Fiscal Note

DO PASS:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

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

F I S C A L N O T E

REQUEST:

Revision Date: 3/3/93 Affected Agency: Corrections
Title: Crime of Conspiracy BRU: Statewide Programs

Sponsor: Sen. Halford Components: 700
Requestor: Senate Finance

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
Personal Services	54,800	56,445	58,140	59,885	61,680	63,530
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	54,800	56,445	58,140	59,885	61,680	63,530

CAPITAL						
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	54,800	56,445	58,140	59,885	61,680	63,530
Federal Fund						
Other						
TOTAL	54,800	56,445	58,140	59,885	61,680	63,530

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 FY 93 impact: 0.0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared By: *Drue Pearce* Date: 3/3/93
 Senator Drue Pearce, Co-chair Phone: 465-4993
 Senate Finance Committee

Prepared By: *Steve Frank* Date: 3/3/93
 Senator Steve Frank, Co-chair Phone: 465-3709
 Senate Finance Committee

Department of Corrections

As the state agency responsible for initiating charges against alleged felons, the Department of Law is the lead agency affected by SB 19. Therefore, the fiscal impact of SB 19 on the Department of Corrections is entirely dependent on the manner in which the Department of Law employs the crime of conspiracy defined in this bill to further felony prosecutions and obtain convictions. Two basic assertions made in the fiscal impact analysis provided by the Department of Law are key:

- a) There will not be a significant increase in the number of cases due to the conspiracy law. Conspiracy charges will improve the chances of successful prosecution, but few of the cases in which conspiracy will be employed cannot be charged under current law.
- b) Defendants charged under the conspiracy law will be more likely to cooperate with the state to try to get a reduced charge, and therefore fewer trials will occur.

The position of the Department of Law argues strongly against a greatly increased incarceration rate within the Department of Corrections. The committee estimate allows for one additional conviction solely dependent on the provisions of SB 19. However, it is recognized that these conspiracy provisions may add to the length of the sentences imposed for other convictions. The cumulative effect of these increased sentences is estimated to be two bed years.

Using the formula provided by the DOC, the total fiscal impact can be represented in the following manner:

$$1095 \text{ bed days per year} \times \$50 \text{ per CRC bed} = \$54,750.00$$

For the purposes of the committee, this figure will be rounded up to \$54,800.00.

The actual impact of the conspiracy statute on the rate of incarceration cannot be known at this time. Therefore, the Senate Finance Committee will be willing to entertain requests for supplemental budget appropriations if it can be shown that the specific provisions of Senate Bill 19 measurably increase the burden placed upon the Department of Corrections.

F I S C A L N O T E

REQUEST:

Revision Date: 3/3/93 Affected Agency: Ak. Court System
Title: Crime of Conspiracy BRU: Trial Courts

Sponsor: Sen. Halford Component: 768
Requestor: Senate Finance

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

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	0.0	0.0	0.0

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

FUNDING: (THOUSANDS OF DOLLARS)


General Fund						
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

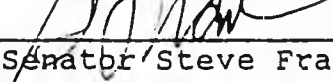
POSITIONS:

Full-Time						
Part-Time						
Temporary						

Estimate of FY 93 impact: 0.0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared By:  Date: 3/3/93
Senator Drue Pearce, Co-chair Phone: 465-4993
Senate Finance Committee

Prepared By:  Date: 3/3/93
Senator Steve Frank, Co-chair Phone: 465-3709
Senate Finance Committee

Court System

As the state agency responsible for initiating charges against alleged felons, the Department of Law is the lead agency affected by SB 19. Therefore, the fiscal impact of SB 19 on the court system is entirely dependent on the manner in which the Department of Law employs the crime of conspiracy defined in this bill to further felony prosecutions. Two basic assertions made in the fiscal impact analysis provided by the Department of Law are key:

- a) There will not be a significant increase in the number of cases due to the conspiracy law. Conspiracy charges will improve the chances of successful prosecution, but few of the cases in which conspiracy will be employed cannot be charged under current law.
- b) Defendants charged under the conspiracy law will be more likely to cooperate with the state to try to get a reduced charge, and therefore fewer trials will occur.

The position of the Department of Law argues strongly against the need for increasing personal services within the court system. However, the actual impact of the conspiracy statute on the caseload of the trial courts and the time required for prosecutions cannot be known at this time. Therefore, the Senate Finance Committee will be willing to entertain requests for supplemental budget appropriations if it can be shown that the specific provisions of Senate Bill 19 measurably increase the burden placed upon the trial court system.

FISCAL NOTE

REQUEST:

Revision Date: 3/9/93 Dept. Affected: Administration
Title: Crime of Conspiracy BRU: Office of Public Advocacy

Sponsor: Sen. Halford Components: Office of Public Advocacy
Requestor: Senate Finance Committee Comp. Ser. #: 43

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

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	\$45,000	\$46,350	\$47,740	\$49,170	\$50,645	\$52,160
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					
TOTAL OPERATING	\$45,000	\$46,350	\$47,740	\$49,170	\$50,645	\$52,160

CAPITAL						
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	\$45,000	\$46,350	\$47,740	\$49,170	\$50,645	\$52,160
Federal Fund	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL	\$45,000	\$46,350	\$47,740	\$49,170	\$50,645	\$52,160

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)

See attachment

Prepared By: Sen. Drue Pearce *Drue Pearce* Date: 3/3/93
Senate Finance Committee Phone: 465-4993

Approved By: Sen. Steve Frank *Steve Frank* Date: 3/3/93
Senate Finance Committee Phone: 465-3709

Department of Administration: Office of Public Advocacy

As the state agency responsible for initiating charges against alleged felons, the Department of Law is the lead agency affected by SB 19. Therefore, the fiscal impact of SB 19 on the Office of Public Advocacy is entirely dependent on the manner in which the Department of Law employs the crime of conspiracy defined in this bill to further felony prosecutions. Two basic assertions made in the fiscal impact analysis provided by the Department of Law are key:

- a) There will not be a significant increase in the number of cases due to the conspiracy law. Conspiracy charges will improve the chances of successful prosecution, but few of the cases in which conspiracy will be employed cannot be charged under current law.
- b) Defendants charged under the conspiracy law will be more likely to cooperate with the state to try to get a reduced charge, and therefore fewer trials will occur.

The nature of the conspiracy statute may alter individual defense strategies and increase the number of cases referred to the OPA by the Public Defender Agency. However, the position of the Department of Law argues strongly against the need for increasing the personal services requirements of the Office of Public Advocacy. The request for additional equipment and supplies is thus also denied.

The committee estimate allows for approximately three additional OPA cases this fiscal year directly dependent on the effect of SB 19. These cases can be handled through contractual services at the average rate of \$15,000 per case.

The actual impact of the conspiracy statute on the caseload of the Office of Public Advocacy cannot be known at this time. Therefore, the Senate Finance Committee will be willing to entertain requests for supplemental budget appropriations if it can be shown that the specific provisions of Senate Bill 19 measurably increase the burden placed upon the Office of Public Advocacy.

F I S C A L N O T E

REQUEST:

Revision Date: 3/3/93 Dept. Affected: Administration
Title: Crime of Conspiracy BRU: Public Defender

Sponsor: Sen. Halford Components: Public Defender
Requestor: Senate Finance Committee Comp. Ser. #: 1631

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	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	0.0	0.0	0.0	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 FY 93 impact: \$0.0
ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

See attachment

Prepared By: Sen. Drue Pearce *Drue Pearce* Date: 3/3/93
Division: Senate Finance Committee Phone: 465-4993

Approved By: *[Signature]*
Agency: Steve Frank, Co-chair Date: 3/3/93
Senate Finance Committee 465-3709

Department of Administration: Public Defender Agency

As the state agency responsible for initiating charges against alleged felons, the Department of Law is the lead agency affected by SB 19. Therefore, the fiscal impact of SB 19 on the Public Defender Agency is entirely dependent on the manner in which the Department of Law employs the crime of conspiracy defined in this bill to further felony prosecutions. Two basic assertions made in the fiscal impact analysis provided by the Department of Law are key:

- a) There will not be a significant increase in the number of cases due to the conspiracy law. Conspiracy charges will improve the chances of successful prosecution, but few of the cases in which conspiracy will be employed cannot be charged under current law.
- b) Defendants charged under the conspiracy law will be more likely to cooperate with the state to try to get a reduced charge, and therefore fewer trials will occur.

The position of the Department of Law argues strongly against the need for increasing the personal services requirements of the Public Defender Agency. The request for additional travel, contractual services, equipment, and supplies is thus also denied.

The actual impact of the conspiracy statute on the number of cases handled by the Public Defender Agency and the time required to defend them cannot be known at this time. Therefore, the Senate Finance Committee will be willing to entertain requests for supplemental budget appropriations if it can be shown that the specific provisions of Senate Bill 19 measurably increase the burden placed upon the Public Defender Agency.

FISCAL NOTE

No. 4

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SB 19
(S) Publish Date: 2-24-93

Revision Date: _____ Dept. Affected: Public Safety
 Title: An act relating to the crime BFIU: Alaska State Troopers
of conspiracy Component: Criminal Investigation Bureau
 Sponsor: Senator Halford
 Requestor: Senator Halford COMPONENT SERIAL NO. 830

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-

Changes in CSSB 19 (FIN) have no fiscal impact. This fiscal note is appropriate.
3-5-93 YMV
 date Comte Aide(initial)

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.

Changes in CSSB 19 (JVD) have no fiscal impact. This fiscal note is appropriate.
2/22 KRL
 date Comte Aide (initial)

Prepared By: Francis C. Allan Phone: 759-5691
 Division: Alaska State Troopers Date: 1/11/93
 Approved by Commissioner: *Richard I. Burton* Date: 1/13/93
 Agency: Richard I. Burton Dept. of Public Safety

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For f

Office

Fiscal Notes

FISCAL NOTE

No. 3

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SB 19

(S) Publish Date: 2-24-93

Revision Date: February 5, 1993

Title: "An Act relating to the crime of Conspiracy."

Department Affected: Department of Law

BRU: Prosecution

Component: All

Sponsor: Senator Halford

Requestor: Senator Halford

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						
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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-

Changes in CSSB 19 (FIN) have no fiscal impact. This fiscal note is appropriate.
3-5-93 date MM Comte Aide (initial)

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

Changes in CSSB 19 (JUD) have no fiscal impact. This fiscal note is appropriate.
2/22 date KRL Comte Aide (initial)

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

Phone: 465-3672
 Date: February 5, 1993

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

Date: February 5, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 19

ANALYSIS (Continued):

This bill creates a crime of conspiracy when two or more people agree to commit a criminal offense and one of them does some act in furtherance of the agreement. The bill extends the application of the conspiracy law to offenses against a person under AS 11.41, punishable as unclassified or class A felonies, and to offenses involving controlled substance, under AS 11.71, punishable as unclassified, class A, or class B felonies.

The Department of Law believes there will not be a significant increase in the number of cases due to the conspiracy law. Current law permits prosecution of those who directly commit crimes, as well as those who are accomplices (AS 11.16). Because our present accomplice law allows us to prosecute people who aid and abet a criminal, it is unlikely that the conspiracy law (which requires proof of an agreement to commit the crime) will result in significantly more cases being prosecuted. Instead, the crime of conspiracy will be added as another count in a case that would have been prosecuted anyway.

In those cases that cannot be charged under current law, the crime of conspiracy will permit some additional cases to be prosecuted and some fiscal impact could result, although there may be offsetting cost savings.

The major effect of the conspiracy law is to permit the introduction of additional evidence in a trial. Thus the jury is permitted to hear, for example, more evidence about the overall drug operation, rather than being limited to evidence about specific drug sales on specific dates. The jury does not therefore view those sales in isolation, but is allowed to see the "big picture", and the state's case is made stronger. We believe that defendants charged under the conspiracy law will cooperate with the state to try to get a reduced charge, and therefore fewer trials will occur. Another potential cost-savings is that multiple defendants charged with conspiracy will be able to be tried in a joint trial, rather than separate trials as is usually the practice now. Naturally the effects of any new law cannot be predicted with precise certainty. However, conspiracy laws and stiff drug penalties are nothing new in the rest of the country.

3-3-93
Adopted by
SFC
for CSSB 19

Letter of Intent

It is the intent of the Senate Finance Committee that law enforcement techniques employed in investigations of criminal conspiracy as defined in Senate Bill 19 should be consistent with the protections against police entrapment under AS 11.81.450.

Phoned in
11:10am kb

SENATE FINANCE
COMMITTEE

Amendment Number: 1
Bill Number: CSSB 19 (Jud)
Sponsor: Rieger Date: 3/2/93
Logged In By: BR

8-LS0246E.1
Luckhaupt
3/3/93

A M E N D M E N T

OFFERED IN THE SENATE
TO: ~~CSB~~ 19(JUD)

BY SENATOR RIEGER

Page 2, line 3 through "(2)" on line 6 :

Delete all material.

Page 2, line 8:

Delete "(A)"

Insert "(1)"

Page 2, following line 9:

Insert:

"(2) belonging to a class of persons who by definition are legally incapable in an individual capacity of committing the crime that is the object of the conspiracy;"

Page 2, line 10:

Delete "(B)"

Insert "(3)"

Page 2, line 12:

Delete "(C)"

Insert "(4)"

**CS FOR SENATE BILL NO. 19(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION**

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS HALFORD, Phillips

A BILL

FOR AN ACT ENTITLED

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

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

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

4 Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime of
5 conspiracy if, with the intent to promote or facilitate a serious felony offense, the
6 offender agrees with one or more persons to engage in or cause the performance of
7 that activity and the offender or one of the persons does an overt act in furtherance of
8 the conspiracy. In this section, "overt act in furtherance of the conspiracy" means an
9 act of such character that it manifests a purpose on the part of the actor that the object
10 of the conspiracy be completed.

11 (b) If an offender commits the crime of conspiracy and knows that a person
12 with whom the offender conspires to commit a serious felony offense has conspired
13 or will conspire with another person or persons to commit the same serious felony
14 offense, the offender is guilty of conspiring with that other person or persons to

1 commit that crime whether or not the offender knows their identities.

2 (c) In a prosecution under this section, it is not a defense that a person with
3 whom the defendant conspires could not be guilty of the crime that is the object of the
4 conspiracy because of

5 (1) lack of criminal responsibility or other legal incapacity or
6 exemption;

7 (2) belonging to a class of persons who by definition are legally
8 incapable in an individual capacity of committing the crime that is the object of the
9 conspiracy;

10 (3) unawareness of the criminal nature of the conduct in question or of
11 the criminal purpose of the defendant; or

12 (4) any other factor precluding the culpable mental state required for
13 the commission of the crime.

14 (d) If the offense that the conspiracy is intended to promote or facilitate is
15 actually committed, a defendant may not be convicted of conspiring to commit that
16 offense with another person for whose conduct the defendant is not legally accountable
17 under AS 11.16.120(b).

18 (e) In a prosecution under this section, it is an affirmative defense that the
19 defendant, under circumstances manifesting a voluntary and complete renunciation of
20 the defendant's criminal intent, either (1) gave timely warning to law enforcement
21 authorities; or (2) otherwise made proper effort that prevented the commission of the
22 crime that was the object of the conspiracy. Renunciation by one conspirator does not
23 affect the liability of another conspirator who does not join in the renunciation.

24 (f) Conspiracy is

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

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

29 (3) a class B felony if the object of the conspiracy is a crime
30 punishable as a class A felony;

31 (4) a class C felony if the object of the conspiracy is a crime

1 punishable as a class B felony.

2 (g) In this section, "serious felony offense" means an offense

3 (1) against the person under AS 11.41, punishable as an unclassified
4 or class A felony; or

5 (2) involving controlled substances under AS 11.71, punishable as an
6 unclassified, class A, or class B felony.

7 * Sec. 2. AS 11.31.140(a) is amended to read:

8 (a) It is not a defense to a prosecution under AS 11.31.100 - 11.31.120 [AS
9 11.31.100 OR AS 11.31.110] that the crime the defendant attempted to commit,
10 solicited to commit, or conspired to commit [THAT IS THE OBJECT OF THE
11 ATTEMPT OR SOLICITATION] was actually committed pursuant to the attempt,
12 solicitation, or conspiracy [OR SOLICITATION].

13 * Sec. 3. AS 11.31.140(b) is amended to read:

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

17 * Sec. 4. AS 11.31.140(d) is amended to read:

18 (d) This section does not bar inclusion of multiple counts in a single
19 indictment or information charging commission of a crime defined by AS 11.31.100 -
20 11.31.120 [AS 11.31.100 OR 11.31.110] and commission of the crime that is the
21 object of the attempt, conspiracy, or solicitation.

22 * Sec. 5. AS 12.55.125(b) is amended to read:

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

4/16/93
FIN

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill No. CSSB 19(FIN) AM

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the crime of BRU: Trial Courts
conspiracy Components: _____
 Sponsor: Halford/Porter
 Requestor: _____ COMPONENT SERIAL NO.

000 000	000 768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	121.1	121.1	121.1	121.1	121.1	121.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	121.1	121.1	121.1	121.1	121.1	121.1

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	121.1	121.1	121.1	121.1	121.1	121.1
FEDERAL FUNDS						
OTHER						
TOTAL	121.1	121.1	121.1	121.1	121.1	121.1

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	3.0	3.0	3.0	3.0	3.0	3.0
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Division: Alaska Court System Date: 01/22/93

Approved by: Arthur H. Snowden, II, Administrative Director *AHS*
 Agency: Alaska Court System Date: 01/22/93

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

SB19

Alaska Court System

Fiscal Analysis
CSSB 19(FIN) AM

<u>Personal Services</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge Anchorage, 12 months	\$24,150	\$16,841	\$40,991
Pro Tem Superior Court Judge Fairbanks, 6 months	12,251	8,439	20,690
Pro Tem Superior Court Judge Juneau, 6 months	12,075	8,420	20,495
In-Court Clerk, Anchorage	27,108	11,816	<u>38,924</u>
			<u><u>\$121,100</u></u>

Alaska Court System

Fiscal Analysis

CSSB 19(FIN) AM

This bill creates a new crime of conspiracy to promote or facilitate a serious felony. Its purpose is to create a crime under which persons not presently prosecutable can be prosecuted.

The Department of Law has not estimated the number of prosecutions which will result from this legislation. When similar legislation was considered in 1987, the department projected a need for two additional attorneys, a paralegal, and a secretary, indicating a potentially large caseload. OPA has estimated that it will defend 25 co-defendants charged as a result of this legislation, in addition to those co-defendants represented by the Public Defender. Most of these co-defendants will be entitled to separate trials. Experience in other states and at the federal level demonstrates that conspiracy cases generally require extensive pre-trial motion work, and are more likely to go to trial than other felony cases.

FISCAL NOTE

9/1/93

**STATE OF ALASKA
1993 LEGISLATIVE SESSION**

BILL NO: CSSB 19(FIN)

(FD) FIN

Revision Date: 3/31/93 Dept. Affected: Public Safety
 Title: "An act relating to the crime of conspiracy" BRU: Alaska State Troopers
 Sponsor: Senator Halford Component: Detachments
 Requestor: House Finance 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-

5319

FUNDING: (Thousands of Dollars)

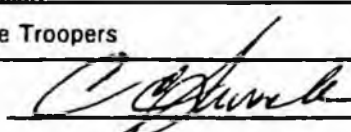
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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 is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 3/24/93
 Approved by Commissioner:  Date: 3/31/93
 Agency: Richard L. Burton, Dept. of Public Safety

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withdrawn

SENATE FINANCE
COMMITTEE

Amendment Number: 1
Bill Number: CSSB 19 (Jud)
Sponsor: Rieger Date: 3/2/93
Logged In By: BRM

8-LS0246E.1
Luckhaupt
3/3/93

A M E N D M E N T

OFFERED IN THE SENATE
TO: ~~CSSB~~ B 19(JUD)

BY SENATOR RIEGER

Page 2, line 3 through "(2)" on line 6 :
Delete all material.

Page 2, line 8:
Delete "(A)"
Insert "(1)"

Page 2, following line 9:
Insert:
"(2) belonging to a class of persons who by definition are legally incapable in an individual capacity of committing the crime that is the object of the conspiracy;"

Page 2, line 10:
Delete "(B)"
Insert "(3)"

Page 2, line 12:
Delete "(C)"
Insert "(4)"

SENATE FINANCE
COMMITTEE

Amendment Number: 2
Bill Number: CSSB 19 (Jud)
Sponsor: Rieger Date: 3/3/93
Logged In By: RN

8-LS0246E.2
Luckhaupt
3/3/93

A M E N D M E N T

OFFERED IN THE SENATE
TO: CSSB 19(JUD)

BY SENATOR RIEGER

Page 2, line 21, following "prevented":

Insert ", or attempted to preven:",

Page 2, line 23, following "renunciation.":

Insert "This subsection does not preclude a court from receiving evidence that a defendant otherwise voluntarily and completely renounced the defendant's criminal intent to participate in the conspiracy or was removed from or removed oneself from the conspiracy."

FISCAL NOTE

No. 1

**STATE OF ALASKA
1993 LEGISLATIVE SESSION**

Bill Version: SB 19

(S) Publish Date: 2-24-93

Revision Date: February 11, 1992 Dept. Affected: Corrections
 Title: "An Act relating to the crime of conspiracy." BRU: Statewide Programs
 Sponsor: Senator Halford Component: _____
 Requestor: _____ COMPONENT SERIAL NO. 700

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	365.0	365.0	365.0	365.0	365.0	365.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	365.0	365.0	365.0	365.0	365.0	365.0

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

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

FUNDING:

(Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF	365.0	365.0	365.0	365.0	365.0	365.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	365.0	365.0	365.0	365.0	365.0	365.0

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 Analysis.

Changes in CSB 19 (JVD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.
2/23 KRL
 date Comte Aide (initial)

Prepared by: Dana LaTour, Special Assistant Phone: 465-3376
 Division: Office of the Commissioner Date: 02-11-93
 Approved by Commissioner: Lloyd G. Rupp, Commissioner Date: 02-11-93
 Agency: Department of Corrections

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FISCAL NOTE

SB 19: "An Act relating to the crime of conspiracy."

Page 2

Data on the number of cases and average sentences for conspiracy convictions is not available to the Department of Corrections since this has not been a crime in Alaska in the past. However, based on information obtained last session from the Department of Law, Criminal Division, it appears likely that the conspiracy statute would enable more effective prosecution of drug crimes in particular. Since conspiracies to commit murder, or kidnapping rarely occur, the impact on the Department is unpredictable.

The Department of Law predicts that the conspiracy law will facilitate more effective prosecution of cases involving multiple defendants and may encourage defendants to cooperate with the State to get reduced charges. The result will be more offenders sentenced for drug charges, rather than increasing sentence length.

According to 1992 booking statistics, there were 203 offenders incarcerated whose most serious charges were unclassified (10), class A (10) and class B (183) Misconduct Involving a Controlled Substance (MICS) offenses.

If this bill results in a ten percent increase in convictions for drug offenses about 20 additional cases will be added each year. Since 90% of the relevant MICS offense are class B felonies, the mean sentence length for a MICS B felony is used to calculate additional bed days. Mean sentence length is 20.1 months. Subtracting one-third of the sentence for statutory good time results in time served of slightly over one year. Twenty additional offenders serving one additional year would result in 7300 additional bed-days per year.

Because populations within correctional facilities are already exceeding emergency caps, it is assumed that these offenders will either be placed in Community Residential Center (CRC) beds, or that other offenders in the correctional centers will be displaced and moved to CRC beds. The daily cost of placement is \$50.

The calculation used in computing the cost is:

7300 beds days per year x \$50 per CRC bed = \$365,000.

Fiscal Note

SB 19: "An Act relating to the crime of conspiracy."

Page 3

The estimated costs are based on CRC beds since it is not possible to predict when the increases in incarceration would actually require adding more prison beds to the system. Cost of placement in a correctional center is approximately \$100 per day.

The current prison beds are full. The Department's master plan indicates a need to build between 500- 700 additional beds by 1996 if other measures to reduce inmate population are not addressed.

If this bill results in any substantial increase in convictions and prison sentences for offenses other than the 10% increase in drug offenses described above, or if sufficient prisoners cannot be diverted to community residential centers contract beds, then the effect of this bill may be to add increasing pressure on the already overcrowded correctional facilities.

FISCAL NOTE

No. 2

STATE OF ALASKA
1993 LEGISLATIVE SESSION

B

Bill Version: SB 19
(S) Publish Date: 2-24-93

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the crime of BRU: Trial Courts
conspiracy Components: _____
 Sponsor: Halford
 Requestor: Halford COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	121.1	121.1	121.1	121.1	121.1	121.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	121.1	121.1	121.1	121.1	121.1	121.1

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	121.1	121.1	121.1	121.1	121.1	121.1
1003 GF MATCH						
1004 GF						
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	121.1	121.1	121.1	121.1	121.1	121.1

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	3.0	3.0	3.0	3.0	3.0	3.0
TEMPORARY						

Estimate of current year (FY 93) impact: None

Changes in CSSB 19 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary)

See attached

2/23 KRL
date Comte Aide (initial)

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Division: Alaska Court System Date: 02/04/93

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System Date: 02/04/93

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

Alaska Court System

Fiscal Analysis

SB 19

This bill creates a new crime of conspiracy to promote or facilitate a heinous offense. Its purpose is to create a crime under which persons not presently prosecutable can be prosecuted.

The Department of Law has not estimated the number of prosecutions which will result from this legislation. When similar legislation was considered in 1987, the department projected a need for two additional attorneys, a paralegal, and a secretary, indicating a potentially large caseload. OPA has estimated that it will defend 25 co-defendants charged as a result of this legislation, in addition to those co-defendants represented by the Public Defender. Most of these co-defendants will be entitled to separate trials. Experience in other states and at the federal level demonstrates that conspiracy cases generally require extensive pre-trial motion work, and are more likely to go to trial than other felony cases.

Alaska Court System

Fiscal Analysis

SB 19

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge Anchorage, 12 months	\$24,150	\$16,841	\$40,991
Pro Tem Superior Court Judge Fairbanks, 6 months	12,251	8,439	20,690
Pro Tem Superior Court Judge Juneau, 6 months	12,075	8,420	20,495
In-Court Clerk, Anchorage	27,108	11,816	<u>38,924</u>
			<u>\$121,100</u>

FISCAL NOTE

No. 3

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SB 19

(S) Publish Date: 2-24-93

Revision Date: February 5, 1993

Title: "An Act relating to the crime of Conspiracy."

Department Affected: Department of Law

BRU: Prosecution

Component: All

Sponsor: Senator Halford

Requestor: Senator Halford

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:						
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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-

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
Richard I. Peques, Director

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

Richard I. Peques / KRL

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law

Changes in CSSB 19 (JOB)

have no fiscal impact. This fiscal note is appropriate.

2/22
date

KRL
Comte Aide (initial)

Phone: 465-3672

Date: February 5, 1993

Date: February 5, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 19

ANALYSIS (Continued):

This bill creates a crime of conspiracy when two or more people agree to commit a criminal offense and one of them does some act in furtherance of the agreement. The bill extends the application of the conspiracy law to offenses against a person under AS 11.41, punishable as unclassified or class A felonies, and to offenses involving controlled substance, under AS 11.71, punishable as unclassified, class A, or class B felonies.

The Department of Law believes there will not be a significant increase in the number of cases due to the conspiracy law. Current law permits prosecution of those who directly commit crimes, as well as those who are accomplices (AS 11.16). Because our present accomplice law allows us to prosecute people who aid and abet a criminal, it is unlikely that the conspiracy law (which requires proof of an agreement to commit the crime) will result in significantly more cases being prosecuted. Instead, the crime of conspiracy will be added as another count in a case that would have been prosecuted anyway.

In those cases that cannot be charged under current law, the crime of conspiracy will permit some additional cases to be prosecuted and some fiscal impact could result, although there may be offsetting cost savings.

The major effect of the conspiracy law is to permit the introduction of additional evidence in a trial. Thus the jury is permitted to hear, for example, more evidence about the overall drug operation, rather than being limited to evidence about specific drug sales on specific dates. The jury does not therefore view those sales in isolation, but is allowed to see the "big picture", and the state's case is made stronger. We believe that defendants charged under the conspiracy law will cooperate with the state to try to get a reduced charge, and therefore fewer trials will occur. Another potential cost-savings is that multiple defendants charged with conspiracy will be able to be tried in a joint trial, rather than separate trials as is usually the practice now. Naturally the effects of any new law cannot be predicted with precise certainty. However, conspiracy laws and stiff drug penalties are nothing new in the rest of the country.

FISCAL NOTE

No. 4

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SB 19
(S) Publish Date: 2-24-93

Revision Date: _____ Dept. Affected: Public Safety
 Title: An act relating to the crime BRU: Alaska State Troopers
of conspiracy Component: Criminal Investigation Bureau
 Sponsor: Senator Halford
 Requestor: Senator Halford COMPONENT SERIAL NO. 830

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.

Changes in CSSB 19 (JVD) have no fiscal impact. This fiscal note is appropriate.
2/22 KRL
 date Comte Aide (initial)

Prepared By: Francis C. Allan Phone: 769-5291
 Division: Alaska State Troopers Date: 1/11/93
 Approved by Commissioner: [Signature] Date: 1/13/93
 Agency: Richard L. Burton, Dept. of Public Safety

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Fiscal Notes



ALASKA STATE LEGISLATURE

Senator Rick Halford

President of the Senate

While in Session:
State Capitol
Juneau, AK 99801-1182
907-465-4958

While in Interim:
P.O. Box 670190
Chugiak, AK 99567
907-694-4958

MEMORANDUM

TO: Senator Drue Pearce, Co-Chairman
Senate Finance Committee

FROM: Senator Rick Halford
President of the Senate *Rick Halford*

DATE: February 26, 1993

SUBJECT: Sponsor Statement -- SB 19, "An Act relating to the crime of conspiracy."

Organized crime is a serious problem in Alaska and one that is becoming increasingly worse. These professional criminal organizations are difficult to prosecute or eliminate because of the separation their leadership maintains from the crimes that subordinate members of the organization routinely commit. In order to circumvent this organizational defense mechanism, the federal government defined the crime of conspiracy some time ago and now Alaska is the only state that has not passed a similar law.

It is important that Alaska enact a conspiracy statute to provide our state and local law enforcement agencies with this valuable tool for prosecuting criminal organizations, especially drug rings.

Senate Bill 19 defines the crime of conspiracy to mean agreeing with one or more people either to commit a crime or to promote, facilitate, or cause a crime to happen if one or more of the people involved in the agreement commits an overt act to further the conspiracy. This will allow law enforcement officials to arrest and prosecute individuals before they personally attempt a crime and also without their direct participation in a crime that has already occurred. The conspiracy to commit a crime is classified one level below the class of the crime which the offender conspired to commit.

Senate Bill 19 will significantly increase the efficiency and effectiveness of the criminal justice system. Its passage will improve our position in the war against drugs by enabling the prosecution of entire drug networks, rather than merely street-level pushers. Thank you for your consideration of this legislation.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 5, 1993

SUBJECT: Sectional Summary of SB 19 (Work Order No. 8-LS0246A)

TO: Senator Rick Halford
Attn: John

FROM: Jerry Luckhaupt *JL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill creates AS 11.31.120, the crime of conspiracy. That section would make it a crime for a person

- (1) with the intent to promote or facilitate a serious felony offense;
- (2) to agree with one or more other persons to engage in or cause that serious felony offense; and
- (3) an overt act in furtherance of the conspiracy is performed by one of the persons involved in the conspiracy.

This section clarifies criminal liability for certain situations, provides affirmative defenses that may be raised by the defendant, and defines "serious felony offense." Conspiracy is punishable as an unclassified, class A, class B or class C felony depending on the classification of the crime that was the object of the conspiracy.

Section 2 of the bill amends AS 11.31.140(a) to provide that it is not a defense to prosecution for conspiracy that the crime the defendant conspired to commit was actually committed.

Section 3 of the bill amends AS 11.31.140(b) to provide only one conviction for conspiracy, attempt, or solicitation is permitted for conduct that was designed to commit the same crime.

Section 4 of the bill amends AS 11.31.140(d) permits a prosecutor to charge both conspiracy to commit an offense and commission of the underlying offense.

Legal Services - Sectional

Senator Rick Halford

February 5, 1993

Page 2

Section 5 of the bill amends AS 12.25.125(b) to provide that a person convicted of conspiracy to commit murder in the first degree shall be sentenced to a definite term of imprisonment of not less than five years and not more than 99 years.

GPL:pl

93-065.plm

FRANK H. MURKOWSKI
ALASKA

COMMITTEES:

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

5B19
United States Senate

WASHINGTON, DC 20510-0202
(202) 224-6665

February 28, 1991

222 WEST 7TH AVENUE, BOX 1
ANCHORAGE, AK 99513-7570
(907) 271-3735

101 12TH AVENUE, BOX 7
FAIRBANKS, AK 99701-6278
(907) 456-0233

P.O. BOX 21847
JUNEAU, AK 99802-1847
(907) 586-7400

130 TRADING BAY ROAD, SUITE 350
KENAI, AK 99611-7718
(907) 283-5808

109 MAIN STREET
KETCHIKAN, AK 99901-6489
(907) 225-6880

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

Dear Senator Halford: *RH*

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

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

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

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

Sincerely,

FR
Frank H. Murkowski
United States Senator

supporting documents



U. S. Department of Justice

United States Attorney

District of Alaska at Anchorage

JB:19


February 18, 1992

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

FTS-868-5071
Commercial: (907) 271-5071
Fax Number: (907) 271-3223

The Honorable Rick Halford
State Senate
Alaska State Legislature

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

Dear Mr. ~~Halford~~ 

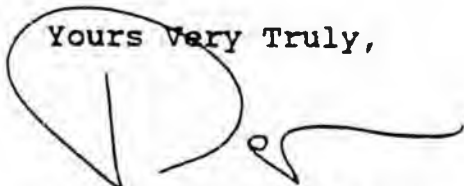
It is important that the Legislature enact conspiracy laws to address violent crime, drugs, guns and fraud. This is an area of criminal law that has been neglected by the State for too long. Organized crime in Alaska must be adequately addressed.

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

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

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

Best Wishes.

Yours Very Truly,


WEVLEY WILLIAM SHEA
United States Attorney

WW .kjm
Enclosure
cc: Chuck Farmer, Coordinator
Law Enforcement Coordinating Committee

rick - you know as well as I the
importance of this legislation!!
THANKS, WEV

FBI National Academy Associates

Alaska Chapter



February 16, 1993

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

Dear Senator Halford:

The Alaska Chapter of the FBI National Academy Associates is once again supporting Senate Bill 19 (An Act relating to the Crime of Conspiracy).

Alaska's criminal justice system will be enhanced with passage of this bill. Law enforcement in Alaska requires legislation which offers the ability through the judicial system to prosecute those individuals or groups involved with the crime of conspiracy.

I have spoken with Chief O'Leary from the Anchorage Police Department and he "absolutely" supports and concurs with this legislation.

We strongly support your efforts toward passage of SB 19.

Sincerely,
Timothy W. Foster

Timothy W. Foster
President

TWF/ljc

Post-It™ brand fax transmittal memo 7671 # of pages > 1

To: <i>John Suggard</i>	From: <i>Tim Foster</i>
Dept.:	Co.:
Ext.:	Phone #:
Fax #:	Fax #:

FANCAA
Officers &
Executive Board

President
Tim Foster, 150th
Anchorage Int'l Airport
Safety, P.O. Box 190629
Anchorage, Alaska 99519-0629
266-2408

Secretary
Shirley Wagner, 164th
Anchorage Police
Department,
4501 S. Hagev St.
Anchorage, Alaska
99507-1899
786-6568

John Murphy, 150th, Past President
Paul Gilson, 139th, VP, South Central
Mike Corhill, 149th, VP, Northern
Skip Galle, 143rd, VP, Southern

Alaska Association Chiefs of Police



February 4, 1993

Senator Rick Halford
Alaska State Capitol
Room 111
Juneau, AK 99801-1182

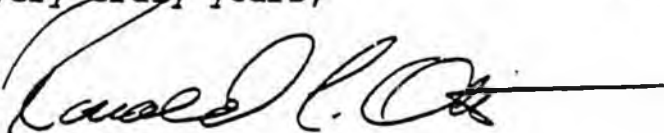
Dear Senator Halford:

On behalf of the Alaska Association of Chiefs of Police I would like to express our support for Senate Bill 19. For several years Alaskan law enforcement has been united in its request to the legislature for a Statute dealing with the Crime of Conspiracy.

There have been many serious felony crimes committed over the years that may well not have occurred if law enforcement had been able to pursue the offenders utilizing a Conspiracy Statute. Limiting conspiracy to serious felony offenses only is a sensible approach that should alleviate some past concerns.

If we can be of any assistance in the passage of your bill please let me know.

Very truly yours,


Ronald L. Otte
President

RLO/lp

THE VOICE OF THE TIMES

Without a headline, a major cocaine ring is cracked

WILLIAM J. TOBIN

Early on a frigid Saturday morning 2 1/2 weeks ago, federal agents — with state law enforcement agencies participating — led one of the biggest drug busts in Anchorage history.

You didn't read anything about it in the paper.

Not a word was published about the busts on three hangouts where 10 accused crack cocaine dealers were arrested.

There was nothing printed about a federal grand jury indictment that charged 11 men and five women — the 10 who were arrested that Saturday morning and six others — with a whole series of federal offenses ranging from conspiracy, drug trafficking, the use of firearms as part of drug trafficking activities, operating crack cocaine presses, the preparation of false birth certificates and raft of other illegal activities.

U.S. Attorney Wevley W. Shea promptly made available to the news media details of Jan. 23 raids and copies of the 32-page indictment. The arrests and charges, for reasons unknown, simply were ignored — regarded as a non-event.

Also ignored was the U.S. attorney's report of the arrests and charges that was carried to the office of Gov. Walter J. Burke, with copies to Alaska Atty. Gen. Arlie Cole and to state Public Safety Commissioner Richard L. Burton. The report, pointing out the success of the federal law enforcement action, received Shea's long-standing recommendation for enactment of the conspiracy laws, which he views as an essential tool against organized crime in Alaska.

For being such an apparent non-event, the Jan. 23 raids were part of a massive crime

breakdown.

Consider:

• The operation was led by the Federal Bureau of Alcohol, Tobacco & Firearms, involving more than a dozen agents brought to Anchorage aboard a Washington State National Guard transport.

• Agents of the Federal Bureau of Investigation, the Drug Enforcement Administration, the U.S. Marshal Service, the U.S. Customs Service and the Internal Revenue Service were involved.

• State agencies represented in the busts were the Alaska State Troopers, the



Tobin



tional Guard, the Alaska Department of Public Safety and the Alaska State Crime Lab.

• And, of course, officers of the Anchorage Police Department were very much a part of the crackdown.

In days since the raids, two others of the accused drug dealers have been arrested — raising to 12 the number of those taken into custody. Of those, nine are still in jail and three have been released on bail. The remaining four are fugitives — subjects of an on-going search that presumably extends well beyond Alaska.

Meanwhile, the indictment gives a clue as to how widespread this particular crack cocaine operation was in Anchorage. According to the federal charges, this gang operated from or ran so-called crack houses — fortified with a small arsenal of semi-automatic weapons — at 11 locations:

- 9360 Campbell Terrace
- 1315 Hyder St.
- 7601 Little Bend Circle
- 4203 Diamond Blvd., No. B
- 227 E. 12th Ave., No. 1
- 227 E. 12th Ave., No. 2
- 1027 Nelchina, No. 5
- 937 E. 10th, No. 3
- 45340 E. 24th, No. 73
- 9332 Gen. Patrot

In addition, for six weeks last November and December, the indictment charges, the gang rented a room at a hotel in the railroad area and used it as yet another place to make crack cocaine or to cut pure cocaine into diluted packages to increase the volume available for street sales.

In setting up the crack houses, the indictment charges, the "premises would be fortified, including the keeping of firearms, and a means of conducting crack cocaine sales established, such as creating a pass-through slot in a door so that customers would exchange money for drugs without gaining entry."

They were sophisticated operations, federal agents said, and included the use of a communications system that involved electronic pagers and at least one cellular telephone.

During one three-month period, July to September last year, one of these pagers received more than 2,000 calls, federal agents said.

John Bobb, resident agent in charge of the Bureau of Alcohol, Tobacco and Firearms in Anchorage, said the January raids and arrests were the culmination of an investigation that began in 1991.

Both he and Shea hailed the success of what they called a "coordinated takedown" of a major drug ring that had been supplying crack cocaine throughout the Anchorage area.

The arrests, Shea said, "dealt a major blow to the trafficking of crack cocaine in Alaska."

At the same time, however, he warned that Anchorage and Alaska are not immune to crack cocaine — which some think is just a problem facing the inner cities of America's big metropolitan centers.

"It is available in Anchorage," he said, and "it is cheap, it is addictive." And, as this January crackdown makes clear, it is part of a real and ugly underworld in Anchorage.

It is an underworld under attack by a host of men and women in law enforcement agencies in Anchorage — including the FBI, the BATF, the DEA, Customs, IRS, the U.S. Marshal's office, the Troopers, the Anchorage police. They're out there on the front line, in a grimy and dangerous environment.

And their work, in this case, at least, doesn't merit a headline, even on an inside page.

OPINION

TAKING A STAND

Without conspiracy laws Alaska easy target for organized crime

Alaska is unique. Approximately 40 percent of our population resides in the Anchorage area. Much of Alaska's remaining population is isolated. This isolation and lack of a transportation infrastructure places a substantial burden on state and local law enforcement.

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

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

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

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



Wevley William Shea

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

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

***NIGERIAN HEROIN CONSPIRACY**

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

***MUSLIM CRIPS CRACK COCAINE CONSPIRACY**

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

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

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

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

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

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

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

Wevley William Shea is U.S. Attorney for the District of Alaska. Opinions expressed in Taking a Stand do not necessarily reflect the editorial position of The Anchorage Times.

5819

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 19

Revision Date: _____

Title: "An Act relating to the crime of conspiracy."

Sponsor: Senators Halford and Phillips

Requestor: Senate Judiciary

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	118.9	122.5	126.2	130.0	133.9	137.9
TRAVEL						
CONTRACTUAL	381.1	392.5	404.3	416.4	428.9	441.8
SUPPLIES	2.0	2.1	2.2	2.3	2.4	2.5
EQUIPMENT	11.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	513.0	517.1	532.7	548.7	565.2	582.2

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

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

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF	513.0	517.1	532.7	548.7	565.2	582.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	513.0	517.1	532.7	548.7	565.2	582.2

POSITIONS:

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

Estimate of current year (FY93) impact: None

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

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

Phone: 274-1684
 Date: 01/20/93

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 2/9/93

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CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 19

The bill creates the new offense of conspiracy whose prosecution will have a dramatic fiscal impact on the Office of Public Advocacy (OPA). The following analysis will deal solely with the fiscal ramifications of the adoption of the individual sections of the proposed bill.

The creation of a new crime of "conspiracy" will make two or more people involved in a homicide, kidnapping, or felony drug offense prosecutable for this separate crime. The purpose of the bill is to create another crime under which persons supposedly not currently prosecutable can be prosecuted. Further, and most importantly from the fiscal perspective of this agency, these new defendants will be tried together in a single trial. Such charges will inevitably give rise to conflicts of interest among defendants which mandate the legal representation of each defendant by a separate attorney or agency.

The Office of Public Advocacy is responsible for providing representation for those with whom the Alaska Public Defender Agency has a conflict of interest. The great majority of defendants prosecuted under conspiracy laws will be found by the court to be indigent and qualified for Public Defender and OPA services. By definition, because the statute is designed to prosecute two or more people, the Office of Public Advocacy will be responsible for providing representation to one or more alleged co-conspirators in the great majority of the cases prosecuted under this new section. For example, if the Alaska Public Defender Agency is appointed to represent defendant number one in a conspiracy case, OPA will be appointed to provide representation, probably by a staff attorney, to defendant number two, and through contract counsel, to all other co-defendants in a particular case.

Cases filed under conspiracy statutes on the federal level and in other states routinely involve substantial attorney time, particularly for the preparation of pretrial motions. Due to the fact that the Department of Law investigation activity will probably focus on urban areas, the Office of Public Advocacy is requesting one experienced attorney and a legal secretary in Anchorage to handle representation of clients charged under the bill. Because the staff attorney can represent but one co-defendant in a given case, the Office of Public Advocacy must contract with private counsel for the representation of all other co-defendants determined to be indigent by the court.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 19

It is anticipated that the complexity of this litigation will dictate high contract costs, which are estimated at \$15,000 per defendant. The Department of Law has not estimated the number of prosecutions it will initiate during FY 94 or subsequent years under the new conspiracy statute. The projected \$375,000 in contract costs is thus based on the assumption that the Office of Public Advocacy will only be responsible for 25 co-defendants charged under these statutes for which it cannot provide staff representation during the coming fiscal year.

It should be noted that conspiracy prosecutions are far more expensive to defend than to prosecute. The nature of the allegation means that two, and usually more, defendants -- each represented by separate counsel -- will be prosecuted by one or two Assistant District Attorneys. For example, in a typical conspiracy prosecution, the Department of Law and the Public Defender Agency will each be paying for one attorney, while the Office of Public Advocacy will be responsible for providing counsel to all of the remaining co-defendants.

Position Title Attorney IV		No. of Positions 1	Range / Step 24/A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage-EBA		Election District 8
TYPE OF EXPENDITURE		Amount	Justification The Anchorage Office of Public Advocacy presently has three attorney positions devoted to criminal defense. These attorneys are also handling several major cases outside of the Anchorage area as staff coverage and travel is more cost effective than contracting major cases to private attorneys in rural areas. Current caseloads indicate that these three attorneys cannot absorb the additional cases which would result from this legislation. It is necessary that an additional attorney be added to the Anchorage staff to cover the resultant increased caseload.	
Salary		61.0		
Benefits		21.5		
Premium Pay				
Other				
Total Personal Services		82.5		
Travel				
Contractual		3.4		
Commodities		1.0		
Equipment		3.6		
Other				
Total Cost		90.5		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
C.F. Match	1003			
General Fund	1004	90.5		
IA Receipts	1007			
CIP Receipts	1061			
Other				

**Request For
New Position**

AGENCY Administration
 BRU Office of Public Advocacy
 COMPONENT Office of Public Advocacy

FY 94

Page 4 of 5
 Revised Date: _____

Position Title Legal Secretary I		No. of Positions 1	Range / Step 10/A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage-EBA		Election District 8
TYPE OF EXPENDITURE		Amount		
Salary		24.8		
Benefits		11.6		
Premium Pay				
Other				
Total Personal Services		36.4		
Travel				
Contractual (Office Space)		2.7		
Commodities		1.0		
Equipment		7.4		
Other				
Total Cost		47.5		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.E. Match 1003				
General Fund 1004		47.5		
FA Receipts 1007				
CIP Receipts 1061				
Other				
<p>Justification</p> <p>The Anchorage Office of Public Advocacy has three legal secretary positions providing clerical support to 14 professional positions and the Volunteer Guardian Ad Litem Program. The addition of an attorney with a full case-load necessitates the addition of another secretary. The clerical workload generated by an additional attorney cannot be absorbed by the current clerical staff.</p>				

**Request For
New Position**

AGENCY Administration

BRI Office of Public Advocacy

COMPONENT Office of Public Advocacy

FY 94

Page 5 of 5

Revised Date: _____

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 19

Revision Date: _____

Department Affected: Administration

Title: "An Act relating to the crime of conspiracy."

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Senator Halford

Requestor: _____

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	347.6	358.0	368.7	379.8	391.2	402.9
TRAVEL	15.0	15.5	16.0	16.5	17.0	17.5
CONTRACTUAL	30.0	31.0	32.0	33.0	34.0	35.0
SUPPLIES	4.0	4.1	4.2	4.3	4.4	4.5
EQUIPMENT	6.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	402.6	408.6	420.9	433.6	446.6	459.9

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

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

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF	402.6	408.6	420.9	433.6	446.6	459.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	402.6	408.6	420.9	433.6	446.6	459.9

POSITIONS:

FULL-TIME	6.0	6.0	6.0	6.0	6.0	6.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 279-7541
 Date: January 15, 1993

Approved by Commissioner: Nancy Bear Usera
 Agency: Administration

Date: 2/9/93

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Position Title Attorney IV		No. of Positions 2	Range / Step 24/A	Barg. Unit PX	
Time Status PFT	Staff Months 24.0	Location EBA - Fairbanks		Election District 20-7	
TYPE OF EXPENDITURE		AMOUNT			
Salary	131,092.0	Justification These senior felony attorneys will be stationed, one in Anchorage and one in Fairbanks. The Anchorage attorney will represent clients in the First and Third Judicial Districts while the Fairbanks attorney will cover the Second and Fourth Judicial Districts.			
Benefits	43,985.0				
Premium Pay					
Other					
Total Personal Services	175,077.0				175,077.0
Travel					10,000.0
Contractual					19,000.0
Commodities					2,000.0
Equipment					3,000.0
Other					209,077.0
Total Cost		0.0			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	209,077.0			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/LEG93/17/02028a.kp/2

Request For New Position

AGENCY ADMINISTRATION

BRU PUBLIC DEFENDER AGENCY

COMPONENT PUBLIC DEFENDER AGENCY

FY 94

Page 2 of 4
Revised Date: _____

Position title Investigator II		No. of Positions 2	Range / Step 16/A	Barg. Unit CGU			
Time Status 1'FT	Staff Months 24/0	Location EBA - Fairbanks		Election District 21-7			
TYPE OF EXPENDITURE		AMOUNT					
Salary	74,340.0	Justification These investigators will be based in Anchorage and Fairbanks but will provide services throughout the entire state.					
Benefits	30,218.0						
Premium Pay							
Other							
Total Personal Services	104,558.0				104,558.0		
Travel					5,000.0		
Contractual					7,000.0		
Commodities					1,000.0		
Equipment					1,500.0		
Other							
Total Cost					119,058.0		
FUNDING SOURCE FOR TOTAL COST							
Federal Receipts	1002						
G.F. Match	1003						
General Fund	1004	119,058.0					
I-A Receipts	1007						
CIP Receipts	1061						
Other							

8/LEG93/17/02028a.kp/3

Request For New Position

AGENCY ADMINISTRATION

BRU PUBLIC DEFENDER AGENCY

COMPONENT PUBLIC DEFENDER AGENCY

FY 94

Page 3 of 4
Revised Date: _____

Position Title Clerk/Typist III		No. of Positions 2	Range / Step 8/A	Barg. Unit GGU
Time Status PFT	Staff Months 24.0	Location EBA - Fairbanks		Election District 7-20
TYPE OF EXPENDITURE		AMOUNT	Justification These two support staff positions will be based in Anchorage and Fairbanks.	
Salary	44,868.0			
Benefits	21,977.0			
Premium Pay				
Other				
Total Personal Services	66,845.0	66,845.0		
Travel		0.0		
Contractual		4,000.0		
Commodities		1,000.0		
Equipment		1,500.0		
Other				
Total Cost		73,345.0		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts				
G.F. Match				
General Fund 1000		73,345.0		
I-A Receipts 1007				
CIP Receipts 1061				
Other				

8/LEG93/17/02028a.kp/4

Request For New Position

AGENCY ADMINISTRATION

BRU PUBLIC DEFENDER AGENCY

COMPONENT PUBLIC DEFENDER AGENCY

FY 94

Page 4 of 4
Revised Date: _____

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/11/93

FURTHER: FINANCE

Date of 5-Day Notice: 2-4-93
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-23-93

JUDICIARY Committee considered SENATE BILL NO. 19

"An Act relating to the crime of conspiracy."

and a majority of the committee recommends it be replaced with

and recommends:

replace with _____ CS SB 19 (JUD)

attaches amendment(s) **and do pass**

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

*2 FN
2 P/FN*

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

Department	Date	Zero	Fiscal
Corrections	2-11-93		365.
Court System	2-04-93		121.
Law	2-05-93	<input checked="" type="checkbox"/>	
Public Safety	1-13-93	<input checked="" type="checkbox"/>	

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Rich Halford Halvard
George H. Jacko

OTHER RECOMMENDATIONS:

Do Pass with Amendment Jane Dwyer
Do Pass w/ Amendment Suzanne Rittle

Richard Taylor Do Pass
Chair: Signature and Recommendation