

**SB**

**319**

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

*gms*

DATE: 2/14/94

FURTHER: Finance

Date of 5-Day Notice: 2/17/94  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/23/94

HESS Committee considered SB 319

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

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )
- attaches amendment(s)
- adopts \_\_\_\_\_ Letter of Intent
- further referral to the \_\_\_\_\_

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

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

**FISCAL NOTE INFORMATION**

Department	Date	Zero	Fiscal
Public Safety	2/22/94	✓	
HSS	2/22/94	✓	

Department	Date	Zero	Fiscal

- Appropriation No Fiscal Note
- Governor's Bill with Previous Fiscal Notes (enter information above)

**DO PASS:**

*Steven A. Lujan*  
*Andrés B. Salo*  
*[Signature]*  
*[Signature]*

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Alan Rios* Do Pass

Chair: Signature and Recommendation

# Alaska State Legislature

*During Interim:*  
3111 C Street, Suite 150  
Anchorage, AK 99503-3925  
(907) 561-2038  
Fax (907) 561-4194



*During Session*  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-4993  
Fax (907) 465-3872

**Senator Drue Pearce**  
District F

## Sponsor Statement

Senate Bill 319 takes the idea of "Drug-Free School Zones" and expands it to include the areas around "recreation and youth centers." This includes buildings, structures, playgrounds and athletic playing fields. The legislation stiffens the penalties on people who possess drugs where children go to play.

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

Under SB-319, if a person is caught with drugs within 500 feet of a recreation or youth center, they will be charged with either misconduct involving a controlled substance in the third degree or the fourth degree, depending on the nature of the drug. Both of these are felony charges. Current statutes provide for only misconduct involving a controlled substance in the fourth degree or fifth degree (a misdemeanor). The proposed penalties are the same as current statutes for "Drug-Free School Zones."

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

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SB319

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act relating to possession of controlled BRU: Alcohol & Drug Abuse  
substance within 500 ft of recreation & Youth Center Component: Administration  
 Sponsor: Senator's Pearce, Kelly & Lincoln  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 302

**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	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
<b>TOTAL OPERATING</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>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGES IN REVENUES</b>	0	0	0	0	0	0
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**FUND SOURCE**

(Thousands of Dollars)

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

**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 (FY94) cost \$ \_\_\_\_\_

**ANALYSIS:** (Attach a separate page if necessary)  
 This Bill has no fiscal impact upon the Department of Health and Social Services

Prepared by: Suzanne Perry  
 Division: Alcoholism and Drug Abuse  
 Approved by Commissioner: Margaret R. Lowe  
 Agency: Department of Health & Social Services

Phone: 465-2071  
 Date: 02/18/94  
 Date: 2-22-94

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# 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 22, 1994

**SUBJECT:** Sectional Summary of SB 319  
(Work Order No 8-LS1736/A)

**TO:** Senator Drue Pearce .  
Attn: Ken Erickson

**FROM:** Jerry Luckhaupt *JEL*  
Legislative Counsel

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

As a preliminary matter, please note that a sectional 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 amends AS 11.71.030(a)(3)<sup>1/</sup> by providing that it is illegal to possess any amount of a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center.<sup>2/</sup>

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

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<sup>1/</sup> AS 11.71.030 is misconduct involving controlled substance in the third degree, a class B felony, which is punishable as provided in AS 12.55.125(d)(imprisonment) and 12.55.035(fine).

<sup>2/</sup> Schedule IA and IIA controlled substances are identified at AS 11.71.140 and 11.71.150, respectively.

Senator Drue Pearce  
February 22, 1994  
Page 2

**Section 3 of the bill** amends AS 11.71.040(a)(4)<sup>3/</sup> to make it illegal to possess a schedule IIIA, IVA, VA, VIA controlled substance at or within 500 feet of a recreation or youth center.<sup>4/</sup>

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

**Section 5 of the bill** provides a definition of "recreation or youth center."

**Section 6 of the bill** amends AS 28.01.010(d) by providing a new paragraph (2) that allows municipalities to post "drug-free recreation or youth center zone" signs.

GPL:gc  
94-148.glc

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<sup>3/</sup> AS 11.71.040 is misconduct involving controlled substances in the fourth degree, a class C felony, which is punishable as provided in AS 12.55.125(e)(imprisonment) and 12.55.035(fine).

<sup>4/</sup> Schedule IIA, IVA, VA, and VIA controlled substances are identified at AS 11.71.160, 11.71.170, 11.71.180, and 11.71.190, respectively.



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

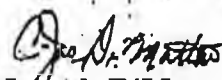
February 22, 1994

Senator Drue Pearce  
Senate  
State Capitol, Room 508  
Juneau, AK 99801-1182

Dear Senator Pearce:

This letter is in support of S.B. 319. It seems logical to me that any area where young people gather we have a responsibility as a community to protect them as much as possible. This bill sends that kind of message. It also gives the police the authority to take action if these violations occur. Substance use and abuse have been on the decline for the past few years, however when it comes to young people that's still the area where most problems are occurring. So anything that can continue to assist this problem from rising again we should support. These areas where young people gather are most vulnerable for this kind of activity. We have to let the young people know that we are working in their best interest. I am very grateful for this legislation it proves to me that you and your colleagues are very concerned about the teenagers of our communities. Prevention is the only hope we have for the future. Best of luck with this bill.

Sincerely,



Joseph DiMatteo  
Executive Director

/JDM



Tom Fink, Mayor

# ANCHORAGE POLICE DEPARTMENT

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



Service since 1921

2/22/94

Senator Drue W. Pearce  
 Alaska State Legislature  
 State Capitol (MS 3100)  
 Juneau, Alaska 99801-1182

Dear Senator Pearce:

I have received a copy of proposed legislation, Senate Bill 319, which widens the scope of areas designated as drug-free zones. As you may already know, the areas around recreation and youth centers are indeed fertile ground for those who promote and sell drugs to our children. The fact that buildings, playgrounds and athletic fields have been included in the bill enhances the effectiveness of this important legislation.

The Anchorage Police Department, in cooperation with the School District, does its very best to protect our youth from drugs by education, counseling, and by vigilance in and near schools. However, it is time to attack the drug problem on as many fronts as possible. We enthusiastically support SB 319 and its goals to eradicate drugs from any area where children may be present, and to severely punish those who would possess, use, promote or sell controlled substances near our children.

Sincerely,

*Duane S. Udland*  
 Duane S. Udland  
 Deputy Chief of Police

~~RECEIVED~~ CORRECTED

Post-It™ brand fax transmittal memo 7871 # of pages 1

To <i>Senator Drue Pearce</i>	From <i>Chief O'Leary</i>
Co. <i>(Ken Erickson)</i>	Co. <i>APP</i>
Dept.	Phone # <i>786-8590</i>
Fax # <i>765-8872</i>	Fax # <i>786-7638</i>

*Alaska Recreation and Park Association*

PO Box 102664  
Anchorage, Alaska 99510-2664

February 17, 1994

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

Rep. Nordlund:

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

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

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

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

Sincerely,



William J. Musson, President  
Alaska Recreation and Park Association

cc: ARPA Board of Directors

# Municipality of Anchorage



PARKS AND RECREATION

P O BOX 196650  
ANCHORAGE, ALASKA 99519-6650

TOM FINK  
MAYOR

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

Letter of Support for House Bill No 337

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

Sincerely,

A handwritten signature in cursive script that reads "Sharon Perrin". The signature is written in dark ink and is positioned above the printed name and title.

Sharon Perrin, Director  
Spenard Community Recreation Center

# ANCHORAGE POLICE DEPARTMENT EMPLOYEES ASSOCIATION

4501 South Bragaw Street

Anchorage, Alaska 99507-1599



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

February 3, 1994

Dear Representative Nordlund:

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Heun". The signature is fluid and cursive.

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

## Survey of State Attorneys General Shows Encouraging Signs

Recently, the National Coalition for Drug-Free School Zones conducted a national survey of state Attorneys General to determine which states have Drug-Free School Zone (DFSZ) legislation and to discover new innovations in the area of Drug and Weapon-Free School Zone legislation. The survey questioned whether:

- Each state has a DFSZ law in effect or pending before its legislation.
- There has been a legal challenge to that DFSZ law.
- The legislation has been amended.
- A Weapon-Free School Zone (WFSZ) law is in effect, pending, or proposed.

Of the forty-five states which responded to the survey:

- Forty have DFSZ laws in effect.
- Sixteen have amended their DFSZ legislation, enhancing the penalties for drug offenses or designating specific places (such as public housing facilities) as Drug-Free Zones.
- Twelve states have enacted WFSZ legislation
- Seven states have a WFSZ provision pending before the state legislature.

Currently, Drug and Weapon-Free School Zone legislation is pending before the Texas and Nebraska state legislature.

The states of North Dakota, Ohio, and West Virginia do not have DFSZ or WFSZ legislation enacted or proposed.

In Nevada, legislation has been enacted which extends the boundaries of a Drug-Free Zone to encompass a 1,000 foot area surrounding playgrounds, public swimming pools, recreational centers for youths, and college campuses. This amendment poses an additional penalty for violations occurring within 1,000 feet of a school bus stop, one hour before school begins and one hour after school ends during scheduled school days. The legislation also designates the 1,000 foot area surrounding a video arcade as a Drug-Free Zone.

The Coalition supports the position taken in Nevada because these provisions recognize that any area in which children congregate should be protected from drug offenders. The Nevada legislature has also passed a provision prohibiting the possession of dangerous weapons on the property of the University of Nevada system, as well as public or private schools, and within vehicles of a public or private school.

New Jersey, which has been a leader in the Drug-Free School Zone initiative,

has amended its legislation clarifying that in a case involving DFSZs: the fact that no juveniles were present or that school was not in session at the time of the offense, is not an adequate defense. The state successfully defended a legal challenge to its DFSZ law in which the court upholds the law which finds the 1,000 foot distance provision in the statute not vague or over-broad. A bill establishing Weapon-Free Zones is pending before the State of New Jersey Senate and General Assembly. This bill, if passed, will make it a crime to knowingly possess a dangerous weapon "in or upon any part of the buildings or grounds of any school, college, university, or other educational institutions...irrespective of the fact that the offender possesses a valid permit to carry the firearm."

Utah's DFSZ legislation has been amended to include shopping malls, public parks, churches, recreation centers, video arcades, parking lots, and stadiums. The statute also includes increased penalties for offenses involving persons under 18, regardless of where the offense occurs.

An amendment extends to Wisconsin's DFSZ law to include public parks, pools, youth and

**NATIONAL COALITION FOR DRUG-FREE SCHOOL ZONES  
NATIONAL SURVEY RESULTS**

STATE	DFZ	DFZ PENDING	LEGAL CHALLENGE	AMENDED	WFZ	WFZ PENDING
AL	.			.		
AK	.					
AZ	.			.		.
AR	.					
CA	.					
CO	.					.
CT	.			.	.	
DE	.					
DC	.					
FL	.					
GA	.					
HI	.					
ID	.					.
IL	.			.	.	
IN	.					
IA	.		.	.		
KS	.				.	
KY	.					
LA	.				.	
ME	.					
MD	.		.			
MA	.		.			
MI	.			.		
MN	.			.	.	
ME	.					
MO	.		.			
MT	.					
NE	.	.				.
NV	.			.	.	
NH	.					
NJ	.		.	.		.
NM	.					
NY	.			.	.	
NC	.				.	
ND	.				.	
OH	.					
OK	.					
OR	.			.		
PA	.					
RI	.			.		
SC	.			.		
SD	.					
TN	(no response)					
TX	.	.				.
UT	.			.	.	
VT	.				.	
VA	.		.	.	.	
WA	.					.
WV	.					
WI	.			.	.	
WY	.					

community centers, and school buses. This amendment also contains a provision enabling officials to increase the maximum term of imprisonment prescribed by law by five years. However, Wisconsin's WFZ law is restricted to areas designated as a "school zone."

Connecticut has added a provision which extends the DFZ law to include public housing projects and has

enacted a WFSZ law. This is similar to the Minnesota DFSZ legislation which provides for increased penalties for drug and weapon offenses which occur within a school zone, public housing zone or park zone.

The NCDFSZ is encouraged by the developments in the Drug-Free School Zone initiative, especially those provisions including public housing

projects, recreational centers and parks. Hamish Park, Coalition Program Director, anticipates that more states will expand their Drug-Free Zone legislation to include additional public places. The Coalition is currently compiling Weapon-Free Zone legislation in order to provide a model for those states wishing to enact WFSZ laws. ♦

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO: SB 319

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Drug Free Recreation and Youth Centers BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: SENATOR PEARCE  
 Requestor: SENATOR PEARCE 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>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
Revenue Code						

**FUNDING: (Thousands of Dollars)**

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

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary.)**  
 No fiscal impact anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322  
 Division: Commissioner's Office Date: 2/22/94  
 Approved by Commissioner: *[Signature]* Date: 2-22-94  
 Agency: Richard J. Burton Dept. of Public Safety

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