

HB

337

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

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

Alaska State Legislature
House of Representatives



DISTRICT 11:
SAND LAKE
SPENARD
TAKU-CAMPBELL

Representative Jim Nordlund

MEMORANDUM

TO: Senator Robin Taylor, Chairman
Senate Judiciary Committee

FROM: Representative Jim Nordlund

RE: HB 337 - Drug Free Recreation and Youth Centers

DATE: April 29, 1994

I would greatly appreciate it if you could schedule a Judiciary Committee hearing on House Bill 337 as soon as possible. HB 337 adds to the statutes regarding drug-free zones for schools by establishing recreation and youth centers as Drug-Free Zones. The legislation stiffens the penalties for people who possess drugs where children go to play. This includes buildings, structures, playgrounds and athletic playing fields.

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. This legislation would give law enforcement officials an additional weapon in the war against drugs. This bill also has the support of Parks and Recreation officials from Petersburg to Kenai.

Roxanne Rohweder of my staff has prepared the enclosed back-up information. Please contact her if you need any additional material. Thank you for your consideration of this request.

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DISTRICT 11:
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TAKU-CAMPBELL.

Representative Jim Nordlund

SPONSOR STATEMENT

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

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

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

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

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SECTIONAL ANALYSIS

CSHB 337 (H.E.S.S.)

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

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: CSHB 337(HES)

Revision Date: 03/09/94 Dept. Affected: Public Safety
 Title: Drug Free Recreation and Youth Centers BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: BEP NORHLUND
 Requestor: H. JUD 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES () <small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

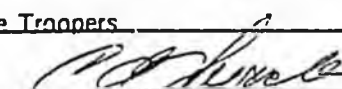
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared By: Francis C. Allan Phone: (907) 269-5691
 Division: Alaska State Troopers Date: 03/09/94
 Approved by Commissioner:  Date: 03/09/94
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

Work Draft

BILL NO. CSHB 337 ()

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Dated 1/25/94

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

Department Affected: Department of Law
 BRU: Prosecution
 Component: All
 COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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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-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 27, 1994
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law Date: January 27, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

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

ANALYSIS CONTINUATION:

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

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 337

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

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

(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

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2147
 Division: Office of the Commissioner Date: 2/8/94
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 2/8/94
 Agency: Department of Corrections

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

Assumptions

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



Tom Fink, Mayor

ANCHORAGE POLICE DEPARTMENT

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



Service since 1921

1/18/94

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

Dear Representative Nordlund:

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

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

Sincerely,

Kevin M. O'Leary
Chief of Police



ALASKA COUNCIL ON

PREVENTION

OF ALCOHOL AND DRUG ABUSE, INC.

Founded 1982

February 14, 1994

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

Dear Representative Nordlund:

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

Sincerely,

Joseph DiMatteo
Executive Director

/JDM



March 21, 1994

155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

Eighteenth Alaska State Legislature

Subject: House Bill No. 337

On March 12, 1994, the Juneau Parks and Recreation Advisory Committee moved to send this letter in support of HB337.

This bill will treat recreation and youth centers the same as drug free school zones, with respect to the possession of controlled substances within 500 feet of the facility or park.

The Parks and Recreation Advisory Committee has an ongoing commitment to the health and safety of Juneau's youth. Incorporating recreation and youth facilities within drug-free zones will, we believe, act as an additional deterrent to drug-related activities and provide an additional means of prosecution for offenders.

Thank you for your efforts on behalf of our youth.

Sincerely,

Randy Crewse, Chair
Juneau Parks and Recreation Advisory Committee
155 South Seward Street
Juneau, AK 99801

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. BOX 196650
ANCHORAGE, ALASKA 99519-6650

TOM FINK
MAYOR

Representative Jim Nordlund
Alaska State Capitol
Juneau, AK 99801
February 22, 1994

As a Recreational Specialist and youth coach of the Spenard Recreation Center, I am completely supportive of House Bill No. 337. Setting up such a zone for our center will create the safe haven needed within the area. Hopefully the zone will prevent any problems with controlled substances here in our community and communities across the state.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sheryl R. Cohen", followed by a long horizontal flourish.

Sheryl R. Cohen, Recreation Specialist/Coach
Spenard Recreation Center

Municipality of Anchorage



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

TOM FINK
MAYOR

DEPARTMENT OF CULTURAL AND RECREATIONAL SERVICES

February 21, 1994

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

Dear Representative Nordlund:

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

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

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

Sincerely,

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

Connie Jones, Director
Cultural and Recreational Services

CRJ/cs

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 Spennard 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 Spennard 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 typed name.

Sharon Perrin, Director
Spennard 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

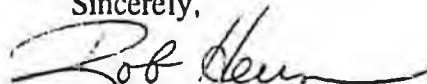
Dear Representative Nordlund:

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.

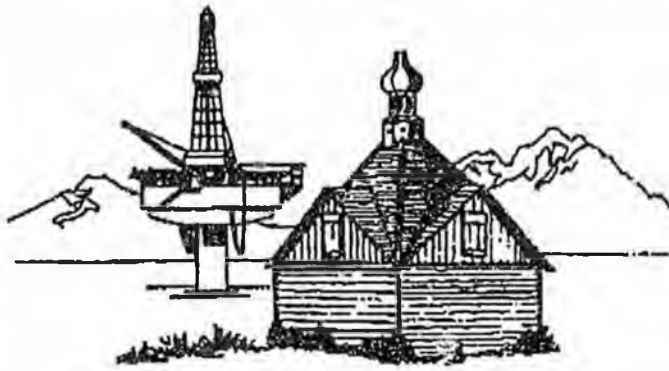
Recognizing that the expanded wording in this statute is the first step toward aggressive, proactive enforcement, the A.P.D.E.A. encourages all legislators to support HB 337. This will send a clear message throughout the state's criminal justice system that this legislature means business by targeting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

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

Sincerely,



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



1791 - 1991
CITY OF KENAI
"Oil Capital of Alaska"

210 FIDALGO KENAI, ALASKA 99511
 TELEPHONE 283-7635
 FAX 907-283-3014

March 3rd, 1994

The Kenai Recreation Center and Teen Center are a location where a large number of adults and teens come together to participate in various recreational activities.

While inside the building individuals are carefully supervised by staff, but once outside of the building, and just off the grounds, supervision is much more difficult. It is this area, outside of the facility, where individuals possessing or selling drugs would most likely be found.

The Staff at the Kenai Recreational Center and Teen Center strongly support House Bill 337, because we feel that it will give our local Police Department added incentive to closely monitor the area outside of our facility. We also believe that the drug-free recreation and youth center zone signs will communicate our staff's commitment to providing a safe drug-free environment for all individuals who use our facility.

Sincerely,

Julie Niederhauser

Julie Niederhauser

Asst. Supervisor of Teen Center

Kay M. Gilligan
 Director - Parks & Recreation

POSITION PAPER - Department of Public Safety

BILL NO: HB 337

DATE: January 24, 1994

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


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

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

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

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

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


Richard L. Burton
Commissioner