

HB

472

schd 2/20/96

REPRESENTATIVE CON BUNDE
CO-CHAIR HEALTH, EDUCATION
& SOCIAL SERVICES
VICE-CHAIR RULES

Alaska State Legislature
House of Representatives

DURING SESSION:
STATE CAPITOL, ROOM 108
JUNEAU, ALASKA 99801-1182
1 (907) 465-4843

DURING INTERIM:
716 WEST 4th AVENUE
ANCHORAGE, ALASKA 99501-2133
1 (907) 258-8168

MEMORANDUM

DATE: February 15, 1996
TO: Representative Jeanette James
Chair House State Affairs
FROM: Representative Con Bunde
Co-Chair House HESS
RE: HB 472

This memo is a request to hear HB 472, "An Act relating to release before trial for cases involving controlled substances." in the House State Affairs Committee.

HB 472 revises AS 12.30 by adding a new subsection that will make it more difficult for drug dealers to pay their bail, get out of jail, and quickly return to drug dealing.

I have attached a letter from the Anchorage Police Dept. that will help explain the need for this legislation. If you have any questions or concerns please do not hesitate to contact my office.



*Rick Mjstrom,
Mayor*

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599
Telephone (907) 786-8500



Service since 1921

February 6, 1996

Representative Con Bunde
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Re: "Catch and Release" of Repeat Drug Offenders

Dear Representative Bunde:

The Anchorage Police Department supports a revision of the statutes relating to release conditions for those arrested for the sale, possession, or consumption of controlled substances. Each year, a substantial number of defendants in drug cases are arrested again, even before adjudication of the original offense. Most have ready cash available for bail, and once free, continue their trade in violation of the few additional conditions of release. Some examples include:

- One street corner cocaine dealer was arrested, bailed out, and shortly thereafter, arrested again while selling cocaine just a short distance away from the original arrest.
- Another person operating a crack house was arrested and released after promptly posting bail, only to re-open the business in the same house immediately upon release.
- A third dealer, an obviously pregnant woman, was arrested for selling cocaine to passing motorists. She, too, was arrested again shortly after being released.
- On a larger scale, the National Guard set up surveillance on a group of marijuana dealers after their release on bail. Within one week, the same individuals were seen buying new marijuana growing equipment and other hydroponics supplies from a local greenhouse.

These are not isolated cases; in fact, they are the norm. By virtue of large amounts of unreported income from the sale of drugs, and the comparatively low amounts of bail set on defendants, immediate release is a near-certainty.

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Repeat Drug Offenders
February 6, 1996

The Municipality of Anchorage has a greater share of offenders due to its population density and availability of various contraband. As such, both the Anchorage Police Department and the entire criminal justice system must deal with the same criminals time and again. Also at issue is the safety and concern of the public. When the same dealers are seen selling drugs day after day, even after having been arrested, confidence in our judicial system is surely eroded.

We would therefore encourage you to support amendments to AS 12.30.020 regarding the determination of release conditions for cases involving controlled substances.

Sincerely,

A handwritten signature in cursive script, appearing to read "Duane S. Udland".

Duane S. Udland
Deputy Chief of Police

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 472

Revision Date: _____
 Title: "An Act relating to release before trial for cases involving controlled substances."
 Sponsor: Rep. Bunde
 Requestor: (H) STA

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

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

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 472

Revision Date: _____
 Title: "An Act relating to release before trial for cases involving controlled substances."
 Sponsor: Rep. Bunde
 Requestor: (H) STA

Dept. Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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	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						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

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

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 472

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to release before trial..." BRU: _____
 Component: _____
 Sponsor: Rep. Bunde
 Requester: House State Affairs COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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						
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CHANGE IN REVENUES ()						
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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	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill specifies a list of conditions the court is to consider imposing before pre-trial release in certain cases. No additional defendants are expected to remain in custody as a result of this legislation nor are any additional defendants expected to be returned to jail for violation of conditions imposed.

Prepared by: Jerry Shriner Phone: 465-4652
 Division: Office of the Commissioner Date: 2/18/96
 Approved by Commissioner: Margaret M. Puc Date: 2/18/96
 Agency: Department of Corrections

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 472

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to release before trial for cases BRU: Criminal Division
involving controlled substances." Component: Criminal Division
 Sponsor: Representative Bunde
 Requester: Representative Bunde COMPONENT SERIAL NO. 2085

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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						
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CHANGE IN REVENUES ()						
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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	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill adds a new section to Alaska's release before trial statute, AS 12.30, to provide that a court shall, in considering conditions of release in cases involving controlled substances, consider several specified conditions and impose one or more conditions it considers reasonably necessary to protect the public safety and security. This includes ordering the defendant: (1) not to violate the controlled substance and other laws of the state; (2) to attend or continue to attend controlled substance counseling or treatment; (3) to be subject to a curfew and be in the defendant's residence during certain time periods; (4) not to associate with certain persons; (5) not to possess or use cellular telephones, pagers, or other portable communicative devices; (6) to engage in drug screening at the defendant's expense with results of the screening supplied to the defendant, the court, and the prosecution; or (7) not to be present, or within a designated area near certain locations. The conditions proposed in the bill are very similar to the conditions that, as a matter of departmental policy, state prosecutors already request courts to impose when defendants in cases involving controlled substances are released on bail. Consequently, there will not be a fiscal impact on the Department of Law.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/16/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/16/96
 Agency: Department of Law

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