

**SB**

**46**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/6/95

FURTHER:

DATE TURNED INTO OFFICE: 3-22-95

The Finance Committee considered SENATE BILL NO. 46

Revising the provision of law under which a minor may be charged, prosecuted, and sentenced as an adult in the district court, and adding to the list of offenses for which a minor may be prosecuted as an adult in the district court.

and recommends:

- be replaced with \_\_\_\_\_ CS SB 46 (Fix)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Thi</i>	✓	<i>Donna Denny</i>	✓		
<i>Paul E. Kelly</i>	✓	<i>Paul J. Gaudin</i>	✓		
Co-Chair: <i>[Signature]</i>	✓				
Co-Chair: <i>Rick Halford</i>	✓				

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

DOA (PDA)	3/22/95	0	

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal

#6 Courts	3/3/95		66.9
#17 DOLA	3/3/95	0	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSB 46 (FIN)  
WORK DRAFT 9-LS0155/F

Revision Date: \_\_\_\_\_  
Title: "An Act revising the provision of law under which a minor may be charged...as an adult in the district court..."  
Sponsor: Sen. Taylor  
Requestor: (S) FIN

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

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0

**FUND SOURCE:** (Thousands of Dollars)

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

Estimate of any current year (FY 95) 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 Bover  
Agency: Department of Administration

Date: 3/22/95

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# FISCAL NOTE

N 6  
 Bill Version: SB 46 proposed  
 B (S) Publish Date: 3.6.95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: 03/03/95 Capt. Affected: Alaska Court System  
 Title: Prosecute juvenile as adult in District BRU: Trial Courts  
 Court: \_\_\_\_\_ Components: \_\_\_\_\_  
 Sponsor: Sen. Taylor, Kelly, Pearce  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	64.5	64.5	64.5	64.5	64.5	64.5
TRAVEL						
CONTRACTUAL	0.5	0.5	0.5	0.5	0.5	0.5
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	1.0					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	66.9	65.9	65.9	65.9	65.9	65.9
CAPITAL EXPENDITURE:						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	66.9	65.9	65.9	65.9	65.9	65.9
1005 GF/Program Recalots						
1006 GF/MHTIA						
Other						
TOTAL	66.9	65.9	65.9	65.9	65.9	65.9

POSITIONS

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 284-8228  
 Agency: Alaska Court System Date: 03/03/95

Approved by: Arthur H. Snowden, II, Administrative Director *AHS*  
 Agency: Alaska Court System Date: 03/03/95

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## Alaska Court System

### Fiscal Analysis

#### CSSB 46 (JUD)

At the present time, a minor is charged, prosecuted and sentenced in the district court in the same manner as an adult if the minor is accused of committing certain infractions, violations, or misdemeanors. These include traffic statutes, regulations or ordinances; AS 11.76.105, relating to the possession of tobacco by a minor; fish and game statutes or regulations under AS 16; and parks and recreational facilities statutes or regulations under AS 41.21.

CSSB 46 (JUD) adds certain new misdemeanor offenses to this list. These include AS 04.16.049, relating to access to licensed premises; 04.16.051, relating to furnishing of alcoholic beverages to a minor; AS 04.16.060, relating to alcoholic beverage purchases; and any misdemeanor drug offense defined in AS 11.71 or AS 17.30. CSSB 46 (JUD) also adds a new infraction to this list, AS 04.16.050, relating to possession or consumption of alcohol. This infraction would require a mandatory court appearance.

The practical effect of this legislation is to take a number of juveniles who previously had been dealt with by the juvenile justice system (DFYS and the superior court) and move them to the adult system (district court). Statistics obtained from DFYS indicate that in FY 94, DFYS handled 138 cases involving the additional misdemeanors listed in CSSB 46 (JUD), and 1116 cases involving the infraction of minor consumption. DFYS handled approximately 1173 of those cases without filing a delinquency petition with the superior court. None of the 81 cases referred to superior court resulted in a jury trial. Thus, actual costs to the court system were relatively low. On the other hand, if CSSB 46 (JUD) had been law in FY 94, virtually all 1254 cases would have gone straight to the court system (understand that police officers generally file citations for infractions and misdemeanors directly with the court, not with the municipal prosecutor or the district attorney; thus, prosecutors do not serve a screening function that will keep some of these cases out of court). There would have been judicial costs associated with 138 additional misdemeanor arraignments, approximately 136 sentencing hearings, judicial costs associated with 1116 additional infraction arraignments, clerical costs associated with processing the citations and collecting the fines, and a trial rate of approximately two percent (the rate at which adults go to trial for misdemeanors and infractions) resulting in additional judicial time and juror costs. The misdemeanor trials would have been expected to last one day, and utilize a six member jury. The infraction trials would have been expected to last under one hour and would not have required a jury.

Note that the actual number of charged offenses is likely to increase dramatically as a result of the changes made by CSSB 46 (JUD). It is common for state troopers and municipal police officers to simply take juveniles home with a warning when they are caught committing the specified offenses, rather than refer them to DFYS; while DFYS received 1254 referrals in FY 94 for the listed offenses, the Division of Motor Vehicles was notified by police officers of juvenile alcohol or drug use over 3200 times (this was done for purposes of revoking the minor's driver's license or privilege to obtain a license pursuant to AS 28.15.183). The reason that officers generally do not refer these offenses to DFYS is to avoid overloading DFYS with relatively minor cases when its resources have been strained by the substantial increase in serious juvenile crime. This is likely to change if the officer is empowered to simply write a citation for the juvenile to appear before a magistrate as an adult. This note assumes that the court system will receive 2000 citations for processing which involve cases that were not previously seen by either DFYS or the court system.

Alaska Court System  
Fiscal Analysis  
CSSB 46

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
In-Court Clerk, 12A, Anchorage, PPT, 4 months	\$9,036	\$2,385	\$11,421
Committing Magistrate, range 22A, PPT, Anchorage, 4 months	17,768	4,689	22,457
Court Clerk II, 10A, Anchorage, PFT, 12 months	24,012	11,440	<u>35,452</u>
Total Personal Services			69,330

Offset of judicial time (master and superior court judge) for 81 superior court juvenile cases estimated at one hour each.

(4,849)

Net Personal Services 64,481

This legislation will require over 80 hours of court time for a committing magistrate for arraignments and trials. For purposes of this analysis, this time requirement is offset by a reduction in the time currently used by superior court judges and standing masters for petition review. Most of the new cases will be processed as citations, approximately one clerical position is needed for every 3,000 citations.

Contractual

Jury fees - 3 one-day trials with 6 jurors at \$25 a day 450

Supplies

Offices supplies for processing additional cases 1,000

Equipment

Desk, chair and filing cabinet for permanent full-time position 1,000

Total estimated cost \$66,931

# FISCAL NOTE

No. 7  
 Bill Version: SB 46 proposed JuDam  
 (S) Publish Date: 3.6.95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: 3/3/95 Dept. Affected: Department of Law  
 Title: "...revising the provisions ... under which a minor  
may be charged, prosecuted, and sentenced as an adult ..." BRU: Prosecution  
 Sponsor: Senator Taylor Component: All  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 0085-0090

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

The Senate Judiciary Committee amendment to SB 46 changes the penalty for possession, control, or consumption of an alcoholic beverage by a minor from a class A misdemeanor to a violation. Consequently, the costs shown in the Department of Law fiscal note analysis of 2/24/95 will not be required, because the large majority of misdemeanor cases expected were for the offense of possession, control, or consumption. Although we anticipate an increase in paperwork and forms processing, this increased work does not warrant fiscal note costs. Generally, violations are presented in District Court by arresting officers and the services or prosecutors (or publically paid defenders) are not required.

Prepared by: Richard I. Peques, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 3/3/95  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/3/95  
 Agency: Department of Law

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9-LS0155K✓  
Chenoweth

~~3/22/95~~  
3/22/95  
Adopted  
Planned legal  
for final  
11:00 am

CS FOR SENATE BILL NO. 46( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS TAYLOR, Kelly, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act revising the provision of law under which a minor may be charged,  
 2 prosecuted, and sentenced as an adult in the district court, and adding to the  
 3 list of offenses for which a minor may be prosecuted as an adult in the district  
 4 court; amending the criminal jurisdiction of the district court to provide for the  
 5 disposition of certain offenses relating to possession, control, or consumption of  
 6 alcoholic beverages by a person under 21 years of age and possession of  
 7 tobacco by a person under 19 years of age; allowing a person under age 21  
 8 to be arrested by a peace officer without a warrant for acts relating to illegal  
 9 possession, consumption, or control of alcohol; and amending the penalty  
 10 applicable to persons under 21 years of age who possess, control, or consume  
 11 alcoholic beverages."

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

1 \* Section 1. AS 04.16.050 is amended by adding a new subsection to read:

2 (b) A person who violates (a) of this section is guilty of a violation. Upon  
3 conviction in the district court, the court may impose a fine of not less than \$100.

4 \* Sec. 2. AS 04.16.180(a) is amended to read:

5 (a) Except as provided in AS 04.11.015, AS 04.16.050(b), 04.16.051  
6 [AS 04.16.051], 04.16.200 - 04.16.210, and AS 04.21.065, a person who violates a  
7 provision of this title or a regulation adopted by the board is guilty, upon conviction,  
8 of a class A misdemeanor. Each violation is a separate offense.

9 \* Sec. 3. AS 12.25.030(b) is amended to read:

10 (b) In addition to the authority granted under (a) of this section, a peace officer  
11 without a warrant may arrest a person when the peace officer has reasonable cause for  
12 believing that the person

13 (1) has committed a crime under, or violated conditions imposed as part  
14 of the person's release before trial on misdemeanor charges brought under

15 (A) [(1)] AS 11.41.270 or AS 11.56.740; or

16 (B) [(2)] AS 11.41, AS 11.46.330, or AS 11.61.120, or has  
17 violated an ordinance with elements substantially similar to the elements of a  
18 crime under AS 11.41, AS 11.46.330, or AS 11.61.120, when the victim is a  
19 spouse or former spouse of the person who committed the crime; a parent,  
20 grandparent, child, or grandchild of the person who committed the crime; a  
21 member of the social unit comprised of those living together in the same  
22 dwelling as the person who committed the crime; or another person who is not  
23 a spouse or former spouse of the person who committed the crime but who  
24 previously lived in a spousal relationship with the person who committed the  
25 crime or is in or has been in a dating, courtship, or engagement relationship  
26 with the person who committed the crime; or

27 (2) has violated AS 04.16.050.

28 \* Sec. 4. AS 22.15.060(a) is amended to read:

29 (a) The district court has jurisdiction

30 (1) of the following crimes:

31 (A) a misdemeanor, unless otherwise provided in this chapter;

1 (B) a violation of an ordinance of a political subdivision;

2 (C) a violation of AS 04.16.050 or AS 11.76.105;

3 (2) to provide post-conviction relief under the Alaska Rules of Criminal  
4 Procedure, if the conviction occurred in the district court.

5 \* Sec. 5. AS 47.10.010(b) is amended to read:

6 (b) When a minor is accused of violating a statute specified in this  
7 subsection, other than [A TRAFFIC STATUTE OR REGULATION, A TRAFFIC  
8 ORDINANCE OR REGULATION OF AN INCORPORATED MUNICIPALITY,  
9 AS 11.76.105 RELATING TO THE POSSESSSION OF TOBACCO BY A MINOR,  
10 A FISH AND GAME STATUTE OR REGULATION UNDER AS 16, OR A PARKS  
11 AND RECREATIONAL FACILITIES STATUTE OR REGULATION UNDER  
12 AS 41.21, EXCEPTING] a statute the violation of which is a felony, [THE  
13 PROCEDURE PRESCRIBED IN] AS 47.10.020 - 47.10.090 and the Alaska  
14 Delinquency Rules do not apply and the [MAY NOT BE FOLLOWED, EXCEPT  
15 THAT A PARENT, GUARDIAN, OR LEGAL CUSTODIAN SHALL BE PRESENT  
16 AT ALL PROCEEDINGS. THE] minor accused of the [AN] offense [SPECIFIED IN  
17 THIS SUBSECTION] shall be charged, prosecuted, and sentenced in the district court  
18 in the same manner as an adult. If a minor is charged, prosecuted, and sentenced  
19 for an offense under this subsection, the minor's parent, guardian, or legal  
20 custodian shall be present at all proceedings. The provisions of this subsection  
21 apply when a minor is accused of violating

22 (1) a traffic statute or regulation, or a traffic ordinance or  
23 regulation of a municipality;

24 (2) AS 11.76.105, relating to the possession of tobacco by a person  
25 under 19 years of age;

26 (3) a fish and game statute or regulation under AS 16;

27 (4) a parks and recreational facilities statute or regulation under  
28 AS 41.21;

29 (5) each of the following statutes relating to alcoholic beverages:

30 (A) AS 04.16.049, relating to access to licensed premises;

31 (B) AS 04.16.050, relating to possession or consumption;



Fiscal Notes

SB 46 - PROSECUTE JUVENILE AS ADULT IN DIST. CT.

<u>NO.</u>	<u>Dept.</u>	<u>Date</u>	<u>SB 46</u>	<u>Jud.Amend</u>	<u>CSSB(Fin)</u>
1.	Courts	2/15/95	\$ 28.0		
2.	DOLaw (3rdD)	2/24/95	143.6		
3.	DH&SS (SC)	2/10/95	0	0	
4.	DH&SS (North)	2/10/95	0	0	
5.	DH&SS (SE)	2/10/95	0	0	
6.	Courts	3/03/95		66.9	
7.	DOLaw (All)	3/03/95		0	
New	DOA(PDA)	3/22/95			0
Total			\$171.6	\$66.9	0

SFC  
Updated 3/21/95

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 5 SB 46 and  
Bill Version: JLD proposed sim  
(S) Publish Date: 3.6.95

Revision Date: \_\_\_\_\_  
Title: Revising the Provision of law under which a minor  
may be charged as an adult in district court.  
Sponsor: Senator's Taylor, Kelly and Pearce  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Southeastern Region  
COMPONENT SERIAL NO. 258  
See also (SN#): 254.255

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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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CHANGES 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 (please specify)						
<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						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the division if this bill were to become law unless youth are sentenced to detention for status offenses. Detention time for status offenders is a violation of OJJDP (Office of Juvenile Justice and Delinquency Prevention) criteria and could result in a 25% reduction of the \$600.0 grant from that program.

Prepared by: Kathy Tibbles, Acting Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02/07/95  
Date: 2/10/95

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STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 4 SB 46 and  
Bill Version: JUD proposed am  
(\$ Publish Date: 3.6.95)

Revision Date: \_\_\_\_\_  
Title: Revising the Provision of law under which a minor  
may be charged as an adult in district court.  
Sponsor: Senator's Taylor, Kelly and Pearce  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Northern Region  
COMPONENT SERIAL NO. 255  
See also (SN#): 254,258

Expenditures/Revenues:		(Thousands of Dollars)					
OPERATING	FY96	FY97	FY98	FY99	FY00	FY01	
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

CHANGES IN REVENUES

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1006 GF/MHTIA							
Other (please specify)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS:							
FULL-TIME							
PART-TIME							
TEMPORARY							

Estimate of any current year (FY95) cost: 0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the division if this bill were to become law unless youth are sentenced to detention for status offenses. Detention time for status offenders is a violation of OJJDP (Office of Juvenile Justice and Delinquency Prevention) criteria and could result in a 25% reduction of the \$600.0 grant from that program.

Prepared by: Kathy Tibbles, Acting Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02/07/95  
Date: 2/10/95

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STATE OF ALASKA  
1995 LEGISLATIVE SESSION

to. 3 SB 46 and  
Bill Version: JUD proposed am  
(S) Publish Date: 3.6.95

Revision Date: \_\_\_\_\_  
Title: Revising the Provision of law under which a minor  
may be charged as an adult in district court.  
Sponsor: Senator's Taylor, Kelly and Pearce  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Southcentral Region  
COMPONENT SERIAL NO. 254  
See also (SN#): 255.258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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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CHANGES 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 (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the division if this bill were to become law unless youth are sentenced to detention for status offenses. Detention time for status offenders is a violation of OJJDP (Office of Juvenile Justice and Delinquency Prevention) criteria and could result in a 25% reduction of the \$600.0 grant from that program.



Prepared by: Kathy Tibbles, Acting Director  
Division: Family & Youth Services

Phone: 465-3191  
Date: 02/07/95

Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Date: 2/10/95

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# FISCAL NOTE

10. 2  
 Bill Version: SB 46  
 (S) Publish Date: 3.6.95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "...revising the provision...under which a minor may be charged, prosecuted, and sentenced as an adult..." BRU: Prosecution  
 Sponsor: Senator Taylor Component: Third Judicial District  
 Requester: Governor's Office/OMB COMPONENT SERIAL NO. 0087

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	108.3	108.3	108.3	108.3	108.3	108.3
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	14.6	14.6	14.6	14.6	14.6	14.6
SUPPLIES	5.7	5.7	5.7	5.7	5.7	5.7
EQUIPMENT	15.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>143.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	143.6	128.6	128.6	128.6	128.6	128.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>143.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

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

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

This bill adds to the list of offenses under which a minor may be charged, prosecuted, and sentenced as an adult in the district court. These currently include traffic offenses, possession of tobacco by a minor, fish and game violations, and violations of regulations and statutes prohibiting certain activities in parks and recreational areas. The misdemeanor offenses being added include access to licensed premises, possession or consumption of alcohol, purchase of alcoholic beverages, and all misdemeanor drug offenses.

During FY94, the Division of Family and Youth Services received 1,254 alcohol or drug related referrals involving minors. Nearly all of these referrals (1,173) were handled by DFYS administratively and only 81 resulted in a juvenile court proceeding. Thus, all of the offenses now being handled administratively, and those few being handled in juvenile court, will be filed as misdemeanors in District Court. This will require additional prosecutor time to attend and participate in arraignments, conduct trials, arrange for pleas for those defendants who elect to plead guilty, and to attend sentencing. Consequently, one attorney and one legal

Prepared by: Richard I. Peques, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2/24/95  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/24/95  
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO.

ANALYSIS CONTINUATION:

secretary will be needed in Anchorage to handle the large number of offenses that occur in Southcentral Alaska. Although these cases do not generally take very much time there will be lots of them. The additional secretarial time is needed for scheduling purposes, and due to the volume of paperwork and forms that must be processed because of the large number of cases.

It is also important to point out that substantially more incidents of minor in possession and consumption of alcohol are occurring than are being reported to DFYS. In these cases, the minors are caught in possession, the alcohol is seized, and the minors are returned to their parents or guardians. During the same reporting period, FY94, that the 1,254 juvenile referrals took place, about 3,500 minors had their driver's licenses revoked under the "use it, lose it" provisions of AS 28.15. Because this fiscal note is based on the 1,254 reported cases, the department is very concerned that if enforcement policies change, and a sizeable part of the incidents now going unreported begin being charged as misdemeanors, we could see a doubling of the new cases over the number that we have estimated. In this event, the department would have to request additional resources or be forced to decline unanticipated cases.

02/24/95

15:32:50.2

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 2

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

BRU NAME: PROSECUTION

PCH	UNAUTII PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B S C U	R&S BUDG	MOS	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
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Indictments and overcoming a tougher defense due to the substantially increased penalties.

OTHER COSTS	0.00	
TOTAL COSTS	53503.52	36603.52

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	36603.52
TOTAL FUNDING	36603.52

03/069	ATTORNEY III	F ANCHORAGE		A XE AA 22A 12	53304	0	10385	71689.98
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\*\*\*\* JUSTIFICATION:  
This position will be needed to handle several hundred misdemeanor actions that will occur if alcohol or drug related offenses, now being handled administratively by the Division of Family and Youth Services, are moved to the District court for prosecution by state prosecutors.

TRAVEL COSTS	0.00	
CONTRACTUAL COSTS	8600.00	
SUPPLIES COSTS	3300.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	90089.98	71689.98

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	71689.98
TOTAL FUNDING	71689.98

03/070	LEGAL SECRETARY I	F ANCHORAGE		A GG 2A 10A 12	25140	0	11463	36603.52
--------	-------------------	-------------	--	----------------	-------	---	-------	----------

\*\*\*\* JUSTIFICATION:  
This position will be needed to handle several hundred misdemeanor actions that will occur if alcohol or drug related offenses, now being handled administratively by the Division of Family and Youth Services, are moved to the District court for prosecution by state prosecutors.

TRAVEL COSTS	0.00	
CONTRACTUAL COSTS	6000.00	
SUPPLIES COSTS	2400.00	
EQUIPMENT COSTS	8500.00	
OTHER COSTS	0.00	
TOTAL COSTS	53503.52	36603.52

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	36603.52
TOTAL FUNDING	36603.52

W

# FISCAL NOTE

No. 1  
 Bill Version: SB 46  
 (S) Publish Date: 3-6-95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Prosecute juvenile as adult in District BRU: Trial Courts  
 Court: \_\_\_\_\_ Components: \_\_\_\_\_  
 Sponsor: Sen. Taylor, Kelly, Pearce  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	23.2	23.2	23.2	23.2	23.2	23.2
TRAVEL						
CONTRACTUAL	3.8	3.8	3.8	3.8	3.8	3.8
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	28.0	28.0	28.0	28.0	28.0	28.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>

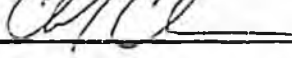
POSITIONS

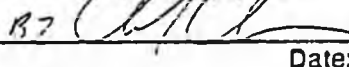
FULL-TIME						
PART-TIME	3.0	3.0	3.0	3.0	3.0	3.0
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228  
 Agency: Alaska Court System Date: 02/15/95

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 02/15/95  
 Agency: Alaska Court System

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Alaska Court System  
Fiscal Analysis  
SB 46

At the present time, a minor is charged, prosecuted and sentenced in the district court in the same manner as an adult if the minor is accused of committing certain infractions, violations, or misdemeanors. These include traffic statutes, regulations or ordinances; AS 11.76.105, relating to the possession of tobacco by a minor; fish and game statutes or regulations under AS 16; and parks and recreational facilities statutes or regulations under AS 41.21.

SB 46 adds certain new misdemeanor offenses to this list. These include AS 04.16.049, relating to access to licensed premises; AS 04.16.050, relating to possession or consumption of alcohol; AS 04.16.051, relating to furnishing of alcoholic beverages to a minor; AS 04.16.060, relating to alcoholic beverage purchases; and any misdemeanor drug offense defined in AS 11.71 or AS 17.30.

The practical effect of this legislation is to take a number of juveniles who previously had been dealt with by the juvenile justice system (DFYS and the superior court) and move them to the adult system (district court). Statistics obtained from DFYS indicate that in FY 94, 1254 cases were dealt with by DFYS involving the additional misdemeanors listed in SB 46. DFYS handled approximately 1173 of those cases without filing a delinquency petition with the superior court. None of the 81 cases referred to superior court resulted in a jury trial. Thus, actual costs to the court system were relatively low. On the other hand, if SB 46 had been law in FY 94, virtually all 1254 cases would have gone straight to the court system (understand that police officers generally file misdemeanor citations directly with the court, not with the municipal prosecutor or the district attorney; thus, prosecutors do not serve a screening function that will keep some of these cases out of court). There would have been judicial costs associated with 1254 additional arraignments, clerical costs associated with processing the citations and collecting the fines, and a trial rate of approximately two percent (the rate at which adults go to trial for misdemeanor offenses) resulting in additional judicial time and juror costs.

Note that the actual number of charged offenses is likely to increase as a result of the changes made by SB 46. It is not uncommon for state troopers and municipal police officers to simply take juveniles home with a warning when they are caught committing the specified offenses, rather than referring them to DFYS. This is done to avoid overloading DFYS with relatively minor cases when its resources have been strained by the substantial increase in serious juvenile crime. This is likely to change if the officer is empowered to write a misdemeanor citation for the juvenile to appear in district court as an adult. Because the increase in the number of charged offenses cannot be reliably determined, this fiscal note does not include those costs.

Alaska Court SystemFiscal AnalysisSB 46Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
In-Court Clerk, 12A, Anchorage, PPT, 1 month	\$2,259	\$607	\$2,866
District Court Judge, 50% vested pro tem, PPT, Anchorage, 1 month	4,265	2,277	6,542
Court Clerk I, 8A, Anchorage, PPT, 5 months	8,890	4,941	<u>13,831</u>
Total Personal Services			23,239

This legislation will require approximately 100 additional hours of district court judge time for arraignments. For purposes of this analysis, this time requirement is offset by a reduction in the time currently spent by superior court judges or standing masters for petition review. Most of the new cases will be processed as citations, approximately one clerical position is needed for every 3,000 citations.

Contractual

Jury fees - 25 one-day trials with 6 jurors at \$25 a day	3,750
---	-------

Supplies

Offices supplies for processing additional cases	<u>1,000</u>
--	--------------

Total	<u><u>\$27,989</u></u>
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**SENATE COMMITTEE REPORT**  
**First Committee of Reference**

*Handwritten initials*

DATE: 1/25/95

FURTHER: *Handwritten initials*

Date of 5-Day Notice: 2-9-95  
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-6-95

Judiciary Committee considered SB 46

Revising the provision of law and adding to the list of offenses for which a minor may be charged, prosecuted, and sentenced as an adult in the district court.

*OPEN FOR FOLLOWS*

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s) *L*
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:

- same title
- new title

House Bill:

- technical change
- new: SCR" \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS:	DP	DNP	NR	AM
<i>Lyle Melon</i>	<input checked="" type="checkbox"/>			
<i>Mike Miller</i>	<input checked="" type="checkbox"/>			
<i>De Adams NA</i>			<input checked="" type="checkbox"/>	
CHAIR: <i>Adrian Taylor</i>	<input checked="" type="checkbox"/>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
SB Court	2/10		28.7
SB Law	2/24		143.6
SB JUD HSS-Southcentral	2/10	<input checked="" type="checkbox"/>	
SB JUD HSS-Northern	2/10	<input checked="" type="checkbox"/>	
SB JUD HSS-Southeastern	2/10	<input checked="" type="checkbox"/>	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>proposed amend<sup>SUB</sup></i>			
Court	3/3		66.9
Law	3/3	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

LS 2124

2123195 #5  
(5) JUD

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB46

Revision Date: \_\_\_\_\_  
Title: Revising the Provision of law under which a minor  
may be charged as an adult in district court.  
Sponsor: Senator's Taylor, Kelly and Pearce  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Southeastern Region  
COMPONENT SERIAL NO. 258  
See also (SN#): 254,255

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ( )						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the division if this bill were to become law u... with are sentenced to detention for status offenses. Detention time for status offenders is a violation of OJJD... Juvenile Justice and Delinquency Prevention) criteria and could result in a 25% reduction of the \$600... from that program.

Prepared by: Kathy Tibbles, Acting Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02/07/95  
Date: 2/10/95

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LS 2/24

2/23/95  
(S)JUD #4

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB46

Revision Date: \_\_\_\_\_  
Title: Revising the Provision of law under which a minor  
may be charged as an adult in district court.  
Sponsor: Senator's Taylor, Kelly and Pearce  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Northern Region  
COMPONENT SERIAL NO. 255  
See also (SN#): 254.258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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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CHANGES 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 (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the division if this bill were to become law unless youth are sentenced to detention for status offenses. Detention time for status offenders is a violation of OJJDP (Office of Juvenile Justice and Delinquency Prevention) criteria and could result in a 25% reduction of the \$600.0 grant from that program.

Prepared by: Kathy Tibbles, Acting Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02/07/95

Date: 2/10/95

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LS 2/24

2/24/95 #3  
(S) JUD

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB46

Revision Date: \_\_\_\_\_  
Title: Revising the Provision of law under which a minor  
may be charged as an adult in district court.  
Sponsor: Senator's Taylor, Kelly and Pearce  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Southcentral Region  
COMPONENT SERIAL NO. 254  
See also (SN#): 255,258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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						
----------------------	--	--	--	--	--	--

CHANGES 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						
thor (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the division if this bill were to become law unless youth are sentenced to detention for status offenses. Detention time for status offenders is a violation of OJJDP (Office of Juvenile Justice and Delinquency Prevention) criteria and could result in a 25% reduction of the \$600.0 grant from that program.

Prepared by: Kathy Tibbles, Acting Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02/07/95  
Date: 2/10/95

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LS 2/29

2125195 #2  
(S) JUD

# FISCAL NOTE

STATE OF ALASKA/  
1995 LEGISLATIVE SESSION

BILL NO. SB 46

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "...revising the provision...under which a minor ma BRU: Prosecution  
be charged, prosecuted, and sentenced as an adult..." Component: Third Judicial District  
 Sponsor: Senator Taylor  
 Requester: Governor's Office/OMB COMPONENT SERIAL NO. 0087

### Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	108.3	108.3	108.3	108.3	108.3	108.3
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	14.6	14.6	14.6	14.6	14.6	14.6
SUPPLIES	5.7	5.7	5.7	5.7	5.7	5.7
EQUIPMENT	15.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>143.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

### FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	143.6	128.6	128.6	128.6	128.6	128.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>143.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>	<b>128.6</b>

Estimate of any current year (FY95) cost: \$ 0.0

### POSITIONS

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

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

This bill adds to the list of offenses under which a minor may be charged, prosecuted, and sentenced as an adult in the district court. These currently include traffic offenses, possession of tobacco by a minor, fish and game violations, and violations of regulations and statutes prohibiting certain activities in parks and recreational areas. The misdemeanor offenses being added include access to licensed premises, possession or consumption of alcohol, purchase of alcoholic beverages, and all misdemeanor drug offenses.

During FY94, the Division of Family and Youth Services received 1,254 alcohol or drug related referrals involving minors. Nearly all of these referrals (1,173) were handled by DFYS administratively and only 81 resulted in a juvenile court proceeding. Thus, all of the offenses now being handled administratively, and those few being handled in juvenile court, will be filed as misdemeanors in District Court. This will require additional prosecutor time to attend and participate in arraignments, conduct trials, arrange for pleas for those defendants who elect to plead guilty, and to attend sentencing. Consequently, one attorney and one legal

Prepared by: Richard I. Pegues, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Borelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 2/24/95  
 Date: 2/24/95

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO.

ANALYSIS CONTINUATION:

secretary will be needed in Anchorage to handle the large number of offenses that occur in Southcentral Alaska. Although these cases do not generally take very much time there will be lots of them. The additional secretarial time is needed for scheduling purposes, and due to the volume of paperwork and forms that must be processed because of the large number of cases.

It is also important to point out that substantially more incidents of minor in possession and consumption of alcohol are occurring than are being reported to DFYS. In these cases, the minors are caught in possession, the alcohol is seized, and the minors are returned to their parents or guardians. During the same reporting period, FY94, that the 1,254 juvenile referrals took place, about 3,500 minors had their driver's licenses revoked under the "use it, lose it" provisions of AS 28.15. Because this fiscal note is based on the 1,254 reported cases, the department is very concerned that if enforcement policies change, and a sizeable part of the incidents now going unreported begin being charged as misdemeanors, we could see a doubling of the new cases over the number that we have estimated. In this event, the department would have to request additional resources or be forced to decline unanticipated cases.

02/24/95

15:32:50.2

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 2

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

BRU NAME: PROSECUTION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B C U	S	R&S MOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT	
Indictments and overcoming a tougher defense due to the substantially increased penalties.											OTHER COSTS	0.00	
											TOTAL COSTS	53503.52	36603.52
											*** FUNDING DETAIL:		
											1004 GENERAL FUND RECEIPTS	36603.52	
											TOTAL FUNDING	36603.52	
03#069		ATTORNEY III		F ANCHORAGE	A XE	AA	22A 12	53304	0	18385	71689.98		
**** JUSTIFICATION: This position will be needed to handle several hundred misdemeanor actions that will occur if alcohol or drug related offenses, now being handled administratively by the Division of Family and Youth Services, are moved to the District court for prosecution by state prosecutors.											TRAVEL COSTS	0.00	
											CONTRACTUAL COSTS	8600.00	
											SUPPLIES COSTS	3300.00	
											EQUIPMENT COSTS	6500.00	
											OTHER COSTS	0.00	
											TOTAL COSTS	90089.98	71689.98
											*** FUNDING DETAIL:		
											1004 GENERAL FUND RECEIPTS	71689.98	
											TOTAL FUNDING	71689.98	
03#070		LEGAL SECRETARY I		F ANCHORAGE	A GG	2A 10A	12	25140	0	11463	36603.52		
**** JUSTIFICATION: This position will be needed to handle several hundred misdemeanor actions that will occur if alcohol or drug related offenses, now being handled administratively by the Division of Family and Youth Services, are moved to the District court for prosecution by state prosecutors.											TRAVEL COSTS	0.00	
											CONTRACTUAL COSTS	6000.00	
											SUPPLIES COSTS	2400.00	
											EQUIPMENT COSTS	8500.00	
											OTHER COSTS	0.00	
											TOTAL COSTS	53503.52	36603.52
											*** FUNDING DETAIL:		
											1004 GENERAL FUND RECEIPTS	36603.52	
											TOTAL FUNDING	36603.52	

LS 2124

2123195

(5) JUD

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 46

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Prosecute juvenile as adult in District BRU: Trial Courts  
 Court: \_\_\_\_\_ Components: \_\_\_\_\_  
 Sponsor: Sen. Taylor, Kelly, Pearce  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

## EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	23.2	23.2	23.2	23.2	23.2	23.2
TRAVEL						
CONTRACTUAL	3.8	3.8	3.8	3.8	3.8	3.8
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

## FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	28.0	28.0	28.0	28.0	28.0	28.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>

## POSITIONS

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

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 214-8228  
 Agency: Alaska Court System Date: 02/15/95

Approved by: Arthur H. Snowden, II, Administrative Director *AS*  
 Agency: Alaska Court System Date: 02/15/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE.

SB 46

Alaska Court System  
Fiscal Analysis  
SB 46

At the present time, a minor is charged, prosecuted and sentenced in the district court in the same manner as an adult if the minor is accused of committing certain infractions, violations, or misdemeanors. These include traffic statutes, regulations or ordinances; AS 11.76.105, relating to the possession of tobacco by a minor; fish and game statutes or regulations under AS 16; and parks and recreational facilities statutes or regulations under AS 41.21.

SB 46 adds certain new misdemeanor offenses to this list. These include AS 04.16.049, relating to access to licensed premises; AS 04.16.050, relating to possession or consumption of alcohol; AS 04.16.051, relating to furnishing of alcoholic beverages to a minor; AS 04.16.060, relating to alcoholic beverage purchases; and any misdemeanor drug offense defined in AS 11.71 or AS 17.30.

The practical effect of this legislation is to take a number of juveniles who previously had been dealt with by the juvenile justice system (DFYS and the superior court) and move them to the adult system (district court). Statistics obtained from DFYS indicate that in FY 94, 1254 cases were dealt with by DFYS involving the additional misdemeanors listed in SB 46. DFYS handled approximately 1173 of those cases without filing a delinquency petition with the superior court. None of the 81 cases referred to superior court resulted in a jury trial. Thus, actual costs to the court system were relatively low. On the other hand, if SB 46 had been law in FY 94, virtually all 1254 cases would have gone straight to the court system (understand that police officers generally file misdemeanor citations directly with the court, not with the municipal prosecutor or the district attorney; thus, prosecutors do not serve a screening function that will keep some of these cases out of court). There would have been judicial costs associated with 1254 additional arraignments, clerical costs associated with processing the citations and collecting the fines, and a trial rate of approximately two percent (the rate at which adults go to trial for misdemeanor offenses) resulting in additional judicial time and juror costs.

Note that the actual number of charged offenses is likely to increase as a result of the changes made by SB 46. It is not uncommon for state troopers and municipal police officers to simply take juveniles home with a warning when they are caught committing the specified offenses, rather than referring them to DFYS. This is done to avoid overloading DFYS with relatively minor cases when its resources have been strained by the substantial increase in serious juvenile crime. This is likely to change if the officer is empowered to write a misdemeanor citation for the juvenile to appear in district court as an adult. Because the increase in the number of charged offenses cannot be reliably determined, this fiscal note does not include those costs.

**Alaska Court System**  
**Fiscal Analysis**  
**SB 46**

**Personal Services**

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
In-Court Clerk, 12A, Anchorage, PPT, 1 month	\$2,259	\$607	\$2,866
District Court Judge, 50% vested pro tem, PPT, Anchorage, 1 month	4,265	2,277	6,542
Court Clerk I, 8A, Anchorage, PPT, 5 months	8,890	4,941	<u>13,831</u>
Total Personal Services			23,239

This legislation will require approximately 100 additional hours of district court judge time for arraignments. For purposes of this analysis, this time requirement is offset by a reduction in the time currently spent by superior court judges or standing masters for petition review. Most of the new cases will be processed as citations, approximately one clerical position is needed for every 3,000 citations.

**Contractual**

Jury fees - 25 one-day trials with 6 jurors at \$25 a day	3,750
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**Supplies**

Offices supplies for processing additional cases	<u>1,000</u>
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Total	<u>\$27,989</u>
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# Alaska State Legislature

Chairman,  
Judiciary Committee  
  
Vice Chairman,  
Transportation Committee  
  
Member,  
Resources Committee  
Western Legislative Forestry Task Force



State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3873  
Fax: (907) 465-3922  
  
352 Front Street  
Ketchikan, Alaska 99901  
(907) 225-8088  
Fax: (907) 225-0713

*Senator Robin L. Taylor*

## MEMORANDUM

TO: Senator Rick Halford, Co-Chairman  
Senate Finance Committee  
  
FROM: Senator Robin L. Taylor *R.L.T.*  
  
DATE: 3/10/95  
REF: Hearing Request - Senate Bill 46

\*\*\*\*\*

Please consider this as my formal request for a hearing on Senate Bill 46 at your earliest convenience.

I have attached a suggested committee substitute which incorporates an amendment adopted by the Judiciary Committee and adds a provision covering warrantless arrest for minor consuming.

SB 46, in the committee substitute form, would make minor consuming and possession of tobacco "violations" and move them from juvenile justice to district court. Other offenses for which minors face prosecution as adults under current law would remain the same, but would also be moved to district court.

This bill seeks to rectify the current lack of consequences associated with alcohol and other offenses committed by minors.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 46

1 Page 1, line 2, after "district court,":

2 Delete "and"

3 Page 1, line 4, after "court":

4 Insert ", amending the criminal jurisdiction of the district court to provide for the  
5 disposition of certain offenses relating to possession, control, or consumption of alcoholic  
6 beverages by a person under 21 years of age and possession of tobacco by a person  
7 under 19 years of age, and amending the penalty applicable to persons under 21 years  
8 of age who possess, control, or consume alcoholic beverages"

9 Page 1, following line 5:

10 Insert new bill sections to read:

11 **\*\* Section 1.** AS 04.16.050 is amended by adding a new subsection to read:

12 (b) A person who violates (a) of this section is guilty of a violation. Upon  
13 conviction in the district court, the court may impose a fine of not less than \$100.

14 **\* Sec. 2.** AS 04.16.180(a) is amended to read:

15 (a) Except as provided in AS 04.11.015, AS 04.16.050(b), 04.16.051  
16 [AS 04.16.051], 04.16.200 - 04.16.210, and AS 04.21.065, a person who violates a  
17 provision of this title or a regulation adopted by the board is guilty, upon conviction,  
18 of a class A misdemeanor. Each violation is a separate offense.

19 **\* Sec. 3.** AS 22.15.060(a) is amended to read:

20 (a) The district court has jurisdiction

21 (1) of the following crimes:

22 (A) a misdemeanor, unless otherwise provided in this chapter;

23 (B) a violation of an ordinance of a political subdivision;

1                                    (C) a violation of AS 04.16.050 or AS 11.76.105;

2                                    (2) to provide post-conviction relief under the Alaska Rules of  
3                                    Criminal Procedure, if the conviction occurred in the district court."

4    Page 1, line 6:

5                    Delete "Section 1."

6                    Insert "Sec. 4."

7    Renumber the following bill sections accordingly.

8    Page 2, line 11:

9                    Delete "minor"

10                    Insert "person under 19 years of age"

*3/20*  
*Alternate*  
*CS from*  
*Larry For*  
*SB 46 files.*

9-LS0155NF  
Chenoweth  
3/7/95

CS FOR SENATE BILL NO. 46( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS TAYLOR, Kelly, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act revising the provision of law under which a minor may be charged,  
2 prosecuted, and sentenced as an adult in the district court, and adding to the  
3 list of offenses for which a minor may be prosecuted as an adult in the district  
4 court; amending the criminal jurisdiction of the district court to provide for the  
5 disposition of certain offenses relating to possession, control, or consumption of  
6 alcoholic beverages by a person under 21 years of age and possession of  
7 tobacco by a person under 19 years of age; allowing a person under age 21  
8 to be arrested by a peace officer without a warrant for acts relating to illegal  
9 possession, consumption, or control of alcohol; and amending the penalty  
10 applicable to persons under 21 years of age who possess, control, or consume  
11 alcoholic beverages."

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

1 \* Section 1. AS 04.16.050 is amended by adding a new subsection to read:

2 (b) A person who violates (a) of this section is guilty of a violation. Upon  
3 conviction in the district court, the court may impose a fine of not less than \$100.

4 \* Sec. 2. AS 04.16.180(a) is amended to read:

5 (a) Except as provided in AS 04.11.015, AS 04.16.050(b), 04.16.051  
6 [AS 04.16.051], 04.16.200 - 04.16.210, and AS 04.21.065, a person who violates a  
7 provision of this title or a regulation adopted by the board is guilty, upon conviction,  
8 of a class A misdemeanor. Each violation is a separate offense.

9 \* Sec. 3. AS 12.25.030(b) is amended to read:

10 (b) In addition to the authority granted under (a) of this section, a peace officer  
11 without a warrant may arrest a person when the peace officer has reasonable cause for  
12 believing that the person has committed a crime under, or violated conditions imposed  
13 as part of the person's release before trial on misdemeanor charges brought under

14 (1) AS 04.16.050;

15 (2) AS 11.41.270 or AS 11.56.740; or

16 (3) [(2)] AS 11.41, AS 11.46.330, or AS 11.61.120, or has violated an  
17 ordinance with elements substantially similar to the elements of a crime under  
18 AS 11.41, AS 11.46.330, or AS 11.61.120, when the victim is a spouse or former  
19 spouse of the person who committed the crime; a parent, grandparent, child, or  
20 grandchild of the person who committed the crime; a member of the social unit  
21 comprised of those living together in the same dwelling as the person who committed  
22 the crime; or another person who is not a spouse or former spouse of the person who  
23 committed the crime but who previously lived in a spousal relationship with the person  
24 who committed the crime or is in or has been in a dating, courtship, or engagement  
25 relationship with the person who committed the crime.

26 \* Sec. 4. AS 22.15.060(a) is amended to read:

27 (a) The district court has jurisdiction

28 (1) of the following crimes:

29 (A) a misdemeanor, unless otherwise provided in this chapter;

30 (B) a violation of an ordinance of a political subdivision;

31 (C) a violation of AS 04.16.050 or AS 11.76.105;

1 (2) to provide post-conviction relief under the Alaska Rules of Criminal  
2 Procedure, if the conviction occurred in the district court.

3 \* Sec. 5. AS 47.10.010(b) is amended to read:

4 (b) When a minor is accused of violating a statute specified in this  
5 subsection, other than [A TRAFFIC STATUTE OR REGULATION, A TRAFFIC  
6 ORDINANCE OR REGULATION OF AN INCORPORATED MUNICIPALITY,  
7 AS 11.76.105 RELATING TO THE POSSESSION OF TOBACCO BY A MINOR,  
8 A FISH AND GAME STATUTE OR REGULATION UNDER AS 16, OR A PARKS  
9 AND RECREATIONAL FACILITIES STATUTE OR REGULATION UNDER  
10 AS 41.21, EXCEPTING statute the violation of which is a felony, [THE  
11 PROCEDURE PRESCRIBED IN] AS 47.10.020 - 47.10.090 and the Alaska  
12 Delinquency Rules do not apply and the [MAY NOT BE FOLLOWED, EXCEPT  
13 THAT A PARENT, GUARDIAN, OR LEGAL CUSTODIAN SHALL BE PRESENT  
14 AT ALL PROCEEDINGS. THE] minor accused of the [AN] offense [SPECIFIED IN  
15 THIS SUBSECTION] shall be charged, prosecuted, and sentenced in the district court  
16 in the same manner as an adult. If a minor is charged, prosecuted, and sentenced  
17 for an offense under this subsection, the minor's parent, guardian, or legal  
18 custodian shall be present at all proceedings. The provisions of this subsection  
19 apply when a minor is accused of violating

20 (1) a traffic statute or regulation, or a traffic ordinance or  
21 regulation of a municipality;

22 (2) AS 11.76.105, relating to the possession of tobacco by a person  
23 under 19 years of age;

24 (3) a fish and game statute or regulation under AS 16;

25 (4) a parks and recreational facilities statute or regulation under  
26 AS 41.21;

27 (5) each of the following statutes relating to alcoholic beverages:

28 (A) AS 04.16.049, relating to access to licensed premises;

29 (B) AS 04.16.050, relating to possession or consumption;

30 (C) AS 04.16.051, relating to furnishing of alcoholic  
31 beverages; or

1  
2  
3  
4  
5

(D) AS 04.16.060, relating to alcoholic beverage purchases:

and

(6) an offense defined in AS 11.71 or AS 17.30.

\* Sec. 6. APPLICABILITY. This Act applies to an offense committed on or after the effective date of this Act.

Ruthy -

Request DRAFT  
CS for SB46 to  
in-corporate

Amendment

3/20/95 Requested 8:20am  
Larry asked that this be  
held pending review of an  
alternate CS. ML

3/20/95

Harry-

Attached are several  
copies of the draft  
ASSB 46 (Fin) for  
your review. May  
Rose file in members'  
files?

Kathy

2018

9-LS0155\G ✓  
Chenoweth  
3/20/95

CS FOR SENATE BILL NO. 46(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATORS TAYLOR, Kelly, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act revising the provision of law under which a minor may be charged,  
2 prosecuted, and sentenced as an adult in the district court, adding to the list of  
3 offenses for which a minor may be prosecuted as an adult in the district court,  
4 amending the criminal jurisdiction of the district court to provide for the  
5 disposition of certain offenses relating to possession, control, or consumption of  
6 alcoholic beverages by a person under 21 years of age and possession of  
7 tobacco by a person under 19 years of age, and amending the penalty  
8 applicable to persons under 21 years of age who possess, control, or consume  
9 alcoholic beverages."

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

11 \* Section 1. AS 04.16.050 is amended by adding a new subsection to read:

12 (b) A person who violates (a) of this section is guilty of a violation. Upon

1 conviction in the district court, the court may impose a fine of not less than \$100.

2 \* Sec. 2. AS 04.16.180(a) is amended to read:

3 (a) Except as provided in AS 04.11.015, AS 04.16.050(b), 04.16.051  
4 [AS 04.16.051], 04.16.200 - 04.16.210, and AS 04.21.065, a person who violates a  
5 provision of this title or a regulation adopted by the board is guilty, upon conviction,  
6 of a class A misdemeanor. Each violation is a separate offense.

7 \* Sec. 3. AS 22.15.060(a) is amended to read:

8 (a) The district court has jurisdiction

9 (1) of the following crimes:

10 (A) a misdemeanor, unless otherwise provided in this chapter;

11 (B) a violation of an ordinance of a political subdivision;

12 (C) a violation of AS 04.16.050 or AS 11.76.105;

13 (2) to provide post-conviction relief under the Alaska Rules of Criminal  
14 Procedure, if the conviction occurred in the district court.

15 \* Sec. 4. AS 47.10.010(b) is amended to read:

16 (b) When a minor is accused of violating a statute specified in this  
17 subsection, other than [A TRAFFIC STATUTE OR REGULATION, A TRAFFIC  
18 ORDINANCE OR REGULATION OF AN INCORPORATED MUNICIPALITY,  
19 AS 11.76.105 RELATING TO THE POSSESSION OF TOBACCO BY A MINOR,  
20 A FISH AND GAME STATUTE OR REGULATION UNDER AS 16, OR A PARKS  
21 AND RECREATIONAL FACILITIES STATUTE OR REGULATION UNDER  
22 AS 41.21, EXCEPTING] a statute the violation of which is a felony, [THE  
23 PROCEDURE PRESCRIBED IN] AS 47.10.020 - 47.10.090 and the Alaska  
24 Delinquency Rules do not apply and the [MAY NOT BE FOLLOWED, EXCEPT  
25 THAT A PARENT, GUARDIAN, OR LEGAL CUSTODIAN SHALL BE PRESENT  
26 AT ALL PROCEEDINGS. THE] minor accused of the [AN] offense [SPECIFIED IN  
27 THIS SUBSECTION] shall be charged, prosecuted, and sentenced in the district court  
28 in the same manner as an adult. If a minor is charged, prosecuted, and sentenced  
29 for an offense under this subsection, the minor's parent, guardian, or legal  
30 custodian shall be present at all proceedings. The provisions of this subsection  
31 apply when a minor is accused of violating

- 1                   (1) a traffic statute or regulation, or a traffic ordinance or  
2 regulation of a municipality;
- 3                   (2) AS 11.76.105, relating to the possession of tobacco by a person  
4 under 19 years of age;
- 5                   (3) a fish and game statute or regulation under AS 16;
- 6                   (4) a parks and recreational facilities statute or regulation under  
7 AS 41.21;
- 8                   (5) each of the following statutes relating to alcoholic beverages:  
9                         (A) AS 04.16.049, relating to access to licensed premises;  
10                        (B) AS 04.16.050, relating to possession or consumption;  
11                        (C) AS 04.16.051, relating to furnishing of alcoholic  
12 beverages; or
- 13                        (D) AS 04.16.060, relating to alcoholic beverage purchases;
- 14                   and
- 15                   (6) an offense defined in AS 11.71 or AS 17.30.

16       \* Sec. 5. APPLICABILITY. This Act applies to an offense committed on or after the  
17 effective date of this Act.