

SB

58

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 58

Revision Date: 01/26/98 Dept. Affected: Health and Social Services
 Title: Relating to the privilege to drive of minors BRU: Alcohol and Drug Abuse Services
and penalties for consuming alcohol Component: ASAP
 Sponsor: Sen. Taylor COMPONENT SERIAL NO. 305
 Requestor: Senate FIN See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
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						
1037 GF/Mental Health						
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 (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal cost to this bill.

Prepared by: Loren Jones
 Division: Alcoholism and Drug Abuse

Phone: 465-2071
 Date: 01/26/98

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

Date: 1/28/98

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Vol. 5
 Bill Verson: SB 58
 (S) Publish Date: 3-26-97

Revision Date: 02/03/97
 Title: Relating to the privilege to drive of minors
and penalties for-consuming alcohol
 Sponsor: Sen. Taylor
 Requestor: (S) HESS

Dept. Affected: Health and Social Services
 BRU: Alcohol and Drug Abuse Services
 Component: ASAP
 COMPONENT SERIAL NO. 305
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
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 ()						
--------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
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 (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal cost to this bill.

Prepared by: Loren Jones
 Division: Alcoholism and Drug Abuse
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-2071
 Date: 02/03/97
 Date: 2/3/97

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CS SB 58 (HES)

Revision Date: 01/26/98 Dept. Affected: Health and Social Services
 Title: Relating to issuance, suspension, limitation BRU: Alcohol and Drug Abuse Services
revocation, and reinstatement of driver's license... Component: CAASA
 Sponsor: Sen. Taylor COMPONENT SERIAL NO. _____
 Requestor: Senate FIN See also (SN#): #1413

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	400.0	400.0	400.0	400.0	400.0	400.0
MISCELLANEOUS						
TOTAL OPERATING	400.0	400.0	400.0	400.0	400.0	400.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	400.0	400.0	400.0	400.0	400.0	400.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	400.0	400.0	400.0	400.0	400.0	400.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Loren A. Jones
 Division: Alcoholism and Drug Abuse

Phone: 465-2071
 Date: 01/26/98

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

Date: 1/28/98

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ANALYSIS (cont.):

This bill would transfer to the Division of Alcoholism and Drug Abuse the responsibility for the approval of alcohol information courses (Alcohol Information Schools (AIS)) for all persons needing such a course as a result of alcohol related crimes, primarily minor consuming, minor in possession and driving while intoxicated. Currently all such AIS classes also contain a driver improvement section and are targeted primarily at adults.

The current curriculum being used has not been reviewed and updated in many years. There are no outcomes or expectations for the AIS (other than to not have repeated the criminal behavior) or for the impact on the individual. It is time that this was updated and specific outcomes and expectations be established.

With the passage of the "Use It and Lose It" law there has been a dramatic increase in the number of minors losing their drivers license and being required to complete an AIS or treatment in order to have their license re-instated. This new law has shown a significant gap in our ability to respond appropriately and to assure that the education received is of value and will result in positive outcomes for the youth. We have attached several charts which shows the number of revocations for the last two calendar years.

A number of these youth, like adults, may need more than an AIS to address their needs. In reviewing the number of minors losing their driver's license the number of second or more offenders is about equal to the first time loss. This would indicate that the law, in and of itself is not stopping repeat offenses. An age appropriate AIS will have an impact but we know that for some persons additional services may be needed.

The Division also feels that to provide appropriate AIS a different curriculum and teaching method is needed for minors. The Division will locate and/or develop an appropriate model for adult and youth Alcohol/Drug Information School (AIS). These courses would be age appropriate and meet the needs of DMV for driving related issues. There will be a different response for the 18-20 year olds than for those under age 18. One major difference will be information on inhalants for the under 18 age group.

The Division of Alcoholism and Drug Abuse would establish a set of policy guidelines and outcomes for communities to use in developing a local approach to establishing the appropriate entry program for these minors. This would include policies on defining appropriate assessment, referral, defining compliance and completion of appropriate services, and evaluation standards for the program. Thus those who need only AIS would be sent in the correct direction and those who need additional services would also get those.

These policies would include the role of partnership with schools for alternative to suspension programs, for working with courts, working with youth probation, and with local treatment agencies. We would need to address differences for rural villages. We would need to address development of a community based prevention and intervention services.

The Division would require two new positions consisting of 1 probation officer and 1 clerical staff for program & policy development, quality assurance of the AIS classes and staff support. This staff would write the P&P, Regulations and monitor compliance of the AIS providers and the local agencies providing the services.

The Division would propose using the \$400,000 to fund local programs via a competitive process under AS 47.30.470 - AS 47.30.500, which is our grant-in-aid process. In the competitive process we would seek to reach three main objectives: award funds to communities that have a collaborative plan to address the specific needs in their community; assure that the agency receiving the grant will be able to achieve the stated goals; and assure that the funds went to communities with the greatest need.

Data from the Division of Motor Vehicles (CY 1995, 96 and 97) show the large majority of minors losing their driver's license occurred in Anchorage, Fairbanks, Juneau, Soldotna, Ketchikan, Sitka and Mat-Su (Palmer and Wasilla). These would be areas in which we would target funding if the other goals are met.

All Requests for Proposals for substance abuse services should require proposers to specifically discuss prevention strategies either available in the program or in the community. These strategies need to reflect a community-based, risk reduction model and incorporate "best practice" models as supported by the research.

ANALYSIS (cont.):

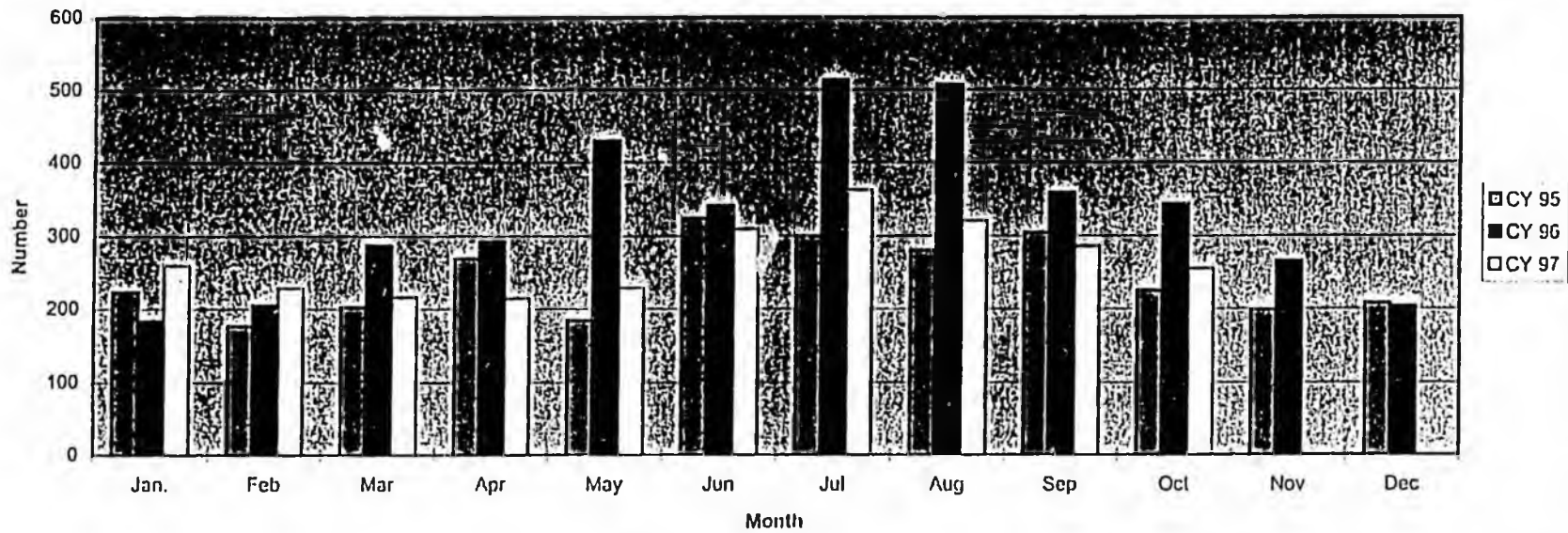
There needs to be a targeted prevention effort in rural areas of Alaska dealing with inhalant abuse. This would help us get a prevention message out about alcohol and drugs as inhalants tend to be used by youth at an age prior to first use of alcohol or drugs.

The revenue generated from the increase in the mandatory fines would provide the increase in funds to pay for this new service. In discussions with the Alaska Court System and the Department of Public Safety and Division of Motor Vehicles It is estimated that 2,000 youth would actually be convicted of minor consuming or minor in possession. This would generate the revenue needed to put in place programs that would reduce the number of offenders.

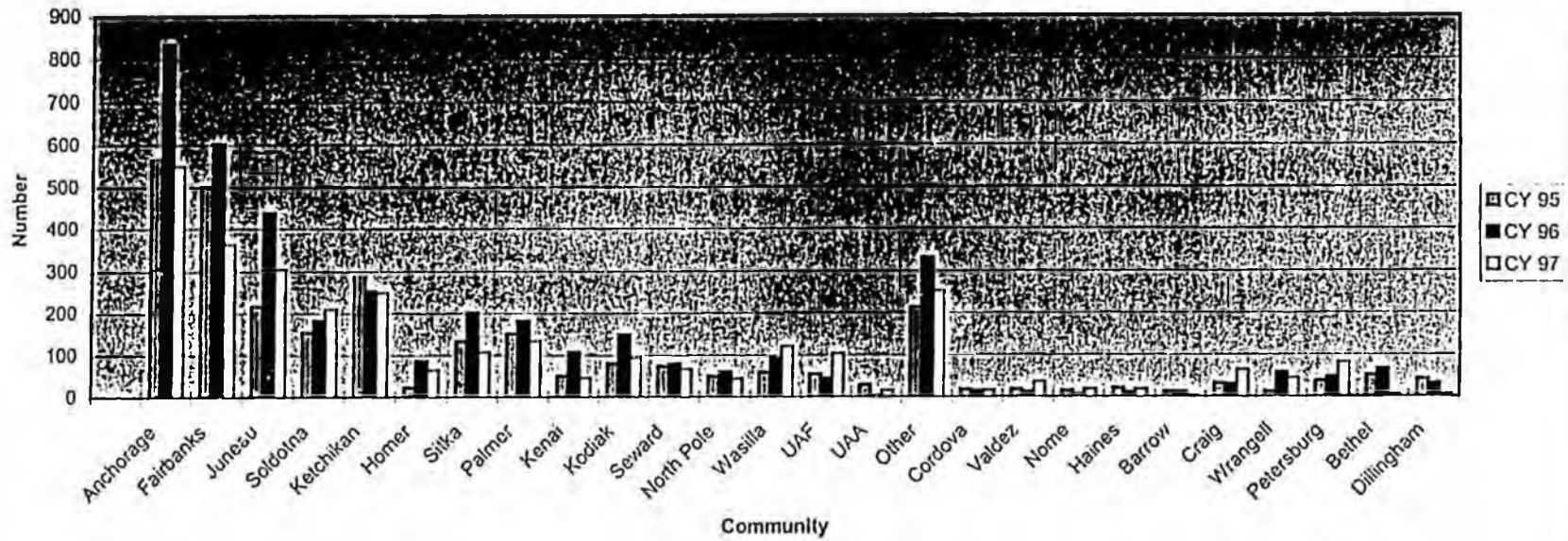
The data on the attached charts are taken from the Division of Motor Vehicles administrative revocation of the driver's license. Not all these youth have been convicted in court of the offenses as the loss of the driver's license is an administrative procedure.

Driver's license loss due to alcohol or drug consumption or possession													
	Jan.	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
CY 95	223	176	202	269	184	324	299	280	304	225	198	207	2891
CY 96	183	205	287	292	430	341	514	508	358	343	265	203	3929
CY 97	259	229	216	214	229	309	362	320	285	255			2678

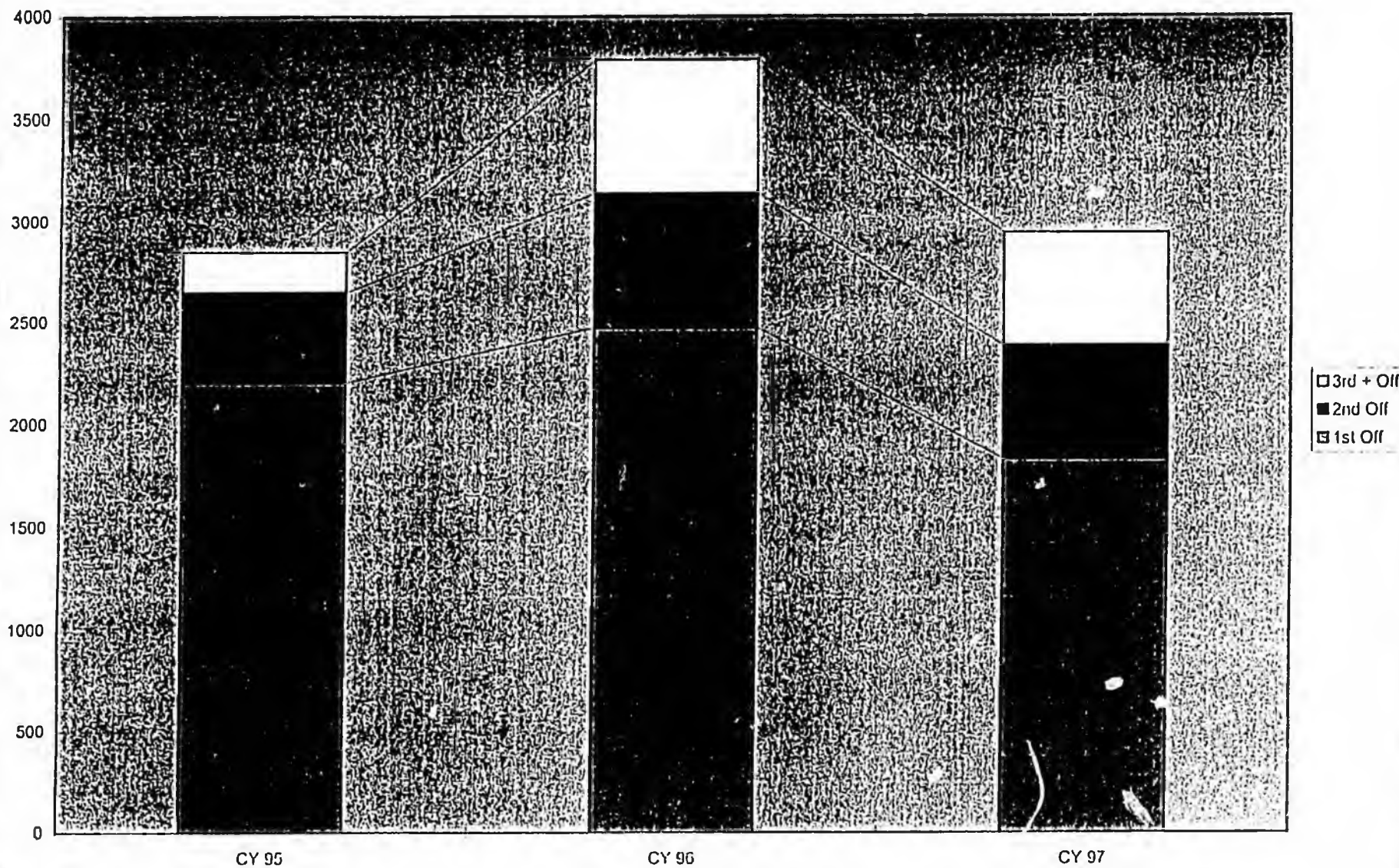
Number Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Month for CY 1995, 1996, 1997



Number of Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Community for CY 1995, 1996, 1997



Comparison of the number of Repeat Offenses in CY 1995, 1996, 1997



FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

C. 6
Bill Verson: CSB 58 (HES)
(S) Publish Date: 3-26-97

Revision Date: 03/17/97
Title: Relating to issuance, suspension, limitation
revocation, and reinstatement of driver's license...
Sponsor: Sen. Taylor
Requestor: Senate HES

Dept. Affected: Health and Social Services
BRU: Alcohol and Drug Abuse Services
Component: CAASA
COMPONENT SERIAL NO. _____
See also (SN#): #1413

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	400.0	400.0	400.0	400.0	400.0	400.0
MISCELLANEOUS						
TOTAL OPERATING	400.0	400.0	400.0	400.0	400.0	400.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	400.0	400.0	400.0	400.0	400.0	400.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	400.0	400.0	400.0	400.0	400.0	400.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED.

Prepared by: *Loren A. Jones*
Division: Alcoholism and Drug Abuse
Approved by Commissioner: *Karen Perdue*
Agency: Department of Health & Social Services

Phone: 465-2071
Date: 03/17/97
Date: 3/18/97

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ANALYSIS (cont.):

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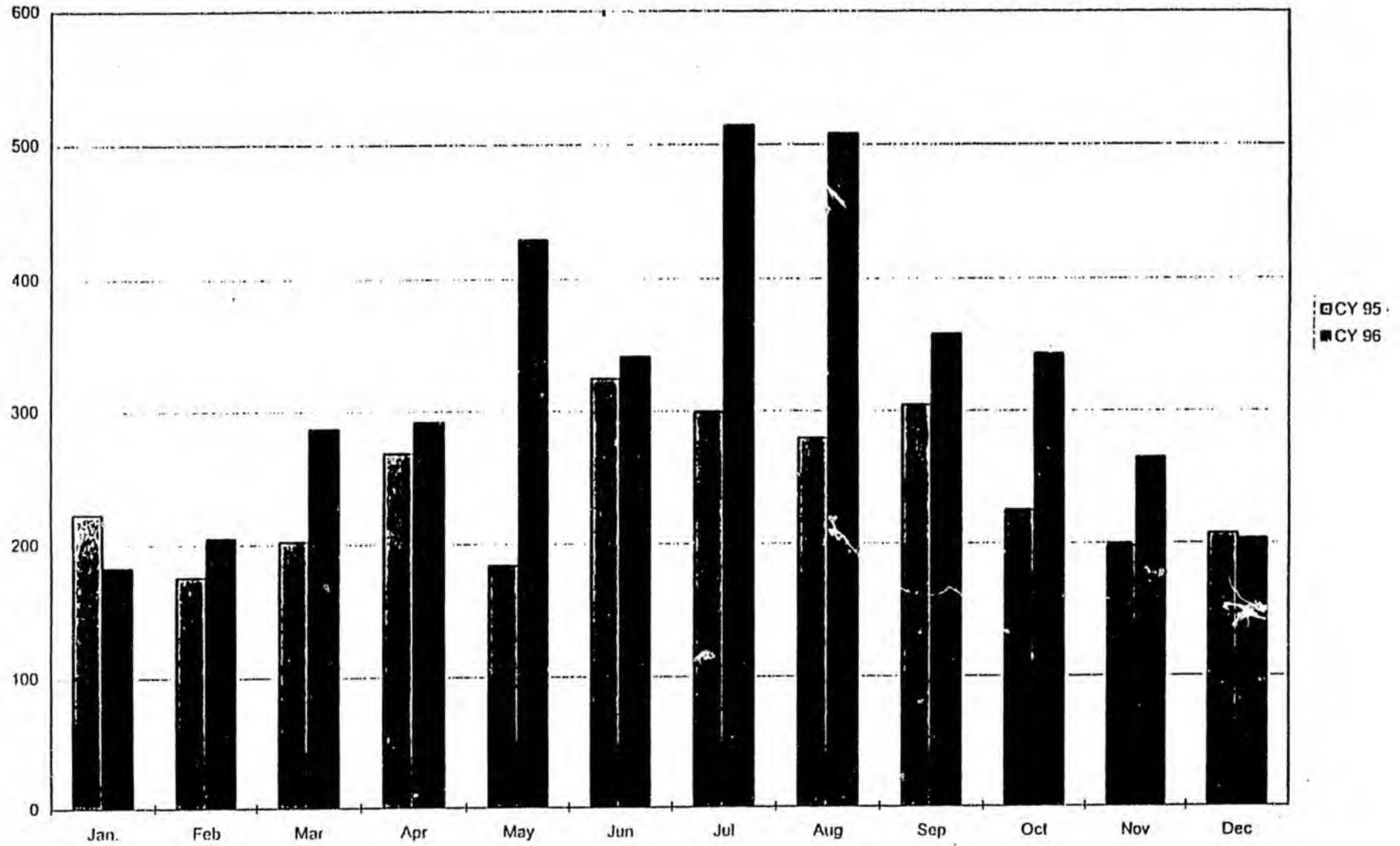
ANALYSIS (cont.):

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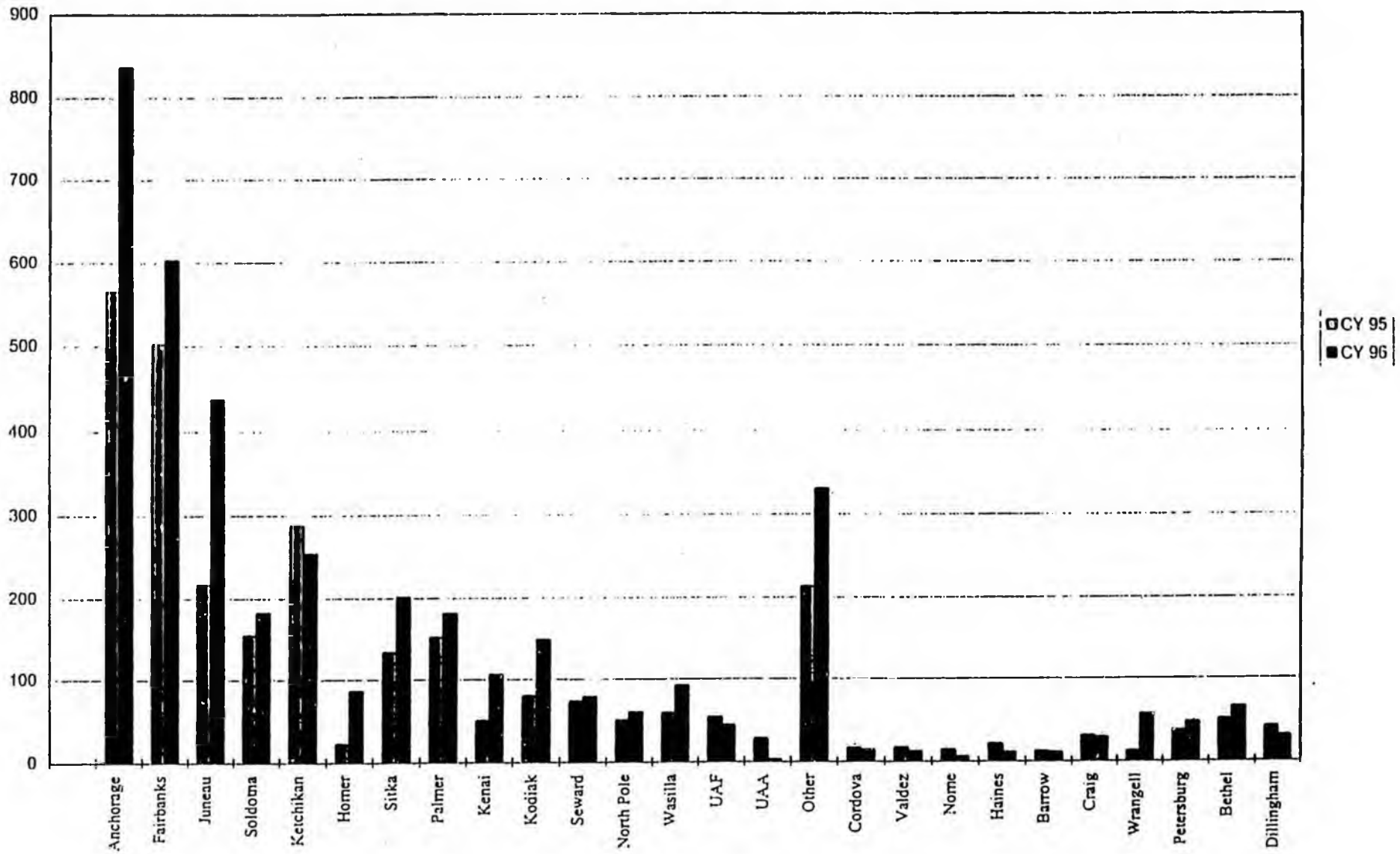
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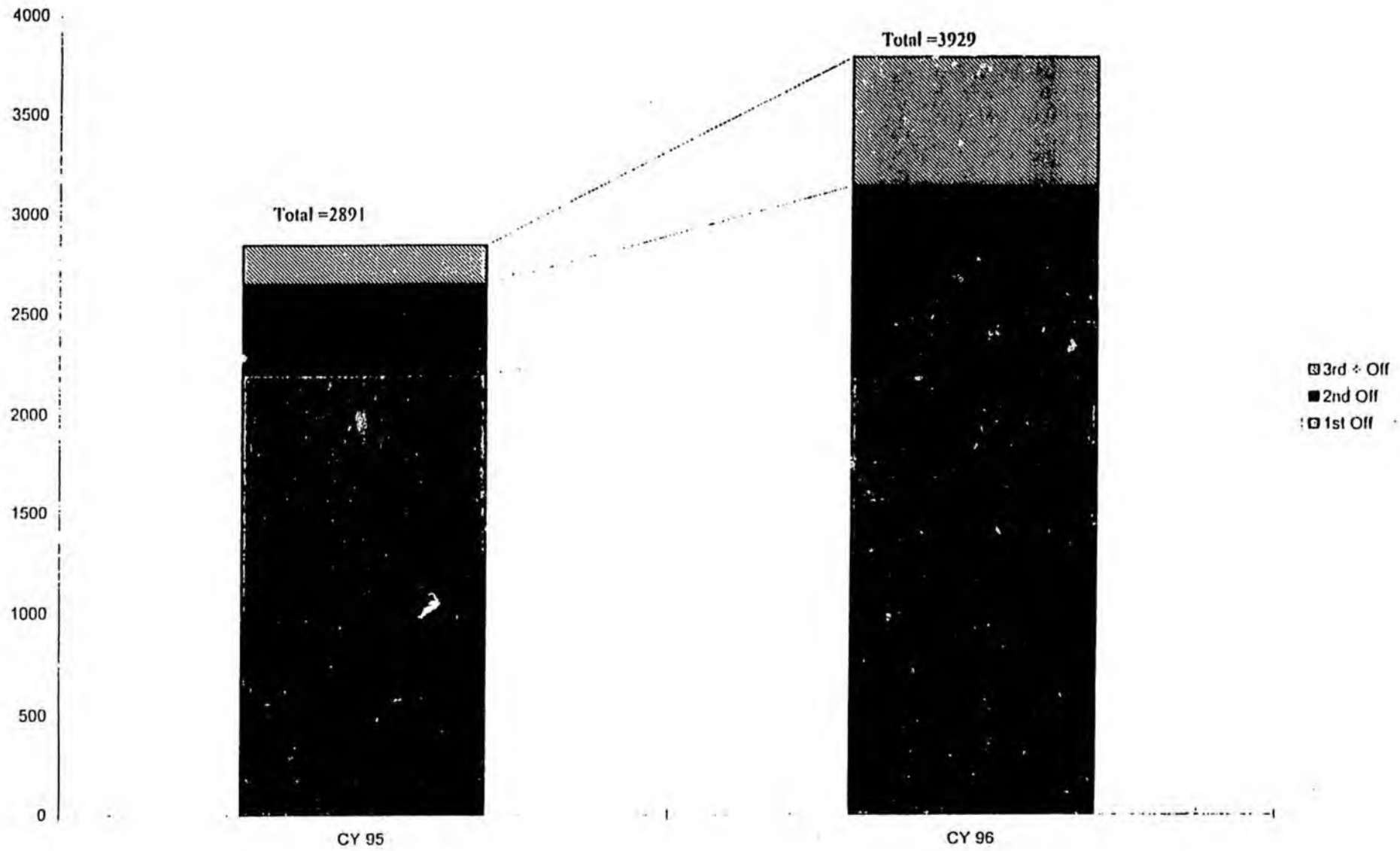
Number Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Month for CY 1995 and CY 1996



Number of Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Community for CY 1995 and CY 1996



Comparison of the Number of Repeat Offenses In CY 95 and CY 96



FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB 58 (HESS)

Revision Date: 1/9/98 Dept. Affected: Department of Law
 Title: " . . . relating to the penalty for the consumption
or possession of alcoholic beverages by persons under 21 . . ." BRU: Criminal Division
 Sponsor: Senator Taylor Component: 3rd Judicial District: Anchorage
 Requester: Senate Finance Committee COMPONENT SERIAL NO. 2261

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	112.0	112.0	112.0	112.0	112.0	112.0
TRAVEL	1.5	1.5	1.5	1.5	1.5	1.5
CONTRACTUAL	18.0	18.0	18.0	18.0	18.0	18.0
SUPPLIES	2.4	2.4	2.4	2.4	2.4	2.4
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	140.4	133.9	133.9	133.9	133.9	133.9

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	140.4	133.9	133.9	133.9	133.9	133.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	140.4	133.9	133.9	133.9	133.9	133.9

Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

CSSB 58 (HESS) provides that a minor convicted for the first time of minor consuming alcohol in violation of AS 04.16.050 must pay a fine of \$250. The committee substitute amends SB 58, lowering the proposed penalty for the second and subsequent offenses of minor consuming alcohol in violation of AS 04.16.050 from a class A to a class B misdemeanor, and limits the effect by requiring the prior conviction have happened within the preceding two years. The bill repeals the provision for court revocation of a driver's license upon conviction of minor consuming alcoholic beverages under state or municipal law. Administrative revocation would remain unaffected. The committee substitute further provides for the development and approval by the Department of Health and Social Services of alcohol information classes targeted at juveniles.

Criminalizing minor consuming by making it a misdemeanor for the second and subsequent offenses of minor consuming alcoholic beverages gives rise to the right to a jury trial and court appointed counsel. Information

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Attorney General's Office
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-5370
 Date: 1/9/98
 Date: 1/9/98

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ANALYSIS CONTINUATION:

contained in the fiscal note to the bill which decriminalized minor consuming, indicates that in FY 94 there were 3,500 minors who lost their operator's license as a result of minor consuming of alcohol. We estimate that about 1,200 or one-third of those cases of minor consuming will be filed for second or subsequent offenses. We further estimate that about 5 percent of that number of cases will be tried. The resulting 60 jury trials will require one new Attorney III position, to be placed in the Anchorage District Attorney's Office.

Using the department's FY98 standard attorney cost, the fiscal impact from this legislation would be \$133,900. This cost includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 is added for this purpose in FY 99. Please note that although no clerical support position is being added, proportionate support position funding is included in the standard attorney cost schedule to reduce clerical support vacancy so that the new attorney's clerical burden can be handled.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 3
 BILL NO: Bill Version: SB 58
 (S) Publish Date: 3-26-97

Revision Date: _____ Dept. Affected: Public Safety
 Title: Minor Consuming BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Sen. Taylor
 Requestor: S. HESS COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill may cause some increase in the number of minor consuming cases that go to trial and may cause some additional paperwork to be required in some cases, however, it is not expected to a significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 03/05/97
 Approved by Commissioner: Ronald L. Otte *Dee Smith* Date: 3/5/97
 Agency: Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

C.o. 7
Bill Verson: CS9B 58 (HES)
(S) Publish Date: 3-26-97

Revision Date: 03/17/97
Title: Relating to issuance, suspension, limitation
revocation, and reinstatement of driver's license...
Sponsor: Sen. Taylor
Requestor: Senate HES

Dept. Affected: Health and Social Services
BRU: Alcohol and Drug Abuse Services
Component: ADA Admin
COMPONENT SERIAL NO. _____
See also (SN#): #302

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	92.0	95.0	98.0	101.0	104.0	107.0
TRAVEL	4.0	4.0	4.0	4.0	4.0	4.0
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	100.0	103.0	106.0	109.0	112.0	115.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	100.0	103.0	106.0	109.0	112.0	115.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	100.0	103.0	106.0	109.0	112.0	115.0

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

XXXXXXXXXX SEE IDENTICAL ANALYSIS AND CHARTS FROM FISCAL NOTE NO. 6.
See attached.

Prepared by: Loren A. Jones
Division: Alcoholism and Drug Abuse
Approved by Commissioner: Karen Perdue, Commissioner
Agent: Department of Health & Social Services

Phone: 465-2071
Date: 03/17/97
Date: 3/18/97

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CS SC 58 (HES)

Revision Date: 01/26/98 Dept. Affected: Health and Social Services
 Title: Relating to issuance, suspension, limitation BRU: Alcohol and Drug Abuse Services
revocation, and reinstatement of driver's license... Component: ADA Admin
 Sponsor: Sen. Taylor COMPONENT SERIAL NO. _____
 Requestor: Senate FIN See also (SN#): #302

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	92.0	95.0	98.0	101.0	104.0	107.0
TRAVEL	4.0	4.0	4.0	4.0	4.0	4.0
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	100.0	103.0	106.0	109.0	112.0	115.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	100.0	103.0	106.0	109.0	112.0	115.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	100.0	103.0	106.0	109.0	112.0	115.0

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Loren A. Jones Phone: 465-2071
 Division: Alcoholism and Drug Abuse Date: 01/26/98
 Approved by Commissioner: Karen Perdue Date: 1/28/98
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

This bill would transfer to the Division of Alcoholism and Drug Abuse the responsibility for the approval of alcohol information courses (Alcohol Information Schools (AIS)) for all persons needing such a course as a result of alcohol related crimes, primarily minor consuming, minor in possession and driving while intoxicated. Currently all such AIS classes also contain a driver improvement section and are targeted primarily at adults.

The current curriculum being used has not been reviewed and updated in many years. There are no outcomes or expectations for the AIS (other than to not have repeated the criminal behavior) or for the impact on the individual. It is time that this was updated and specific outcomes and expectations be established.

With the passage of the "Use It and Lose It" law there has been a dramatic increase in the number of minors losing their drivers license and being required to complete an AIS or treatment in order to have their license re-instated. This new law has shown a significant gap in our ability to respond appropriately and to assure that the education received is of value and will result in positive outcomes for the youth. We have attached several charts which shows the number of revocations for the last three calendar years.

A number of these youth, like adults, may need more than an AIS to address their needs. In reviewing the number of minors losing their driver's license the number of second or more offenders is about equal to the first time loss. This would indicate that the law, in and of itself is not stopping repeat offenses. An age appropriate AIS will have an impact but we know that for some persons additional services may be needed.

The Division also feels that to provide appropriate AIS a different curriculum and teaching method is needed for minors. The Division will locate and/or develop an appropriate model for adult and youth Alcohol/Drug Information School (AIS). These courses would be age appropriate and meet the needs of DMV for driving related issues. There will be a different response for the 18-20 year olds than for those under age 18. One major difference will be information on inhalants for the under 18 age group.

The Division of Alcoholism and Drug Abuse would establish a set of policy guidelines and outcomes for communities to use in developing a local approach to establishing the appropriate entry program for these minors. This would include policies on defining appropriate assessment, referral, defining compliance and completion of appropriate services, and evaluation standards for the program. Thus those who need only AIS would be sent in the correct direction and those who need additional services would also get those.

These policies would include the role of partnership with schools for alternative to suspension programs, for working with courts, working with youth probation, and with local treatment agencies. We would need to address differences for rural villages. We would need to address development of a community based prevention and intervention services.

The Division would require two new positions consisting of 1 probation officer and 1 clerical staff for program & policy development, quality assurance of the AIS classes and staff support. This staff would write the P&P, Regulations and monitor compliance of the AIS providers and the local agencies providing the services.

The Division would propose using the \$400,000 to fund local programs via a competitive process under AS 47.30.470 - AS 47.30.500, which is our grant-in-aid process. In the competitive process we would seek to reach three main objectives: award funds to communities that have a collaborative plan to address the specific needs in their community; assure that the agency receiving the grant will be able to achieve the stated goals; and assure that the funds went to communities with the greatest need.

Data from the Division of Motor Vehicles (CY 1995, 96, and CY 97) show the large majority of minors losing their driver's license occurred in Anchorage, Fairbanks, Juneau, Soldotna, Ketchikan, Sitka and Mat-Su (Palmer and Wasilla). These would be areas in which we would target funding if the other two goals are met.

All Requests for Proposals for substance abuse services should require proposers to specifically discuss prevention strategies either available in the program or in the community. These strategies need to reflect a community-based, risk reduction model and incorporate "best practice" models as supported by the research.

ANALYSIS (cont.):

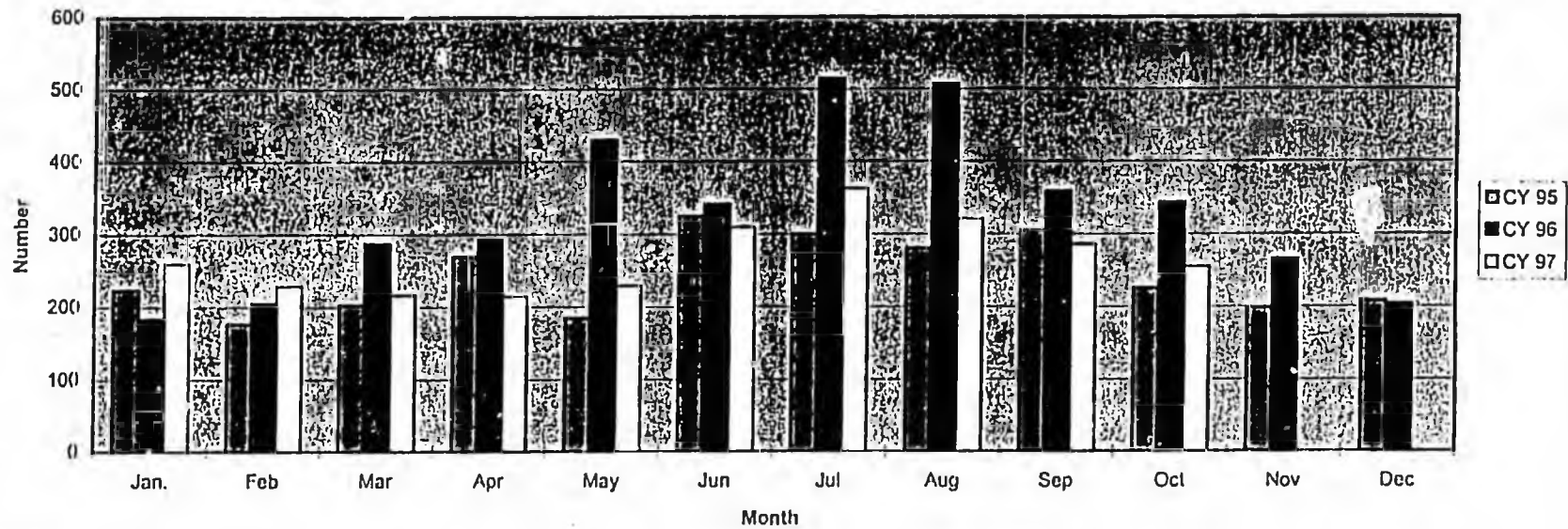
There needs to be a targeted prevention effort in rural areas of Alaska dealing with inhalant abuse. This would help us get a prevention message out about alcohol and drugs as inhalants tend to be used by youth at an age prior to first use of alcohol or drugs.

The revenue generated from the increase in the mandatory fines would provide the increase in funds to pay for this new service. In discussions with the Alaska Court System and the Department of Public Safety and Division of Motor Vehicles it is estimated that 2,000 youth would actually be convicted of minor consuming or minor in possession. This would generate the revenue needed to put in place programs that would reduce the number of offenders.

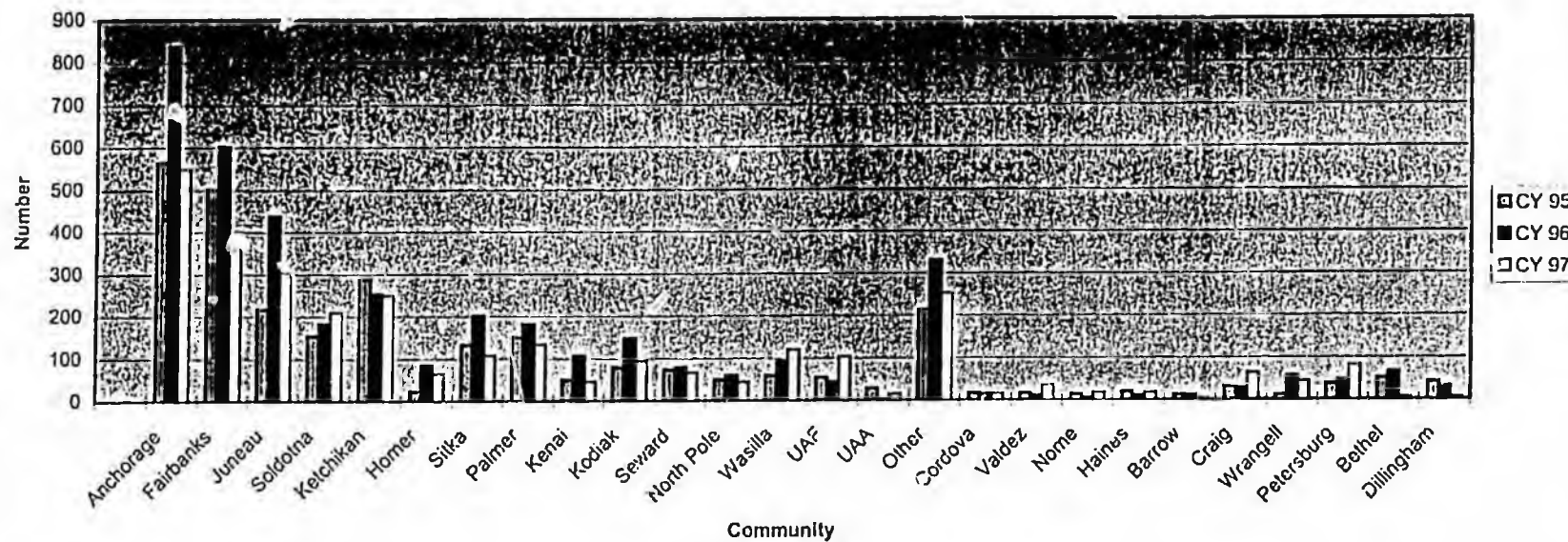
The data on the attached charts are taken from the Division of Motor Vehicles administrative revocation of the driver's license. Not all these youth have been convicted in court of the offenses as the loss of the driver's license is an administrative procedure.

Driver's license loss due to alcohol or drug consumption or possession													
	Jan.	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
CY 95	223	176	202	269	184	324	299	280	304	225	198	207	2891
CY 96	183	205	287	292	430	341	514	508	358	343	265	203	3929
CY 97	259	229	216	214	229	309	362	320	285	255			2678

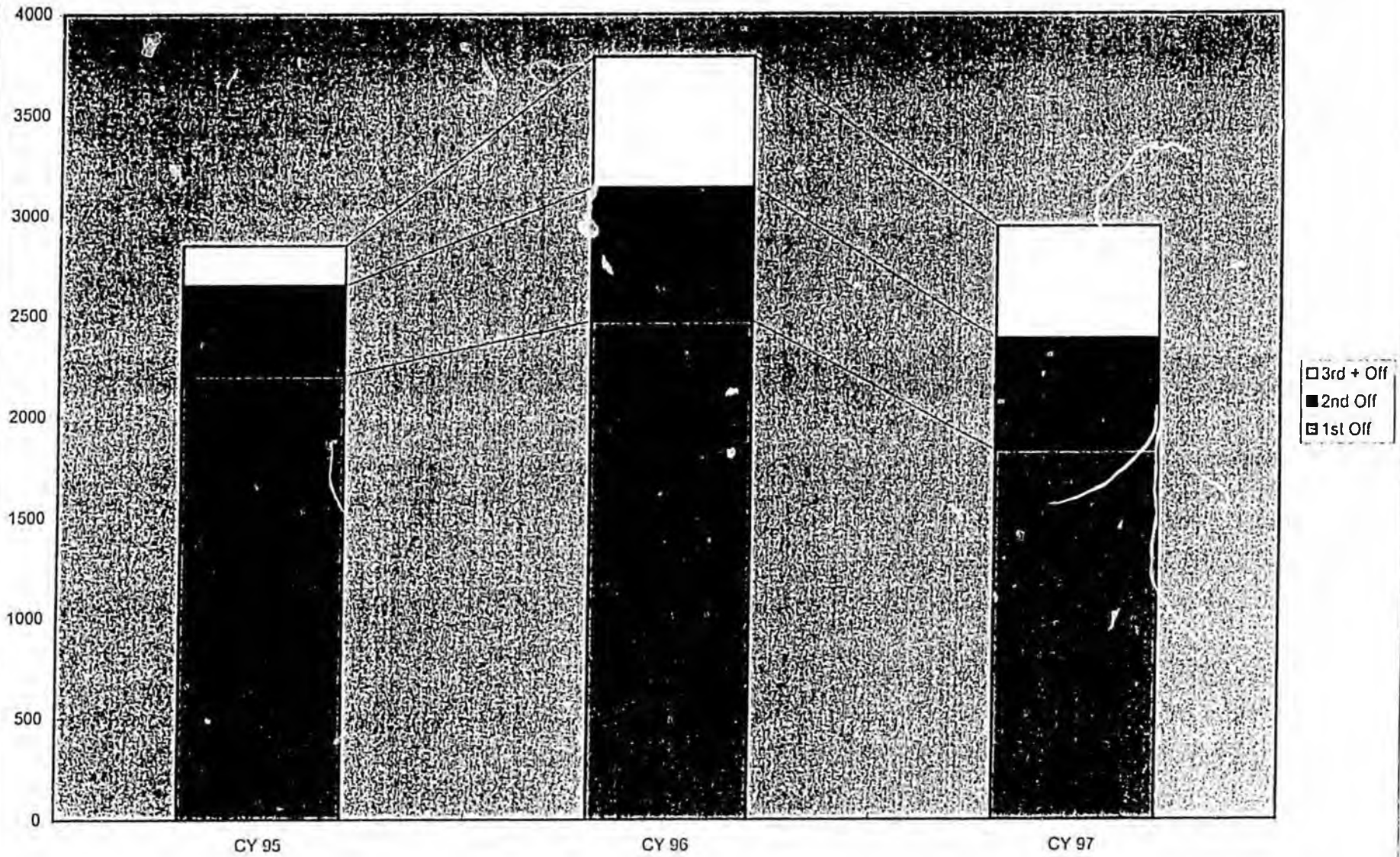
Number Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Month for CY 1995, 1996, 1997



Number of Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Community for CY 1995, 1996, 1997



Comparison of the number of Repeat Offenses in CY 1995, 1996, 1997



FISCAL NOTE

No. 8

Bill Verson: 0498 58 (HESS)

(S) Publish Date: 3-26-97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____
Title: "... relating to the penalty for the consumption
or possession of alcoholic beverages by persons under 21 ..."
Sponsor: Senator Taylor
Requester: Senate HESS Committee

Dept. Affected: Department of Law
BRU: Criminal Division
Component: Criminal Division
COMPONENT SERIAL NO. 2085

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	107.5	107.5	107.5	107.5	107.5	107.5
TRAVEL	1.4	1.4	1.4	1.4	1.4	1.4
CONTRACTUAL	16.0	16.0	16.0	16.0	16.0	16.0
SUPPLIES	2.1	2.1	2.1	2.1	2.1	2.1
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	133.5	127.0	127.0	127.0	127.0	127.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	133.5	127.0	127.0	127.0	127.0	127.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	133.5	127.0	127.0	127.0	127.0	127.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

CSSB 58 (HESS) provides that a minor convicted for the first time of minor consuming alcohol in violation of AS 04.16.050 must pay a fine of \$250. The committee substitute amends SB 58, lowering the proposed penalty for the second and subsequent offenses of minor consuming alcohol in violation of AS 04.16.050 from a class A to a class B misdemeanor, and limits the effect by requiring the prior conviction have happened within the preceding two years. The bill repeals the provision for court revocation of a driver's license upon conviction of minor consuming alcoholic beverages under state or municipal law. Administrative revocation would remain unaffected. The committee substitute further provides for the development and approval by the Department of Health and Social Services of alcohol information classes targeted at juveniles.

Criminalizing minor consuming by making it a misdemeanor for the second and subsequent offenses of minor consuming alcoholic beverages gives rise to the right to a jury trial and court appointed counsel. Information

Prepared by: Joan M. Kasson
Division: Administrative Services Division
Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Phone: 465-5370
Date: 3/24/97
Date: 3/24/97

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ANALYSIS CONTINUATION:

contained in the fiscal note to the bill which decriminalized minor consuming, indicates that in FY 94 there were 3,500 minors who lost their operator's license as a result of minor consuming of alcohol. We estimate that about 1,200 or one-third of those cases of minor consuming will be filed for second or subsequent offenses. We further estimate that about 5 percent of that number of cases will be tried. The resulting 60 jury trials will require one new Attorney III position, to be placed in the Anchorage District Attorney's Office.

Using the department's standard attorney cost, the fiscal impact from this legislation would be \$127,000. This cost includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 is added for this purpose in FY 98. Please note that although no clerical support position is being added, proportionate support position funding is included in the standard attorney cost schedule to reduce clerical support vacancy so that the new attorney's clerical burden can be handled.

FISCAL NOTES. 1

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: SB 58
(C) Publish Date: 3-26-97

Revision Date: _____ Dept. Affected: Department of Law
 Title: "... relating to the privilege to drive of BRU: Criminal Division
minors ... penalties for the consumption ... of alcoholic beverage Component: Criminal Division
 Sponsor: Senator Taylor
 Requester: Senate HESS Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	107.5	107.5	107.5	107.5	107.5	107.5
TRAVEL	1.4	1.4	1.4	1.4	1.4	1.4
CONTRACTUAL	16.0	16.0	16.0	16.0	16.0	16.0
SUPPLIES	2.1	2.1	2.1	2.1	2.1	2.1
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	133.5	127.0	127.0	127.0	127.0	127.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	133.5	127.0	127.0	127.0	127.0	127.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	133.5	127.0	127.0	127.0	127.0	127.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

SB 58 provides that a minor convicted for the first time of minor consuming alcohol in violation of AS 04.16.050 must pay a fine of \$250. SB 58 also provides that it is a class A misdemeanor for the second and subsequent offenses of minor consuming alcohol in violation of AS 04.16.050. The bill repeals the provision for court revocation of a driver's license upon conviction of minor consuming alcoholic beverages under state or municipal law. Administrative revocation would remain unaffected.

Making it a class A misdemeanor for the second and subsequent offenses of minor consuming alcoholic beverages gives rise to the right to a jury trial and court appointed counsel. Information contained in the fiscal note to the bill which decriminalized minor consuming, indicates that in FY 94 there were 3,500 minors who lost their operator's license as a result of minor consuming of alcohol. We estimate that about 1,200 or one-third of those cases of minor consuming will be filed for second or subsequent offenses. We further estimate that about 5 percent of that number of cases will be tried. The resulting 60 jury trials will require one new Attorney III position, to be placed in the Anchorage District Attorney's

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370
 Division: Administrative Services Division Date: 3/4/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/4/97
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 58

ANALYSIS CONTINUATION:

Office.

Using the department's standard attorney cost, the fiscal impact from this legislation would be \$127,000. This cost includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 is added for this purpose in FY 98. Please note that although no clerical support position is being added, proportionate support position funding is included in the standard attorney cost schedule to reduce clerical support vacancy so that the new attorney's clerical burden can be handled.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 9
Bill Verson: CS9B 58 (HES)
(S) Publish Date: 3-26-97

Revision Date: _____
Title: "An Act relating to the privilege to drive of minors and to the penalty for the consumption or possession of alcoholic beverages by persons under 21 years of age."
Sponsor: Sen. Taylor
Requestor: (S) HES

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	201.2	201.2	201.2	201.2	201.2	201.2
TRAVEL	8.1	8.1	8.1	8.1	8.1	8.1
CONTRACTUAL	35.1	35.1	35.1	35.1	35.1	35.1
SUPPLIES	3.6	3.6	3.6	3.6	3.6	3.6
EQUIPMENT	0.0	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	248.0.0	249.5	249.5	249.5	249.5	249.5
CAPITAL EXPENDITURES	15.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	263.0	249.5	249.5	249.5	249.5	249.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	263.0	249.5	249.5	249.5	249.5	249.5

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would impose a mandatory fine of \$250 for a first offense of minor consuming alcohol. A second or subsequent offense committed within two years of the first offense would be a class B misdemeanor. This would result in an increased caseload for the Public Defender Agency. Currently, minor consuming alcohol is a violation, and the defendant does not have a right to a public defender. Under this change a minor would have a right to an attorney when minor consuming alcohol is charged as a misdemeanor. Assuming 1200 new misdemeanor cases per year, three additional attorneys would be required as well as necessary travel, contractual, supplies, and equipment.

Replies # 2

Prepared by: Barbara K. Brink, Director Phone: (907) 264-4414
Division: Public Defender Agency Date: _____

Approved by Commissioner: Mark Bover *Alison M. Elger*
Agency: Department of Administration Date: 3/25/97

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB 58(HESS)

Revision Date: 2/23/98
 Title: "An Act relating to the privilege to drive of minors and to the penalty for the consumption or possession of alcoholic bev.."
 Sponsor: Senator Taylor
 Requestor: (S) FIN

Department Affected: Administration
 BRU: Legal and Advocacy Services
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	164.6	164.6	164.6	164.6	164.6	164.6
TRAVEL	8.8	8.8	8.8	8.8	8.8	8.8
CONTRACTUAL	38.4	38.4	38.4	38.4	38.4	38.4
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT	15.0	1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	229.8	215.8	215.8	215.8	215.8	215.8

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	229.8	215.8	215.8	215.8	215.8	215.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	229.8	215.8	215.8	215.8	215.8	215.8

Estimate of any current year (98) cost: \$ none

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill would make a second or subsequent minor consuming alcohol a Class B Misdemeanor. This would result in an increased caseload for the Public Defender Agency. Currently, minor consuming alcohol is a violation, and the minor does not have a right to a public defender. (However, it should be noted that the Alaska Court of Appeals in State v. District Court, Opinion No. 1504 (December 6, 1996), decided that the drivers license revocation penalties for minor consuming made the offense "criminal," and the defendant had a right to court-appointed counsel.) Assuming 900 new misdemeanor cases per year, 2.5 additional attorneys would be required as well as necessary travel, contractual, supplies, and equipment.

Prepared by: Barbara Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 2/23/98

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 2
Bill Verson: SB 58
(S) Publish Date: 3-26-97

Revision Date: _____
Title: "An Act relating to the privilege to drive of minors and to the penalty for the consumption or possession of alcoholic beverages by persons under 21 years of age."

Department Affected: Administration

BRU: Public Defender Agency
Component: Public Defender Agency

Sponsor: Sen Taylor
Requestor: (S)HESS

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	201.2	201.2	201.2	201.2	201.2	201.2
TRAVEL	8.1	8.1	8.1	8.1	8.1	8.1
CONTRACTUAL	35.1	35.1	35.1	35.1	35.1	35.1
SUPPLIES	3.6	3.6	3.6	3.6	3.6	3.6
EQUIPMENT	0.0	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	248.0.0	249.5	249.5	249.5	249.5	249.5

CAPITAL EXPENDITURES	15.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	263.0	249.5	249.5	249.5	249.5	249.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	263.0	249.5	249.5	249.5	249.5	249.5

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would make a second or subsequent minor consuming alcohol a Class A Misdemeanor. This would result in an increased caseload for the Public Defender Agency. Currently, minor consuming alcohol is a violation, and the minor does not have a right to a public defender. (However, it should be noted that the Alaska Court of Appeals in State v. District Court, Opinion No. 1504 (December 6, 1996), decided that the drivers license revocation penalties for minor consuming made the offense "criminal," and the defendant had a right to court-appointed counsel.) Assuming 1200 new misdemeanor cases per year, 3 additional attorneys would be required as well as necessary travel, contractual, supplies, and equipment.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Alison M. Glave
Date: 3/5/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. 10
Bill Version: CSSB 58 (HES)
(S) Publish Date: 3-26-97

Revision Date: _____ **Dept. Affected:** Administration
Title: An Act relating to the privileges to drive of **BRU:** Motor Vehicles
minors... **Component:** Driver Services
Sponsor: Senator Taylor
Requestor: (S) HES **COMPONENT SERIAL NO.** 500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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
CHANGE IN REVENUES ()	0	0	0	0	0	0
<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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill will not fiscally impact the Division of Motor Vehicles

Repeals #4

Prepared By: Jay Dulany, Director **Phone:** 465-2650
Division: Motor Vehicles **Date:** _____
Approved by Commissioner: Mark Boyer *Alison M. Segger* **Date:** 3/25/97
Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: No. 4
 Bill Verson: SB 58
 (S) Publish Date: 3-26-97

Revision Date: _____ Dept. Affected: Public Safety
 Title: Minor Consuming BRU: Motor Vehicles
 Component: Driver Services
 Sponsor: Sen. Taylor
 Requestor: S. HESS COMPONENT SERIAL NO. 0500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill is not expected to have any fiscal impact on DMV.

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 3/5/96
 Approved by Commissioner: Ronald L. Otte Date: 3/5/97
 Agency: Department of Public Safety

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1997 LEGISLATIVE SESSION

Revision Date: March 26, 1997

Dept. Affected: Public Safety

Title: Minor Consuming Alcohol: Penalty

DPS Statewide Support

Component: Commissioner's Office

Sponsor: Senator Taylor

Requestor: S. HESS

COMPONENT SERIAL NO. 0523

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

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-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner

Phone: 465-4322

Division: Commissioner's Office

Date: 3/26/97

Approved by Commissioner: *Ronald L. Otte*

Date: 3/26/97

Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 12
Bill Version: CSSB 58 (HES)
(S) Publish Date: 4-3-97

Revision Date: _____ Dept. Affected: Alaska Court System
Title: Minor Consuming Alcohol Penalties BRU: Trial Courts
Sponsor: Sen. Taylor Component: _____
Requestor: Senate Judiciary COMPONENT SERIAL NO.: 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	28.6	28.6	28.6	28.6	28.6	28.6
TRAVEL						
CONTRACTUAL	10.5	10.5	10.5	10.5	10.5	10.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	39.1	39.1	39.1	39.1	39.1	39.1

CAPITAL EXPENDITURES						
CHANGE IN REVENUES (

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	39.1	39.1	39.1	39.1	39.1	39.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	39.1	39.1	39.1	39.1	39.1	39.1

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time	1.0	1.0	1.0	1.0	1.0	1.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal impact.

Prepared by: Doug Wooliver, Administrative Attorney Phone: 264-8228
Agency: Alaska Court System Date: 04/02/97

Approved by: Stephanie J. Cole, Acting Administrative Director Date: 04/02/97
Agency: Alaska Court System

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ALASKA COURT SYSTEM
FISCAL ANALYSIS
CSSB 58 (HES)

Section 1 of CSSB 58 (HES) amends AS 04.16.050(b) to make second and subsequent violations of AS 04.16.050(a) (consumption or possession of alcohol by a minor) a class B misdemeanor. Section 5 of the bill amends AS 28.15.185(a) by removing the authority of the district court to revoke the driver's license of a minor who is convicted of consumption or possession of alcohol.

At the present time, second or subsequent violations of AS 04.16.050(a) are classified as violations, although the penalty provisions contained in AS 28.15.185(a) require the criminal justice system to treat them as misdemeanors, including right to counsel and jury trial. This fact was overlooked when the statutes were enacted and funded in 1995. Misdemeanors must be handled in court by an assistant attorney general rather than the arresting officer, and the Department of Law is not currently prosecuting these offenses.

The Department of Law has estimated that with passage of CSSB 58 (HES), it will prosecute 60 minor consumption cases each year which result in a jury trial. This note is based upon that estimate, and includes the costs associated with 60 one-day jury trials in district court, offset by the time which a magistrate would have spent on such cases if they were treated as violations.

Alaska Court System
Fiscal Analysis
CSSB 58 (HES)

Personal Services

Position

Salary

Benefits

Total

Pro Tem District Court Judge, Anchorage, PPT, 3 months

\$13,500

\$8,323

\$21,823

In-Court Clerk, 12A, Anchorage, PPT, 3 months

7,125

1,835

8,960

Total Personal Services

30,784

Personal Services Offset

Magistrate time to conduct 60 one-hour infraction trials, average salary and benefits

(2,143)

Net Personal Services

28,641

Contractual Services

Jury fees for additional 60 one-day, 7-person jury trials at \$25 a day

10,500

Total estimated annual cost

\$39,141

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB 58 (HES)

Revision Date: 02/23/98 Dept. Affected: Alaska Court System
 Title: Minor Consuming Alcohol BRU: Trial Courts
 Component: _____
 Sponsor: Sen. Taylor
 Requestor: Senate Finance COMPONENT SERIAL NO. 768

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	28.6	28.6	28.6	28.6	28.6	28.6
TRAVEL						
CONTRACTUAL	10.5	10.5	10.5	10.5	10.5	10.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	39.1	39.1	39.1	39.1	39.1	39.1

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	39.1	39.1	39.1	39.1	39.1	39.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	39.1	39.1	39.1	39.1	39.1	39.1

Estimate of any current year (FY 98) cost: \$ None

Positions

Full-Time						
Part-Time	2	2	2	2	2	2
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Doug Wooliver, Administrative Attorney
 Agency: Alaska Court System
 Approved by: Stephanie J. Cole, Administrative Director
 Agency: Alaska Court System

Phone: 264-8265
 Date: 02/23/98
 Date: 02/23/98

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ALASKA COURT SYSTEM
FISCAL ANALYSIS
CSSB 58 (HES)

Section 1 of CSSB 58 (HES) amends AS 04.16.050(b) to make second and subsequent violations of AS 04.16.050(a) (consumption or possession of alcohol by a minor) a class B misdemeanor. Section 5 of the bill amends AS 28.15.185(a) by removing the authority of the district court to revoke the driver's license of a minor who is convicted of consumption or possession of alcohol.

At the present time, second and subsequent violations of AS 04.16.050(a) are classified as violations, although the penalty provisions contained in AS 28.15.185(a) require the criminal justice system to treat them as misdemeanors, which includes the right to a jury trial. This fact was overlooked when the statutes were amended in 1995 to make the crime of minor consuming alcohol a violation handled in district court rather than a misdemeanor handled through DFYS. Because these violations have to be treated as misdemeanors and handled in court by an assistant attorney general rather than the arresting officer, the Department of Law has not been aggressively prosecuting them.

The Department of Law has estimated that the passage of CSSB 58 (HES) will result in 60 minor consuming jury trials a year. This note is based upon that estimate and includes the costs associated with 60 one day jury trials in district court. This number is offset by the amount of time which a magistrate would have spent on such cases had they been treated as violations.

Alaska Court System
Fiscal Analysis
CSSB 58 (HES)

Personal Services
Position

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem District Court Judge, Anchorage, PPT, 3 months	14,625	7,129	\$21,754
In-Court Clerk, 12A, Anchorage, PPT, 3 months	7,233	1,568	<u>8,801</u>
Total Personal Services			30,555

Personal Services Offset

Magistrate time to conduct 60 one-hour infraction trials, average salary and benefits	<u>(2,143)</u>
Net Personal Services	28,641

Contractual Services

Jury fees for additional 60 one-day, 7-person jury trials at \$25 a day	<u>10,500</u>
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Total estimated annual cost	<u><u>\$ 39,141</u></u>
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Senator Robin L. Taylor

Sponsor Statement

Senate Bill 58

In 1995, the Legislature passed and the Governor signed Senate Bill 46. This bill moved underage drinking offenses out of the juvenile justice system and into adult court. The new law also changed minor consuming from Class A Misdemeanor status to that of a violation with a fine of not less than \$100.

SB 46 was intended to toughen enforcement of underage drinking laws by getting the offenders and their parents or guardians into adult court. Two problems have arisen since that passage of SB 46 which require that this issue be revisited.

Parents in several communities have complained that the new law is not having the intended effect. The \$100 fine seems to have little impact on young people who receive \$1000+ in the form of Permanent Fund Dividend payments each year.

And, District Court Judge Patricia Collins has ruled that minors charged under the MCA statute are entitled to a jury trial and a public defender, if they qualify, because their drivers' licenses are subject to revocation upon conviction. The Court of Appeals upheld that ruling on December 6, 1996.

Senate Bill 58 seeks to restore legislative intent to the process. It would make minor consuming a violation, subject to a fine of \$250, on the first offense. The offense would revert to Class B Misdemeanor status for the second and subsequent offenses.

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Senate Bill 58- Sponsor Statement
Page Two

Senate Bill 58 would also divorce minor consuming from penalties against drivers' licenses, at least as far as the courts are concerned. Minors who consume alcohol would still lose their licenses through administrative action under the "Use It and Lose It" law, but it would no longer be a court action.

The \$250 fine imposed by SB 58 would also strengthen the message that underage drinking is against the law, while falling below the threshold of fines which establish a "criminal" prosecution. More importantly, the increased fine would allow the establishment of a screening and referral program.

The Senate HESS version would reduce the second and subsequent offenses to class B misdemeanor status if they occur within two years of the first offense. That two year window will give ample opportunity to target problem drinkers. It should also serve to reduce the fiscal impact projected by the Public Defender Agency.

The second provision adopted in Senate HESS would incorporate the "junior" Alcohol Safety Action Program suggested in Senate Bill 71. It would allow the legislature to appropriate the \$250 fines imposed by SB 58 to pay for this screening and referral program.

Adult offenders already pay for the ASAP program and should not be subject to increased drivers license reinstatement fees. Letting the kids pay for their own "junior" ASAP program through the \$250 fine will add some accountability to this effort to address minor consuming.