

SB

70

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/30/97

FURTHER: Judiciary
Finance

Date of 5-Day Notice: 2/13/97
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/21/97

HESS Committee considered SENATE BILL NO. 70

"An Act defining the offenses of unlawful discharge of a firearm; and relating to the commission of those offenses by minors."

and recommends:

- be replaced with _____ CS _____ (_____)
- 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 title
 - new: SCR# _____

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Don D. Feenan</i>	✓	<i>[Handwritten Signature]</i>	X		
<i>[Handwritten Signature]</i>	✓				
CHAIR: <i>[Handwritten Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
Corrections	2/18/97		✓
Admin - Public Defense	2/14/97	indet	
Law	2/13/97	✓	
Public Safety	2/18/97	✓	
Health + Social Services	2/14/97	✓	
Abuse & Court System	2/20/97	indet	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Sections Repealed in SB 70

395

OFFENSES AGAINST PUBLIC ORDER

§ 11.61.190

(2) renders a highway impassable or passable only with unreasonable inconvenience or hazard.

(b) It is an affirmative defense to a prosecution under (a)(1) of this section that

(1) the defendant took reasonable steps to remove the substance from the highway; and

(2) no person suffered physical injury as a result of the presence of the substance on the highway.

(c) Obstruction of highways is a class B misdemeanor. (§ 7 ch 166 SLA 1978)

Collateral references. — 39 Am. Jur. 2d, Highways, Streets and Bridges, §§ 281-310.
39A C.J.S., Highways, §§ 217-231.

Sec. 11.61.160. Recruiting a gang member in the first degree. (a) A person commits the crime of recruiting a gang member in the first degree if the person uses or threatens the use of force against a person or property to induce a person to participate in a criminal street gang or to commit a crime on behalf of a criminal street gang.

(b) Recruiting a gang member in the first degree is a class C felony. (§ 2 ch 60 SLA 1996)

Effective dates. — Section 13, ch. 60, SLA 1996 makes this section effective September 1, 1996.

Sec. 11.61.165. Recruiting a gang member in the second degree. (a) A person commits the crime of recruiting a gang member in the second degree if the person is 18 years of age or older and, without force or the threat of force, encourages or recruits a person who is under 18 years of age and at least three years younger than the offender to participate in a criminal street gang.

(b) Recruiting a gang member in the second degree is a class A misdemeanor. (§ 2 ch 60 SLA 1996)

Effective dates. — Section 13, ch. 60, SLA 1996 makes this section effective September 1, 1996.

Article 2. Weapons and Explosives.

Section
190. Misconduct involving weapons in the first degree
195. Misconduct involving weapons in the second degree
200. Misconduct involving weapons in the third degree

Section
210. Misconduct involving weapons in the fourth degree
220. Misconduct involving weapons in the fifth degree
240. Criminal possession of explosives
250. Unlawful furnishing of explosives

Collateral references. — 31 Am. Jur. 2d, Explosions and Explosives, §§ 121-130; 79 Am. Jur. 2d, Weapons and Firearms, §§ 1-34.

35 C.J.S., Explosives, § 1 et seq; 94 C.J.S., Weapons, §§ 3-25.

Validity and construction of gun control laws, 28 ALR3d 845.

Validity of state statutes restricting right of aliens

to bear arms, 28 ALR4th 1096.

Sufficiency of evidence of possession in prosecution under statute prohibiting persons under indictment for or convicted of crime from acquiring, having, carrying or using firearms or weapons, 43 ALR4th 788.

Validity of state statute proscribing possession or carrying of knife, 47 ALR4th 651.

Sec. 11.61.190. Misconduct involving weapons in the first degree. (a) A person commits the crime of misconduct involving weapons in the first degree if the person

(1) uses or attempts to use a firearm during the commission of an offense under AS 11.71.010 — 11.71.040 or

(2) discharges a firearm from a propelled vehicle while the vehicle is being operated and under circumstances manifesting substantial and unjustifiable risk of physical injury to a person or damage to property.

(b) Misconduct involving weapons in the first degree is a class A felony. (§ 10 ch 79 SLA 1992; am § 3 ch 60 SLA 1996)

Effect of amendments. — The 1996 amendment, effective September 1, 1996, in subsection (a), redesignated a portion of the existing language as paragraph (1), added paragraph (2), and made a related stylistic change.

Sec. 11.61.195. Misconduct involving weapons in the second degree. (a) A person commits the crime of misconduct involving weapons in the second degree if the person knowingly

(1) possesses a firearm during the commission of an offense under AS 11.71.010 — 11.71.040; or

(2) violates AS 11.61.200(a)(1) and is within the grounds of or on a parking lot immediately adjacent to

(A) a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer; or

(B) a center, other than a private residence, licensed under AS 47.33 or AS 47.35 or recognized by the federal government for the care of children.

(b) Misconduct involving weapons in the second degree is a class B felony. (§ 10 ch 79 SLA 1992; am § 1 ch 124 SLA 1994; am § 2 ch 130 SLA 1994)

Effect of amendments. — The first 1994 amendment, effective January 1, 1996, substituted "AS 47.35" for "AS 47.35.010 — 47.35.075" in subparagraph (a)(2)(B).

The second 1994 amendment, effective January 1, 1995, substituted "AS 47.33 or AS 47.35.010 — 47.35.070" for "AS 47.35.010 — 47.35.075" in subparagraph (a)(2)(B).

Sec. 11.61.200. Misconduct involving weapons in the third degree. (a) A person commits the crime of misconduct involving weapons in the third degree if the person

(1) knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory;

(2) knowingly sells or transfers a firearm capable of being concealed on one's person to a person who has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory;

(3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

(4) knowingly sells or transfers a firearm to another whose physical or mental condition is substantially impaired as a result of the introduction of an intoxicating liquor or controlled substance into that other person's body;

(5) removes, covers, alters, or destroys the manufacturer's serial number on a firearm with intent to render the firearm untraceable;

(6) possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable;

(7) violates AS 11.46.320 and, during the violation, possesses on the person a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or controlled substance into the person's body;

(8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued or filed under AS 18.66.100 — 18.66.180 or issued under former AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(9) communicates in person with another in violation of AS 11.56.740 and, during the communication, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(10) resides in a dwelling knowing that there is a firearm capable of being concealed on one's person or a prohibited weapon in the dwelling if the person has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory, unless the person has written authorization to live in a dwelling in which there is a concealable weapon described in this paragraph from a court of competent jurisdiction or from the head of the law enforcement agency of the community in which the dwelling is located; or

(11) discharges a firearm from a propelled vehicle while the vehicle is being operated in circumstances other than described in AS 11.61.190(a)(2).

(b) It is an affirmative defense to a prosecution

(1) under (a)(1) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) under (a)(2) or (10) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801-5872 (National Firearms Act).

(d) It is an affirmative defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(f) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas

(i) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death;

(ii) rocket, other than an emergency flare, having a propellant charge of more than four ounces;

(iii) bomb; or

(iv) grenade;

(B) device designed, made, or adapted to muffle the report of a firearm;

(C) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

Sec. 11.61.210. Misconduct involving weapons in the fourth degree. (a) A person commits the crime of misconduct involving weapons in the fourth degree if the person

(1) possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or a controlled substance into the person's body in circumstances other than described in AS 11.61.200(a)(7);

(2) discharges a firearm from, on, or across a highway;

(3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person;

(4) manufactures, possesses, transports, sells, or transfers metal knuckles;

(5) manufactures, sells, or transfers a switchblade or a gravity knife;

(6) knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school or while participating in a school-sponsored event, except that a person 21 years of age or older may possess

(A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) a defensive weapon;

(C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks; or

(8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(b) *[Repealed, § 4 ch 63 SLA 1990.]*

(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor. (§ 7 ch 166 SLA 1978; am §§ 21, 22 ch 102 SLA 1980; am §§ 2, 4 ch 63 SLA 1990; am § 7 ch 59 SLA 1991; am §§ 15, 16 ch 79 SLA 1992; am §§ 1, 2 ch 33 SLA 1995)

Revisor's notes. — Subsection (c) was enacted as (d). Relettered in 1995. Subsection (d) was formerly (b); relettered as (c) in 1980 and relettered again in 1995.

Effect of amendments. — The 1990 amendment added "in circumstances other than described in AS 11.61.200 (a)(7)" at the end of paragraph (a)(1) and repealed subsection (b).

The 1991 amendment, effective September 15, 1991, in subsection (a), rewrote paragraph (1) and added paragraphs (4) and (5).

The 1992 amendment, effective September 14,

1992, substituted "fourth degree" for "second degree" near the beginning of subsection (a) and in subsection (d); and added paragraph (a)(6) and made related stylistic changes.

The 1995 amendment, effective August 17, 1995, added paragraph (a)(7), made a related stylistic change, and added subsection (c).

Legislative history reports. — For a report on Chapter 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 29, 1980.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT FOR SENATE BILL 70 "UNLAWFUL DISCHARGES OF FIREARMS"

Senate Bill 70 provides strong new deterrents to individuals who unlawfully discharge firearms at buildings .

Last year an Anchorage family was awoken in the middle of the night to a barrage of gunfire. The next day, the Anchorage Police Department found five bullets lodged in various locations of the family's home. Juneau has witnessed seven separate accounts of shootings at dwellings in the last year alone. Under current state law, the unlawful discharge of a firearm at a building is only a misdemeanor.

SB 70 creates a new felony offense for the unlawful discharge of firearms at or in the direction of a building. The legislation also creates a stiffer penalty for those individuals charged with discharging a firearm in the direction of a building with reckless disregard for a risk that the building is occupied. Senate Bill 70 also adds the "unlawful discharge of a firearm in the first or second degree" to the list of possible automatic waiver crimes for certain juveniles. Minors, at least 16 years of age at the time of offenses, would be charged, prosecuted and sentenced in superior court in the same manner as an adult.

SB 70 adds the crime of an unlawful discharge of a firearm in the first degree to the statutory definition of "most serious felony". Under this provision the crime of an unlawful discharge of a firearm would be on the same level as first degree offenses of arson and promoting prostitution.

SB 70 also denies individuals a concealed gun handgun permit if that person has been found guilty of an unlawful discharge of a firearm in the fourth degree within the last five years. Unlawful discharges of a firearm in the first, second and third degree already disqualifies individuals from obtaining a conceal carry weapons permit.

Finally SB 70 makes the statutes easier to understand by grouping all offenses dealing with the unlawful discharge of firearms into one separate section of law.

Senate Bill 70 addresses the problem of random reckless discharges of firearms by instituting tough new penalties on those individuals who not only endanger property but innocent lives as well.

DD/jja

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee

Produced in House



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

**Sectional Analysis
for Senate Bill 70
"Unlawful Discharge of Firearms"**

Section #1 - restructures AS 11.61.200 (e) by deleting the offense of misconduct involving weapons in the third degree and reclassifies it as the unlawful discharge of firearms in the third degree.

Rationale: this reclassification groups this offense with other offenses of unlawful discharge of firearms created in section #2 of the bill. This restructuring makes the statutes easier to understand.

Section #2 - Creates four separate levels of offenses for the unlawful discharge of firearms. Additionally, this section creates a new felony offense for the unlawful discharge of firearms at or in the direction of a building and stiffens the penalty for discharging a firearm in the direction of a building with reckless disregard for a risk that the building is occupied.

Rationale: Last year in Alaska, there was a sharp increase in the number of random reckless discharges of firearms by individuals at buildings. Under current state law, the unlawful discharge of a firearm at a building is only a misdemeanor. This section establishes tough new penalties on those individuals who unlawfully discharge firearms.

Section #3 - classifies and adds the offense of unlawful discharge of a firearm in the first degree to the list of "most serious felonies" in state statutes.

Rationale: this section would add the unlawful discharge of firearm in the first degree to the list of crimes applicable in the newly adopted "Three Strikes and You Are Out" law. Under that law specific offenders who have two separate prior class A or unclassified felony convictions are sentenced to a definite term of 40-99 years on their third conviction.

Section #4 - adds the offense of unlawful discharge in the fourth degree to the list of offenses, which if convicted, deny individuals a concealed carry weapons permit.

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MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee

Produced in House

Sectional Analysis
Senate Bill 70
Page 2

Rationale: in current state law, the first, second, and third degree offenses of a discharging of firearms already disqualifies individuals from obtaining a concealed weapons permit. This provision would disqualify individuals who discharge a firearm

- 1) at or in the direction of a building, other than a dwelling
- 2) from, on, or across a highway; or
- 3) with reckless disregard for a risk of physical injury to a person or damage to a property.

Section #5 - adds the "unlawful discharge of a firearm in the first or second degree to the list of possible automatic waiver crimes for certain juveniles. Minors, at least 16 years of age at the time of offenses, would be charged, prosecuted and sentenced in superior court in the same manner as an adult.

Rationale: unlawful discharges of firearms in the first or second degree are serious offenses and this provision would hold minors, 16 years or older, accountable for those offenses in superior court.

Section #6 - adds the offense of "unlawful discharge of a firearm in the first or second degree to the charges of an unclassified felony or class A felony and that are crimes against a person. If a minor petitions the court to be declared a delinquent when being charged for this offense the minor

- 1) is rebuttably presumed not to be amenable to treatment
- 2) has the burden of proof of showing that the minor is amenable to treatment.

Rationale: Minors under determination to be waived to adult court may petition the court be declared a delinquent for the commission of the offense. The serious nature of these crimes necessitates that a minor, not the state, provide the burden of proof if such a petition is filed.

Section #7 - restructures current state statutes by grouping all offenses dealing with the unlawful discharge of firearms into one separate section of law.

DD/jja

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 70

Revision Date: _____ Dept. Affected: Corrections
 Title: Unlawful discharge of a firearm BRU: All
 Component: All
 Sponsor: Senator Donley
 Requester: Senate HES COMPONENT SERIAL NO. #0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	311.3	388.1	465.0	541.8	618.7	656.9
TOTAL OPERATING	311.3	388.1	465.0	541.8	618.7	656.9

CAPITAL EXPENDITURES					663.0	3,757.0
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	311.3	388.1	465.0	541.8	1,281.7	4,413.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	311.3	388.1	465.0	541.8	1,281.7	4,413.9

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see attached explanation.

Prepared by: Bruce Richards
 Division: Commissioner's Office
 Approved by Commissioner: Margaret M. Pugh
 Agency: Department of Corrections

Phone: 465-3307
 Date: 2/18/97
 Date: 2/18/97

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Assumptions

1. According to DFYS the number of juveniles who would be automatically waived under proposed AS11.61.300 is approximately two per year. These juveniles would be convicted of class A felonies which carries a presumptive sentence of 7 years. This would result in actual incarceration of 4 years and 8 months (time subtracted for mandatory parole) per individual.
2. According to the Department of Law the number of juveniles who would be automatically waived under proposed AS11.61.310 is approximately six per year. These juveniles would be convicted of a class B felony, which carries a sentence of 0 to 10 years. The average sentence for a first class B felony is 1.5 years. This would result in actual incarceration time of 1 year (time subtracted for mandatory parole) per individual.
3. Each felony case will require a pre-sentence investigation (PSI) report for the court. Preparing a PSI report for class A felonies costs approximately \$630 each. Each class B felony PSI report costs approximately \$455.
4. The statewide average daily cost of incarceration is \$105.27. It is assumed that those convicted of AS 11.61.300 and AS 11.61.310 offenses will require incarceration in state correctional facilities, as opposed to lower-cost community residential centers.
5. The correctional system cannot safely or legally absorb additional prisoners without additional beds being added. The system has operated over emergency capacity for several years. In addition to posing safety hazards, operating over emergency capacity has resulted in contempt of court fines which will total approximately \$2.4 million by the end of FY97. Without constructing new beds, the addition of violent juvenile offenders serving lengthy sentences in the adult system will worsen crisis levels of overcrowding, increasing the risks of harm to staff, prisoners, and the public.
6. The average cost of construction for a correctional bed is approximately \$100,000. A maximum security bed costs approximately \$160,000. The cost used in these calculations should be considered very conservative, given the nature of offenses for automatically waived juveniles. The department has projected that expansion of an existing facility by 34 beds would address the projected number of inmates in Senate Bill 70, as well as the current juvenile population already in state correctional facilities.
7. These cost estimates are not adjusted for inflation, nor do they reflect the significant upward trend in rates of violent juvenile crime. It is hoped that any deterrent effect achieved by this measure will offset those factors. If deterrence does not sufficiently offset the escalating juvenile crime rate, the operating and capital expenses will be higher.

8. The department (when possible) houses waived juveniles in single cells, at least during the initial months of incarceration, to determine their level of vulnerability to adult predators in the prison population. It is generally assumed that juvenile inmates require closer security than the average adult. The department does try to place juveniles with other juveniles when possible. However, this is more difficult to do in smaller facilities.

Operating Expenses

FY98: 2 class A felony offenses X \$630 per PSI report= \$1.2
 6 class B felony offenses X \$455 per PSI report= \$2.7
 8 inmates X 365 days X \$105.27 per day = \$307.4
TOTAL = \$311.3

YEAR	OLD+ NEW	TOTAL	COST PER DAY	DAYS	INCARC COST PER YEAR	PSI COSTS	TOTAL
FY98	8	8	\$105.25	365	\$307.4	\$3.9	\$311.3
FY99	8 + 2	10**	\$105.25	365	\$384.2	\$3.9	\$388.1
FY00	10+ 2	12	\$105.25	365	\$461.1	\$3.9	\$465.0
FY01	12 + 2	14	\$105.25	365	\$537.9	\$3.9	\$541.8
FY02	14 + 2	16	\$105.25	365	\$614.8	\$3.9	\$618.7
FY03	16	16*	\$105.25	365	\$614.8	\$3.9	\$618.7 + \$38.2 \$656.9

**Beginning in FY99 the first offenders (6) under proposed AS 11.61.310 would be released. This results in a no net gain from this point forward since 6 would enter the system and 6 would be released.

*Midway through FY 03 the first offenders (2) under proposed AS 11.61.300 will be released and therefore are not reflected in the total number of inmates. Their cost is reflected separately in the final total at \$38.2 for FY03.

Capital Expenses

34 inmates X \$130,000 per bed = \$4,420,000

Operating expenses for the expanded facility are not reflected in this fiscal note since expected completion of the facility would not occur until FY04. Fifteen percent of the of the estimated construction costs have been entered as capital costs in FY02 for architectural and engineering as well as other related costs. The balance is included in the FY03.

FISCAL NOTE

STATE OF ALASKA

BILL NO. SB 70

1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act defining the offenses of unlawful discharge of a firearm..."

Department Affected: Administration

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Senator Donlev

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	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	***	***	***	***	***	***

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

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 97) cost: \$ -0-

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

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

Phone: (907) 264-4414

Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/14/97

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FISCAL NOTE

1 STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 70

ANALYSIS: (continued)

This bill creates a new class B felony crime of unlawful discharge of a firearm in the second degree if a person discharges a firearm at or in the direction of a building with reckless disregard for a risk that the building is occupied. Unlawful discharge of a firearm in the third degree is created for other circumstances when a propelled vehicle is being operated. The first degree class A felony also becomes a most serious felony under the current three strikes law. Additionally a person's ability to get a concealed weapon permit is restricted if they have been convicted of such an offense within the last five years. Finally, a minor who is 16 or 17 who is arraigned on a charge of an unlawful discharge of a firearm in the first or second degree will be automatically waived to adult court. These statutory modifications will have enormous impact on the Alaska Public Defender Agency. It will result in the creation of more juveniles being charged in adult court with class A felony and class B felony charges. These types of charges are the most time intensive and labor consumptive of all the cases the Public Defender Agency handles. Without accurate predictions of the numbers of cases the fiscal impact, while definite, cannot be quantified.

@

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 70 |

Revision Date: _____ Dept. Affected: Department of Law
 Title: " . . . defining the offenses of unlawful
discharge of a firearm; and relating to commission . . . by minors." BRU: Criminal Division
 Sponsor: Senator Donley Component: Criminal Division
 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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

SB 70 defines the offense of unlawful discharge of a firearm, includes a conviction of unlawful discharge of a weapon in the fourth degree as one of the misdemeanor offenses disqualifying an individual from receiving a concealed weapons permit, and includes the charge of unlawful discharge of a weapon in the first or second degree as one requiring automatic waiver of a juvenile to adult court.

Because this bill essentially redefines conduct that is already a crime, the department does not anticipate any fiscal impact. The waiver of juveniles into adult court for certain activities does constitute new cases for the Criminal Division, however, the department does not expect the caseload increase to be significant. We would note, however, than many other bills have been introduced that create automatic waivable offenses that, alone, are not expected to create a fiscal impact. However, depending on how many pass, they may have a cumulative impact. The department will need to assess this cumulative impact when it is known.

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: 2/13/97
 Date: 2/13/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: SB 70

Revision Date: 02/17/97 Dept. Affected: Public Safety
 Title: Create Unlawful Discharge of a Firearm BRU: Alaska State Troopers
Crimes Component: Detachments
 Sponsor: Sen. Donley
 Requestor: Senate 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 would not have any significant impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 02/17/97
 Approved by Commissioner: Ronald L. Otte *[Signature]* Date: 2/18/97
 Agency: Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 70

Revision Date: _____
 Title: Discharge of a Firearm and Relating to the
Commission of those Offenses by Minors
 Sponsor: Senator Donley
 Requestor: Senate (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 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						
-----------------------------	--	--	--	--	--	--

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 will be no fiscal impact on the department if this bill becomes law. While there will be no increase if this class of offenses is established, there will be no decrease in the funds required to operate DFYS if youth who commit these offenses are waived to the adult system. The department will still be faced with overcrowding in juvenile facilities and a waiting list of youth with incarceration orders even if a few more youth are waived under this bill.

5/14/97

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services

Phone: 465-3191
 Date: 02/14/97

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

Date: 2/14/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 70

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Unlawful Discharge of a Firearm BRU: Trial Courts
 Component: _____
 Sponsor: Sen. Donley
 Requestor: HES 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							
TRAVEL							
CONTRACTUAL							
SUPPLIES							
EQUIPMENT							
LAND & STRUCTURES							
GRANTS & CLAIMS							
MISCELLANEOUS							
TOTAL OPERATING	**	**	**	**	**	**	
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ()							

Fund Source		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other							
TOTAL	**	**	**	**	**	**	

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

Positions							
Full-Time							
Part-Time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

SB 70 redefines certain conduct that is already a crime, which should not result in a fiscal impact. However, the waiver of juveniles into adult court for certain offenses will increase costs because the trial rate for adult offenses is substantially higher than the trial rate for juvenile offenses. Depending on the number of automatic waivers which are made, the court system may need to return to the Legislature for funding.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 02/20/97
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 02/20/97
 Agency: Alaska Court System

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Bullets puncture house

Muldoon shooting perplexes family

By STEVE RINEHART
Daily News reporter

Ronald Harper paced the walkway in front of his home in Muldoon on Sunday afternoon, pointing out the bullet holes punched through the gray aluminum siding. They were big enough to wedge a finger in; they had opened the metal siding like a can-opener.

"That's the one that went through (Theresa's) bedroom," he said. "That one went over my computer."

Another went through the living room window, missing the big-screen television but gouging a trough through the woodwork. A fourth round plowed into a corner near the front door; a fifth drilled through at the right height to lodge between the upper and lower floors of the split level house on Dickerson Street, just off Turpin Street.

"The police found five (cartridge) casings in the street," he said. "I thought I heard six shots."

The Harpers — Ronald, Evangeline and their daughter, Theresa — were sleeping about 4 a.m. Sunday when they heard, and felt, the barrage. "It was like a shockwave," Ronald Harper said.

Sunday afternoon they were trying to figure out what it meant.

Evangeline Harper said she hoped the shooting was random, that no one was angry enough with them to

BULLETS: Five shots hit Muldoon home

Continued from Page B-1

try to get even with a pistol in the dark of night.

If the shooter is ever caught — something they don't expect — she said she'd first ask "Why did you do it?"

"They could have killed someone," Ronald Harper said. "It's like they didn't care."

As it happened, the main casualty besides peace of mind were two stuffed animals, a whale and a dolphin, in Theresa's room. The toys were on the bookshelf above her bed, Theresa said, a few feet away from where she was sleeping. The bullet blasted their stuffing out.

"It's scary," Theresa said. The 15-year old Bartlett High School sophomore said she thought she heard the last two shots. It sounded like someone trying to break the window.

"I woke straight up. I was petrified," she said.

She never imagined such a thing could happen she said. "There's no reason for it. I don't have any enemies, and I don't think my parents do either."

Her parents said the same thing.

Ronald Harper said he called the police, who arrived a few minutes later. The police officers said it looked like the shooter was on foot, he said. Other than that, the police didn't say much.

He said he wanted other people, especially other parents, to know what had happened. Maybe if people talk about it, some clue will emerge, he said.

No further details were available from the police department on Sunday.



Theresa Harper, 15, holds her stuffed Shamu, which now sports bullet holes. Shamu and Flipper were on the top bookshelf, background, when they were hit.

Please see Page B-2, BULLETS

'The Voice of Alaska's Capital City'

No one hurt in drive-by shooting

By SVEND HOLST

THE JUNEAU EMPIRE

Gunfire rattled through a trailer at the Switzer Creek Mobile Home Park early this morning.

Capt. Michael DeCapua, spokesman for the Juneau Police Department, said the beginning stages of the investigation unveiled no rhyme or reason for why someone fired four bullets into a trailer off one of the main drives into the park at about 4:30 a.m.

"We're early in the investigation," he said. "We have several leads at this point but we're still asking for the public's help."

Police believe it was a drive-by shooting, DeCapua said.

None of the five occupants of the brown-and-beige trailer were injured by the flying bullets, some of which went completely through the mobile home and into another one behind it, said Sgt. Walter Bowman.

He said the shots most likely came from a street leading from the road that enters the mobile home park next to the Department of Transportation building off Glacier Highway.

Along with reports of five gun

Please see Drive-by, Page 8



MICHAEL PENN / JUNEAU EMPIRE

Icy spot: Delores Wheaton, right, counts heads this morning at a bus stop on Cordova Street at Douglas Highway, where children have been falling on steep, icy sidewalks.

Slip sliding to school

By MARK SABBATINI

THE JUNEAU EMPIRE

For 11-year-old David Jones, the ice on the steep sidewalk is something to live up the morning trip to the school bus stop.

But for parents such as Delores Wheaton, it's a nightmare waiting to happen.

A wide sidewalk in West Juneau at the intersection of Cordova Street and Douglas Highway is

the problem. Water from a hillside drains onto the sidewalk, where it is trapped by retaining walls on either side.

When it gets cold, the water freezes into a slanted slab of ice that students and other residents must cross to get to the bottom of the hill. Residents have complained to the city, but an official said responsibility lies with the homeowners beside the sidewalk.

Jones and several other students waiting at the bus stop this morning said they didn't mind the ice, stating they walked close to the edges of the sidewalk to avoid the worst of it - or intentionally slid down for fun.

"I know if I fall it was my fault because I was sliding," said Jones, a fifth-grade student at Gastineau Elementary School.

Please see Slippery, Page 8

State coffers swell

High oil prices could balance the budget

By MARK SABBATINI

THE JUNEAU EMPIRE

Continuing high oil prices are expected to earn Alaska about \$400 million extra this year, which could be enough to balance the state's budget.

The average price of Alaska North Slope crude is expected to be between \$20 and \$20.50 a barrel for the current fiscal year, which began July 1, said Chuck Logsdon, chief petroleum economist for the state Department of Revenue.

The initial projected price was \$16.67 a barrel.

"That's a significantly higher price than I think most analysts, including ourselves, thought was possible when we were assessing the situation last year," he said today from Anchorage.

Logsdon said an increase of \$1 a barrel results in an additional \$100 million for the state. On Tuesday, prices were nearly \$23 a barrel.

Fluctuating oil prices mean the projected spending gap in the state's \$2.4-billion budget is a moving target, since 80 percent of Alaska's revenue comes from oil. Officials have previously placed

Please see Oil, Page 8

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...southwest of Juneau, had been closed to hunting since 1964. In the time since then, the state Forest Service created the Stan Price Game Sanctuary, which has become an increasingly popular brown-bear viewing area on the beach of the canal and part way up Pack Creek. About 95 square miles around the area are closed to hunting.

Dinneford said public testimony at the Sitka meeting leaned in favor of keeping the area closed.

Murray, who traveled to Sitka to speak in favor of his proposal, said he wasn't surprised by the vote, "but you always hope."

He said state wildlife officials offered no biological reason to keep the area closed, so the vote by board members was in response to anti-hunting lobbying.

Murray's proposal was opposed by Fish and Game's Wildlife Conservation Division.

Murray said he is looking at other options to try

Trail Mix and several people who testified at the meeting opposing the plan.

Trails include Perseverance, Mount Rob- J. Moller, Point Bishop, Point Bridget, Eagle River and Herbert River. The Game Board voted in 1968 to prohibit trapping within one-quarter mile of those trails.

In Juneau, trappers are usually after marten, mink or river otters.

Fish and Game's Wildlife Conservation Division proposed allowing trapping, if traps were set at least 100 feet away from a trail. Under its plan, traps between 100 feet and one-quarter mile from the trail would be set at least four feet above the ground.

The provision was to ensure pets and small children wouldn't accidentally get caught.

A number of trails don't have the quarter-mile restriction, including Montana Creek, East and West Glacier trails, Salmon Creek, Treadwell Ditch, Mount Juneau and Mount Jumbo.

Slippery sidewalk...

Continued from Page 1

That's little consolation for Wheaton, a member of the Gaslineau Site Council who supervises an estimated 30 elementary kids at the bus stop each morning.

"Three kids fell yesterday," Wheaton said. "I'm surprised they didn't get hurt. (The city) is going to hear about it if somebody gets hurt."

Wheaton said many seniors live at the Cedar Park apartment complex nearby and have to descend the hill to reach the city bus stop. She said several have asked for help in getting past the ice.

The problem appears to stem from the rebuilding of the house

adjacent to the sidewalk about two years ago, said Kerry Finley, assistant street superintendent for the city. He said drainage from the foundation and gravel driveway runs onto the sidewalk, and the property owners need to build a catch basin to divert the water to the bottom of the hill.

A city engineer is working with the homeowners to try to resolve the problem, Finley said.

"It's one of those areas where we've fought the ice over there," he said. "We haven't realized where it's coming from until now."

Jeanne Farrell said there is nothing that can be done with the home or the driveway she and her husband, T.J., purchased a year

ago to solve the problem. She said the drainage comes from the hill next to her house and the city's rebuilding of the sidewalk is at fault.

"I don't know what happened when the city put in the retaining walls, why they didn't put in a better drainage system," she said.

Residents in the neighborhood said the problems began after the sidewalk reconstruction occurred a few years ago.

Finley said the city is putting sand and chemicals on the sidewalk to make it safer. Wheaton said she has not noticed any such efforts until this morning, when temperatures were above freezing and ice was not a threat.

Drive-by shooting...

Continued from Page 1
shots, mobile home park residents said, police a speeding vehicle was seen leaving the area.

The number of bullets fired has yet to be confirmed, Bowman said.

"Bullets are hard to see sometimes," he said.

Police numbered the four bullet holes in the trailer they've found so far with orange paint. They were spaced along the length of the trailer about four feet from the ground.

Inside the house, Bowman

said, some clothes and a refrigerator were hit by the bullets. It was a drive-by shooting. "It happened in the morning, early in the day."

Rafael Flores, 30, moved into a trailer with his wife and two children near the bullet-riddled home this month. He'd been told, he said, it was a quiet neighborhood.

"It was a strong weapon," he said. "It's scary."

Walking with two children she was baby-sitting this morning, Cindy Germain was also frightened by the early morning shots.

Her sister-in-law lives in the home hit by the bullets after they passed the trailer. "I was in the park," she said. "This is too close to home." After waking to the sound of gunfire, she heard of another shot fired while listening to a police scanner.

That shot was near Vanderbilt Hill, on the other side of Lemon Creek, said DeCapua. Police, however, are not sure if the two shootings are related. Police have yet to determine the caliber of the bullets recovered this morning.

Moggie is back at Ketchikan cafe

THE ASSOCIATED PRESS

KETCHIKAN - A familiar pough is back guarding his owners' downtown coffee shop - legally. Moggie, a golden retriever, had been ousted from his longtime post after animal control authorities decided to enforce the local leash laws.

But the dog got a dispensation under a new law exempting canines that prove they can obey voice commands and aren't aggressive.

So now he's back lounging at the familiar spot in front of Moggie's Mochas, Mugs and

More.

"He went out and he took his test on Thursday and he earned license number 0001," said Joyce Hazelquist, who with her husband Don owns the dog and the coffee shop. "He's just as happy as can be."

SEASON'S EATINGS
Holiday Dining Guide

ALASKA

The Paper publishes final edition

■ Without some major investors, editor says weekly cannot survive

By LORI THOMSON

THE JUNEAU EMPIRE

As subscribers to The Paper read today's final edition, the weekly newspaper's staff will begin shutting down its office on Third and Franklin streets.

The weekly announced earlier this month it was seeking \$100,000 to keep the newspaper open. Ten different small investors committed a total of \$12,000 to \$15,000 to the publication since then, but no major investors came forward, said editor Larry Persily.

"I don't see anyone coming in to carry us through a second year," Persily said Thursday afternoon. "It's silly to run another month or two to spend all the money we have just to prove we can go 15½ months instead of 14."

Advertising revenue for the weekly fell short of expectations. Persily has attributed that to advertisers being cautious because The Paper was the new publication on the block.

Launched on Nov. 22, 1995, The Paper faced competition from the daily Juneau Empire and the free Capital City Weekly, as well as radio stations.

Empire Publisher John Winters said he did not think a town of 30,000 people could support two newspapers, when even big cities often cannot.

"We're sorry when any newspaper folds, but I did not think from day one this size market could support two weeklies and a daily," Winters said.

Having started with six full-time staff members, The Paper's staff was cut to two full-time and three "very part-time" employees, Persily said.

Persily and his staff will probably spend the next month



PENN / THE JUNEAU EMPIRE

Juneau Police display confiscated Thursday students were firing lunch break.

Case

convicted of statu-13 after he, while 19, 13-year-old girl who was 16, according to Cropley successfully prosecution for that concluded a suspension of sentence. d that was a "totally ation to the charges w been found guilty

said he will try to Superior Court Judge who ran the trial, to jury's decision. He vious the jury dis-ey's testimony of moon.

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Around Juneau

Tank leaks oil into Gastineau Channel

JUNEAU - A leaking oil tank at a home above Aurora Harbor sent diesel fuel into Gastineau Channel on Thursday morning.

A large sheen was seen at Aurora Harbor at about 8 a.m., and the U.S. Coast Guard's Marine Safety Office, the city and the state Department of Environmental Conservation launched an investigation, said Ensign Vivianne Louie of the Marine Safety Office.

They traced the diesel up through a storm drain to a leaking home heating tank on Judy Lane, four blocks up-slope from Juneau-Douglas High School.

"Even a pin-hole leak will empty a whole tank," Louie said. "Not all four hundred gallons got in the water. Most of it, I would say, is in the storm drain system."

Thursday, the Coast Guard estimated less than five gallons of diesel made it into the channel, but no more specific estimate was available today.

The cost of the 400 gallons of diesel is about \$430. But, Louie said, the homeowner may end up paying thousands of dollars to clean up the spill.

Second trailer was hit by shots

JUNEAU - Police investigators have determined the second trailer hit by gunfire Thursday morning at the Switzer Village Mobile Home Park was struck by shotgun shot.

A third trailer may also have been hit by a projectile fired at a neighboring mobile home, police said today.

After responding to a report of a mobile home being shot up on Blue Jay Way, another report came in from the residents of a trailer close to the center of the park. Police found five holes, believed to have come from a shotgun blast, in the window of the trailer, said police spokesman Michael DeCapua.

At about 8:30 a.m., a resident next door to the second trailer hit by gunfire said his home had been hit as well, said Lt. Ron Forneris, an investigator for the Juneau Police department.

"The resident feels the event just occurred and was contemporaneous with the other event," he said. The bullet, which did not appear to be from a shotgun shell, was of a large caliber, but didn't penetrate into the trailer very far, he said.

Forneris said police have not been able to determine whether the bullet that was lodged in the trailer was related to the other shooting, or whether it was a recently fired shot or not. It's possible, he said, that the bullet hit the trailer at some point before Thursday, but was only noticed by the home's owner then.

The trailer on Blue Jay Way sustained a dozen holes in a window that faced the road.

Landslide expert in Juneau

JUNEAU - A Colorado consultant is assessing the slide danger for homes in the White Subdivision today.

The city flew Arthur Mears, co-author of a 1992 study on Juneau landslide and avalanche hazards, here to evaluate how tree cutting above the White Subdivision might have impacted their risk, said city engineer Ben Pollard.

Mears will meet with White Subdivision residents at 5 this evening in Juneau Assembly chambers to give his report and answer questions.

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BATINI

T.J. Farrell. "It is a terrible loss. We've got some real talent here."

Echo Bay Mines Ltd.'s board of directors decided this week to write off the Alaska-Juneau gold mine near downtown Juneau because feasibility studies showed it would be unprofitable to reopen.

No one has been laid off yet, and company officials say they are still evaluating what to do next - redesign the project, sell it or close it. However, Bill

Goodhard, project manager for Echo Bay Alaska Inc., said because the board is writing the project off, the local office is "prepared to move toward closure."

Jill Paukert, a spokeswoman for Echo Bay corporate offices in Englewood, Colo., said there is no timeline for when a definite decision will be made.

awhile, regardless of the decision the company eventually makes, because even if the mine closes, there will be work associated with the closure for some time.

But he doesn't want to lose touch with co-workers he's grown close to, whom he fears will have to leave town to find work.

"They go someplace else and you never see them again," Farrell said.

It's also difficult to watch

was among about 12 employees laid off from Echo Bay last year, said she had hoped to go back to work there, but she was not shocked at the news.

"I think the writing was on the wall months ago," she said. "The feasibility studies weren't coming back really well. I didn't know for a fact, but I wasn't holding my breath."

Gallagher and Farrell said
Please see Echo Bay, Page 6

A taste of racial injustice brings message home

By CATHY BROWN

THE JUNEAU EMPIRE

It was a small injustice - some kids got a Hershey's kiss and others didn't - but it was enough to get Chris Ruiz's attention.

"It wasn't fair," the second-grader protested. "... I felt like a prisoner."

The only reason he didn't get candy right

away was because he had the bad luck to get a green piece of paper taped under his chair, instead of a red one.

John Cashen also got green paper. "I was sad. I felt left out,"



the little boy said.

Second-grade Harborview Elementary School teacher Twyla Alexander set up the exercise to show her students what discrimination feels like and to teach them why Americans celebrate the birthday of civil rights leader Martin Luther King Jr.

Several teachers in the Juneau School District have spent time this week talking to their students about King, the non-violent protests he advocated and the reasons behind the civil

Please see Lesson, Page 6

Shots fired at Switzer

Police say two trailers were hit in mobile home park

By SVEND HOLST

THE JUNEAU EMPIRE

A shotgun was apparently used to blow holes in two trailers at the Switzer Village Mobile Home Park early this morning.

Reports of the first shooting came into police at about 1:45 a.m. from a woman living in a mobile home in the Blue Jay Way area of the park, which is close to Dzantik'i Heeni Middle School, according to Capt. Michael DeCapua, spokesman for the Juneau Police Department.

She said someone had fired a gun at her trailer.

Residents of another mobile

home in the same area called police later in the morning to report finding bullet holes in their trailer as well.

Details on the second incident were sketchy this morning as police, in patrol cars and on foot, combed the neighborhood. However, a shotgun seems to have been used in both shootings.

"We are working on a number of leads at this point," DeCapua said. As always, police are asking for anyone who may know anything about the shootings to call them.

He said investigators aren't sure if the shootings were drive-bys, and have not determined if the incidents were related to previous Switzer shootings or to gang activity.

Please see Shots, Page 6

NEWSPAPER DELIVERED TO YOUR HOME CALL 686-3740

Juneau Empire

Thurs. 1/13/77 p.1

COMPLIMENTS OF THE
ALASKA STATE LIBRARY

rs...

University has policy on viewing on-line sex sites

University of Alaska Southeast's library, computers with access display a warning: "Viewing sexually explicit inconsistent with the University's sexual harassment poli-

Library does not, however, expressly prohibit using its com-view pornographic sites. "I'm not going to look over your shoulder and tell you what viewing is not allowed," said Rebecca Moran, the UAS' net-services librarian.

University has had computers with graphic Internet access this summer, according to Moran, and she's not aware of any where patrons used them to view pornographic Internet

"I don't think we'd probably deal with it on a case-by-case ba-said. "Our state libraries do not offer public Internet access.

Library tried 'privacy screens,' computer monitors fitted with an amendment to limit the range from which monitors' contents could be viewed.

clear, according to whether viewing adult where it can be seen is a crime, but he be-library would be within to prohibit patrons from computers to view

near future," said City Attorney John Corso.

"How can we protect our children from information and exposure while protection people's and families' right to access?" asks

Shots fired...

Continued from Page 1

The trailer hit in the first shooting police responded to had a dozen holes in a window that faced the road. After slamming through the window, the shot made its way through an exhaust hood in the trailer's kitchen, through walls, over a person sleeping on a couch and into the bathroom at the other end of the home, DeCapua said.

A car parked in front of the home was also hit, he said. A white Dodge Daytona marked off as a part of the crime scene in front of the home this morning had pellet holes in its rear tail-light covers.

A man who said he was scared and lives near the trailer didn't want his name revealed. He said he was in his bathroom when he heard two shots. He ran outside

and saw the rear end of a car or truck, he wasn't sure which, driving away from the scene and into the night.

He said the residents of the shot-up trailer were "nice people." The family living in the home are a couple with two older boys, he said.

Robert Finch, the manager of the mobile home park, is frustrated. He took over oversight of the 300-lot park in December.

"It's got to stop," Finch said of the shootings. "I know that much."

The apparent drive-by shootings and other less dramatic incidents have lead him to believe that there's a method behind the violence that's struck Switzer. However, he's having some trouble, as are police, figuring out who the people causing the trou-

ble are.

"It's a bunch of young gang members trying to take over territory," Finch said. "I can't put my finger on it yet, but I'm trying."

This is the third confirmed report of shots fired at Switzer since last summer.

In July, shots were fired at the opposite end of the park from this morning's incident. Nobody was injured in that incident, which police believe may have been part of a gang initiation, DeCapua said.

Orange paint still marks where the bullets entered the trailers hit in what DeCapua characterized as a drive-by shooting in October. Then, five bullets were fired into a trailer early in the morning. Some of the bullets traveled through the targeted trailer and into another in a lot behind it.

No one was injured in any of the shootings.

New ferry...

Continued from Page 1

today. "It wasn't something we were aware of, this is a different spelling and we've never had this sort of problem with any of our ferries. I think she'll be a sound ship."

The news briefly startled Alaska Marine Highway Director Gary Hayden, who quickly phoned a port captain to see if any maritime folklore surrounded such situations.

"I don't think there's any problem there," he said. "It's just quite a coincidence."

in another shipwreck years earlier. While traveling aboard a tugboat to Victoria following a failed rescue effort of the Kennecott, the depressed captain leaped overboard to his death.

Meanwhile, one of the marine highway officials helping with design and inspection specifications of the new vessel is Capt. Doug Johnson. Hayden said the captain could well end

up piloting the ship when it begins service in 1998, since he is one of the few captains licensed for both Southeast and Southwest Alaska ferry routes.

Johnson said he isn't fazed by the prospect, despite the history of the older ship and captain.

"I think if you look at your maritime records you'll find a lot of Captain Johnsons have sailed in Alaska," he said.

Kobe anniversary

COMPLIMENTS OF THE ALASKA STATE LIBRARY

SWITZER ROULETTE

By SVEND HOLST

THE JUNEAU EMPIRE

Shots in the dark. Bands of unruly teenagers. Children harassed by bullies on their way to and from school.

For some, life at the Switzer Village Mobile Home Park is becoming tense. For some, the sound of a car driving by is frightening.

Since last February, gunfire has put holes - bullet holes - in six trailers at the 300-lot trailer park, according to police. Several residents of the park said the bullets and other problems, such as vandalism, harassment and drugs, stem from unsupervised teen-agers, hooligans, who liken themselves to gangsters.

The president of the mobile home park's newly formed neighborhood watch group is worried that if his name or face were in the newspaper, a bullet could find its way into his trailer, which nine people call home.

"If they shot through my trailer, they aren't going to miss," he said. "This is scary."

When he sees the glare of headlights shine through his kitchen window, he said he gets jumpy. Since the last shooting, last week, the neighborhood watch patrols have stopped, he said. People don't want to put themselves at risk.

It's just a matter of time, he said, before someone gets hit by one of the bullets flying around Switzer. It's just a matter of time, he said, before someone gets killed.

Inside the Blue Jay Way trailer, the trail of shot from a shotgun blast runs through the front window, the kitchen, the living room and the bathroom. The frame of a picture of a baby granddaughter hangs crooked on the wall. It's been shattered by shot.

The gunshot came at about 2 a.m. Thursday. A boy was asleep on a couch, just below the path of the pellets. Neighbors saw a vehicle leaving the scene, but police haven't found out who the gunman was.

A woman with a large family lives there. She spent her first night back at the home Saturday, but said she couldn't sleep until the sun came up. She has no idea why anyone would target her home, or would fire on the photograph of her granddaughter.

She lived at Switzer in the 1980s, and moved back recently.

"Switzer has changed significantly," she said. "We liked living in Switzer. I always thought that the people here were, basically, good people. I'm thinking now of selling the place."

The shooting left a scar on her mind in much the same way it left holes in her ceiling and window. She said she spends a lot of her time since the shooting in the part of the trailer furthest from the road.

"Psychologically, it leaves an imprint," she said.

She wants people to call the police, and tell them what's going on. She wants the

Matt Castillo, 19, said he's talked to law enforcement officials from a plethora of agencies, such as the Juneau police and the FBI, about the drive-by shooting of his trailer in October.

He thinks the shooters are wannabes - youths who call themselves gang members, but are still trying to figure out how to do it. He gave police, who he said are probably embarrassed by the violence, the names of the kids he thought might be involved.

"They're probably just bored," he said of the shooters. "They're just doing it for fun."

He said one kid was bragging about shooting the gun. He wants people in Juneau to know what's happening in Switzer because it could start happening elsewhere.

"This town isn't that big," Castillo said. "People should know about it."

He, and three friends, were playing video games when the shots rang out.

They heard a car drive by on the road next to the trailer at about 4:30 a.m., he said. The car stopped, idled for a few seconds, then peeled out, Castillo said. Then bullets, four or five of them, slammed into the trailer. One of the slugs missed his head by about a foot, he said. Another hit his refrigerator. Others passed through the trailer and into one behind it.

A side effect of being the target of a drive-by, he said, is people start talking, start making assumptions and spread dark rumors. He's heard, much to his surprise, that he's a drug dealer.

Castillo said he's noticed more police patrolling Switzer, though not all residents interviewed had seen more blue-and-whites.

Police are working with the neighborhood watch group, and continue to investigate the shootings, which are the ugliest, but not the only crimes being perpetrated at the mobile home park and the surrounding area.

"In the Gruening Park-Switzer area we have noticed an increase in vandalism," said Capt. Michael DeCapua. "We're concerned with an increase in gang activity and juvenile delinquent activity, some of which may be drug or gang related."

Where there's juvenile crime he said, parents have to be a part of the solution.

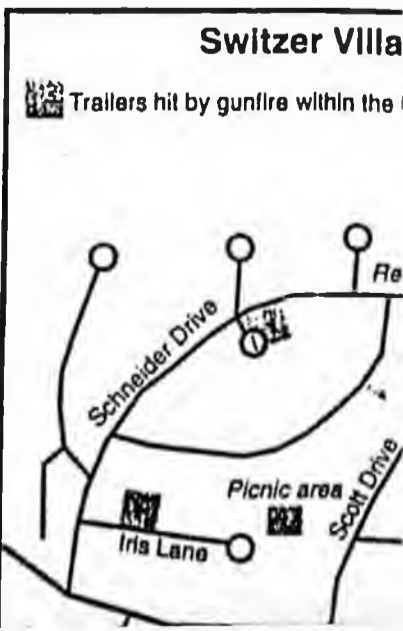
The neighborhood watch group forming at Switzer is one of three getting organized this winter. Gruening Park, neighboring Switzer, and a Douglas group are joining a dozen such neighborhood watches set up in Juneau.

The watch groups are important, DeCapua said, because police are spread thin. Usually, there are four police on patrol and one supervisor on duty. Lately, with a string of injuries and retirements sapping the Juneau Police Department of a quarter of its complement, police are being taken off investigations and out of Juneau schools to fill other gaps.



COMPLIMENTS OF THE ALASKA STATE LIBRARY

Hitting home: Bullet holes circled in mobile home involved in a drive-by Home Park.



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Switzer residents concerned

Continued from Page 9

"We're down twenty-five percent," DeCapua said. "We're using other personnel to cover patrol. We're robbing Peter to pay Paul."

Robert Fitch, the manager of the park, took over in December. He knew he had his work cut out for him, he said. Over the years, Switzer Village had started to get a bit run down, and he thinks the place's appearance may be a part of the problem.

Along with the neighborhood watch, he's fixing landscaping, covering the mailboxes and cutting down branches so police can see into wooded areas. He's also considering fencing off areas and is figuring out where the "hot spots" are, the places where problems seem to start.

One of the hot spots at Switzer is a covered picnic area between Scott and Schneider drives. There, empty vodka bottles sit next to empty beer cans, drained 40-ounce bottles of 8.2-percent-alcohol "ice" beer, fast food wrappers and square, white plastic frames torn from CDs stolen from Kmart across the road.

"I want to clean it up," Fitch said. "I want it back to the number one park in Juneau." He said he wants residents to be able to walk around at night without worrying about getting beat up or shot. It's not as if the whole trailer park is in ruin, he said, but there's definitely room for improvement.

He said there's a corps of about a dozen kids who seem to be the main problem, and he's trying to figure out who they are.

Fitch said he's encouraged by residents who are getting involved with the neighborhood watch. At the first meeting, about eight showed up. At the last one, last month, about 60 residents came. Some think the police aren't doing enough about Switzer because it's low-income housing, but Fitch said the police are doing what they can with what they've got.

"A lot of people were upset with the police force," he said. "They asked, 'How come there aren't

enough police officers to go around?' They don't get into the budgets."

With cellular phones and cameras, he said, the neighborhood watch patrols, once they get in full swing, could be a big help. Fitch said he thinks residents should be encouraged.

Down the street from the picnic area is a trailer that took gunfire at about 4 a.m. last Feb. 28. Residents called police after they heard four or five shots.

"To us it sounded like someone hitting the trailer with a baseball bat," said a man living at the trailer Monday. "We don't know who did it. I don't know why they picked us out."

He and his family call Switzer "Dodge City." He found bullet holes in his living room. A sturdy entertainment center slowed one slug down. He gave police the names of youths he thought may have been involved. He heard of kids bragging about it. Police haven't talked to him or his family for months, he said.

Down the street from the trailer that took bullets nearly a year ago is Buddy Tabor's trailer. He said the place is a deal, but the crime is getting to be too much.

Rent for a lot at Switzer runs from \$260 to \$285 per month. That's one draw to the area, which is one of the least expensive parts of town to live in.

"It's inexpensive," Tabor said. "I have my trailer paid for. It's a fantastic deal to live here." But he's been threatened, by adults, by teen-agers near his home. One of his boys was threatened by what he considers gang members. He thinks the schools could do more to keep tabs on kids causing problems.

"A lot of this could be stopped," Tabor said. "You could mark me down as scared."

He's scared by big bands of kids hanging out. He won't heal from a beating as fast as a teen-ager might. He drives around the park now rather than walking.

The drive-bys don't scare him as much as the bands of youths, he

said.

Bob Germain said the people causing the problems are new to town, kids who don't have their head on right. He said cars driving by late at night and backfires get his attention now in a way they never did before.

Above the entryway of his home, Germain tacked up some leftover crime scene tape. Two of the bullets that went through Castillo's mobile home made it into Germain's where he, his girlfriend, three boys, ages 4, 6 and 10, and a persnickety Yorkshire terrier called April live.

"It's probably drug and alcohol related," Germain said. "Nobody in their right mind is going to go around shooting up trailers."

He said he'd like to see the street lights turned on, and can't wait for the new police station to be built in Lemon Creek. Maybe, he said, close-by cops would stop the drive-bys.

Not far from Germain's trailer police found another home, on Forget-Me-Not Drive, which took shotgun fire Thursday, DeCapua said. Police believe there may be a connection to the Blue Jay Way incident. The investigation continues.

Drena Austin called police when she found a bullet hole in her trailer, down the street from Germain's home. She's thinking about solutions.

Along with cameras at the entryways into the park, to record the coming and going of cars, Austin said, street lights, speed bumps, fences and other measures should be taken at Switzer to supplement the neighborhood watch.

"I think they could afford to make it safer," she said.

While the manager and the neighborhood watch begin their efforts, the watch's president said another home or a Switzer resident could take a bullet.

"It's going to be a little kid or a bystander who is going to die if this keeps up," he said. "I'm thinking about putting everybody in the bathtub at night. They're looking for another target. It's like a big game they're playing."

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