

**SB**

**70**

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cc:Mail for: Laura Chase

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Subject: Re[2]: cssb70 fiscal notes  
From: Sam Shepard at Gov\_Admin\_Svcs 4/8/97 8:52 AM  
To: Laura Chase at JNU\_CAPITOL  
To: Larry Stevens at LAA\_SSHA

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yes  
sam -- please let s jud and s fin know previous zero note  
applies

\_\_\_\_\_ Reply Separator \_\_\_\_\_

Subject: RE: cssb70 fiscal notes  
Author: ELindstr@HEALTH.ALASKA (Lindstrom, Elmer A.) at CC2MHS1  
Date: 4/8/97 9:05 AM

Just spoke to our DFYS guys. Our previous zero fiscal note applies. The bill is already in Senate Finance and scheduled for a hearing.

Are we square?

elmo

-----  
From: 'Shari Kochman@Gov.Alaska'  
To: Lindstrom, Elmer A.; 'david koivuniemi@admin.alaska';  
'Bruce\_Richards@correct.state.ak.us'  
Cc: 'Sam Shepard@cchub.Alaska'  
Subject: cssb70 fiscal notes  
Date: Tuesday, April 08, 1997 7:36AM

still looking for these -- are they on their way?

also dave -- looking for cssb114 note

# ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair  
Sen. Drue Pearce, Vice Chair  
Sen. Mike Miller  
Sen. Sean Parnell  
Sen. Johnny Ellis

State Capitol  
Juneau, AK 99801-1182  
(907) 465-3717  
Fax: (907) 465-3922

## Senate Judiciary Committee

### MEMORANDUM

TO: Senator Pearce, Vice Chairman  
FROM: Laura Chase, Committee Aide *Laura Chase*  
DATE: April 14, 1997  
RE: CSSB70(JUD)

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Mary Gore requested floor information for CSSB70(JUD) on your behalf. The bill's sponsor, Senator Donley, provided Judiciary with a work draft CS that was adopted by the Committee without revision.

This CS differs from the original bill in the following ways:

- Changes the title to reflect narrower scope of revision
- Section 1: Incorporates an intent section to clarify that discharge of a firearm at a building is a felony whether the offender knew the building was occupied or not.
- Section 2: Establishes that a person commits a felony if he/she discharges a firearm in the direction of: an occupied building; an unoccupied building with reckless disregard for risk of physical injury or damage; or a dwelling.
- Section 3: Clarifies that the circumstances in Section 2 should be considered differently from circumstances under an existing law that makes it a misdemeanor to recklessly disregard risk of property damage or physical injury but does not involve buildings.

The original bill addressed many areas of criminal law that might be impacted. The committee substitute only deals with what it takes to make it a felony to discharge a firearm in the direction of a building.

# SENATE COMMITTEE REPORT

DATE: 2/21/97

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 4/1/97

Judiciary 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 ~~SB~~ CS SB 70 (JUD)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:

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

SIGNING DQ PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>Peace</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Adrian L. Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>AK COURT SYSTEM</i>	<i>2/20/97</i>	<i>N/A</i>	<i>N/A</i>
<i>HSS / DFYS</i>	<i>2/21/97</i>	<input checked="" type="checkbox"/>	
<i>DPS / AST</i>	<i>2/21/97</i>	<input checked="" type="checkbox"/>	
<i>LAW &amp; CRIMINAL</i>	<i>2/13/97</i>	<input checked="" type="checkbox"/>	
<i>ADMIN / PUBLIC DEFENSE</i>	<i>2/14/97</i>	<input checked="" type="checkbox"/>	
<i>CORRECTIONS</i>	<i>2/18/97</i>		<input checked="" type="checkbox"/>

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

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

0-LS0272VT  
Luckhaupt  
3/26/97

**CS FOR SENATE BILL NO. 70( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR DONLEY**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the discharge of firearms at or in the direction of buildings  
2 and dwellings."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* Section 1. INTENT. It is the legislature's intent that the offense of misconduct involving  
5 weapons in the second degree under AS 11.61.195(a)(3)(A)(i), enacted in sec. 2 of this Act,  
6 does not require that a defendant act intentionally, knowingly, recklessly, or with criminal or  
7 civil negligence as to the element of the offense that the building was occupied at the time  
8 of the discharge of the firearm. The legislature intends to dispense with the requirement of  
9 a culpable mental state and to apply strict liability as to that element. See, Noblit v. State,  
10 808 P.2d 280 (Alaska App. 1991).

11 \* Sec. 2. AS 11.61.195(a) is amended to read:

12 (a) A person commits the crime of misconduct involving weapons in the  
13 second degree if the person knowingly

14 (1) possesses a firearm during the commission of an offense under

1 AS 11.71.010 - 11.71.040; [OR]

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

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

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

10 (3) discharges a firearm at or in the direction of

11 (A) a building

12 (i) and the building is occupied; or

13 (ii) with reckless disregard for a risk of damage to  
14 property or a risk of physical injury to a person; or

15 (B) a dwelling.

16 \* Sec. 3. AS 11.61.210(a)(3) is amended to read:

17 (3) discharges a firearm with reckless disregard for a risk of damage  
18 to property or a risk of physical injury to a person under circumstances other than  
19 those described in AS 11.61.195(a)(3)(A)(ii):

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**TWENTIETH LEGISLATURE - FIRST SESSION**

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**SENATOR DAVE DONLEY**  
**ALASKA STATE LEGISLATURE**

**SPONSOR STATEMENT  
FOR PROPOSED JUDICIARY COMMITTEE SUBSTITUTE  
FOR SENATE BILL 70  
"UNLAWFUL DISCHARGES OF FIREARMS"**

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

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.**

Senate Bill 70 creates a new class B felony offense for the unlawful discharge of firearms at or in the direction of a dwelling. The legislation also creates a class B felony offense for discharging a firearm in the direction of a building and it is occupied or with reckless disregard to property or a risk of physical injury to a person.

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

0-LS0272AR  
Luckhaupt  
3/20/97

CS FOR SENATE BILL NO. 70(JUD)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATOR DONLEY

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# SENATOR DAVE DONLEY

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## 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 and is added to the list of crimes applicable in the newly adopted "Three Strikes and You Are Out" law.

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

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

Produced in House



# SENATOR DAVE DONLEY

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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 Your 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  
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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.

# 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'



OCT 30



## No one hurt in drive-by shooting

By SVEND HOLST

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."

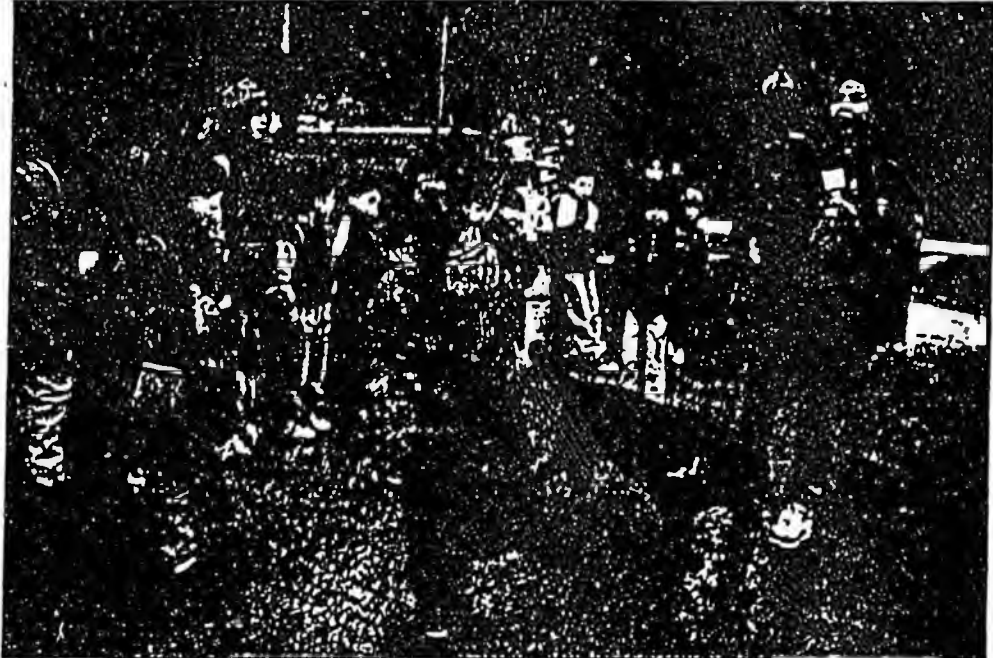
Police believe it was a drive-by shooting, DeCapua said.

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



Icy spot: Dolores 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

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

But for parents such as Dolores 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 slate 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 fell 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

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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embered l posters of ing Dan to- ang, leader square pro-

Principal's

Memorial

Measure is really about oil

...of Juneau, had been closed to hunting since 1984. In the time since then, the state an... Forest Service created the Stan Price Su... 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

...and several people who testified at the meeting opposing the plan. Trails include Perseverance, Mount Roberts, Moller, Point Bishop, Point Bridget, Eagle River and Herbert River. The Game Board voted in 1988 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.

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### Slippery sidewalk...

Continued from Page 1

That's little consolation for Wheaton, a member of the Gastineau 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.

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### 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 strong weapon," he said. "It's scary."

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 German was also frightened by the early morning shots.

Her sister-in-law lives in the home hit by the bullets after they passed the other trailers 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 pouch 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 shutting down the business.



ENR / THE JUNEAU EMPIRE

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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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ABBATINI

high oil prices will about a \$100-million scal year. ng projects should revenues relatively several more years, said today. ling is still expected come after this year, tinuing a trend that rs seeking budget

is expected to re- \$2.5 billion in unre- al fund revenue for ar ending June 30, ogsdon, chief petro- ist for the state De- venue. He said oil o average \$21.63 a e year, well above forecast of about

ver, believe the bub- burst," he said dur- ation to the state e Committee today. of oil, which pro- Please see Oil, Page 6

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

awfully, 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

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Juneau Empire

Trans. 1/10/97 p. 1

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 mobile home park, according to police. Several residents of the park said the bullets and other problems, such as vandalism, harassment and drugs, stem from unsupervised teenagers, 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 perpetrators, who she said may be "kids on crack," caught.

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.

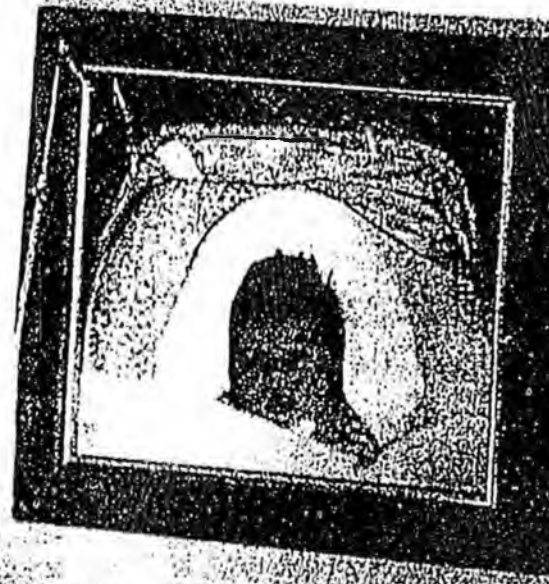
Police are working with the neighborhood watch group, and continue to investigate the shootings, which are the loudest, but not the only crimes being perpetrated at the mobile home park and the surrounding area.

"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."

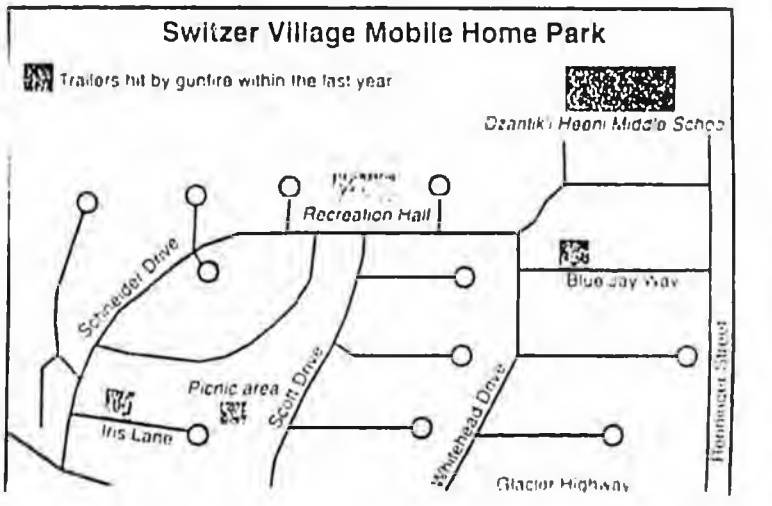
Where there's juvenile crime he said parents have to be a part of the solution.

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 patrol cars.



**Hitting home:** Bullet holes circle baby pictures hanging in the living room of mobile home involved in a drive-by shooting "last week" at the Switzer Village Mobile Home Park.



# 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.

E b 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."