

SB

70

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 11
Bill Version: CSB 70 (JUD)
(S) Publish Date: 4-10-97

Revision Date: _____
Title: "An Act relating to the discharge of firearms at or in the direction of buildings and dwellings"
Sponsor: Sen. Donley
Requestor: (S) FIN

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

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						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

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

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

Phone: 274-1684
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 4/8/97

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FISCAL NOTE

NO. 10

Bill Version: CSB 70 (Jud)

(S) Publish Date: 4-10-97

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

Revision Date: 04/03/97

Dept. Affected: Alaska Court System

Title: Unlawful Discharge of a Firearm

BRU: Trial Courts

Component: _____

Sponsor: Sen. Donley

Requestor: _____

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	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						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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.

Prepared by: C. S. Christensen III, General Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 04/03/97

Approved by: Stephanie J. Cole, Deputy Director

Agency: Alaska Court System

Date: 04/03/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSB 70 #8

ANALYSIS: (continued)

This sponsor substitute makes it a strict liability offense to discharge a firearm at or in the direction of an occupied building, punishable by up to 10 years in jail and a \$50,000 fine. It creates an anomaly in the Alaska Statutes, which normally punish conduct by considering the perpetrator's mental state (intentional crimes are punished more severely than reckless or negligent crimes) as well as the result (the seriousness of the injury or damage).

The Department of Law has estimated an increase in the numbers of serious felony offenses due to this legislative change. Currently such an offense would not be charged or would be charged as a much less serious crime of reckless endangerment (a misdemeanor) and often prosecuted by the local municipality. The Public Defender concurs in this analysis, and predicts a serious increase in these felonies, particularly in Anchorage. Therefore, a part-time felony attorney position is requested for Anchorage.

Of note: It is questionable whether the Due Process clause of the Alaska Constitution, Art. I, Section 7 permits imposing criminal sanctions for an offense in the absence of a minimally adequate level of mens rea. (Beran v. State, 705 P.2d 1280 (Alaska App. 1985)).

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 8
Bill Version: CSSB 70 (JVD)
(S) Publish Date: 4-10-97

Revision Date: _____
Title: "An Act relating to the discharge of firearms..."
Sponsor: Senator Donley
Requestor: S (FIN)

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	37.5	37.5	37.5	37.5	37.5	37.5
TRAVEL	1.5	1.5	1.5	1.5	1.5	1.5
CONTRACTUAL	6.0	6.0	6.0	6.0	6.0	6.0
SUPPLIES	0.6	.6	0.6	.6	0.6	.6
EQUIPMENT	2.5	2.5	2.5	2.5	2.5	2.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	48.1	48.1	48.1	48.1	48.1	48.1

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	48.1	48.1	48.1	48.1	48.1	48.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	48.1	48.1	48.1	48.1	48.1	48.1

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

POSITIONS:

FULL-TIME	0.5	0.5	0.5	0.5	0.5	0.5
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

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

Approved by Commissioner: Mark Bover *Mark Bover* Date: 4/9/97
Agency: Department of Administration

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FISCAL NOTE

No. 7
 Bill Version: CSSB 70 (JUD)
 (S) Publish Date: 4-9-97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the discharge of firearms
at or in the direction of buildings and dwellings." BRU: Criminal Division
 Sponsor: Senator Donley Component: Criminal Division
 Requester: Senate Judiciary 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	53.8	53.8	53.8	53.8	53.8	53.8
TRAVEL	0.7	0.7	0.7	0.7	0.7	0.7
CONTRACTUAL	8.0	8.0	8.0	8.0	8.0	8.0
SUPPLIES	1.1	1.1	1.1	1.1	1.1	1.1
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	70.0	63.5	63.5	63.5	63.5	63.5

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	70.0	63.5	63.5	63.5	63.5	63.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	70.0	63.5	63.5	63.5	63.5	63.5

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	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSSB 70 (JUD) elevates the crime of discharging a firearm at or in the direction of a building, or a dwelling, from misdemeanor conduct to a class B felony. The Department of Law anticipates the greatest impact from the proposed committee substitute would be in the Anchorage area as many of these misdemeanor weapons and property crimes are most likely handed as municipal offenses under current law. CSSB 70 (JUD) would make these offenses felonies under state jurisdiction.

The department anticipates the need for one-half an attorney position in the Anchorage District Attorney's Office to respond to the increased caseload from this bill. Using the Civil Division's standard attorney cost schedule (\$127,000 per year), the fiscal impact would be \$63,500, including clerical support, communications, space, supplies, data processing and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 is added for this purpose in FY 98. (Proportionate support position funding is included in the standard attorney cost schedule to reduce clerical support vacancy so that the new attorney's clerical burden can be handled.)

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

Phone: 465-5370
 Date: 4/4/97
 Date: 4/4/97

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT FOR SENATE BILL 70 (JUD) "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

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• Senate Community & Regional Affairs Committee

Produced in House

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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March 8, 1997

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Senator Dave Donley
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Senator Donley,

On behalf of the Alaska Peace Officers Association, I would like to thank you for introducing Senate Bill 70 relating to the unlawful discharge of firearms at buildings. At a recent meeting of the APOA State Board Legislative Subcommittee, we decided to unanimously support this bill. We believe that this legislation will help provide stronger prosecution for offenses of this nature and will send out a clear message of deterrence.

We encourage you to call on us when there are hearings on this bill, so that we may testify about the need for this legislation. If you need assistance as you shepherd this bill through the legislative process, please call me at 451-5316, or our business manager, Joseph Young at 277-0515.

Sincerely,

Michael Corkill
APOA State President