

**HB**

**180**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/21/00

FURTHER:

REPORTED OUT OF  
SFC 4/13/00

DATE TURNED  
IN TO OFFICE: 13 April 00

Finance Committee considered

CS FOR HOUSE BILL NO. 180(FIN) am

"An Act relating to the manufacture, use, display, or delivery of controlled substances while children are present."

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>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	X				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>		Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

Corrections	3/21/00	*	←

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

Department                      Date      Zero      Fiscal

Law	3/21/00	✓	
Admin - PDA	3/17/00		*
<del>Corrections</del>	<del>2/2/00</del>		<del>*</del>
Cart	2/1/00	✓	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSHB 180 (FIN) am

Revision Date/Time (Note if correction) 3/21/00 3:00 p.m. Dept. Affected Department of Corrections  
 Title An Act relating to the manufacture, use, display, BRU Administration and Operations  
or delivery of controlled substances while children are present Component All  
 Sponsor Representative Cowdery  
 Requester Senate Judiciary Committee Component No. #0694

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

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 (Specify Type)						
<b>TOTAL</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The Department of Law reports approximately 500 cases of Misconduct Involving a Controlled Substance in a year. Attempts have been made to determine how many of those cases may involve children in some way, but there is no data available. Additionally, although someone may be charged with Contributing to the Delinquency of a Minor under this bill, that in no way ensures that the charge would not be concurrent, or used as a bargaining tool, in sentencing. In all likelihood, there would be instances when it would result in additional time (up to one year for a Class A misdemeanor). It is the Department of Corrections' belief that there could be significant costs attached to this, but we have no way of quantifying it at this time. Therefore, the Department of Corrections is submitting an indeterminate fiscal note on the committee substitute.

Prepared by: Candy Brower, Legislative Liaison Phone 465-3307  
 Division Commissioner's Office Date/Time 3/21/00 2:54 PM  
 Approved by Commissioner Margaret M. Pugh Date 3-21-00  
 Agency Dept. of Corrections

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# FISCAL NOTE No. 8

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

Bill Version: CSHB 180(FIN)AM  
(S) Publish Date: 3-22-00

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Law  
Title "An Act relating to the possession, manufacture, use,...of controlled substances while children are present." BRU Criminal Division  
Component 1st-4th Judicial Districts; Criminal Appeals/Special Litigation  
Sponsor Representative Cowdery  
Requester Senate Judiciary Committee Component No. 2198-99;2201;03;61;79

## Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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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 (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: \_\_\_\_\_

### POSITIONS

Full-time						
Part-time						
Temporary						

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

CSHB 180 (FIN) AM expands the crime of Contributing to the Delinquency of a Minor by broadening the prohibition against allowing a child to be in the same room or building as the sale of drugs, to prohibiting a person allowing the child to be in the immediate physical presence of the illegal manufacture, use, display, or delivery of drugs, when the person knows the illegal activity is occurring.

The Department of Law does not anticipate any fiscal impact from passage of this bill.

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone 465-5370  
Division Attorney General's Office Date/Time 3/21/00 3:25 PM  
Approved by Commissioner Bruce M. Botelho, Attorney General Date 3/21/00  
Agency Department of Law

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# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

No. 7  
Bill Version: CSHB 180(JUD) am  
(S) Publish Date: 3-21-00

Revision Date: 3/17/00 Dept. Affected: Administration  
Title: "An Act relating to the possession, manufacture,  
use or delivery of controlled substances while children are present" BRU: Legal and Advocacy Services  
Sponsor: Representative Cowdery Component: Public Defender Agency  
Requester: (S) JUD Component No.: 1631

**Expenditures/Revenues** (Thousands of Dollars)  
Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	.	.	.	.	.	.
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	.	.	.	.	.	.

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 (Specify Type)						
<b>TOTAL</b>	.	.	.	.	.	.

Estimate of any current year (FY2000) cost: \_\_\_\_\_  
POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)  
  
See attached.

Prepared by: Barbara Brink, Director Phone: 264-4414  
Division: Public Defender Agency Date/Time: \_\_\_\_\_  
Approved by: Commissioner - Robert Poe, Jr. Date: 3/17/00  
Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 180(JUD) AM

#7

2000 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill makes changes to the Contributing to the Delinquency of a Minor statute. Under the current statute it is illegal to aid, induce, cause, or encourage a minor to be in the same room where a drug sale is taking place.

This bill broadens the current statute considerably. Under the bill, a person can be convicted if he or she knowingly aids, induces, causes, encourages, or allows a minor to be in the immediate presence of the unlawful manufacture, use, display, or delivery of unlawful drugs.

It is difficult to say what the fiscal impact of these changes would be. Mothers and fathers with children often do not have as much choice as they would like in where and with whom they live. For example, if one spouse starts using drugs, the other spouse will sometimes not be able to leave or shield the children from the drug use entirely. Public Defender Agency attorneys see situations like these in Child in Need of Aid cases frequently.

So, if this law is vigorously enforced against people who would currently be innocent of wrong doing the impact could be significant. However, because there is no way to judge the number of additional cases the Public Defender Agency would have to handle, the Agency is submitting an indeterminate fiscal note.

# FISCAL NOTE

Bill Version: CSHB 180 (FIN)

(H) Publish Date: 2/7/00

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

REPORTED OUT OF  
SFC 413/00

Revision Date		Dept. Affected	<u>Alaska Court System</u>
Title	<u>Possession of Drugs While Children are Present</u>	BRU	<u>Alaska Court System</u>
Sponsor	<u>Rep. Cowdry</u>	Component	<u>Trial Courts</u>
Requester	<u>House Finance</u>	Component Serial No.	<u>769</u>

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

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: None

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
No fiscal impact anticipated.

Prepared by: Doug Wooliver, Administrative Attorney Phone: 463-4750  
 Agency: Alaska Court System Date/Time: 2/1/00 9:58 AM  
 Approved by: Stephanie J. Cole, Administrative Director Date: 2/1/00  
 Agency: Alaska Court System



REPRESENTATIVE JOHN J. COWDERY  
Sponsor Statement for CS HB 180(FIN) AM

Existing statutes acknowledge that children should not be allowed to enter or remain where drugs are stored (11.51.110) or sold (11.51.130). However, current law does not prohibit the manufacture or use of drugs in the presence of children. Children learn by example. I believe the destructive behavior modeled by drug use in the presence of a child is as damaging as that of being in the same room, dwelling or vehicle in which drugs are stored or sold. HB 180 corrects this situation.

New language in House Bill 180 expands the sphere of space in which the co-presence of children and drugs is forbidden. By using the phrase, "in the immediate physical presence of" children are protected in outdoor situations like a yard, campsite or park bench. Stiffer penalty provisions send the clear message that children and drugs don't mix.

To promote uniformity of application the new provision employs "use, manufacture, delivery and display," terms used in existing controlled substance statutes.

- Sectional Review -

House Bill 180 adds new language to 11.51.130. New provisions provide penalty for allowing, aiding, inducing, causing or encouraging a child to enter or remain in the immediate physical presence of the manufacture, use, display or delivery of drugs, knowing that the manufacture, use, display or delivery is occurring. Violation is a class A Misdemeanor.

Current language only prohibits aiding, inducing, causing or encouraging a child to enter or remain in the *same room in a building* where the *sale* of the drug occurs.

file

# Alaska State Legislature **HOUSE MAJORITY NEWS**

web site: <http://www.akrepublicans.org>

State Capitol  
Juneau, AK 99801  
Actuality line: 1-800-478-6540

Jerry Ritter  
*Press Secretary*  
(907) 465-3804

**FOR IMMEDIATE RELEASE: March 3, 2000**

**CONTACT: Representative John Cowdery**  
(907) 465-3879

## **House: Keep Drugs Away from Minors** **Bill Punishes Drug Use in the Presence of Children**

(JUNEAU) -- The Alaska House of Representatives Friday passed House Bill 180, which forbids allowing a child to be in the physical presence of controlled substances.

"HB 180 tightens the expectations placed on adults and sends a clear message that kids and drugs do not mix," said Representative John Cowdery (R-Anchorage), sponsor of HB 180. "It also corrects a small oversight in existing regulations to cover outdoor situations."

HB 180 prohibits adults from knowingly allowing a minor to enter or remain in the presence of the use, manufacture, delivery, or display of drugs. The crime would be punishable as a Class A Misdemeanor, Contributing to the Delinquency of a Minor.

HB 180 passed on a 25-11 vote. Notice of Reconsideration was filed.

###

**Broadcasters note: Comments are available on the Majority Actuality Line 1-800-478-6540**

· S T A T E O F F I C E  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Robert Claus, Member  
Craig  
Pres. Prince of Wales Chapter

John Lucking, Jr., Member  
Unalaska  
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January 27, 2000

**Representative Gene Therriault  
Alaska State Legislature  
State Capital  
Juneau, Alaska 99801-1182**

**Dear Representative Therriault:**

**At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse HB 180.**

**Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.**

Sincerely,

**John Charbonneau  
State President**

**cc: Representatives Cowdery and Dyson**

TONY KNOWLES, GOVERNOR

**DEPARTMENT OF HEALTH AND  
SOCIAL SERVICES**

**ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE**

P.O. BOX 110608  
JUNEAU, ALASKA 99811-0608  
PHONE: (907) 465-8920  
FAX: (907) 465-4410  
TOLL FREE: 1-800-420-8920

March 24, 2000

Senator Sean Parnell, Chair  
Senate Finance Committee  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Parnell and Committee Members:

On behalf of the Advisory Board on Alcoholism and Drug Abuse I urge you to support passage of CSHB 130 "Drugs Where Minors Are Present". This bill seeks to protect children from the harmful effects of exposure to the manufacture, use, and sale of controlled substances. State public safety officials and child protection workers have repeatedly investigated situations involving the manufacture, use and sale of controlled substances in which minor children have been found neglected, abused, or placed in high-risk situations such as home production of drugs using volatile chemicals.

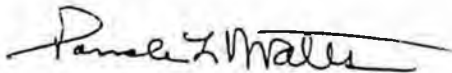
This legislation criminalizes these actions if the parent, guardian, or custodian of the minor knowingly allows a child under 18 years of age to enter or remain in the immediate physical presence of the unlawful manufacture, use, display, or delivery (sale) of a controlled substance.

The Advisory Board on Alcoholism and Drug Abuse State Plan for Alcohol and Drug Abuse Services outlines a strategy to advocate for positive change through legal and regulatory initiatives. All available research points to the conclusion that public policy decisions regarding substance abuse have a major impact on the prevalence and severity of substance abuse problems in communities.

The Board urges you to support passage of CSHB 180 in the best interests of protecting minors from the harmful effects of exposure to controlled substances and related negative consequences.

Thank you for your consideration of this important issue.

Sincerely,



Pamela L. Watts  
Executive Director

SENATE FINANCE COMMITTEE

SIGN-IN

HB 180-DRUGS WHERE MINORS ARE PRESENT

NAME: CONOR SULLIVAN Subject/Bill No: HB180  
Co./Dept./Title: Leg. Aide / Rep. Cowdery Phone: 465-6848  
Address: CAV 204 Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions



# Teleconference Update Summary

TCN: 10761

**Main Menu**

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## Summary Data

TC Date: April 13, 2000	Moderator:
Time: 6:00 PM TO 9:00 PM	Toll Free Number: 800 368 8772
Status: Announced	Dial-up Number:
Sponsor: SFIN: FINANCE	Personal Number: 907 258 8772
Chairs: Parnell	Testimony Allowed: Yes
Torgerson	Time Limit: 5 minutes
Purpose: PUB	Backup Material: No
Contact: DARWIN 4652138	Meeting ID: 73462

Public Remarks:

Internal Comments: OTHER SITES MAY JOIN

## Agenda

Bill Number	Bill Subject
HB 180	DRUGS WHERE MINORS ARE PRESENT
HB 272	MUNICIPAL TAX: LOW INCOME HOUSING
HB 288	CHILDREN WITNESSING DOMESTIC VIOLENCE
HB 437	REINSTATEMENT OF NATIVE CORPORATIONS

## LIO Sites

Chair	Name	Room
	ANCHORAGE	
x	JUNEAU	CAP532

## VTS Sites

Chair	Code	Name	Location	LIO
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## Off-net Sites

Chair	Code	Name	Location	Phone
	OF1	Jeff Judd	Anchorage	907-677-8424

## Participants

Name	Type	Bill
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*Blair*