

SB

26

FISCAL NOTE

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

BILL NO. SB 26

Revision Date/Time (Note if correction)		Dept. Affected	Law
Title	"An Act relating to providing false information or reports to a peace officer."	BRU	Criminal Division; Civil Division
Sponsor	Senator Leman	Component	1st-4th Judicial Districts; Criminal Appeals/Special Lit; Human Services
Requester	Senate Judiciary Committee	Component Serial No.	2198/99/2261/79/01/03/08

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 26 would make it a class C felony to knowingly give false information concerning a person's identity to a peace officer while that person is under arrest or detention for a felony or being served a warrant for a felony offense. The penalty for the same offense while under arrest or detention for a misdemeanor would be a class A misdemeanor.

The Department of Law has no way to estimate how many cases this new offense might generate. Anytime a new crime is created, there is a cost for prosecution. How much that is, however, depends on the volume of new cases. Until some experience is gained, the department cannot estimate the fiscal impact of this bill.

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

Phone 465-5370
 Date/Time 3/8/99, 9:06 AM
 Date 3/8/99

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SB 26

Revision Date: _____
Title: "An Act relating to providing false information..."

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency

Sponsor: Senator Leman
Requestor: (S) JUD

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	30.5	30.5	30.5	30.5	30.5	30.5
TRAVEL	1.8	1.8	1.8	1.8	1.8	1.8
CONTRACTUAL	8.5	8.5	8.5	8.5	8.5	8.5
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	6.5	.6	.6	.6	.6	.6
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	48.3	42.4	42.4	42.4	42.4	42.4

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	48.3	42.4	42.4	42.4	42.4	42.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	48.3	42.4	42.4	42.4	42.4	42.4

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara Brink, Director
Division: Public Defender Agency
Approved by Commissioner: Robert Poe
Agency: Department of Administration

Phone: (907) 264-4414
Date: _____
Date: 3/8/99

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This bill amends a current misdemeanor statute, Making a False Report, AS 11.56.800. Under the bill there would be two criminal offenses: a class C felony and a class A misdemeanor. The title of the new offenses would be False Information or Report in the First and Second Degree. The current Making a False Report statute outlaws giving false information with intent to implicate someone else in a crime. It also outlaws a variety of other false reports, such as falsely reporting crimes, fires, etc. The new misdemeanor statute (False Information or Report in the Second Degree) retains all the language of the current statute, and, in addition, makes providing any false information concerning one's identity unlawful if the defendant is arrested or detained for a misdemeanor. The bill's new class C felony statute (False Information or Report in the First Degree) outlaws providing false information concerning one's identity if the defendant is being arrested or detained on a felony.

This bill will have a fiscal impact on the Public Defender Agency. It is difficult to determine the exact impact because of a number of factors. However, the Agency does know that, in a significant percentage of arrests, defendants give false information concerning their identities. We conservatively estimate that defendants give false identity information in 2% of our cases.

We are appointed to represent defendants in about 3,200 new felonies and 8,500 misdemeanors a year. The Public Defender Agency does not know how many of its current 8500 misdemeanors include Making a False Report charges. These charges are often brought in addition to other charges. Defendants are often, but not always, being arrested on other charges when they try to implicate someone else.

If 2% of the defendants give false identity information, we would have 64 new felony charges and 170 new misdemeanor charges. However, we have to take into account that other charges would be brought in many of these cases and about 1% of the current caseload includes misdemeanors where Making a False Report is the major charge. Therefore, subtracting 1% of the misdemeanors and estimating that False Information charges would be a major factor in only half of the cases, the Public Defender Agency would need one additional half-time attorney to deal with the additional workload.

We would place this half-time attorney in Anchorage.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO: SB 26

Revision Date/Time (Note if correction) _____ Dept. Affected Department of Corrections
 Title An Act relating to providing false information BRU Administration and Operations
 or reports to a peace officer. Component All
 Sponsor Senator Leman
 Requester Senate Judiciary Component Serial No. #0694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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 (Specify Type)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 1 of SB 26 will create the crime of False Information or Report in the 1st degree. The penalty for this new crime is a class C felony which carries a penalty of zero to five years. The Dept. of Corrections is unable to estimate how many new prisoners will be incarcerated for this new crime. Due the narrow construction of the bill, it is anticipated that few people will be charged and convicted prompting the Dept. of Corrections to submit an indeterminate fiscal note.

Section 2 of SB 26 amends the current crime of making a false report to False Information or Report in the 2nd degree. The crime is a class A misdemeanor which carries a penalty of zero to one year.

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date/Time 3/8/99 7:59 AM
 Approved by Comm. Margaret M. Pugh Date 3/8/99
 Agency Department of Corrections

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SB 26

Revision Date _____ Dept. Affected Alaska Court System
 Title False Information / report to police officer BRU Alaska Court System
 Component Trial Courts
 Sponsor Sen. Leman
 Requester Senate Judiciary Component Serial No. 769

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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 (Specify Type)						
TOTAL	.	.	.	.	.	.

Estimate of any current year (FY99) cost: None

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)* SB 26 makes it a class C felony for a person to provide false identity information to a peace officer if that person is under arrest or detention or being served a warrant for a felony offense. Although this bill may have a fiscal impact on the Alaska Court System, there is insufficient data available to assess the extent of that impact. However, should the impact prove to be significant, the court system may return to the legislature for funding.

Prepared by: Doug Wooliver, Administrative Attorney Phone: 264-8265
 Agency: Alaska Court System Date/Time: 3/5/99 2:33 PM
 Approved by: Stephanie J. Cole, Administrative Director Date: 3/5/99
 Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO: SB 26

Revision Date: March 4, 1999 Dept. Affected: Public Safety
 Title: An Act relating to providing false information or reports to a peace officer. BRU: Fish and Wildlife Protection
 Component: Detachments
 Sponsor: Senator Leman
 Requestor: S.Judiciary COMPONENT SERIAL NO. _____

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

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
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-

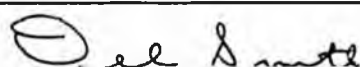
Estimate of current year (FY 99) impact: \$ -0-

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 does not significantly impact our budget.

Prepared By: Lieutenant Howard R. Starbard Phone: 746-9107
 Division: Fish and Wildlife Protection Date: March 4, 1999
 Approved by Commissioner:  Date: 3-8-99
 Agency: Ronald L. Otte, Department of Public Safety

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**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/19/99

FURTHER: Finance

Date of 5-Day Notice: 3-4-99
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered

SENATE BILL NO. 26

"An Act relating to providing false information or reports to a peace officer."

and recommends:

- be replaced with _____ CS SB 26 (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 title
 - new: SCR" _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Stoyum</i>	✓				
<i>Rick Halford</i>	✓				
CHAIR: <i>Chris L. Taylor</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB 26(JUD)

Revision Date 3/30/2000 Dept. Affected Public Safety
 Title An act relating to providing false information or reports to a peace officer. BRU AST - Detachments
 Component: AST - Detachments
 Sponsor Senator Leman
 Requester Senate Finance Committee Component No. 2325

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						
TOTAL OPERATING						

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

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


Estimate of any current year (FY2000) cost: 0.0

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 impact our budget.

Prepared by: Royce Weller, Special Assistant Phone 465-4322
 Division Office of the Commissioner Date/Time 3/30/2000
 Approved by:  Date 3/30/00
 Agency Commissioner Ronald L. Otte, Dept. of Public Safety

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1-LS0119\H
Luckhaupt
3/16/00

*adopted
3/27/00
amended
passed out*

CS FOR SENATE BILL NO. 26()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS LEMAN, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to hindering prosecution and to providing false information or
2 reports to a peace officer."

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

4 * Section 1. AS 11.56.780(a) is amended to read:

5 (a) A person commits the crime of hindering prosecution in the second degree
6 if the person renders assistance to another who has committed a crime punishable as
7 a misdemeanor [BY IMPRISONMENT FOR MORE THAN 90 DAYS], with intent
8 to

9 (1) hinder the apprehension, prosecution, conviction, or punishment of
10 the other person; or

11 (2) assist the other person in profiting or benefiting from the
12 commission of the crime.

13 * Sec. 2. AS 11.56.800 is amended to read:

14 Sec. 11.56.800. False information or [MAKING A FALSE] report. (a) A

1 person commits the crime of [MAKING A] false information or report if the person
2 (1) knowingly [(1)] gives false information to a peace officer with the
3 intent of implicating another in a crime;

4 (2) knowingly makes a false report to a peace officer that a crime has
5 occurred or is about to occur;

6 (3) knowingly makes a false report or gives a false alarm that a fire
7 or other incident dangerous to life or property calling for an emergency response has
8 occurred or is about to occur; [OR]

9 ~~delete~~ (4) (knowingly makes a false report to the Department of Natural
10 Resources under AS 46.17 concerning the condition of a dam or reservoir; or

11 (5) having committed a crime, knowingly gives false information
12 to a peace officer with the intent of avoiding apprehension, prosecution,
13 conviction, or punishment.

14 (b) False information or [MAKING A FALSE] report is a class A
15 misdemeanor.

Explanation of Differences

SB 26 (1-LS0119\A) and Blank CS for SB 26 (1-LS0119\H)

Prepared by: Mike Pauley, Staff Aide to Senator Loren Leman (465-3841)

Note: Page & line numbers refer to the original SB 26, as introduced (1-LS0119\A)

- (1) Page 1, lines 3-9: delete all material (entirety of Section 1).

Explanation: Section 1 of SB 26 proposes to create a new crime of "false information or report in the first degree," which is designated as a Class C felony. Then, in Section 2, the bill defines the second degree of this offense, which is designated as a Class A misdemeanor. During the Senate Judiciary Committee hearing (03-08-99) concern was expressed by the Dept. of Law representative and other witnesses about whether it was appropriate to classify "false information or report in the first degree" as a Class C felony. It was observed that "resisting or interfering with arrest," arguably a more grave offense, is designated as a Class A misdemeanor [AS 11.56.700].

The Blank CS proposes to delete the distinction between first and second degrees, and create a single crime designated "False information or report," which is punishable as a Class A misdemeanor in all circumstances.

The Blank CS replaces the deleted material in Section 1 with new language that is explained below in (4).

- (2) Page 1, lines 11-13: delete two references to "in the second degree".

Explanation: As noted above, the Blank CS creates a single offense category, eliminating the need for distinction between first and second degrees.

- (3) Page 2, lines 2-6: delete all material and replace with new material that defines the offense of "false information or report" as including when a person, "**having committed a crime, knowingly gives false information to a peace officer with the intent of avoiding apprehension, prosecution, conviction, or punishment;**"

Explanation: The original bill very narrowly defined the "false information or report" crime as occurring when a person provided false information about the person's identity while under arrest or detention, while being served a warrant, or while being issued a citation. Committee members and hearing witnesses observed that a person could provide false identity in other contexts aside from being under arrest or detention. For example, false identity could be provided to a peace officer to hinder an investigation, and this conduct would not be proscribed under the terms of the bill. Also, there are many types of misleading information other than false identity, and the bill would not classify such deception as a crime.

- (4) **Page 1, line 3:** insert a new bill section that expands the existing crime of "hindering prosecution in the second degree" to include all misdemeanor offenses, rather than limiting it to those offenses punishable by more than 90 days imprisonment.

Explanation: Current law [AS 11.56.780] makes it a crime to hinder the "apprehension, prosecution, conviction, or punishment" of a person who has committed a crime by "rendering assistance" to that person. The definition of "rendering assistance" includes the use of deception, e.g., lying [AS 11.56.770(b)(4)]. Thus, if a person deceives a police officer in an effort to obstruct the apprehension of another person who has committed a crime, the person who has "rendered assistance" has committed a crime. However, this applies ONLY if the person being shielded has committed a crime punishable by more than 90 days imprisonment. This effectively shields many offenders from coverage, including those who have committed Class B misdemeanors that are punishable by no more than 90 days imprisonment. Some of these offenses include:

Criminal mischief in the fourth degree: riding in a stolen vehicle, damaging property under \$50 [AS 11.46.486]

Misconduct involving weapons, fifth degree: minors possessing firearms without parental consent, possessing a firearm in a courtroom or domestic violence shelter [AS 11.61.220]

Obstruction of highways: rendering a highway impassable, or dropping any substance on a highway that creates risk of physical injury to others [AS 11.61.150]

These offenses may not rank among the more serious in the criminal statutes, but they are the types of offenses police are required to investigate every day, at considerable expense to the public. The law should provide some consequences for deceiving a police officer conducting investigations of these misdemeanors. The Blank CS for SB 26 would apply the "hindering prosecution" offense to all misdemeanors (felonies are covered under a separate statute). The offense would be punishable as a Class B misdemeanor.

###

INTEROFFICE MEMORANDUM

TO: Rick
FROM: Juli
SUBJECT: SB 26
DATE: 3/8/1999

Senate Bill 26 -

Changes the law regarding false reports. As it stands, there is a law against making a false reports - Class A misdemeanor that covers: false reports to peace officers about crimes, false reports to emergency personnel (crying "fire" when there's no fire), and false reports to DNR about dams or reservoirs breaking.

SB 26 adds lying about your identity when you're under arrest or detention, or being issued a warrant or citation.

If the crime you're arrested for/detained for/warrant/citation for is:

a felony → false information or report in the first degree - Class C felony (not more than 5 years)

a misdemeanor → false information or report in the second degree - Class A misdemeanor (not more than 1 year)



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189
Web Site: <http://www.akrepublicans.org/Leman.htm>

Session: State Capitol, Juneau, AK 99801 (907) 465-2095
Email: Senator_Loren_Leman@legis.state.ak.us

Sponsor Statement – SB 26

“An Act relating to providing false information or reports to a peace officer.”

Senate Bill 26 provides prosecutors an additional tool to prosecute those persons who give false information or reports to law enforcement personnel.

Under current law (AS 11.56.800) it is a class A misdemeanor for a person to knowingly “give false information to a peace officer *with the intent of implicating another in a crime*” (emphasis added).

Senate Bill 26 expands this statute by also including as a class A misdemeanor any provision of false *identity* information to a peace officer while the suspect is under arrest or detention for a *misdemeanor*, or is being served a warrant for a non-felony offense, or is being issued a citation. This change recognizes that *any* false identity given to a peace officer may increase the likelihood that the suspect will escape prosecution, even though the false information may not “implicate another in a crime” as current law stipulates.

Additionally, Senate Bill 26 provides that a person who gives false identity information while under arrest or detention for a *felony*, or while being served a warrant for a felony offense, is guilty of a class C *felony*.

Collectively, these proposed changes emphasize the gravity of providing false information in order to avoid prosecution. Under existing law it is illegal for a suspect to physically escape in order to avoid prosecution, and the severity of the crime of escape correlates to the seriousness of the crime for which the person has been arrested. The law should recognize that the ruse of false information is tantamount to physical escape, as the suspect is also using deceit to escape justice. Some defendants have eluded arrest for years simply by using false identities while witnesses in their case drift away and the case grows stale and difficult to prosecute.

Prepared by Mike Pauley, Staff Aide to Senator Loren Leman (465-3841)
Last updated: February 1, 1999

Alaska Association of Chiefs of Police



MAR 02 1999

February 23, 1999

Senator Loran Leman
State Capitol
Juneau, AK 99801

Dear Senator Leman:

This letter is written in support of SB 26, an Act relating to providing false information or reports to a peace officer.

The use of false information to escape arrest or prosecution has become a way of life for many criminals. Beyond implicating another in a crime, a substantial number of persons continue to use the names and personal information of others again and again in order to "escape" the justice system. We also believe the penalty should equal the seriousness of the crime, since there is currently no greater penalty for providing false information in a felony case than in a misdemeanor case.

We endorse this effort to discourage both misdemeanor and felony suspects from attempting to escape justice by deception.

Sincerely,

A handwritten signature in cursive script, reading "Duane S. Udland", is written over a horizontal line.

Duane S. Udland, President
Alaska Association of Chiefs of Police

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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



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Unalaska
Pres. Aleutian Islands Chapter

Senator Leman
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

February 19, 1999

Dear Senator Leman,

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse SB 26.

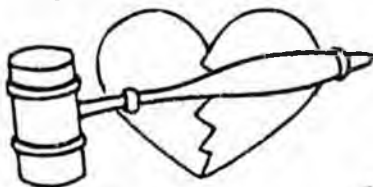
Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Thank you for sponsoring this legislation.

Sincerely,

John Charbonneau
State President
Alaska Peace Officers Association

VICTIMS



for Justice 619 East Fifth Avenue • Anchorage, AK 99501
(907) 278-0977 • Fax: (907) 258-0740

MAR 02 1999
MAR 02 1999

February 24, 1999

Loren Leman
State Capitol Suite 520
Juneau, Ak 99801

Dear Senator Leman:

Victims for Justice is writing in support of SB 26, which is an act relating to providing false information or reports to a peace officer. It is important that a person is held accountable for lying to a police officer. When it is necessary for an officer to make an arrest or to use a statement from a witness concerning a crime, a simple lie can prevent that person from providing necessary information. Lying needs to be discouraged. I have seen juvenile offenders not be prosecuted because of lying to an officer. It is difficult for the justice system when a simple lie can prevent arrest or a person from being involved in an investigation. This legislation would be a good tool for police, prosecutors and crime prevention. Thank you Senator Leman for working for the safety of our communities.

Sincerely,

A handwritten signature in cursive script that reads "Janice Lienhart".

Janice Lienhart

NOTES TO DECISIONS

Legislative intent. — In enacting the hindering prosecution statutes, the legislature unequivocally expressed the intent to dispense with any requirement of awareness as to the legal classification of the crime committed by the assisted person. *Noblit v. State*, 808 P.2d 280 (Alaska Ct. App. 1991).

Culpable mental state. — Where it is found that the defendant rendered assistance to another with

knowledge of the other person's wrongdoing and with the specific intent to hinder his prosecution, this culpable mental state affords adequate protection against the possibility of a conviction based on innocent conduct; no additional culpable mental state is necessary for due process purposes. *Noblit v. State*, 808 P.2d 280 (Alaska Ct. App. 1991).

Sec. 11.56.790. Compounding. (a) A person commits the crime of compounding if, unless authorized by AS 12.45.120 or 12.45.130, the person

(1) confers, offers to confer, or agrees to confer a benefit on another in consideration of that other person's concealing an offense, refraining from initiating or aiding in the prosecution of an offense, or withholding evidence of an offense; or

(2) accepts or agrees to accept a benefit in consideration of concealing an offense, refraining from initiating or aiding in the prosecution of an offense, or withholding evidence of an offense.

(b) Compounding is a class A misdemeanor. (§ 6 ch 166 SLA 1978)

Sec. 11.56.800. Making a false report. (a) A person commits the crime of making a false report if the person knowingly

(1) gives false information to a peace officer with the intent of implicating another in a crime;

(2) makes a false report to a peace officer that a crime has occurred or is about to occur;

(3) makes a false report or gives a false alarm that a fire or other incident dangerous to life or property calling for an emergency response has occurred or is about to occur; or

(4) makes a false report to the Department of Natural Resources under AS 46.17 concerning the condition of a dam or reservoir.

(b) Making a false report is a class A misdemeanor. (§ 6 ch 166 SLA 1978; am § 1 ch 30 SLA 1987)

Effect of amendments. — The 1987 amendment added paragraph (a)(4).

NOTES TO DECISIONS

Statements prohibited. — Defendant's statements concerning his oral accusation that a police officer had taken \$250 from the glove compartment of his truck, which the police officer authorized to be towed without operating lights or current registra-

tion, were prohibited by former AS 11.30.215, which made it a misdemeanor to give a false report of a crime to a peace officer. *Gottschalk v. State*, 575 P.2d 289 (Alaska 1978).

Sec. 11.56.805. False accusation. (a) A person commits the crime of false accusation if the person knowingly or intentionally initiates a false complaint with the Select Committee on Legislative Ethics established in AS 24.60.

(b) False accusation is a class A misdemeanor. (§ 2 ch 36 SLA 1984; am § 1 ch 113 SLA 1986)

Effect of amendments. — The 1986 amendment in subsection (b) substituted "class A misdemeanor" for "class C felony."

Sec. 11.56.810. Terroristic threatening. (a) A person commits the crime of terroristic threatening if the person knowingly makes a false report that a circumstance dangerous to human life exists or is about to exist and

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