

HB

350

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 18, 2002

FURTHER REFERRALS:

Date of Committee Action: 4/23/02

The FINANCE Committee considered:

HB 350

HOUSE BILL NO. 350

TERRORISTIC THREATS

"An Act relating to terroristic threatening."

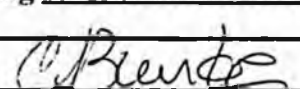
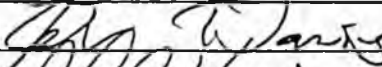

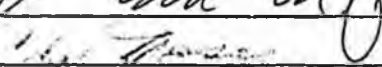
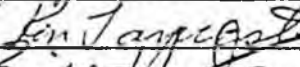




Recommends it be replaced with CS HB 350 (FIN) Same Title New Title
 For Senate Bills with new title: Technical Title New Title: HCR _____

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev. for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LAA
 LAW
 LWF
 NVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
CRT	1			✓
LAW	3		✓	
ADM	4		✓	
COR	5		✓	

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Bunde	✓			
	Daney	✓			
	Harris	✓			
	CROFT	✓			
	MOSES	✓			
	Lancaster	✓			
	Hudson	✓			
	Foster	X			
Chair: 	Williams	✓			

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 350(TRA)
(H) Publish Date: 2/20/02

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Terroristic threatening BRU Alaska Court System
Component Trial Courts
Sponsor Representative McGuire
Requester Representative McGuire Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 350.

Prepared by: Douglas Wooliver Phone 463-4750
Division: Alaska Court System Date/Time 2/20/02 9:28 AM
Approved by: Stephanie Cole Date 2/20/02
Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 350(TRA)
(H) Publish Date: 2/20/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to terroristic threatening." BRU Criminal Division
Component 1st-4th Judicial Districts; Criminal
Sponsor Representative McGuire Appeals/Special Litigation
Requester House Transportation 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 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

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--Do not abbreviate)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 350 would expand the actions that could lead to a charge of terroristic threatening, a class C felony. Specifically, if an individual causes the evacuation of a public area, public conveyance, or building; disrupts the schedule of a public transportation entity; or threatens, even jokingly, a transportation service provider or transportation support services provider with physical injury, even if the person threatened was not placed in fear of physical injury, that individual could be charged with this crime.

The language in subsection (2) regarding threats to persons actually providing transportation services or support services would cover a very large variety of situations not currently considered felonies. Felony prosecutions are costly, but the Department of Law has no way of estimating how many new cases might be referred for prosecution if this bill becomes law, and cannot assign a potential fiscal impact.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division: Attorney General's Office Date/Time 2/19/02 8:27 AM
Approved by: Kathryn Daughhettee for Bruce M. Botelho, Attorney General Date 2/19/2002
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSHB 350(JUD)
(H) Publish Date: 4/18/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: "An Act relating to criminal mischief and terroristic threatening..." BRU: Legal and Advocacy Services
Sponsor: Rep. McGuire Component: Public Defender Agency
Requester: (H) Judiciary Component No.: 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: Barbara Brink, Director Phone (907) 334-4416
Division: Public Defender Agency Date/Time 2/21/02 1:29 PM
Approved by: Jim Duncan, Commissioner Date 2/21/2002
Agency: Department of Administration

FISCAL NOTE #4

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CSHB 350(JUD)

ANALYSIS CONTINUATION

This legislation would amend the crime of criminal mischief in the first degree (class B felony) to include tampering with a water supply with intent to cause physical injury. The crime currently prohibits tampering with other items with intent to cause physical injury (food, drugs, cosmetics). The bill also proposes to amend the crime of terroristic threatening (a class C felony) to include when a person knowingly makes a false report that a circumstance dangerous to human life exists or is about to exist that disrupts the schedule of a public transportation service or causes evacuation of a public area or public conveyance, or a false report that a circumstance exist or is about to exist that is dangerous to the safe functioning of an oil or gas pipeline or supporting facility, utility, or transportation or cargo facility.

The last provision in Section 2, subsection (a)(2) would likely have a fiscal impact on the Public Defender Agency. This subsection may cover a sizeable variety of situations not currently covered as felonies. It is not possible to determine the extent of that impact, however, because it is unknown how many potential cases would result from this broadly written proscriptive language. Since the Agency cannot predict how many more felony cases would result if this proposed legislation passed, an indeterminate fiscal note is submitted.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSHB 350(JUD)
 (H) Publish Date: 4/18/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title An Act relating to terroristic threatenin BRU Administration and Operations
 Component All
 Sponsor Rep. McGuire
 Requester House Judiciary Committee Component No. 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

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--Do not abbreviate)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation expands the circumstances under which someone can be charged with Terroristic Threatening, a felony. This bill will add a provision to include knowingly making a false report that a circumstance dangerous to human life exists or is about to exist and causes evacuation of a public area, mode of public transportation or building or disrupts the schedule of an entity providing transportation services for persons or property. It additionally will include false reports of a circumstance exists or is about to exist regarding the safe or proper functioning of oil or gas pipeline or supporting facility, etc. Any addition of circumstances expanding felony prosecution will likely have a fiscal impact on the Department of Corrections. It is anticipated that the number of cases that apply in this legislation will be minimal, therefore, the Dept. of Corrections is submitting an indeterminate fiscal note.

Prepared by: Candace Brower Phone 465-4652
 Division: Commissioner's Office Date/Time 2/26/02 4:53 PM
 Approved by: Margaret Pugh, Commissioner Date 2/26/02
 Agency: Dept. of Corrections

Alaska State Legislature

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Chair, House Special Committee
on Economic Development, Trade
and Tourism

Chair, Joint House and Senate
Administrative Regulation and
Review Committee

Member
Resources Committee
Rules Committee

Representative Lesil McGuire *House District 17*

SPONSOR STATEMENT HOUSE BILL 350

“An Act relating to Terroristic Threatening”

September 11th, 2001 has changed the lives of Alaskan and Americans alike. What was once a concern for the safety of those living, working or visiting foreign destination from terroristic acts has painfully come home. Likewise, we have been warned of the dangers associated with terrorism.

Terrorism is not confined to public transportation, or the bombing of buildings or government offices. The added threat of chemical and biological warfare and weapons of mass destruction make it clear that we are in need of redefining our laws regarding terroristic acts.

The threat alone of a terroristic act can cripple a community. Imagine the chaos that would occur if someone said that they had just contaminated the public water utility with a deadly chemical agent. Citizens would panic, schools and businesses would close, and in general the community would come to standstill.

House Bill 350 would increase criminal penalties for certain acts of terrorism and would prohibit terroristic threats intended to frighten or cause specific harm to citizens. House Bill 350 also increases penalties of threats to our water and food supplies, utilities and pipelines.

House Bill 350 will provide law enforcement the necessary tools to arrest, detain and ultimately prosecute an individual who threatens public areas or conveyances.

A threat in this day and age must be taken seriously. House Bill 350 increases criminal penalties for certain acts of terrorism and terroristic threats and punishes these criminals in accordance with the law.

CS FOR HOUSE BILL 350(JUD)

SECTIONAL ANALYSIS

Section 1 is a conforming amendment. It adds criminal mischief in the fourth degree to those offenses that allow for full, reasonable attorney fees to a victim or the estate of a victim in a civil lawsuit to recover damages based on the criminal conduct.

Section 2 adds criminal mischief in the first degree (raised in this bill from a class B to a class A felony) and terroristic threatening in the first degree (a class B felony adopted in this bill) to those offenses for which a person can be charged with conspiracy to commit the offense.

Section 3 amends murder in the first degree to include conduct where a person commits or attempts to commit criminal mischief in the first degree and, in furtherance of the offense or in immediate flight, any person causes the death of a person other than a participant in the crime. **Section 3** also adds to murder in the first degree conduct where a person commits terroristic threatening in the first degree and, in the furtherance of the offense or in immediate flight, any person causes death of a person other than one of the participants.

Section 4 is a conforming amendment that adds the conviction for terroristic threatening in the first degree as a predicate offense that would raise the offense of stalking in the second degree to stalking in the first degree.

Sections 5 changes criminal mischief in the first degree from a class B felony in current law (maximum period of incarceration 10 years) to a class A felony (maximum period of incarceration 20 years). The conduct prohibited includes intentionally damaging an oil or gas pipeline, causing damage to a utility or emergency responder resulting in substantial interruption in service to the public, and damaging property in an amount over \$100,000 by widely dangerous means such as an explosion.

Sections 6 and 7 add tampering with water or air to the prohibition of tampering with food or cosmetics, with intent to cause physical injury, to criminal mischief in the second degree. This conduct remains a class B felony. These sections also add to criminal mischief in the second degree tampering with an oil or gas pipeline or supporting facility, an airplane, or a helicopter with reckless disregard for the risk to property. This conduct would be a class B felony, and is prohibited in current law as a class C felony.

Section 8 makes conforming amendments to the definitions of "deliver" and "distribute" for criminal mischief in the second degree, by adding the delivery or distribution of air or water to the definitions.

Sections 9, 10, and 11 make conforming amendments that change criminal mischief in the second degree to third degree. This conduct remains a class C felony.

Sections 12 and 13 make conforming amendments that change what is currently criminal mischief in the third degree to criminal mischief in the fourth degree. This conduct remains a class A misdemeanor.

Section 14 is a conforming amendment that changes what is currently criminal mischief in the fourth degree to criminal mischief in the fifth degree. This conduct remains a class B misdemeanor.

Section 15 is a conforming amendment to criminal mischief in the fourth degree, by renumbering a statutory reference.

Section 16 makes a conforming amendment to making a false information or report in violation of AS 11.56.800(a) to exclude conduct that would be prohibited by terroristic threatening in the second degree.

Section 17 adopts the crime of terroristic threatening in the first degree. It prohibits sending, delivering, or attempting to send or deliver a biological or chemical substance or an imitation biological or chemical substance with the intent to place another in fear of physical injury to any person, cause the evacuation of a building or other facility, or cause serious public inconvenience. This conduct is a class B felony.

Section 18 changes the current terroristic threatening to the second degree offense, and adds the prohibition of making a false report with the intent to cause an evacuation of a public place, business premises, or means of public transportation. It also adds the prohibitions of making a false report that claims that a biological or chemical substance harmful to a person's health has been sent or is present in specified places, that substantially disrupts the schedule of a transportation entity, or that threatens damage to an oil or gas pipeline or supporting facility. This conduct remains a class C felony.

Section 19 is a conforming amendment that adds terroristic threatening in the first degree to those crimes that allow for the victim's or witness's address and telephone number to be kept confidential from the defendant if the court finds that the defendant may be a continuing threat to the victim or witness.

Section 20 makes a conforming amendment to the definition of crime involving domestic violence by adding terroristic threatening in the first degree and criminal mischief in the first degree to those crimes that may potentially be a crime involving domestic violence.

Sections 21 and 22 set forth applicability and effective date clauses.

adopted 4/23

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

To: CSHB 350(JUD)

Page 8, line 27 - page 9, line 10:

Delete all material and insert:

"Sec. 11.56.807. Terroristic Threatening in the first degree. (a) A person commits the crime of terroristic threatening in the first degree if the person sends or delivers a bacteriological, biological, chemical, or radiological substance and ^{OR ~~to~~ imitation...}

(1) places a person in reasonable fear of injury to any person;

(2) causes evacuation of a building, public place or area, business premises, or mode of public transportation; or

(3) causes serious public inconvenience.

(b) In this section,

(1) "bacteriological, biological, chemical, or radiological substance" means a material that is capable of causing serious physical injury;

(2)(1) "imitation bacteriological, biological, chemical, or radiological substance" means a material that by its appearance would lead a reasonable person to believe that it is capable of causing serious physical injury."

withdrawn

AMENDMENT #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

To: CSHB 350(JUD)

Page 2, line 29 - page 3, line 11:

Delete all material and insert:

(3) under circumstances not amounting to murder in the first degree under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the person commits or attempts to commit arson in the first degree, criminal mischief in the first degree, terroristic threatening in the first degree, kidnapping, sexual assault in the first degree, sexual assault in the second degree, sexual abuse of a minor in the first degree, sexual abuse of a minor in the second degree, burglary in the first degree, escape in the first or second degree, robbery in any degree, or misconduct involving a controlled substance under AS 11.71.010(a), 11.71.020(a), 11.71.030(a)(1) or (2), or 11.71.040(a)(1) or (2), and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of a person other than one of the participants.

amendment adopted 4/22/02
change to pg 9
line 26

CS FOR HOUSE BILL NO. 350(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered: 4/18/02
Referred: Finance**

Sponsor(s): REPRESENTATIVE MCGUIRE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to murder, conspiracy, criminal mischief, and terroristic threatening;
2 and providing for an effective date."

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

4 * Section 1. AS 09.60.070(c) is amended to read:

5 (c) In this section, "serious criminal offense" means the following offenses:

- 6 (1) murder in any degree;
- 7 (2) manslaughter;
- 8 (3) criminally negligent homicide;
- 9 (4) assault in any degree;
- 10 (5) kidnapping;
- 11 (6) sexual assault in any degree;
- 12 (7) sexual abuse of a minor in any degree;
- 13 (8) robbery in any degree;
- 14 (9) coercion;

- 1 (10) extortion;
- 2 (11) arson in any degree;
- 3 (12) burglary in any degree;
- 4 (13) criminal mischief in the first, second, [OR] third, or fourth
- 5 degree;
- 6 (14) driving while intoxicated or another crime resulting from the
- 7 operation of a motor vehicle, boat, or airplane when the offender is intoxicated;
- 8 (15) a crime involving domestic violence, as defined in AS 18.66.990.

9 * Sec. 2. AS 11.31.120(i)(2) is amended to read:

- 10 (2) "serious felony offense" means an offense
- 11 (A) against the person under AS 11.41, punishable as an
- 12 unclassified or class A felony; [OR]
- 13 (B) involving controlled substances under AS 11.71,
- 14 punishable as an unclassified, class A, or class B felony;
- 15 (C) that is criminal mischief in the first degree under
- 16 AS 11.46.475; or
- 17 (D) that is terroristic threatening in the first degree under
- 18 AS 11.56.807.

19 * Sec. 3. AS 11.41.100(a) is amended to read:

- 20 (a) A person commits the crime of murder in the first degree if
- 21 (1) with intent to cause the death of another person, the person
- 22 (A) causes the death of any person; or
- 23 (B) compels or induces any person to commit suicide through
- 24 duress or deception;
- 25 (2) the person knowingly engages in conduct directed toward a child
- 26 under the age of 16 and the person with criminal negligence inflicts serious physical
- 27 injury on the child by at least two separate acts, and one of the acts results in the death
- 28 of the child; [OR]
- 29 (3) acting alone or with one or more persons, the person commits or
- 30 attempts to commit a sexual offense against or kidnapping of a child under 16 years of
- 31 age and, in the course of or in furtherance of the offense or in immediate flight from

1 that offense, any person causes the death of the child; in this paragraph. "sexual
2 offense" means an offense defined in AS 11.41.410 - 11.41.470;

3 (4) acting alone or with one or more persons, the person commits
4 or attempts to commit criminal mischief in the first degree under AS 11.46.475
5 and, in the course of or in furtherance of the offense or in immediate flight from
6 that offense, any person causes the death of a person other than one of the
7 participants; or

8 (5) acting alone or with one or more persons, the person commits
9 terroristic threatening in the first degree under AS 11.56.807 and, in the course of
10 or in furtherance of the offense or in immediate flight from that offense, any
11 person causes the death of a person other than one of the participants.

12 * Sec. 4. AS 11.41.260(a) is amended to read:

13 (a) A person commits the crime of stalking in the first degree if the person
14 violates AS 11.41.270 and

15 (1) the actions constituting the offense are in violation of an order
16 issued or filed under AS 18.66.100 - 18.66.180 or issued under former
17 AS 25.35.010(b) or 25.35.020;

18 (2) the actions constituting the offense are in violation of a condition of
19 probation, release before trial, release after conviction, or parole;

20 (3) the victim is under 16 years of age;

21 (4) at any time during the course of conduct constituting the offense,
22 the defendant possessed a deadly weapon;

23 (5) the defendant has been previously convicted of a crime under this
24 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
25 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
26 AS 11.56.740; or

27 (6) the defendant has been previously convicted of a crime, or an
28 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
29 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810 [AS 11.56.810], AS 11.61.120, or (B)
30 a law or an ordinance of this or another jurisdiction with elements similar to a crime,
31 or an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,

1 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810 [AS 11.56.810], or AS 11.61.120,
2 involving the same victim as the present offense.

3 * Sec. 5. AS 11.46 is amended by adding a new section to read:

4 Sec. 11.46.475. **Criminal mischief in the first degree.** (a) A person
5 commits the crime of criminal mischief in the first degree if, having no right to do so
6 or any reasonable ground to believe the person has such a right,

7 (1) the person intentionally damages an oil or gas pipeline or
8 supporting facility;

9 (2) with intent to cause a substantial interruption or impairment of a
10 service rendered to the public by a utility or by an organization that deals with
11 emergencies involving danger to life or property, the person damages or tampers with
12 property of that utility or organization and causes substantial interruption or
13 impairment of service to the public;

14 (3) with intent to damage property of another by the use of widely
15 dangerous means, the person damages property of another in an amount exceeding
16 \$100,000 by the use of widely dangerous means.

17 (b) Criminal mischief in the first degree is a class A felony.

18 * Sec. 6. AS 11.46.480(a) is amended to read:

19 (a) A person commits the crime of criminal mischief in the second [FIRST]
20 degree if, having no right to do so or any reasonable ground to believe the person has
21 such a right,

22 (1) [WITH INTENT TO CAUSE A SUBSTANTIAL
23 INTERRUPTION OR IMPAIRMENT OF A SERVICE RENDERED TO THE
24 PUBLIC BY A UTILITY OR BY AN ORGANIZATION WHICH DEALS WITH
25 EMERGENCIES INVOLVING DANGER TO LIFE OR PROPERTY, THE PERSON
26 DAMAGES OR TAMPERS WITH PROPERTY OF THAT UTILITY OR
27 ORGANIZATION AND CAUSES SUBSTANTIAL INTERRUPTION OR
28 IMPAIRMENT OF SERVICE TO THE PUBLIC;

29 (2) WITH INTENT TO DAMAGE PROPERTY OF ANOTHER BY
30 THE USE OF WIDELY DANGEROUS MEANS, THE PERSON DAMAGES
31 PROPERTY OF ANOTHER IN AN AMOUNT EXCEEDING \$100,000 BY THE

1 USE OF WIDELY DANGEROUS MEANS;

2 (3)] the person tampers with [INTENTIONALLY DAMAGES] an oil
 3 or gas pipeline or supporting facility or an airplane or helicopter, with reckless
 4 disregard for the risk of harm to or loss of the property; or

5 (2) [(4)] with intent to cause physical injury to another person, the
 6 person [:]

7 (A) tampers with food, air, water, or an item that is a [FOOD,]
 8 drug [,] or cosmetic, or a container for food, air, water, or the item; or

9 (B) delivers, dispenses, or distributes food, air, water, or an
 10 item described in (A) of this paragraph knowing that a person has tampered
 11 with the food, air, water, or item or a container for the food, air, water, or
 12 item.

13 * Sec. 7. AS 11.46.480(b) is amended to read:

14 (b) Criminal mischief in the second [FIRST] degree is a class B felony.

15 * Sec. 8. AS 11.46.480(c) is amended to read:

16 (c) In (a)(2) [(a)(4)] of this section,

17 (1) "deliver" means the actual, constructive, or attempted transfer from
 18 one person to another of food, air, water, or an item;

19 (2) "dispense" means to deliver a drug to an ultimate user or research
 20 subject by or under the lawful order of a practitioner, including the prescribing,
 21 administering, packaging, labeling, or compounding necessary to prepare the drug for
 22 that delivery;

23 (3) "distribute" means to deliver food, air, water, or an item, whether
 24 or not there is any money or other item of value exchanged; it includes sale, gift, or
 25 exchange;

26 (4) "drug" has the meaning given in AS 11.71.900(9);

27 (5) "tamper" means to interfere with something improperly, meddle
 28 with it, or make unwarranted alterations to its existing condition.

29 * Sec. 9. AS 11.46.482(a) is amended to read:

30 (a) A person commits the crime of criminal mischief in the third [SECOND]
 31 degree if, having no right to do so or any reasonable ground to believe the person has

1 such a right,

2 (1) with intent to damage property of another, the person damages
3 property of another in an amount of \$500 or more;

4 (2) [THE PERSON TAMPERS WITH AN OIL OR GAS PIPELINE
5 OR SUPPORTING FACILITY OR AN AIRPLANE OR HELICOPTER WITH
6 RECKLESS DISREGARD FOR THE RISK OF HARM TO OR LOSS OF THE
7 PROPERTY;

8 (3)] the person recklessly creates a risk of damage in an amount
9 exceeding \$100,000 to property of another by the use of widely dangerous means; or

10 (3) [(4) REPEALED

11 (5) REPEALED

12 (6)] the person knowingly

13 (A) defaces, damages, or desecrates a cemetery or the contents
14 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
15 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
16 memorial appears to be abandoned, lost, or neglected;

17 (B) removes human remains or associated burial artifacts from
18 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
19 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

20 * Sec. 10. AS 11.46.482(b) is amended to read:

21 (b) It is an affirmative defense to a prosecution under (a)(3) [(a)(6)] of this
22 section that the defendant, at the time of the offense, was

23 (1) an employee of the cemetery and was engaged in an authorized
24 activity on behalf of the cemetery; or

25 (2) authorized by law or state permit to engage in the conduct.

26 * Sec. 11. AS 11.46.482(d) is amended to read:

27 (d) Criminal mischief in the third [SECOND] degree is a class C felony.

28 * Sec. 12. AS 11.46.484(a) is amended to read:

29 Sec. 11.46.484. Criminal mischief in the fourth [THIRD] degree. (a) A
30 person commits the crime of criminal mischief in the fourth [THIRD] degree if,
31 having no right to do so or any reasonable ground to believe the person has such a

1 right

2 (1) with intent to damage property of another, the person damages
3 property of another in an amount of \$50 or more but less than \$500;

4 (2) [REPEALED

5 (3) REPEALED

6 (4)] the person tampers with a fire protection device in a building that
7 is a public place;

8 (3) [(5)] the person knowingly accesses a computer, computer system,
9 computer program, computer network, or part of a computer system or network;

10 (4) [(6)] the person uses a device to descramble an electronic signal
11 that has been scrambled to prevent unauthorized receipt or viewing of the signal unless
12 the device is used only to descramble signals received directly from a satellite or
13 unless the person owned the device before September 18, 1984; or

14 (5) [(7)] the person knowingly removes, relocates, defaces, alters,
15 obscures, shoots at, destroys, or otherwise tampers with an official traffic control
16 device or damages the work upon a highway under construction.

17 * Sec. 13. AS 11.46.484(b) is amended to read:

18 (b) Criminal mischief in the fourth [THIRD] degree is a class A
19 misdemeanor.

20 * Sec. 14. AS 11.46.486 is amended to read:

21 **Sec. 11.46.486. Criminal mischief in the fifth [FOURTH] degree.** (a) A
22 person commits the crime of criminal mischief in the fifth [FOURTH] degree if,
23 having no right to do so or any reasonable ground to believe the person has such a
24 right,

25 (1) with reckless disregard for the risk of harm to or loss of the
26 property or with intent to cause substantial inconvenience to another, the person
27 tampers with property of another;

28 (2) with intent to damage property of another, the person damages
29 property of another in an amount less than \$50; or

30 (3) the person rides in a propelled vehicle knowing it has been stolen
31 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

1 (b) Criminal mischief in the fifth [FOURTH] degree is a class B
2 misdemeanor.

3 * Sec. 15. AS 11.46.487 is amended to read:

4 Sec. 11.46.487. **Forfeiture of property upon conviction.** Firearms and other
5 personal property, except a motor vehicle, used in aid of a violation of AS 11.46.460,
6 11.46.462, or 11.46.484(a)(5) [11.46.484(a)(7)] may be forfeited to the state upon
7 conviction of the offender for the crime.

8 * Sec. 16. AS 11.56.800(a) is amended to read:

9 (a) A person commits the crime of false information or report if the person
10 knowingly

11 (1) gives false information to a peace officer

12 (A) with the intent of implicating another in an offense; or

13 (B) concerning the person's identity while the person is

14 (i) under arrest, detention, or investigation for a crime;

15 or

16 (ii) being served with an arrest warrant or being issued a

17 citation;

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

20 (3) makes a false report or gives a false alarm, under circumstances
21 not amounting to terroristic threatening in the second degree under
22 AS 11.56.810, that a fire or other incident dangerous to life or property calling for an
23 emergency response has occurred or is about to occur; or

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

26 * Sec. 17. AS 11.56 is amended by adding a new section to read:

27 Sec. 11.56.807. **Terroristic threatening in the first degree.** (a) A person
28 commits the crime of terroristic threatening in the first degree if the person sends,
29 delivers, or attempts to send or deliver a package or any other item containing a
30 biological or chemical substance or an imitation biological or chemical substance with
31 intent to

- 1 (1) place a person in fear of physical injury to any person;
 2 (2) cause evacuation of a building, public place or area, business
 3 premises, or mode of public transportation; or
 4 (3) cause serious public inconvenience.

5 (b) In this section,

- 6 (1) "biological or chemical substance" means a material that is harmful
 7 to the health of a person;
 8 (2) "imitation biological or chemical substance" means a material that
 9 by its appearance would lead a reasonable person to believe that it is harmful to the
 10 health of a person.

11 (c) Terroristic threatening in the first degree is a class B felony.

12 * Sec. 18. AS 11.56.810 is amended to read:

13 **Sec. 11.56.810. Terroristic threatening in the second degree.** (a) A person
 14 commits the crime of terroristic threatening in the second degree if the person
 15 knowingly makes a false report that a circumstance

- 16 (1) dangerous to human life exists or is about to exist and
 17 (A) [(1) PLACES] a person is placed in reasonable fear of
 18 physical injury to any person;
 19 (B) [(2)] causes evacuation of a building, public place or area,
 20 business premises, or mode of public transportation; [OR]
 21 (C) [(3)] causes serious public inconvenience;
 22 (D) the report claims that a biological or chemical
 23 substance that is harmful to the health of a person has been sent or is
 24 present in a building, public place or area, business premises, or mode of
 25 public transportation; or a public
 26 (E) substantially disrupts the schedule of an entity
 27 providing transportation services for persons or property; or
 28 (2) exists or is about to exist that is dangerous to the proper or safe
 29 functioning of an oil or gas pipeline or supporting facility, utility, or
 30 transportation or cargo facility; in this paragraph, "oil or gas pipeline and
 31 supporting facility" and "utility" have the meanings given in AS 11.46.490.

1 (b) Terrorist threatening in the second degree is a class C felony.

2 * Sec. 19. AS 12.61.120(b) is amended to read:

3 (b) If the defendant is proceeding without counsel in a case involving a
4 charged violation of AS 11.41, AS 11.46.300 - 11.46.330, AS 11.56.740, 11.56.807,
5 11.56.810, AS 11.61.190 - 11.61.210, or a crime involving domestic violence [,] and
6 the court finds that the defendant may pose a continuing threat to the victim of or
7 witness to the offense charged, the court shall protect the address and telephone
8 number of the victim or witness by providing the information only to a person
9 specified by the court or by imposing other restrictions that the court considers
10 necessary. When an address or telephone number is released to a person specified by
11 the court under this subsection, that person, who shall be ordered not to disclose the
12 information to the defendant, shall contact the victim or witness on behalf of the
13 defendant, and the defendant shall meet or speak with the victim or witness only in the
14 presence of that person.

15 * Sec. 20. AS 18.66.990(3) is amended to read:

16 (3) "domestic violence" and "crime involving domestic violence" mean
17 one or more of the following offenses or an offense under a law or ordinance of
18 another jurisdiction having elements similar to these offenses, or an attempt to commit
19 the offense, by a household member against another household member:

20 (A) a crime against the person under AS 11.41;

21 (B) burglary under AS 11.46.300 - 11.46.310;

22 (C) criminal trespass under AS 11.46.320 - 11.46.330;

23 (D) arson or criminally negligent burning under AS 11.46.400 -
24 11.46.430;

25 (E) criminal mischief under AS 11.46.475 - 11.46.486
26 [AS 11.46.480 - 11.46.486];

27 (F) terrorist threatening under AS 11.56.807 or 11.56.810
28 [AS 11.56.810];

29 (G) violating a domestic violence order under AS 11.56.740; or

30 (H) harassment under AS 11.61.120(a)(2) - (4);

31 * Sec. 21. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 APPLICABILITY. This Act applied to offenses committed on or after the effective
3 date of this Act.

4 * **Sec. 22.** This Act takes effect immediately under AS 01.10.070(c).

passed - 4/23

AMENDMENT #3

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

To: CSHB 350(JUD)

Page 9, Line 26 & 27: Delete all material in subsection (e)

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 350 (JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title An Act relating to terroristic threatenin BRU Administration and Operations
Component All
Sponsor Rep. McGuire
Requester House Finance Committee Component No. 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill proposes to increase the criminal penalties for certain acts of terrorism, including intentional damage or unlawful tampering of an oil or gas pipeline, airplane or helicopter, or water, food and drug supplies. Additionally, it prohibits sending imitation biological or chemical substance with the intent to frighten people or cause other harm. The criminal mischief statutes have also been changed as a result of this bill and some of the crimes have been elevated a level.

The committee substitute also adds certain acts to be included under the Murder in the 1st degree and conspiracy statutes. The fiscal impact, if any, for these provisions would not be felt by the Department until beyond the years discussed on this fiscal note.

It is very difficult to predict the potential impact of the increased sanctions on the Department of Corrections. The specific and unusual nature of the crimes will hopefully result in an insignificant number

Prepared by: Candace Brower Phone 465-4652
Division: Commissioner's Office Date/Time 4/19/02 4:27 PM
Approved by: Margaret Pugh, Commissioner Date 4/19/02
Agency: Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CSHB 350 (JUD)

ANALYSIS CONTINUATION

of offenders that fit into these categories. Any increase in sanctions results in an impact on the Department of Corrections, thus an indeterminate fiscal note is submitted.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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March 29, 2002

Representative Lesil McGuire
State Capitol
Juneau, AK 99801-1182

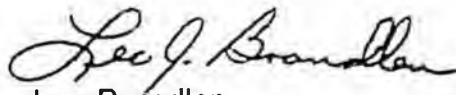
Dear Representative McGuire:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 350 relating to terroristic threatening.

The Alaska Peace Officers Association fully supports HB 350. This will enhance police and prosecutor efforts to hold persons accountable for threatening public areas or conveyances, and causing disruption to public transportation due to threatening behavior. The world we live in has changed and law enforcement must respond to all threats against public facilities in a serious manner. This legislation will help facilitate the investigation and prosecution of these crimes.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,


Leo Brandlen
State President

State frees man held for making threats

ARREST: Alaska Airlines bans Washington man from flights after he became angry over late luggage.

The Associated Press

SITKA — The state decided Friday not to prosecute a 58-year-old Washington man who was arrested at the Sitka airport after allegedly threatening an airline worker.

But Alaska Airlines has banned Dr. Bruce Stevenson from its flights for life because of Thursday's incident.

Stevenson apparently became upset about possible delays in retrieving baggage, police said. Lt. John Baeza said Stevenson told the Alaska Airlines ticket agent, "If I don't get my bag I'm coming back here as an assassin."

"He said it seriously, with no hint of a smile or that he was joking, and all the witnesses took it very seriously," Baeza said.

Sitka Police Chief Bill McLendon criticized the state's refusal to take the Woodinville, Wash., medical doctor to court.

"The decision reeks of favoritism and documents a steady history of political maneuvering and ineptness in handling cases," McLendon said Friday. "To say we have no confidence in (prosecutors') abilities would be a gross understatement."

Earlier Friday, assistant district attorney Corinne Vorenkamp told the Daily Sentinel in Sitka that the state did not have enough evidence for a criminal prosecution against Stevenson, a doctor at the prestigious Virginia Mason Hospital in Seattle.

"While there's certainly no accounting for the exceedingly poor taste and bad judgment of essentially ignoring a national tragedy, the state has decided to not file a complaint," Vorenkamp said.

Responding to a call from the airport Thursday afternoon, Sitka police arrested Stevenson on a felony charge of terroristic threatening and a misdemeanor charge of fourth-degree assault.

Stevenson was held overnight in the Sitka jail without bail and was released Friday after the charges were dropped.

In Anchorage, assistant U.S. attorney Stephan Collins said the federal government does not have jurisdiction in the case.

"The threat wasn't made by telephone or by wire, and it wasn't made in the air," Collins said. "If the plane were in the air at the time, we'd have jurisdiction -- maritime, or territorial -- but on the ground, in the airport, to a tick-



JAMES POULSON / The Associated Press

Sitka Police Lt. John Baeza, left, stands by as Dr. Bruce Stevenson, 58, background center, is placed in a patrol car following his arrest for allegedly threatening an airline worker at the airport in Sitka. Police say that Stevenson, a doctor at Virginia Mason Hospital in Seattle, apparently told the Alaska Airlines ticket agent, "If I don't get my bag I'm coming back here as an assassin."

et agent, from what details I understand about this case we don't have jurisdiction. That would be up to the state."

Vorenkamp said that to be prosecuted for terroristic threatening under state law, a person would have to "knowingly make a false report that a circumstance dangerous to human life exists or is about to exist."

"What Mr. Stevenson said certainly was insensitive to the fears of the person to whom he said it, and it's appalling in light of the national tragedy that happened this week," she said, "but under state law it is not a crime."

However, Stevenson will never be allowed onboard an Alaska Airlines flight again, company spokesman Greg Witter said from the airline's Seattle headquarters.

"We have a zero-tolerance policy for anyone who tries to abuse or threaten our employees in any way, shape or manner," he said.

Doctor sorry for making threat to airline agent

■ **APOLOGY:** He admits he 'demonstrated a terrible lack of judgment.'

The Associated Press

SITKA — The Washington state doctor who was arrested in Sitka for making threatening comments to an Alaska Airlines ticket agent apologized Tuesday for his actions.

Dr. Bruce Stevenson was arrested at the Sitka airport Thursday, when commercial flights were allowed to resume after the terrorist attacks on the East Coast. The state, however, decided not to prosecute, though Alaska Airlines has banned the 53-year-old doctor from its planes for life.

In last week's incident, Stevenson became upset about possible delays in retrieving baggage and re-

portedly told the ticket agent he would "come back as an assassin" if that occurred.

Stevenson, a doctor at Virginia Mason Hospital in Seattle, issued a prepared statement Tuesday, saying he is sorry for the stress his comments caused.

Stevenson has been placed on indefinite administrative leave because of the incident, said hospital spokeswoman Linda Stepanich. The hospital faxed the doctor's comments to the Daily Sentinel in Sitka.

In the statement, Stevenson wrote: "I made an inappropriate remark that was interpreted as a threat.

"I demonstrated a terrible lack of judgment and I sincerely apologize for my actions. As a frequent traveler to Alaska, I have built many warm

See Page B-2, DOCTOR

DOCTOR: *He's sorry*

Continued from B-1

relationships over the years. I genuinely regret jeopardizing the goodwill of the many friends and colleagues I have in your fine state.

"I am very sorry that this incident added to the stress of airline, airport and public officials during this difficult time."

Police had charged the doctor with felony terroristic threatening and misdemeanor fourth-degree assault. Stevenson spent a night in the Sitka jail before charges were dropped Friday after the state decided not to prosecute.

Stevenson left Sitka Friday.

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KTVA.COM

Alaska Airlines passenger arrested for terrorist threatening

September 24, 2001

An Alaska Airlines passenger who had lost a bag joked with an employee at the Juneau Airport that it contained a bomb. But the airline took it seriously, and the man was arrested Monday morning at his hotel room.

Twenty-nine-year-old James Longcroft was taken into custody at about 7 a.m. and charged with felony terroristic threatening. He was lodged at the Lemon Creek Correctional Center.

Longcroft, an Irish national who gave his residence as England, lost a bag on his flight in last night.

Juneau Police say that while he was describing the bag to an employee, he noted it had a bomb in it. He told the airline employee he was kidding.

But the employee contacted police, who then contacted the FBI, the Juneau District Attorney's Office and Juneau Airport Security and Alaska Airlines Dispatch Operations in Seattle.

The missing luggage had been located at the Seattle airport. Seattle police searched the bag and found no bomb.

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 Print this Article

 E-Mail to a Friend

 **KTVA.COM**

Bomb threat shuts down Ketchikan airport

December 30, 2001

Authorities are investigating an anonymous bomb threat that shut down the Ketchikan International Airport for more than an hour Friday.

The airport was evacuated while airport police and troopers checked the premises. No explosives were found.

Airport manager David Allen says the threat was called in to Ketchikan police about 1:30 p-m. He says police then notified the airport, prompting the evacuation. Allen says he's not sure how many people were affected.

Allen says a jet was not due to land until a few hours later, so the building was relatively empty other than airport workers. He says people were allowed back in the building at about 2:45 p-m.

Alaska State Troopers say they are investigating the threat. Police are looking into the origin of the call, but Deputy Chief David Guzman says that's the department's only involvement.

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FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSHB 350(JUD)
(H) Publish Date: 4/18/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title "An Act relating to criminal mischief
and terroristic threatening..." BRU Legal and Advocacy Services
Component Public Defender Agency
Sponsor Rep. McGuire
Requester (H) Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: Barbara Brink, Director Phone (907) 334-4416
Division Public Defender Agency Date/Time 2/21/02 1:29 PM
Approved by: Jim Duncan, Commissioner Date 2/21/2002
Agency Department of Administration

ANALYSIS CONTINUATION

This legislation would amend the crime of criminal mischief in the first degree (class B felony) to include tampering with a water supply with intent to cause physical injury. The crime currently prohibits tampering with other items with intent to cause physical injury (food, drugs, cosmetics). The bill also proposes to amend the crime of terroristic threatening (a class C felony) to include when a person knowingly makes a false report that a circumstance dangerous to human life exists or is about to exist that disrupts the schedule of a public transportation service or causes evacuation of a public area or public conveyance, or a false report that a circumstance exist or is about to exist that is dangerous to the safe functioning of an oil or gas pipeline or supporting facility, utility, or transportation or cargo facility.

The last provision in Section 2, subsection (a)(2) would likely have a fiscal impact on the Public Defender Agency. This subsection may cover a sizeable variety of situations not currently covered as felonies. It is not possible to determine the extent of that impact, however, because it is unknown how many potential cases would result from this broadly written proscriptive language. Since the Agency cannot predict how many more felony cases would result if this proposed legislation passed, an indeterminate fiscal note is submitted.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 350(TRA)
(:1) Publish Date: 2/20/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: "An Act relating to terrorist/C BRU Legal and Advocacy Services
threatening..." Component: Public Defender Agency
Sponsor: Rep. McGuire
Requester: (H) TRA Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Barbara Brink, Director Phone (907) 334-4416
Division: Public Defender Agency Date/Time 2/19/02 8:28 AM
Approved by: Jim Duncan Date 2/19/2002
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CSHB 350(TRA) - FN#2

ANALYSIS CONTINUATION

This legislation would amend the crime of terroristic threatening (a class C felony) to include when a person knowingly makes a false report that a circumstance dangerous to human life exists or is about to exist that disrupts the schedule of a public transportation service or causes evacuation of a public area or public conveyance. More troubling is the provision of the bill that proposes to include in the same crime when a person knowingly threatens a person engaged in providing transportation services or support services with physical injury regardless of whether the person making the threat had the ability or intent to carry out the threat and the person threatened actually was placed in fear of physical injury. If this bill, as broadly written as it is, became law, it would likely have a significant fiscal impact on the Public Defender Agency. It is not possible to determine the extent of that impact, however, because it is unknown how many potential cases would result from this broadly written proscriptive language. The Public Defender Agency has serious concerns about broadening the language in the terroristic threatening statute to include personal threats that might not have any real terroristic qualities.

Since the Agency cannot predict how many more cases would result if this proposed legislation passed, an indeterminate fiscal note is submitted.