

**HB**

**373**



# ALASKA STATE LEGISLATURE

*Chair:*  
LABOR AND COMMERCE

*Member:*  
MILITARY AND VETERANS AFFAIRS  
COMMUNITY AND REGIONAL AFFAIRS  
LEGISLATIVE COUNCIL  
JOINT ARMED SERVICES



**REPRESENTATIVE LISA MURKOWSKI**

Government Hill • Elmendorf • East Anchorage

*Session:*  
ALASKA STATE CAPITOL  
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PHONE: (907) 465-3783  
FAX: (907) 465-2293  
Representative\_Lisa\_Murkowski@legis.state.ak.us

*Interim:*  
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## Sponsor Statement

### HB 373

### **“An Act relating to marijuana and controlled substances and forfeitures related to controlled substances”**

Alaska is the only state in the nation that is required to process marijuana to a usable form for evidence purposes. Under current law, when an arrest is made for possession of marijuana, the live plants are seized but before it is admitted as evidence, the marijuana must be dried, stripped and separated. This process requires approximately 9,000 man-hours yearly with personnel cost of approximately \$250,000. This does not include the space and storage needed for this process or the man-hours and space committed by the local police and the independent statewide drug task forces.

HB 373 would allow law enforcement officers to destroy excess marijuana above and beyond the required amount needed to be retained as evidence in a criminal case. HB 373 would eliminate the need for Alaska law enforcement officers to be involved in the labor intensive processing of seized marijuana plants and would bring Alaska more in line with the federal requirements as well as other States.

HB 373 also defines contraband as well as the disposition of contraband. A new section will be added to AS 17.30.110 defining contraband, which includes the plants from which a controlled substance can be derived. This bill consolidates the forfeiture regulations and provides the commissioner of public safety or a municipal law enforcement agency authorized by the commissioner to dispose of contraband after a representative sample has been obtained as needed for evidence.

This legislation allows those law enforcement personnel whose duties involve processing of marijuana to be used more effectively. It is also an important update to disposition and forfeiture laws. I urge your support of HB 373.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 4, 2002

**SUBJECT:** Sectional Summary of HB 373 (Work Order No. 22-LS0067\C)

**TO:** Representative Lisa Murkowski  
Attn: Robin

**FROM:** Gerald P. Luckhaupt   
Legal Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

**Section 1.** Amends AS 11.71.080 by allowing an alternative method for determining the weight of live marijuana plants; the current method involves reducing the marijuana to its commonly used form (harvesting the marijuana) and then weighing it; the new alternative method involves severing the roots from the plant and taking one-sixth the weight of the plant less the roots.

**Section 2.** Provides that contraband shall be summarily forfeited to the state; defines "contraband" to include: (1) schedule IA or IIA controlled substances, (2) any controlled substances manufactured, distributed, possessed or acquired in violation of law, (3) plants from which controlled substances are derived that have planted or cultivated in violation of law or which are found growing wild, (4) a controlled substance or plant whose owner is unknown, (5) dangerous raw materials or equipment used or intended for use in the manufacture of controlled substances in violation of law.

**Section 3.** Provides a conforming amendment to the change made in sec. 2 of the bill.

**Section 4.** Provides that contraband under sec. 2 of the bill may be seized without a court order.

**Section 5.** Makes changes to conform to sec. 2 of the bill.

**Section 6.** Makes a change to conform to sec. 2 of the bill.

**Section 7.** Makes a change to conform to sec. 2 of the bill.

Representative Lisa Murkowski

March 4, 2002

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**Section 8.** Provides that contraband may not be remitted to one who claims ownership of the contraband.

**Section 9.** Provides for the disposition of contraband; provides that evidence of contraband retained as provided in this section is presumptively genuine or authentic under the Alaska Rules of Evidence.

GPL:lmb

02-038.lmb

# STATE OF ALASKA

## DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 111200  
JUNEAU, ALASKA 99811-1200  
PHONE: (907) 465-4322  
FAX: (907) 465-4362

March 11, 2002

The Honorable Lisa Murkowski  
Labor & Commerce Chair  
House of Representatives  
Alaska State Capitol, Rm. 408  
Juneau, AK 99801-1182

Dear Representative Murkowski:

On behalf of the Alaska Department of Public Safety, I would like to take this opportunity to state the Department's support for House Bill 373, "An Act relating to marijuana and controlled substances and forfeitures related to controlled substances."

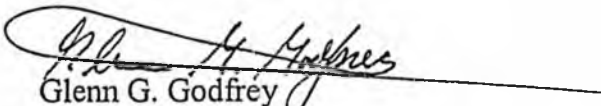
Implementation of the provisions as specified in the bill would be of great assistance to law enforcement agencies around the state. The need for agencies to harvest, dry, groom to its' most usable form, and store plant materials seized at marijuana grow operation places an enormous burden on those agencies. In years 2000 and 2001 combined, law enforcement agencies seized nearly 23,000 marijuana plants. Those plants equaled nearly 600 pounds of dried marketable material. An effort of that magnitude puts a strain on already over taxed resources. Your bill provides a means to simplify the process.

Also, the changes put forth in HB 373 concerning the disposition of contraband, will certainly facilitate the handling of items collected in the course of drug investigations. The long-term storage of many of these items of contraband until the cases have been completely adjudicated has placed a strain on many law enforcement agencies. As one can imagine, because of the size of the equipment needed to produce marijuana, an evidence facility can quickly be completely filled leaving little space for all the other items of evidence an agency may be responsible for maintaining. Your proposed statutory changes have the potential of relieving a large portion of that burden.

The Honorable Lisa Murkowski  
March 11, 2002  
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Please feel free to contact myself or members of my staff concerning any questions that you may have related to HB 373 and its' effect and Alaska's law enforcement efforts. Thank you for your support of Alaska's law enforcement community.

Sincerely,

  
Glenn G. Godfrey  
Commissioner

cc: Colonel Randy Crawford, Director  
Division of Alaska State Troopers

Royce Weller, Special Assistant to  
the Commissioner

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 373  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to marijuana and controlled substances and forfeitures related to controlled substances." BRU Criminal Division  
 Component All  
 Sponsor Rep. Murkowski  
 Requester House Judiciary Committee Component No. \_\_\_\_\_

**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						
Grant. & 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>						
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<b>CHANGE IN REVENUES ( )</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>
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

POSITIONS	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 HB 373 defines the aggregate weight of live marijuana plants as one-sixth of the measured weight of the live plants. Under current law, the aggregate weight is defined as the weight after the marijuana is processed to its commonly used form. This requires that law enforcement process the seized plants before they can be used as evidence. The bill also allows contraband to be seized and summarily forfeited to the state, without need for additional legal action. Contraband is defined to include controlled substances and plants from which controlled substances can be derived. HB 373 further permits the destruction of contraband, other than a representative sample needed for evidence, with the existence of the original amount of contraband presumptively genuine in court.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370  
 Division: Attorney General's Office Date/Time 3/21/02 4:52 PM  
 Approved by: Kathryn Daughhetee for Bruce M. Botelho, Attorney General Date 3/21/2002  
 Agency: Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 373  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Weight of Marijuana/Contraband BRU AST Detachments  
Forfeiture Component AST Detachments  
 Sponsor Representative Murkowski  
 Requester House Judiciary Committee Component No. 2325

**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	0.0	0.0	0.0	0.0	0.0	0.0
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<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 (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 will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532  
 Division: Division of Alaska State Troopers Date/Time 3/22/02 4:29 PM  
 Approved by: Commissioner Glenn Godfrey Date 3/22/2002  
 Agency: Department of Public Safety