

**HB**

**132**

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. CSHB 132 (2nd RLS) am

Revision Date/Time (Note if correction) <u>Amended 5/01/2001</u>	Dept. Affected _____
Title <u>Possession and distribution of alcohol</u>	BRU <u>Alaska Court System</u>
Sponsor <u>Representative Rokeberg</u>	Component <u>Trial Courts</u>
Requester <u>House Rules Committee</u>	Component No. <u>768</u>

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	75.5	81.6	89.2	95.3	102.8	102.8
Travel						
Contractual	16.6	24.8	35.1	43.4	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>92.1</b>	<b>106.4</b>	<b>124.3</b>	<b>138.7</b>	<b>156.6</b>	<b>156.6</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	92.1	106.4	124.3	138.7	156.6	156.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>92.1</b>	<b>106.4</b>	<b>124.3</b>	<b>138.7</b>	<b>156.6</b>	<b>156.6</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary	2	2	2	2	2	2

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

Two provisions in CSHB 132(RLS) am will have an impact on the court system. Section 10 amends AS 28.35.030(a) so that a person commits the crime of driving while intoxicated if that person has a BAC of .08 or higher. National studies suggest that other states that have made this reduction have seen a 10% increase in the number of cases brought before the court. This would mean an additional 500 misdemeanor filings a year and an additional 28 felony filings a year. This note reflects five months of district court judge and clerk time for the additional misdemeanors and the superior court judge and clerk time and jury costs for three three-day jury trials for the felony cases.

Sections 11 and 14 impose a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate.

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Division <u>Alaska Court System</u>	Date/Time <u>5/01/2001 2:30 p.m.</u>
Approved by: <u>Stephanie Cole, Administrative Director</u>	Date _____
Agency <u>Alaska Court System</u>	

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# Alaska Court System

## Fiscal Note Calculations for CSHB 132 (2nd RLS) AM

5/1/01

	FY02	FY03	FY04	FY05	FY06
<b><u>Superior Court Lookback Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	5	9	14	18	23
Est. Jury Cost of Superior Court Trials	10,340	18,612	28,952	37,224	47,564
Superior Court Judge (Pro Tems)	5,760	10,368	16,128	20,736	26,496
In-Court Clerk (NFP)	1,831	3,296	5,127	6,592	8,424
Est. Personal Services	7,591	13,664	21,255	27,328	34,920
<b>Subtotal Lookback Provision</b>	<b>17,931</b>	<b>32,276</b>	<b>50,207</b>	<b>64,552</b>	<b>82,484</b>
<b><u>Superior Court .08 Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	3	3	3	3	3
Est. Jury Cost of Superior Court Trials	6,204	6,204	6,204	6,204	6,204
District Court Judge (5 months PFT)	50,419	50,419	50,419	50,419	50,419
In-Court Clerk (5 months PFT)	17,499	17,499	17,499	17,499	17,499
	67,918	67,918	67,918	67,918	67,918
<b>Subtotal .08 Provision</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>
HB132 Personal Services Costs	75,509	81,582	89,173	95,246	102,837
HB132 Contractual Services Costs	16,544	24,816	35,156	43,428	53,768
Total Estimated Costs	<u>92,053</u>	<u>106,398</u>	<u>124,329</u>	<u>138,674</u>	<u>156,605</u>

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 132(2nd Rules)efd am  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An act relating to the possession of BRU: Legal & Advocacy Svc.  
alcohol in a restricted area...and operating a vehicle..." Component: Public Defender Agency  
 Sponsor: House Judiciary  
 Requester: Senate Judiciary Component Number: 1631

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	202.3	307.1	348.9	396.5	396.5	396.5
Travel	7.3	10.9	12.6	14.4	14.4	14.4
Contractual	54.0	81.0	93.9	107.1	107.1	107.1
Supplies	4.2	6.3	7.2	8.2	8.2	8.2
Equipment	18.3	5.0	5.0	5.0	2.6	2.6
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>286.1</b>	<b>410.3</b>	<b>467.6</b>	<b>531.2</b>	<b>528.8</b>	<b>528.8</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	286.1	410.3	467.6	531.2	528.8	528.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>286.1</b>	<b>410.3</b>	<b>467.6</b>	<b>531.2</b>	<b>528.8</b>	<b>528.8</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	2	3	3	4	4	4
Part-time	1	1	1	1	1	1
Temporary						

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

See Page 2 for Analysis

Prepared by: Barbara Brink, Director Phone 907-334-4414  
 Division: Public Defender Agency Date/Time 05/01/01  
 Approved by: Jim Duncan, Commissioner Date 5/1/01  
 Agency: Department of Administration

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CSHB 132 (2<sup>nd</sup> Rules) cfd am ANALYSIS: (continued)

This bill contains three major components:

The first is an increased effort at enforcement of anti-bootlegging and drug laws in rural Alaska. The Department of Public Safety (DPS) has recently received a \$1.4 million Federal appropriation for these enforcement efforts. DPS will make an interagency transfer of some of these funds to the Department of Law (DOL) to hire additional prosecutors. The prosecutors will be based in Anchorage and in Bethel. A paralegal will be added in Bethel. Legal secretaries will be added in Bethel and Anchorage.

Investigating and prosecuting bootlegging and drug delivery offenses usually involves undercover operations. Obviously, DPS and DOL will not be revealing their plans, but it can be expected that there will be extensive undercover operations. DPS and DOL will also be investigating shipments originating in Anchorage. Shipment by the U.S. Mail will be targeted in cooperation with the U.S. Postal Service.

The Public Defender Agency will need additional funding to respond to these increased enforcement efforts. Most, if not all, of the cases that will result from this effort will be prosecuted under state bootlegging and drug distribution statutes. Without adequate Public Defender Agency staff, cases coming out of this increased interdiction effort may encounter significant delays and difficulties in their process through the courts.

Based on our experience in responding to undercover operations in rural Alaska, we know that we can expect 15-25 new additional felony bootlegging and drug delivery cases to be filed per operation. (An example of an undercover operation of the type we expect to respond to occurred in Kotzebue in 1995. There were about 25 cases filed at the conclusion of the operation. See e.g. State v. Viverious, No. 2KB-95-312 CR (Alaska Sup. Sept. 8, 1995). For purposes of this fiscal note, we will estimate that there will be 20 cases per operation.

These cases will not be filed immediately. For obvious reasons, the standard practice is to complete the whole undercover operation and then file all the court cases at one time. However, we expect that the enforcement efforts in Anchorage will start immediately.

Obviously, we can only guess at the number of undercover operations that will be initiated. But given the amount of Federal funds that are available, the most conservative estimate we can arrive at is that at least seven operations will be completed by the end of FY 2002. This will result in an additional 140 cases being filed. The Public Defender Agency is usually appointed in 90% of total cases. 90% of the cases is 126 new cases.

As far as the Anchorage enforcement operations are concerned, we estimate that at least 25 new additional felony cases will be filed in FY 2002. We predict we will be appointed in 80% of these cases, resulting in 20 new cases.

Therefore, the total of new additional cases will be about 146. According to national standards, a public defender attorney should be assigned to no more than 150 new felony cases per year. Therefore, we are requesting one additional attorney to be based in Bethel. Because we do not expect the rural Alaska cases to be filed until six months have passed, we are requesting only half of the funding in FY 2002. The funding includes one-time equipment costs and clerical support. The cost in Fiscal Year 2002 is \$84.7, and in succeeding years \$156.8.

The second component of the bill would lower the threshold blood alcohol level for Driving While Intoxicated (DWI) from .10 to .08. It also lowers the threshold presumptive level for impaired driving from .05 to .04. This bill would result in an increase in the number of new criminal cases the Public Defender Agency is appointed to handle.

CSHB132(Rules) ANALYSIS: (continued)

The Department of Law, in its fiscal note, estimated the number of new prosecutions at 322 additional misdemeanor and 21 additional felony cases. The Public Defender Agency accepts the Department of Law's estimates. The Department of Law based its estimate on a 10 percent increase in prosecutions. This is a conservative estimate. As the Department of Law points out, experience in other states varies. But in Maine, a state similar to Alaska in many respects (smaller population, Northern climate), there was about a 20 percent increase in prosecutions. The Public Defender Agency will be appointed in about 75% of the cases. Using Department of Law's estimate, the Agency will be appointed to 242 additional misdemeanor cases and 16 additional felony cases.

We will need one additional full-time attorney to handle this increased caseload. Because our Palmer office handles a significant number of DWI cases and has the largest caseload growth in recent years, we will place the attorney at that office. The attorney costs include clerical support and one-time equipment costs in the first year. FY 2002 costs are \$140.6, with succeeding years' cost at \$132.9.

The third component is phasing in a 10-year "look-back" period for prior convictions for felony DUI.

This section would phase in a 10-year "look-back" for prior convictions. Again, the Public Defender Agency accepts the Department of Law's estimate of the number of new cases that would result from this change in the law. As above, we estimate that we will be appointed in about 75% of these cases. The end result is that by FY06, the Public Defender Agency will have an increased caseload of 182 felony DUIs. We will eventually need two additional attorneys to handle this caseload. Because the effect of this provision will be felt beginning in FY02 and, we will add a half-time attorney in Anchorage in FY02, add a half-time attorney in Palmer in FY03, make the half-time attorney in Anchorage full time in FY04, and add a half-time attorney in Fairbanks in FY05. Fiscal Year 2002 cost is 60.8, 2003 is 120.4, 2004 is 177.9, 2005 is 241.5, 2006 is 239.1, and 2007 is 239.1

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB 132 (2nd RLS) (EFD AM)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title "...the possession, distribution,...of alcohol in BRU Criminal Division; Civil Division  
a local option area; . . .operating a motor vehicle...intoxicated..." Component Third Jud District; Anchorage; 4th  
Sponsor House Judiciary Committee by Request Jud District; Collections & Support  
Requester Senate Judiciary Committee Component No. 2201; 2261; 2210

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	138.5	259.6	259.6	380.7	380.7	380.7
Travel	0.4	0.8	0.8	1.2	1.2	1.2
Contractual	25.7	44.4	44.4	63.1	63.1	63.1
Supplies	2.6	4.2	4.2	5.8	5.8	5.8
Equipment	13.0	6.5	0.0	6.5	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>180.2</b>	<b>315.5</b>	<b>309.0</b>	<b>457.3</b>	<b>450.8</b>	<b>450.8</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	148.3	290.1	283.6	431.9	425.4	425.4
1005 GF/Program Receipts	31.9	25.4	25.4	25.4	25.4	25.4
1037 GF/Mental Health						
1007 Interagency Receipts						
<b>TOTAL</b>	<b>180.2</b>	<b>315.5</b>	<b>309.0</b>	<b>457.3</b>	<b>450.8</b>	<b>450.8</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	1	2	2	3	3	3
Part-time	1	1	1	1	1	1
Temporary						

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

CSHB 132 (2nd RLS) (EFD AM) strengthens enforcement laws for importation of alcoholic beverages in municipalities and villages that have elected to restrict the sale, importation, or possession of alcohol in their communities. First, it reduces by half the amount of distilled spirits that a person may possess in a restricted community for the application of the presumption that the person possesses the alcohol with intent to sell it. The bill also reduces by half the amount of distilled spirits a package store may send in a calendar month to a person in a restricted community, and changes the penalty for the illegal sale or transportation of alcohol to a restricted community by reducing by half the amount of alcohol illegally sent to the community that qualifies for a C felony. The bill also allows the state, municipality, or established village to designate a delivery site for alcoholic beverages in municipalities or villages that have adopted a local option that permits importation.

Reducing the amount of alcohol sold or transported that qualifies as a C felony will increase felony prosecutions, which are more complicated and time consuming than misdemeanors, often involving jury trials. We have no way to estimate what the

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Approved by: Kathryn Daughettee for Bruce M. Botelho, Attorney General  
Agency: Department of Law

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Date 5/1/01

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## FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. CSHB 132 (2nd RLS) (EFD AM)

### ANALYSIS CONTINUATION

increase in workload might be; however, any increase in costs in state FY02 will be covered by part of a recent federal appropriation to Alaska for law enforcement and prosecution relating to alcohol offenses.

For FY 02, the costs of operating state delivery sites will come from non-GF funds.

The bill also amends AS 28.35.030(a) by lowering the blood alcohol limit from 0.10 to 0.08 percent by weight of alcohol in a person's blood (and a corresponding change in the limit for alcohol in a person's breath) for the offense of driving while intoxicated (DWI), a class A misdemeanor. The bill also changes the presumptions in AS 28.35.033(a) in a civil or criminal action from 0.05 - 0.10 to 0.04 - 0.08 percent by weight of alcohol in the person's blood (and a similar change for breath alcohol), as the area where there is no presumption about the person being under the influence of alcohol. Under this bill, a person who measures 0.04 and below is presumed not under the influence, and a person who measures 0.08 and above is presumed to be under the influence of intoxicating liquor. The bill will result in an increased number of DWI cases being prosecuted by the Department of Law.

In FY00, the Criminal Division accepted for prosecution 3,250 misdemeanor and 213 felony DWI cases throughout the state. Experience has varied in other states that have reduced from 0.10 to 0.08 the limit for driving while intoxicated. Although some states have experienced a 20-40% increase in DWI cases upon adoption of the 0.08% standard, this fiscal note is based on a more conservative estimate of 10% increase. Recently received statistics from around the state indicate that, even if present enforcement practices do not change at all, there are an additional 6 percent of DWI cases that fall between 0.08 and 0.099%, which are not now being considered as DWI cases. In addition, there are many cases right now with blood-alcohol levels of 0.10 to 0.11% that are reduced to reckless driving or some other non-DWI offense because juries are often reluctant to convict with those blood-alcohol levels. We assume these cases will now result in DWI convictions, thus adding another 2 percent of cases. Finally, we believe that it is inevitable that the new blood-alcohol level will cause some increase in arrests, conservatively estimated at another 2 percent. Thus we believe that the 10% increase used in this fiscal note (6%+2%+2%) is reasonable. This would result in 325 additional misdemeanor and 21 felony DWI cases, which are much more time-consuming to prosecute than misdemeanors. The Department of Law assumes that municipalities which presently prosecute misdemeanor DWI will amend their ordinances to mirror the change in state law. If this does not occur, the estimated number of misdemeanor prosecutions is understated.

Much of the anticipated increase in prosecutions will occur in southcentral Alaska. Because Anchorage is the hub from which prosecutors are sent to assist other offices in times of overload, it will be necessary to add one new attorney position to the Anchorage District Attorney's Office.

The Collections unit in the Civil Division's Collections and Support section collects judgments for criminal fines, cost of incarceration for DWI offenders, and cost of court appointed counsel. The change to 0.08 as the threshold for DWI offenses will increase the number of judgments the unit is required to collect annually. Assuming an 80-85 percent conviction rate, the unit anticipates receiving 280 judgments for criminal fines as a result of this change, and 280 judgments for the cost of incarceration. In addition, approximately 80 percent of the offenders are expected to have judgments for the cost of court appointed counsel, 220 in all.

In order to process and collect the estimated 780 new judgments each year, Collections unit personnel must enter the judgment data into the collections data base, post payments received, prepare PFD attachment packets for the court system and Department of Revenue, enter adjustments and process refunds when necessary, respond to phone calls from defendants, court personnel, prosecutors, and other state agencies, prepare satisfactions of judgments, and prepare quarterly or annual reporting of collections data. Much of this work can be handled by existing staff. However, the additional data entry and phone calls will require an additional half-time Administrative Clerk II.

The bill also amends the felony DWI statute. Under current law, for the purposes of charging an offender with felony DWI, the state can only "look back" 5-years for the first two offenses. If any of the prior offenses are older than 5-years, the charge remains a misdemeanor. CSHB 132 (2nd RLS) (EFD AM) will phase in a 10-year look back period for felony DWI, one year at a time, over the next five years.

Based on Division of Motor Vehicle (DMV) data, it is estimated that increasing the limit to 10-years for how old prior convictions must be in order for the third offense to be charged as felony DWI will result in approximately 240 new felony DWI referrals per year when fully phased in. The Criminal Division estimates approximately 95 percent of these will be accepted for prosecution, based on acceptance rates for current felony DWI prosecutions. This would mean approximately 225 new felony prosecutions in all. For the purposes of this fiscal note, the Department of Law assumes the new felonies will phase in evenly over the 5-year phase in period: 45 new felony prosecutions in FY02, 90 in FY03, 135 in FY04, 180 in FY05, and 225 in FY06.

Felony prosecutions are much more resource intensive than misdemeanor prosecutions. Because the penalties are so much higher, defendants are more likely to vigorously challenge the charge, and less likely to settle prior to trial. The Criminal Division anticipates it would need two new FTE attorney positions to handle these new felony cases, to both screen the referrals and prosecute those that are accepted. These positions would phase in as the number of new felony referrals increase. We anticipate that one new FTE attorney for the Anchorage DAO would be necessary in FY03, and one new FTE attorney for the Fairbanks DAO in FY 05.

**FISCAL NOTE**

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

**BILL NO. CSHB 132 (2nd RLS) (EFD AM)**

**ANALYSIS CONTINUATION**

All position costs except the Collections unit position are based on the department's FY02 cost allocation plan, and include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Collections unit positions are specialized, and are not recovered through the cost allocation plan, so are included separately. The standard cost does not include one-time new equipment purchases, and \$8,500 per position is added for this purpose. A summary of line-item costs by position for each section of CSHB 132 (2nd RLS) (EFD AM) narrated above follows.

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
<b><u>Felony Importation</u></b>							
<b>Criminal Division</b>							
	Total Unknown	.....	.....	.....	.....	.....	.....
<b><u>0.08 BAC</u></b>							
<b>Criminal Division: 3rd Judicial District: Anchorage (2261)</b>							
	100 1 FTE Attorney	121.1	121.1	121.1	121.1	121.1	121.1
	200	0.4	0.4	0.4	0.4	0.4	0.4
	300	18.7	18.7	18.7	18.7	18.7	18.7
	400	1.6	1.6	1.6	1.6	1.6	1.6
	500	6.5					
	<b>Total 1004 General Fund</b>	<b>148.3</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>
<b>Civil Division: Collections &amp; Support (2210)</b>							
	100 1 PPT Admin Clerk II	17.4	17.4	17.4	17.4	17.4	17.4
	200	0.0	0.0	0.0	0.0	0.0	0.0
	300	7.0	7.0	7.0	7.0	7.0	7.0
	400	1.0	1.0	1.0	1.0	1.0	1.0
	500	6.5					
	<b>Total 1005 GF/Program Receipts</b>	<b>31.9</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>
	<b>0.08 BAC Total</b>	<b>180.2</b>	<b>167.2</b>	<b>167.2</b>	<b>167.2</b>	<b>167.2</b>	<b>167.2</b>
<b><u>Phase In 10-year Look Back</u></b>							
<b>Criminal Division: 3rd Judicial District: Anchorage (2261)</b>							
	100 1 FTE Attorney		121.1	121.1	121.1	121.1	121.1
	200		0.4	0.4	0.4	0.4	0.4
	300		18.7	18.7	18.7	18.7	18.7
	400		1.6	1.6	1.6	1.6	1.6
	500		6.5				
	<b>Total 1004 General Fund</b>	<b>0.0</b>	<b>148.3</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>
<b>Criminal Division: 4rd Judicial District (2201)</b>							
	100 1 FTE Attorney				121.1	121.1	121.1
	200				0.4	0.4	0.4
	300				18.7	18.7	18.7
	400				1.6	1.6	1.6
	500				6.5		
	<b>Total 1004 General Fund</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>148.3</b>	<b>141.8</b>	<b>141.8</b>
	<b>Felony Look Back Total</b>	<b>0.0</b>	<b>148.3</b>	<b>141.8</b>	<b>290.1</b>	<b>283.6</b>	<b>283.6</b>

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 132 (2d RLS) (efd am)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: Reducing blood alcohol to .08 BRU: Alcohol & Drug Abuse Svcs  
 Component: Alcohol Safety Action Program  
 Sponsor: House (JUD) by Request  
 Requester: Senate (JUD) Component Number: 305

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	60.0	60.0	60.0	60.0	60.0	60.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	52.4	52.4	52.4	52.4	52.4	52.4
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</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	112.4	112.4	112.4	112.4	112.4	112.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 CS HB 132 (2d RLS) (efd am) lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs (ASAP) and subsequently for treatment. Of these additional cases DHSS estimates that 100% would be referred to an ASAP. The costs to handle these additional cases is \$112.4. We estimate that 65-70% of these cases will be handled by the ASAP office in Anchorage, which is operated by employees of the Division of Alcoholism and Drug Abuse.

Prepared by: Ernie Turner Phone 465-2071  
 Division: Alcoholism & Drug Abuse Date/Time: \_\_\_\_\_  
 Approved by: Elmer A. Lindstrom, Special Assistant Date 5/1/01 12:56 PM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 132 (2d RLS) (efd am)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: Reducing blood alcohol to .08 BRU: Alcohol & Drug Abuse Svcs  
 Component: Alcohol/Drug Abuse Grants  
 Sponsor: House (JUD) by Request  
 Requester: Senate (JUD) Component Number: 1239

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	582.2	582.2	582.2	582.2	582.2	582.2
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</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	582.2	582.2	582.2	582.2	582.2	582.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

CS HB 132 (2d RLS) (efd am) lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs and subsequently for treatment. Of these additional cases DHSS estimates that 75% would be treated in a public program. Due to existing wait capacity and waitlist an additional \$582.2 is required to fund the capacity required to provide the mandated treatment required.

Prepared by: Ernie Turner Phone 465-2071  
 Division: Alcoholism & Drug Abuse Date/Time: \_\_\_\_\_  
 Approved by: Elmer A. Lindstrom, Special Assistant Date 5/1/01 12:52 PM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB132(2nd RLS)(EFC)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time: 05/01/01 8:00 am  
Title: An Act relating to the possession or distribution  
of alcohol in a local option area; requiring liquor license...  
Sponsor: House Judiciary Committee  
Requester: Senate Judiciary Committee

Dept. Affected: Corrections  
BRU: Administration & Operations  
Component: Commissioner's Office  
Component Number: 694

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	96.8	96.8	96.8	96.8	96.8	96.8
Travel	2.0	2.0	2.0	2.0	2.0	2.0
Contractual	7.0	7.0	7.0	7.0	7.0	7.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment	6.0					
Land & Structures						
Grants & Claims						
Miscellaneous	1,478.6	1,645.9	2,020.2	2,324.8	2,592.3	2,592.3
<b>TOTAL OPERATING</b>	<b>1,591.4</b>	<b>1,752.7</b>	<b>2,127.0</b>	<b>2,431.6</b>	<b>2,699.1</b>	<b>2,699.1</b>

CAPITAL EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
<b>CHANGE IN REVENUES ( )</b>	<b>164.8</b>	<b>164.8</b>	<b>164.8</b>	<b>164.8</b>	<b>164.8</b>	<b>164.8</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,426.6	1,587.9	1,962.2	2,266.8	2,534.3	2,534.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	164.8	164.8	164.8	164.8	164.8	164.8
<b>TOTAL</b>	<b>1,591.4</b>	<b>1,752.7</b>	<b>2,127.0</b>	<b>2,431.6</b>	<b>2,699.1</b>	<b>2,699.1</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

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

This bill will improve interdiction in bootlegging operations in the State. It reduces by half the amount of distilled spirits that a person may possess in a restricted community for the application of the presumption of intent to sell. It also reduces by half the amount of distilled spirits a package store is allowed to send in a calendar month to a person in a restricted community. The change in amount of distilled spirits also effectively changes the penalty by lowering the requirement that qualifies for a C felony. Additionally, it changes the penalties for possession in dry communities by reducing the amounts required for felony conviction. This bill also seeks to change attempted offenses to the same level as offenses themselves, thus resulting in the same penalty for an attempt to import as an actual importation.

This legislation would also allow for delivery sites in cities such as Kotzebue and Bethel where the local option exists to allow possession but not sales of alcohol. It would require all transportation of alcohol to go through the delivery sites for distribution.

Prepared by: Candace Brower  
Division: Commissioner's Office  
Approved by: Margaret Pugh  
Agency: Department of Corrections

Phone 465-4652  
Date/Time 05/01/01/8:00 am  
Date 5/1/01

For distribution information, call the Governor's Legislative Office

The Department of Law anticipates these changes, along with the increased efforts of State Troopers and the federal authorities will increase the number of felony prosecutions for these offenses. They have anticipated the need for an additional prosecutor as well as a paralegal to pick up the increased workload. The Dept. of Corrections will certainly feel the effect of these increased efforts. Although we may be able to absorb this amount in our facilities, we do not have the workforce in the field to absorb these additional cases. We are requesting an additional Probation Officer and Criminal Justice Technician to write the Pre-sentence investigations required in felony cases as well as to manage the increased caseload for supervision purposes. The new staff will need a one-time computer equipment purchase. Additionally, they will need funding for a vehicle, supplies and travel.

am)

The Department of Law anticipates they will need their staff in Anchorage. We will assume the same thing. If it turns out that the workload is in the rural areas, we would transfer the PCN to the appropriate area.

In addition, this legislation would reduce the threshold for presumption of DWI from .10 to .08 effective July 1, 2001. It is estimated by the Department of Law that although this may not increase arrests by a large amount, it will increase convictions by 10%. In FY00 there were 4118 statewide misdemeanor convictions for DWI and 200 felony convictions.

If we multiply 413 misdemeanants (10% of the total) by the percentages reflected in DMV's 2000 statistics for 1st, 2nd, 3rd, 4th and 5th time offenders, we come up with an estimate of how many of those offenders might be newly convicted under a .08 law. All 1st and 2nd time offenders go to the CRC (if there is one in their community) so the CRC cost of care is utilized for our calculations. Utilizing a snapshot done on 10/25/00 of our DWI population, we averaged the sentenced being served for 3rd, 4th and 5th time offenders and estimated proportions of time served in CRCs and hard beds to come up with a total cost.

Assuming 20 new felons convicted under this threshold, and utilizing the average sentence for DWI felons, we estimated 20 X 352 days X \$88/day = \$619,520. The total for misdemeanants and felons then is \$1,211,134.

Felony DWI offenders are usually given an average of 3 years probation. Probation costs will not be incurred until after completion of sentence so the impact will not be felt until the 2nd and subsequent years. The daily cost for probationers is \$5.17/day. If 18 of the 20 felons were on probation the second year, the cost would be \$33,967. It would be necessary to add \$67,934 the third year and \$101,901 the fourth year. After that it would level off as the first probationers drop off.

The Department of Corrections expects a 15% decrease in the incarceration rate for manslaughter/negligent homicides as a result of this legislation, beginning the second year. It will take time for the public to become aware of lowered BAC and to change behaviors. That would result in an annual savings, beginning in FY03, of \$61,320 (or 1.5 persons incarcerated @ \$112/day per year).

Misdemeanant DWI offenders are required to pay the cost of their incarceration up to \$1,000. The Department of Corrections receives approximately 80% of that amount which is collected by the Department of Law. This would net approximately \$164,768 in revenues against the total costs.

FY02	FY03	FY04	FY05	FY06	FY07		
1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	Cost of Incarceration	
0	33,967	67,934	101,901	101,901	101,901	Probation Costs	
1,211,134	1,245,101	1,279,068	1,313,035	1,313,035	1,313,035	Subtotal	
0	-61,320	-61,320	-61,320	-61,320	-61,320	Less savings for homicide.	
-164,768	-164,768	-164,768	-164,678	-164,678	-164,678	Costs paid by inmates	
1,046,366	1,019,013	1,052,980	1,087,037	1,087,037	1,087,037		

This legislation also increases the 5-year look-back to a 10-year look-back, phasing it in over a 5-year period. Previously, in order to become a felon, an offender had to have two prior DWI convictions within the preceding 5 years. This will gradually expand the look-back to 10 years, one year at a time over the next five years. This will reduce the fiscal impact that would have been felt if the system had to absorb what would be (by DMV and DOL figures) an estimated 190 new convicted felons in the first year. Utilizing Department of Law's logic, by the end of the five-year period, when the full ten-year look-back is achieved, the system will be adding the full 190 additional felons each year. These will be first time felony offenders. If they receive the 120 day minimum sentence proposed in this legislation, and presuming they receive their good time, they would each serve 80 days of incarceration. This would total \$267,520 for the first year phase-in. We will then assume that each new year of the phase-in will add an additional 38 new felons until the 10 year look-back is satisfied. In FY03 the number of new felons will be 76 at a cost of \$462,080. In FY04 there will be 114 for a cost of \$802,560, FY05 will include 152 new felons for a cost of \$1,070,080 and FY06 reaches full look-back for 190 new felons at a cost of \$1,337,600.

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. CSHB 132 (2nd RLS) am

Revision Date/Time (Note if correction) Amended 5/01/2001 Dept. Affected \_\_\_\_\_  
 Title Possession and distribution of alcohol BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Rokeberg  
 Requester House Rules Committee Component No. 768

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	75.5	81.6	89.2	95.3	102.8	102.8
Travel						
Contractual	16.6	24.8	35.1	43.4	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>92.1</b>	<b>106.4</b>	<b>124.3</b>	<b>138.7</b>	<b>156.6</b>	<b>156.6</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	92.1	106.4	124.3	138.7	156.6	156.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>92.1</b>	<b>106.4</b>	<b>124.3</b>	<b>138.7</b>	<b>156.6</b>	<b>156.6</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary	2	2	2	2	2	2

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

Two provisions in CSHB 132(RLS) am will have an impact on the court system. Section 10 amends AS 28.35.030(a) so that a person commits the crime of driving while intoxicated if that person has a BAC of .08 or higher. National studies suggest that other states that have made this reduction have seen a 10% increase in the number of cases brought before the court. This would mean an additional 500 misdemeanor filings a year and an additional 28 felony filings a year. This note reflects five months of district court judge and clerk time for the additional misdemeanors and the superior court judge and clerk time and jury costs for three three-day jury trials for the felony cases.

Sections 11 and 14 impose a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 5/01/2001 2:30 p.m.  
 Approved by: Stephanie Cole, Administrative Director Date \_\_\_\_\_  
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

Alaska Court System

Fiscal Note Calculations for CSHB 132 (2nd RLS) AM

5/1/01

	FY02	FY03	FY04	FY05	FY06
<b><u>Superior Court Lookback Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	5	9	14	18	23
Est. Jury Cost of Superior Court Trials	10,340	18,612	28,952	37,224	47,564
Superior Court Judge (Pro Tems)	5,760	10,368	16,128	20,736	26,496
In-Court Clerk (NPP)	1,831	3,296	5,127	6,592	8,424
Est. Personal Services	7,591	13,664	21,255	27,328	34,920
<b>Subtotal Lookback Provision</b>	<b>17,931</b>	<b>32,276</b>	<b>50,207</b>	<b>64,552</b>	<b>82,484</b>
<b><u>Superior Court .08 Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	3	3	3	3	3
Est. Jury Cost of Superior Court Trials	6,204	6,204	6,204	6,204	6,204
District Court Judge (5 months PFT)	50,419	50,419	50,419	50,419	50,419
In-Court Clerk (5 months PFT)	17,499	17,499	17,499	17,499	17,499
	67,918	67,918	67,918	67,918	67,918
<b>Subtotal .08 Provision</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>
HB132 Personal Services Costs	75,509	81,582	89,173	95,246	102,837
HB132 Contractual Services Costs	16,544	24,816	35,156	43,428	53,768
Total Estimated Costs	92,053	106,398	124,329	138,674	156,605

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. CSHB 132 (2nd RLS) am

Revision Date/Time (Note if correction) 4/30/01 Dept. Affected \_\_\_\_\_  
 Title Possession and distribution of alcohol BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Rokeberg  
 Requester House Rules Committee Component No. 768

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	81.7	87.8	95.4	101.5	109.0	109.0
Travel						
Contractual	16.6	24.8	35.1	43.4	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>98.3</b>	<b>112.6</b>	<b>130.5</b>	<b>144.9</b>	<b>162.8</b>	<b>162.8</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	98.3	112.6	130.5	144.9	162.8	162.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>98.3</b>	<b>112.6</b>	<b>130.5</b>	<b>144.9</b>	<b>162.8</b>	<b>162.8</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary	2	2	2	2	2	2

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

Two provisions in CSHB 132(RLS) will have an impact on the court system. Section 10 amends AS 28.35.030(a) so that a person commits the crime of driving while intoxicated if that person has a BAC of .08 or higher. National studies suggest that other states that have made this reduction have seen a 10% increase in the number of cases brought before the court. This would mean an additional 500 misdemeanor filings a year and an additional 28 felony filings a year. This note reflects five months of district court judge and clerk time for the additional misdemeanors and the superior court judge and clerk time and jury costs for three three-day jury trials for the felony cases.

Sections 11 and 14 impose a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 4/30/2001 1:30 p.m.  
 Approved by: Stephanie Cole, Administrative Director Date \_\_\_\_\_  
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

# Alaska Court System

## Fiscal Note Calculations for CSHB 132 (2nd RLS) AM

4/30/01

	FY02	FY03	FY04	FY05	FY06
<b><u>Superior Court Lookback Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
<b>Total per Superior Court Trial</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>
<b>Proposed # Superior Court Trials</b>	<b>5</b>	<b>9</b>	<b>14</b>	<b>18</b>	<b>23</b>
<b>Est. Jury Cost of Superior Court Trials</b>	<b>10,340</b>	<b>18,612</b>	<b>28,952</b>	<b>37,224</b>	<b>47,564</b>
Superior Court Judge (Pro Terns)	5,760	10,368	16,128	20,736	26,496
In-Court Clerk (NF/P)	1,831	3,296	5,127	6,592	8,424
Est. Personal Services	7,591	13,664	21,255	27,328	34,920
<b>Subtotal Lookback Provision</b>	<b>17,931</b>	<b>32,276</b>	<b>50,207</b>	<b>64,552</b>	<b>82,484</b>
<b><u>Superior Court .08 Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
<b>Total per Superior Court Trial</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>
<b>Proposed # Superior Court Trials</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
<b>Est. Jury Cost of Superior Court Trials</b>	<b>6,204</b>	<b>6,204</b>	<b>6,204</b>	<b>6,204</b>	<b>6,204</b>
District Court Judge (5 months PFT)	50,419	50,419	50,419	50,419	50,419
In-Court Clerk (5 months PFT)	17,499	17,499	17,499	17,499	17,499
	67,918	67,918	67,918	67,918	67,918
<b>Subtotal .08 Provision</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>
HB132 Personal Services Costs	81,713	87,786	95,377	101,450	109,041
HB132 Contractual Services Costs	16,544	24,816	35,156	43,428	53,768
<b>Total Estimated Costs</b>	<b>98,257</b>	<b>112,602</b>	<b>130,533</b>	<b>144,878</b>	<b>162,809</b>

# ALASKA STATE LEGISLATURE

## HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman  
Representative Scott Ogan, Vice-Chairman  
Representative John Coghill  
Representative Jeannette James  
Representative Kevin Meyer  
Representative Ethan Berkowitz  
Representative Albert Kookesh



State Capitol  
Juneau, AK 99801-1182  
Telephone: (907) 465-4990  
Fax: (907) 465-2040

Heather M. Nobrega  
Counsel to Committee

### Sponsor Statement for CSHB 132 (2d RLS) (EFD am)

The House Judiciary Committee was requested to introduce this bill to address some problems in the area of bootlegging alcohol, and the issuance of liquor licenses to persons with criminal records outside the state of Alaska. Bootlegging is a prevalent problem in "dry" areas, and is a large contributor to crime in those areas. In addition, by requiring applicants for liquor licenses to give their fingerprints, we can thoroughly investigate the criminal backgrounds of these individuals so that only responsible individuals may obtain a liquor license.

#### Bootlegging

The Alaska Criminal Justice Assessment Commission has found that in rural and Bush communities, the amount of violent crime is directly proportional to the amount of alcohol consumed by the residents. The majority of villages in four rural regions (those surrounding Bethel, Nome, Kotzebue, and Point Barrow) have responded by prohibiting the sale and importation of alcohol, but the hub communities in these four regions remain either "damp" or "wet."

This bill creates measures designed to restrict the availability of illegally-imported alcohol in the dry areas of Alaska to help reduce violent crime in those areas. Specifically, it cuts in half the allowable amount of hard liquor. It also defines "bring," "send" and "transport" to include attempts or solicitations to import alcohol illegally into the local option communities. By including attempt and solicitation in the definition of these acts, the State is able to prosecute these actions on the same level as if they had completed the crime. This will subject the defendants to higher levels of penalties.

In addition, this bill allows the state to set up delivery sites in "damp" communities. Even though current law limits how much liquor can be shipped from a package store to one person, bootleggers merely place orders from multiple stores. Or, they get their friends to ship them excess liquor that they then sell for huge profit. Designating a central site where imported liquor is checked, and then delivered to the owner can prevent this. The site will deliver up to the monthly maximum amount allowed by law, and if there are no court orders, such as conditions of probation, that would prevent the person from having alcohol.

#### Fingerprinting

This portion of the bill has been created in cooperation with, and at the request of, the Alcohol Beverage Control Board (ABC Board). This bill allows the ABC Board, through the Department of Public Safety, to submit fingerprint cards of prospective

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liquor licensees to the FBI's national criminal history record check. An agency needs specific legislative authorization for the use of the national database for licensing purposes.

Currently, a criminal record check will only produce convictions from Alaska. By chance, the ABC Board has discovered prior to issuing licenses, serious criminal convictions of an applicant that was convicted in another state. It is possible that liquor licenses have been issued to others that have serious criminal records, but due to the present system their convictions could not be brought to the attention of the ABC Board.

Members of our society are increasingly mobile making national background checks more necessary. Many of the licensees are not residents of Alaska and some are multi-national corporations. Prevention of future problems, by requiring a national background check for liquor licensees, is sound public protection policy.

#### **Additions to the Bill**

The House Rules Committee made several additions to the bill. The first addition was the inclusion of lowering the legal limit to .08 BAC from .10 BAC. The second addition changes the current five-year look back to a phased in 10-year look back for the purposes of defining felony driving while intoxicated, and felony refusal to submit to a chemical test. The last addition lowers the BAC amount that leads to certain presumptions applicable to civil or criminal actions involving a person alleged to have driven while intoxicated.

The Committee urges your support of this bill.

# ALASKA STATE LEGISLATURE

## HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman  
Representative Scott Ogan, Vice-Chairman  
Representative John Coghill  
Representative Jeannette James  
Representative Kevin Meyer  
Representative Ethan Berkowitz  
Representative Albert Kookesh



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Counsel to Committee

### Sectional Analysis for CSHB 132 (2d RLS) (EFD am)

- Section 1:** Decreases the amount of distilled spirits that creates a presumption that the person possessed the alcoholic beverages for purposes of sale.
- Section 2:** Decreases the amount of distilled spirits that a package store may send to a purchaser, located in an area that has restricted the sale of alcohol, within a calendar month.
- Section 3:** Requires an applicant for a liquor license to submit his or her fingerprints and fees for criminal justice information and a national criminal history record check.
- Section 4:** Allows the state, municipality or established village to designate and operate a delivery site for alcoholic beverages in certain local option communities, so called "damp" communities.
- Section 5:** This section will be effective on July 1, 2004 (see Sec. 14), and will put the statute back to its original language before the passage of this bill.
- Section 6:** Sets forth the rules regarding the operation of a delivery site, once a site has been designated.
- Section 7:** Defines "bring," "send" and "transport" to also include an attempt, or solicitation, to bring, send or transport alcohol illegally into a local option community.
- Section 8:** Inserts a cross-reference to the newly defined term "transport."
- Section 9:** Decreases the amounts of distilled spirits that lead to a class A misdemeanor or class C felony for a person who sends, transports, or brings alcoholic beverages into a local option community.
- Section 10:** Reduces the legal limit for being intoxicated from 0.10 to 0.08 percent of alcohol in a person's blood.

- Section 11:** Eliminates 5-year look back and phases in a 10-year look back period and establishes that a person is guilty of a class C felony if convicted a third time since January 1, 1996, and within 10 years preceding the date of the offense.
- Section 12:** Deletes language within the definition of "previously convicted" to conform with the new look back provisions.
- Section 13:** Adds new section providing that the implied consent statute is not intended to prevent police search warrants.
- Section 14:** Changes refusal section on felony charges to mirror DUI section. Phases in a 10-year look back period, and establishes that a person is guilty of a class C felony if convicted a third time since January 1, 1996, and within 10 years, preceding the date of the offense.
- Section 15:** Changes certain presumptions applicable to civil or criminal actions involving a person alleged to have driven while under the influence of an alcoholic beverage or controlled substance.
- Section 16:** Creates a sunset date of July 1, 2004 for Section 6.
- Section 17:** Allows the Alcoholic Beverage Control Board to process pending applications without a national criminal history record check.
- Section 18:** Intervening amendments to AS 04.11.491(f) are not to be carried forward on the effective date of Section 5 of this Act.
- Section 19:** The act applies to offenses that occur on or after the effective date of this Act.
- Section 20:** Section 5 of this Act takes effect July 1, 2004.
- Section 21:** Section 10 - 15 of this Act take effect July 1, 2001.
- Section 22:** Except as provided in Sections 20 and 21, this Act is to take effect immediately.