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ALASKA STATE LEGISLATURE

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Sen. Dave Donley, Vice-Chair
Sen. John Cowdery
Sen. Gene Therriault
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Senate Judiciary Committee

SPONSOR STATEMENT

SB 344

"An Act relating to an aggravating factor at sentencing for terrorism."

This bill was introduced as a result of an alarming number of eco-terrorist groups surfacing around the country.

What we have seen in the last few years is that acts of eco-terrorism and eco-sabotage are not being committed by individuals with a passion for a cause; they are being committed by highly organized groups. Unfortunately, there is nothing in our statutes that addresses acts of terrorism. SB 344 provides an avenue for addressing these threats and crimes by making such actions aggravating factors at sentencing and providing harsher penalties.

Arguably, one of our biggest threats of terrorist violence may not come from Afghanistan or Iraq, but from our own crop of domestic terrorists. Radical environmentalists who use arson, bombs and other forms of sabotage in the name of the environment have swept our country in the past 20 years. We need to send a clear message that terrorism is a serious crime and will be treated accordingly. SB 344 sends that message.

Many eco-terrorist groups such as Earth First, Friends of the Earth, and others, spread their message of contempt and terror by hiding behind the First Amendment, and use newsletters, advertisements and meetings to encourage people to become "Eco-Kamikazes". The following is a passage from and Earth First Journal:

"Are you terminally ill with a wasting disease? Don't go out with a whimper, go out with a bang! Undertake an eco-kamikaze mission. The possibilities for terminally ill warriors are limitless. Dams from the Columbia and the Colorado to the Connecticut are crying to be blown to smithereens, as are industrial polluters, the headquarters of oil-spilling corporations, fur warehouses, paper mills.....To Those feeling suicidal, this may be the answer to your dreams.....Don't jump off a bridge, blow up a bridge. Who says you can't take it with you?"

At least nine states have already passed legislation increasing the penalties for these crimes. These acts of terrorism have resulted in loss of life and millions of dollars in damages. We need to remember the Amtrak derailment and the Uni-bomber. It is past time to strengthen the penalties for such terrorist acts.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 344
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An Act relating to an aggravating BRU Legal and Advocacy Services
factor at sentencing for terrorism." Component Public Defender Agency
 Sponsor Senate Judiciary Committee
 Requester (S) JUD 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 | * | * | * | * | * | * |

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| 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

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|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)
 This bill would add an aggravating factor for felony sentencing for conduct involving the use of force or violence against a person or property designed to intimidate or coerce a civilian population, government policy, government conduct, or private enterprise policy. The Public Defender Agency cannot anticipate how many cases will be affected by this aggravator, should this bill become law. It may have a fiscal impact on the workload of the Agency, but not the caseload of the Agency, but the extent cannot be quantified. Therefore, an indeterminate fiscal note is submitted.

Prepared by: Barbara Brink, Director Phone (907) 334-4416
 Division: Public Defender Agency Date/Time 3/25/02 8:56 AM
 Approved by: Jim Duncan, Commissioner Date 3/25/2002
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 344
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to an aggravating factor at BRU Criminal Division
sentencing for terrorism." Component All
 Sponsor Senate Judiciary Committee
 Requester Senate 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 | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--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)*
 SB 344 adds certain acts of terrorism as an aggravating factor at a felony sentencing.
 This bill is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division: Attorney General's Office Date/Time 3/14/02 3:56 PM
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 3/14/2002
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 344
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title "An Act relating to an aggravating fact BRU Administration and Operations
at sentencing for terrorism." Component All
 Sponsor Senate Judiciary Committee
 Requestor Senate 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 | 0.0 | 0.0 | 0.0 | *** | *** | *** |

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

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 | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type—Do not abbreviate) | | | | | | |
| TOTAL | 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)
 This legislation adds an aggravator to the sentencing statutes for using force or violence against persons or property as a means of coercing or intimidating a civilian population; influencing the policy of a government or of a private enterprise by intimidation or coercion; or affecting the conduct of a unit of government.

 There have been few, if any, cases involving this particular brand of terrorism in Alaska. If this should occur and the aggravator imposed, it would not have an impact until later years after the presumptive sentence is served. Therefore, the Department of Corrections is submitting a fiscal note that is zero initially, and indeterminate in later years.

Prepared by: Candace Brower Phone 465-4652
 Division: Commissioners Office Date/Time 3/14/02 11:49 AM
 Approved by: Margaret Pugh Date 3/14/02
 Agency: Department of Corrections