

**SB**

**240**

# FISCAL NOTE

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

Fiscal Note Number: 1  
 Bill Version: SB 240  
 ( S ) Publish Date: 1/16/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "... to the crimes of damaging an oil and gas BRU Criminal Division  
pipeline ... criminal mischief and terroristic threatening ..." Component 1st-4th Judicial Districts; Criminal  
 Sponsor Rules Committee Appeals/Special Litigation  
 Requester Governor 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						
<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>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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 increases criminal penalties for acts of terrorism and adopts a class B felony offense for sending an imitation biological or chemical substance with the intent to frighten people. Specifically, the crime of intentional v damaging an oil or gas pipeline or supporting facility is raised to a class A felony from the class B felony under current law. Tampering with an oil and gas pipeline or supporting facility is raised to a class B felony from the class C felony under current law. The bill further provides that tampering with a water supply with intent to cause physical injury is the same level of crime (class B felony) as tampering with food or drugs, and makes it a class B felony to send or attempt to send an imitation biological or chemical substance with intent to frighten people or cause serious public inconvenience; depending on the circumstances. Under current law this would either not be a crime or it could be a class C felony.

Prepared by: Joan M. Kasson Phone (907) 465-5370  
 Division Attorney General's Office Date/Time 1/10/02 8:55 AM  
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 1/10/2002  
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. SB 240

#1

ANALYSIS CONTINUATION

The Department of Law does not anticipate a significant fiscal impact from passage of this legislation. Because these are felony-level crimes that would be prosecuted under current law, the sections of the bill that increase penalties would not increase the department's workload. The new provisions that address imitation anthrax or other biological or chemical scares, and increase the penalty for tampering with the water supply from a misdemeanor to a felony, do represent potential new workload. However, the department is optimistic that few of these prosecutions will be required.

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: SB 240  
( S ) Publish Date: 1/16/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title: "An act relating to terrorism criminal penalties..." BRU: Legal and Advocacy Services  
Sponsor: Rules Component: Public Defender Agency  
Requester: \_\_\_\_\_ 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						
<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>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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 legislation would increase the penalty for intentionally damaging an oil or gas pipeline or supporting facility from a class B to class A felony. It would also add a higher degree to the crime of Terroristic Threatening (from class C to class B felony) for sending, delivering or attempting or soliciting to send or deliver an envelope, package or item containing an imitation biological or chemical substance with the intent to place a person in fear of physical injury or cause evacuation or serious public inconvenience. The Public Defender Agency believes this bill will have minimal fiscal impact on the Agency.

Prepared by: Barbara Brink, Director Phone (907) 334-4416  
Division: Public Defender Agency Date/Time 1/11/02 9:32 AM  
Approved by: Jim Duncan, Commissioner Date 1/11/2002  
Agency: Department of Administration

# STATE OF ALASKA

## DEPARTMENT OF LAW

### CRIMINAL DIVISION

TONY KNCWLES, GOVERNOR

PLEASE REPLY TO:

CRIMINAL DIVISION CENTRAL  
OFFICE  
P.O. BOX 110300  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3428  
FAX: (907) 465-4043

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
310 K STREET, SUITE 308  
ANCHORAGE, ALASKA 99501-2064  
PHONE: (907) 269-6250  
FAX: (907) 269-6270

February 14, 2002

The Honorable John Torgerson  
Chairman, Senate Resources Committee  
State Capitol, Room 427  
Juneau, Alaska

Re: CSSB 240 An Act relating to the crimes of murder, conspiracy, criminal mischief, and terroristic threatening

Dear Chairman Torgerson:

CSSB 240 was recently reported from the State Affairs Committee and referred to the Senate Resources Committee. I am writing to request that it be scheduled for a hearing at your earliest convenience. CSSB 240 amends Alaska's criminal code by increasing penalties and adding new provisions to respond to crimes of terrorism.

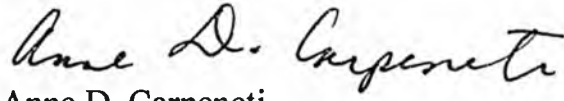
The bill increases the severity of criminal mischief in the first degree from a class B to a class A felony. Criminal mischief in the first degree in part prohibits intentionally damaging an oil or gas pipeline or supporting facility and damaging a public utility. It increases from a class C to a class B felony tampering with an oil or gas pipeline or supporting facility.

The bill amends the state's laws addressing conspiracy by prohibiting conspiring to commit criminal mischief in the first degree and terroristic threatening in the first degree. It provides that it is murder in the first degree to intentionally damage an oil or gas pipeline or commit terroristic threatening and, as a result, cause the death of another person. Terroristic threatening in the first degree, a class B felony, prohibits sending or delivering a biological or chemical substance, or an imitation biological or chemical substance, with the intent to cause fear of physical injury, evacuation of building, or other serious public inconvenience.

I will be sending a sectional analysis of the committee substitute. If there is any other information you would like, please let me know. Thank you for your consideration of this request.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Anne D. Carpeneti  
Assistant Attorney General

## CS FOR SENATE BILL 240(STA)

### SECTIONAL ANALYSIS

**Section 1** is a conforming amendment, that adds criminal mischief in the fourth degree to those 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 by intentionally damaging an oil or gas pipeline or supporting facility 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 and 6** change criminal mischief in the first degree in current law from a class B felony (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, and causing damage to a utility or emergency responder resulting in substantial interruption in service to the public. **Section 5** also adds the prohibition of 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 first degree.

**Sections 7 and 8** make conforming amendments to the definitions of "deliver" and "distribute" for criminal mischief in the first degree, to add the delivery or distribution of air or water.

**Section 9** enacts a new prohibition of criminal mischief in the second degree to prohibit tampering with an oil or gas pipeline or supporting facility. This conduct is prohibited in current law as criminal mischief in the second degree, but the bill makes this conduct a class B felony, rather than current law which provides that it is a class C felony.

**Sections 10, 11, and 12** are conforming amendments that change what is currently criminal mischief in the second degree to criminal mischief in the third degree. This conduct remains a class C felony.

**Section 13 and 14** are 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 15** 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 16** is a conforming amendment to criminal mischief in the fourth degree.

**Section 17** makes a conforming amendment to making a false information or report in violation of AS 11.56.800(a) to exclude conduct that rises to terroristic threatening in the second degree.

**Section 18** adopts the crime of terroristic threatening in the first degree, that prohibits sending or delivering, or attempting or soliciting the sending or delivery of 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 is a class B felony.

**Section 19** 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, or that threatens damage to an oil or gas pipeline or supporting facility.

**Section 20** adds the definition of "oil or gas pipeline or supporting facility" to terroristic threatening in the second degree.

**Section 21** 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 22** makes a conforming amendment that adds terroristic threatening in the first degree to those crimes that may potentially be a crime involving domestic violence.

**Section 23** repeals the provision in criminal mischief in the second degree for conduct that was added to criminal mischief in the first degree (tampering with an oil or gas pipeline).

**Sections 24 and 25** are applicability and effective date clauses.