

SB

36

SFIN

FILE

SENATE COMMITTEE REPORT

DATE: 2/23/07

FURTHER: Finance

DATE TURNED IN TO OFFICE: 3/20/07

Judiciary Committee considered SENATE BILL NO. 36

SB 36 SENTENCING FOR ALCOHOL-RELATED CRIMES

"An Act relating to sentencing for the commission of certain offenses influenced by alcohol and to the offense of consumption of alcohol in violation of sentence."

and recommends:

- be replaced with SCS or CS SB36 (JUD)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt State Affairs Letter of Intent
- further referral to _____ Committee

SENATE BILL:

- Same Title
- New Title

HOUSE BILL:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	1/26/07		✓		6

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
CRS	1/22		✓		1
DOA	1/22		✓		2
DOA	1/22		✓		3
DOC	1/22		✓		4
LAW	1/22			✓	5

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	THERRIAULT	✓			
	Wielechowski	✓			
	Fregu	✓			
	NUGENT	X			
	McQuinn	✓			
CHAIR:					

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/16/07

FURTHER: Judiciary
 Finance

Date of 5-Day Notice: 01/18/07
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 2/22/07

State Affairs Committee considered SENATE BILL NO. 36

SB 36 SENTENCING FOR ALCOHOL-RELATED CRIMES

"An Act relating to sentencing for the commission of certain offenses influenced by alcohol and to the offense of consumption of alcohol in violation of sentence."

and recommends:

- be replaced with SCS or CS SB 36 (STA)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt State Affairs Lette. of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

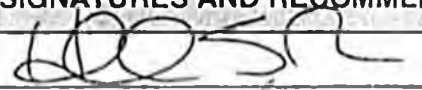
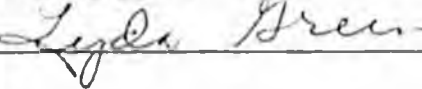
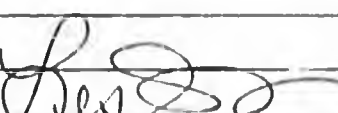
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
CRT	01/22		✓		1
DOA/cPA	01/22		✓		2
DOA/pPA	01/22		✓		3
DOC	01/22		✓		4
LAW	01/22			✓	5

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	French	X			
	Green			✓	
CHAIR: 	McBure			✓	

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: CSSB 36(JUD)
(S) Publish Date: 3/21/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title An Act relating to sentencing for alcohol related RDU Criminal Division
crimes. Component Criminal Justice Litigation
Sponsor Senator Theriault
Requester Senato State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

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

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

Estimate of any current year (FY2007) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Please see the attached Analysis Continuation sheet.

Prepared by: Robert Meinors, Acting Director Phone 435-5427
Division: Administrative Services Division Date/Time 1/26/07 11:10 AM
Approved by: Robert Meinors for Talis Colberg, Attorney General Date 1/26/2007
Agency: Department of Law

FISCAL NOTE # 6

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. CSSB 36(JUD)

ANALYSIS CONTINUATION

This bill would allow a court, as part of a sentence for conviction of a crime against a person, or in certain drunk driving and refusal to submit to a breathalyzer offenses, to order the defendant not to consume alcohol for a period up to the defendant's lifetime. The court would first have to make certain findings by clear and convincing evidence, such as for a crime against a person, that the defendant's conduct was substantially influenced by the consumption of alcohol. The violation of the order imposed as a part of sentence would be a new crime, consumption of alcohol in violation of sentence. Violation of the new crime would be a class A misdemeanor for the first offense, and a class C felony for a second or subsequent offense.

Under current law courts may order a person not to drink as a condition of probation. Many petitions to revoke probation are based, at least in part, by violation of this condition. This suggests that the provisions in the bill may have a significant impact on the caseload of the District Attorneys offices; however, the budget impact is indeterminable since it is impossible to predict with any certainty how many such violations will arise.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSSB 36(STA)
 (S) Publish Date: 2/23/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to sentencing for alcohol related RDU Criminal Division
crimes. Component Criminal Justice Litigation
 Sponsor Senator Therriault
 Requester Senate State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would amend current statute by increasing options for the court in sentencing persons for the commission of certain offenses influenced by alcohol and by creating the offense of consumption of alcohol in violation of sentence.

It is not anticipated that this bill would have any significant fiscal impact upon the Department of Law.

Prepared by: Robert Meiners, Acting Director Phone 465-5427
 Division Administrative Services Division Date/Time 1/22/07 8:47 AM
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date 1/22/2007
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSSB 36(STA)
 (S) Publish Date: 2/23/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title An Act relating to sentencing for the commission RDU Administration and Operations
of certain offenses influenced by alcohol and the offense of . . . Component Office of the Commissioner
 Sponsor Senator Therriault
 Requester Senate State Affairs Component No. 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	*	*	*	*	*	*
Travel	*	*	*	*	*	*
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	*	*	*	*	*	*
Land & Structures	*	*	*	*	*	*
Grants & Claims	*	*	*	*	*	*
Miscellaneous	*	*	*	*	*	*
TOTAL OPERATING	*	*	*	*	*	*

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

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

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	*	*	*	*	*	*
Part-time	*	*	*	*	*	*
Temporary	*	*	*	*	*	*

ANALYSIS: (Attach a separate page if necessary)
 The Department of Corrections cannot determine fiscal impacts of this legislation. Data is not available for the department to calculate the number of offenders that would not comply with the sentencing requirements.

Prepared by: Sharleen Griffin, Director Phone (907) 465-3339
 Division Administrative Services Date/Time 1/22/07 5:23 PM
 Approved by: Dwyano Peoples, Deputy Commissioner Date 1/22/2007
 Agency Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSSB 36(STA)
(S) Publish Date: 2/23/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An act relating to sentencing for the commission of certain offenses influenced by alcohol and... RDU: Legal and Advocacy Services
Sponsor: Senator Theriault Component: Public Defender Agency
Requester: Senate State Affairs Component No.: 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
Miscellaneous
TOTAL OPERATING

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

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

Estimate of any current year (FY 2007) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends Titles 11 and 12 of the Alaska Statutes by allowing judges to impose as a condition of a criminal sentence that the defendant refrain from consuming alcohol for a period up to the defendant's lifetime in certain circumstances (Section 3). Specifically, the court could impose this condition if the defendant was convicted of an offense against a person and the court finds by clear and convincing evidence that the defendant's conduct was substantially influenced by alcohol, or where the defendant has two or more DWIs or Refusals, or where a DWI or Refusal resulted in death or serious physical injury. A first violation of this sentencing condition would be a Class A misdemeanor; subsequent offenses Class C felonies (Section 1). A significant portion of the Agency's cases involve alcohol abuse and other addictions. The Agency, however, can not reliably predict the fiscal impact of this legislation. The Agency accordingly submits an indeterminate fiscal note.

Prepared by: Quinlan Stoinor
Division: Public Defender Agency - Director
Approved by: Melanio Millhorn, Deputy Commissioner
Agency: Administration

Phone: 907-269-3501
Date/Time: 1/22/07 at 4:20 p.m.
Date: 1/22/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 36(STA)
(S) Publish Date: 2/23/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An act relating to sentencing for the commission RDU: Legal and Advocacy Services
of certain offenses influenced by alcohol and... Component: Office of Public Advocacy
Sponsor: Senator Therriault
Requester: Senate State Affairs Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	*	*	*	*	*	*
Travel	*	*	*	*	*	*
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	*	*	*	*	*	*
Land & Structures	*	*	*	*	*	*
Grants & Claims	*	*	*	*	*	*
Miscellaneous	*	*	*	*	*	*
TOTAL OPERATING	*	*	*	*	*	*

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

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

Estimate of any current year (FY2007) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends Titles 11 and 12 of the Alaska Statutes by allowing judges to impose as a condition of a criminal sentence that the defendant refrain from consuming alcohol for a period up to the defendant's lifetime in certain circumstances (Section 3). Specifically, the court could impose this condition if the defendant was convicted of an offense against a person and the court finds by clear and convincing evidence that the defendant's conduct was substantially influenced by alcohol, or where the defendant has two or more DWIs or Refusals, or where a DWI or Refusal resulted in death or serious physical injury. A first violation of this sentencing condition would be a Class A misdemeanor; subsequent offenses Class C felonies (Section 1). A significant portion of the Agency's cases involve alcohol abuse and other addictions. The Agency, however, can not reliably predict the fiscal impact of this legislation. The Agency accordingly submits an indeterminate fiscal note.

Prepared by: Joshua P. Fink Phone 907-269-3501
Division: Office of Public Advocacy Date/Time 1/22/07 at 4:20 p.m.
Approved by: Melanie Millhorn, Deputy Commissioner Date 1/22/2007
Agency: Administration

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 36(STA)
(S) Publish Date: 2/23/07

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Sentencing for alcohol-related crimes RDU Alaska Court System
Component Trial Courts
Sponsor Senator Therriault
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

FUND SOURCE	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 (FY2007) cost: 00
Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
Senate Bill 36 allows a judge to prohibit a person from consuming alcohol for up to the life of the person if the person has been convicted of a felony crime against a person under AS 11.41 or certain DUI and refusal offenses. The bill makes it a class A misdemeanor to violate an order not to consume alcohol. It will be a class C felony if a person has been previously convicted of this crime.
This bill will impact the court system because it will result in new misdemeanor and felony charges being filed against those who violate this new crime. However, because it is not clear how often this new provision will be imposed or how often it will be violated and prosecuted, the extent of the impact is too speculative to support a fiscal note at this time.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
Division: Alaska Court System Date/Time 1/22/07 @ 3:30 p.m.
Approved by: Doug Wooliver for Stephanio Cole, Administrative Director Date 1/22/2007
Agency: Alaska Court System

ALASKA STATE LEGISLATURE

Sen. Lesil McGuire, Chair
Sen. Gary Stevens, Vice-Chair
Sen. Lyda Green
Sen. Hollis French
Sen. Con Bunde




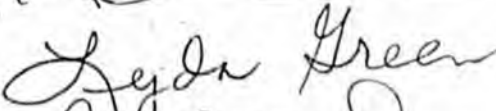
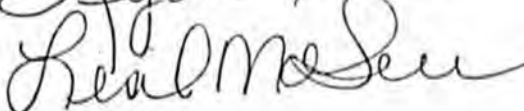
State Capitol, Room 125
Juneau, AK 99801-1182
(907) 465-2995
Fax (907) 465-6592

SENATOR LESIL McGUIRE
CHAIR, STATE AFFAIRS

Letter of Intent SB 36 – “Sentencing for Alcohol-Related Crimes”

The legislature recognizes that laws alone may not achieve the same level of behavioral correction that counseling and treatment are designed to provide. It is therefore the intent of the legislature that the courts, when addressing those who are first time violators of AS 12.55.015 (a) (13) in this act, use when available, Therapeutic Court in lieu of a standard sentencing.

If openings in the Therapeutic Court are not available, the legislature intends that standard sentencing for a class A misdemeanor be carried out as set out in AS 11.56.768 (b) (d) of this Act.

 SEN. FRENCH
 SEN. GREEN
 CHAIR McGUIRE