

HB

359

**Chair, Judiciary
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Alaska State Legislature House of Representatives

While in Session
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**Representative Jay Ramras
District 10**

MEMO

**To: Senator Hollis French
Chair, Judiciary Committee**

Fm: Representative Jay Ramras

Date: March 17, 2008

Re: CS HB 359(FIN) 25-LS1377\O

Attached to this memo is the bill packet for HB 359 including:

- CS HB 359 (FIN) Version O
- Changes made in Version O
- CS HB 359(JUD) Version K
- Changes made in Version K
- HB 359 Version C
- Sponsor Statement
- AK Court Fiscal Note
- Applicable Statutes
- Letter of Support
- Bill History/Action

Please contact Emily Beatley at extension 6841 with any questions.

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Committee Members:
Representative Nancy Dahlstrom,
Vice-Chairman
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holnes

State Capitol, Room 120
Juneau, Alaska 99801-1182

Changes in Finance CS of HB 359 Version "O"

Section 1: AS 04.16.050 (b) language was added to change the probation term for a person who has been convicted of minor consuming to **up to one year**. The current probation term in statute is one year or until the person is 21, whichever is later.

Section 2: AS 04.16.050 (c) language was added to change the probation term for a person who has been convicted of repeat minor consuming to **up to one year**. The current probation term in statute is one year or until the person is 21, whichever is later.

Section 3: AS 04.16.050 (d) language was added to reference the probation term length in section (d) where previously the term length was referenced in section (e). No change was made to the current probation term length for habitual minor consuming violations.

Section 4: AS 04.16.050 (e) language was added to reference probation terms set forth in sections (b)(2), (c), and (d).

Section 5: AS 04.16.050 (l)

Page 3, lines 24-26: petition language was removed and replaced with motions to the court. This keeps the language consistent with what is currently used by the courts.

Page 4, lines 10-12: language in version "K" which required the court to find that continuance of probation would interfere with the rehabilitation and growth of the person was removed.

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Representative Lindsey Holmes

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Juneau, Alaska 99801-1182

Changes in Judiciary CS for HB 359 Version "K"

Title Change: The title was narrowed to more specifically address probation relating to minor consuming statutes rather than probations as a whole.

Section 1: AS 04.16.050

Page 1, lines 6 - 10: more language was added which clarifies the process for termination of probation.

Page 1, line 8: section (b) was added to include probation under (b) (1) which does not fall under probation requirements set forth in (e).

Page 1, line 11 thru page 2, line 13: Provides specific requirements to be met before termination of probation may be granted by the court. This language was added at the request of Department of Law.

Page 2, lines 1-4 & lines 7-10: Language was added to require a person convicted of minor consuming to pay the remainder of their fine after their probation has been terminated. Without this language the fine would not be collectable once probation was terminated.

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Sponsor Statement HB 359

“An Act relating to termination of probation for certain persons convicted of minor consuming or in possession or control of alcohol or repeat minor consuming or in possession or control of alcohol.”

Joining the military is one of the best ways for young Alaskans to gain self-confidence, and learn respect and discipline; skills that will serve them well throughout their adult lives. Unfortunately, making the mistake of underage drinking can prevent a person from enlisting in the armed services, due to probation restrictions. Although being barred from military service seems to be the largest issue, some who are convicted of minor consuming also face issues when filling out college or job applications and even when crossing the border to participate in college sporting events.

Under current Alaska law the court is required to place a person convicted of minor consuming on probation for one year from the date of conviction, or until the person is 21 years of age, whichever is later. There is no authority under the minor consuming statute for termination or modification of probation. This is contrary to authority granted to the court under Title 12. Under AS 12.55.090(b), “the court may revoke or modify any condition of probation, or may change the period of probation”.

HB 359 would grant the courts similar authority to change the period of probation given under Title 12. By doing so, the courts would have the discretion to remove a person who has been convicted of minor consuming from probation, if the person has met the conditions of probation set forth by the court.

HB 359 would also change the term lengths of probation for persons convicted of minor consuming and repeat minor consuming. The current probation term for both of these

offenses is one year or until the person is 21 years of age, whichever is later. HB 359 would change the probation term to up to one year for both violations.

There are often good, young Alaskans who make mistakes. HB359 would offer those youth the opportunities to learn from their mistakes and work toward becoming stronger, more disciplined, law-abiding individuals.



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
ALASKA ARMY NATIONAL GUARD ELEMENT, JOINT FORCES HEADQUARTERS
PO BOX 8800
FORT RICHARDSON AK 99801-8800

February 6, 2008

Office of the Commanding General

Rep. Jay Ramras
State Capitol, Room 118
Juneau, AK 99801-1182

Dear Rep. Ramras:

The Alaska Army National Guard is in support of allowing youth, who have made a mistake by drinking alcohol underage, to receive the leniency from the court system to join the Army, or any United States military service branch.

If a teenager receives a minor-consuming-alcohol conviction they are not eligible for enlistment in the armed services, due to their probation restriction until the age of 21. I would like to see the court system remove this probation term, if and only if, the teen presents a letter from a United States military recruiter stating that this is the only factor keeping the teen from joining the military.

We have good kids in Alaska who sometimes make mistakes. Joining the military gives young people a sense of confidence and discipline that will demand a respect for the law as adults.

Sincerely,

Thomas H. Katkus
Thomas H. Katkus
Brigadier General, AKARNG
Commanding