

**HB**

**56**

<TARGET><BILL>HB 56</BILL><SUBJECT>HB  
56</SUBJECT><COMM>SFIN27</COMM></TARGET>

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/4/12

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

**Finance Committee** considered HOUSE BILL NO. 56

## HB 56-INCLUDE ARSON IN CRIMES OF CONSPIRACY

"An Act making arson in the first degree and arson in the second degree serious felonies for purposes of application of the crime of conspiracy."

and recommends:

- be replaced with SCS \_\_\_\_\_ (\_\_\_\_\_)  Same Title  Technical Title Change  
 New Title/SCR No. \_\_\_\_\_
- adopt previous SCS \_\_\_\_\_ (\_\_\_\_\_)  Same Title  Technical Title Change  
 New Title/SCR No. \_\_\_\_\_
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

Dept Abbr.	
ADM	LEG
CED	LAW
COR	LWF
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
LAW			✓	4
DPS			✓	5
COR		✓		6

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Thomas	✓			
	E. Fox	✓			
CO-CHAIR:	Hoffman	✓			
CO-CHAIR:	Stedman	✓			

# FISCAL NOTE

STATE OF ALASKA cost # codes  
 2012 LEGISLATIVE SESSION

Bill Version HB 56  
 Fiscal Note Number 4  
 Publish Date 2/24/12 (H)

Identifier (file name) HB056-LAW-CRIM-12-07-11 Dept. Affected Law  
 Title An Act making arson in the first degree and arson in the Appropriation Criminal  
second degree serious felonies. Allocation Criminal Justice Litigation  
 Sponsor Representative(s) Gatto, Gruenberg, and Lynn  
 Requester (H) Finance OMB Component Number 2202

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

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>	<b>FY13</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
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>0.0</b>

**FUND SOURCE** (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
<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>	<b>0.0</b>

**POSITIONS**

Full-time							
Part-time							
Temporary							

**CHANGE IN REVENUES**

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Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Updated for new fiscal year form.

Prepared by Eileen Donahue, Division Operations Manager Phone 465-5427  
 Division Administrative Services Date/Time 12/07/11 11:00AM  
 Approved by John J. Burns, Attorney General Date 12/7/2011  
Department of Law

(Revised 8/17/2011 OMB)

FISCAL NOTE #4

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. HB 56

**Analysis**

HB 056 adds arson in the first and second degrees to those crimes defined as a "serious felony offense" in the statute defining conspiracy. With this amendment, the crime of conspiracy would prohibit persons from conspiring to commit arson in the first or second degree.

Passage of this legislation would have no foreseeable fiscal impact on the Department of Law.

# FISCAL NOTE

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

Bill Version HB 56  
Fiscal Note Number 5  
(H) Publish Date 2/24/12

Identifier (file name) HB056-DPS-FLS-12-22-11 Dept. Affected Public Safety  
Title "An Act making arson in the first degree and arson in the second degree serious felonies..." Appropriation Fire and Life Safety  
Sponsor Representatives Gatto, Gruenberg, Lynn Allocation Fire and Life Safety Operations  
Requester (H) FIN OMB Component Number 2883

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

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
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>0.0</b>	<b>0.0</b>

**FUND SOURCE** (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
<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>	<b>0.0</b>

**POSITIONS**

Full-time							
Part-time							
Temporary							

**CHANGE IN REVENUES**

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Estimated **SUPPLEMENTAL (FY12) operating costs** \_\_\_\_\_ (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** \_\_\_\_\_ (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Updated on new fiscal note form.

Prepared by Kelly Howell  
Division Office of the Commissioner  
Approved by Joe Masters, Commissioner  
Department of Public Safety

Phone (907) 269-5591  
Date/Time 12/22/11 2:40 PM  
Date 12/15/2011

FISCAL NOTE #5

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. HB 56

**Analysis**

Passage of this legislation will have no fiscal impact on the Division of Fire and Life Safety.

# FISCAL NOTE

STATE OF ALASKA cost # codes  
 2012 LEGISLATIVE SESSION

Bill Version HB 56  
 Fiscal Note Number 6  
 Publish Date 2/24/12 (H)

Identifier (file name) HB056-DOC-OC-12-22-11 Dept. Affected DOC  
 Title "An Act making arson in the first degree and arson in the second degree serious felonies for purposes of..." Appropriation Admin & Support  
 Allocation Commissioner's Office  
 Sponsor Representative Gatto, Gruenberg and Lynn  
 Requester House Finance Committee OMB Component Number 694

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

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY13	FY14	FY15	FY16	FY17
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	**	**	**	**	**	**	**

**FUND SOURCE** (Thousands of Dollars)

1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<b>TOTAL</b>		**	**	**	**	**	**

**POSITIONS**

Full-time							
Part-time							
Temporary							

**CHANGE IN REVENUES**

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Estimated SUPPLEMENTAL (FY12) operating costs 0.0 (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Update to reflect current fiscal year.

Prepared by Leslie Houston, Director  
 Division Department of Corrections - Administrative Services  
 Approved by Joseph D. Schmidt, Commissioner  
Department of Corrections

Phone 907-465-3339  
 Date/Time 12/22/11 3:45 PM  
 Date 12/22/2011

FISCAL NOTE #6

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. HB 56

**Analysis**

This legislation is creating a new serious felony crime of conspiring to commit arson in the first degree and arson in the second degree. Therefore, the Department of Corrections has no information to determine the number of offenders that will be placed under the custody of the department.

The department will closely monitor potential future impacts of this legislation.

# Alaska State Legislature

## House of Representatives



**Representative Carl Gatto**  
**Representative Max Gruenberg**  
**Representative Bob Lynn**

HB 56

### INCLUDE ARSON IN CRIMES OF CONSPIRACY

#### Sponsor Statement

House Bill 56 adds first and second degree arson to Alaska's conspiracy statute, which will provide strong deterrents to committing arson and close a loophole in current law. HB 56 was drafted after it became apparent during a committee hearing last session that arson is not currently included in Alaska's conspiracy statute. Because of this, arsonists may only be charged with a crime if the arson is attempted or completed, and they cannot be charged with the separate crime of conspiracy if two or more people are involved in the arson. This bill only adds first and second degree arson

- Conspiracy: an agreement by two or more people to commit a crime with at least one overt act committed towards the completion of the crime.
- Arson in the first degree: damaging property by fire or explosion and recklessly placing another person (including emergency personnel) in danger or serious physical injury. (Class A Felony)
- Arson in the second degree: knowingly damages a building by fire or explosion. (Class B Felony)
- Conspiracy to commit a Class A Felony (Arson One) is a Class B Felony.
- Conspiracy to commit a Class B Felony (Arson Two) is a Class C Felony.

HB 56 will fix those problems. Including arson in the conspiracy statute will provide stronger punishments, whether or not conspirators actually complete the arson. Under HB 56, if arson is committed, the conspiring arsonists can be charged with *both* arson and conspiracy, rather than just arson under the current law. If the arson is not completed, however, this bill will allow conspirators to be prosecuted for conspiracy to commit arson, which is not punishable under current law.

If you have any questions, please contact Representative Gruenberg's legislative aide, Miles Brookes, at 465-4940.



## ALASKA FIRE CHIEF'S ASSOCIATION

2358 Bradway Road, North Pole, Alaska 99705

Phone: (907) 488-3400 FAX: (907) 488-6118

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February 15<sup>th</sup>, 2011

Representative Carl Gatto  
State Capitol, Room 118  
Juneau, AK 99801-1182

Reference: HB56

Dear Representative Gatto,

On behalf of the Alaska Fire Chiefs Association I would like to give you our support for HB56 "An Act making arson in the first degree and arson in the second degree serious felonies for purposes of application of the crime of conspiracy."

The act of Arson is a horrendous and devastating crime. Arson crimes take a terrible toll on individuals and communities across the State of Alaska through the loss of lives and property.

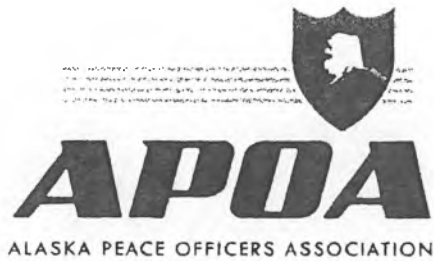
The Alaska Fire Chiefs Association supports your efforts to add conspiracy to the possible offenses for this crime.

Sincerely,

A handwritten signature in black ink, appearing to be "Jeff Tucker", written over a horizontal line.

Jeff Tucker, President  
Alaska Fire Chiefs Association

Cc: Rep. Gruenberg  
Rep. Lynn



February 14, 2011

Representative Carl Gatto  
House of Representatives  
State Capitol  
Juneau AK 99801-1182

Dear Representative Gatto:

On behalf of our respective organizations, we would like to thank you for introducing HB 56, an Act making arson in the first degree and arson in the second degree serious felonies for purposes of application of the crime of conspiracy.

We met recently to review proposed legislation and decided to unanimously support this bill.

Again, thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515 if there is anything our organizations can do to assist in the passage of this bill.

Sincerely,

John Lucking Jr., President  
Alaska Peace Officers  
Association  
PO Box 240106  
Anchorage AK 99524

Tom Clemons, President  
Alaska Association of  
Chiefs of Police  
183 Nelson Ave  
Wasilla AK 99654

Michele Logan, President  
Women Police  
of Alaska  
PO Box 233306  
Anchorage AK 99523

cc: Max Gruenberg  
Bob Lynn



Fire Chief Richard Etheridge

February 17, 2011

Representative Carl Gatto  
Representative Max Gruenberg  
Representative Bob Lynn

Reference: House Bill No. 56 – Include Arson in Crimes of Conspiracy

Dear Representatives:

Capital City Fire/Rescue fully supports House Bill No. 56 and would like to offer our assistance in any way that would be beneficial to the enactment of this bill.

If this bill were enacted, we believe that there would be a greater deterrent to the crime of arson and allow the prosecution of arson/conspiracy cases when the actual arson was not completed, but a crime was committed.

I can be reached at (907) 586-5322 or by e-mail at [dan\\_jager@ci.juneau.ak.us](mailto:dan_jager@ci.juneau.ak.us) if you wish to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Jager", written over a horizontal line.

Daniel M. Jager  
Fire Marshal

Mailing Address: 820 Glacier Avenue Juneau, Alaska 99801

# THE ALASKA ASSOCIATION OF FIRE & ARSON INVESTIGATORS



February 15, 2011

Representative Carl Gatto  
Representative Max Gruenberg  
Representative Bob Lynn

Reference: House Bill 56 - Arson

Dear Representatives:

The Alaska Association of Fire & Arson Investigators is in total support of House Bill 56 and would like to offer our assistance in any way, which would aid in the enactment of this bill.

It is our belief the enactment of this bill will provide a greater deterrent to the crime of arson and allow for the prosecution of arson/conspiracy cases, where the actual arson was not completed, but a crime nonetheless committed. This will put a closure to a loophole presently in the current law.

Please feel free to contact my office at 907-262-4792 or [ghale@borough.kenai.ak.us](mailto:ghale@borough.kenai.ak.us).

Sincerely,

Gary E. Hale, President  
Alaska Association of Fire & Arson Investigators

# MUNICIPALITY OF ANCHORAGE



*Mayor Dan Sullivan*

February 15, 2011

Representative Carl Gatto  
Representative Max Gruenberg  
Representative Bob Lynn

Reference: House Bill No. 56 - Arson

Dear Representatives:

The Anchorage Fire Department is fully in support of House Bill No. 56 and would like to offer our assistance in any way you feel would be beneficial to aid in the enactment of this bill.

It is our belief that the enactment of this bill will provide a greater deterrent to the crime of arson and allow for the prosecution of arson/conspiracy cases where the actual arson was not completed, but a crime nonetheless was committed.

I can be reached at (907) 267-4936 or by e-mail at [hallms@muni.org](mailto:hallms@muni.org) should you wish to contact me.

Sincerely,



Mark S. Hall  
Fire Chief

cc: Brian Balega – Arson Investigator – Anchorage Fire Department



## To catch an arsonist

Juneau Crime Line announces new arson reward program

Posted: March 15, 2012 - 12:10am

By EMILY RUSSO MILLER

JUNEAU EMPIRE

After a reported 31 arsons in 13 months, the Juneau Crime Line is upping the ante in hopes of catch arsonists who have evaded police.

The nonprofit crime solving organization, which is Juneau's equivalent to Crime Stoppers, announced a new \$1,500 arson reward program Wednesday to incentivize those with information about unlawful blazes to come forward.

"We're trying to get some information to help the police department to get these arsons to stop," longtime Crime Line board member Robin Paul said in a phone interview. "That's our main goal."

Crime Line tipsters, who are guaranteed anonymity, are usually awarded up to \$1,000 when they provide information that is instrumental to cracking unsolved cases. But Paul hopes the extra \$500 will prompt more leads.

"These arsons are something that have really been problematic for the community," she said.

Capital City Fire Marshal Daniel Jager said there were 31 arson incidents reported from January 2011 through February 2012, and that all of those cases are still open and active. Those include 11 vehicle fires, fire damage to the turf field at Adair-Kennedy Memorial Park and Thunder Mountain High School sports fields and the destruction of a Porta-Potty and to the Twin Lakes playground, according to a statement from Paul.

"All of these are still open, and we're still actively pursuing leads on them," Jager said. "We haven't just forgot about them."

Perhaps the most troubling suspected arson was the vehicle and carport fire at the Crow Hill Condominiums last July that "could have resulted in tragedy if the fire had spread to the complex and trapped unaware sleeping residents," Paul said.

The perpetrator or perpetrators of that crime still remain at large.

CCFR and the Juneau Police Department work together to solve arson cases, with the fire marshal focused on the fire scene (the point of origin of the fire, whether an accelerant was used, etc.) while the police conduct the criminal investigation. But when leads wind down or "things go cold," as Paul put it, Crime Line can reignite a case by enticing informants to come forward with a monetary award.

"(Arson) is a very big concern for us, and I'm pleased to see the Crime Line is offering rewards to help us solve these issues," JPD spokesman Lt. David Campbell said in an interview.

He said arson not only poses danger to property and people, but to firefighters and others who respond to the scene.

Arson cases can be difficult to investigate and prosecute if there's not a confession or witness, Jager said, because potential physical evidence is not only destroyed in the flames, but also by firefighters while doing their job suppressing the fire. He said there's about a 2 percent arson conviction rate nationwide.

Jager said he hopes this new reward program will jog people's memory and cause them to think back to see if they remember anything out of the ordinary; and for those who know something, to come forward. The anonymity Crime Line affords is the key, he said.

"Sometimes people are a little more willing to do the right thing if they have a reward, but the key is not so much the money award, it's the fact that it can be done anonymously," he said. "They don't want people to know that they're involved and that's understandable. I think the Crime Line is a great avenue for people who aren't comfortable doing that in person."

Jager added, "The money helps, but for the most part, people, they're just concerned about potential ramifications."

The 31 arsons have come at a high price. Jager estimates the total damage from all the above instances is much more than \$100,000, and the damage from the Crow Hill fire alone caused as much.

Local businesses — like Shattuck & Grummett Insurance and Malia Hayward State Farm Insurance — and other community members have stepped forward to pledge money to the special arson reward program. Crime Line is funded only by donations from the community.

This isn't the first time Crime Line has created a special reward program. According to the Crime Line website, more than \$10,000 was pledged for the unsolved murder of Johnny L. Jack Sr. in October 1988 and the murder of Cindy Elrod nearly 30 years ago.

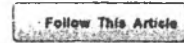
The group also offers up to \$1,500 for reporting the purchase or distribution of oxycontin in the Juneau area.

Other popular programs are the \$100 reward for reporting drunken driving, and the special graffiti program, sponsored by the city, also pays \$100, according to the website.

The last suspected arson incident in Juneau area, Jager said, was a vehicle fire by Glacier Gardens, a botanical garden on Glacier Highway, about two weeks ago.

To report a tip, visit [juneaucrimeline.com](http://juneaucrimeline.com).

• Contact reporter Emily Russo Miller at 523-2263 or at [emily.miller@juneauempire.com](mailto:emily.miller@juneauempire.com).



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