

**SB**

**15**

<TARGET><BILL>SB 15</BILL><SUBJECT>SB  
15</SUBJECT><COMM>SHSS27</COMM></TARGET>

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 1/19/11

FURTHER: Judiciary

Date of 5-Day Notice: 3/10/11  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 3/17/11

Health and Social Services Committee considered SENATE BILL NO. 15

SB 15-SEX OFFENDER/UNDERAGE ALCOHOL OFFENSE

"An Act relating to penalties for certain alcohol offenses involving persons under 21 years of age committed by a sex offender or child kidnapper."

and recommends:

- be replaced with CS SB15 (HSS)  Same Title  New Title
- adopt previous CS \_\_\_\_\_ (\_\_\_\_\_)  Same Title  New Title
- 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 #
DOC	✓			
LAW		✓		

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

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Meyer	X			
	EG...	X			
	DYSON	X			
CHAIR:	DAVIS	X			

# FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

Fiscal Note Number \_\_\_\_\_  
Bill Version SB015  
( ) Publish Date 1/19/2011

Identifier (file name) SB015-DOC-OC-03-14-11 Dept. Affected DOC  
Title "An Act relating to penalties for certain alcohol offenses involving Appropriation Administration & Support  
Allocation Office of the Commissioner  
Sponsor Senator Kevin Meyer  
Requester Senate Health and Social Services OMB Component Number 694

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

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

	Appropriation Required	Information					
		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel							
Services							
Commodities	469.2	469.2	821.1	1,173.0	1,173.0	1,524.9	1,876.8
Capital Outlay							
Grants							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>469.2</b>	<b>469.2</b>	<b>821.1</b>	<b>1,173.0</b>	<b>1,173.0</b>	<b>1,524.9</b>	<b>1,876.8</b>

<b>CAPITAL EXPENDITURES</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>
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<b>CHANGE IN REVENUES</b>							
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	469.2	469.2	821.1	1,173.0	1,173.0	1,524.9	1,876.8
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other (please identify)							
<b>TOTAL</b>	<b>469.2</b>	<b>469.2</b>	<b>821.1</b>	<b>1,173.0</b>	<b>1,173.0</b>	<b>1,524.9</b>	<b>1,876.8</b>

Estimate of any current year (FY2011) cost 0.0

**POSITIONS**

Full-time							
Part-time							
Temporary							

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

Initial version; not applicable

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

Phone 465-3339  
Date/Time 3/15/11 11:00 AM  
Date 3/15/2011

FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. SB015

**Analysis**

This bill would elevate the offenses of furnishing alcohol to persons under the age of 21 (under AS 04.16.051 - AS 04.16.057) if the offense is committed by a sex offender or child kidnapper. For example, if the offense committed under AS 04.16.051 - AS 04.16.057 is a class C felony, the offense would be elevated to a class B felony.

Should this legislation pass, the Department of Corrections has data to support an average of 3.5 convictions per year under the following sections:

Section 1(2): if the underlying offense is a class A misdemeanor, a sex offender or child kidnapper committing the offense is guilty of a class C felony and shall be punished as provided in AS 12.55;

*3.5 convictions per year represents an increase of 860 mandays per year @ \$136.44/day = \$117.3/yr*

Section 1(3) : if the underlying offense is a class C felony, a sex offender or child kidnapper committing the offense is guilty of a class B felony and shall be punished as provided in AS 12.55.

*3.5 convictions per year represents an increase of 2,579 mandays per year @ \$136.44/day = \$351.9/yr*

# FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

Fiscal Note Number \_\_\_\_\_  
Bill Version SB015 WM  
( ) Publish Date \_\_\_\_\_

Identifier (file name): SB015-LAW-CRIM-03-11-11  
Title An Act relating to penalties for certain alcohol offenses involving persons under 21 years of age committed by a sex offender or child kidnapper.  
Sponsor SENATOR(S) MEYER  
Requester (S) HEALTH & SOCIAL SERVICES  
Dept. Affected Law  
Appropriation Criminal  
Allocation Criminal Justice Litigation  
OMB Component Number 2202

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

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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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 (please identify)								
<b>TOTAL</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

Estimate of any current year (FY2011) cost \*\*\*

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

Not applicable, initial version.

Prepared by Eileen Donahue, Division Operations Manager  
Division Administrative Services  
Approved by John J. Burns, Attorney General  
Department of Law

Phone 465-5427  
Date/Time 3/11/11 4:30 PM  
Date 3/11/2011

FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. SB 015 W

**Analysis**

SB 15 raises one level the severity of offenses for providing alcohol to persons under 21 years of age if the offender is a sex offender or child kidnapper. For example, a nonlicensee who furnishes alcohol to a person under 21 years of age commits a class A misdemeanor for a first offense. SB 15 would make this offense a class C felony if the offender was a sex offender or child kidnapper.

This would have an indeterminate fiscal impact on the Department of Law. Any time an offense is raised from a misdemeanor to a felony there is an impact. Felony prosecutions require more time – for example, a felony requires a grand jury indictment and a jury of 12 persons.

**CS FOR SENATE BILL NO. 15(HSS)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SEVENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATOR MEYER**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to penalties for certain alcohol offenses involving persons under 21**  
2 **years of age committed by a sex offender or child kidnapper."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 04.16 is amended by adding a new section to read:

5 **Sec. 04.16.059. Aggravated penalties for violations of AS 04.16.051,**  
6 **04.16.055, and 04.16.057 involving a person under 21 years of age and committed**  
7 **by a sex offender or child kidnapper.** (a) Notwithstanding AS 04.16.051, 04.16.055,  
8 04.16.057, and 04.16.180, the penalty for a violation of AS 04.16.051, 04.16.055, or  
9 04.16.057 that involved a person under 21 years of age and that was committed by a  
10 sex offender or child kidnapper is as follows:

11 (1) if the underlying offense is a violation, a sex offender or child  
12 kidnapper committing the offense is guilty of a class B misdemeanor and shall be  
13 punished as provided in AS 12.55;

14 (2) if the underlying offense is a class A misdemeanor, a sex offender

1 or child kidnapper committing the offense is guilty of a class C felony and shall be  
2 punished as provided in AS 12.55;

3 (3) if the underlying offense is a class C felony, a sex offender or child  
4 kidnapper committing the offense is guilty of a class B felony and shall be punished as  
5 provided in AS 12.55.

6 (b) In this section, "sex offender or child kidnapper" has the meaning given in  
7 AS 12.63.100.

8 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
9 read:

10 **APPLICABILITY.** This Act applies to offenses committed on or after the effective  
11 date of this Act.

# Alaska State Legislature



*Interim:*  
716 West 4th Ave.  
Anchorage, Alaska 99501  
(907) 269-0199

*Session:*  
State Capitol Building  
Juneau, Alaska 99801-1182  
(907) 465-4945

**Senator Kevin Meyer**  
Senate District O

## SPONSOR STATEMENT FOR SB 15

*"an Act relating to penalties for certain alcohol offenses involving persons under 21 years of age committed by a sex offender or a child kidnapper."*

Senate Bill 15 makes providing alcohol for those who are under 21 years of age by people with a history or background as a sex offender an aggravating offense.

If SB 15 is enacted, penalties could increase a violation to a Class B misdemeanor, a class A misdemeanor would be punishable as a class C felony and a class C felony goes to a class B felony.

Currently there are laws against those who would commit each crime separately. However, what is being discovered that those who are providing alcohol to people under 21 have the intent to commit a sexual offense. There have been instances where sex trafficking and sex offenses are preceded by providing alcohol to those under 21 years of age.

27-LS01191  
Luckhaupt  
3/16/11

**CS FOR SENATE BILL NO. 15( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR MEYER**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to penalties for certain alcohol offenses involving persons under 21**  
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4 **\* Section 1.** AS 04.16 is amended by adding a new section to read:

5 **Sec. 04.16.059. Aggravated penalties for violations of AS 04.16.051,**  
6 **04.16.055, and 04.16.057 involving a person under 21 years of age and committed**  
7 **by a sex offender or child kidnapper.** (a) Notwithstanding AS 04.16.051, 04.16.055,  
8 04.16.057, and 04.16.180, the penalty for a violation of AS 04.16.051, 04.16.055, or  
9 04.16.057 that involved a person under 21 years of age and that was committed by a  
10 sex offender or child kidnapper is as follows:

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12 kidnapper committing the offense is guilty of a class B misdemeanor and shall be  
13 punished as provided in AS 12.55;

14 (2) if the underlying offense is a class A misdemeanor, a sex offender

1 or child kidnapper committing the offense is guilty of a class C felony and shall be  
2 punished as provided in AS 12.55;

3 (3) if the underlying offense is a class C felony, a sex offender or child  
4 kidnapper committing the offense is guilty of a class B felony and shall be punished as  
5 provided in AS 12.55.

6 (b) In this section, "sex offender or child kidnapper" has the meaning given in  
7 AS 12.63.100.

8 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
9 read:

10 **APPLICABILITY.** This Act applies to offenses committed on or after the effective  
11 date of this Act.



February 14, 2011

Senator Kevin Meyer  
Alaska State Senate  
State Capitol  
Juneau AK 99801-1182

Dear Senator Meyer:

On behalf of our respective organizations, we would like to thank you for introducing SB 15, an Act relating to penalties for certain alcohol offenses involving persons under 21 years of age committed by a sex offender or child kidnapper.

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