

SB

15

<TARGET><BILL>SB 15</BILL><SUBJECT>SB
15</SUBJECT><COMM>SJUD27</COMM></TARGET>

CS FOR SENATE BILL NO. 15(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY 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 certain sex offenders or child kidnappers."**

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 person who is required to register as a sex offender or child kidnapper under AS 12.63
11 is as follows:

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

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

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

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

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

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

Alaska State Legislature

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595



Committee Members:
Senator Bill Wielechowski
Senator Lesil McGuire
Senator Joe Paskvan
Senator John Coghill

Senate Judiciary Committee

MEMORANDUM

March 28, 2011

TO: Legislative Legal

FROM: Cindy Smith

RE: CS for SB15 Sex Offender/Underage Alcohol Offense

Please draft a new Senate Judiciary CS for SB15 (LS-0119\D) to make the following changes:

At line 9, after the words "was committed by" add "a person who is required to register" and at Line 10, after the word "kidnapper" add "under AS 12.63".

Call me if you have any questions at 465-6641.

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: 3/18/11

Referred: Judiciary, Finance

Sponsor(s): SENATOR MEYER

A BILL

FOR AN ACT ENTITLED

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2 years of age committed by a sex offender or child kidnapper."

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9 04.16.057 that involved a person under 21 years of age and that was committed by a
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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

*person
who is required
to
register
as a
under
12.63*

652

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" ^{who is required to register} 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 Avenue
Anchorage, Alaska 99501-2133
Phone: (907) 269-0199
Fax (907) 269-0197
Senator_Kevin_Meyer@legis.state.ak.us



Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4945
Fax: (907) 465-3476
Toll Free: (866) 465-4945

SENATOR KEVIN MEYER MAJORITY LEADER

TO: Senator Hollis French, Chair
Senate Judiciary Committee

FROM: Senator Kevin Meyer

A handwritten signature in black ink, appearing to read "K. Meyer".

DATE: March 17, 2011

RE: CSSB 15 Request for Hearing

I respectfully request the Senate Judiciary Committee to schedule a hearing for CSSB 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" pending referral. The Senate Health and Social Services Committee passed CSSB 15 out and it will be referred to Senate Judiciary on Friday, March, 18, 2011.

The following documents are attached and will be sent electronically:

- CS for SB 15 version I passed by the Senate Health and Social Services Committee
- Sponsor Statement
- Letters of support
- Memo of changes
- Back up information
- Fiscal Notes
- Witness/Testimony:
 - Kate Burkhart, Executive Director of the Advisory Board on Alcoholism and Drug Abuse
- Staff member assigned to the bill: Christine R. Marasigan, 465-6876

This bill would provide aggravated penalties for sex offenders and child kidnappers who provide alcohol to people under 21 years of age.

Please contact Christine if you have any questions regarding this legislation.

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-LS0119\I
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
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9 04.16.057 that involved a person under 21 years of age and that was committed by a
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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
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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.

Memo

To: Senator Kevin Meyer 
From: Christine R. Marasigan
Date: March 17, 2011
Re: SB 15 Changes and Fiscal Notes

CHANGES TO SB 15 FROM 27-LS0119M to 27-LS0119N
Two substantive changes:

Lines 5 and 6 on page 1:

Aggravated penalties applies to:

- AS 04.16.51 Furnishing or delivery of alcoholic beverages to persons under the age of 21.
- AS 04.16.055 Room rental for purposes of consuming alcoholic beverages.
- AS 04.16.057 Permitting a person under 21 years of age to possess liquor in dwelling.

Lines 6 and 7 on page 2:

The addition of AS 12.63.100 -- the definition of sex offender child kidnapper.

FISCAL NOTES

There were two fiscal notes issued thus far for SB 15.

- Department of Law issued an indeterminate fiscal note six days before hearing.
- Department of Corrections issued a substantial fiscal note the morning of the bill hearing.

In the fiscal note analysis the DOC says their data from the past 15 years would indicate that there would be 3.5 total convictions per year of persons who were both a sex offender and were caught providing alcohol to the underage. The fiscal note seems to reflect 7 convictions a year (3.5 at a class C felony and another 3.5 at a class B felony). Also, there were other issues concerning the DOC calculations.

This was discussed briefly in committee. However, the Chair felt that the fiscal note was better dealt with in either Judiciary or once the bill picked up the additional referral, the Finance Committee.

The DOC Director of Administrative Services and their Legislative Liaison met with our office, they did agree that there may be an error and that the fiscal note needs to be adjusted.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version SB015(HSS)
 () Publish Date 3/18/2011

Identifier (file name) SB015-DOC-OC-03-22-11 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 Judiciary Committee 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 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities	182.4	182.4	232.2	232.2	232.2	232.2	232.2	232.2
Capital Outlay								
Grants								
Miscellaneous								
TOTAL OPERATING	182.4	182.4	232.2	232.2	232.2	232.2	232.2	232.2
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES								

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	182.4	182.4	232.2	232.2	232.2	232.2	232.2	232.2
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
TOTAL	182.4	182.4	232.2	232.2	232.2	232.2	232.2	232.2

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0
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 3/22/11 12:00 PM
 Date 3/22/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB015(HSS)

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.

**Based on averages over the past 10 years*

Sec 1(1): Class B misdemeanors - No increased impact to the Dept. of Corrections.

Sec 1(2): Average number of sex offender or child kidnappers coming in with a second offense of furnishing alcohol to a minor/class A misdemeanor per year = 4 offenders.

* This offense would be elevated to a class C felony, which would be an increase in sentence of 243 mandays.

* This would be an overall increase of 972 mandays per year.

* At the current daily cost of care (\$136.44) this would be an increase of \$132,619.7 annually.

Sec 1(3): Average number of sex offenders or child kidnappers coming in with a second offense of furnishing alcohol to a minor/class C felony per year = 1 offender.

* This offense would be elevated to a class B felony, which would be an increase in sentence of 730 mandays (2 years).

*In Year 1 (FY2012) 1 new incarceration at 365 mandays per year at the current daily cost of care (\$136.44) would be an increase of \$19,800.60.

* In Years 2 thru 6 averaging 1 new incarceration per year would be an overall increase of 730 mandays per year (2 year increase in sentence will result in an overlap in the out years of inmates being housed at one time).

* At the current daily cost of care (\$136.44) this would be an increase of \$99,601.2 annually (starting in the second year).

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 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
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								
TOTAL OPERATING	469.2	469.2	821.1	1,173.0	1,173.0	1,524.9	1,876.8	

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES							
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FUND SOURCE (Thousands of Dollars)

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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)							
TOTAL	469.2	469.2	821.1	1,173.0	1,173.0	1,524.9	1,876.8

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 IM
() Publish Date _____

Identifier (file name): SB015-LAW-CRIM-03-11-11 Dept. Affected Law
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. Appropriation Criminal
Allocation Criminal Justice Litigation
Sponsor SENATOR(S) MEYER
Requester (S) HEALTH & SOCIAL SERVICES 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
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
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 (please identify)								
TOTAL		***	***	***	***	***	***	***

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

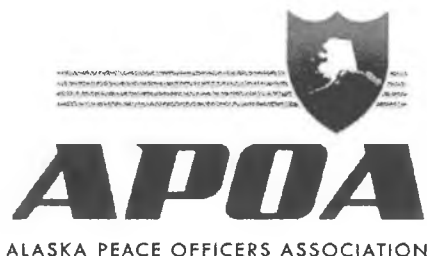
STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB 015 WM

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.



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

**Advisory Board on Alcoholism
and Drug Abuse**



Alaska Mental Health Board

ALASKA MENTAL HEALTH BOARD
ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE
431 NORTH FRANKLIN STREET, SUITE 200
JUNEAU, ALASKA 99801
(907) 465-8920

March 29, 2011

Senator Kevin Meyer
Alaska State Legislature
Capitol Building, Room 103
Juneau, Alaska 99801

Re: SB 15 – Alcohol Offenses Committed by Sex Offenders, Child Kidnappers

Dear Senator Meyer,

On behalf of the Advisory Board on Alcoholism and Drug Abuse, I would like to express our support for your efforts to protect children and youth from falling victim to sexual exploitation, trafficking, and kidnapping. While there is no specific data reflecting how often a young person gains access to alcohol through a convicted sex offender or child kidnapper, there is data that shows that young people gain access to alcohol at least one third of the time from adults or friends.

The Center for Behavioral Health Statistics and Quality reported in February 2011 that, between 2006 and 2009, 93.4% of the 709,000 adolescents aged 12-14 who reported drinking alcohol gained access to the alcohol — for free — from other people. Of those, 13.5% were given the alcohol by an unrelated adult. In Alaska, 34.7% of traditional high schools students participating in the 2009 Youth Risk Behavior Survey reported that they had used alcohol in the past thirty days and that they got that alcohol from someone else. While we don't know who provided that alcohol, or whether they were a convicted sex offender or child kidnapper, we do know there is connection between providing alcohol to minors and victimization.

Recent new coverage of sexual exploitation of young Alaskan women by Channel 2, KTUU news highlighted the role of drugs and alcohol in this form of victimization. Young people are often ensnared in human trafficking and sexual exploitation through the provision of drugs and alcohol, among other "grooming" efforts. By creating an aggravating factor to target individuals who use alcohol to coerce, induce, or otherwise attempt to engage a young person in sexual activity will help to address this problem.

Given the traumatic and potentially lifelong harm that can result from situations in when predators use alcohol (and other drugs) to prey upon young people, SB 15 provides a balanced approach to increasing the penalty for individuals who engage in this sort of victimization and exploitation. We appreciate your efforts on behalf our most vulnerable youth.

Sincerely,

J. Kate Burkhart
Executive Director