

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 8, 2023

FURTHER REFERRALS:

Date of Committee Action: 5/5/23

The FINANCE Committee considered:

HB 66

HOUSE BILL NO. 66

"An Act relating to homicide resulting from conduct involving controlled substances; relating to the computation of good time; and providing for an effective date."

HB 66-CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.

Recommends it be replaced with [] HCS or [] CS for HB 66 (FIN)
 For Senate Bills with new title: [] Technical Title [] New Title: HCR [] Same Title [] New Title


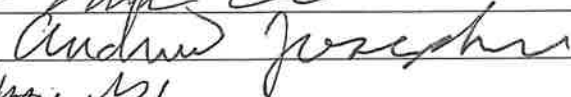
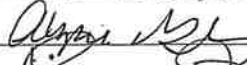



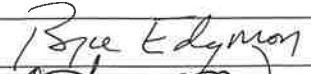
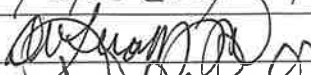
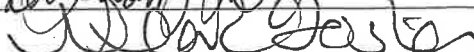
- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- AJS
- CED
- COR
- EED
- DEC
- DFG
- GOV
- DHS
- LWF
- LAW
- LEG
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	LAW			<input checked="" type="checkbox"/>

<u>PREVIOUS FISCAL NOTES</u>				
FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	COR			<input checked="" type="checkbox"/>
2	DFC			<input checked="" type="checkbox"/>
4	DPS			<input checked="" type="checkbox"/>
5	ADM	<input checked="" type="checkbox"/>		
6	ADM	<input checked="" type="checkbox"/>		
7	ASS			<input checked="" type="checkbox"/>

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	CRANK			<input checked="" type="checkbox"/>	
	Josephson				<input checked="" type="checkbox"/>
	Galen				<input checked="" type="checkbox"/>
	HARNMAR			<input checked="" type="checkbox"/>	
	Stapp			<input checked="" type="checkbox"/>	
	Duta			<input checked="" type="checkbox"/>	
Chair: 	Edgmon				
Chair: 	DeJuan				
Chair: 	Jason				<input checked="" type="checkbox"/>

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

BILL NO. HB 66

Analysis

This legislation:

- increases the penalty when a person distributes a controlled substance and a person dies as a result of ingesting that substance from a class A felony (4-7 year presumptive term, max 20) to an unclassified felony (15-99 years);
- makes it misconduct involving a controlled substance in the first degree (unclassified, 5-99 years) when a person delivers a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered; and
- creates an enhanced presumptive sentence of 7-11 years when a person manufactures or delivers a schedule IA controlled sentence.

While the Criminal Division may see some increase in litigation due to the increased penalties associated with the above mentioned changes, it anticipates it will be able to absorb this additional work within its existing budget and, therefore, does not anticipate a fiscal impact at this time.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION**Analysis**

This legislation amends penalties associated with controlled substances and removes statutory good time for those persons convicted under statute AS 11.71.010 – 11.71.030 or 11.71.040(a)(1).

AS 11.41.110(a) is amended to include the condition that when someone who manufactures or delivers a controlled substance and the recipient dies as a result of ingesting the drug, the “dealer” can be charged with Murder 2 which is an unclassified felony. The impact of this change is anticipated to increase the daily inmate population starting in the third year of incarceration, however, is not expected to exceed the current available bed capacity within the prison system based on the current offender population.

AS 33.20.010(a) is amended adding AS 11.71.010 thru AS 11.71.040 to the list of offenses ineligible for statutory good time (STG). These offenses are the suite of Misconduct of Controlled Substances (MICS) offenses. The impact of this change is anticipated to increase the daily inmate population; however, is not expected to exceed the current available bed capacity within the prison system based on the current offender population.

There is no immediate financial impact associated with these changes.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

The bill amends Alaska statute by reclassifying the crime of illegally manufacturing or delivering a controlled substance that directly results in a person dying from *Manslaughter* (class A felony) to *Murder in the second degree* (unclassified felony). The Department of Family and Community Services, Division of Juvenile Justice serves juvenile offenders based upon their needs and risk to reoffend. The bill will have no fiscal or programmatic impact on the division.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION**Analysis**

This proposed bill amends Alaska's homicide statutes by making it second-degree murder to knowingly manufacture or deliver a controlled substance in violation of certain controlled substance laws where a person dies as a direct result of ingesting the substance; and the bill creates a new criminal offense and aligns with Governor Dunleavy's public safety priorities by holding offenders accountable for their actions.

The bill also amends AS 33.20.010(a) adding an exemption for good time sentencing credits for conduct involving manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance.

Within the Department of Public Safety (DPS), Division of Alaska State Troopers (AST), the Alaska Bureau of Investigation (ABI) comprises State Trooper Investigators working in specialized units in Anchorage, Mat-Su, Fairbanks, Soldotna, Southeast Alaska, and Western Alaska. ABI coordinates and conducts major criminal investigations, including homicides, sexual assaults, fraud, forgery, computer and internet crimes, surveillance, missing persons, and lengthier property crimes investigations. ABI is also tasked with enforcing bootlegging and illegal drug distribution throughout Alaska.

The new subsection of murder in the second degree proposed in this bill will not result in the need for additional resources within ABI to handle homicide cases requiring investigation as written.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This bill establishes a new murder charge where a person manufactures or delivers a controlled substance and a person dies as a direct result of taking the illegal drugs.

Cases charged as high level felonies with significant penalties often result in increased litigation and pre-trial preparation that can include contested sentencing and post-conviction litigation increasing the workload and costs for the Public Defender Agency.

The Agency will need the following positions to address the increased workload:

Add Attorney 4 (range 24/C, Anchorage)

Personal Services - \$181.0

Travel - \$4.7

Contractual - \$36.8

Supplies - \$2.5

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This bill establishes a new murder charge where a person manufactures or delivers a controlled substance and a person dies as a direct result of taking the illegal drugs.

Cases charged as high level felonies with significant penalties often result in increased litigation and pre-trial preparation that can include contested sentencing and post-conviction litigation increasing the workload and costs for the Public Defender Agency.

The Agency will need the following positions to address the increased workload:

Add Attorney 4 (range 24/C, Anchorage)

Personal Services - \$181.0

Travel - \$9.4

Contractual - \$36.8

Supplies - \$2.0

Add Attorney 4 (range 24/C, Palmer)

Personal Services - \$181.0

Travel - \$9.4

Contractual - \$36.8

Supplies - \$2.0

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION**Analysis**

House Bill 66 would change the classification of the crime of knowingly manufacturing or delivering certain controlled substances, when that conduct directly results in the death of a person, from its current classification as Manslaughter to instead become Murder in the Second Degree. This means that the specified conduct will change from a class A felony to an Unclassified felony, with the increased penalties that correspond to that more serious classification. Changes in classifications of offenses can sometimes cause a fiscal impact on the court system, but this offense is not commonly charged and is not expected to increase workload or cause any impact.

In addition, section 2 of HB 66 provides that prisoners convicted of any felony drug crime would no longer be eligible for the good time deduction of one-third of their prison term, and will instead remain incarcerated for the entire sentenced term, absent other circumstances. Though an increase in the amount of time a sentenced person is required to spend in prison may cause parties to handle cases differently due to the changed consequences of a conviction, this provision is not expected to cause a fiscal impact for the court system.

The court system therefore submits this zero fiscal note.

1 person commits or attempts to commit arson in the first degree, kidnapping, sexual
 2 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
 3 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
 4 degree, escape in the first or second degree, robbery in any degree, or misconduct
 5 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
 6 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
 7 in immediate flight from that crime, any person causes the death of a person other than
 8 one of the participants;

9 (4) acting with a criminal street gang, the person commits or attempts
 10 to commit a crime that is a felony and, in the course of or in furtherance of that crime
 11 or in immediate flight from that crime, any person causes the death of a person other
 12 than one of the participants; [OR]

13 (5) the person with criminal negligence causes the death of a child
 14 under the age of 16, and the person has been previously convicted of a crime involving
 15 a child under the age of 16 that was

16 (A) a felony violation of AS 11.41;

17 (B) in violation of a law or ordinance in another jurisdiction
 18 with elements similar to a felony under AS 11.41; [OR]

19 (C) an attempt, a solicitation, or a conspiracy to commit a
 20 crime listed in (A) or (B) of this paragraph; or

21 (6) another person dies as a direct result of ingesting a controlled
 22 substance that is knowingly manufactured or delivered by the person in violation
 23 of

24 (A) AS 11.71.010 - 11.71.030; or

25 (B) AS 11.71.040(a)(1) for schedule IVA controlled
 26 substances.

27 * Sec. 2. AS 11.41.110 is amended by adding new subsections to read:

28 (c) A death under (a)(6) of this section is a result that does not require a
 29 culpable mental state.

30 (d) In (a)(6) of this section, "ingesting" means voluntarily or involuntarily
 31 taking a substance into the body in any manner.

1 misconduct involving a controlled substance in the third degree if the person

2 (1) [REPEALED]

3 (2) delivers any amount of a

4 (A) schedule IVA or [,] VA [, OR VIA] controlled substance to
5 a person under 19 years of age who is at least three years younger than the
6 person delivering the substance; or

7 (B) schedule VIA controlled substance to a person under 18
8 years of age who is at least three years younger than the person delivering
9 the substance;

10 (3) possesses any amount of a schedule IA or IIA controlled substance

11 (A) with reckless disregard that the possession occurs

12 (i) on or within 500 feet of school grounds; or

13 (ii) at or within 500 feet of a recreation or youth center;

14 or

15 (B) on a school bus;

16 (4) [REPEALED]

17 (5) [REPEALED]

18 (6) [REPEALED]

19 (7) [REPEALED]

20 (8) [REPEALED]

21 (9) under circumstances not proscribed under AS 11.71.021(a)(2) - (6),
22 manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or
23 possesses any amount of a schedule IIA or IIIA controlled substance with intent to
24 manufacture or deliver.

25 * Sec. 6. AS 11.71.040(a) is amended to read:

26 (a) Except as authorized in AS 17.30 and AS 17.38, a person commits the
27 crime of misconduct involving a controlled substance in the fourth degree if the person

28 (1) manufactures or delivers any amount of a schedule IVA or VA
29 controlled substance or possesses any amount of a schedule IVA or VA controlled
30 substance with intent to manufacture or deliver;

31 (2) manufactures or delivers, or possesses with the intent to

1 has been previously convicted of a crime under AS 11.71.050(a)(4), or a law or
 2 ordinance in this or another jurisdiction with elements similar to AS 11.71.050(a)(4);
 3 or

4 (13) delivers any amount of a schedule VIA controlled substance to
 5 a person who is 18 years of age who is at least three years younger than the
 6 person delivering the substance.

7 * Sec. 7. AS 12.55.125(c) is amended to read:

8 (c) Except as provided in (i) of this section, a defendant convicted of a class A
 9 felony may be sentenced to a definite term of imprisonment of not more than 20 years,
 10 and shall be sentenced to a definite term within the following presumptive ranges,
 11 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

12 (1) if the offense is a first felony conviction and does not involve
 13 circumstances described in (2) of this subsection, four to seven years;

14 (2) if the offense is a first felony conviction

15 (A) and the defendant possessed a firearm, used a dangerous
 16 instrument, or caused serious physical injury or death during the commission
 17 of the offense, or knowingly directed the conduct constituting the offense at a
 18 uniformed or otherwise clearly identified peace officer, firefighter, correctional
 19 employee, emergency medical technician, paramedic, ambulance attendant, or
 20 other emergency responder who was engaged in the performance of official
 21 duties at the time of the offense, seven to 11 years;

22 (B) and the conviction is for manufacturing related to
 23 methamphetamine under AS 11.71.021(a)(2)(A) or (B), seven to 11 years if

24 (i) the manufacturing occurred in a building with
 25 reckless disregard that the building was used as a permanent or
 26 temporary home or place of lodging for one or more children under 18
 27 years of age or the building was a place frequented by children; or

28 (ii) in the course of manufacturing or in preparation for
 29 manufacturing, the defendant obtained the assistance of one or more
 30 children under 18 years of age or one or more children were present;

31 (C) and the conviction is for manufacturing or delivery

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This legislation amends penalties associated with controlled substances and removes statutory good time for those persons convicted under statute AS 11.71.010 – 11.71.030 or 11.71.040(a)(1).

AS 11.41.110(a) is amended to include the condition that when someone who manufactures or delivers a controlled substance and the recipient dies as a result of ingesting the drug, the “dealer” can be charged with Murder 2 which is an unclassified felony. The impact of this change is anticipated to increase the daily inmate population starting in the third year of incarceration, however, is not expected to exceed the current available bed capacity within the prison system based on the current offender population.

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There is no immediate financial impact associated with these changes.

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	2
(H) Publish Date:	2/8/2023

Identifier: 0482-DFCS-JJ-PS-1-30-23
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME
 DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Family and Community Services
 Appropriation: Juvenile Justice
 Allocation: Probation Services
 OMB Component Number: 2134

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates					
			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? NA

Why this fiscal note differs from previous version/comments:

Not applicable; initial version.

Prepared By:	Shannon Dilley, Director	Phone:	(907)465-8466
Division:	Juvenile Justice	Date:	01/26/2023 11:41 AM
Approved By:	Marian Sweet, Assistant Commissioner	Date:	01/30/23
Agency:	Department of Family and Community Services		

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	1
(H) Publish Date:	2/8/2023

Identifier: LL0482-2-DOC-IDO-1-28-2023
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Corrections
 Appropriation: Population Management
 Allocation: Institution Director's Office
 OMB Component Number: 1381

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates					
			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	Melissa Jack, Budget Analyst	Phone:	(907)465-4641
Division:	Administrative Services	Date:	01/28/2023 10:00 AM
Approved By:	April Wilkerson, Deputy Commissioner	Date:	01/28/23
Agency:	Department of Corrections		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

The bill amends Alaska statute by reclassifying the crime of illegally manufacturing or delivering a controlled substance that directly results in a person dying from *Manslaughter* (class A felony) to *Murder in the second degree* (unclassified felony). The Department of Family and Community Services, Division of Juvenile Justice serves juvenile offenders based upon their needs and risk to reoffend. The bill will have no fiscal or programmatic impact on the division.

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	4
(H) Publish Date:	2/8/2023

Identifier: 0482-2-DPS-ABI-01-24-2023
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Public Safety
 Appropriation: Alaska State Troopers
 Allocation: Alaska Bureau of Investigation
 OMB Component Number: 2744

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates					
			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	Elizabeth Freeman, Division Operations Manager	Phone:	(907)465-5501
Division:	Statewide Support	Date:	01/30/2023 10:00 AM
Approved By:	Pam Halloran, Administrative Services Director	Date:	01/27/2023
Agency:	Public Safety		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION**Analysis**

This proposed bill amends Alaska's homicide statutes by making it second-degree murder to knowingly manufacture or deliver a controlled substance in violation of certain controlled substance laws where a person dies as a direct result of ingesting the substance; and the bill creates a new criminal offense and aligns with Governor Dunleavy's public safety priorities by holding offenders accountable for their actions.

The bill also amends AS 33.20.010(a) adding an exemption for good time sentencing credits for conduct involving manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance.

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The new subsection of murder in the second degree proposed in this bill will not result in the need for additional resources within ABI to handle homicide cases requiring investigation as written.

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	5
(H) Publish Date:	2/8/2023

Identifier: 0482-2-DOA-OPA-02-01-23
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME
 DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Office of Public Advocacy
 OMB Component Number: 43

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Personal Services	181.0		181.0	181.0	181.0	181.0	181.0
Travel	4.7		4.7	4.7	4.7	4.7	4.7
Services	36.8		36.8	36.8	36.8	36.8	36.8
Commodities	2.0		2.0	2.0	2.0	2.0	2.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	224.5	0.0	224.5	224.5	224.5	224.5	224.5

Fund Source (Operating Only)

1004 Gen Fund (UGF)	224.5		224.5	224.5	224.5	224.5	224.5
Total	224.5	0.0	224.5	224.5	224.5	224.5	224.5

Positions

Full-time	1.0						
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	James Stinson, Director	Phone:	(907)269-3504
Division:	Office of Public Advocacy	Date:	12/29/2022 12:01 PM
Approved By:	Leslie Isaacs, Administrative Services Director	Date:	02/01/23
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This bill establishes a new murder charge where a person manufactures or delivers a controlled substance and a person dies as a direct result of taking the illegal drugs.

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The Agency will need the following positions to address the increased workload:

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Personal Services - \$181.0

Travel - \$4.7

Contractual - \$36.8

Supplies - \$2.5

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	6
(H) Publish Date:	2/8/2023

Identifier: LL0482-1-DOA-PDA-02-01-23
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Public Defender Agency
 OMB Component Number: 1631

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates					
			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES								
Personal Services	362.0		362.0	362.0	362.0	362.0	362.0	362.0
Travel	9.4		9.4	9.4	9.4	9.4	9.4	9.4
Services	73.6		73.6	73.6	73.6	73.6	73.6	73.6
Commodities	4.0		4.0	4.0	4.0	4.0	4.0	4.0
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	449.0	0.0	449.0	449.0	449.0	449.0	449.0	449.0

Fund Source (Operating Only)

1004 Gen Fund (UGF)	449.0		449.0	449.0	449.0	449.0	449.0	449.0
Total	449.0	0.0	449.0	449.0	449.0	449.0	449.0	449.0

Positions

Full-time	2.0							
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	Samantha Cherot, Public Defender	Phone:	(907)334-4414
Division:	Public Defender Agency	Date:	02/01/2023 12:00 AM
Approved By:	Leslie Isaacs, Administrative Service Director	Date:	02/01/2023
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This bill establishes a new murder charge where a person manufactures or delivers a controlled substance and a person dies as a direct result of taking the illegal drugs.

Cases charged as high level felonies with significant penalties often result in increased litigation and pre-trial preparation that can include contested sentencing and post-conviction litigation increasing the workload and costs for the Public Defender Agency.

The Agency will need the following positions to address the increased workload:

Add Attorney 4 (range 24/C, Anchorage)

Personal Services - \$181.0

Travel - \$9.4

Contractual - \$36.8

Supplies - \$2.0

Add Attorney 4 (range 24/C, Palmer)

Personal Services - \$181.0

Travel - \$9.4

Contractual - \$36.8

Supplies - \$2.0

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	CSHB 66(JUD)
Fiscal Note Number:	7
(H) Publish Date:	3/27/2023

Identifier: HB066-JUD-ACS-02-27-23
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: House Judiciary Committee

Department: Judiciary
 Appropriation: Alaska Court System
 Allocation: Trial Courts
 OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates					
			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? no
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? NA
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Initial version

Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	02/27/2023 10:00 AM
Approved By:	Nancy Meade for Stacey Marz, Administrative Director	Date:	02/27/23
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION**Analysis**

House Bill 66 would change the classification of the crime of knowingly manufacturing or delivering certain controlled substances, when that conduct directly results in the death of a person, from its current classification as Manslaughter to instead become Murder in the Second Degree. This means that the specified conduct will change from a class A felony to an Unclassified felony, with the increased penalties that correspond to that more serious classification. Changes in classifications of offenses can sometimes cause a fiscal impact on the court system, but this offense is not commonly charged and is not expected to increase workload or cause any impact.

In addition, section 2 of HB 66 provides that prisoners convicted of any felony drug crime would no longer be eligible for the good time deduction of one-third of their prison term, and will instead remain incarcerated for the entire sentenced term, absent other circumstances. Though an increase in the amount of time a sentenced person is required to spend in prison may cause parties to handle cases differently due to the changed consequences of a conviction, this provision is not expected to cause a fiscal impact for the court system.

The court system therefore submits this zero fiscal note.

Withdrawn

33-GH1482\B.10
Radford
5/2/23

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE STAPP

1 Page 2, line 22, following "a":

2 Insert "schedule IA, IIA, IIIA, or IVA"

3

4 Page 2, lines 23 - 24:

5 Delete "AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule IVA controlled
6 substances"

7 Insert "AS 11.71.010 - 11.71.040"

Withdrawn

33-GH1482\B.14
Radford
5/3/23

AMENDMENT #2

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE COULOMBE

1 Page 2, lines 23 - 24:

2 Delete "or 11.71.040(a)(1) for schedule IVA controlled substances"

3 Insert "that is not a schedule IVA, VA, or VIA controlled substance"

4

5 Page 2, following line 27:

6 Insert a new bill section to read:

7 "* Sec. 2. AS 11.41.120(a) is amended to read:

8 (a) A person commits the crime of manslaughter if the person

9 (1) intentionally, knowingly, or recklessly causes the death of another
10 person under circumstances not amounting to murder in the first or second degree;

11 (2) intentionally aids another person to commit suicide; or

12 (3) knowingly manufactures or delivers a schedule IVA controlled
13 substance in violation of AS 11.71.010(a)(4), 11.71.030(a)(2), or 11.71.040(a)(1)

14 [AS 11.71.010 - 11.71.030 OR 11.71.040(a)(1) FOR SCHEDULE IVA

15 CONTROLLED SUBSTANCES], and a person dies as a direct result of ingestion of

16 the controlled substance; the death is a result that does not require a culpable mental

17 state; in this paragraph, "ingestion" means voluntarily or involuntarily taking a

18 substance into the body in any manner."

19

20 Renumber the following bill sections accordingly.

21

22 Page 5, line 11:

23 Delete all material.

1

2 Renumber the following bill sections accordingly.

3

4 Page 5, line 14, following "Act,":

5 Insert "AS 11.41.120(a), as amended by sec. 2 of this Act,"

6

7 Page 5, line 15:

8 Delete "sec. 2"

9 Insert "sec. 3"

10 Delete "sec. 3"

11 Insert "sec. 4"

12

13 Page 5, line 16:

14 Delete "sec. 4"

15 Insert "sec. 5"

16

17 Page 5, line 17:

18 Delete "sec. 5"

19 Insert "sec. 6"

Adopted v/c

AMENDMENT #3

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE ORTIZ

1 Page 2, line 13:

2 Delete "or"

3 Insert "[OR]"

4

5 Page 2, lines 22 - 27:

6 Delete all material and insert:

7 "(6) another person dies as a direct result of ingesting a controlled
8 substance that is knowingly manufactured or delivered by the person in violation
9 of

10 (A) AS 11.71.010 - 11.71.030; or

11 (B) AS 11.71.040(a)(1) for schedule IVA controlled
12 substances.

13 * Sec. 2. AS 11.41.110 is amended by adding new subsections to read:

14 (c) A death under (a)(6) of this section is a result that does not require a
15 culpable mental state.

16 (d) In (a)(6) of this section, "ingesting" means voluntarily or involuntarily
17 taking a substance into the body in any manner."

18

19 Renumber the following bill sections accordingly.

20

21 Page 5, line 14, following "Act,":

22 Insert "AS 11.41.110(c) and (d), added by sec. 2 of this Act,"

23

1 Page 5, line 15:

2 Delete "sec. 2"

3 Insert "sec. 3"

4 Delete "sec. 3"

5 Insert "sec. 4"

6

7 Page 5, line 16:

8 Delete "sec. 4"

9 Insert "sec. 5"

10

11 Page 5, line 17:

12 Delete "sec. 5"

13 Insert "sec. 6"

Adopted

33-GH1482\B.6
Radford
4/21/23

AMENDMENT #4

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE JOSEPHSON

1 Page 1, line 2:

2 Delete "in the first degree"

3

4 Page 3, following line 25:

5 Insert new bill sections to read:

6 "* Sec. 4. AS 11.71.030(a) is amended to read:

7 (a) Except as authorized in AS 17.30, a person commits the crime of
8 misconduct involving a controlled substance in the third degree if the person

9 (1) [REPEALED]

10 (2) delivers any amount of a

11 (A) schedule IVA or [,] VA [, OR VIA] controlled substance to
12 a person under 19 years of age who is at least three years younger than the
13 person delivering the substance; or

14 (B) schedule VIA controlled substance to a person under 18
15 years of age who is at least three years younger than the person delivering
16 the substance;

17 (3) possesses any amount of a schedule IA or IIA controlled substance

18 (A) with reckless disregard that the possession occurs

19 (i) on or within 500 feet of school grounds; or

20 (ii) at or within 500 feet of a recreation or youth center;

21 or

22 (B) on a school bus;

23 (4) [REPEALED]

1 (5) [REPEALED]

2 (6) [REPEALED]

3 (7) [REPEALED]

4 (8) [REPEALED]

5 (9) under circumstances not proscribed under AS 11.71.021(a)(2) - (6),
6 manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or
7 possesses any amount of a schedule IIA or IIIA controlled substance with intent to
8 manufacture or deliver.

9 * Sec. 5. AS 11.71.040(a) is amended to read:

10 (a) Except as authorized in AS 17.30 and AS 17.38, a person commits the
11 crime of misconduct involving a controlled substance in the fourth degree if the person

12 (1) manufactures or delivers any amount of a schedule IVA or VA
13 controlled substance or possesses any amount of a schedule IVA or VA controlled
14 substance with intent to manufacture or deliver;

15 (2) manufactures or delivers, or possesses with the intent to
16 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
17 of an aggregate weight of one ounce or more containing a schedule VIA controlled
18 substance;

19 (3) possesses any amount of a schedule IA controlled substance listed
20 in AS 11.71.140(e);

21 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

22 (A) with reckless disregard that the possession occurs

23 (i) on or within 500 feet of school grounds; or

24 (ii) at or within 500 feet of a recreation or youth center;

25 or

26 (B) on a school bus;

27 (5) knowingly keeps or maintains any store, shop, warehouse,
28 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
29 keeping or distributing controlled substances in violation of a felony offense under this
30 chapter or AS 17.30;

31 (6) makes, delivers, or possesses a punch, die, plate, stone, or other

1 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
 2 mark, imprint, or device of another or any likeness of any of these on a drug, drug
 3 container, or labeling so as to render the drug a counterfeit substance;

4 (7) knowingly uses in the course of the manufacture or distribution of a
 5 controlled substance a registration number that is fictitious, revoked, suspended, or
 6 issued to another person;

7 (8) knowingly furnishes false or fraudulent information in or omits
 8 material information from any application, report, record, or other document required
 9 to be kept or filed under AS 17.30;

10 (9) obtains possession of a controlled substance by misrepresentation,
 11 fraud, forgery, deception, or subterfuge;

12 (10) affixes a false or forged label to a package or other container
 13 containing any controlled substance;

14 (11) [REPEALED]

15 (12) violates AS 11.71.050(a)(4) and, within the preceding 10 years,
 16 has been previously convicted of a crime under AS 11.71.050(a)(4), or a law or
 17 ordinance in this or another jurisdiction with elements similar to AS 11.71.050(a)(4);
 18 or

19 (13) delivers any amount of a schedule VIA controlled substance to
 20 a person who is 18 years of age who is at least three years younger than the
 21 person delivering the substance."

22
 23 Renumber the following bill sections accordingly.

24
 25 Page 5, line 16:

26 Following the first occurrence of "Act,":

27 Insert "AS 11.71.030(a), as amended by sec. 4 of this Act, AS 11.71.040(a), as
 28 amended by sec. 5 of this Act,"

29 Delete "sec. 4"

30 Insert "sec. 6"

31

- 1 Page 5, line 17:
- 2 Delete "sec. 5"
- 3 Insert "sec. 7"

2023 HOUSE FINANCE COMMITTEE VOTE SHEET

Date: 5/5/23

Bill #: HB 66

Adopted Tally

Failed /

Conceptual Amendment: 1

Amendment: ~~HB 66~~ 6

Report Out: ()

MEMBER

Favor

Oppose

REP. CRONK		X
REP. GALVIN		X
REP. HANNAN	X	
REP. JOSEPHSON	X	
REP. ORTIZ	X	
REP. STAPP		X
REP. TOMASZEWSKI		X
REP. COLOUMBE		X
REP. EDGMON		X
REP. JOHNSON		X
REP. FOSTER		X

YEA 3 NAY 8

2023 HOUSE FINANCE COMMITTEE VOTE SHEET

Date: 5/5/23

Bill #: HB 66

Adopted Tally

Failed /

Conceptual Amendment:

Amendment: 6

Report Out: ()

MEMBER

Favor

Oppose

REP. GALVIN	X	
REP. HANNAN	X	
REP. JOSEPHSON	X	
REP. ORTIZ	X	
REP. STAPP		X
REP. TOMASZEWSKI		X
REP. COLOUMBE	X	
REP. CRONK		X
REP. EDGMON	X	
REP. FOSTER	X	
REP. JOHNSON		X

YEA 7 NAY 4

Adopted 7/4

33-GH1482\B.3
Radford
4/11/23

AMENDMENT **#6**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE JOSEPHSON

- 1 Page 4, line 19, following "**delivery**":
- 2 Insert "**under AS 11.71.021(a)(1)**"
- 3
- 4 Page 4, line 20, following "**substance**":
- 5 Insert "**set out in AS 11.71.140(c)(29)**"

Withdrawn

33-GH1482\B.13
Radford
5/3/23

AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE TOMASZEWSKI

- 1 Page 3, line 28:
- 2 Delete "20"
- 3 Insert "21 [20]"
- 4
- 5 Page 4, line 21:
- 6 Delete "10 to 14"
- 7 Insert "12 to 16 [10 TO 14]"
- 8
- 9 Page 4, line 23:
- 10 Delete "15 to 20"
- 11 Insert "17 to 21 [15 TO 20]"

Withdrawn

33-GH1482\B.12
Radford
5/2/23

AMENDMENT #7

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE ORTIZ

- 1 Page 1, line 3:
- 2 Delete "relating to the computation of good time;"
- 3
- 4 Page 4, line 24, through page 5, line 10:
- 5 Delete all material.
- 6
- 7 Renumber the following bill sections accordingly.
- 8
- 9 Page 5, line 16, following the first occurrence of "Act,":
- 10 Insert "and"
- 11
- 12 Page 5, lines 16 - 17:
- 13 Delete "and AS 33.20.010(a), as amended by sec. 5 of this Act,"

Adopted
9/2

33-GH1482\B.9
Radford
5/2/23

AMENDMENT #8

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE HANNAN

- 1 Page 1, line 3:
- 2 Delete "relating to the computation of good time;"
- 3
- 4 Page 4, line 24, through page 5, line 10:
- 5 Delete all material.
- 6
- 7 Renumber the following bill sections accordingly.
- 8
- 9 Page 5, line 16, following the first occurrence of "Act,":
- 10 Insert "and"
- 11
- 12 Page 5, lines 16 - 17:
- 13 Delete "and AS 33.20.010(a), as amended by sec. 5 of this Act,"

2023 HOUSE FINANCE COMMITTEE VOTE SHEET

Date: 5/5/23

Bill #: HB 66

Adopted Tally

Failed /

Conceptual Amendment:

Amendment: ~~8~~ 8

Report Out: ()

MEMBER

Favor

Oppose

REP. HANNAN	X	
REP. JOSEPHSON	X	
REP. ORTIZ	X	
REP. STAPP	X	
REP. TOMASZEWSKI	X	
REP. COLOUMBE	X	
REP. CRONK		X
REP. GALVIN	X	
REP. EDGMON	X	
REP. JOHNSON		X
REP. FOSTER	X	

YEA

9

NAY

2

Withdrawn

33-GH1482\B.5
Radford
4/13/23

AMENDMENT **#9**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE JOSEPHSON

- 1 Page 5, line 8:
- 2 Delete "AS 11.71.010 - 11.71.040"
- 3 Insert "AS 11.71.010 - 11.71.030"

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	3
(H) Publish Date:	2/8/2023

Identifier: 0482-LAW-CRIM-CJL-01-04-23
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Law
 Appropriation: Criminal Division
 Allocation: Criminal Justice Litigation
 OMB Component Number: 2202

Fiscal notes reviewed
5/1/23

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	FY			FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024	FY			FY 2028	FY 2029
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0		0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	Kaci Schroeder, Assistant Attorney General	Phone:	(907)465-3674
Division:	Criminal Division	Date:	01/04/2023 09:57 PM
Approved By:	Amber LeBlanc, Administrative Services Director	Date:	01/04/23
Agency:	Office of Management and Budget		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION**Analysis**

This legislation increases the penalty when a person distributes a controlled substance and a person dies as a result of ingesting the substance from a class A felony to an unclassified felony. It also establishes a new set of statutes specifically for vehicular homicide. Aggravated vehicular homicide (unclassified felony) will include conduct where a person operates a motor vehicle under circumstances manifesting extreme indifference to the value of human life, vehicular homicide (class A felony) will include conduct where a person operates a motor vehicle and recklessly causes the death of another, and negligent vehicular homicide (class B felony) will include conduct where a person operates a motor vehicle and negligently causes the death of another person.

While the Criminal Division may see some increase in litigation due to the increased penalties for homicides that occur due to drug distribution, it anticipates that it will be able to absorb this additional work within its existing budget. Similarly, the Criminal Division does not anticipate a fiscal impact from the establishment of the vehicular homicide offense series as these types of cases are already routinely handled and prosecuted by the Criminal Division. The creation of the vehicular homicide offense series does not create a new crime but more adequately describes the conduct at issue and clarifies the law in that area.

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	1
(H) Publish Date:	2/8/2023

Identifier: LL0482-2-DOC-IDO-1-28-2023
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Corrections
 Appropriation: Population Management
 Allocation: Institution Director's Office
 OMB Component Number: 1381

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	Melissa Jack, Budget Analyst	Phone:	(907)465-4641
Division:	Administrative Services	Date:	01/28/2023 10:00 AM
Approved By:	April Wilkerson, Deputy Commissioner	Date:	01/28/23
Agency:	Department of Corrections		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This legislation amends penalties associated with controlled substances and removes statutory good time for those persons convicted under statute AS 11.71.010 – 11.71.030 or 11.71.040(a)(1).

AS 11.41.110(a) is amended to include the condition that when someone who manufactures or delivers a controlled substance and the recipient dies as a result of ingesting the drug, the “dealer” can be charged with Murder 2 which is an unclassified felony. The impact of this change is anticipated to increase the daily inmate population starting in the third year of incarceration, however, is not expected to exceed the current available bed capacity within the prison system based on the current offender population.

AS 33.20.010(a) is amended adding AS 11.71.010 thru AS 11.71.040 to the list of offenses ineligible for statutory good time (STG). These offenses are the suite of Misconduct of Controlled Substances (MICS) offenses. The impact of this change is anticipated to increase the daily inmate population; however, is not expected to exceed the current available bed capacity within the prison system based on the current offender population.

There is no immediate financial impact associated with these changes.

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	CSHB 66(JUD)
Fiscal Note Number:	7
(H) Publish Date:	3/27/2023

Identifier: HB066-JUD-ACS-02-27-23
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: House Judiciary Committee

Department: Judiciary
 Appropriation: Alaska Court System
 Allocation: Trial Courts
 OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2024 Request	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? no
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? NA
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Initial version

Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	02/27/2023 10:00 AM
Approved By:	Nancy Meade for Stacey Marz, Administrative Director	Date:	02/27/23
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION**Analysis**

House Bill 66 would change the classification of the crime of knowingly manufacturing or delivering certain controlled substances, when that conduct directly results in the death of a person, from its current classification as Manslaughter to instead become Murder in the Second Degree. This means that the specified conduct will change from a class A felony to an Unclassified felony, with the increased penalties that correspond to that more serious classification. Changes in classifications of offenses can sometimes cause a fiscal impact on the court system, but this offense is not commonly charged and is not expected to increase workload or cause any impact.

In addition, section 2 of HB 66 provides that prisoners convicted of any felony drug crime would no longer be eligible for the good time deduction of one-third of their prison term, and will instead remain incarcerated for the entire sentenced term, absent other circumstances. Though an increase in the amount of time a sentenced person is required to spend in prison may cause parties to handle cases differently due to the changed consequences of a conviction, this provision is not expected to cause a fiscal impact for the court system.

The court system therefore submits this zero fiscal note.

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	6
(H) Publish Date:	2/8/2023

Identifier: LL0482-1-DOA-PDA-02-01-23
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Public Defender Agency
 OMB Component Number: 1631

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Personal Services	362.0		362.0	362.0	362.0	362.0	362.0
Travel	9.4		9.4	9.4	9.4	9.4	9.4
Services	73.6		73.6	73.6	73.6	73.6	73.6
Commodities	4.0		4.0	4.0	4.0	4.0	4.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	449.0	0.0	449.0	449.0	449.0	449.0	449.0

Fund Source (Operating Only)

1004 Gen Fund (UGF)	449.0		449.0	449.0	449.0	449.0	449.0
Total	449.0	0.0	449.0	449.0	449.0	449.0	449.0

Positions

Full-time	2.0						
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	Samantha Cherot, Public Defender	Phone:	(907)334-4414
Division:	Public Defender Agency	Date:	02/01/2023 12:00 AM
Approved By:	Leslie Isaacs, Administrative Service Director	Date:	02/01/2023
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This bill establishes a new murder charge where a person manufactures or delivers a controlled substance and a person dies as a direct result of taking the illegal drugs.

Cases charged as high level felonies with significant penalties often result in increased litigation and pre-trial preparation that can include contested sentencing and post-conviction litigation increasing the workload and costs for the Public Defender Agency.

The Agency will need the following positions to address the increased workload:

Add Attorney 4 (range 24/C, Anchorage)

Personal Services - \$181.0

Travel - \$9.4

Contractual - \$36.8

Supplies - \$2.0

Add Attorney 4 (range 24/C, Palmer)

Personal Services - \$181.0

Travel - \$9.4

Contractual - \$36.8

Supplies - \$2.0

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	5
(H) Publish Date:	2/8/2023

Identifier: 0482-2-DOA-OPA-02-01-23
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME
 DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Office of Public Advocacy
 OMB Component Number: 43

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Personal Services	181.0		181.0	181.0	181.0	181.0	181.0
Travel	4.7		4.7	4.7	4.7	4.7	4.7
Services	36.8		36.8	36.8	36.8	36.8	36.8
Commodities	2.0		2.0	2.0	2.0	2.0	2.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	224.5	0.0	224.5	224.5	224.5	224.5	224.5

Fund Source (Operating Only)

1004 Gen Fund (UGF)	224.5		224.5	224.5	224.5	224.5	224.5
Total	224.5	0.0	224.5	224.5	224.5	224.5	224.5

Positions

Full-time	1.0						
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	James Stinson, Director	Phone:	(907)269-3504
Division:	Office of Public Advocacy	Date:	12/29/2022 12:01 PM
Approved By:	Leslie Isaacs, Administrative Services Director	Date:	02/01/23
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This bill establishes a new murder charge where a person manufactures or delivers a controlled substance and a person dies as a direct result of taking the illegal drugs.

Cases charged as high level felonies with significant penalties often result in increased litigation and pre-trial preparation that can include contested sentencing and post-conviction litigation increasing the workload and costs for the Public Defender Agency.

The Agency will need the following positions to address the increased workload:

Add Attorney 4 (range 24/C, Anchorage)

Personal Services - \$181.0

Travel - \$4.7

Contractual - \$36.8

Supplies - \$2.5

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	4
(H) Publish Date:	2/8/2023

Identifier: 0482-2-DPS-ABI-01-24-2023
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME
 DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Public Safety
 Appropriation: Alaska State Troopers
 Allocation: Alaska Bureau of Investigation
 OMB Component Number: 2744

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	Elizabeth Freeman, Division Operations Manager	Phone:	(907)465-5501
Division:	Statewide Support	Date:	01/30/2023 10:00 AM
Approved By:	Pam Halloran, Administrative Services Director	Date:	01/27/2023
Agency:	Public Safety		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This proposed bill amends Alaska's homicide statutes by making it second-degree murder to knowingly manufacture or deliver a controlled substance in violation of certain controlled substance laws where a person dies as a direct result of ingesting the substance; and the bill creates a new criminal offense and aligns with Governor Dunleavy's public safety priorities by holding offenders accountable for their actions.

The bill also amends AS 33.20.010(a) adding an exemption for good time sentencing credits for conduct involving manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance.

Within the Department of Public Safety (DPS), Division of Alaska State Troopers (AST), the Alaska Bureau of Investigation (ABI) comprises State Trooper Investigators working in specialized units in Anchorage, Mat-Su, Fairbanks, Soldotna, Southeast Alaska, and Western Alaska. ABI coordinates and conducts major criminal investigations, including homicides, sexual assaults, fraud, forgery, computer and internet crimes, surveillance, missing persons, and lengthier property crimes investigations. ABI is also tasked with enforcing bootlegging and illegal drug distribution throughout Alaska.

The new subsection of murder in the second degree proposed in this bill will not result in the need for additional resources within ABI to handle homicide cases requiring investigation as written.

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 66
Fiscal Note Number:	2
(H) Publish Date:	2/8/2023

Identifier: 0482-DFCS-JJ-PS-1-30-23
 Title: CONTROLLED SUB.;HOMICIDE;GOOD TIME DEDUC.
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Family and Community Services
 Appropriation: Juvenile Justice
 Allocation: Probation Services
 OMB Component Number: 2134

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? NA

Why this fiscal note differs from previous version/comments:

Not applicable; initial version.

Prepared By:	Shannon Dilley, Director	Phone:	(907)465-8466
Division:	Juvenile Justice	Date:	01/26/2023 11:41 AM
Approved By:	Marian Sweet, Assistant Commissioner	Date:	01/30/23
Agency:	Department of Family and Community Services		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

The bill amends Alaska statute by reclassifying the crime of illegally manufacturing or delivering a controlled substance that directly results in a person dying from *Manslaughter* (class A felony) to *Murder in the second degree* (unclassified felony). The Department of Family and Community Services, Division of Juvenile Justice serves juvenile offenders based upon their needs and risk to reoffend. The bill will have no fiscal or programmatic impact on the division.

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450

Governor Mike Dunleavy
STATE OF ALASKA

February 7, 2023

The Honorable Cathy Tilton
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, AK 99801-1182

Dear Speaker Tilton:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to penalties for drug distribution and using controlled substances.

Drugs and drug overdoses have had a devastating effect on our state. According to the Department of Health's 2021 Drug Overdose Mortality Update, between 2020 and 2021, Alaska experienced the largest percent increase of drug overdose deaths of any state. In 2021, Alaska recorded over 100 deaths more than the previous year. Unfortunately, fentanyl, a highly potent opioid, makes up a large percentage of these drug related deaths. Increasingly, those who distribute drugs are mixing fentanyl with other types of drugs in order to cultivate addiction and attract buyers. These buyers may not necessarily know that fentanyl is mixed in with their drug of choice, increasing the risks associated with drug use.

This legislation attacks the problem at the point of distribution, making it second degree murder when a person distributes or manufactures a controlled substance and a person dies as a direct result of ingesting that substance. This legislation further serves to protect our communities by ensuring offenders convicted of distributing or manufacturing drugs will not be subject to early release due to a "good time" deduction from their sentence. Those who choose to manufacture or distribute drugs illegally should be put on notice that there are significant consequences for the harm they cause.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor

Enclosure



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Law

CRIMINAL DIVISION
CRIMINAL DIVISION CENTRAL OFFICE

PO Box 110300
Juneau, AK 99811
Main: 907.465.3600

**HB 66 CONTROLLED SUBSTANCES; HOMICIDE; GOOD TIME DEDUCTION –
SECTIONAL ANALYSIS
VERSION B**

March 28, 2023

Section 1. This section reclassifies a homicide resulting from conduct involving controlled substances from manslaughter to murder in the second degree. A person is guilty of murder in the second degree under this theory where the person violates misconduct involving a controlled substance in the first, second, third, or fourth degree for a schedule IVA controlled substance, and a person dies as a result of ingesting the drugs.

Section 2. This section amends misconduct involving a controlled substance in the first degree (unclassified felony) if a person delivers a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered.

Section 3. This section adds definitions for “incapacitated” and “mentally incapable” to misconduct involving a controlled substance in the first degree. This change is related to the change made in section 2.

Section 4. This section creates an enhanced sentencing range of seven – 11 years for persons who are convicted of class A felony level manufacturing or delivering a schedule IA controlled substance.

Section 5. This section amends computation of good time to preclude individuals convicted of misconduct involving a controlled substance in the first, second, third, and fourth degree from receiving a good time deduction from their sentence where the conduct involves manufacturing or delivering or possessing with the intent to manufacture or deliver a controlled substance.

Section 6. This section is the repealer section.

Section 7. This section is the applicability section. This bill will apply to offenses occurring on or after the effective date.

Section 8. This section establishes the effective date as July 1, 2023.



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Law

Criminal Division

PO Box 110300
Juneau, AK 99811-0300
Main: 907.465.3600
Fax: 907.465.2075

**HB 66 Summary of Changes
Version A to Version B**

The sections and concepts below were added in House Judiciary:

- **Section 2** of the bill was amended to make delivering a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered misconduct involving a controlled substance in the first degree (unclassified felony);
- **Section 3** adds definitions associated with the changes in section 2; and
- **Section 4** creates an enhanced sentencing range of 7-11 years for those who are convicted of delivering a schedule IA controlled substance.



Homicide Involving Controlled Substances Highlights

- **Drug related deaths plague our state¹**
 - 253 Alaskans died of a drug overdose in 2021.
 - 196 of those deaths were from opioids.
 - Synthetic opioids, like fentanyl, account for 3 out of 4 opioid overdose deaths.
 - Alaska's overdose death rate increased by 102% from 2017 to 2021.
 - Alaska's fentanyl deaths increased by 417% from 2017 to 2021.

- **Increases penalty for delivering a controlled substance to a person who is unaware that a controlled substance is being delivered**
 - Makes delivering a controlled substance to a person who is mentally incapable, incapacitated, or unaware that they are being given a controlled substance misconduct involving a controlled substance in the first degree.
 - Those who prey upon people who are in vulnerable states should be subject to a higher penalty than those who are purely distributing drugs.

- **Reclassifies offense:** to combat the scourge drug related deaths are having on our state, this legislation reclassifies a homicide that occurs when a controlled substance is delivered to a person and the person dies from ingesting the controlled substance from manslaughter to murder in the second degree.

- **Precludes "good time" deductions for certain drug dealers**
 - Good time deductions are precluded for individuals convicted of felony drug dealing.

¹ Alaska Department of Health, Division of Public Health, Drug Overdose Morality Update 2021 (2021), https://health.alaska.gov/dph/VitalStats/Documents/PDFs/DrugOverdoseMortalityUpdate_2021.pdf.

Controlled Substance Statutes Reference Chart¹

Statute	Class and Range ²	Conduct
11.71.010 Misconduct Involving a Controlled Substance in the <i>First</i> Degree	<u>Unclassified Felony</u> 5-99 Years (Maximum 99 Years)	<ul style="list-style-type: none"> • Delivers schedule IA, IIA, or IIIA controlled substances to people under 19 years of age where the dealer is more than 3 years older; • Engages in a continued felony drug dealing enterprise.
11.71.021 Misconduct Involving a Controlled Substance in the <i>Second</i> Degree	<u>Class A Felony</u> 4-7 Years (Maximum 20 Years)	<ul style="list-style-type: none"> • Manufactures/delivers* a schedule IA controlled substance; • Manufactures/intends to manufacture methamphetamine (including possession certain quantities of listed chemicals with intent to manufacture methamphetamine).³
11.71.030 Misconduct Involving a Controlled Substance in the <i>Third</i> Degree	<u>Class B Felony</u> 1-3 Years (Maximum 10 Years)	<ul style="list-style-type: none"> • Delivers schedule IVA, VA, or VIA controlled substances to people under 19 years of age where the dealer is 3 years older; • Manufactures/delivers* a schedule IIA or IIIA controlled substance.
11.71.040 Misconduct Involving a Controlled Substance in the <i>Fourth</i> Degree	<u>Class C Felony</u> 0-2 Years (Maximum 5 Years)	<ul style="list-style-type: none"> • Manufactures/delivers* a schedule IVA or VA controlled substance; • <i>Possesses</i> any amount of a schedule IA controlled substance; • Manufactures/delivers* more than one ounce of a schedule VIA controlled substance without proper permitting.
11.71.050 Misconduct Involving a Controlled Substance in the <i>Fifth</i> Degree	<u>Class A Misdemeanor</u> 0-365 Days (Maximum 365 Days)	<ul style="list-style-type: none"> • Manufactures/delivers* less than one ounce of a schedule VIA controlled substance without proper permitting; • Possesses any amount of a schedule IA, IIA, IIIA, IVA, or VA controlled substance without a proper prescription.

*Includes possession with intent to manufacture/deliver.

¹ This sheet provides a broad overview of 11.71, it is not comprehensive and is not meant to serve as legal advice or opinion. This is not a substitute for independent review of 11.71.

² Range is provided for a first-time offender.

³ Some listed chemicals include for example hydrochloric gas and red phosphorous. For a complete list see AS 11.71.200.

Drug Classifications⁴

Schedule ⁵	Included Drugs and Examples
IA	<ul style="list-style-type: none"> a) Synthetic and Non-synthetic Opiates <ul style="list-style-type: none"> ○ Heroin ○ Oxycodone ○ Fentanyl b) Gamma-Hydroxybutyric Acid <ul style="list-style-type: none"> ○ GHB (a common date rape drug)
IIA	<ul style="list-style-type: none"> a) Psychedelics/Hallucinogens <ul style="list-style-type: none"> ○ Peyote ○ Magic Mushrooms (Psilocybin) ○ PCP (Phencyclidine) ○ Ecstasy/Molly (MDMA) b) Stimulants <ul style="list-style-type: none"> ○ Methamphetamine ○ Adderall (Amphetamine) c) Barbiturates <ul style="list-style-type: none"> ○ Amobarbital ○ Pentobarbital d) Cocaine
IIIA	<ul style="list-style-type: none"> a) Stimulants: Appetite Suppressants <ul style="list-style-type: none"> ○ Didrex (Benzphetamine) b) Depressants: Sedative-Hypnotics <ul style="list-style-type: none"> ○ Glutethimide ○ Sulfonmethane c) Certain Anesthetics <ul style="list-style-type: none"> ○ Telazol/Zoletil (Tiletamine & Zolazepam)
IVA	<ul style="list-style-type: none"> a) Benzodiazepines <ul style="list-style-type: none"> ○ Xanax (Alprazolam) ○ Ativan (Lorazepam) ○ Valium (Diazepam) b) Ketamine
VA	<ul style="list-style-type: none"> a) Buprenorphine <ul style="list-style-type: none"> ○ Suboxone b) Anabolic Steroids <ul style="list-style-type: none"> ○ Testosterone ○ Anadrol (Oxymetholone)
VIA	<ul style="list-style-type: none"> a) Marijuana

⁴ This is not a comprehensive list of the controlled substance classifications. It is not legal advice and does not serve as a substitute for independent review of 11.71.

⁵ The Alaska Controlled Substance Schedule is in AS 11.71.140-11.71.190.



Alaska Department of Health
Division of Public Health
Health Analytics and Vital Records Section
HealthAnalytics@Alaska.Gov
Office of Substance Misuse and Addiction Prevention
OSMAP@Alaska.Gov



Alaska Facts and Figures

2021 Drug Overdose Mortality Update (July 25th, 2022)

Background

Drug overdoses are a significant contributor to mortality in Alaska and represent an ongoing public health concern. Deaths by overdose have been increasing annually since 2018. This report is designed to provide an update on the current state of Alaska drug overdose mortality through 2021. Data from 2021 may be incomplete and should be considered provisional and subject to change.

Methods

The Alaska Health Analytics and Vital Records Section's Electronic Vital Records System was queried for Alaska resident or non-resident certificates of death occurring in-state between 2012 and 2021. Overdoses are identified using the International Classification of Disease, 10th Revision (ICD-10) codes for unintentional (X40-X44), suicide (X60-X64), homicide (X85), or undetermined intent (Y10-Y14) drug poisoning. Overdose deaths are tabulated based on the decedent's underlying cause of death (defined as the condition or injury that initiated the train of morbid events leading directly to death). Deaths due to alcohol-poisoning or drug-related traumatic injuries such as motor vehicle accidents are not included.

Overdose deaths are further categorized by the multiple contributing causes of death (defined as all other causes in the train of morbid events) in order to identify select types of illicit drugs. This includes selected ICD-10 codes for narcotic and psychodysleptic (hallucinogen) drugs ("narcotics": T400-T409), antiepileptic, sedative-hypnotic and antiparkinsonism drugs ("sedatives": T420-T428) and psychotropic drugs, not elsewhere classified ("psychotropics": T430-T439). The literal text of the cause of death descriptions are also analyzed to identify additional drugs not directly captured using ICD-10 codes. This includes fentanyl and its analogues and methamphetamine, which are classified as sub-categories of other synthetic narcotic (T404) and psychostimulant (T436) drugs, respectively. Tabulations of overdose deaths by drug type are not mutually exclusive and a single overdose involving multiple drugs can be counted in multiple drug categories. Multidrug overdoses and the top fatal drug combinations are also examined.

Data are stratified by the demographic and regional characteristics of the decedent, including sex, bridged race, ethnicity, age, and Public Health Region where the death occurred. Death rates per 100,000 are calculated using population estimates from the Alaska Department of Labor and Workforce Development. If any population estimates were not available at the time of analysis, values were substituted using the previous year's estimate. Rates are age-adjusted by U.S. Standard Year 2000 Population levels, when possible, to correct for natural differences in the age distribution of the population. Results have not been tested for statistical significance and are subject to change.

Results

Overdose Summary

- 1,382 drug overdose deaths have occurred in Alaska between 2012 and 2021 (an average of about 138 deaths per year).
 - In 2021, there were 253 overdose deaths, up from 146 in 2020.
 - In 2021, the overdose death rate was 35.2 deaths per 100,000, up from 20.2 in 2020.
- By sex, men typically experience higher overdose death rates than women.
 - In 2021, the overdose death rate for men was 42.9 deaths per 100,000, compared to 26.9 for women.
- By race, American Indian/Alaska Native (AI/AN) people typically experience higher overdose death rates than other races.
 - In 2021, the overdose death rate for AI/AN people was 77.7 deaths per 100,000, compared to 40.1 in 2020.
 - In 2021, the overdose death rate for White people was 28.8 deaths per 100,000, compared to 15.6 in 2020.
 - In 2021, Asian/PI, Black, and Hispanic (of any race) people experienced fewer than 20 overdose deaths, making rate estimates statistically unreliable.
- By age, young adults and middle-aged people between 25 to 54 years old typically experience higher overdose death rates than other ages.
 - In 2021, the overdose death rate was highest among people aged 25 to 34 years old, at 64.6 deaths per 100,000. This was followed closely by people aged 45 to 54 years old and aged 35 to 44 years old, at 63.4 and 57.2 deaths per 100,000, respectively.
- By geography, the Anchorage Public Health Region had the state’s highest overdose death rate in 2021, at 49.3 deaths per 100,000, up from 31.4 in 2020.

Figure 1. Overdose Deaths by Year (2012-2021)

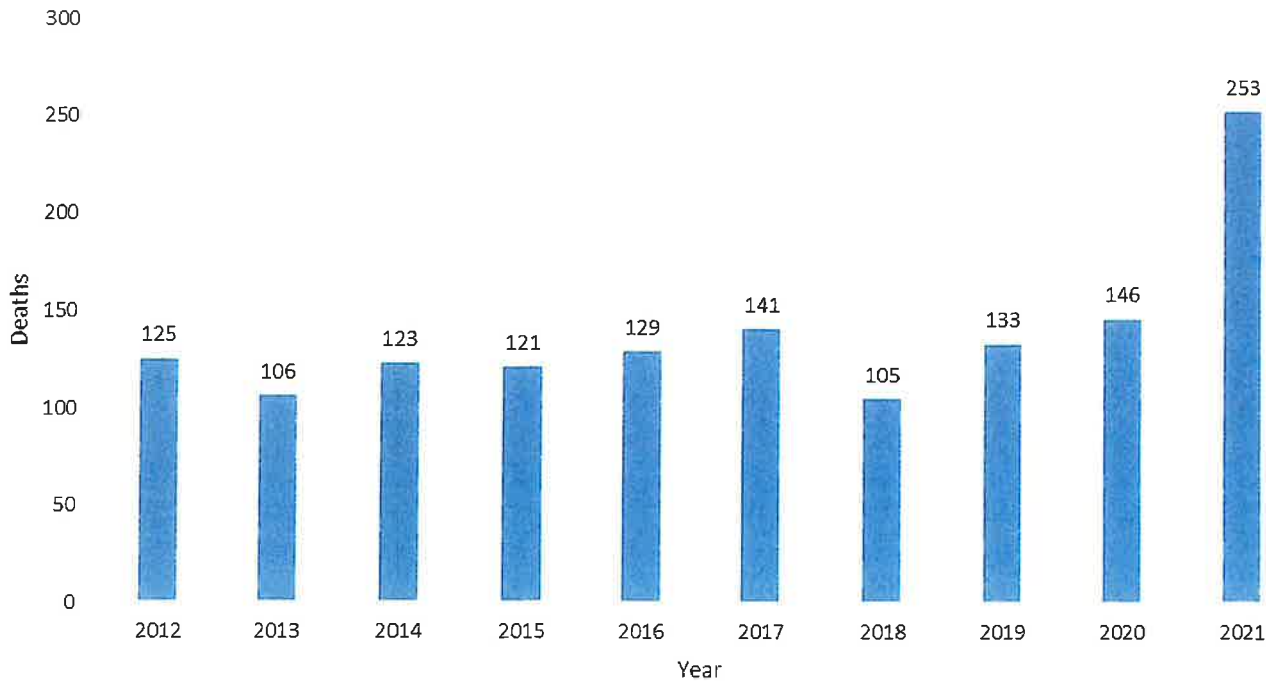


Table 1. Overdose Deaths by Year (2012-2021)

Underlying Cause	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
Drug Overdose	125	106	123	121	129	141	105	133	146	253	1,382

Note: Drug poisoning (overdose) underlying cause of death ICD-10 codes: X40-X44, X60-X64, X85, Y10-Y14.

Table 2. Overdose Deaths (Rates) by Sex (2017-2021)¹

Sex	2017	2018	2019	2020	2021
Male	82 (22.3)	60 (15.1)	93 (24.4)	94 (25.3)	159 (42.9)
Female	59 (16.1)	45 (12.7)	40 (11.3)	52 (14.8)	94 (26.9)

Table 3. Overdose Deaths (Rates) by Race/Ethnicity (2017-2021)¹

Race/Ethnicity	2017	2018	2019	2020	2021
White	94 (18.3)	73 (13.5)	80 (15.3)	80 (15.6)	146 (28.8)
AI/AN	36 (30.7)	22 (20.7)	40 (34.8)	45 (40.1)	90 (77.7)
Asian/PI	2 (**)	1 (**)	5 (**)	4 (**)	2 (**)
Black	7 (24.2*)	8 (21.8*)	8 (27.0*)	12 (34.7*)	13 (39.4*)
Hispanic (Any Race)	8 (16.2*)	3 (**)	1 (**)	4 (**)	6 (11.3*)

Table 4. Overdose Deaths (Rates) by Age (2017-2021)¹

Age	2017	2018	2019	2020	2021
<5 Years	0 (NA)	0 (NA)	1 (**)	0 (NA)	0 (NA)
5-14 Years	0 (NA)	0 (NA)	0 (NA)	0 (NA)	0 (NA)
15-24 Years	11 (11.4*)	10 (10.5*)	7 (7.5*)	18 (19.5*)	27 (29.2)
25-34 Years	35 (30.4)	22 (19.5)	46 (41.0)	33 (30.0)	71 (64.6)
35-44 Years	32 (34.1)	23 (24.1)	34 (35.0)	36 (36.1)	57 (57.2)
45-54 Years	36 (39.2)	23 (26.0)	19 (22.2*)	29 (34.7)	53 (63.4)
55-64 Years	21 (21.1)	24 (24.3)	17 (17.4*)	24 (25.3)	32 (33.7)
65-74 Years	4 (**)	3 (**)	7 (11.3*)	5 (**)	10 (15.5*)
75-84 Years	2 (**)	0 (NA)	2 (**)	1 (**)	3 (**)
85+ Years	0 (NA)	0 (NA)	0 (NA)	0 (NA)	0 (NA)

Table 5. Overdose Deaths (Rates) by Region (2017-2021)¹

Region	2017	2018	2019	2020	2021
Anchorage	81 (27.3)	51 (16.5)	57 (19.3)	90 (31.4)	142 (49.3)
Gulf Coast	10 (13.1*)	15 (17.7*)	16 (18.8*)	12 (12.8*)	30 (40.3)
Interior	17 (14.8*)	12 (10.3*)	22 (19.3)	10 (8.2*)	19 (15.9*)
Mat-Su	13 (12.4*)	15 (14.1*)	15 (15.0*)	20 (19.0)	27 (24.5)
Northern	0 (NA)	1 (**)	5 (**)	3 (**)	3 (**)
Southeast	15 (20.5*)	7 (9.0*)	11 (15.3*)	7 (10.8*)	24 (35.0)
Southwest	5 (**)	4 (**)	7 (16.9*)	4 (**)	8 (21.1*)
Statewide	141 (19.3)	105 (14.0)	133 (18.1)	146 (20.2)	253 (35.2)

Note: Drug poisoning (overdose) underlying cause of death ICD-10 codes: X40-X44, X60-X64, X85, Y10-Y14.

1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Populations for Sex, Race/Ethnicity, and Region.

* Rates based on fewer than 20 events are statistically unreliable and should be used with caution.

* Rates based on fewer than 6 events are not reported.

Overdoses by Drug

- 778 total drug overdose deaths occurred in Alaska between 2017 and 2021.
- 546 opioid overdose deaths occurred in Alaska between 2017 and 2021 (an average of about 109 deaths per year).
 - In 2021, there were 196 opioid overdose deaths, up from 102 in 2020.
 - In 2021, the opioid overdose death rate was 27.3 deaths per 100,000, up from 14.0 in 2020.
 - Other synthetic narcotics, a category that includes synthetic opioids such as fentanyl, were involved in 150 deaths.
- 403 psychostimulant overdose deaths occurred in Alaska between 2017 and 2021 (an average of about 81 deaths per year).
 - In 2021, there were 159 psychostimulant overdose deaths, up from 67 in 2020.
 - In 2021, the psychostimulant overdose death rate was 22.2 deaths per 100,000, up from 9.4 in 2020.

Table 6. Narcotics Overdose Deaths (Rates) by Drug (2017-2021)¹

Drug (ICD-10 Code)	2017	2018	2019	2020	2021
Total Narcotics (T400-T409)	107 (14.4)	72 (9.3)	88 (11.7)	107 (14.6)	199 (27.6)
Opioids (T400-T404, T406)	100 (13.6)	65 (8.4)	83 (11.0)	102 (14.0)	196 (27.3)
Heroin (T401)	36 (4.9)	28 (3.7)	45 (6.0)	31 (4.3)	65 (9.0)
Analgesic Opioids (T402-T404)	75 (10.0)	46 (5.9)	60 (7.8)	88 (12.1)	177 (24.7)
Analgesics Excl. Other Synth. (T402-T403)	50 (6.6)	37 (4.8)	46 (6.0)	44 (5.7)	79 (10.9)
Other Opioids (T402)	46 (6.1)	33 (4.3)	41 (5.3)	37 (4.7)	72 (9.9)
Methadone (T403)	8 (1.0*)	9 (1.2*)	9 (1.2*)	8 (1.1*)	12 (1.6*)
Other Synthetic Narcotics (T404)	37 (4.8)	16 (2.0*)	23 (3.2)	61 (8.7)	150 (21.1)
Fentanyl (T404 + Fentanyl Or Analogue)	28 (3.6)	9 (1.1*)	15 (2.2*)	58 (8.2)	145 (20.4)
Other And Unspecified Narcotics (T406)	24 (3.4)	22 (2.9)	24 (3.0)	23 (3.0)	15 (2.0*)
Non-Opioids (T405, 407-409)	18 (2.3*)	11 (1.4*)	7 (0.9*)	21 (2.9)	13 (1.5*)
Cocaine (T405)	18 (2.3*)	10 (1.3*)	7 (0.9*)	21 (2.9)	11 (1.3*)
Cannabis (Derivatives) (T407)	0 (NA)	1 (**)	0 (NA)	0 (NA)	2 (**)

Table 7. Sedatives Overdose Deaths (Rates) by Drug (2017-2021)¹

Drug (ICD-10 Code)	2017	2018	2019	2020	2021
Total Sedatives (T420-T428)	39 (5.4)	26 (3.6)	26 (3.7)	26 (3.6)	20 (2.9)
Benzodiazepines (T424)	32 (4.5)	24 (3.2)	18 (2.6*)	20 (2.8)	12 (1.7*)

Table 8. Psychotropics Overdose Deaths (Rates) by Drug (2017-2021)¹

Drug (ICD-10 Code)	2017	2018	2019	2020	2021
Total Psychotropics (T430-T439)	78 (10.8)	59 (8.2)	74 (9.9)	75 (10.4)	169 (23.6)
Antidepressants (T430-T432)	13 (1.8*)	11 (1.7*)	11 (1.6*)	10 (1.3*)	13 (1.9*)
Antipsychotics (T433-T435)	7 (0.9*)	5 (**)	2 (**)	4 (**)	6 (0.9*)
Psychostimulants (T436)	64 (9.0)	49 (6.7)	64 (8.6)	67 (9.4)	159 (22.2)
Methamphetamine (T436 + Meth.)	60 (8.4)	44 (6.0)	59 (7.8)	62 (8.7)	154 (21.5)

Note: Drug categories are not mutually exclusive. A single overdose death involving multiple drugs can be counted in multiple categories.

1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Population.

* Rates based on fewer than 20 events are statistically unreliable and should be used with caution.

* Rates based on fewer than 6 events are not reported.

Overdoses by Drug - Trends

- Total drug overdose death rates have increased annually since 2018.
 - In 2021, the overdose death rate was 35.2 deaths per 100,000, up from 17.0 in 2012.
 - Increases in overdose death rates since 2018 appear to be driven largely by increases in narcotic and psychotropic drugs, both of which have increased since 2012.
 - Sedative drug overdose rates have been relatively stable over time, decreasing slightly since 2012.

Figure 2. Overdose Death Rates by Drug (2012-2021)¹

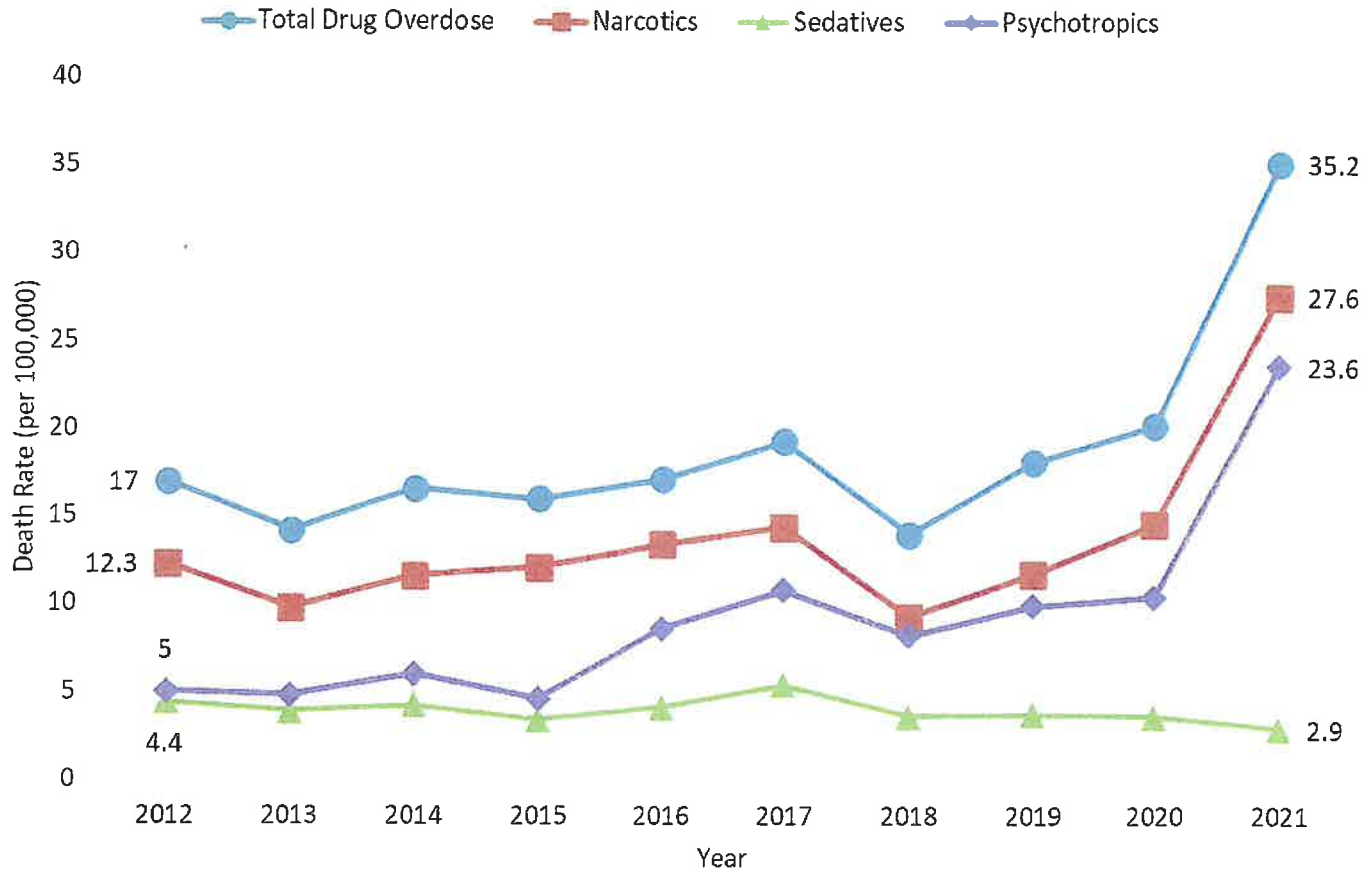


Table 9. Overdose Death Rates by Drug (2012-2021)¹

Drug	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total Drug Overdose	17	14.2	16.6	16	17.1	19.3	14	18.1	20.2	35.2
Narcotics	12.3	9.8	11.6	12.1	13.4	14.4	9.3	11.7	14.6	27.6
Sedatives	4.4	3.9	4.2	3.4	4.1	5.4	3.6	3.7	3.6	2.9
Psychotropics	5	4.8	6	4.6	8.6	10.8	8.2	9.9	10.4	23.6

Note: Drug categories are not mutually exclusive. A single overdose death involving multiple drugs can be counted in multiple categories.
 1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Population.

Multidrug Overdoses

- Between 2017 and 2021, 37% of drug overdose deaths involved a single type of narcotic, sedative, or psychotropic drug, 25% involved two drugs, and 34% involved three or more drugs.
- Between 2017 and 2021, heroin plus psychostimulants were the two most common lethal multidrug combinations, found in 18.6% of drug overdose deaths. This was followed closely by other synthetic narcotics plus psychostimulants, found in 18.4% of deaths.

Table 10. Drug Overdose Deaths (Percentage) by Number of Drugs (2017-2021)

Drugs	2017	2018	2019	2020	2021	Total
One Drug	48 (34%)	45 (43%)	48 (36%)	57 (39%)	88 (35%)	286 (37%)
Two Drugs	39 (28%)	19 (18%)	29 (22%)	36 (25%)	69 (27%)	192 (25%)
Three or More Drugs	49 (35%)	38 (36%)	42 (32%)	43 (29%)	90 (36%)	262 (34%)
Other or Unspecified Drugs	5 (4%)	3 (3%)	14 (11%)	10 (7%)	6 (2%)	38 (5%)
Total Drug Overdoses	141 (100%)	105 (100%)	133 (100%)	146 (100%)	253 (100%)	778 (100%)

Note: Multidrug overdose deaths with drug types in selected ICD-10 code ranges for narcotic, sedative, or psychotropic drugs: T400-T409, T420-T428, T430-T439. Deaths with codes outside the selected range or where no drug was identified are classified as other or unspecified.

Table 11. Top Ten Multidrug Overdose Combinations by Deaths (2017-2021)

Rank	Drug A (ICD-10 Code)	Drug B (ICD-10 Code)	Deaths	% Total ODs (N=778)
1	Heroin (T401)	Psychostimulants (T436)	145	18.6%
2	Other Synthetic Narcotics (T404)	Psychostimulants (T436)	143	18.4%
3	Other Opioids (T402)	Psychostimulants (T436)	107	13.8%
4	Other Opioids (T402)	Other Synthetic Narcotics (T404)	90	11.6%
5	Heroin (T401)	Other And Unspecified Narcotics (T406)	76	9.8%
6	Other And Unspecified Narcotics (T406)	Psychostimulants (T436)	72	9.3%
7	Heroin (T401)	Other Synthetic Narcotics (T404)	71	9.1%
8	Heroin (T401)	Other Opioids (T402)	70	9.0%
9	Benzodiazepines (T424)	Other Opioids (T402)	52	6.7%
10	Other And Unspecified Narcotics (T406)	Other Opioids (T402)	51	6.6%

Note: Multidrug overdoses with drug types in selected ICD-10 code ranges for narcotic, sedative, or psychotropic drugs: T400-T409, T420-T428, T430-T439. Drug A and B order is arbitrary and not indicative of each drug’s level of contribution to the overdose death.

Discussion

In 2021, Alaska experienced the largest percent increase in overdose deaths of any state in the United States.¹ Between 2020–2021, drug overdose death rates increased for most drug categories examined in this report, resulting in a 74% increase in the overall drug overdose death rate. Of the drugs evaluated in the report, the largest increases were seen in overdose deaths involving fentanyl (a synthetic opioid) and methamphetamine (a psychostimulant), increasing 150% and 148%, respectively. The largest declines were seen in cocaine and benzodiazepine overdose deaths (48% and 40%, respectively). In 2021, individuals at comparatively higher risk of dying from drug overdose included men, American Indian/Alaska Native people, young adults, and those residing in the Anchorage Public Health Region. Multidrug use can be a significant driver of overdose mortality due to the physiological effects on the cardiovascular and respiratory systems when mixing categories of substances. Of the 778 total overdose deaths that occurred between 2017–2021, 58% involved drugs from more than one narcotic, sedative, or psychotropic category, including 34% that involved drugs from three or more categories.

¹ Ahmad FB, Rossen LM, Sutton P. Provisional drug overdose death counts. National Center for Health Statistics. 2021.

These data are consistent with recent national findings of most overdose deaths involving more than one substance.² 2019 data across 24 states and Washington DC revealed that fentanyl, heroin, cocaine, or methamphetamine (alone or in combination) were involved in nearly 85% of drug overdose deaths.³ Overdose deaths involving synthetic opioids excluding methadone (primarily fentanyl) are projected to have increased for the ninth straight year in 2021,⁴ as fentanyl continues to be mixed with heroin, stimulants, and counterfeit pills.⁵ In Alaska, fentanyl was involved in nearly three out of four opioid overdose deaths, and many of these fentanyl-involved overdose deaths involved an additional substance, such as methamphetamine or heroin. The high potency of fentanyl combined with the tendency for mixing or co-use with other substances complicates intervention and treatment efforts.

In Alaska, the number of overdose deaths involving methamphetamines increased by 148% in 2021. The significant number of deaths involving psychostimulants warrants an increase in available and accessible stimulant use disorder treatment, and further analysis into risk and protective factors associated with stimulant misuse and addiction. Psychostimulants were involved in the top three overdose drug combinations (with heroin, other synthetic narcotics, and other opioids being the other substances) across 778 overdose deaths in the last five years. This suggests that harm reduction strategies should be integrated across multiple venues that include naloxone distribution to people who use stimulants, and multidrug use education on the lethality of combining substances.

More than a dozen State of Alaska (SOA) programs focus on prevention, treatment, and recovery strategies to counter overdose morbidity and mortality. Several initiatives specifically address fentanyl-involved overdose deaths. Since 2017, SOA Department of Health (DOH) Office of Substance Misuse and Addiction Prevention, through Project HOPE,⁶ has distributed over 60,000 kits of naloxone to community members, a medication that has been demonstrated worldwide to reduce fatal overdose, with over 300 overdoses reversed in Alaska.^{7, 8} Currently, Project HOPE incorporates fentanyl test strips and other resources into each naloxone kit. In 2022, a new initiative called Project Gabe,⁹ supported by Project HOPE and the Section of Public Health Nursing, was launched to provide opioid misuse awareness, education, and prevention resources (including naloxone) to the fishing industry, as studies demonstrate employees in some occupational industries are at higher risk of being affected by the opioid epidemic. Finally, several public service announcements, posters, an Anchorage located bus advertisement, and website were developed and can be found at <http://opioids.alaska.gov>.

Engaging with people at high risk of overdose is key to preventing more deaths. Mobile crisis units connect people with the most appropriate resources from the onset of a behavioral health crisis through their recovery and follow up care. The Restore Hope in Linkage to Care Collaboration Program supports local behavioral health agencies, Anchorage Fire Department, and City of Fairbanks partners to connect people at point of emergency response to treatment and other social services. Since the inception of this program, 34 people engaged in treatment. The 1115 Medicaid Waiver Services is also integral to these efforts as it incorporated reimbursement rates for an increased breadth of behavioral health agencies as well as for mobile outreach and crisis response services.

SOA DOH has also been working with tribal and academic partners to incorporate a variety of provider education trainings, and tools including Project ECHO, a collaborative model of education that makes specialty knowledge more accessible to rural healthcare providers.¹⁰ Improving awareness among providers of their existing prescribing practices is important to support the

² Hedegaard, H., Bastian, B., Trinidad, J., Warner, M. (2018). "Drugs most frequently involved in drug overdose deaths: United State, 2011-2016." *National Vital Statistics Reports*, 67(9). Retrieved 22 Aug 2019 from: https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67_09-508.pdf.

³ O'Donnell, J., Gladden, RM., Mattson, C., et al. (2020). "Vital signs: characteristics of drug overdose deaths involving opioids and stimulants – 24 states and the District of Columbia, January-June 2019". *MMWR Morbidity and Mortality Weekly Report*, 69(35): 1189-1197.

⁴ Ahmad FB, Rossen LM, Sutton P. Provisional drug overdose death counts. National Center for Health Statistics. 2021.

⁵ Drug Enforcement Administration (DEA). "2020 National Drug Threat Assessment." Retrieved from: https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf.

⁶ Project Hope: <https://dhss.alaska.gov/health/osmap/Pages/hope.aspx>.

⁷ Chimbar, L., & Moleta, Y. (2018). "Naloxone effectiveness: a systematic review." *Journal of Addictions Nursing*, 29(3): 161-171.

⁸ B. Hanson (personal communication, November 10, 2020).

⁹ Project GABE: https://dhss.alaska.gov/health/News/Documents/press/2022/DHSS_PressRelease_DPH_ProjectGabe_20220607.pdf.

¹⁰ Project ECHO: <https://health.alaska.gov/dph/HealthPlanning/Pages/telehealth/ECHO.aspx>.

increase in training opportunities. The Alaska Medicaid Drug Utilization Program continues to promote evidence-based opioid prescribing activities and has resulted in a decrease in overall opioid prescribing within the Alaska Medicaid population. The SOA Department of Commerce, Community, and Economic Development facilitates the Prescription Drug Monitoring Program,¹¹ a system that requires all providers to report prescriptions of opioids and benzodiazepines as well as other substances. The system has seen a 41% increase in the number of registered users since 2018 and a 30% decrease in the total number of opioid prescriptions between 2017 and 2021.¹² The SOA DOH and Department of Corrections has scaled up screening, referral, linkage to care, and treatment funding and intervention through the implementation of the 1115 waiver,¹³ Alaska Prenatal Screening Program,¹⁴ and Medication Assisted Treatment training.¹⁵ Studies indicate that mortality risk is lowered when people access methadone or buprenorphine treatment.¹⁶

Aside from these examples of the SOA's efforts, a variety of state, federal, and local organizations have conducted interventions across the spectrum of prevention, treatment, and recovery. To continue to see the impact in 2023, SOA and its partners have, and will continue to, work upstream addressing social determinants of health¹⁷ and Adverse Childhood Experiences,¹⁸ availability of medication assisted treatment, and the demographic disparities in overdose mortality.

Evidence-Based Strategies to Reduce Drug Overdose Deaths

1. Prevention:

- a. Educational campaigns.
- b. Interventions tailored to the community.
- c. Prescription drug monitoring programs.
- d. Opioid prescribing guidelines.
- e. Regulating promotion and marketing of opioids.
- f. Better mental health care.
- g. Opioid safe disposal locations.

2. Harm Reduction:

- a. Availability of fentanyl test strips.
- b. Naloxone access and training.
- c. Syringe services programs.
- d. Supervised injection sites.

3. Treatment:

- a. Increase access to treatment, including through telehealth.
- b. Medications for opioid use disorder.
- c. Expand and diversify treatment workforce.
- d. Improve health care workforce addiction training.
- e. Reduce stigma for seeking care.
- f. Access to culturally competent care.
- g. Treatment alternatives to incarceration.

4. Recovery:

¹¹ <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PrescriptionDrugMonitoringProgram.aspx>.

¹² Alaska Prescription Drug Monitoring Program. (2022). "Alaska Prescription Drug Monitoring Program report to the 32nd Alaska State Legislature (2022)." *Prepared for the 32nd Alaska Legislature on May 2, 2022*. Retrieved from: https://www.commerce.alaska.gov/web/portals/5/pub/PHA_PDMP_2022_LegislativeReport.pdf.

¹³ <https://health.alaska.gov/dbh/Pages/1115/default.aspx>.

¹⁴ Singleton, R., Slaunwhite, A., Herrick, M., Hirschfeld, M., Brunner, L., ...Rider, E. (2019). "Research and policy priorities for addressing prenatal exposure to opioids in Alaska." *International Journal of Circumpolar Health*, 78(1).

¹⁵ <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=192562>.

¹⁶ Sordo, L., Barrio, G., Bravo, M., Indave, B., Degehardt, L., ...Pastor-Barriuso, R. (2017). "Mortality risk during and after opioid substitution treatment: systematic review and meta-analysis of cohort studies." *The BMJ*, 357.

¹⁷ Healthypeople.gov. (2019). "Substance Abuse." Retrieved 16 Sept 2019 from: <https://www.healthypeople.gov/2020/leading-health-indicators/2020-lhi-topics/Substance-Abuse/determinants>.

¹⁸ Hughes, K., Bellis, M., Hardcastle, K., Sethi, D., Butchart, A., ... Dunne, M. (2017). "The effect of multiple adverse childhood experiences on health: a systematic review and meta-analysis." *The Lancet, Public Health*, 2(8): ee356-e366.

- a. Employment opportunities for people in recovery.
 - b. Expanded access to recovery housing.
 - c. Peer counseling.
 - d. Intensive support to sustain recovery.
5. Data Collection
- a. Promote timely collection of local data, including demographics.
 - b. Make real-time, disaggregated data available for identifying at-risk groups.
 - c. Use information gathered to inform effective, community tailored strategies.

Prepared By

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Braes letter

I was asked to write something about the loss of my son, Braeden, and how his death from a fentanyl poisoning has affected me and my family but I can tell you, it's hard to put into words.

There's nothing that can fill the hole that has been left behind for me, my family, and many friends. His absence is deeply felt, every day.

He was only 20 years old when he died. Six foot six and a smile as bright as the sun that would light up any room when he entered. He was looking forward to traveling and exploring the world as soon as Covid restrictions were lifted but that never happened for him.

I went to his apartment on a Monday morning to wake him for work and found him slumped over, expired in his chair. I didn't know what to do but try to lift him out of it and perform CPR, even though I knew it was too late.

His skin was purple and there was a slight bit of blood coming from his nose. He had hemorrhaged from being in that position too long.

It is time for them to be put on notice and make it known that we will not stand for their dealings in death any longer. There needs to be serious consequences for this complete disregard of life, and they need to know how their actions affect the communities they live in. They destroy more than just the person who uses the drugs they provide; it devastates entire families.

I ask God every day, why He took my boy from me and the world.

I may never have the answer, but I feel like we can make a difference and use his story and others, as an example to change laws and bring some justice for those who have been lost needlessly but not pointlessly.

Braedens memory lives on.

Thank you for your time.
Forever grieving,
Athena Fulton

--

CS FOR HOUSE BILL NO. 66(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/27/23

Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to homicide resulting from conduct involving controlled substances;**
2 **relating to misconduct involving a controlled substance in the first degree; relating to**
3 **sentencing; relating to the computation of good time; and providing for an effective**
4 **date."**

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

6 *** Section 1.** AS 11.41.110(a) is amended to read:

7 (a) A person commits the crime of murder in the second degree if

8 (1) with intent to cause serious physical injury to another person or
9 knowing that the conduct is substantially certain to cause death or serious physical
10 injury to another person, the person causes the death of any person;

11 (2) the person knowingly engages in conduct that results in the death
12 of another person under circumstances manifesting an extreme indifference to the
13 value of human life;

14 (3) under circumstances not amounting to murder in the first degree

1 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
 2 person commits or attempts to commit arson in the first degree, kidnapping, sexual
 3 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
 4 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
 5 degree, escape in the first or second degree, robbery in any degree, or misconduct
 6 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
 7 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
 8 in immediate flight from that crime, any person causes the death of a person other than
 9 one of the participants;

10 (4) acting with a criminal street gang, the person commits or attempts
 11 to commit a crime that is a felony and, in the course of or in furtherance of that crime
 12 or in immediate flight from that crime, any person causes the death of a person other
 13 than one of the participants; or

14 (5) the person with criminal negligence causes the death of a child
 15 under the age of 16, and the person has been previously convicted of a crime involving
 16 a child under the age of 16 that was

17 (A) a felony violation of AS 11.41;

18 (B) in violation of a law or ordinance in another jurisdiction
 19 with elements similar to a felony under AS 11.41; [OR]

20 (C) an attempt, a solicitation, or a conspiracy to commit a
 21 crime listed in (A) or (B) of this paragraph; or

22 **(6) the person knowingly manufactures or delivers a controlled**
 23 **substance in violation of AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule**
 24 **IVA controlled substances, and a person dies as a direct result of ingestion of the**
 25 **controlled substance; the death is a result that does not require a culpable mental**
 26 **state; in this paragraph, "ingestion" means voluntarily or involuntarily taking a**
 27 **substance into the body in any manner.**

28 * Sec. 2. AS 11.71.010(a) is amended to read:

29 (a) Except as authorized in AS 17.30, a person commits the crime of
 30 misconduct involving a controlled substance in the first degree if the person

31 (1) delivers any amount of a schedule IA controlled substance to a

1 person under 19 years of age who is at least three years younger than the person
2 delivering the substance;

3 (2) delivers any amount of a schedule IIA or IIIA controlled substance
4 to a person under 19 years of age who is at least three years younger than the person
5 delivering the substance; [OR]

6 (3) engages in a continuing criminal enterprise; or

7 **(4) delivers any amount of a schedule IA, IIA, IIIA, or IVA**
8 **controlled substance to a person who is**

9 **(A) mentally incapable;**

10 **(B) incapacitated; or**

11 **(C) unaware that a controlled substance is being delivered.**

12 * **Sec. 3.** AS 11.71.010(b) is amended to read:

13 (b) For purposes of this section,

14 **(1)** a person is engaged in a "continuing criminal enterprise" if

15 **(A)** [(1)] the person commits a violation of this chapter which
16 is punishable as a felony; and

17 **(B)** [(2)] that violation is a part of a continuing series of five or
18 more violations of this chapter

19 **(i)** [(A)] which the person undertakes in concert with at
20 least five other persons organized, supervised, or otherwise managed by
21 the person; and

22 **(ii)** [(B)] from which the person obtains substantial
23 income or resources;

24 **(2) "incapacitated" has the meaning given in AS 11.41.470;**

25 **(3) "mentally incapable" has the meaning given in AS 11.41.470.**

26 * **Sec. 4.** AS 12.55.125(c) is amended to read:

27 (c) Except as provided in (i) of this section, a defendant convicted of a class A
28 felony may be sentenced to a definite term of imprisonment of not more than 20 years,
29 and shall be sentenced to a definite term within the following presumptive ranges,
30 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

31 (1) if the offense is a first felony conviction and does not involve

1 circumstances described in (2) of this subsection, four to seven years;

2 (2) if the offense is a first felony conviction

3 (A) and the defendant possessed a firearm, used a dangerous
4 instrument, or caused serious physical injury or death during the commission
5 of the offense, or knowingly directed the conduct constituting the offense at a
6 uniformed or otherwise clearly identified peace officer, firefighter, correctional
7 employee, emergency medical technician, paramedic, ambulance attendant, or
8 other emergency responder who was engaged in the performance of official
9 duties at the time of the offense, seven to 11 years;

10 (B) and the conviction is for manufacturing related to
11 methamphetamine under AS 11.71.021(a)(2)(A) or (B), seven to 11 years if

12 (i) the manufacturing occurred in a building with
13 reckless disregard that the building was used as a permanent or
14 temporary home or place of lodging for one or more children under 18
15 years of age or the building was a place frequented by children; or

16 (ii) in the course of manufacturing or in preparation for
17 manufacturing, the defendant obtained the assistance of one or more
18 children under 18 years of age or one or more children were present;

19 **(C) and the conviction is for manufacturing or delivery**
20 **related to a schedule IA controlled substance, seven to 11 years;**

21 (3) if the offense is a second felony conviction, 10 to 14 years;

22 (4) if the offense is a third felony conviction and the defendant is not
23 subject to sentencing under (1) of this section, 15 to 20 years.

24 * **Sec. 5.** AS 33.20.010(a) is amended to read:

25 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
26 convicted of an offense against the state or a political subdivision of the state and
27 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
28 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
29 follows the rules of the correctional facility in which the prisoner is confined. A
30 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

31 (1) to a mandatory 99-year term of imprisonment under

1 AS 12.55.125(a) after June 27, 1996;

2 (2) to a definite term under AS 12.55.125(l);

3 (3) for a sexual felony under AS 12.55.125(i)

4 (A) and has one or more prior sexual felony convictions as
5 determined under AS 12.55.145(a)(4); [OR]

6 (B) that is an unclassified or a class A felony; or

7 (4) for an unclassified felony under AS 11.41.100 or 11.41.110; or

8 (5) for a felony under AS 11.71.010 - 11.71.040 for conduct
9 involving manufacturing or delivering, or possessing with the intent to
10 manufacture or deliver, a controlled substance.

11 * **Sec. 6.** AS 11.41.120(a)(3) is repealed.

12 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 **APPLICABILITY.** AS 11.41.110(a), as amended by sec. 1 of this Act,
15 AS 11.71.010(a), as amended by sec. 2 of this Act, AS 11.71.010(b), as amended by sec. 3 of
16 this Act, AS 12.55.125(c), as amended by sec. 4 of this Act, and AS 33.20.010(a), as amended
17 by sec. 5 of this Act, apply to offenses committed on or after the effective date of this Act.

18 * **Sec. 8.** This Act takes effect July 1, 2023.



May 8, 2023

The Honorable Neal Foster
Chair, House Finance Committee
Alaska State Legislature
State Capitol Bldg. Room 511
Juneau, AK 99801-1182

Sent via email: House.Finance@akleg.gov

Dear Chair Foster,

This letter serves as the Department of Corrections' (DOC) written response to questions asked during the House Finance Committee hearing held on HB 66 Controlled Substance; Homicide; Good Time Deduction. The DOC responses are as follows:

- *How many offenders are currently incarcerated under drug convictions?*

As of May 1, 2023 there were 96 persons incarcerated within DOC with the highest conviction being a MICS 1 thru MICS 5. This is broken out as follows:

- One person incarcerated under MICS 1
- Four persons incarcerated under MICS 2
- 22 persons incarcerated under MICS 3
- 24 persons incarcerated under MICS 4
- 45 persons incarcerated under MICS 5

- *How many offenders are incarcerated annually with a drug conviction?*

The following graph shows the annual number of persons incarcerated with a conviction of a MICS 1 thru MICS 6 that were incarcerated within a DOC facility:

	CY 2023	CY 2022	CY 2021	CY 2020
MISC 1	1	1	1	0
MISC 2	4	18	21	38
MISC 3	22	46	38	33
MISC 4	24	74	96	120
MISC 5	45	186	208	135
MISC 6	0	0	2	5
Total Annual Convictions :	96	325	366	331

- *How many drug offenders receive good time?*

Currently, anyone convicted and sentenced under a MICS 1 thru MICS 6 receive good time consisting of a credit of 1/3 of their total sentence length.

- *What is the number of persons incarcerated with a Substance Abuse disorder?*

DOC follows two different processes when assessing the substance use disorder (SUD) treatment needs of the offender population.

The initial process happens during the booking process where a series of questions are asked related to an individual's substance use. Although this does not provide an actual diagnosis, it helps staff to prioritize this population and proactively reach out to and determine if additional services are required. This process shows that approximately 50 percent of all individuals entering DOC self-report some sort of substance use.

The second part of the process is to formally screen and assess individuals for a substance use disorder. These individuals are either self-referrals, staff referrals or outside agency referrals. Year to date, DOC has screened approximately 1,127 individuals for a substance use disorder. Of these, approximately 1,000 meet diagnostic criteria for a substance use disorder or approximately 88 of the people who are formally assessed are diagnosed with a substance use disorder within the DOC.

- *What are the total Substance Abuse Program costs?*

The total costs associated with the Substance Abuse Program have historically been sufficient for the incarcerated population and vendor availability. The Substance Abuse Treatment 5-year budget is:

FY2024 Gov Amnd.	FY2023 Mgt. Plan	FY2022 Mgt. Plan	FY2021 Mgt. Plan	FY2020 Mgt. Plan
\$5,826.8	\$5,693.7	\$5,697.8	\$5,662.0	\$5,584.7

- *What Substance Abuse Programs are available in the Institutions?*

The DOC offers substance abuse programming both within the facilities as well as in the Community. This includes both residential and outpatient services depending on the offenders needs. A detailed listing of treatment services is located at: [ADOC Substance Use Disorder Treatment Services \(alaska.gov\)](https://www.adoc.alaska.gov/substance-use-disorder-treatment-services).

Additionally, the Department makes every effort to engage volunteers in the provision of NA/AA groups. Volunteers are currently meeting with individuals at the following locations which includes both facilities and community corrections locations.

- Anchorage Correctional Complex
- Anvil Mountain Correction Center
- Goose Creek Correctional Center
- Mat-Su Pretrial
- Hiland Mountain Correctional Center
- Spring Creek Correctional Center
- Wildwood Correctional Center
- Yukon Kuskokwim Correctional Center
- Community Residential Centers:
 - Cordova Center (Anchorage)
 - Parkview Center (Anchorage)
 - Midtown Center (Anchorage)
 - Seaside Center (Nome)

These services are based on availability of volunteers within the communities the facilities are located. We continue to make every effort in partnering with statewide NA/AA representatives to build additional resources at other facilities throughout the state.

Additional information on available programs offered can be found at:
[Health & Rehabilitation Services | Alaska Department of Corrections](#)

Thank you for your continued support of the Department of Corrections.

Sincerely,

April A Wilkerson

April A. Wilkerson
Deputy Commissioner
Department of Corrections

From: Mike Coons <[REDACTED]>
Sent: Monday, May 01, 2023 2:46 PM
To: House Finance
Subject: Support HB 66

I strongly support **HB 66**

As a Paramedic, I have had to treat many patients on drugs. We have had to use Narcan on patients that were on the verge of dying, then having to deal with them fighting us since to took away their fix.

Those same patients all got this poison from a pusher. The pushers know this can and will kill. Thankfully I didn't have to deal with the new more deadlier drugs of today, Fentanyl and others. All not just kill the user but put EMS and Law Enforcement at risk of dying having to touch even small quantities of drugs like Fentanyl!

In reading the bill, I don't see an attempted murder charge in pushing this poison. Maybe we can't get to that level, but we should be able to make an attempted murder charge involving EMS and Law Enforcement if they are harmed by exposure to these drugs.

These pushers of this poison should be behind bars for life, if I had my way, but this is a great start. Maybe when we have a stronger legislature in the future, this can be elevated to first degree and life with no chance of parole!

Mike Coons
Palmer AK

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Using Opera's mail client:

[https://urldefense.com/v3/__http://www.opera.com/mail/__;!!LdQKC6s!O6qcNTK92WpcdXPOyBdKgjHMvqyCXpc0ipuTAN7mh40dV4MpXu4OZ5dJbK2RzxhulEgS44yq9wgm6OCWv2vWy9U\\$](https://urldefense.com/v3/__http://www.opera.com/mail/__;!!LdQKC6s!O6qcNTK92WpcdXPOyBdKgjHMvqyCXpc0ipuTAN7mh40dV4MpXu4OZ5dJbK2RzxhulEgS44yq9wgm6OCWv2vWy9U$)



JUNEAU REENTRY COALITION

*Promoting Success After Incarceration
To Reduce Recidivism and Increase Public Safety*

May 3, 2023

Alaska State Legislature
Housing Finance Committee

Dear House Finance Committee:

The Juneau Reentry Coalition urges the Alaska House Finance Committee to delete Section 5 of CSHB 66 (JUD) related to Good Time.

Good Time is positive reinforcement for correct behavior. Using positive reinforcement to incentivize acceptable behavior is a well-established physiological concept and method for changing behavior. Many effective behavioral treatments and services are founded on this principle.

Incarcerated individuals demonstrating reformatory behavior in the Alaska correctional system are incentivized with Good Time. Conversely, incarcerated individuals that display unwanted institutional behaviors lose Good Time. The idea of incentives and sanctions for violations within the correctional setting is so profound that former DOC Commissioner Nancy Dahlstrom implemented Policy 901.16 in the department, providing that all Probation / Parole Officers shall investigate and respond to positive and negative behaviors swiftly and in proportion to the behavior.

Good Time helps make communities safer. When an individual is released under the Good Time provision, they do so under parole supervision. It is commonly understood, backed by research, that effective rehabilitation and incentives to engage in rehabilitative activities (such as substance abuse treatment, education and training, etc.) are more effective strategies for reducing criminal behavior than longer sentences. Removing Good Time is effectively the opposite of this understanding.

The Juneau Reentry Coalition's mission is to promote public safety within the community by identifying and implementing strategies that increase all justice-involved individuals' success and reduces the likelihood of recidivism. The coalition supports strategies, such as Good Time, for meeting these goals.

Please amend CSHB 66 (JUD) by removing Section 5.

Sincerely yours,



Teri Tibbett
Community Co-chair



Don Habeger
Coalition Coordinator