

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

SB 27 cont., SB 32 *Leg. Finance* 12

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 27

This bill makes it a crime for two or more persons to "conspire" together to violate state or municipal laws regarding drugs and prostitution. Enactment of this bill will permit state attorneys to prosecute conspirators even though the crime that was the object of a conspiracy may not have been completed.

With the limits set by the bill, the major focus of enforcement attention will be upon the major narcotics rings which have appeared in the state during the last few years.

Investigation and prosecution of large-scale drug trafficking cases is extremely time-consuming and labor intensive. Major narcotics rings are carefully planned and organized, and it requires the same degree of planning and organization to detect, investigate, infiltrate, and ultimately break the rings. A good example is the single big drug case that the state was able to pursue in FY 85 -- the "Black Gold" heroin ring in Anchorage. The case involved 29 separate individuals (most charged with selling heroin), almost all of whom were granted separate trials, thus creating 29 cases out of a single operation. So far there have been no acquittals, although a few defendants have fled the state and are now fugitives.

The "Black Gold" investigation required the "full-time" (12 hours a day, 6 or 7 days a week) direction and legal assistance of two experienced prosecutors for over two months. In addition to obtaining over 25 search warrants, the prosecutors consulted on a daily, sometimes hourly, basis with and guided the efforts of three teams of officers: a "surveillance" team varying from 10-20 officers to keep track of the members of the ring; a "buy" team of 4-8 officers working closely with informants to purchase narcotics; and an "investigation" team of 2-6 officers who compile telephone records and other evidence in order to discover links between individuals and organizations.

Under a conspiracy law, the scope of enforcement authority would be expanded to include more persons involved in the ring, leading to larger and more complicated investigations and prosecutions, but leading to more effective enforcement of our drug laws. Effective enforcement of these laws, especially at this point in Alaska's history, is critical. With the opening of the new international wing at the Anchorage airport, there has been an increase in the number of international flights with passengers "off-loading" in Anchorage. With new routes of access to Alaska, and new types of drugs to deal in, traffickers will have a field day. We must try to prevent the infiltration into the state of new organizations intended to fill the void left by the prosecution of the Resek-Marin family (FY 84), the Black Gold ring (FY 85) and, most recently, the Azzarella-Serra organizations (FY 86).

Considering the increase in sophisticated narcotics trafficking, and the efforts necessary to adequately meet this threat,

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 27

the Department of Law believes that it will need the dedicated services of at least two full-time attorneys, a paralegal, and a secretary in Anchorage. Previous fiscal notes on conspiracy legislation have been premised upon the existence of a sufficient capability within the Anchorage District Attorney's Office to adequately handle large scale narcotics prosecutions. However, in recent years, budget cutbacks have resulted in narcotics positions being unfunded and proposed budget cuts for FY 88 will make prosecution of these time-consuming cases impossible. Thus, in order to permit the division to prosecute narcotics conspiracy cases, funding must be restored so that a functioning narcotics unit exists.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 27

Fiscal Summary - SB 27

	<u>Atty IV</u>	<u>Atty III</u>	<u>P/A II</u>	<u>Leg. Sec. I</u>	<u>Total</u>
71000	70.6	62.4	42.5	31.7	207.2
72000	5.4	5.4	5.4	-0-	16.2
73000	6.6	6.6	6.6	4.2	24.0
74000	4.2	4.2	4.2	3.0	15.6
75000	1.5	1.5	1.5	.6.5	11.0
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	88.3	80.1	60.2	45.4	274.0

Costs beyond FY 83 include a 3% annual inflation factor, less one-time equipment costs.

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Type of Expenditure:		Amount		
1	2	3		
Salary	56,244			
Benefits	14,310			
Premium Pay				
Other				
Total Personal Services		70,554		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		1,500		
Other				
Total Cost		88,254		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	88,254		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
<p>This is the first of four positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs and prostitution. Investigation and prosecution of large-scale drug trafficking cases and prostitution rings is extremely time consuming and labor intensive and will require a minimum of two attorneys. Allocation to the full-working level of Attorney IV for this position is recommended because of the seriousness of the crimes being prosecuted.</p>				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 1 of 4
 Revised Date

FY 88

Position Title Attorney III		No. of Positions 1	Range/Step 22A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification				
This is the second of four positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs and prostitution. Investigation and prosecution of large-scale drug trafficking cases and prostitution rings is extremely time consuming and labor intensive and will require a minimum of two attorneys. Allocation to the Attorney III level is recommended because this position will assist the Attorney IV in the prosecution of serious crimes.				
Type of Expenditure		Amount		
1	2	3		
Salary	49,140			
Benefits	13,264			
Premium Pay				
Other				
Total Personal Services		62,404		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		1,500		
Other				
Total Cost		80,104		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	80,104		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 2 of 4
 Revised Date _____

FY 88

Position Title Paralegal Assistant II			No. of Positions 1	Range/Step 16A	Barg. Unit GGU
Time Status PFT	Staff Months 12		Location EBA - Anchorage		Election District 8
Type of Expenditure:			Justification		
		Amount	<p>This is the third of four positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs and prostitution. Investigation and prosecution of large-scale drug trafficking cases and prostitution rings is extremely time consuming and labor intensive and will require the services of a skilled para-professional in the preparation of evidence. Allocation to the paralegal assistant II, full working level is recommended.</p>		
1	2	3			
Salary	32,424				
Benefits	10,095				
Premium Pay					
Other					
Total Personal Services		42,519			
Travel		5,400			
Contractual		6,600			
Commodities		4,200			
Equipment		1,500			
Other					
Total Cost		60,219			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	60,219			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 3 of 4
 Revised Date

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification				
This is the fourth of four positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs and prostitution. Investigation and prosecution of large-scale drug trafficking cases and prostitution rings is extremely time consuming and labor intensive and generates substantial legal documentation, including: search warrants, subpoenas, motions, affidavits, and legal memoranda. Consequently, full-time secretarial services will be required. Allocation to the legal secretary I level is recommended in view of the heavy documentation load.				
Type of Expenditure		Amount		
1	2	3		
Salary	23,460			
Benefits	8,192			
Premium Pay				
Other				
Total Personal Services		31,652		
Travel		-0-		
Contractual		4,200		
Commodities		3,000		
Equipment		6,500		
Other				
Total Cost		45,352		
Funding Source for Total Cost				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		45,352		
I-A Receipts 1006				
CIP Receipts 1061				
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 4 of 4
 Revised Date

FY 88

1 IN THE SENATE

BY RODEY, HALFORD,
SZYMANSKI AND FAIKS

2

SENATE BILL NO. 27

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the crime of conspiracy."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 11.31 is amended by adding new sections to read:

9 Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime
10 of conspiracy if, with the intent to promote or facilitate an offense
11 relating to the delivery of a controlled substance under AS 11.71.-
12 010 - 11.71.050, an offense relating to prostitution or promotion of
13 prostitution under AS 11.66.100 - 11.66.130, or an offense having
14 similar elements under a municipal ordinance, the offender agrees with
15 one or more persons to engage in or cause the performance of that
16 offense and the offender or one of the persons does an overt act in
17 furtherance of the conspiracy.

18 (b) If an offender commits the crime of conspiracy and knows
19 that a person with whom the offender conspires to commit a crime has
20 conspired or will conspire with another person or persons to commit
21 the same crime, the offender is guilty of conspiring with that other
22 person or persons to commit that crime, whether or not the offender
23 knows their identities.

24 (c) In a prosecution under this section, it is not a defense

25 (1) that the defendant belongs to a class of persons who by
26 definition are legally incapable in an individual capacity of com-
27 mitting a crime that is an object of the conspiracy; or

28 (2) that a person with whom the defendant conspires could
29 not be guilty of a crime that is an object of the conspiracy because

1 of

2 (A) lack of criminal responsibility or other legal
3 incapacity or exemption;

4 (B) unawareness of the criminal nature of the conduct
5 in question or of the criminal purpose of the defendant; or

6 (C) any other factor precluding the culpable mental
7 state required for the commission of the crime.

8 (d) In a prosecution under this section, it is a defense that,
9 if the criminal objective were achieved, the defendant would not be
10 legally accountable under AS 11.16.120(b) for the conduct of the
11 person with whom the defendant conspired.

12 (e) In a prosecution under this section it is an affirmative
13 defense that the defendant, under circumstances manifesting a volun-
14 tary and complete renunciation of the defendant's criminal intent,
15 gave timely warning to law enforcement authorities or otherwise made
16 proper effort to prevent the commission of the crime that was the
17 object of the conspiracy. Renunciation by one conspirator does not
18 affect the liability of another conspirator who does not join in the
19 renunciation.

20 (f) The liability of a conspirator for offenses committed in
21 furtherance of the conspiracy, including a crime that is an object of
22 the conspiracy, shall be determined under AS 11.16.

23 (g) Conspiracy is a

24 (1) class A felony if the object of the conspiracy is a
25 crime punishable as an unclassified felony;

26 (2) class B felony if the object of the conspiracy is a
27 crime punishable as a class A felony;

28 (3) class C felony if the object of the conspiracy is a
29 crime punishable as a class B or class C felony;

1 (4) class B misdemeanor if the object of the conspiracy is
2 a crime punishable as a class A or B misdemeanor or is a violation of
3 a municipal ordinance.

4 Sec. 11.31.125. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITA-
5 TIONS OF ACTIONS. (a) For purposes of applying AS 12.10 governing
6 limitations of actions, in a prosecution under AS 11.31.120, con-
7 spiracy is a continuing course of conduct that terminates

8 (1) when all the crimes related to controlled substances,
9 prostitution, and promotion of prostitution that are its object are
10 completed;

11 (2) when the agreement is abandoned by the defendant and by
12 the person with whom the defendant agreed; or

13 (3) as to an individual defendant, when the defendant
14 abandons the agreement by advising the person with whom the defendant
15 agreed of the defendant's abandonment or the defendant informs law
16 enforcement authorities of the existence of the conspiracy and of the
17 defendant's participation in it.

18 (b) For purposes of (a)(2) of this section, abandonment of an
19 agreement is rebuttably presumed if neither the defendant nor anyone
20 with whom the defendant conspired does an overt act in furtherance of
21 the conspiracy during the applicable period of limitations.

22 * Sec. 2. AS 11.31.140 is amended to read:

23 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a
24 defense to a prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100
25 OR AS 11.31.110] that the crime that is the object of the attempt,
26 conspiracy, or solicitation was actually committed pursuant to the
27 attempt, conspiracy, or solicitation.

28 (b) A person may not be convicted of more than one crime defined
29 by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct

1 designed to commit or culminate in commission of the same crime.

2 (c) A person may not be convicted on the basis of the same
3 course of conduct of both (1) a crime defined by AS 11.31.100 - 11.-
4 31.120 [AS 11.31.100 OR AS 11.31.110]; and (2) a crime that is an
5 object of the attempt, conspiracy, or solicitation.

6 (d) This section does not bar inclusion of multiple counts in a
7 single indictment or information charging commission of a crime de-
8 fined by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] and
9 commission of the crime that is the object of the attempt, conspiracy,
10 or solicitation.

11 * Sec. 3. AS 11.31.140 is amended by adding a new subsection to read:

12 (e) If a person conspires to commit more than one crime under
13 AS 11.31.120, the person commits only one crime of conspiracy if the
14 multiple crimes are the object of the same agreement.

BILL NO: CSSB 27(JUD)

DATE: 5/11/87

TITLE: "An Act relating to the
crime of conspiracy."

CONTACT: Major Walter J. Gimour
Acting Director
Alaska State Troopers

DEPARTMENT OF
PUBLIC SAFETY

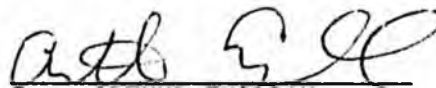
POSTAL

This legislation adds Sec. 11.31.120 & 125 and amends Sec. 11.31.140 to include the crime of conspiracy in cases involving narcotics and prostitution.

Passage of this bill will provide the criminal justice system with an effective tool in combating criminal enterprises in cases involving controlled substances and prostitution. Under existing statutes, law enforcement agencies are often unable to pursue the financial backers and organizers of these types of criminal activity, because such individuals and organizations generally do not get directly involved in the sale of drugs or direction of prostitutes. Conspiracy legislation will enable prosecution of these individuals who had previously been able to insulate themselves by using intermediaries to take risks for them.

The wording changes included in the Judiciary version of SB 27 are desirable and positive changes to the initial version.

The Division of Alaska State Troopers is neutral on this legislation.



ARTHUR ENGLISH
Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSSB 27 (JUD)
Publish Date: _____

REQUEST
Revision Date: _____
Title: "An Act relating to the crime
of conspiracy."
Sponsor: Sen. Rodey
Requestor: Senate Finance

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & C.I.B.
Narcotics

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 5/11/87

Approved by Commissioner: Arthur English *Arthur English*
Agency: _____

Date: 5/11/87

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

page 1 of 1

Update

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 27
Publish Date: _____

REQUEST
Revision Date: _____ Agency Affected: Public Safety
Title: "An Act relating to the crime of conspiracy." BRU: Alaska State Troopers
Sponsor: Sen. Rodey Components: Detachments & C.I.B.
Requestor: Senate Judiciary Narcotics

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JNR
1/22/87
Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 1/16/87

Approved by Commissioner: *[Signature]*
Agency: Public Safety
Distribution (by preparer):

Date: 1/22/87

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: Senate Bill No. 27

Publish Date: _____

Revision Date: _____

Agency Affected: Department of Corrections

Title: "An act relating to the crime of conspiracy"

BRU: _____

Sponsor: Senator Pat Rodey

Components: _____

Requestor: Senator Pat Rodey

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The affects of inmate population will be negligible.

Prepared by: Susie Riley, Budget Analyst

Phone: 465-3376

Division: Administrative Services

Date: 01/29/87

Approved by ^{city} Commissioner: William W. Ladwig

Date: 01/29/87

Agency: Department of Corrections

Distribution (by preparer):

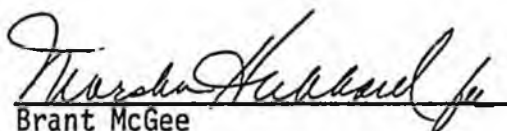
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

POSITION PAPER
SB27

This bill will make criminal certain types of conduct related to efforts to promote prostitution or distribute illegal drugs.

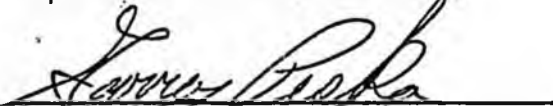
The Alaska Public Defender Agency and the Office of Public Advocacy are not law enforcement agencies and, therefore, are in no position to evaluate the need for this legislation. The fiscal impact of this bill will be determined by the types and frequency of prosecutions initiated by the Department of Law.

The Alaska Public Defender Agency and the Office of Public Advocacy have adopted a neutral position with respect to this legislation.



Brant McGee
Public Advocate
Office of Public Advocacy
Department of Administration

February 2, 1987
Date



Commissioner Garrey Peska
Department of Administration

2/5/87
Date

58 27

BILL NO: SB 27

DATE: 1/23/87

TITLE: "An Act relating to the
crime of conspiracy."

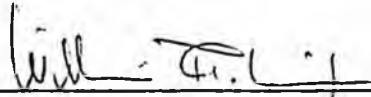
CONTACT: Major Walter J. Gilmour
Acting Director

JAN 30 1987

This legislation adds Sec. 11.31.120 & 125 and amends Sec. 11.31.140 to include the crime of conspiracy in cases involving narcotics and prostitution.

Passage of this bill will provide the criminal justice system with an effective tool in combating criminal enterprises in cases involving controlled substances and prostitution. Under existing statutes, law enforcement agencies are often unable to pursue the financial backers and organizers of these types of criminal activity because such individuals and organizations generally do not get directly involved in the sale of drugs or prostitutes' services. Conspiracy legislation will enable prosecution of these individuals who had previously been able to insulate themselves by using intermediaries to take risks for them.

The Division of Alaska State Troopers is neutral on this legislation.



William R. Nix
Acting Commissioner

DEPARTMENT OF
PUBLIC SAFETY

POSTAL SERVICE

SB 32

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CS SB 32 (HESS)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 3-31-88
Title: An Act relating to marijuana; and providing for an effective date.
Sponsor: Fischer and Faiks
Requestor: _____
Agency Affected: Health & Social Services
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

N/A

Prepared by: Yvonne M. Chase Director Phone: 465-3170
Division: Division of Family and Youth Services Date: 04-11-88

Approved by Commissioner: Myra M. Munson Date: 4-12-88
Agency: Department of Health and Social Services

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

RECEIVED

APR 14 1988

page 1 of 1

1988 Fiscal
Notes received
& forwarded
after bill R/o.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 32 (HESS)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: April 8, 1988
Title: "An Act relating to marijuana..."

Agency Affected: Department of Law
BRU: Prosecution

Sponsor: Senate HESS
Requestor: House HESS

Components: Third District, Fourth District, Criminal Appeals and Special Prosecution, and Criminal Justice Litigation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		160.9	165.7	170.7	175.8	181.1
TRAVEL		5.4	5.6	5.8	6.0	6.2
CONTRACTUAL		53.7	36.5	11.9	12.3	12.7
SUPPLIES		12.6	9.3	9.6	9.9	10.2
EQUIPMENT		4.5	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		237.1	217.1	198.0	204.0	210.2

CAPITAL	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93

REVENUE	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93

FUNDING: (Thousands of Dollars)

GENERAL FUND	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
FEDERAL FUNDS						
OTHER						
TOTAL		237.1	217.1	198.0	204.0	210.2

POSITIONS:

FULL-TIME	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PART-TIME						
TEMPORARY						
		2	2	2	2	2
		1	1	1	1	1

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director
Division: Administrative Services

Phone: 465-3672

Date: April 8, 1988

Approved by Commissioner: Grace Berg Schaible, Atty. Gen.
Agency: Department of Law

Date: April 8, 1988

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

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APR 11 1988

LEGISLATIVE FINANCE

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

The committee substitute for SB 32 makes changes in the legislative findings (Section 1); however, no substantive changes have been made in Section 2, which makes it a Class B misdemeanor to possess or use small amounts of marijuana. Consequently, the fiscal impacts noted in the Department of Law's fiscal note for SB 32, which was originally submitted on March 11, 1987, remain essentially the same. Our revised analysis is herewith attached.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

CSSB 32 is a blanket provision which would make possession or use of less than one-half pound of marijuana by anyone a class B misdemeanor. Some of the conduct which this bill would cover (such as use or display of any amount in a public place, possession of any amount while operating a motor vehicle, or possession of more than four ounces of marijuana anywhere) is a class B misdemeanor under existing law. See AS 11.71.060. Some of the conduct which this bill would make a crime (such as delivery of less than one-half ounce or possession of less than one ounce in public) is classified under current law as a "violation", punishable by a fine. See AS 11.71.070. The penalties under current law for other conduct such as delivery of one-half ounce or more, delivery to a minor, or possession of any amount on school grounds would not be altered. Penalties under existing law for these offenses range from A misdemeanor to B felony level. See AS 11.71.030, .040, and .050.

The passage of CSSB 32 would have fiscal impact on the Department of Law in three general areas: (1) the cost of defending the new law against constitutional challenge; (2) the cost of processing the resulting additional criminal cases; and (3) the cost of educating the public about the new law. These three areas are discussed separately below.

1. Defending the New Law

In 1975 the Alaska Supreme Court in the case of Ravin v. State, 537 P.2d 497 (Alaska 1975), ruled that under Art. I, Sec. 22 of the Alaska Constitution the state could not prohibit possession of marijuana by adults in their own homes for personal use. The court held that the state had not demonstrated the existence of a legitimate state interest which was strong enough to justify the regulation of this conduct.

Since passage of CSSB 32 would make it a crime for an adult to possess any amount of marijuana anywhere, including in his or her own home, the constitutionality of the new law is certain to be challenged. An appellate court will have to decide whether the state has proved that there is a "compelling state interest" in the prohibition of the use of marijuana which is sufficient to outweigh an individual's right to privacy under the state constitution. It is extremely important, therefore, that the legislature's consideration of this bill include extensive public hearings, debate on the social policy merits of the proposal, and the collection of the results of the most recent scientific, medical, and pharmacological studies regarding the physical, emotional, and social effects of marijuana usage.

In addition to the necessary legislative hearings, evidentiary hearings at the trial court level can be expected when a challenge to the new law is filed. Challenges to the new law will most likely arise

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

in the context of a defendant's pretrial motion to dismiss a criminal prosecution. When responding to such a defense motion, the prosecutor would, in essence, have to convince a court to reverse the ruling in the Ravin case. In order to demonstrate that the result in Ravin is no longer correct, the prosecutor would have to present convincing, scientifically accurate, evidence that the effects of marijuana usage are so injurious to a person's mental and physical health as to justify the legislative decision to totally prohibit use of marijuana by anyone at any time (as opposed to use by minors or use by a person who is operating a motor vehicle--both of which are already prohibited under current law).

The presentation of this convincing evidence will require the prosecution to present expert testimony from authorities who have conducted recent research in this area. Out-of-state witnesses in medical and scientific fields charge a fee for their services. These fees will vary from individual to individual, but are expected to average at least \$100 per hour. This would include services for consultation, witness preparation and actual testimony. Costs will be incurred for expert witness transportation, food and lodging, and other incidental expenses. Additionally, there will be some costs for preparation of exhibits and written reports. To the extent possible, the Department of Law would attempt to present written testimony in situations where it is not feasible to fly a person to Alaska to testify in person. We estimate that a minimum of six expert witnesses will be required to attempt to successfully defend the new law at the trial court level.

Hearings at the trial court level can reasonably be expected to take several days. A substantial commitment of attorney time will be required for scientific and legal research in preparation for the hearings, actual court time, legal briefing, and the preparation of proposed findings of fact. Since prosecutions under the new law will occur statewide, defense challenges may be raised at the same time in different parts of the state. The extensive hearings described above may have to be held in more than one judicial district in the state.

Regardless of which side prevails at the trial court level, the lower court ruling would almost certainly be followed by an appeal. At a minimum, such an appeal (or appeals) would require additional legal research, a thorough review of the record, the drafting of briefs, and oral argument before the appellate court and the Supreme Court.

2. New Criminal Cases

Although some of the conduct included within the scope of SB 32 is already against the law, much behavior which is now classified as a "violation" or which is not now an offense of any sort will become

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

a misdemeanor crime. It is difficult to accurately predict in advance the impact which the passage of CSSB 32, will have on the criminal justice system.

In the past, some law enforcement officers who work primarily in the drug enforcement area indicated that the new law could potentially result in "thousands" of new misdemeanor cases a year. The police now doubt this but, nonetheless, a large number of the new cases would arise from situations where law enforcement officers now commonly discover small amounts of marijuana (as when an officer responds to a domestic disturbance call and sees some marijuana plants in a person's home, or when a person is arrested for a minor offense and a routine search for weapons reveals some marijuana cigarettes in the person's pocket, for example). Incidents of this sort occur frequently now, but do not generally result in any criminal prosecution for the marijuana possession. Many of these cases are likely to be referred for criminal prosecution if CSSB 32 becomes law, police officers will not ignore evidence of wrongdoing that is in plain view. Many of these defendants are middle-class people who we may expect to vigorously resist having a criminal record. Class B misdemeanors, as opposed to the violations, entitle a defendant to a jury trial. In every trial there will have to be an expert to testify as to the substance being marijuana.

Prosecutors generally predict a lesser number of new potential criminal cases under CSSB 32 than the "thousands" that were once predicted. Once the public becomes aware of the new law, some people are likely to become more careful about not allowing marijuana or smoking paraphernalia to be exposed in plain view in their homes, for example. Judging from the number of minor marijuana offenses prosecuted prior to the Ravin decision in 1975, prosecutors still expect a "few hundred" new criminal cases a year.

Cases which are accepted for prosecution will require attorney time both at trial and in preparation for trial (i.e., preparation of search warrants, response to defense motions, evaluation of results of laboratory analysis, pretrial witness preparation, etc.). To handle screening of the expected case referrals, and to prosecute the additional cases, the criminal division will require the addition of at least two Attorney III positions in Anchorage. It is anticipated that a half-time attorney will also be needed in the Fairbanks District Attorney's office.

This fiscal note reflects the fact that the pretrial diversion program was entirely eliminated in FY 88. Anticipating that more than fifty per cent of defendants would qualify for diversion, we must prepare for a gross increase in the number of cases that will go to trial.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32 (HESS)

3. Public Education

In order to inform the public of the changes in the law, the Department of Law will develop and disseminate public notices explaining the new law. These notices will include newspaper ads and brochures, and will be modeled upon the public education notices which were distributed statewide in connection with the new drug law in 1982 and the new DWI and drinking age laws in 1983. Based upon experience with these earlier notices, approximately \$18,000 will be needed to cover the costs of writing, layout, typesetting, publication, and distribution.

In addition to the costs explained above, it is anticipated that the passage of this bill will result in increased costs to other components of the criminal justice system, including law enforcement, the courts, the public defender agency, the Office of Public Advocacy, and corrections.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32

Fiscal Analysis

1. Defending the New Law

Admin. & Support Component/Prosc. - BRU

<u>Object</u>	<u>Total</u>
Contractual Services -	
Professional fees scientific experts 120 hrs. X \$100 = \$12,000	\$12,000
Experts' staff support, preparation of exhibits, written testimony 50 hrs. X \$40 = \$2,000	2,000
Experts' travel to attend hearings and offer testimony 6 trips X 4 days X \$80 = \$1,920 subsistence 6 trips X \$1,500 = \$9,000 travel	1,920 9,000
	<u>\$24,920</u>

This amount will be required for both FY 89 and FY 90, to cover both trials and appeals.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32

Fiscal Analysis - (cont'd)

2. New Criminal Cases

Third Judicial District - Anchorage

	Atty III <u>(PFT)</u>	Atty III <u>(PFT)</u>	<u>Total</u>
Personal Services	62.6	62.6	125.2
Travel - Witness travel subsistence, atty. travel	1.8	1.8	3.6
Contractual Services			
office commo. equip. repairs	2.4	2.4	4.8
copy - postage	1.2	1.2	<u>2.4</u>
			7.2
Commodities - Ongoing			
office consumables	1.8	1.8	3.6
Law library	1.2	1.2	2.4
Commodities - one time			
New position materials	1.2	1.2	<u>2.4</u>
			8.4
Equipment - one time			
New position equipment	1.5	1.5	3.0
	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>
	73.7	73.7	147.4

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32

Fiscal Analysis - (cont'd)

Fourth Judicial District - Fairbanks

	<u>Atty. III (PPT)</u>	<u>Total</u>
Personal Services	35.7	35.7
Travel - Witness travel subsistence, Atty. travel	1.8	1.8
Contractual Services		
office commo., equip. repair	2.4	2.4
copy - postage	1.2	<u>1.2</u>
		3.6
Commodities - Ongoing		
office consumables	1.8	1.8
Law library	1.2	1.2
Commodities - one time		
New position materials	1.2	<u>1.2</u>
		4.2
Equipment - one time		
New position equipment	1.5	1.5
		<hr style="width: 100px; margin: 0 auto;"/> 46.8

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 32

Fiscal Analysis - (cont'd)

3. Public Education

Admin. & Support Component/Prosc. BRU

<u>Object</u>	<u>Total</u>
Contractual Services - one time writing, layout, typesetting, publication and distribution of public notices and information brochures describing the changes in the law.	18.0 18.0
	18.0

Summary of Expenses

	<u>Defending the new law</u>	<u>New Criminal Cases</u>	<u>Public Education</u>	<u>Total</u>
Personal Services		160.9		160.9
Travel		5.4		5.4
Contractual	24.9	10.8	18.0	53.7
Commodities		12.6		12.6
Equipment		4.5		4.5
	24.9	194.2	18.0	237.1

Costs beyond FY 89 include a 3 per cent inflation factor, less one-time items. The costs for defending the new law will occur in both FY 89 and FY 90 and they will be eliminated thereafter.

Position Title Attorney III		No. of Positions 2	Range/Step 22A	Barg. Unit PX	
Time Status PFT	Staff Months 24	Location EBA - Anchorage		Election District 8	
Type of Expenditure		Justification			
Amount		<p>These two full-time attorney positions are required at Anchorage to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred such offenses will occur each year as a result of the enactment of this bill. These positions will be responsible for prosecuting those new cases that are brought in the Third Judicial District and handling appellate briefs and appeals hearings. Because these new cases will be classed as misdemeanor offenses, allocation of the positions to the Attorney III level is appropriate.</p>			
1	2				3
Salary	98,380				
Benefits	26,834				
Premium Pay					
Other					
Total Personal Services					125,214
Travel					3,600
Contractual					7,200
Commodities					8,400
Equipment		3,000			
Other					
Total Cost		147,414			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	147,414			
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 1 of 2
 Revised Date 4/08/88

FY 89

Position Title Attorney III		No. of Positions 1	Range/Step 22A	Barg. Unit PX	
Time Status PPT	Staff Months 12	Location JBA - Fairbanks		Election District 16	
Type of Expenditure		Justification			
		<p>This permanent part-time position at Fairbanks is required to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred offenses will occur each year as a result of the enactment of this bill. This position will be responsible for prosecuting those new cases that are brought in the Fourth Judicial District. Because these new cases will be classed as misdemeanor offenses, allocation of the position to the Attorney III level is appropriate.</p>			
Amount					
1	2				3
Salary	28,128				
Benefits	7,576				
Premium Pay					
Other					
Total Personal Services					35,704
Travel					1,800
Contractual					3,600
Commodities					4,200
Equipment					1,500
Other					
Total Cost					46,804
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	46,804			
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Fourth Judicial District

Page 2 of 2
 Revised Date

FY 89

FISCAL NOTE

REQUEST:

Revision Date: February 17, 1988
Title: "An Act relating to marijuana..."

Agency Affected: Department of Law
BRU: Prosecution

Sponsor: Senate HESS
Requestor: Governor's Office/OMB

Components: Third District, Fourth District, Criminal Justice Litigation

EXPENDITURES/REVENUE (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		160.9	165.7	170.7	175.8	181.1
TRAVEL		5.4	5.6	5.8	6.0	6.2
CONTRACTUAL		53.7	36.5	11.9	12.3	12.7
SUPPLIES		12.6	9.3	9.6	9.9	10.2
EQUIPMENT		4.5	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		237.1	217.1	198.0	204.0	210.2

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		237.1	217.1	198.0	204.0	210.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director

Phone: 465-3672

Division: Administrative Services

Date: February 17, 1988

Approved by Commissioner: Richard I. Peques (FOR) Grace Berg Schaible, Atty. Gen.

Date: February 17, 1988

Agency: Department of Law

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSSB 32 (HESS)

The committee substitute for SB 32 makes changes in the legislative findings (Section 1); however, no substantive changes have been made in Section 2, which makes it a Class B misdemeanor to possess or use small amounts of marijuana. Consequently, the fiscal impacts noted in the Department of Law's fiscal note for SB 32, which was originally submitted on March 11, 1987, remain the same. The original analysis is herewith attached.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

SB 32 is a blanket provision which would make possession or use of less than one-half pound of marijuana by anyone a class B misdemeanor. Some of the conduct which this bill would cover (such as use or display of any amount in a public place, possession of any amount while operating a motor vehicle, or possession of more than four ounces of marijuana anywhere) is a class B misdemeanor under existing law. See AS 11.71.060. Some of the conduct which this bill would make a crime (such as delivery of less than one-half ounce or possession of less than one ounce in public) is classified under current law as a "violation", punishable by a fine. See AS 11.71.070. The penalties under current law for other conduct such as delivery of one-half ounce or more, delivery to a minor, or possession of any amount on school grounds would not be altered. Penalties under existing law for these offenses range from A misdemeanor to B felony level. See AS 11.71.030, .040, and .050.

The passage of SB 32 would have fiscal impact on the Department of Law in three general areas: (1) the cost of defending the new law against constitutional challenge; (2) the cost of processing the resulting additional criminal cases; and (3) the cost of educating the public about the new law. These three areas are discussed separately below.

1. Defending the New Law

In 1975 the Alaska Supreme Court in the case of Ravin v. State, 537 P.2d 497 (Alaska 1975), ruled that under Art. I, Sec. 22 of the Alaska Constitution the state could not prohibit possession of marijuana by adults in their own homes for personal use. The court held that the state had not demonstrated the existence of a legitimate state interest which was strong enough to justify the regulation of this conduct.

Since passage of SB 32 would make it a crime for an adult to possess any amount of marijuana anywhere, including in his or her own home, the constitutionality of the new law is certain to be challenged. An appellate court will have to decide whether the state has proved that there is a "compelling state interest" in the prohibition of the use of marijuana which is sufficient to outweigh an individual's right to privacy under the state constitution. It is extremely important, therefore, that the legislature's consideration of this bill include extensive public hearings, debate on the social policy merits of the proposal, and the collection of the results of the most recent scientific, medical, and pharmacological studies regarding the physical, emotional, and social effects of marijuana usage.

In addition to the necessary legislative hearings, evidentiary hearings at the trial court level can be expected when a challenge to the new law is filed. Challenges to the new law will most likely arise in the context of a defendant's pretrial motion to dismiss a criminal prosecution. When responding to such a defense motion, the prosecutor

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

would, in essence, have to convince a court to reverse the ruling in the Ravin case. In order to demonstrate that the result in Ravin is no longer correct, the prosecutor would have to present convincing, scientifically accurate, evidence that the effects of marijuana usage are so injurious to a person's mental and physical health as to justify the legislative decision to totally prohibit use of marijuana by anyone at any time (as opposed to use by minors or use by a person who is operating a motor vehicle--both of which are already prohibited under current law).

The presentation of this convincing evidence will require the prosecution to present expert testimony from authorities who have conducted recent research in this area. Out-of-state witnesses in medical and scientific fields charge a fee for their services. These fees will vary from individual to individual, but are expected to average at least \$100 per hour. This would include services for consultation, witness preparation and actual testimony. Costs will be incurred for expert witness transportation, food and lodging, and other incidental expenses. Additionally, there will be some costs for preparation of exhibits and written reports. To the extent possible, the Department of Law would attempt to present written testimony in situations where it is not feasible to fly a person to Alaska to testify in person. We estimate that a minimum of six expert witnesses will be required to attempt to successfully defend the new law at the trial court level.

Hearings at the trial court level can reasonably be expected to take several days. A substantial commitment of attorney time will be required for scientific and legal research in preparation for the hearings, actual court time, legal briefing, and the preparation of proposed findings of fact. Since prosecutions under the new law will occur statewide, defense challenges may be raised at the same time in different parts of the state. The extensive hearings described above may have to be held in more than one judicial district in the state.

Regardless of which side prevails at the trial court level, the lower court ruling would almost certainly be followed by an appeal. At a minimum, such an appeal (or appeals) would require additional legal research, a thorough review of the record, the drafting of briefs, and oral argument before the appellate court.

2. New Criminal Cases

Although some of the conduct included within the scope of SB 32 is already against the law, much behavior which is now classified as a "violation" or which is not now an offense of any sort will become a misdemeanor crime. It is difficult to accurately predict in advance the impact which the passage of SB 32 will have on the criminal justice system.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Some law enforcement officers who work primarily in the drug enforcement area believe that the new law could potentially result in "thousands" of new misdemeanor cases a year. They believe that the bill would cause an increased enforcement effort both in the areas not now covered by existing law and against persons who commit minor offenses which are already against the law. A great number of the new cases would arise from situations where law enforcement officers now commonly discover small amounts of marijuana (as when an officer responds to a domestic disturbance call and sees some marijuana plants in a person's home, or when a person is arrested for a minor offense and a routine search for weapons reveals some marijuana cigarettes in the person's pocket, for example). Incidents of this sort occur frequently now, but do not generally result in any criminal prosecution for the marijuana possession. Many of these cases are likely to be referred for criminal prosecution if SB 32 becomes law.

Prosecutors generally predict a lesser number of new potential criminal cases under SB 32 than do police. Once the public becomes aware of the new law, people are likely to be more careful about not allowing marijuana or smoking paraphernalia to be exposed in plain view in their homes, for example. Judging from the number of minor marijuana offenses prosecuted prior to the Ravin decision in 1975, prosecutors expect a "few hundred" new criminal cases a year.

Cases which are accepted for prosecution will require attorney time both at trial and in preparation for trial (i.e., preparation of search warrants, response to defense motions, evaluation of results of laboratory analysis, pretrial witness preparation, etc.). To handle screening of the expected case referrals, and to prosecute the additional cases, the criminal division will require the addition of at least two Attorney III positions in Anchorage. It is anticipated that a half-time attorney will also be needed in the Fairbanks District Attorney's office.

This fiscal note reflects the fact that the pretrial diversion program was entirely eliminated in FY 88. Anticipating that more than fifty per cent of defendants would qualify for diversion, we must prepare for a gross increase in the number of cases that will go to trial.

3. Public Education

In order to inform the public of the changes in the law, the Department of Law will develop and disseminate public notices explaining the new law. These notices will include newspaper ads and brochures, and will be modeled upon the public education notices which were distributed statewide in connection with the new drug law in 1982 and the new DWI and drinking age laws in 1983. Based upon experience with these earlier notices, approximately \$18,000 will be needed to cover the costs of writing, layout, typesetting, publication, and distribution.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

In addition to the costs explained above, it is anticipated that the passage of this bill will result in increased costs to other components of the criminal justice system, including law enforcement, the courts, the public defender agency, and corrections.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis

1. Defending the New Law

Admin. & Support Component/Prosc. - BRU

<u>Object</u>	<u>Total</u>
Contractual Services -	
Professional fees scientific experts 120 hrs. X \$100 = \$12,000	\$12,000
Experts' staff support, preparation of exhibits, written testimony 50 hrs. X \$40 = \$2,000	2,000
Experts' travel to attend hearings and offer testimony 6 trips X 4 days X \$80 = \$1,920 subsistence 6 trips X \$1,500 = \$9,000 travel	1,920 9,000
	<u>\$24,920</u>

This amount will be required for both FY 89 and FY 90, to cover both trials and appeals.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

2. New Criminal Cases

Third Judicial District - Anchorage

	Atty III (PFT)	Atty III (PFT)	Total
Personal Services	62.6	62.6	125.2
Travel - Witness travel subsistence, atty. travel	1.8	1.8	3.6
Contractual Services			
office commo. equip. repairs	2.4	2.4	4.8
copy - postage	1.2	1.2	<u>2.4</u>
			7.2
Commodities - Ongoing			
office consumables	1.8	1.8	3.6
Law library	1.2	1.2	2.4
Commodities - one time			
New position materials	1.2	1.2	<u>2.4</u>
			8.4
Equipment - one time			
New position equipment	1.5	1.5	3.0
	<u>73.7</u>	<u>73.7</u>	<u>147.4</u>

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

Fourth Judicial District - Fairbanks

	Atty. III (PPT)	<u>Total</u>
Personal Services	35.7	35.7
Travel - Witness travel subsistence, Atty. travel	1.8	1.8
Contractual Services		
office commo., equip. repair	2.4	2.4
copy - postage	1.2	<u>1.2</u>
		3.6
Commodities - Ongoing		
office consumables	1.8	1.8
Law library	1.2	1.2
Commodities - one time		
New position materials	1.2	<u>1.2</u>
		4.2
Equipment - one time		
New position equipment	1.5	1.5
		—
		46.8

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

3. Public Education

Admin. & Support Component/Prosc. BRU

<u>Object</u>	<u>Total</u>
Contractual Services - one time writing, layout, typesetting, publication and distribution of public notices and information brochures describing the changes in the law.	18.0 18.0
	18.0

Summary of Expenses

	<u>Defending the new law</u>	<u>New Criminal Cases</u>	<u>Public Education</u>	<u>Total</u>
Personal Services		160.9		160.9
Travel		5.4		5.4
Contractual	24.9	10.8	18.0	53.7
Commodities		12.6		12.6
Equipment		4.5		4.5
	24.9	194.2	18.0	237.1

Costs beyond FY 89 include a 3 per cent inflation factor, less one-time items. The costs for defending the new law will occur in both FY 89 and FY 90 and they will be eliminated thereafter.

Position Title Attorney III		No. of Positions 2	Range/Step 22A	Barg. Unit PX
Time Status PFT	Start Months 24	Location EBA - Anchorage		Election District 8
Justification				
<p>These two full-time attorney positions are required at Anchorage to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred such offenses will occur each year as a result of the enactment of this bill. These positions will be responsible for prosecuting those new cases that are brought in the Third Judicial District and handling appellate briefs and appeals hearings. Because these new cases will be classed as misdemeanor offenses, allocation of the positions to the Attorney III level is appropriate.</p>				
Type of Expenditure:		Amount		
1	2	3		
Salary	98,380			
Benefits	26,834			
Premium Pay				
Other				
Total Personal Services		125,214		
Travel		3,600		
Contractual		7,200		
Commodities		8,400		
Equipment		3,000		
Other				
Total Cost		147,414		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	147,414		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Request For
New Position

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 1 of 2
 Revised Date

FY 89

Position Title Attorney III		No. of Positions	Range/Step 22A	Barg. Unit PX
Time Status PPT	Staff Months 12	Location JBA - Fairbanks		Election District 16
Type of Expenditure		Justification		
1	2	3		
Salary	28,128	This permanent part-time position at Fairbanks is required to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred offenses will occur each year as a result of the enactment of this bill. This position will be responsible for prosecuting those new cases that are brought in the Fourth Judicial District. Because these new cases will be classed as misdemeanor offenses, allocation of the position to the Attorney III level is appropriate.		
Benefits	7,576			
Premium Pay				
Other				
Total Personal Services	35,704			
Travel	1,800			
Contractual	3,600			
Commodities	4,200			
Equipment	1,500			
Other				
Total Cost	46,804			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,804		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Request For
New Position

Agency Department of Law
 BRU Prosecution
 Component Fourth Judicial District

Page 2 of 2
 Revised Date

FY 89

0/12/88 JMC

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 32
PUBLISH DATE: _____

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "An Act relating to the
recriminalization of marijuana.."
Sponsor: Sen. Fischer
Requestor: Senate Rules

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Criminal Investigation
Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JMC
2/19/88

Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 1/29/88

Approved by Commissioner: Arthur English *A.H.*
Agency: Public Safety

Date: 1/29/88

- Distribution: (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

RECEIVED
FEB 13 1988

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CS SB 32
PUBLISH DATE: 3/31/87

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to marijuana" Agency Affected: Dept. of Administration
BRU: Public Defender Agency

Sponsor: Fischer and Faiks
Requestor: Judiciary and Finance Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		140.4	146.0	151.8	157.9	164.2
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		27.5	10.4	10.8	11.2	11.6
SUPPLIES		2.0	2.1	2.2	2.3	2.4
EQUIPMENT		3.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		172.9	158.5	164.8	171.4	178.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		172.9	158.5	164.8	171.4	178.2
FEDERAL FUNDS						
OTHER						
TOTAL		172.9	158.5	164.8	171.4	178.2

POSITIONS:

FULL-TIME		2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

(See attached)

Prepared by: Dana Fabe, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: January 21, 1988

Approved by Commissioner: John Andrews
Agency: Department of Administration

Date: 2/1/88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FEB 3 1988

page 1 of 4

LEGISLATIVE FINANCE

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 32

This bill would re-institute the prosecution of offenses relating to the possession of marijuana in any amount or location and would result in a significant number of new cases for the Department of Law, the Public Defender Agency and the Office of Public Advocacy. The Department of Law is requesting 2.5 new attorney positions while the Public Defender Agency is requesting an Attorney III in Anchorage and an Attorney III in Fairbanks for a total of 173.4.

BUDGET ANALYSIS

100	Attorney III - Anchorage	66.0	
	Attorney III - Fairbanks	74.4	140.4
200	Travel		-0-
300	Contractual - Space, phone, etc.	10.0	
	Litigation, one time	17.5	27.5
400	Supplies - Law Library, office, etc.		2.0
500	Equipment - One time		<u>3.0</u>
		TOTAL	172.9

Position Title Attorney III		No. of Positions 1	Range/Step 22/A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location Anchorage		Election District 92
Type of Expenditure		Amount		
1	2	3		
Salary	49,140			
Benefits	16,834			
Premium Pay				
Other				
Total Personal Services		65,974		
Travel		-0-		
Contractual		22,500		
Commodities		1,000		
Equipment		1,500		
Other				
Total Cost		90,974		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	90,974		
GF Program Receipts	1005			
Other				
Justification				
This bill would result in a significant increase in criminal prosecutions as it would apply to any amount of marijuana in any location. The Public Defender Agency is requesting an Attorney III for Anchorage plus an additional 17.5 (one time) in contractual to litigate the constitutionality of this bill.				

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

Page 3 of 4
 Revised Date 1/21/88

FY 89

Position Title Attorney III		No. of Positions 1	Range/Step 22/A	Barg. Unit PX	
Time Status PFT	Staff Months 12	Location Fairbanks		Election District 94	
Type of Expenditure		Justification			
Amount		<p>This bill would result in a significant increase in criminal prosecutions as it would apply to any amount of marijuana in any location. The Public Defender Agency is requesting an Attorney III for Fairbanks to respond to the anticipated increased caseload.</p>			
1	2				3
Salary	56,244				
Benefits	18,129				
Premium Pay					
Other					
Total Personal Services					74,373
Travel					-0-
Contractual					5,000
Commodities					1,000
Equipment		1,500			
Other					
Total Cost		81,873			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	81,873			
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

FY 89

Page 4 of 4
 Revised Date 1/21/88

SENATE COMMITTEE REPORT

FURTHER:

5/7/87

DATE TURNED INTO OFFICE

5/8/87

Mr. President:

FINANCE

Committee considered

SB 32

relating to marijuana; efd.

and recommended:

[] replace with CS FOR) [x] same title
[] or adopt CS FOR SB 32 (HESS)) [] new title

[] attached amendment(s) and

[] do pass

[] do not pass

[] no recommendation

[x] individual recommendations

[] further referral to

[] letter of intent adopted

Committee [x] attached or [] adopted fiscal note(s)

[x] new [] updated or [] previous
[x] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul Trach

Bob [unclear] (No Rec)
Jim [unclear] (No Rec)
Willie [unclear] (No Rec)

Chairman signature and recommendation Do PASS

[] Committee Backup Attached

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 32 (HESS)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: January 14, 1988
Title: Relating to marijuana

Agency Affected: All
BRU: _____

Sponsor: Sen. Fischer
Requestor: Senate Finance Committee

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93

REVENUE	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This fiscal note replaces all previous notes.

Prepared by: *Rick Halford* Phone: 465-4958
Division: Senator Rick Halford, Co-chairman Date: _____
Senate Finance Committee

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

*SFC O
Fiscal Note
Updated for
1988*

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: CS SB 32 (HESS)
Publish Date: _____

REQUEST: _____

Revision Date: _____
Title: Relating to marijuana; efd

Agency Affected: ALL
BRU: _____

Sponsor: Senator Fischer
Requestor: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)


GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This fiscal note replaces all previous notes.

Prepared by:  Phone: 465-4985
Division: Senator/ John Binkley, Co-chairman Date: 5/8/87
Senate Finance Committee

Approved by Commissioner: _____ Date: _____
Agency: _____

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

Original sponsors: Fischer and Faiks

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 32 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to marijuana; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. FINDINGS. (a) The legislature finds that marijuana use
10 is a serious health problem for the following reasons, each of which con-
11 stitutes a legitimate and compelling state interest:

12 (1) marijuana and other cannabis preparations may contain over
13 420 different compounds;

14 (2) tetrahydrocannabinol (THC), one of the pharmacologically
15 active compounds in marijuana, is not soluble in water, but goes into the
16 fatty tissues of the brain, testicles, ovaries, and other internal organs,
17 and takes as long as 30 days to be eliminated from the body;

18 (3) the buildup of THC in the system means that repeated
19 administration of even small doses may lead to an accumulation of the drug
20 higher than levels reached at any time after a single dose;

21 (4) the buildup of THC in the body causes the user to smoke more
22 marijuana to achieve the desired high and may result in loss of sleep,
23 appetite, and initiative, as well as moodiness and depression;

24 (5) it is possible for a human being to overdose from the use of
25 marijuana, especially if it is used in conjunction with alcohol, because it
26 increases the effects of alcohol;

27 (6) the THC content of commonly obtainable marijuana has in-
28 creased from less than one percent 10 years ago to as high as 10 percent
29 today;

1 (7) marijuana with THC content higher than one percent is
2 generally available in the state, through both importation and local
3 cultivation;

4 (8) marijuana may cause schizophrenia, illusions, and hallucina-
5 tions, including a dulling of the senses, creating the possibility that the
6 user is unable to respond to body signals such as pain;

7 (9) although it may take a heavy cigarette smoker as long as 20
8 years to develop lung cancer, one marijuana cigarette a day may cause lung
9 cancer in three years;

10 (10) THC affects eggs, sperm, sexual hormones, and the develop-
11 ment of a fetus and marijuana use may result in deformed or undersized
12 offspring;

13 (11) other physical reactions to marijuana include irreversible
14 changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, in-
15 creased heart rate, and decreased blood circulation;

16 (12) other psychological reactions to marijuana include loss of
17 memory, anxiety, panic, paranoia, psychosis, psychological dependence, and
18 impairment in thinking, reading comprehension, verbal and arithmetic prob-
19 lem solving, and perception of distance and time;

20 (13) the use of even small amounts of marijuana by adults in the
21 home subjects children present to a substantial health hazard; and

22 (14) marijuana and tetrahydrocannabinols have been found by the
23 United States Congress to possess a high potential for abuse.

24 (b) The legislature further finds that

25 (1) patterns of marijuana use in the state have changed over the
26 past decade;

27 (2) the daily use of marijuana in the state has increased to as
28 high as four percent among the general population and as high as six
29 percent among secondary school students;

1 (3) marijuana use in the state within both the general popula-
2 tion and among adolescents is significantly higher than in the nation as a
3 whole;

4 (4) there is a direct relationship between the use of marijuana
5 at home by adults and the percentage of secondary school students who
6 experience disciplinary and academic problems in public schools; over the
7 last three years in the Anchorage School District, of the 230 students who
8 have been suspended from school for possession or use of marijuana, 29
9 percent have indicated that marijuana is used by adults in their living
10 environment;

11 (5) the changing patterns of marijuana use and the relationship
12 between marijuana use by adults and adolescents have significantly com-
13 promised the state's legitimate efforts to prevent the spread of marijuana
14 use to adolescents and protect the health of adolescents; and

15 (6) these efforts constitute a legitimate and compelling state
16 interest.

17 (c) The legislature further finds there is a legitimate and com-
18 pelling governmental interest, based on testimonial and scientific evi-
19 dence, that the public health and welfare will suffer if personal use of
20 marijuana even in small amounts is allowed.

21 * Sec. 2. AS 11.71.060(a) is amended to read:

22 (a) Except as authorized in AS 17.30, a person commits the crime
23 of misconduct involving a controlled substance in the sixth degree if
24 the person

25 (1) uses or displays any amount of a schedule VIA con-
26 trolled substance or possesses one or more preparations, compounds,
27 mixtures, or substances of an aggregate weight of less than one-half
28 pound [ONE OUNCE OR MORE] containing a schedule VIA controlled sub-
29 stance [ON A PUBLIC STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC

1 CARRIER OR BUSINESS ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE]; or
2 [(2) KNOWINGLY POSSESSES ANY AMOUNT OF A SCHEDULE VIA
3 CONTROLLED SUBSTANCE WITHIN THE IMMEDIATE CONTROL OF THAT PERSON WHILE
4 OPERATING A PROPELLED VEHICLE;
5 (3) BEING UNDER 19 YEARS OF AGE, POSSESSES ONE OR MORE
6 PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE
7 WEIGHT OF LESS THAN FOUR OUNCES CONTAINING A SCHEDULE VIA CONTROLLED
8 SUBSTANCE;
9 (4) POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIX-
10 TURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF FOUR OUNCES OR MORE
11 CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE; OR]

12 (2) [(5)] refuses entry into a premises for an inspection
13 authorized under AS 17.30.

14 * Sec. 3. AS 11.71.070 is repealed.

15 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST

Revision Date: _____
 Title: "An Act relating to the re-criminalization of marijuana.."
 Sponsor: Sen. Fischer
 Requestor: Senate Judiciary

Bill Version: CSSB 32 (HESS)

Publish Date: _____

Agency Affected: Public Safety
 BRU: Alaska State Troopers

Components: Detachments & CIB
Narcotics

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan
 Division: Alaska State Troopers

Phone: 269-5691
 Date: 4/8/87

Approved by Commissioner: William R. Nix
 Agency: Public Safety

Date: 4/8/87

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

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page ____ of ____

LEGISLATIVE FINANCE

JNK
4/8/87

10

4/10/87

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 32
Publish Date: _____

REQUEST
Revision Date: _____
Title: "An Act relating to marijuana;
and providing for an effective date."
Sponsor: Sen. Fischer
Requestor: Senate HESS

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & C.I.B.
Narcotics

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No additional enforcement activities are anticipated and thus no fiscal impact is anticipated.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 1/21/87

Approved by Commissioner: [Signature]
Agency: Public Safety
Distribution (by preparer):

Date: 1/26/87

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

JMK
1/21/87

F.C.A.

3/10/87 B

Letter of SFC
referred to

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

Bill Version : SB32
 Publish Date : _____
 REQUEST: _____
 Revision Date: _____
 Title: "An Act relating to marijuana..."
 Agency Affected: Dept. of Administration
 BRU: Public Defender Agency
 Sponsor: Sen. Fischer, Sen Faiks
 Requestor: Judiciary
 Components: Third Judicial District
Fourth Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		140.9	146.5	152.3	158.4	164.7
TRAVEL		-0-				
CONTRACTUAL		27.5	10.4	10.8	11.2	11.6
SUPPLIES		2.0	2.1	2.2	2.3	2.4
EQUIPMENT		3.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	173.4	159.0	165.3	171.9	178.7

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	173.4	159.0	165.3	171.9	178.7
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	173.4	159.0	165.3	171.9	178.7

POSITIONS:

FULL-TIME	-0-	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis

by SFC

Prepared by: Dana Fabe, Public Defender Phone: 279-7541
 Division: Public Defender Agency Date: Feb. 20, 1987

Approved by Commissioner: Forney Peck Date: 3/6/87
 Agency: _____

- Distribution (by preparer):
 Legislative Finance -
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

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CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB32

This bill would re-institute the prosecution of offenses relating to the possession of marijuana in any amount or location and would result in a significant number of new cases for the Department of Law, the Public Defender Agency and the Office of Public Advocate. The Department of Law is requesting 2.5 new attorney positions while the Public Defender Agency is requesting an Attorney III in Anchorage and an Attorney III in Fairbanks for a total of \$173.4.

BUDGET ANALYSIS

100	Attorney III - Anchorage	66.1	
	Attorney III - Fairbanks	- 74.8	140.9
200	Travel		-0-
300	Contractual - Space, phone, etc.	10.0	
	Litigation, one time	17.5	27.5
400	Supplies - Law Library, office, etc.		2.0
500	Equipment - One time		<u>3.0</u>
		Total	173.4

8

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: SB 32
Publish Date:

REQUEST: _____

Revision Date: _____ Agency Affected: Alaska Court System
Title: An act relating to marijuana BRU: Trial Courts

Sponsor: Fischer Components:
Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
Personal Services	••••	143.6	143.6	143.6	143.6	143.6
Travel	••••	••••	••••	••••	••••	••••
Contractual	••••	••••	••••	••••	••••	••••
Supplies	••••	••••	••••	••••	••••	••••
Equipment	••••	11.5	••••	••••	••••	••••
Land & Structures	••••	••••	••••	••••	••••	••••
Grants & Claims	••••	••••	••••	••••	••••	••••
TOTAL OPERATING	0.0	155.1	143.6	143.6	143.6	143.6
CAPITAL	••••	••••	••••	••••	••••	••••
REVENUE	••••	••••	••••	••••	••••	••••

FUNDING: (Thousands of Dollars)

General Funds	0.0	155.1	143.6	143.6	143.6	143.6
Federal Funds	••••	••••	••••	••••	••••	••••
Other	••••	••••	••••	••••	••••	••••
TOTAL	0.0	155.1	143.6	143.6	143.6	143.6

POSITIONS:

Full-time	••••	4.0	4.0	4.0	4.0	4.0
Part-time	••••	1.0	1.0	1.0	1.0	1.0
Temporary	••••	••••	••••	••••	••••	••••

ANALYSIS: (Attach a separate page if necessary)

by JFC

See attached fiscal analysis.

Prepared by: Karla Forsythe, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 4-23-87

Approved by: *Stephanie J. Cole*
Stephanie J. Cole, Deputy Director
Agency: Alaska Court System

Date: 4-23-87

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)
Senate Secretary

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APR 27 1987

LEGISLATIVE FINANCE

ALASKA COURT SYSTEM
SB 32 - Fiscal Analysis

The Court System's fiscal note is based on the assumption that this bill will be enforced if enacted into law. The fiscal note submitted by the Department of Law reports that enforcement personnel anticipate several thousand new cases. This figure does not include prosecution resulting from municipal enforcement. Municipal police will generate a significant volume of cases for the courts, since they are responsible for enforcement in Alaska's urban communities and are more likely to arrest a large number of individuals than state troopers who focus on organized drug activity.

Using a conservative estimate of 2,000 cases annually, it appears that the increased caseload could be absorbed with existing judicial resources, but additional clerical support would be needed to process the high volume of paperwork attributable to these new criminal offenses which will be entering the criminal justice system.

10

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: Senate Bill 32
Publish Date: _____

Revision Date: _____
Title: "An act relating to marijuana"

Agency Affected: Department of Corrections
BRU: _____

Sponsor: Senator Paul Fischer
Requestor: Senator Paul Fischer

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Susie Riley, Budget Analyst Phone: 465-3376
Division: Administrative Services Date: 01/26/87

Approved by ^{acting} Commissioner: William W. Ladwig Date: 01/26/87
Agency: Department of Corrections

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

HESS 1/19/87
 No SFC referral B
 3/12/87

STATE OF ALASKA 1987 LEGISLATIVE SESSION
 FISCAL NOTE

REQUEST: _____

Bill Version: SB 32

Publish Date: _____

Revision Date: _____

Agency Affected: Department of Law

Title: "An Act relating to marijuana..."

BRU: Prosecution

Sponsor: Sen. Fischer

Components: Third Judicial District,

Requestor: Sen. Fischer

Fourth Judicial District, Admin. &

Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		160.9	165.7	170.7	175.8	181.1
TRAVEL		5.4	5.6	5.8	6.0	6.2
CONTRACTUAL		53.7	36.5	11.9	12.3	12.7
SUPPLIES		12.6	9.3	9.6	9.9	10.2
EQUIPMENT		4.5	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		237.1	217.1	198.0	204.0	210.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		237.1	217.1	198.0	204.0	210.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

by SFC

Prepared by: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services

Date: 3/11/87

Approved by Commissioner: Richard I. Pegues (for) Grace Berg Schaible, Atty. Gen.

Date: 3/11/87

Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

RECEIVED

MAR 11 1987

LEGISLATIVE FINANCE

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

SB 32 is a blanket provision which would make possession or use of less than one-half pound of marijuana by anyone a class B misdemeanor. Some of the conduct which this bill would cover (such as use or display of any amount in a public place, possession of any amount while operating a motor vehicle, or possession of more than four ounces of marijuana anywhere) is a class B misdemeanor under existing law. See AS 11.71.060. Some of the conduct which this bill would make a crime (such as delivery of less than one-half ounce or possession of less than one ounce in public) is classified under current law as a "violation", punishable by a fine. See AS 11.71.070. The penalties under current law for other conduct such as delivery of one-half ounce or more, delivery to a minor, or possession of any amount on school grounds would not be altered. Penalties under existing law for these offenses range from A misdemeanor to B felony level. See AS 11.71.030, .040, and .050.

The passage of SB 32 would have fiscal impact on the Department of Law in three general areas: (1) the cost of defending the new law against constitutional challenge; (2) the cost of processing the resulting additional criminal cases; and (3) the cost of educating the public about the new law. These three areas are discussed separately below.

1. Defending the New Law

In 1975 the Alaska Supreme Court in the case of Ravin v. State, 537 P.2d 497 (Alaska 1975), ruled that under Art. I, Sec. 22 of the Alaska Constitution the state could not prohibit possession of marijuana by adults in their own homes for personal use. The court held that the state had not demonstrated the existence of a legitimate state interest which was strong enough to justify the regulation of this conduct.

Since passage of SB 32 would make it a crime for an adult to possess any amount of marijuana anywhere, including in his or her own home, the constitutionality of the new law is certain to be challenged. An appellate court will have to decide whether the state has proved that there is a "compelling state interest" in the prohibition of the use of marijuana which is sufficient to outweigh an individual's right to privacy under the state constitution. It is extremely important, therefore, that the legislature's consideration of this bill include extensive public hearings, debate on the social policy merits of the proposal, and the collection of the results of the most recent scientific, medical, and pharmacological studies regarding the physical, emotional, and social effects of marijuana usage.

In addition to the necessary legislative hearings, evidentiary hearings at the trial court level can be expected when a challenge to the new law is filed. Challenges to the new law will most likely arise in the context of a defendant's pretrial motion to dismiss a criminal prosecution. When responding to such a defense motion, the prosecutor

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

would, in essence, have to convince a court to reverse the ruling in the Ravin case. In order to demonstrate that the result in Ravin is no longer correct, the prosecutor would have to present convincing, scientifically accurate, evidence that the effects of marijuana usage are so injurious to a person's mental and physical health as to justify the legislative decision to totally prohibit use of marijuana by anyone at any time (as opposed to use by minors or use by a person who is operating a motor vehicle--both of which are already prohibited under current law).

The presentation of this convincing evidence will require the prosecution to present expert testimony from authorities who have conducted recent research in this area. Out-of-state witnesses in medical and scientific fields charge a fee for their services. These fees will vary from individual to individual, but are expected to average at least \$100 per hour. This would include services for consultation, witness preparation and actual testimony. Costs will be incurred for expert witness transportation, food and lodging, and other incidental expenses. Additionally, there will be some costs for preparation of exhibits and written reports. To the extent possible, the Department of Law would attempt to present written testimony in situations where it is not feasible to fly a person to Alaska to testify in person. We estimate that a minimum of six expert witnesses will be required to attempt to successfully defend the new law at the trial court level.

Hearings at the trial court level can reasonably be expected to take several days. A substantial commitment of attorney time will be required for scientific and legal research in preparation for the hearings, actual court time, legal briefing, and the preparation of proposed findings of fact. Since prosecutions under the new law will occur statewide, defense challenges may be raised at the same time in different parts of the state. The extensive hearings described above may have to be held in more than one judicial district in the state.

Regardless of which side prevails at the trial court level, the lower court ruling would almost certainly be followed by an appeal. At a minimum, such an appeal (or appeals) would require additional legal research, a thorough review of the record, the drafting of briefs, and oral argument before the appellate court.

2. New Criminal Cases

Although some of the conduct included within the scope of SB 32 is already against the law, much behavior which is now classified as a "violation" or which is not now an offense of any sort will become a misdemeanor crime. It is difficult to accurately predict in advance the impact which the passage of SB 32 will have on the criminal justice system.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Some law enforcement officers who work primarily in the drug enforcement area believe that the new law could potentially result in "thousands" of new misdemeanor cases a year. They believe that the bill would cause an increased enforcement effort both in the areas not now covered by existing law and against persons who commit minor offenses which are already against the law. A great number of the new cases would arise from situations where law enforcement officers now commonly discover small amounts of marijuana (as when an officer responds to a domestic disturbance call and sees some marijuana plants in a person's home, or when a person is arrested for a minor offense and a routine search for weapons reveals some marijuana cigarettes in the person's pocket, for example). Incidents of this sort occur frequently now, but do not generally result in any criminal prosecution for the marijuana possession. Many of these cases are likely to be referred for criminal prosecution if SB 32 becomes law.

Prosecutors generally predict a lesser number of new potential criminal cases under SB 32 than do police. Once the public becomes aware of the new law, people are likely to be more careful about not allowing marijuana or smoking paraphernalia to be exposed in plain view in their homes, for example. Judging from the number of minor marijuana offenses prosecuted prior to the Ravin decision in 1975, prosecutors expect a "few hundred" new criminal cases a year.

Cases which are accepted for prosecution will require attorney time both at trial and in preparation for trial (i.e., preparation of search warrants, response to defense motions, evaluation of results of laboratory analysis, pretrial witness preparation, etc.). To handle screening of the expected case referrals, and to prosecute the additional cases, the criminal division will require the addition of at least two Attorney III positions in Anchorage. It is anticipated that a half-time attorney will also be needed in the Fairbanks District Attorney's office.

This fiscal note reflects the fact that the pretrial diversion program will be entirely eliminated in FY 88. Anticipating that more than fifty per cent of defendants would qualify for diversion, we must prepare for a gross increase in the number of cases that will go to trial.

3. Public Education

In order to inform the public of the changes in the law, the Department of Law will develop and disseminate public notices explaining the new law. These notices will include newspaper ads and brochures, and will be modeled upon the public education notices which were distributed statewide in connection with the new drug law in 1982 and the new DWI and drinking age laws in 1983. Based upon experience with these earlier notices, approximately \$18,000 will be needed to cover the costs of writing, layout, typesetting, publication, and distribution.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

In addition to the costs explained above, it is anticipated that the passage of this bill will result in increased costs to other components of the criminal justice system, including law enforcement, the courts, the public defender agency, and corrections.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis

1. Defending the New Law

Admin. & Support Component/Prosec. - BRU

<u>Object</u>	<u>Total</u>
Contractual Services -	
Professional fees scientific experts 120 hrs. X \$100 = \$12,000	\$12,000
Experts' staff support, preparation of exhibits, written testimony 50 hrs. X \$40 = \$2,000	2,000
Experts' travel to attend hearings and offer testimony 6 trips X 4 days X \$80 = \$1,920 subsistence 6 trips X \$1,500 = \$9,000 travel	1,920 9,000
	<u>\$24,920</u>

This amount will be required for both FY 88 and FY 89, to cover both trials and appeals.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

2. New Criminal Cases

Third Judicial District - Anchorage

	Atty III (PFT)	Atty III (PFT)	Total
Personal Services	62.6	62.6	125.2
Travel - Witness travel subsistence, atty. travel	1.8	1.8	3.6
Contractual Services			
office commo. equip. repairs	2.4	2.4	4.8
copy - postage	1.2	1.2	<u>2.4</u>
			7.2
Commodities - Ongoing			
office consumables	1.8	1.8	3.6
Law library	1.2	1.2	2.4
Commodities - one time			
New position materials	1.2	1.2	<u>2.4</u>
			8.4
Equipment - one time			
New position equipment	1.5	1.5	3.0
	<hr/>	<hr/>	<hr/>
	73.7	73.7	147.4

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

Fourth Judicial District - Fairbanks

	Atty. III (PPT)	<u>Total</u>
Personal Services	35.7	35.7
Travel - Witness travel subsistence, Atty. travel	1.8	1.8
Contractual Services		
office commo., equip. repair	2.4	2.4
copy - postage	1.2	<u>1.2</u>
		3.6
Commodities - Ongoing		
office consumables	1.8	1.8
Law library	1.2	1.2
Commodities - one time		
New position materials	1.2	<u>1.2</u>
		4.2
Equipment - one time		
New position equipment	1.5	1.5
		<hr style="width: 100px; margin: 0 auto;"/>
		46.8

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 32

Fiscal Analysis - (cont'd)

3. Public Education

Admin. & Support Component/Prosc. BRU

Object

Total

Contractual Services - one time writing, layout, typesetting, publication and distribution of public notices and information brochures describing the changes in the law.

18.0 18.0

18.0

Summary of Expenses

	<u>Defending the new law</u>	<u>New Criminal Cases</u>	<u>Public Education</u>	<u>Total</u>
Personal Services		160.9		160.9
Travel		5.4		5.4
Contractual	24.9	10.8	18.0	53.7
Commodities		12.6		12.6
Equipment		4.5		4.5
	-----	-----	-----	-----
	24.9	194.2	18.0	237.1

Costs beyond FY 88 include a 3 per cent inflation factor, less one-time items. The costs for defending the new law will occur in both FY 88 and FY 89 and they will be eliminated thereafter.

Position Title Attorney II		No. of Positions 2	Range/Step 22A	Barg. Unit PX
Time Status PFT	Staff Months 24	Location EBA - Anchorage		Election District 8
Type of Expenditure:		Justification		
1	2	3		
Salary	98,380	These two full-time attorney positions are required at Anchorage to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred such offenses will occur each year as a result of the enactment of this bill. These positions will be responsible for prosecuting those new cases that are brought in the Third Judicial District and handling appellate briefs and appeals hearings. Because these new cases will be classed as misdemeanor offenses, allocation of the positions to the Attorney III level is appropriate.		
Benefits	26,834			
Premium Pay				
Other				
Total Personal Services				
Travel		3,600		
Contractual		7,200		
Commodities		8,400		
Equipment		3,000		
Other				
Total Cost		147,414		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	147,414		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 1 of 2
 Revised Date

FY 88

Position Title Attorney III		No. of Positions 1	Range/Step 22A	Barg. Unit PX
Time Status PPT	Staff Months 12	Location JBA - Fairbanks		Election District 16
Justification				
This permanent part-time position at Fairbanks is required to handle the influx of new cases that will result when marijuana violations, or any use of marijuana, which is not now a violation, become misdemeanor offenses. Prosecutors expect that at least a few hundred offenses will occur each year as a result of the enactment of this bill. This position will be responsible for prosecuting those new cases that are brought in the Fourth Judicial District. Because these new cases will be classed as misdemeanor offenses, allocation of the position to the Attorney III level is appropriate.				
Type of Expenditure		Amount		
1	2	3		
Salary	28,128			
Benefits	7,576			
Premium Pay				
Other				
Total Personal Services		35,704		
Travel		1,800		
Contractual		3,600		
Commodities		4,200		
Equipment		1,500		
Other				
Total Cost		46,804		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,804		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Fourth Judicial District

Page 2 of 2
 Revised Date

FY 88

POSITION PAPER

SB 32

The Alaska Public Defender Agency and the Office of Public Advocacy are totally reactive agencies which provide representation to indigent persons when appointed by the court. These agencies do not make policy nor do they initiate litigation. Only proposed legislation with fiscal or program ramifications for these agencies can be said to have a direct agency impact. Thus, the Public Defender Agency and Office of Public Advocacy submit position papers for legislation which will affect these agencies fiscally or programatically or will require these agencies to litigate constitutional issues raised by the legislation.

Fiscal impact: _____ None See attached fiscal note X

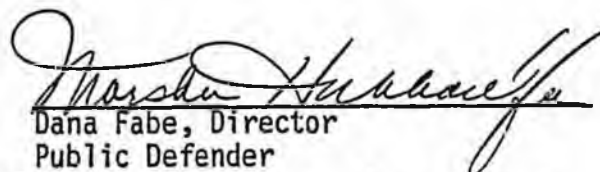
Program impact: _____ None See analysis below X

Constitutional impact: _____ None See analysis below X

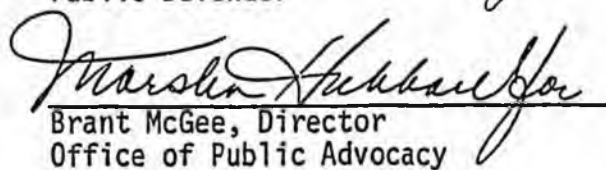
This bill recriminalizes the use of marijuana in the home.

This bill appears to be violative of the Alaska Supreme Court's holding in Ravin v. State and will certainly lead to extensive trial and appellate court hearings on the issue of its constitutionality.

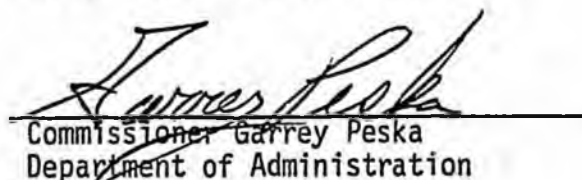
Furthermore, in a time of declining revenues, this bill may divert costly law enforcement, prosecution, defense and court resources from more serious cases.


Dana Fabe, Director
Public Defender

3/5/87
Date


Brant McGee, Director
Office of Public Advocacy

3/5/87
Date


Commissioner Garrey Peska
Department of Administration

3/6/87
Date

BILL NO: CSSB 32 (HESS)

DATE: 4/6/87 APR 9 1987

TITLE: "An Act relating to marijuana; and providing for an effective date."

CONTACT: Major Walter J. Gilmour
Acting Director
Alaska State Troopers

OFFICE OF THE ATTORNEY GENERAL
STATE OF ALASKA
DEPARTMENT OF PUBLIC SAFETY

Provides for recriminalization of possession of marijuana and an effective date.

During past years, the crime of possession of marijuana has been a felony, a misdemeanor, a violation and presently, legal for possession of certain amounts in the home. The intent of this legislation is to recriminalize possession of any amount.

The limited manpower and capabilities of the Alaska State Troopers Drug Enforcement personnel requires that they concentrate enforcement efforts on the suppliers and dealers of the drug, leaving little time or resources to actively pursue small amount possession violators in the home. This makes sense since suppliers and dealers usually have on hand substantial amounts of marijuana which is destined for sale in small amounts to individuals anyway and by removing a substantial amount of the source, more of an effect is felt on the market than by seizing small amounts from individuals.

Since possession of any amount of marijuana in public, on a school ground or while operating a motor vehicle is presently a crime, as well as possession of any amount by a minor, the trooper on patrol or making traffic enforcement already has the vehicle with which to arrest and charge when confronted with these situations.

Although passage of this legislation would undoubtedly deter some people from possessing small amounts in the homes because it would be illegal, the enforcement efforts of the Alaska State Troopers probably would not change much from its present status, that being concentration on suppliers and dealers. Passage of this legislation would, however, bring Alaska's marijuana laws in line with federal laws, as well as the marijuana laws in the other states.

The Division of Alaska State Troopers is neutral on this legislation.



William R. Nix
Acting Commissioner

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2/16/87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: JUDICIARY
Finance

**FISCAL NOTE(S) ATTACHED 5 **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/19/87 DATE TURNED INTO OFFICE 3/31/87

Mr. President:

HESS Committee considered SB 32

~~relating to~~ marijuana; efd.

and recommended:

replace with CS SB 32 (HESS) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
2 zero 3 fiscal impact

MEMBERS SIGNING DO PASS

[Signature]
[Signature]

OTHER RECOMMENDATIONS

Rich. Heford NO REC
Joe Josephson - Do NOT PASS
UNLESS AMENDED AND WITHOUT
FISCAL NOTE CHANGE

Paul Franks Do Pass
Chairman signature and recommendation

Committee Backup Attached

*Boehner - of
SB32*

Marijuana and Health

Report of a Study
by a Committee of the
INSTITUTE OF MEDICINE
Division of Health Sciences Policy

NATIONAL ACADEMY PRESS
Washington, D.C. 1982

18 (3) the buildup of THC in the system means that repeated
19 administration of even small doses may lead to an accumulation of the drug
20 higher than levels reached at any time after a single dose;

Aspergillus, a fungus, is a common contaminant of some cannabis (Llewellyn and O'Rear, 1977; Llamas et al., 1978). The spores pass easily through contaminated marijuana cigarettes and when smoked are presumed to enter the body.

CELLULAR TOXICITY

A variety of effects on cellular processes have been reported, usually based on studies of in vitro systems. The low water solubility of the cannabinoids and the need to add solvents and emulsifiers, along with a common tendency to use higher in vitro concentrations than occurs in living animals, makes interpretation of such experiments difficult.

In related studies, Δ-9-THC alters the actions of a number of intracellular enzyme systems. The biological relevance of these drug/enzyme interactions is still unclear at this time, but, together with the cytotoxicity, it suggests that Δ-9-THC is producing marked effects on cell membranes and intracellular processes.

Almost nothing is known of the molecular mechanisms by which cannabinoids produce their effects in cells.

TOLERANCE AND DEPENDENCE

Repeated administration development of tolerance results from two genera

- Dispositional to concentrations at sites of drug metabolism or e
- Functional toler the target cells.

FINDING # 3

...drugs leads to the used drug resistance al., 1971):

lower drug ause of increased rates

ased sensitivity of

Tolerance to most cannabinoid effects has been demonstrated both in animals and human beings (Jones, 1981). Tolerance can develop rapidly after only a few small doses. It disappears at an equally rapid rate for many effects, although after large doses in experimental animals some tolerance may persist for long periods (Jones, 1981). Systematic studies of tolerance loss have rarely been done. Many characteristics of tolerance to Δ-9-THC, particularly its pattern of rapid acquisition and loss, are similar to that occurring with opiates, nicotine, and cocaine (Jones, 1981). Most evidence suggests functional rather than dispositional means of acquiring tolerance.

The development of such tolerance to cannabis does not necessarily have health implications. However, if tolerance should lead to higher or more frequent doses, adverse consequences, e.g., respiratory effects, associated with higher usage could result.

3

21 (4) the buildup of THC in the body causes the user to smoke more
22 marijuana to achieve the desired high and may result in loss of sleep,
23 appetite, and initiative, as well as moodiness and depression;

Physical dependence, manifested by withdrawal signs and symptoms, can develop rapidly in animals and in human beings (Jones, 1981). The withdrawal syndrome is not life threatening. It is similar in many respects to the mild dependence produced by low doses of other sedatives. Withdrawal symptoms can include restlessness, irritability, mild agitation, insomnia, and sleep EEG disturbance.

Cannabis dependence does not mean the same thing as cannabis addiction. Dependence means only that a withdrawal syndrome can occur when drug taking is stopped. Addiction implies compulsive behavior to acquire the drug. The relationship between dependence and increased drug seeking or drug using is more theoretical than well documented, particularly in experiments with human beings. Given the appearance of tolerance and dependence with almost any psychoactive drug, it would be unusual not to find tolerance and dependence with the right dose and dosage schedule of cannabis. Good studies of the relationship of dependence, if any, to persistent drug use are important.

DRUG INTERACTIONS

Because cannabis often is consumed with other drugs, interactions can be expected. Other illicit drugs, tobacco, caffeine, alcohol, and over-the-counter or prescribed medications should be studied in combination with cannabis, because Δ -9-THC and its first metabolite are strongly bound to proteins in the plasma (Garratt and Hunt, 1974) and may interact with other drugs similarly bound. Cannabis and many other drugs share disposition by the hepatic metabolic enzyme systems, and there are possible interactions at the drug metabolism level. For example, drugs such as alcohol or pentobarbital can inhibit metabolism of Δ -9-THC by enzyme substrate competition. Or, if after a period of inhibition one drug is removed, the enzyme activity can increase so that faster than expected metabolism follows. If given simultaneously with other drugs, Δ -9-THC can slow metabolism of drugs such as theophyllin, antipyrine, ethanol, and pentobarbital (Benowitz and Jones, 1977; Jusko, 1979). Cannabidiol can also inhibit the metabolism of a variety of drugs normally metabolized by the shared hepatic enzyme systems.

Drug interactions also can occur by means of functional mechanisms. These can be additive, resulting in enhancement or prolongation of behavioral and psychological effects by cannabis when combined with other central nervous system depressant drugs, such as alcohol and barbiturates. Animals less tolerant to cannabis will also be less sensitive to other central nervous system depressants. This phenomenon is known as cross-tolerance. Drug interactions will be mentioned in subsequent chapters.

24 (5) it is possible for a human being to overdose from the use of
25 marijuana, especially if it is used in conjunction with alcohol, because it
26 increases the effects of alcohol;