

LEGISLATIVE FINANCE - HOUSE / SENATE FINANCE COMM. FILES 8879

SB 133, SB 134 1989 618 29

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SENATE COMMITTEE REPORT

FURTHER

2/3/89

DATE TURNED INTO OFFICE 3/10/89

Mr. President:

FINANCE Committee considered SB 133

repealing the authority of the Alaska Court System to impose and of state agencies to collect a probation fee; efd.

and recommended

- replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title
- attached amendment(s) and  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

**FISCAL NOTE(S)**  zero  fiscal impact  appropriation no FN  
 new  updated  previous courts  
 same as previous fiscal note(s) published 1/20/89 - 0

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature] Duncan  
[Signature] Frank  
[Signature] Pearce  
[Signature] Fisher

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature] DO PASS  
 Chairman signature and recommendation

Committee Backup attached

[Signature] Binkley  
[Signature] Co-Chair  
 Do Pass

A/B

STATE OF ALASKA 1989 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: Bill Version: SB 133  
 Publish Date: 1/20/89

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Revision Date: Agency Affected: Alaska Court System  
 Title: An act repealing authority ... BRU: Trial Courts  
 to impose ... and collect probation fees  
 Sponsor: Adams Components:  
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Contractual	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Equipment	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
REVENUE	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*  
 Jan Strandberg, General Counsel  
 Division: Alaska Court System  
 Phone: 264-8228  
 Date: 01/25/89

Approved by: *Stephanie Cole, for*  
 Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System  
 Date: 01/25/89



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

LEGISLATIVE FINANCE

1 IN THE SENATE

BY ADAMS

2

SENATE BILL NO. 133

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act repealing the authority of the Alaska Court System to impose and of state agencies to collect a probation fee; and providing for an effective date."

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

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\* Section 1. AS 12.55.100(a) is amended to read:

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(a) While on probation and among the conditions of probation, the defendant may be required

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13

(1) to pay a fine in one or several sums;

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(2) to make restitution or reparation to aggrieved parties for actual damages or loss caused by the crime for which conviction was had;

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(3) to provide for the support of any persons for whose support the defendant is legally responsible; and

17

18

(4) to perform community work in accordance with AS 12.-

19

55.055 [; AND

20

(5) TO PAY A PERIODIC PROBATION FEE AS PROVIDED IN AS 12.-

21

55.105].

22

\* Sec. 2. AS 14.43.120(i) is amended to read:

23

(i) If a loan is in default, the commission shall notify the borrower that repayment of the remaining balance is accelerated and due by sending the borrower a notice by registered or certified mail. The permanent fund dividend of a borrower may be taken under AS 43.-23.065(b)(3) [AS 43.23.065(b)(4)] to satisfy the balance due on the defaulted loan.

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98-01-2 975 017

1 \* Sec. 3. AS 43.23.065(b) is amended to read:

2 (b) An exemption is not available under this section for perma-  
3 rent fund dividends taken to satisfy

4 (1) child support obligations required by court order or  
5 decision of the child support enforcement agency under AS 47.23.140 -  
6 47.23.220;

7 (2) court ordered restitution under AS 12.55.045 - 12.55.-  
8 051 or 12.55.100; or

9 (3) [A COURT ORDERED PROBATION FEE UNDER AS 12.55.105; OR

10 (4)] a debt owed by an eligible individual to an agency of  
11 the state, unless the debt is contested and an appeal is pending, or  
12 the time limit for filing an appeal has not expired.

13 \* Sec. 4. AS 12.55.105 is repealed.

14 \* Sec. 5. APPLICABILITY. The provisions of this Act do not affect the  
15 collection of probation fee payments ordered by a court under AS 12.55.105,  
16 repealed by sec. 4 of this Act, after June 30, 1986, and before the effec-  
17 tive date of this Act.

18 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

STEVE COWPER, GOVERNOR

REPLY TO:

P.O. BOX 7  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 465-3376

March 6, 1989

The Honorable John Binkley  
The Honorable Steve Frank  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Senators:

You have requested a fiscal note on SB 133 showing personnel cost savings associated with limiting the requirement that probationers pay a monthly fee for service.

I regret that my letter of October 10 was not more clear. There is not a four-officer, two-clerk unit in the Department to collect these fees. Every Field Probation Officer is a part-time fee collector and part-time community work service supervisor.

Alaska's 62 supervising Field Probation Officers are now supervising 2513 probationers and 481 parolees. Statewide, a 31% increase over the last 4 years.

This rapid growth in caseload for Probation Officers is one of the most serious problems the Department of Corrections now faces. To address it, we requested 17 new officers and 5 new clerk typists in our FY90 Agency Budget Request and, as you know, the Governor's Approved Budget includes 6 officers and 2 clerk typists.

Because we are requesting new officers and clerks in the budget bill, it doesn't make sense to show a reduction in personnel in SB 177.

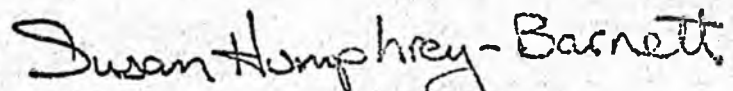
When the bill establishing probation fee collection passed in 1986, no new staff were funded for it. I regret that I cannot show staff reduction by its repeal now.

The Department of Corrections remains in strong support of SB 133. It is part of the answer to increasing supervision of Alaska's probationers and parolees.

The Honorable Johne Binkley  
The Honorable Steve Frank  
Page 2  
March 6, 1989

Please do not hesitate to contact me on this important bill.

Sincerely,

A handwritten signature in cursive script that reads "Susan Humphrey-Barnett". The signature is written in dark ink and is positioned above the typed name.

Susan Humphrey Barnett  
Commissioner

SHB:cc

STEVE FRANK  
DISTRICT K  
SEAT A

119 N. Cushman. Rm. 213  
Fairbanks, Alaska 99701

*While in Juneau*

P.O. Box V

Juneau, Alaska 99811

(907) 465-3709

Capitol Rm. 514

# Alaska State Legislature



## Senate

MEMBER  
Finance Committee  
Resources Committee  
Legislative Council  
Special Committee on Banking &  
Economic Development

VICE-CHAIR  
Community & Regional  
Affairs Committee

March 3, 1989

Commissioner Susan Humphrey-Barnett  
Department of Corrections  
P.O. Box T  
Juneau, Alaska 99811-2000

Dear Commissioner:

Today the Senate Finance Committee held a hearing on SB 133 "An Act repealing the authority of the Alaska Court System to impose and of state agencies to collect a probation fee; and providing an effective date."

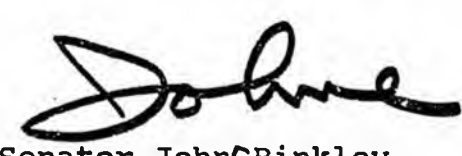
The committee took particular interest in the potential personnel cost savings associated with eliminating the requirement that probationers pay a monthly fee-for-service. In your letter of October 10th, 1988 to Al Adams you indicated that the equivalent of four fulltime probation officers and two fulltime clerks are required to perform tasks associated with the collection of probation fees.

The committee requests that you prepare a fiscal note on SB 133 reflecting the reduction of the above mentioned personnel. Additionally we request that you indicate the regions or locations proposed for personnel reduction.

The bill will be taken up again Tuesday morning so we ask that you provide the fiscal note no later than 8:00 A.M. on March 10th.

Sincerely,

  
Senator Steve Frank

  
Senator John Binkley

# Alaska State Legislature

Al Adams  
District L

WHILE IN SESSION  
P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3707

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3245

3111 C Street  
Anchorage, Alaska 99503  
(907) 561-7622

FEB 6 1989

Official Business

TO: Senator Uehling and Senator Binkley, Co-chairs  
Senate Finance Committee

FROM: Senator Al Adams, Chair *APA*  
Community and Regional Affairs Committee

DATE: February 3, 1989

RE: SB 133 "An Act repealing the authority of the Alaska Court System to impose and of state agencies to collect a probation fee; and providing for an effective date."

This is to request a Senate Finance Committee hearing of the aforementioned legislation. The situation this bill will correct is one that was first brought to my attention by a probation officer in Kotzebue. Current law requires that those on probation pay a \$45 per month fee to their probation officers. This bill would remove that requirement from state law.

Probation officers, particularly those in rural areas, have been encumbered in their attempts to enforce a statute that neither pays for itself or results in any positive change in behavior by those subject to paying the fees. In addition, the time spent by probation officers as fee agents is a useless expenditure when their efforts could be better spent at other tasks.

The situation of highly seasonal employment in rural areas creates a situation where those on probation often have no regular income, and frequently a meager amount when they do. The desire to enforce this statute is often met with frustration by both those on probation and those responsible for fee collection in areas on the edge of a cash economy. The option of community work service in lieu of cash is also unsuitable in that the probation officer is then required to supervise that work service has been completed.

This bill is supported by the Department of Corrections and received verbal endorsement from the Criminal Justice Working group during their meeting in Kotzebue this summer. In your packet is a letter of support from the Department of Corrections and another letter of support from a public defender in Nome.

Also enclosed is a listing of those on probation (first name only) and a summary of individual probation fee payment status. Referenced statutes are also enclosed.

Section 1 repeals the authority to require the defendant to pay a probation fee. Accomplishes this by removal from A.S. 12.55.100 (a) under the "Conditions of Probation" a subsection (5) referencing AS 12.55.105 that dictates the probation fee requirements.

Section 2 accomplishes a technical change referencing defaulted loans and the authority to revoke permanent fund dividends.

Section 3 removes court ordered probation fees from AS 43.23.065, section (b) (3) regarding exemptions of permanent fund dividends.

Section 4 is the meat of the bill in removing the probation fee requirement.

Section 5 an applicability section that pertains to how the bill would affect court ordered fees or outstanding debts since June 30, 1986 and before the effective date of this act.

Section 6 makes the bill effective immediately.

My aide Martha Stewart would present to testify on this bill and perform initial bill introduction. Representatives from the Department of Corrections may also be present to answer member questions.

Thank you for your consideration of this legislation.

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

STEVE COWPER, GOVERNOR

REPLY TO:

P.O. BOX T  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 485-3376

October 10, 1988

The Honorable Al Adams  
Alaska State Legislature  
P.O. Box 333  
Kotzebue, Alaska 99752

Dear Representative Adams:

This letter is in support of your proposed legislation to repeal the statute requiring Alaska probationers to pay a monthly fee-for-service.

When the program was started two years ago, the Department of Corrections saw it as an opportunity to instill responsibility in the probationers and to raise revenues to offset the cost of their supervision. However, our experience in this endeavor has proved otherwise.

In FY 88, we collected \$126,200 under the program statewide: \$26,900 in the Northern Region; \$72,900 in the Southcentral Region; and \$26,100 in the Southeast Region. The work required by our Probation Officers to enforce this program has been considerable.

The Probation Officers enforce the court orders that include this \$45.00 monthly fee-for-service. Probationers in extreme financial hardship can substitute community work service in lieu of payment at the rate of \$5.00 per hour or nine hours per month. This, too, must be scheduled and then supervised by the Probation Officer.

When probationers fail to pay or perform community work service, they are in technical violation of their court order and the Probation Officer can then return the probationer to court. The Probation Officer must prove to the court that the probationer is able to pay or perform work but refuses to do so. The Probation Officer is then subject to cross-examination by the probationer's attorney. In fact, no Alaska judge has revoked probation for failure to pay or perform work because the dollar amount is so low (returning a probationer to an \$86.00 per day cell for failing to pay a \$45.00 per month fee).

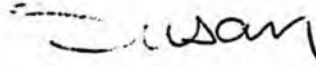
It is estimated that the three to four workdays per month required of each supervising field Probation Officer statewide is the equivalent of four fulltime officers per year. Add to that the equivalent of two fulltime clerks to handle correspondence, accounting and depositing of the fees balanced against the amount of \$126,200 raised statewide, the program is not cost effective.

The Honorable Al Adams  
October 10, 1988  
Page Two

Finally, as you know from your own region, requiring regular monthly payments discriminates against those on subsistence or seasonal employment. In the villages, where there is no supervised community work service option, the program makes no sense at all.

The current law applies to those probationers placed on probation after January 1987. Because the number grows each year, these problems will continue to grow. The Department of Corrections supports your efforts to repeal the fee-for-service for probationers' statute.

Sincerely



Susan Humphrey-Barnett  
Commissioner

SHB:BP:dlh

P.O. Box 1402  
Nome, AK 99762  
January 24, 1989

Senator Al Adams  
P.O. Box V  
Juneau, AK 99811

Dear Senator Adams:

I support your efforts to repeal A.S. 12.55.105 which requires probationers to pay a probationary fee to the Department of Corrections. My experience in Northwest Alaska indicates that the probationary fee requirement creates an undue hardship on persons engaged in the predominately subsistence lifestyle of this region.

The major problem with the present statute is that imposition of the probationary fee is mandatory, that is, the sentencing court has no discretion to consider the probationer's ability to pay and determine whether the fee should be required. Thus, even if a probationer has no income except for the permanent fund dividend, the fee is still ordered. This approach is distinct from the procedures set out for determining the amount, if any, of restitution or a fine.

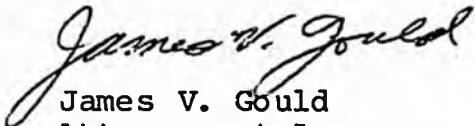
The second major problem is that the Department of Corrections, without statutory authorization, requires a probationer who cannot pay the fee to perform community work service in lieu thereof. Probation officers are collecting supervision fees and enforcing unlawful community work service requirements instead of providing necessary services to probationers.

It may be that probationers who are able to pay should pay a reasonable probationary fee. However, under the present statute, the judge is not allowed to consider ability to pay. The result is that probationers who truly need their permanent fund dividends to provide family necessities in Northwest Alaska are required to assign their dividends to the Department of Corrections. This is unfair. In the preceding 16 months I am unaware of even one probationer who was excused by the Department of Corrections from either paying the fee or doing community work service in lieu thereof.


Senator Al Adams  
Page 2  
January 24, 1989

I am enclosing a copy of the legal memoranda filed by the parties in a case in which the probationary fee was challenged. The issue became moot after the probationer committed a subsequent burglary, so was never fully litigated.

Sincerely,

Handwritten signature of James V. Gould in cursive script.

James V. Gould  
Attorney at Law

<b>State of Alaska</b> Department of Corrections  Policies and Procedures		Index #: 902.09	Page 1 of 6
		Effective Date: 87-1-9	
Approved by: William W. Ladwig		Related ACA Standards: 2-3081	
Supersedes: 902.09 (Eff. 86-10-15)		Subject: PROBATION SUPERVISION FEE	
Chapter: INTAKE, CLASSIFICATION AND SUPERVISION			

I. AUTHORITY:

In accordance with AS 44.28.030, AS 33.05.010, AS 33.16.180, and AS 33.30.021, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. PURPOSE:

To establish procedures for the collection, recording and disbursement of a court ordered probation fee in accordance with AS 12.55.105.

III. APPLICATION:

To all employees and probationers.

IV. DEFINITIONS:

As used in this document, the following definition shall apply:

Probation Fee:

The sum of money to be paid by each supervised probationer each month he or she is under the supervision of the Department ; fee for services ordered by the sentencing court as a condition of probation; the sum of \$1.50 per day for portions of a month to a maximum of \$45.00 per month for each calendar month under supervision.

V. POLICY:

This Department will, through the probation officers and staff of Community Corrections, establish an equitable and orderly system to collect probation fees from individuals placed on supervised probation and who have had said fee made a condition of probation by the sentencing court.

VI. PROCEDURES:

A. During the Initial intake and orientation meeting between the probationer and supervising probation officer in accordance with 902.05, Community Corrections Intake, the probation officer shall:

## Subject: PROBATION SUPERVISION FEE

1. Explain to the probationer his or her responsibility to pay the monthly probation fee as a condition of probation. The Notice of Obligation to Pay Probation Fee (form 20-902.09A) will be reviewed with the probationer for understanding and compliance which will be indicated by the probationer's and the probation officer's signatures on the document. The original Notice will be retained in the probationer's case record and a copy provided to the probationer following signature;
  2. Review the method and schedule of payment including the information that payments are non-refundable and that failure to make payments will result in sanctions as outlined under F. below; and
  3. Clarify that the probation fee is obligatory; although there are circumstances which may justify a deferment of payment(s) for 30 to 90 days and/or allow for alternate forms of payment as outlined under E. below.
- B. Probation fee compliance is the responsibility of the supervising Probation Officer whereas the responsibility for payment rests with the probationer. The Probation Officer shall arrange and monitor the probationer's payments which will be made to the clerk designated for this purpose by the Regional Administrator for each district office in accordance with 303.04, Probation Fee Accounting. The collection/payment procedures are as follows:
1. The acceptable forms of payment are cash (U.S. Currency), cashiers check or money order payable to the State of Alaska for the exact payment amount except when an alternate form of payment has been authorized in accordance with E. below or the supervising probation officer authorizes a personal check as an acceptable form of payment on a case-by-case basis;
  2. Payment may be made either in person or by mail-in and must be received on or before the 10th of the month for which the probation fee is being paid. Mail-in probation fees must be in the form of check or money order only;
  3. The Department or the designated clerk will not accept partial payment of the probation fee due for any given month or period of time except for the authorized alternate methods of payment per E. below. Cash, personal check, cashiers check or money order for less than the full monthly amount due is not acceptable. If a payment less than the monthly fee obligation is submitted, the designated clerk shall return the payment by certified mail and the supervising probation officer shall record the return in the probationer's case chronological record;

Subject: PROBATION SUPERVISION FEE

NOTE: Partial payments in the form of cash received by mail will be converted to a warrant and returned by certified mail.

4. When a probation fee is received and accepted, a Probation Fee Receipt (form 20-902.09B) will be completed and distributed, as follows:
    - a. The original receipt will be given to the probationer;
    - b. The second copy will be routed and processed for inclusion in the probationer's Probation Fee Payment Record (form 20-303.04A) which may be a computer record;
    - c. The third copy will be routed to the probationer's supervising officer for recording in the chronological record of the case record; and
    - d. The fourth copy will remain in the bound receipt book.
  5. Probation fee payments will be recorded and transmitted to the fiscal unit at the Juneau Central Office in accordance with 303.04, Probation Fee Accounting. The designated clerk shall record, process and transmit all probation fee payments in conformance with 303.04.
- C. All probationers placed on supervised probation after January 9, 1987 are required by Statute to pay the probation fee; however, the sentencing court must specifically order the fee as a condition of probation. Presentence investigations prepared in accordance with Chapter 901., Presentence, will contain a reminder to the court of the obligation until such time as the Court Judgment has been reprinted to include the probation fee obligation as a standard condition of probation. The Probation Officer supervising a probationer placed on probation on or after January 9, 1987, who does not have the condition of conduct to pay the probation fee, shall prepare and file a Petition for Modification of Conditions of Conduct (form 20-902.08A) in accordance with 902.08, Conditions of Probation, Parole and Conditional Commutation, in an effort to have the obligation established.
- D. Interstate probationers accepted for supervision in Alaska on or after January 9, 1987, and Alaska probationers placed for supervision in another state under the Interstate Compact and in accordance with 902.21, Interstate Transfer/Supervision, are required to pay the probation fee, as follows:
1. A probationer transferred to Alaska from another state must acknowledge and agree to pay the probation fee as a condition of conduct while under supervision in order to be accepted for

Subject: PROBATION SUPERVISION FEE

- interstate transfer of probation supervision. The investigating/supervising officer shall enter the probation fee obligation into the interstate documentation and ensure that it is accepted by the sending state and the probationer as a condition of probation prior to accepting the case for supervision in Alaska; and
2. A probationer transferred out of Alaska for interstate transfer of supervision will pay the probation fee of the receiving state, if there is one, as a condition of the transfer of supervision. If the receiving state does not have a probation fee, the probationer will not be required to pay the probation fee obligation while supervised outside of Alaska and/or in a state that does not have a probation fee.
- E. An alternate form of probation fee payment may be authorized, as follows:
1. A probationer may choose to assign his or her permanent fund dividend received under AS 43.23.005 to the Department as credit toward or payment of the probation fee. This option may be exercised in coordination with the supervising probation officer in accordance with procedures established for this purpose. A permanent fund dividend received per this section will be receipted, recorded and transmitted as outlined under B.4. above;
  2. A probationer's permanent fund dividend may be attached for non-payment of probation fees in accordance with AS 12.55.105(c). The Probation Officer shall prepare the paperwork in conformance with procedures established in coordination with the Department of Revenue. The dividend must be considered as a source of payment ahead of any alternate form or excused payment authorization. A dividend received under these circumstances will be receipted, recorded and transmitted as outlined under B.4. above;
  3. For a probationer who is unemployed, the probation fee may be excused for up to 30 days. A probationer who remains unemployed for more than 30 days shall be assigned to a community work service project by or through his or her probation officer. The probationer shall perform unpaid community service and will be credited with \$5.00 for each hour of community service work toward his or her probation fee. Community service performed in lieu of payment of probation fees must be worked during the month for which the probation fee is due. This alternate form of probation fee payment is an exception and may not be routinely applied to any probation case for longer than three months during the term of probation. However, upon the recommendation of the District or Unit Supervisor, the Regional Administrator may, at his or her discretion, extend this alternative form of payment on a month-to-month basis beyond the three month limit on a case-by-case basis;

Subject: PROBATION SUPERVISION FEE

4. A probationer who has an obligation to pay child support and/or restitution in addition to the probation fee and is unable to meet all of the obligations due to low income or a decreased ability to pay, may have an alternate form of payment authorized by his or her supervising officer in accordance with 1., 2. or 3. above. The obligation priority for the application of what funds the probationer has at his or her disposal must be applied to child support first, restitution second, and the probation fee third. The probation fee obligation may be paid via an alternate means whereas support and restitution cannot; therefore, what money the probationer has should be applied toward support and/or restitution ahead of the probation fee; and
  5. All excused and/or alternate forms of probation fee payment arrangements made will be immediately documented and recorded in the probationer's case record.
- F. A probationer who fails or refuses to pay the probation fee and who does not have an alternative payment arrangement made under E. above, will have the following action initiated by his or her supervising Probation Officer:
1. Within 10 calendar days following the due date, the probationer shall be notified by certified letter that fee payment is in arrears;
  2. The letter per 1. above will schedule an appointment and/or contact to discuss the non-payment, which may be in addition to contacts required by the probationer's supervision level;
  3. If the probationer fails to keep the appointment scheduled per 2. above and/or fails to make up the missed and/or currently due payment(s), a probation violation sequence will be initiated by the supervising officer;
  4. The non-payment of the probation fee, following completion of the steps outlined under 1. -- 3. above, will be processed as a minor violation in accordance with 902.14, Violations, Initial Processing, and will normally be resolved through counseling, reprimand, behavior contracts, or identifying and arranging a deferrment or alternate form of payment per E. above;
  5. Non-payment may result in formal action appropriate to a violation of probation conditions if the steps applied pursuant to 4. above fail to produce positive results; and
  6. If and when the failure to pay probation fee reaches the point of formal violation action, the petition and/or supporting documentation will be prepared and routed in accordance with 910.06, Revocation of Probation; however:

Subject: PROBATION SUPERVISION FEE

- a. In the event the probationer makes up back payments or makes one or more full monthly payments prior to or during the formal violation process, the Probation Officer shall apply the payment(s) to the past due months and/or document the probationer's being current in payments. The officer shall take steps to cancel or modify the violation action; or, he or she may continue the violation action if the back-payment(s) made constitute less than a good faith effort to bring current the probation fee or another violation(s) is included in the action;
  - b. If the probationer is making payment on past due fees, and the Probation Officer determines a good faith effort is being made to reduce the amount owed, and the only violation alleged is non-payment, a follow-up report may be filed requesting that the violation action underway be quashed; and
  - c. If a Petition has been filed and a hearing scheduled or a warrant issued for the sole reason of fee non-payment, the Probation Officer shall inform the District Attorney and the Court of the probationer's payment of the past due fee and request that the formal action be discontinued.
- G. The Field Action Notice (form 20-502.01A) prepared and submitted by the Regional Administrator each month in accordance with 101.02, Facility Programming, Reporting and Review, will contain the dollar amount of probation fees collected and the number of hours of community service work completed in lieu of probation fee payment for the report month at each district office in the region.

#### VII. IMPLEMENTATION:

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

DATE

1/9/87William W. LadwigWilliam W. Ladwig, Acting Commissioner  
Department of Corrections

Forms Applicable to this Policy.

INDEX #: 303.04A and 902.09A &amp; B

FORMS/.04A - Fee Payment Record

.09A - Notice of Obligation to Pay Probation Fee

.09B - Probation Fee Receipt

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
NR	BARD	[REDACTED], Arnold L.	168072	180.00	08/25/88	0.00
NR	BARD	[REDACTED] James	120015	225.00	11/25/88	69.00
NR	BARD			405.00		69.00
NR	BTHL	[REDACTED] Edward	68631	180.00	12/23/88	45.00
NR	BTHL	[REDACTED] Carl G.	66285	90.00	10/13/88	90.00
NR	BTHL	[REDACTED] Joseph	132690	135.00	12/23/88	0.00
NR	BTHL	[REDACTED] Dale	126336	45.00	10/13/88	0.00
NR	BTHL	[REDACTED] Golga	108441	225.00	12/23/88	0.00
NR	BTHL	[REDACTED] Charles	98802	225.00	12/23/88	0.00
NR	BTHL	[REDACTED] John Jr.	128073	45.00	12/23/88	0.00
NR	BTHL	[REDACTED] Preston	69441	44.00	10/13/88	1.00
NR	BTHL	[REDACTED] James	143619	225.00	12/23/88	0.00
NR	BTHL	[REDACTED] Joseph	141060	45.00	12/23/88	189.00
NR	BTHL	[REDACTED] Edwin	117795	45.00	12/23/88	213.00
NR	BTHL	[REDACTED] Leonty	128079	180.00	12/23/88	16.50
NR	BTHL			1484.00		554.50
NR	FRBK	[REDACTED] Gerald	140340	0.00	11/28/88	45.00
NR	FRBK	[REDACTED] Allen	127500	135.00	10/31/88	45.00
NR	FRBK	[REDACTED] Bill	24417	0.00	08/25/88	-7.50
NR	FRBK	[REDACTED] Charles	148806	0.00	08/25/88	0.00
NR	FRBK	[REDACTED] Terry	112332	285.00	11/25/88	0.00
NR	FRBK	[REDACTED] Raymond	127425	180.00	11/25/88	0.00
NR	FRBK	[REDACTED] Orville	133683	744.09	10/13/88	-264.09
NR	FRBK	[REDACTED] Dennis	143427	90.00	08/24/88	0.00
NR	FRBK	[REDACTED] John	132612	283.50	11/25/88	26.00
NR	FRBK	[REDACTED] Guy	153411	225.00	10/13/88	0.00
NR	FRBK	[REDACTED] Jerry A.	127659	0.00	11/28/88	-605.00
NR	FRBK	[REDACTED] Chester	88293	0.00	11/28/88	-35.00
NR	FRBK	[REDACTED] Michelle Y.	178959	100.00	11/29/88	5.00
NR	FRBK	[REDACTED] Tony	162756	105.00	10/31/88	33.00
NR	FRBK	[REDACTED] Martin	162960	225.00	11/25/88	0.00
NR	FRBK	[REDACTED] Richard	154611	157.50	11/01/88	0.00
NR	FRBK	[REDACTED] Patrick	127191	135.00	11/25/88	0.00
NR	FRBK	[REDACTED] Claude	155130	90.00	10/13/88	0.00
NR	FRBK	[REDACTED] Donald	136788	0.00	11/01/88	16.31
NR	FRBK	[REDACTED] Michelle	136833	61.31	11/01/88	0.00
NR	FRBK	[REDACTED] Blane	68898	280.50	10/12/88	0.00
NR	FRBK	[REDACTED] Jesse	1773	135.00	10/13/88	0.00
NR	FRBK	[REDACTED] Eric J.	169905	93.00	11/01/88	0.00
NR	FRBK	[REDACTED] William	104349	135.00	11/01/88	-90.00
NR	FRBK	[REDACTED] Samuel	143424	360.00	11/01/88	42.00
NR	FRBK	[REDACTED] Jack	131364	270.00	11/25/88	0.00
NR	FRBK	[REDACTED] Clinton	121926	180.00	11/25/88	45.00
NR	FRBK	[REDACTED] Donald	101688	50.00	10/12/88	109.50
NR	FRBK	[REDACTED] William	40929	100.00	10/13/88	40.00
NR	FRBK	[REDACTED] Leroy	129954	528.00	10/13/88	0.00

FEES COLLECTED

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
NR	FRBK	[REDACTED] Vickie S.	133410	0.00	11/28/88	-555.00
NR	FRBK	[REDACTED] John	148812	135.00	10/13/88	0.00
NR	FRBK	[REDACTED] Howard	139581	135.00	11/25/88	13.50
NR	FRBK	[REDACTED] Darlene	160563	193.50	11/25/88	45.00
NR	FRBK	[REDACTED] Roger Eric	112815	14.00	11/25/88	222.50
NR	FRBK	[REDACTED] Lazaro	137751	45.00	11/25/88	142.50
NR	FRBK	[REDACTED] Selena	167577	115.00	10/31/88	24.50
NR	FRBK	[REDACTED] Gerald	93966	30.00	08/25/88	0.00
NR	FRBK	[REDACTED] Larry	165168	90.00	10/13/88	0.00
NR	FRBK	[REDACTED] Michael T.	166338	90.00	10/13/88	25.50
NR	FRBK	[REDACTED] Willard	147373	90.00	11/01/88	95.00
NR	FRBK	[REDACTED] Allen	156652	0.00	08/25/88	0.00
NR	FRBK	[REDACTED] Merle	132510	180.00	11/01/88	70.50
NR	FRBK	[REDACTED] Linda S.	173967	0.00	11/28/88	45.00
NR	FRBK	[REDACTED] Robert	162755	67.50	10/13/88	45.00
NR	FRBK	[REDACTED] Robert	162753	45.00	11/01/88	112.50
NR	FRBK	[REDACTED] Russell	69468	150.00	11/01/88	63.00
NR	FRBK	[REDACTED] Ron	117798	200.00	11/25/88	104.50
NR	FRBK	[REDACTED] Frank	119541	181.50	08/25/88	0.00
NR	FRBK	[REDACTED] Floyd	135633	156.00	10/13/88	0.00
NR	FRBK	[REDACTED] William	142731	45.00	10/13/88	190.50
NR	FRBK	[REDACTED] Mark	116052	180.00	10/13/88	0.00
NR	FRBK	[REDACTED] Michael	157305	404.00	12/07/88	0.00
NR	FRBK	[REDACTED] Wayne	157824	200.00	11/01/88	25.00
NR	FRBK	[REDACTED] John	157821	180.00	11/01/88	0.00
NR	FRBK	[REDACTED] Brenda	136083	100.00	11/25/88	148.50
NR	FRBK	[REDACTED] Larry	161115	150.00	11/01/88	55.50
NR	FRBK	[REDACTED] Christine L.	159309	0.00	10/13/88	110.00
NR	FRBK	[REDACTED] Paul L.	128002	175.00	10/13/88	39.50
NR	FRBK	[REDACTED] William T.	158619	407.00	11/28/88	1.50
NR	FRBK	[REDACTED] Brandon	131217	0.00	11/28/88	89.00
NR	FRBK	[REDACTED] Juan	170799	0.00	11/28/88	-135.00
NR	FRBK	[REDACTED] Walter	76623	230.00	11/25/88	48.50
NR	FRBK	[REDACTED] Tamara	153951	0.00	11/28/88	45.00
NR	FRBK	[REDACTED] Thomas	125913	180.00	10/31/88	0.00
NR	FRBK	[REDACTED] Raymond	27759	0.00	10/25/88	312.00
NR	FRBK	[REDACTED] Chad	137175	100.00	10/13/88	80.00
NR	FRBK	[REDACTED] Melvin	34785	200.00	11/01/88	-20.00
NR	FRBK	[REDACTED] Arnold	157833	90.00	11/01/88	0.00
NR	FRBK	[REDACTED] Wesley	130950	151.00	10/31/88	45.00
NR	FRBK	[REDACTED] Gary F.	83943	180.00	11/01/88	10.50
NR	FRBK	[REDACTED] Ronald	64596	0.00	11/28/88	-265.00
NR	FRBK	[REDACTED] John	167076	405.00	08/24/88	-315.00
NR	FRBK	[REDACTED] John	94779	0.00	08/25/88	7.50
NR	FRBK	[REDACTED] Beverly	132447	162.50	08/25/88	0.00
NR	FRBK	[REDACTED] Robert D.	143901	0.00	11/28/88	0.00
NR	FRBK	[REDACTED] Jonathan	45933	0.00	11/28/88	16.50
NR	FRBK	[REDACTED] Alan D.	158241	0.00	11/28/88	-420.00
NR	FRBK	[REDACTED] Edward	126378	40.00	10/13/88	140.00
NR	FRBK	[REDACTED] Jacqueline	142005	90.00	11/25/88	178.50
NR	FRBK	[REDACTED] Gene	164202	189.50	10/31/88	45.00
NR	FRBK	[REDACTED] James	125256	90.00	11/01/88	110.50

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
NR	FRBK			10814.40		402.72
NR	KOTZ	[REDACTED] George	129687	225.00	12/23/88	0.00
NR	KOTZ	[REDACTED] Chris	146259	225.00	12/23/88	0.00
NR	KOTZ	[REDACTED] Kenneth	144939	270.00	11/01/88	0.00
NR	KOTZ	[REDACTED] Michael	174135	225.00	12/23/88	0.00
NR	KOTZ	[REDACTED] Thomas Sr.	176517	90.00	12/23/88	0.00
NR	KOTZ	[REDACTED] Ricky C.	150615	240.00	10/13/88	0.00
NR	KOTZ	[REDACTED] John	101148	90.00	12/23/88	135.00
NR	KOTZ			1365.00		135.00
NR	NOME	[REDACTED] Robert	62601	45.00	10/13/88	45.00
NR	NOME	[REDACTED] Shirlene	82467	225.00	11/25/88	0.00
NR	NOME	[REDACTED] Patty	141099	241.50	12/23/88	21.00
NR	NOME	[REDACTED] George I. Jr.	156279	0.00	11/25/88	0.00
NR	NOME	[REDACTED] Robert	33387	0.00	11/25/88	460.50
NR	NOME	[REDACTED] Larry	41559	180.00	11/25/88	13.50
NR	NOME	[REDACTED] Thomas	146256	0.00	11/01/88	-90.00
NR	NOME	[REDACTED] Thomas	144942	326.00	11/01/88	0.00
NR	NOME	[REDACTED] Joel L.	74877	0.00	11/25/88	400.00
NR	NOME	[REDACTED] John	124626	225.00	11/25/88	0.00
NR	NOME	[REDACTED] Warren	23631	45.00	12/23/88	10.00
NR	NOME	[REDACTED] Wayne	50370	540.00	08/26/88	-450.00
NR	NOME	[REDACTED] Margaret	130335	0.00	11/25/88	111.00
NR	NOME	[REDACTED] Dennis	114363	225.00	11/25/88	0.00
NR	NOME	[REDACTED] Karen	87477	135.00	10/13/88	0.00
NR	NOME	[REDACTED] Scott	141141	180.00	11/25/88	180.00
NR	NOME			2367.50		701.00
NR				16435.90		1862.22
SC	ANCH	[REDACTED] Jeffrey	136173	180.00	08/30/88	0.50
SC	ANCH	[REDACTED] Robert Michael	177159	109.00	11/29/88	2.00
SC	ANCH	[REDACTED] Raymund C.	117369	135.00	12/01/88	45.00
SC	ANCH	[REDACTED] Fannie	128604	135.00	08/30/88	135.00
SC	ANCH	[REDACTED] Samuel J.	145995	90.00	08/30/88	0.00
SC	ANCH	[REDACTED] Crystal	175923	90.00	11/29/88	61.50
SC	ANCH	[REDACTED] Robert	141726	175.00	12/01/88	0.00
SC	ANCH	[REDACTED] Pamela D.	148557		09/02/88	0.00
SC	ANCH	[REDACTED] Ean S.	133113	90.00	11/29/88	537.00
SC	ANCH	[REDACTED] William E.	148188	-25.05	09/13/88	0.00
SC	ANCH	[REDACTED] Richard	139353	19.50	08/30/88	0.00

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
SC	ANCH	[REDACTED] Anthony	130059	190.00	11/29/88	205.00
SC	ANCH	[REDACTED] Gust	127395	45.00	08/30/88	0.00
SC	ANCH	[REDACTED] Bienvenido	101571	180.00	12/01/88	34.50
SC	ANCH	[REDACTED] Jim	136233	180.00	08/30/88	22.00
SC	ANCH	[REDACTED] Beth	175578	90.00	12/01/88	0.00
SC	ANCH	[REDACTED] Michael R.	144486		09/02/88	0.00
SC	ANCH	[REDACTED] Richard	108327	135.00	09/01/88	0.00
SC	ANCH	[REDACTED] Sandra	157746	135.00	12/01/88	172.50
SC	ANCH	[REDACTED] Allen K.	21984		09/02/88	0.00
SC	ANCH	[REDACTED] George A.	92256	40.00	11/29/88	392.00
SC	ANCH	[REDACTED] James L.	145107	180.00	12/01/88	0.00
SC	ANCH	[REDACTED] Larry	177195	109.50	11/29/88	18.00
SC	ANCH	[REDACTED] John	91125	90.00	09/29/88	49.50
SC	ANCH	[REDACTED] Ron	174153	90.00	11/29/88	0.00
SC	ANCH	[REDACTED] Shannon	168549	135.00	09/28/88	0.00
SC	ANCH	[REDACTED] John	141852	60.00	08/30/88	138.00
SC	ANCH	[REDACTED] Sean	133140	180.00	10/27/88	0.00
SC	ANCH	[REDACTED] Eric J.	123930	135.00	09/29/88	45.00
SC	ANCH	[REDACTED] Jeff	150015	100.00	08/30/88	123.50
SC	ANCH	[REDACTED] Jeffrey	128847	180.00	09/29/88	84.00
SC	ANCH	[REDACTED] Aaron	161205	135.00	09/29/88	0.00
SC	ANCH	[REDACTED] Jose L.	63660	114.50	08/30/88	0.00
SC	ANCH	[REDACTED] Denise	93912	180.00	12/01/88	1.50
SC	ANCH	[REDACTED] Robert E.	77562	70.00	08/30/88	227.50
SC	ANCH	[REDACTED] Leonard W.	1623		09/02/88	0.00
SC	ANCH	[REDACTED] William	165858	81.00	11/29/88	0.00
SC	ANCH	[REDACTED] Robert	105504	180.00	11/29/88	0.00
SC	ANCH	[REDACTED] Jerell	134454	135.00	09/28/88	0.00
SC	ANCH	[REDACTED] Tammy	161937	135.00	12/01/88	16.50
SC	ANCH	[REDACTED] Robert Martin	132513	80.00	11/29/88	10.00
SC	ANCH	[REDACTED] Stacy L.	127752	90.00	08/30/88	-22.69
SC	ANCH	[REDACTED] James A.	161643		09/02/88	0.00
SC	ANCH	[REDACTED] Sherwyn Miles	128097	200.00	11/29/88	169.00
SC	ANCH	[REDACTED] Ronald	77416	45.00	12/01/88	10.50
SC	ANCH	[REDACTED] Rose	155931	45.00	08/30/88	0.00
SC	ANCH	[REDACTED] Linda L.	136149	708.19	08/30/88	10.31
SC	ANCH	[REDACTED] Andrew R.	113424	114.00	08/30/88	0.00
SC	ANCH	[REDACTED] Gerald	108906	90.00	08/30/88	135.00
SC	ANCH	[REDACTED] Robert R.	148146	90.00	08/30/88	0.00
SC	ANCH	[REDACTED] John F.	120429	90.00	09/29/88	57.00
SC	ANCH	[REDACTED] Todd R.	184095	20.00	11/29/88	0.00
SC	ANCH	[REDACTED] Peter	2277		09/02/88	0.00
SC	ANCH	[REDACTED] Valton	140139	180.00	12/01/88	84.00
SC	ANCH	[REDACTED] Peter A.	129780		09/02/88	0.00
SC	ANCH	[REDACTED] Deborah K.	168555	135.00	12/01/88	0.00
SC	ANCH	[REDACTED] Deborah L.	140970	135.00	12/01/88	49.50
SC	ANCH	[REDACTED] Troy	44466	45.00	12/01/88	9.00
SC	ANCH	[REDACTED] Thomas W.	101886		09/02/88	0.00
SC	ANCH	[REDACTED] Linda E.	140616	20.00	08/30/88	175.00
SC	ANCH	[REDACTED] Richard D.	67311	50.00	12/01/88	0.00
SC	ANCH	[REDACTED] Randy	118059	180.00	12/01/88	45.00
SC	ANCH	[REDACTED] James	174879	45.00	11/29/88	7.50
SC	ANCH	[REDACTED] Trena K.	154116	75.00	08/30/88	150.00
SC	ANCH	[REDACTED] Paul	112026	75.00	12/01/88	0.00

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
SC	ANCH	Patrick J.	171834		09/02/88	0.00
SC	ANCH	Christopher P.	162864	225.00	11/29/88	12.00
SC	ANCH	Tyrnil	128142	45.00	08/30/88	42.00
SC	ANCH	Tom	58236	270.00	12/01/88	37.00
SC	ANCH	Tammy	126075	270.00	11/29/88	45.00
SC	ANCH	Garland Darrel	123666	225.00	09/29/88	0.00
SC	ANCH	Terry	122841	202.00	08/30/88	-18.50
SC	ANCH	John C.	148470	135.00	09/29/88	0.00
SC	ANCH	Connie L.	151083	50.00	08/30/88	355.00
SC	ANCH	Steven C.	132402	180.00	11/29/88	-0.50
SC	ANCH	Roscoe L.	2922		09/02/88	0.00
SC	ANCH	Michael T.	167301	135.00	11/29/88	55.50
SC	ANCH	Daniel	24732	90.00	08/30/88	0.00
SC	ANCH	Albert	155196	90.00	11/29/88	43.50
SC	ANCH	Dennis H.	162867	100.00	12/01/88	105.50
SC	ANCH	Betty	160044	90.00	12/01/88	0.00
SC	ANCH	Ronda	127344	225.00	12/01/88	315.00
SC	ANCH	Byong Hak	115251	135.00	11/29/88	301.50
SC	ANCH	Gale	153645	135.00	09/29/88	0.00
SC	ANCH	John W.	135234	192.00	11/29/88	0.00
SC	ANCH	James	125313	45.00	08/31/88	0.00
SC	ANCH	Zane T.	169695	90.00	11/29/88	127.50
SC	ANCH	Walter	139545	65.00	11/29/88	145.00
SC	ANCH	Michael	139509	180.00	12/02/88	0.00
SC	ANCH	Cesar	163632	135.00	12/02/88	0.00
SC	ANCH	Louis	115530	45.00	08/31/88	42.20
SC	ANCH	Edna F.	152157	45.00	09/29/88	315.00
SC	ANCH	Gerald	19494	135.00	09/29/88	1.50
SC	ANCH	Mohammad	159240	225.00	11/29/88	45.00
SC	ANCH	Deborah A.	137256	10.00	12/02/88	385.50
SC	ANCH	Dennis	145755	225.00	12/02/88	112.50
SC	ANCH	Kirk	178173	45.00	12/02/88	88.50
SC	ANCH	Darlene (Shockly)	154119	180.00	08/31/88	0.00
SC	ANCH	Terry	167766	90.00	08/31/88	45.00
SC	ANCH	Forrest	157602	135.00	11/29/88	123.00
SC	ANCH	Simon	49764	135.00	11/29/88	0.00
SC	ANCH	Vincent W.	119367	225.00	12/02/88	-0.50
SC	ANCH	Bradley	145122	180.00	11/29/88	0.00
SC	ANCH	Kathy	156261	45.00	08/31/88	90.00
SC	ANCH	Yvonne	174150	45.00	08/31/88	0.00
SC	ANCH	Charles	166617	225.00	01/12/89	0.00
SC	ANCH	Lamar	73953	135.00	11/29/88	0.00
SC	ANCH	Christopner	127761	90.00	12/02/88	135.00
SC	ANCH	Carmen	174762	94.00	11/29/88	50.00
SC	ANCH	George E.	126888	4680.00	12/02/88	-4455.00
SC	ANCH	Kimberly	161883	200.00	10/27/88	103.50
SC	ANCH	Daniel C.	120423	135.00	11/29/88	90.00
SC	ANCH	Carlos A.	130125	135.00	08/31/88	135.00
SC	ANCH	Charles	136689	312.00	12/02/88	45.00
SC	ANCH	Elikisone	148422	180.00	11/29/88	10.50
SC	ANCH	Eddie	141348	360.00	11/29/88	0.00
SC	ANCH	Nelson	172092	90.00	11/29/88	13.50
SC	ANCH	Daryl	113898	135.00	12/02/88	0.00
SC	ANCH	Brian	155937	135.00	10/27/88	0.00

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
SC	ANCH	[REDACTED] Kenneth C.	71163	45.00	08/31/88	120.00
SC	ANCH	[REDACTED] Susan P.	159969	185.00	12/02/88	85.00
SC	ANCH	[REDACTED] Steven	170187	135.00	12/02/88	16.50
SC	ANCH	[REDACTED] Dedrick	133437	90.00	12/02/88	90.00
SC	ANCH	[REDACTED] Darrell R.	42423	180.00	12/02/88	45.00
SC	ANCH	[REDACTED] Jeffrey	166356	45.00	10/27/88	100.50
SC	ANCH	[REDACTED] Brad	174597	49.50	09/29/88	10.50
SC	ANCH	[REDACTED] Russell D.	114384	45.00	08/31/88	225.00
SC	ANCH	[REDACTED] Linda	162297	135.00	11/9/88	90.00
SC	ANCH	[REDACTED] Philio	126843	180.00	09/29/88	0.00
SC	ANCH	[REDACTED] Mavis	167013	90.00	12/02/88	55.50
SC	ANCH	[REDACTED] Ivan	139065	135.00	09/29/88	25.50
SC	ANCH	[REDACTED] Sabrina	145866	135.00	12/02/88	45.00
SC	ANCH	[REDACTED] Charles W. Jr.	60402	200.00	12/02/88	349.50
SC	ANCH	[REDACTED] David	147240	225.00	09/29/88	45.00
SC	ANCH	[REDACTED] Lynwood J.	149943	231.00	12/02/88	30.00
SC	ANCH	[REDACTED] Brian	158106	120.00	09/29/88	0.00
SC	ANCH	[REDACTED] Arthur	138111	760.00	12/02/88	-20.50
SC	ANCH	[REDACTED] Gary Richard	118536	90.00	11/29/88	118.50
SC	ANCH	[REDACTED] Gus A.	174888	0.00	09/02/88	45.00
SC	ANCH	[REDACTED] Calvin	110286	180.00	12/02/88	0.00
SC	ANCH	[REDACTED] Randy	147798	135.00	09/29/88	0.00
SC	ANCH	[REDACTED] Sally Jo	135030	30.00	11/29/88	-4.50
SC	ANCH	[REDACTED] Dean	50043	90.00	08/31/88	-10.50
SC	ANCH	[REDACTED] Kevin	181032	102.00	11/29/88	0.00
SC	ANCH	[REDACTED] Fei	45729	180.00	11/29/88	0.00
SC	ANCH	[REDACTED] Jason A.	136113	180.00	11/29/88	0.00
SC	ANCH	[REDACTED] Timothy	148449	10.00	08/31/88	230.00
SC	ANCH	[REDACTED] Norman	37413	135.00	12/02/88	0.00
SC	ANCH	[REDACTED] Denali Beth	143448	106.50	08/31/88	45.00
SC	ANCH	[REDACTED] Ted	167748	90.00	08/31/88	0.00
SC	ANCH	[REDACTED] Mark M.	151350	225.00	12/02/88	45.00
SC	ANCH	[REDACTED] Rebecca	120138	135.00	11/29/88	190.00
SC	ANCH	[REDACTED] Ethan D.	160560		09/02/88	0.00
SC	ANCH	[REDACTED] Dennis	155037	360.00	12/02/88	-16.50
SC	ANCH	[REDACTED] Nancy	124959	180.00	12/02/88	0.00
SC	ANCH	[REDACTED] Bryson	151911	180.00	12/02/88	0.00
SC	ANCH	[REDACTED] Charlotte	177549	45.00	12/02/88	0.00
SC	ANCH	[REDACTED] Robert	163725	60.00	12/02/88	0.00
SC	ANCH	[REDACTED] Donald	136908	90.00	09/29/88	45.00
SC	ANCH	[REDACTED] Tony	167754	108.00	08/31/88	0.00
SC	ANCH	[REDACTED] Kerry	59976	90.00	09/29/88	45.00
SC	ANCH	[REDACTED] Sandy	139644	135.00	09/29/88	35.00
SC	ANCH	[REDACTED] Thomas C.	49524		09/02/88	0.00
SC	ANCH	[REDACTED] Sheila E.	140748	225.00	12/02/88	0.00
SC	ANCH	[REDACTED] Michael A.	116415	135.00	09/29/88	0.00
SC	ANCH			25057.64		4209.82
SC	KENI	[REDACTED] Clarence	158577	66.00	08/23/88	0.00
SC	KENI	[REDACTED] Perry	147786	270.00	12/22/88	0.00
SC	KENI	[REDACTED] Michael	70188	315.00	11/29/88	0.00

Reg	Dist	Name	Obscis #	YTD Paid:	Last Actv	Balance Due
SC	KENI	[REDACTED] Suetta	139329	260.00	12/22/88	10.00
SC	KENI	[REDACTED] John	160935	180.00	11/29/88	0.00
SC	KENI	[REDACTED] Billy	146118	270.00	12/22/88	0.00
SC	KENI	[REDACTED] Edwin Jr.	55677	400.00	11/29/88	5.00
SC	KENI	[REDACTED] Howard	135855	225.00	09/23/88	0.00
SC	KENI	[REDACTED] Duff	72498	360.00	12/22/88	0.00
SC	KENI	[REDACTED] Loren	124818	180.00	11/29/88	0.00
SC	KENI	[REDACTED] Martin	136653	405.00	11/29/88	69.00
SC	KENI	[REDACTED] Mark	17298	298.00	12/22/88	2.00
SC	KENI	[REDACTED] Nathan P.	144432	270.00	12/22/88	0.00
SC	KENI	[REDACTED] Paul	111393	0.00	08/23/88	135.00
SC	KENI	[REDACTED] Robert	144627	585.00	12/22/88	0.00
SC	KENI	[REDACTED] Victor S.	115932	90.00	11/29/88	40.50
SC	KENI	[REDACTED] Scott	162366	270.00	12/22/88	12.00
SC	KENI	[REDACTED] Aaron	139056	691.00	11/29/88	0.00
SC	KENI	[REDACTED] Dwayne	139800	27.00	08/23/88	0.00
SC	KENI	[REDACTED] Raymond	147393	270.00	12/22/88	0.00
SC	KENI	[REDACTED] David	158109	180.00	12/22/88	148.50
SC	KENI	[REDACTED] Leonard B.	168285	180.00	12/22/88	90.00
SC	KENI	[REDACTED] Sidney Bruce	25758	135.00	12/22/88	28.50
SC	KENI	[REDACTED] David	148191	225.00	11/29/88	180.00
SC	KENI	[REDACTED] Paul	140880	90.00	09/23/88	90.00
SC	KENI	[REDACTED] Pamela	120378	45.00	09/23/88	270.00
SC	KENI	[REDACTED] Kelly	164106	270.00	12/22/88	12.00
SC	KENI	[REDACTED] Ronald	139827	25.00	11/29/88	0.00
SC	KENI	[REDACTED] Brian J.	169827	45.00	09/23/88	0.00
SC	KENI	[REDACTED] Robert	131838	225.00	09/23/88	0.00
SC	KENI	[REDACTED] Alfred J.	159060	135.00	09/23/88	0.00
SC	KENI	[REDACTED] Hugh F.	135918	315.00	11/29/88	135.00
SC	KENI	[REDACTED] David	162939	225.00	12/22/88	0.00
SC	KENI			7527.00		1227.50
SC	KODK	[REDACTED] Arthur	15924	45.00	12/22/88	225.00
SC	KODK	[REDACTED] Carl M.	164631	130.00	09/23/88	21.50
SC	KODK	[REDACTED] Dante	156642	40.00	08/23/88	105.00
SC	KODK	[REDACTED] Timothy	49632	279.00	11/29/88	0.00
SC	KODK	[REDACTED] Joseph	84732	630.00	11/30/88	0.00
SC	KODK	[REDACTED] Barbara	163323	270.00	12/22/88	0.00
SC	KODK	[REDACTED] Scott	162234	415.00	12/22/88	-16.00
SC	KODK	[REDACTED] Norman	154494	205.00	11/29/88	105.00
SC	KODK	[REDACTED] Alfred	159363	775.00	11/29/88	-100.00
SC	KODK	[REDACTED] Forrestt	167181	100.00	11/29/88	26.50
SC	KODK	[REDACTED] Richard	101451	225.00	11/29/88	0.00
SC	KODK	[REDACTED] Wenceslao	154497	225.00	11/29/88	0.00
SC	KODK	[REDACTED] Juli	158364	400.00	08/23/88	-55.00
SC	KODK	[REDACTED] George	169017	180.00	11/30/88	0.00
SC	KODK	[REDACTED] Raymond	125522	198.00	11/29/88	90.00
SC	KODK	[REDACTED] Eric	139257	100.00	09/23/88	350.00
SC	KODK	[REDACTED] Michael	162945	45.00	11/29/88	0.00
SC	KODK	[REDACTED] Rick	158370	225.00	11/30/88	0.00
SC	KODK	[REDACTED] Cecilio L.	169923	230.00	12/22/88	45.00

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
SC	KODK	[REDACTED] RoseAnn	101568	339.00	11/29/88	0.00
SC	KODK	[REDACTED] Joseph	165033	98.50	11/29/88	9.00
SC	KODK	[REDACTED] Peter	124866	150.00	11/30/88	100.00
SC	KODK	[REDACTED] Anthony	180507	168.00	12/22/88	34.50
SC	KODK	[REDACTED] Jeff	171327	366.00	11/29/88	0.00
SC	KODK	[REDACTED] Jacob	53736	225.00	12/22/88	107.50
SC	KODK	[REDACTED] Joseph	165792	185.00	11/29/88	40.00
SC	KODK	[REDACTED] Sean	73707	185.00	11/29/88	125.00
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SC	KODK			6433.50		1213.00
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SC	PLMR	[REDACTED] John	114747	413.64	12/22/88	36.36
SC	PLMR	[REDACTED] Julie	162246	45.00	08/23/88	0.00
SC	PLMR	[REDACTED] John	167292	225.00	12/22/88	0.00
SC	PLMR	[REDACTED] Arthur	18183	826.93	12/22/88	-0.43
SC	PLMR	[REDACTED] Gordon	145653	145.00	11/30/88	35.00
SC	PLMR	[REDACTED] Dale	142644	1026.93	11/30/88	-936.93
SC	PLMR	[REDACTED] Aaron	121689	33.00	12/22/88	0.00
SC	PLMR	[REDACTED] Justin	143703	45.00	11/30/88	90.00
SC	PLMR	[REDACTED] Lorin	125454	270.00	12/22/88	0.00
SC	PLMR	[REDACTED] Robert	166332	350.00	12/22/88	0.00
SC	PLMR	[REDACTED] Tim	134355	45.00	08/23/88	0.00
SC	PLMR	[REDACTED] Tracy	137091	5.00	11/30/88	0.00
SC	PLMR	[REDACTED] Terry	134064	135.00	11/30/88	0.00
SC	PLMR	[REDACTED] Douglas	144630	135.00	12/22/88	90.00
SC	PLMR	[REDACTED] Ronnie	151203	225.00	12/22/88	0.00
SC	PLMR	[REDACTED] Era L.	175524	6.00	11/30/88	0.00
SC	PLMR	[REDACTED] James	27057	283.50	12/22/88	0.00
SC	PLMR	[REDACTED] Patrick	142482	90.00	11/30/88	10.00
SC	PLMR	[REDACTED] Lars S.	186702	88.50	12/22/88	0.00
SC	PLMR	[REDACTED] Sean	002	0.00	11/30/88	240.00
SC	PLMR	[REDACTED] Mike	178176	90.00	12/22/88	0.00
SC	PLMR	[REDACTED] Martin	142695	250.00	12/22/88	20.00
SC	PLMR	[REDACTED] Brian	82842	90.00	11/30/88	0.00
SC	PLMR	[REDACTED] James	165114	50.00	11/30/88	40.00
SC	PLMR	[REDACTED] Michael	90774	45.00	11/30/88	0.00
SC	PLMR	[REDACTED] Thomas	142674	270.00	12/22/88	0.00
SC	PLMR	[REDACTED] Kenneth	75483	45.00	08/23/88	0.00
SC	PLMR	[REDACTED] Ted	140232	225.00	12/22/88	0.00
SC	PLMR	[REDACTED] Terry	130893	135.00	11/30/88	0.00
SC	PLMR	[REDACTED] Pat	134358	45.00	08/23/88	0.00
SC	PLMR	[REDACTED] Richard F.	175533	90.00	12/22/88	0.00
SC	PLMR	[REDACTED] Mark	122595	270.00	12/22/88	26.50
SC	PLMR	[REDACTED] Danny Lee	147402	410.00	11/30/88	0.00
SC	PLMR	[REDACTED] Gordon	162243	194.00	12/22/88	-9.50
SC	PLMR	[REDACTED] Jim	124446	225.00	12/22/88	0.00
SC	PLMR	[REDACTED] Larry	180525	45.00	11/30/88	0.00
SC	PLMR	[REDACTED] Larry	143781	180.00	08/23/88	0.00
SC	PLMR	[REDACTED] John	142662	45.00	11/30/88	54.00
SC	PLMR	[REDACTED] Sean	142512	45.00	11/30/88	0.00
SC	PLMR	[REDACTED] Otto	125187	225.00	12/22/88	0.00
SC	PLMR	[REDACTED] Patrick	137112	285.00	12/22/88	-1.50

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
SC	PLMR	[REDACTED] Charles L.	141798	180.00	12/22/88	0.00
SC	PLMR	[REDACTED] Charles R.	142716	225.00	12/22/88	0.00
SC	PLMR	[REDACTED] Karen Joyce	108351	45.00	12/22/88	0.00
SC	PLMR	[REDACTED] Matthew	124557	135.00	11/30/88	0.00
SC	PLMR	[REDACTED] Raymond	141708	45.00	11/30/88	0.00
SC	PLMR	[REDACTED] Ed	156720	135.00	12/22/88	90.00
SC	PLMR	[REDACTED] Deborah	131652	225.00	12/22/88	0.00
SC	PLMR	[REDACTED] Clara	34497	270.00	12/22/88	274.50
SC	PLMR	[REDACTED] Donald A.	166113	45.00	12/22/88	0.00
SC	PLMR	[REDACTED] Robert	162783	225.00	12/22/88	0.00
SC	PLMR	[REDACTED] Robert	174354	180.00	12/22/88	0.00
SC	PLMR	[REDACTED] Dale	138825	540.00	12/22/88	90.00
SC	PLMR	[REDACTED] Henry M.	174828	286.50	12/22/88	0.00
SC	PLMR	[REDACTED] Paul	142515	45.00	11/30/88	0.00
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SC	PLMR			10234.00		148.00
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SC				49252.14		6798.32
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SE	JUNO	[REDACTED] Rima	7668	180.00	12/08/88	247.50
SE	JUNO	[REDACTED] Eddie J.	47664	90.00	12/08/88	0.00
SE	JUNO	[REDACTED] Daniel	48021	96.00	12/08/88	0.00
SE	JUNO	[REDACTED] Tracy	176994	45.00	09/23/88	0.00
SE	JUNO	[REDACTED] Loyd	144531	585.00	12/08/88	0.00
SE	JUNO	[REDACTED] Robert	119265	140.00	09/23/88	80.00
SE	JUNO	[REDACTED] Oscar	126585	45.00	09/23/88	27.00
SE	JUNO	[REDACTED] Robert	170580	45.00	10/28/88	0.00
SE	JUNO	[REDACTED] Theresa	155115	180.00	11/22/88	0.00
SE	JUNO	[REDACTED] Gilbert Casey	104322	225.00	12/08/88	90.00
SE	JUNO	[REDACTED] Eric	142026	245.00	09/23/88	45.00
SE	JUNO	[REDACTED] Michael	119967	135.00	12/08/88	90.00
SE	JUNO	[REDACTED] Harold	110379	75.00	12/08/88	0.00
SE	JUNO	[REDACTED] Lorraine	4140	225.00	12/08/88	-1.00
SE	JUNO	[REDACTED] Jerry	132018	225.00	10/28/88	0.00
SE	JUNO	[REDACTED] Kevin	28194	90.00	08/31/88	90.00
SE	JUNO	[REDACTED] Sheila	10119	180.00	12/08/88	45.00
SE	JUNO	[REDACTED] Reuben	36150	90.00	12/08/88	45.00
SE	JUNO	[REDACTED] Veronica	158787	90.00	12/08/88	0.00
SE	JUNO	[REDACTED] Daniel	121461	140.00	11/22/88	0.00
SE	JUNO	[REDACTED] Randell	8850	310.00	12/08/88	90.00
SE	JUNO	[REDACTED] Steve	177180	45.00	08/18/88	0.00
SE	JUNO	[REDACTED] Arnold	89277	315.00	11/22/88	0.00
SE	JUNO	[REDACTED] Charles	143313	225.00	12/08/88	0.00
SE	JUNO	[REDACTED] Ronald	143358	45.00	10/28/88	0.00
SE	JUNO	[REDACTED] Kimberly	161646	76.50	09/23/88	0.00
SE	JUNO	[REDACTED] Janet	140223	216.00	10/28/88	303.00
SE	JUNO	[REDACTED] Allison	177162	225.00	12/08/88	0.00
SE	JUNO	[REDACTED] David	5766	48.00	10/28/88	0.00
SE	JUNO	[REDACTED] Kirk	5133	315.00	12/08/88	90.00

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
SE	JUNO	[REDACTED] James	177648	90.00	12/08/88	0.00
SE	JUNO	[REDACTED] Daniel	140850	247.50	12/08/88	202.50
SE	JUNO	[REDACTED] Donald	61002	225.00	12/08/88	166.50
SE	JUNO	[REDACTED] Glenn	1746	180.00	10/28/88	0.00
SE	JUNO	[REDACTED] Frank	39270	67.50	09/23/88	247.50
SE	JUNO	[REDACTED] Truman	126684	0.00	09/23/88	180.00
SE	JUNO	[REDACTED] William	176976	174.00	12/08/88	0.00
SE	JUNO	[REDACTED] Christopher	112314	315.00	12/08/88	-45.00
SE	JUNO	[REDACTED] Shayne	130800	270.00	12/08/88	0.00
SE	JUNO	[REDACTED] David	120124	225.00	12/08/88	105.00
SE	JUNO	[REDACTED] Mike	158307	225.00	11/22/88	0.00
SE	JUNO			6965.50		2098.00
SE	KETN	[REDACTED] John	144372	225.00	12/22/88	0.00
SE	KETN	[REDACTED] Arthur	182826	45.00	12/22/88	0.00
SE	KETN	[REDACTED] Randy	2325	135.00	11/23/88	10.50
SE	KETN	[REDACTED] Debra L.	110385	270.00	12/22/88	0.00
SE	KETN	[REDACTED] Walter	151098	0.00	09/23/88	180.00
SE	KETN	[REDACTED] William Calvin	2469	225.00	12/22/88	-5.00
SE	KETN	[REDACTED] Thomas	134373	225.00	11/23/88	225.00
SE	KETN	[REDACTED] (Lopez), Kathy	50958	90.00	12/22/88	0.00
SE	KETN	[REDACTED] Alex	150054	135.00	08/19/88	135.00
SE	KETN	[REDACTED] John R.	164124	180.00	10/31/88	60.00
SE	KETN	[REDACTED] Mary L.	125421	225.00	12/22/88	0.00
SE	KETN	[REDACTED] Sandra	161175	180.00	11/23/88	0.00
SE	KETN	[REDACTED] Betty J.	167598	90.00	12/22/88	0.00
SE	KETN	[REDACTED] William	129195	135.00	10/31/88	-5.00
SE	KETN	[REDACTED] Joanna	47055	90.00	08/19/88	1.50
SE	KETN	[REDACTED] Richard	78726	90.00	12/22/88	0.00
SE	KETN	[REDACTED] Lawrence	110331	270.00	12/22/88	0.00
SE	KETN	[REDACTED] Todd	164232	270.00	12/22/88	0.00
SE	KETN	[REDACTED] Jason	139908	45.00	08/19/88	180.00
SE	KETN	[REDACTED] Kenneth	114999	180.00	11/23/88	90.00
SE	KETN	[REDACTED] Lisa T.	177660	90.00	12/22/88	0.00
SE	KETN	[REDACTED] Lilauna L.	110382	180.00	10/31/88	0.00
SE	KETN	[REDACTED] Lamont Paul	40356	45.00	09/23/88	76.50
SE	KETN	[REDACTED] Shelly	162501	180.00	11/25/88	13.50
SE	KETN	[REDACTED] Debra	110364	225.00	12/22/88	0.00
SE	KETN	[REDACTED] Michael	5130	45.00	12/22/88	0.00
SE	KETN	[REDACTED] Karen	156597	135.00	12/22/88	0.00
SE	KETN	[REDACTED] Kelli	153009	260.00	12/22/88	10.00
SE	KETN	[REDACTED] Daniel Marvin	168387	90.00	12/22/88	0.00
SE	KETN	[REDACTED] Charles Jr.	182829	135.00	12/22/88	0.00
SE	KETN	[REDACTED] Marianne	107541	270.00	12/22/88	0.00
SE	KETN	[REDACTED] Jeffrey	143145	180.00	12/22/88	0.00
SE	KETN	[REDACTED] Gary	168561	135.00	11/23/88	0.00
SE	KETN	[REDACTED] Robert	167601	270.00	12/22/88	90.00
SE	KETN	[REDACTED] Kevin	163272	45.00	09/23/88	90.00
SE	KETN	[REDACTED] Richard	185874	45.00	12/22/88	0.00
SE	KETN	[REDACTED] Duke	119610	0.00	09/23/88	270.00
SE	KETN	[REDACTED] Debra	110328	270.00	12/22/88	0.00

Reg	Dist	Name	Obscis #	YTD Paid:	LastActv	Balance Due
SE	KETN	[REDACTED] Ed	154896	135.00	09/23/88	-24.00
SE	KETN	[REDACTED] Brett	12111	360.00	08/19/88	-90.00
SE	KETN	[REDACTED] Tommy A.	11199	225.00	12/22/88	135.00
SE	KETN	[REDACTED] William	92436	270.00	12/22/88	0.00
SE	KETN	[REDACTED] Edwin	159621	185.00	12/22/88	40.00
SE	KETN			6880.00		1483.00
SE	SITK	[REDACTED] Stephen	151704	180.00	11/23/88	0.00
SE	SITK	[REDACTED] Gary R.	171012	45.00	08/19/88	0.00
SE	SITK	[REDACTED] Kathryn A.	171009	45.00	08/19/88	0.00
SE	SITK	[REDACTED] Carl R.	177192	135.00	11/03/88	0.00
SE	SITK	[REDACTED] Jeffrey	57591	135.00	10/31/88	0.00
SE	SITK	[REDACTED] Tom S.	120999	90.00	12/22/88	0.00
SE	SITK	[REDACTED] Theodore	164685	135.00	09/28/88	45.00
SE	SITK	[REDACTED] Bart L.	164265	135.00	10/31/88	45.00
SE	SITK	[REDACTED] Terri	117720	90.00	10/31/88	90.00
SE	SITK	[REDACTED] Richard	12108	180.00	09/28/88	0.00
SE	SITK	[REDACTED] Randall	158769	180.00	11/23/88	0.00
SE	SITK	[REDACTED] Lauren	151701	45.00	10/31/88	0.00
SE	SITK	[REDACTED] David C., Jr.	147318	180.00	12/22/88	45.00
SE	SITK	[REDACTED] Kenda	117051	225.00	10/31/88	90.00
SE	SITK	[REDACTED] James Craig	86814	90.00	11/23/88	0.00
SE	SITK	[REDACTED] Lane B.	169857	270.00	12/22/88	0.00
SE	SITK	[REDACTED] Elizabeth	153972	135.00	12/22/88	0.00
SE	SITK	[REDACTED] John	119220	225.00	12/22/88	0.00
SE	SITK	[REDACTED] Ron	144024	225.00	11/23/88	0.00
SE	SITK	[REDACTED] Mitchell	147474	360.00	10/31/88	135.00
SE	SITK	[REDACTED] Eric	164268	45.00	12/22/88	0.00
SE	SITK			3150.00		450.00
SE				16995.50		4031.00
				82683.54		12691.54

**FISCAL NOTE** *This fiscal note will be handled in Correction's budget.*

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act repealing the authority of the Alaska Court System to impose."  
 Sponsor: Senator Adams  
 Requestor: \_\_\_\_\_

Agency Affected: Department of Corrections  
 BRU: Statewide Operations

Components: Northern Region Probation  
Southcentral Region Probation  
Southeast Region Probation

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	-126.2	-126.2	0	0	0	0
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND	62.0	62.0				
FEDERAL FUNDS						
OTHER	-62.0	-62.0				
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)

This legislation will not result in additional operating costs, but the funding sources for FY89 and FY90 must be changed from program receipts to general fund.

Prepared by: Susan E. Knighton, Director Phone: 465-3376  
 Division: Administrative Services Date: 1-27-89

Approved by Commissioner: S. Homer Date: 1-27-89  
 Agency: Department of Corrections

**Distribution (by preparer):**

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

JAN 31 1989  
 RECEIVED  
 LEGISLATIVE FINANCE

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B

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# HOUSE COMMITTEE REPORT

(11)  
 Date Referred: April 5, 1989  
 (Judiciary referral waived)

FURTHER REFERRALS:

Date of Committee Action: 4/17/89

The FINANCE Committee considered:

SB 133

SENATE BILL NO. 133 [REPEAL PROBATION FEE AUTHORIZATION]  
 "An Act repealing the authority of the Alaska Court System to impose and of state agencies to collect a probation fee; and providing for an effective date."

- RECOMMENDATIONS:
- be replaced with \_\_\_\_\_  the same title  a new title
  - have attached amendment(s)
  - do pass
  - do not pass
  - no recommendation
  - individual recommendations
  - additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):  
 (Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note \_\_\_\_\_
- zero with analysis \_\_\_\_\_

- fiscal note(s) Corrections 1/27/89
- zero fiscal note(s) Alk. Court System 2/3/89
- zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not  
Pass      No Rec      Amend

\_\_\_\_\_  
 \_\_\_\_\_ Larson  
 \_\_\_\_\_ Hoffman  
 \_\_\_\_\_ Swackhammer  
 \_\_\_\_\_ Ulmer  
 \_\_\_\_\_ Barnes  
 \_\_\_\_\_ Rieger  
 \_\_\_\_\_ Wallis

_____ Brown		X	
_____ Koponen		X	
_____ Phillips		✓	
_____			
_____			
_____			
_____			

Co- \_\_\_\_\_  
 Chairman's Signature  
 Co- \_\_\_\_\_

740 HFC 4-17-89

STATE OF ALASKA 1989 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 133  
 Publish Date: 2/3/89

REQUEST:

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Revision Date: Agency Affected: Alaska Court System  
 Title: An act repealing authority ... BRU: Trial Courts  
 to impose ... and collect probation fees  
 Sponsor: Adams Components:  
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Contractual	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Equipment	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL . . . . .

REVENUE . . . . .

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg* General Counsel Phone: 264-8228  
 Division: Alaska Court System Date: 01/25/89

Approved by: *Arthur H. Snowden, II* Administrative Director Date: 01/25/89  
 Agency: Alaska Court System

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

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: SB 133  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act repealing the authority of  
the Alaska Court System to impose."  
Sponsor: Senator Adams  
Requestor: \_\_\_\_\_

Agency Affected: Department of Corrections  
BRU: Statewide Operations  
Components: Northern Region Probation  
Southcentral Region Probation  
Southeast Region Probation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	-126.2	-126.2	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	62.0	62.0				
FEDERAL FUNDS						
OTHER	-62.0	-62.0				
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)

This legislation will not result in additional operating costs, but the funding sources for FY89 and FY90 must be changed from program receipts to general fund.

Prepared by: Susan E. Knighton, Director Phone: 465-3376  
Division: Administrative Services Date: 1-27-89

Approved by Commissioner: S. Humphrey-Barnett Date: 1-27-89  
Agency: Department of Corrections

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

1 IN THE SENATE

BY ADAMS

2

SENATE BILL NO. 133

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act repealing the authority of the Alaska Court  
7 System to impose and of state agencies to collect a  
8 probation fee; and providing for an effective date."

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

10 \* Section 1. AS 12.55.100(a) is amended to read:

11 (a) While on probation and among the conditions of probation,  
12 the defendant may be required

13 (1) to pay a fine in one or several sums;

14 (2) to make restitution or reparation to aggrieved parties  
15 for actual damages or loss caused by the crime for which conviction  
16 was had;

17 (3) to provide for the support of any persons for whose  
18 support the defendant is legally responsible; and

19 (4) to perform community work in accordance with AS 12.-  
20 55.055 [; AND

21 (5) TO PAY A PERIODIC PROBATION FEE AS PROVIDED IN AS 12.-  
22 55.105].

23 \* Sec. 2. AS 14.43.120(i) is amended to read:

24 (i) If a loan is in default, the commission shall notify the  
25 borrower that repayment of the remaining balance is accelerated and  
26 due by sending the borrower a notice by registered or certified mail.  
27 The permanent fund dividend of a borrower may be taken under AS 43.-  
28 23.065(b)(3) [AS 43.23.065(b)(4)] to satisfy the balance due on the  
29 defaulted loan.

98-11-14 1984 01/27

1 \* Sec. 3. AS 43.23.065(b) is amended to read:

2 (b) An exemption is not available under this section for perma-  
3 nent fund dividends taken to satisfy

4 (1) child support obligations required by court order or  
5 decision of the child support enforcement agency under AS 47.23.140 -  
6 47.23.220;

7 (2) court ordered restitution under AS 12.55.045 - 12.55.-  
8 051 or 12.55.100; or


9 (3) [A COURT ORDERED PROBATION FEE UNDER AS 12.55.105; OR

10 (4)] a debt owed by an eligible individual to an agency of  
11 the state, unless the debt is contested and an appeal is pending, or  
12 the time limit for filing an appeal has not expired.

13 \* Sec. 4. AS 12.55.105 is repealed.

14 \* Sec. 5. APPLICABILITY. The provisions of this Act do not affect the  
15 collection of probation fee payments ordered by a court under AS 12.55.105,  
16 repealed by sec. 4 of this Act, after June 30, 1986, and before the effec-  
17 tive date of this Act.

18 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

<b>State of Alaska</b> Department of Corrections  Policies and Procedures		Index: 902.09	Page 1 of 6
		Effective Date: 87-1-0	
Approved by: William W. Ladwig		Related ACA Standards: 2-3081	
Supersedes: 902.09 (Eff. 86-10-15)		Subject: PROBATION SUPERVISION FEE	
Chapter: INTAKE, CLASSIFICATION AND SUPERVISION			

I. AUTHORITY:

In accordance with AS 44.28.030, AS 33.05.010, AS 33.16.180, and AS 33.30.021, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. PURPOSE:

To establish procedures for the collection, recording and disbursement of a court ordered probation fee in accordance with AS 12.55.105.

III. APPLICATION:

To all employees and probationers.

IV. DEFINITIONS:

As used in this document, the following definition shall apply:

Probation Fee:

The sum of money to be paid by each supervised probationer each month he or she is under the supervision of the Department ; fee for services ordered by the sentencing court as a condition of probation; the sum of \$1.50 per day for portions of a month to a maximum of \$45.00 per month for each calendar month under supervision.

V. POLICY:

This Department will, through the probation officers and staff of Community Corrections, establish an equitable and orderly system to collect probation fees from individuals placed on supervised probation and who have had said fee made a condition of probation by the sentencing court.

VI. PROCEDURES:

- A. During the Initial intake and orientation meeting between the probationer and supervising probation officer in accordance with 902.05, Community Corrections Intake, the probation officer shall:

## Subject: PROBATION SUPERVISION FEE

1. Explain to the probationer his or her responsibility to pay the monthly probation fee as a condition of probation. The Notice of Obligation to Pay Probation Fee (form 20-902.09A) will be reviewed with the probationer for understanding and compliance which will be indicated by the probationer's and the probation officer's signatures on the document. The original Notice will be retained in the probationer's case record and a copy provided to the probationer following signature;
  2. Review the method and schedule of payment including the information that payments are non-refundable and that failure to make payments will result in sanctions as outlined under C. below; and
  3. Clarify that the probation fee is obligatory; although there are circumstances which may justify a deferment of payment(s) for 30 to 90 days and/or allow for alternate forms of payment as outlined under E. below.
- R. Probation fee compliance is the responsibility of the supervising Probation Officer whereas the responsibility for payment rests with the probationer. The Probation Officer shall arrange and monitor the probationer's payments which will be made to the clerk designated for this purpose by the Regional Administrator for each district office in accordance with 203.04, Probation Fee Accounting. The collection/ payment procedures are as follows:
1. The acceptable forms of payment are cash (U.S. Currency), cashier's check or money order payable to the State of Alaska for the exact payment amount except when an alternate form of payment has been authorized in accordance with E. below or the supervising probation officer authorized a personal check as an acceptable form of payment on a case-by-case basis;
  2. Payment may be made either in person or by mail-in and must be received on or before the 10th of the month for which the probation fee is being paid. Mail-in probation fees must be in the form of check or money order only;
  3. The Department or the designated clerk will not accept partial payment of the probation fee due for any given month or period of time except for the authorized alternate methods of payment per E. below. Cash, personal check, cashier's check or money order for less than the full monthly amount due is not acceptable. If a payment less than the monthly fee obligation is submitted, the designated clerk shall return the payment by certified mail and the supervising probation officer shall record the return in the probationer's case chronological records;

Subject: PROBATION SUPERVISION FEE

NOTE: Partial payments in the form of cash received by mail will be converted to a warrant and returned by certified mail.

4. When a probation fee is received and accepted, a Probation Fee Receipt (form 20-902.09B) will be completed and distributed, as follows:
    - a. The original receipt will be given to the probationer;
    - b. The second copy will be routed and processed for inclusion in the probationer's Probation Fee Payment Record (form 20-303.04A) which may be a computer record;
    - c. The third copy will be routed to the probationer's supervising officer for recording in the chronological record of the case record; and
    - d. The fourth copy will remain in the bound receipt book.
  5. Probation fee payments will be recorded and transmitted to the fiscal unit at the Juneau Central Office in accordance with 303.04, Probation Fee Accounting. The designated clerk shall record, process and transmit all probation fee payments in conformance with 303.04.
- C. All probationers placed on supervised probation after January 9, 1987 are required by Statute to pay the probation fee; however, the sentencing court must specifically order the fee as a condition of probation. Presentence investigations prepared in accordance with Chapter 901., Presentence, will contain a reminder to the court of the obligation until such time as the Court Judgment has been reprinted to include the probation fee obligation as a standard condition of probation. The Probation Officer supervising a probationer placed on probation on or after January 9, 1987, who does not have the condition of conduct to pay the probation fee, shall prepare and file a Petition for Modification of Conditions of Conduct (form 20-902.08A) in accordance with 902.08, Conditions of Probation, Parole and Conditional Commutation, in an effort to have the obligation established.
- D. Interstate probationers accepted for supervision in Alaska on or after January 9, 1987, and Alaska probationers placed for supervision in another state under the Interstate Compact and in accordance with 902.21, Interstate Transfer/Supervision, are required to pay the probation fee, as follows:
1. A probationer transferred to Alaska from another state must acknowledge and agree to pay the probation fee as a condition of conduct while under supervision in order to be accepted for

## Subject: PROBATION SUPERVISION FEE

- interstate transfer of probation supervision. The investigating/supervising officer shall enter the probation fee obligation into the interstate documentation and ensure that it is accepted by the sending state and the probationer as a condition of probation prior to accepting the case for supervision in Alaska; and
2. A probationer transferred out of Alaska for interstate transfer of supervision will pay the probation fee of the receiving state, if there is one, as a condition of the transfer of supervision. If the receiving state does not have a probation fee, the probationer will not be required to pay the probation fee obligation while supervised outside of Alaska and/or in a state that does not have a probation fee.
- E. An alternate form of probation fee payment may be authorized, as follows:
1. A probationer may choose to assign his or her permanent fund dividend received under AS 43.23.005 to the Department as credit toward or payment of the probation fee. This option may be exercised in coordination with the supervising probation officer in accordance with procedures established for this purpose. A permanent fund dividend received per this section will be received, recorded and transmitted as outlined under B.4. above;
  2. A probationer's permanent fund dividend may be attached for non-payment of probation fees in accordance with AS 12.55.105(c). The Probation Officer shall prepare the paperwork in conformance with procedures established in coordination with the Department of Revenue. The dividend must be considered as a source of payment ahead of any alternate form or excused payment authorization. A dividend received under these circumstances will be received, recorded and transmitted as outlined under B.4. above;
  3. For a probationer who is unemployed, the probation fee may be excused for up to 30 days. A probationer who remains unemployed for more than 30 days shall be assigned to a community work service project by or through his or her probation officer. The probationer shall perform unpaid community service and will be credited with \$5.00 for each hour of community service work toward his or her probation fee. Community service performed in lieu of payment of probation fees must be worked during the month for which the probation fee is due. This alternate form of probation fee payment is an exception and may not be routinely applied to any probation case for longer than three months during the term of probation. However, upon the recommendation of the District or Unit Supervisor, the Regional Administrator may, at his or her discretion, extend this alternative form of payment on a month-to-month basis beyond the three month limit on a case-by-case basis;

Subject: PROBATION SUPERVISION FEE

4. A probationer who has an obligation to pay child support and/or restitution in addition to the probation fee and is unable to meet all of the obligations due to low income or a decreased ability to pay, may have an alternate form of payment authorized by his or her supervising officer in accordance with 1., 2. or 3. above. The obligation priority for the application of what funds the probationer has at his or her disposal must be applied to child support first, restitution second, and the probation fee third. The probation fee obligation may be paid via an alternate means whereas support and restitution cannot; therefore, what money the probationer has should be applied toward support and/or restitution ahead of the probation fee; and
  5. All excused and/or alternate forms of probation fee payment arrangements made will be immediately documented and recorded in the probationer's case record.
- F. A probationer who fails or refuses to pay the probation fee and who does not have an alternative payment arrangement made under E. above, will have the following action initiated by his or her supervising Probation Officer:
1. Within 10 calendar days following the due date, the probationer shall be notified by certified letter that fee payment is in arrears;
  2. The letter per 1. above will schedule an appointment and/or contact to discuss the non-payment, which may be in addition to contacts required by the probationer's supervision level;
  3. If the probationer fails to keep the appointment scheduled per 2. above and/or fails to make up the missed and/or currently due payment(s), a probation violation sequence will be initiated by the supervising officer;
  4. The non-payment of the probation fee, following completion of the steps outlined under 1. -- 3. above, will be processed as a minor violation in accordance with 902.14, Violations, Initial Processing, and will normally be resolved through counseling, reprimand, behavior contracts, or identifying and arranging a deferrment or alternate form of payment per E. above;
  5. Non-payment may result in formal action appropriate to a violation of probation conditions if the steps applied pursuant to 4. above fail to produce positive results; and
  6. If and when the failure to pay probation fee reaches the point of formal violation action, the petition and/or supporting documentation will be prepared and routed in accordance with 910.06, Revocation of Probation; however:

Subject: PRORATION SUPERVISION FEE

- a. In the event the probationer makes up back payments or makes one or more full monthly payments prior to or during the formal violation process, the Probation Officer shall apply the payment(s) to the past due months and/or document the probationer's being current in payments. The officer shall take steps to cancel or modify the violation action; or, he or she may continue the violation action if the back-payment(s) made constitute less than a good faith effort to bring current the probation fee or another violation(s) is included in the action;
  - b. If the probationer is making payment on past due fees, and the Probation Officer determines a good faith effort is being made to reduce the amount owed, and the only violation alleged is non-payment, a follow-up report may be filed requesting that the violation action underway be quashed; and
  - c. If a Petition has been filed and a hearing scheduled or a warrant issued for the sole reason of fee non-payment, the Probation Officer shall inform the District Attorney and the Court of the probationer's payment of the past due fee and request that the formal action be discontinued.
- G. The Field Action Notice (form 20-502.01A) prepared and submitted by the Regional Administrator each month in accordance with 101.02, Facility Programming, Reporting and Review, will contain the dollar amount of probation fees collected and the number of hours of community service work completed in lieu of probation fee payment for the report month at each district office in the region.

#### VII. IMPLEMENTATION:

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

DATE

1/9/87

William W. Ladwig  
William W. Ladwig, Acting Commissioner  
Department of Corrections

Forms Applicable to this Policy.

INDEX #: 303.04A and 902.09A & B

FORMS/.04A - Fee Payment Record

.09A - Notice of Obligation to Pay Probation Fee

.09B - Probation Fee Receipt

P.O. Box 1402  
Nome, AK 99762  
January 24, 1989

Senator Al Adams  
P.O. Box V  
Juneau, AK 99811

Dear Senator Adams:

I support your efforts to repeal A.S. 12.55.105 which requires probationers to pay a probationary fee to the Department of Corrections. My experience in Northwest Alaska indicates that the probationary fee requirement creates an undue hardship on persons engaged in the predominately subsistence lifestyle of this region.

The major problem with the present statute is that imposition of the probationary fee is mandatory, that is, the sentencing court has no discretion to consider the probationer's ability to pay and determine whether the fee should be required. Thus, even if a probationer has no income except for the permanent fund dividend, the fee is still ordered. This approach is distinct from the procedures set out for determining the amount, if any, of restitution or a fine.

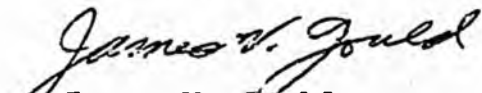
The second major problem is that the Department of Corrections, without statutory authorization, requires a probationer who cannot pay the fee to perform community work service in lieu thereof. Probation officers are collecting supervision fees and enforcing unlawful community work service requirements instead of providing necessary services to probationers.

It may be that probationers who are able to pay should pay a reasonable probationary fee. However, under the present statute, the judge is not allowed to consider ability to pay. The result is that probationers who truly need their permanent fund dividends to provide family necessities in Northwest Alaska are required to assign their dividends to the Department of Corrections. This is unfair. In the preceding 16 months I am unaware of even one probationer who was excused by the Department of Corrections from either paying the fee or doing community work service in lieu thereof.

Senator Al Adams  
Page 2  
January 24, 1989

I am enclosing a copy of the legal memoranda filed by the parties in a case in which the probationary fee was challenged. The issue became moot after the probationer committed a subsequent burglary, so was never fully litigated.

Sincerely,

  
James V. Gould  
Attorney at Law

First Session of the Ninth Annual  
NORTH AND NORTHWEST ALASKA MAYORS' CONFERENCE  
Barrow, Alaska  
October 13-14, 1988

Resolution No. 88 - 43

A RESOLUTION OF THE NORTH AND NORTHWEST ALASKA MAYORS'  
CONFERENCE REGARDING THE COLLECTION OF MONTHLY PAYMENTS FROM  
THOSE STATE RESIDENTS ON PROBATION.

WHEREAS, by statute the State Department of Corrections has  
implemented a requirement for the payment of 45 dollars per  
month for those on probation, and,

WHEREAS, this 45 dollars per month payment is not relevant to  
the purposes of probation, and,

WHEREAS, monthly collection of fees is not easily accomplished  
by rural residents who are living in areas with high  
unemployment and seasonal employment;

NOW THEREFORE BE IT RESOLVED BY THE NORTH AND NORTHWEST ALASKA  
MAYORS' CONFERENCE THAT the State Administration and  
legislature support legislation which would revoke the  
statutory requirement that fees be collected from those on  
probation.

Passed and approved by the FIRST SESSION OF THE NINTH ANNUAL  
NORTH AND NORTHWEST ALASKA MAYORS' CONFERENCE this 14th day of  
October, 1988.

Abigail A. Washburn  
President

Robert R. Fote  
Secretary

INTRODUCED BY: Kotche

VOTE: YES X

SECONDED BY: Wales

NO \_\_\_\_\_

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

STEVE COWPER, GOVERNOR

REPLY TO:

P.O. BOX 7  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 465-3376

March 6, 1989

The Honorable John Binkley  
The Honorable Steve Frank  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Senators:

You have requested a fiscal note on SB 133 showing personnel cost savings associated with limiting the requirement that probationers pay a monthly fee for service.

I regret that my letter of October 10 was not more clear. There is not a four-officer, two-clerk unit in the Department to collect these fees. Every Field Probation Officer is a part-time fee collector and part-time community work service supervisor.

Alaska's 62 supervising Field Probation Officers are now supervising 2513 probationers and 481 parolees. Statewide, a 31% increase over the last 4 years.

This rapid growth in caseload for Probation Officers is one of the most serious problems the Department of Corrections now faces. To address it, we requested 17 new officers and 5 new clerk typists in our FY90 Agency Budget Request and, as you know, the Governor's Approved Budget includes 6 officers and 2 clerk typists.

Because we are requesting new officers and clerks in the budget bill, it doesn't make sense to show a reduction in personnel in SB 133.

When the bill establishing probation fee collection passed in 1986, no new staff were funded for it. I regret that I cannot show staff reduction by its repeal now.

The Department of Corrections remains in strong support of SB 133. It is part of the answer to increasing supervision of Alaska's probationers and parolees.

The Honorable Johne Binkley  
The Honorable Steve Frank  
Page 2  
March 6, 1989

Please do not hesitate to contact me on this important bill.

Sincerely,

*Susan Humphrey-Barnett*

Susan Humphrey Barnett  
Commissioner

SHB:cc

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

STEVE COWPER, GOVERNOR

REPLY TO:

P.O. BOX T  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 465-3378

October 10, 1988

The Honorable Al Adams  
Alaska State Legislature  
P.O. Box 333  
Kotzebue, Alaska 99752

Dear Representative Adams:

This letter is in support of your proposed legislation to repeal the statute requiring Alaska probationers to pay a monthly fee-for-service.

When the program was started two years ago, the Department of Corrections saw it as an opportunity to instill responsibility in the probationers and to raise revenues to offset the cost of their supervision. However, our experience in this endeavor has proved otherwise.

In FY 88, we collected \$126,200 under the program statewide: \$26,900 in the Northern Region; \$72,900 in the Southcentral Region; and \$26,100 in the Southeast Region. The work required by our Probation Officers to enforce this program has been considerable.

The Probation Officers enforce the court orders that include this \$45.00 monthly fee-for-service. Probationers in extreme financial hardship can substitute community work service in lieu of payment at the rate of \$5.00 per hour or nine hours per month. This, too, must be scheduled and then supervised by the Probation Officer.

When probationers fail to pay or perform community work service, they are in technical violation of their court order and the Probation Officer can then return the probationer to court. The Probation Officer must prove to the court that the probationer is able to pay or perform work but refuses to do so. The Probation Officer is then subject to cross-examination by the probationer's attorney. In fact, no Alaska judge has revoked probation for failure to pay or perform work because the dollar amount is so low (returning a probationer to an \$86.00 per day cell for failing to pay a \$45.00 per month fee).

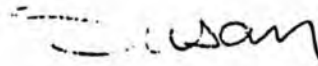
It is estimated that the three to four workdays per month required of each supervising field Probation Officer statewide is the equivalent of four fulltime officers per year. Add to that the equivalent of two fulltime clerks to handle correspondence, accounting and depositing of the fees balanced against the amount of \$126,200 raised statewide, the program is not cost effective.

The Honorable Al Adams  
October 10, 1988  
Page Two

Finally, as you know from your own region, requiring regular monthly payments discriminates against those on subsistence or seasonal employment. In the villages, where there is no supervised community work service option, the program makes no sense at all.

The current law applies to those probationers placed on probation after January 1987. Because the number grows each year, these problems will continue to grow. The Department of Corrections supports your efforts to repeal the fee-for-service for probationers' statute.

Sincerely



Susan Humphrey-Barnett  
Commissioner

SHB:BP:dlh

# Alaska State Legislature

Al Adams  
District L

WHILE IN SESSION  
P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3707

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3245

3111 C Street  
Anchorage, Alaska 99503  
(907) 561-7622

Official Business

TO: Representatives Larson and Hoffman  
Co-chairs House Finance

FROM: Senator Al Adams, Chair  
Community and Regional Affairs Committee

DATE: April 12, 1989

RE: SB 133 "An Act repealing the authority of the Alaska Court System to impose and of state agencies to collect a probation fee; and providing for an effective date."

Thank you for scheduling a hearing in the House Finance Committee of the aforementioned legislation. This bill will correct a problem that was first brought to my attention by a probation officer in Kotzebue. Current law requires that those on probation pay a \$45 per month fee to their probation officers. This bill would remove that requirement from state law.

Probation officers, particularly those in rural areas, have been encumbered in their attempts to enforce a statute that neither pays for itself or results in any positive change in behavior by those subject to paying the fees. In addition, the time spent by probation officers as fee agents is a useless expenditure when their efforts could be better spent at other tasks.

The situation of highly seasonal employment in rural areas creates a situation where those on probation often have no regular income, and frequently a meager amount when they do. The desire to enforce this statute is often met with frustration by both those on probation and those responsible for fee collection in areas on the edge of a cash economy. The option of community work service in lieu of cash is also unsuitable in that the probation officer is then required to supervise that work service has been completed.

This bill is supported by the Department of Corrections and received verbal endorsement from the Criminal Justice Working group during their meeting in Kotzebue this summer. In your packet is a letter of support

Page 2  
SB 133  
April 12, 1989

from the Department of Corrections and another letter of support from a public defender in Nome. It also passed the Senate unanimously.

Also enclosed is a listing of those on probation (first name only) and a summary of individual probation fee payment status. Referenced statutes are also enclosed.

Section 1 repeals the authority to require the defendant to pay a probation fee. Accomplishes this by removal from A.S. 12.55.100 (a) under the "Conditions of Probation" a subsection (5) referencing AS 12.55.105 that dictates the probation fee requirements.

Section 2 accomplishes a technical change referencing defaulted loans and the authority to revoke permanent fund dividends.

Section 3 removes court ordered probation fees from AS 43.23.065, section (b) (3) regarding exemptions of permanent fund dividends.

Section 4 is the meat of the bill in removing the probation fee requirement.

Section 5 an applicability section that pertains to how the bill would affect court ordered fees or outstanding debts since June 30, 1986 and before the effective date of this act.

Section 6 makes the bill effective immediately.

My aide Martha Stewart would present to testify on this bill and perform initial bill introduction. Representatives from the Department of Corrections may also be present to answer member questions.

Thank you for your consideration of this legislation.

S

B

L

R

4

SENATE COMMITTEE REPORT

FURTHER

3/28/89

DATE TURNED INTO OFFICE 4/19/89

Mr. President:

Finance Committee considered SB 134

practice of acupuncture

and recommended

- replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title
- or adopt \_\_\_\_\_ CS SB (L+C) 134 )  new title
- attached amendment(s) and  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

FISCAL NOTE(S)  zero  fiscal impact  appropriation no FN  
 new  updated  previous CCYED 4.0  
 same as previous fiscal note(s) published \_\_\_\_\_

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

True Love - No Rec  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature]  
 Chairman/signature and recommendation

Committee Backup attached

[Signature] CO-CHAIR  
 DO PASS

R/O JFC 4-19-89

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 134 (L&C)  
PUBLISH DATE: 3/28/89

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to the practice of acupuncture.

Agency Affected: Commerce & Econ. Dev.  
BRU: Occupational Licensing

Sponsor: Duncan  
Requester: L&C Committee

Components: Admin. & Boards

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	2.9	2.9	2.9	2.9	2.9
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	1.1	1.1	1.1	1.1	1.1
SUPPLIES	0	0	0	0	0	0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	4.0	4.0	4.0	4.0	4.0

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

REVENUE	0	4.0	0	4.0	0	4.0
---------	---	-----	---	-----	---	-----

FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER	0	4.0	4.0	4.0	4.0	4.0
TOTAL	0	4.0	4.0	4.0	4.0	4.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

CSSB 134 (L&C) provides for licensing of acupuncturists by the department. The bill will allow acupuncture services to be offered by all qualified individuals; whereas, currently only medical doctors can offer acupuncture services. The costs identified in this fiscal note are explained on the following page.

Prepared by: Jennifer Strickler, Administrative Officer  
Division: Occupational Licensing

Phone: 465-2144  
Date: March 20, 1989

Approved by Commissioner: Larry Mercuri, Commissioner  
Agency: Department of Commerce & Economic Development

Phone: 465-2500  
Date: 3/28/89

Distribution (by preparer):

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

## CONTINUATION of FISCAL NOTE ANALYSIS

### CSSB 134 (L&C)

Testimony on this bill has revealed that very few acupuncturists currently reside in-state (fewer than five) and that only a few additional acupuncturists are expected to seek admission should this legislation pass. For the purposes of this fiscal note, we have anticipated a maximum of ten licensees.

This fiscal note differs from previous fiscal notes on the subject in that a portion of overhead personal services costs which the program can be expected to cover are included. As with all licensing occupations, each program is attributed a portion of administrative expenses of the division based on the number of licensees divided by the total number of division licensees. In this case, ten licensees represent .004% of the administrative costs reflected in the personal services and contractual services line items of the division's budget.

Because of the small number of practitioners, it would be unreasonable to establish a licensing fee which would require those few licensees to bear the entire cost of the licensing function. In such cases, the licensing costs must be supplemented by general funds or other licensing fees.

**Revenues:** The revenues projected are based on ten licensees paying a biennial license fee of \$400.

R/O SFC 4-19-89

Offered: 3/28/89  
Referred: Finance

6-0373H

Original sponsors: Duncan and Rodey

1 IN THE SENATE BY THE LABOR AND  
COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 134 (L&C)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the practice of acupuncture."  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. PURPOSE. The health, safety, and welfare of the people of  
9 the state are best served by the establishment of an orderly system of  
10 licensure for the practice of acupuncture in the state. The rapid develop-  
11 ment of the profession, including the establishment of national standards  
12 for the education and practice of acupuncturists, has resulted in increased  
13 public interest and increased demand for access to qualified acupunctur-  
14 ists.

15 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

16 CHAPTER 06. ACUPUNCTURE.

17 Sec. 08.06.010. PRACTICE OF ACUPUNCTURE WITHOUT LICENSE PROHIB-  
18 ITED. A person may not practice acupuncture without a license.

19 Sec. 08.06.020. APPLICATION FOR LICENSE. A person desiring to  
20 practice acupuncture shall apply in writing to the department.

21 Sec. 08.06.030. LICENSE TO PRACTICE ACUPUNCTURE. (a) A person  
22 is qualified to receive a license to practice acupuncture if the  
23 person

- 24 (1) is of good moral character;
- 25 (2) is at least 21 years of age;
- 26 (3) either

27 (A) has completed a course of study consistent with  
28 the core curriculum and guidelines of the National Council of  
29 Acupuncture Schools and Colleges at a school of acupuncture

98-91-4 542 d/s

1 approved by the department; or

2 (3) is licensed to practice acupuncture in another  
3 state that has acupuncture licensing requirements equivalent to  
4 those of this state;

5 (4) is qualified for certification by the National Council  
6 for the Certification of Acupuncturists as a diplomate in acupuncture;

7 (5) does not have a disciplinary proceeding or unresolved  
8 complaint pending at the time of application; and

9 (6) has not had a license to practice acupuncture suspended  
10 or revoked in this state or in another state, territory, or province.

11 (b) The department shall issue a license to practice acupuncture  
12 to each person who is qualified and who pays the appropriate fee.

13 (c) Each person licensed to practice acupuncture under this  
14 chapter shall display the license in a conspicuous place where the  
15 licensee practices.

16 Sec. 08.06.040. RENEWAL OF LICENSE. The department may not  
17 renew a license under this chapter unless the applicant

18 (1) demonstrates continued competence as an acupuncturist  
19 in a manner established by the department in regulations; and

20 (2) submits proof that the applicant maintains certifica-  
21 tion by the National Council for the Certification of Acupuncturists  
22 as a diplomate of acupuncture.

23 Sec. 08.06.050. DISCLOSURE. (a) A person who practices acu-  
24 puncture shall disclose that the person's training and practice are in  
25 acupuncture

26 (1) to each patient; and

27 (2) on all material used in the practice of acupuncture and  
28 made available to patients or to the public.

29 (b) A person who practices acupuncture without being covered by

1 malpractice insurance shall disclose to each patient that the person  
2 does not have the insurance.

3 Sec. 08.06.060. RESTRICTIONS ON PRACTICE OF ACUPUNCTURE. A  
4 person who practices acupuncture may not

5 (1) give, prescribe, or recommend in the practice a

6 (A) prescription drug;

7 (B) controlled substance;

8 (C) poison;

9 (2) engage in surgery; or

10 (3) use the word "physician" in the person's title unless  
11 the person is also licensed as a physician.

12 Sec. 08.06.070. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
13 TIONS. After a hearing, the department may impose a disciplinary  
14 sanction on a person licensed under this chapter when the department  
15 finds that the licensee

16 (1) secured a license through deceit, fraud, or intentional  
17 misrepresentation;

18 (2) engaged in deceit, fraud, or intentional misrepresenta-  
19 tion in the course of providing professional services or engaging in  
20 professional activities;

21 (3) advertised professional services in a false or mislead-  
22 ing manner;

23 (4) has been convicted of a felony or other crime that  
24 affects the licensee's ability to continue to practice competently and  
25 safely;

26 (5) intentionally or negligently engaged in patient care,  
27 or permitted the performance of patient care by persons under the  
28 licensee's supervision, that does not conform to minimum professional  
29 standards regardless of whether actual injury to the patient occurred;

1 (6) failed to comply with this chapter, with a regulation  
2 adopted under this chapter, or with an order of the department;

3 (7) continued to practice after becoming unfit due to

4 (A) professional incompetence;

5 (B) failure to keep informed of current professional  
6 practices;

7 (C) addiction to or severe dependency on alcohol or  
8 other drugs that impairs the ability to practice safely;

9 (D) physical or mental disability; or

10 (8) engaged in lewd or immoral conduct in connection with  
11 the delivery of professional service to patients.

12 Sec. 08.06.080. EXEMPTION. This chapter does not apply to a  
13 person who practices acupuncture under AS 08.36 or AS 08.64.

14 Sec. 08.06.090. PENALTY. A person who violates this chapter or  
15 a regulation adopted under this chapter is guilty of a class B misde-  
16 meanor.

17 Sec. 08.06.100. REGULATIONS. The department may adopt regula-  
18 tions to implement this chapter, including regulations establishing

19 (1) standards for the practice of acupuncture;

20 (2) standards for continuing education and training;

21 (3) a code of ethics for the practice of acupuncture.

22 Sec. 08.06.190. DEFINITIONS. In this chapter

23 (1) "acupuncture" means a form of healing developed from  
24 traditional Chinese medical concepts that uses the stimulation of  
25 certain points on or near the surface of the body by the insertion of  
26 needles to prevent or modify the perception of pain or to normalize  
27 physiological functions;

28 (2) "department" means the Department of Commerce and  
29 Economic Development;

1                   (3) "practice of acupuncture" means the insertion of acu-  
2                   puncture needles and the application of moxibustion to specific areas  
3                   of the human body based upon acupuncture diagnosis; the practice of  
4                   acupuncture includes adjunctive therapies involving mechanical, ther-  
5                   mal, electrical, and electromagnetic treatment and the recommendation  
6                   of dietary guidelines and therapeutic exercise.

7                   \* Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

8                                 (31) regulation of acupuncturists under AS 08.06.

9                   \* Sec. 4. AS 08.01.050(a) is amended to read:

10                               (a) The department shall perform the following administrative  
11                               and budgetary services when appropriate:

12   (1) collect and record fees;

13   (2) maintain records and files;

14   (3) issue and receive application forms;

15   (4) notify applicants of acceptance or rejection as deter-  
16                               mined by the board or as determined by the department under AS 08.06  
17                               for acupuncturists, under AS 08.11 for audiologists, under AS 08.45  
18                               for naturopaths, or under AS 08.55 for hearing aid dealers;

19   (5) designate dates examinations are to be held and notify  
20                               applicants;

21   (6) publish notice of examinations and proceedings;

22   (7) arrange space for holding examinations and proceedings;

23   (8) notify applicants of results of examinations;

24   (9) issue licenses or temporary licenses as authorized by  
25                               the board or as authorized by the department under AS 08.06 for acu-  
26                               puncturists, under AS 08.11 for audiologists, under AS 08.45 for  
27                               naturopaths, or under AS 08.55 for hearing aid dealers;

28   (10) issue duplicate licenses upon submission of a written  
29                               request by the licensee attesting to loss of or the failure to receive

1 the original and payment by the licensee of a fee established by  
2 regulation adopted by the department;

3 (11) notify licensees of renewal dates at least 30 days  
4 before the expiration date of their licenses;

5 (12) compile and maintain a current register of licensees;

6 (13) answer routine inquiries;

7 (14) maintain files relating to individual licensees;

8 (15) arrange for printing and advertising;

9 (16) purchase supplies;

10 (17) employ additional help when needed;

11 (18) perform other services that may be requested by the  
12 board;

13 (19) provide inspection, enforcement, and investigative  
14 services to the boards and for the occupations listed in AS 08.01.010,  
15 regarding all licenses issued by or through the department;

16 (20) retain and safeguard the official seal of a board and  
17 prepare, sign, and affix a board seal, as appropriate, for licenses  
18 approved by a board;

19 (21) issue business licenses under AS 43.70.

20 \* Sec. 5. AS 08.02.010(a) is amended to read:

21 (a) an acupuncturist licensed under AS 08.06, an audiologist  
22 licensed under AS 08.11, a person licensed in the state as a chiro-  
23 practor under AS 08.20, a dentist under AS 08.36, a medical practi-  
24 tioner or osteopath under AS 08.64, a registered nurse under AS 08.68,  
25 an optometrist under AS 08.72, a registered pharmacist under AS 08.80,  
26 a registered physical therapist or occupational therapist under  
27 AS 08.84, a psychologist under AS 08.86, or a clinical social worker  
28 licensed under AS 08.95, shall use as professional identification  
29 appropriate letters or a title after that person's name which

1 represents that person's specific field of practice. The letters or  
2 title shall appear on all signs, stationery, or other advertising in  
3 which the person offers or displays personal professional services to  
4 the public. In addition, a person engaged in the practice of medicine  
5 or osteopathy as defined in AS 08.64.380, or a person engaged in any  
6 manner in the healing arts who diagnoses, treats, tests, or counsels  
7 other persons in relation to human health or disease and uses the  
8 letters "M.D." or the title "doctor" or "physician" or another title  
9 that tends to show that the person is willing or qualified to diag-  
10 nose, treat, test, or counsel another person, shall clarify the let-  
11 ters or title by adding the appropriate specialist designation, if  
12 any, such as "dermatologist", "radiologist", "audiologist", "naturo-  
13 path", or the like.

14 \* Sec. 6. AS 08.36 is amended by adding a new section to read:

15 Sec. 08.36.114. QUALIFICATIONS FOR ACUPUNCTURE APPLICANTS. An  
16 applicant for a license to perform acupuncture in the regular practice  
17 of dentistry shall be licensed under AS 08.36.100 and shall satisfy  
18 those requirements of experience or education in the practice of  
19 acupuncture as may be adopted by the board.

20 \* Sec. 7. AS 08.64.170(a) is amended to read:

21 (a) A person may not practice medicine, podiatry, or osteopathy  
22 [, OR ACUPUNCTURE] in the state unless the person is licensed under  
23 this chapter, except that

24 (1) a physician assistant may examine, diagnose, or treat  
25 persons under the supervision, control, and responsibility of either a  
26 physician licensed under this chapter or a physician exempted from  
27 licensing under AS 08.64.370;

28 (2) a physician-trained mobile intensive care paramedic may  
29 render emergency lifesaving service; and

1           (3) [A PERSON LICENSED UNDER AS 08.36 MAY PERFORM ACUPUNC-  
2           TURE IN THE REGULAR PRACTICE OF DENTISTRY, SUBJECT TO THE REGULATIONS  
3           OF THE BOARD OF DENTAL EXAMINERS; AND

4           (4)] a person who is licensed or authorized under another  
5           chapter of this title may engage in a practice that is authorized  
6           under that chapter.

7           \* Sec. 8. AS 08.64.180 is amended to read:

8           Sec. 08.64.180. APPLICATION FOR LICENSE. A person who desires  
9           to practice medicine or [,] osteopathy [OR ACUPUNCTURE] in the state  
10          shall apply in writing to the department for a license.

11          \* Sec. 9. AS 09.55.560(1) is amended to read:

12          (1) "health care provider" means an acupuncturist licensed  
13          under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor  
14          licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a  
15          dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a  
16          dispensing optician licensed under AS 08.71; a naturopath licensed  
17          under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist  
18          licensed under AS 08.80; a physical therapist or occupational thera-  
19          pist licensed under AS 08.84; a physician licensed under AS 08.64; a  
20          podiatrist; a psychologist and a psychological associate licensed  
21          under AS 08.86; and a hospital as defined in AS 18.20.130, including a  
22          governmentally owned or operated hospital; a corporate entity covered  
23          under AS 21.88.050(b)(11); and an employee of a health care provider  
24          acting within the course and scope of employment;

25          \* Sec. 10. AS 18.23.070(3) is amended to read:

26          (3) "health care provider" means an acupuncturist licensed  
27          under AS 08.06; a chiropractor licensed under AS 08.20; a dental  
28          hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;  
29          a nurse licensed under AS 08.68; a dispensing optician licensed under

1 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-  
2 censed under AS 08.80; a physical therapist or occupational therapist  
3 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-  
4 trist; a psychologist and a psychological associate licensed under  
5 AS 08.86; and a hospital as defined in AS 18.20.130, including a  
6 governmentally owned or operated hospital; a corporate entity covered  
7 under AS 21.88.050(b)(1); and an employee of a health care provider  
8 acting within the course and scope of employment;

9 \* Sec. 11. AS 21.42 is amended by adding a new section to read:

10 Sec. 21.42.353. COVERAGE FOR COSTS OF ACUPUNCTURE TREATMENT. An  
11 insurer authorized under AS 21.09 to offer, issue for delivery,  
12 deliver, or renew a disability insurance policy in the state, or a  
13 hospital or medical service corporation authorized under AS 21.87 to  
14 offer or renew a subscriber's contract, may offer coverage for ser-  
15 vices of an acupuncturist licensed under AS 08.06 if the policy or  
16 contract covers acupuncture treatment by a health care provider who is  
17 subject to other provisions of AS 08.

18 \* Sec. 12. AS 21.88.900(9) is amended to read:

19 (9) "health care provider" means an acupuncturist licensed  
20 under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor  
21 licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a  
22 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a  
23 dispensing optician licensed under AS 08.71; an optometrist licensed  
24 under AS 08.72; a pharmacist licensed under AS 08.80; a physical  
25 therapist or occupational therapist licensed under AS 08.84; a physi-  
26 cian licensed under AS 08.64; a podiatrist; a psychologist and a  
27 psychological associate licensed under AS 08.86; a hospital as defined  
28 in AS 18.20.130, including a governmentally owned or operated hospi-  
29 tal; a corporate entity covered under AS 21.88.050(b)(11); an employee

1 of a health care provider acting within the course and scope of em-  
2 ployment;

3 \* Sec. 13. AS 21.88.900 is amended by adding a new paragraph to read:

4 (18) "acupuncturist" means a person licensed under AS 08.06.

5 \* Sec. 14. AS 47.17.070(9) is amended to read:

6 (9) "practitioner of the healing arts" includes acupunct-  
7 urists, chiropractors, dental hygienists, dentists, health aides,  
8 nurses, nurse practitioners, occupational therapists, occupational  
9 therapy assistants, optometrists, osteopaths, naturopaths, physical  
10 therapists, physical therapy assistants, physicians, physician's  
11 assistants, psychiatrists, psychologists, psychological associates,  
12 audiologists licensed under AS 08.11, hearing aid dealers licensed  
13 under AS 08.55, religious healing practitioners, and surgeons;

14 \* Sec. 15. AS 08.64.207 and 08.64.380(1) are repealed.

# Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100  
(907) 465-4766

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HEALTH EDUCATION  
& SOCIAL SERVICES  
BUDGET & AUDIT  
BANKING &  
ECONOMIC  
DEVELOPMENT

March 28, 1989

## MEMORANDUM

TO: SENATOR UEHLING, CO-CHAIRMAN  
SENATE FINANCE COMMITTEE

FROM: SENATOR JIM DUNCAN

SUBJECT: REQUESTING A HEARING FOR SB 134

Please find attached information concerning Senate Labor and Commerce Committee Substitute for Senate Bill 134, "An Act Relating to the Practice of Acupuncture."

Please schedule a hearing for this bill before the Senate Finance Committee at your earliest convenience. You may contact Mike Young of my staff if you require any further information or assistance.

- SPONSOR'S BACKGROUND MATERIAL -

DISTRICT C

## WHAT IS ACUPUNCTURE?

Acupuncture is a healing method used in traditional Chinese medicine, a medical system with a history of thousands of years of effective use, now practiced worldwide.

### Bioenergetics of the Acupuncture Network

- . Traditional Chinese ideas of energy exchange are like those of modern physics--the same principles work in all parts of the universe, however large or small--the solar system, an atom, or a human body.
- . The acupuncture network in the body is an "electromagnetic circulatory system" of energy flow along channels related to the organs. The energy, called qi, (pronounced chee) flows like current in an electrical system.
- . The twelve main channels are directly connected to organs--heart, liver, kidney, stomach, etc. They are "circuits" with energy flowing from the organs out into the arms and legs and back. There are also extra channels, for example, the "belt" channel, which goes around the waist. All of these form a network.
- . The network can "signal" the organs to do different things. Recent research in China has shown that putting a needle in the large intestine point on a dog's paw will change the movements of its large intestine.

### Energy Balance

- . Balance in the energy network means good health. As long as the network is strong, balanced, and not blocked, a person will be healthy. Imagine a body with its "electromagnetic circulatory system" flowing along about the same lines as the blood circulatory system. Visualize the lines of current with a strong, consistent glow, and a smooth, regular flow through all the channels. This is the picture of health.
- . Imbalance means disease. The flow of energy can be too weak, too strong, blocked, or not moving in the proper pathways. For example, if you could photograph the network, a sprain might appear as a hot spot or "short." A migraine headache might show a blockage, and a heart attack would reveal a weak or blank spot.

## Diagnosis

- . Diagnosis in Chinese medicine looks for patterns of imbalance in this energy network that relate to signs and symptoms in the body.
- . Traditional diagnosis uses a history and physical examination. The doctor asks special questions about what has happened inside and outside the body that put the system out of balance--wind, cold, heat, emotions, excess food or drink--and many others. A traditional oriental medical doctor will look at skin color, examine "alarm points" along the channels that indicate imbalance, look at the tongue, and feel the pulses. These are just a few of the important parts of a traditional medical examination.

## Treatment

- . Treatment balances the system. Points are stimulated to increase energy, dissolve blockages--to encourage all of the "involuntary" body processes to return to their natural state of harmony. The main treatments used either alone or in combination to balance they system are:

acupuncture      herbs      moxa      massage

- . Acupuncture stimulates points along the channels with very fine needles. These are now almost always made of stainless steel, but traditionally they could be made of other materials--bone, bamboo, silver, gold. The needles have different effects depending on what points are used. Sometimes needles are electrically stimulated, usually for added pain relief or anaesthesia.
- . Herbs are taken as teas or pills to do the work of balancing. They are very specific in their effects, and can be given easily in combinations made up especially for each individual.
- . Moxa is an herb that is burned close to the skin, or sometimes directly on the skin to stimulate the points with heat.
- . Massage stimulates the points with pressure to give balancing effect.
- . Of course, the complicated imbalance in many illnesses often make the process of diagnosis and treatment complicated too. As in Western medicine, traditional Chinese diagnosis and treatment is an art as well as a science.

## Staying Well With Traditional Medicine

"Wholeness" of outlook is a historic part of Chinese medicine. According to tradition, people paid their doctors when they were healthy, and stopped paying them when they were ill. Whether true or not, this shows that the idea was to keep people well, and to look for and treat the earliest signs of illness. Preventive health care--diet, rest, exercise, and emotional and spiritual balance--has always been of greatest importance in the Chinese medical tradition.

## How an Acupuncture Treatment Feels

Acupuncture needles are very fine, so they are relatively painless. There is a pinprick sensation as the needle goes through the skin, followed by the sensation of the needle "taking the energy"--connecting with the system. This may be felt as a tingling or traveling sensation, soreness, heaviness, warmth or aching. Among their many effects, the needles stimulate the release of endorphins--the body's own pain-killers--so there is generally a feeling of well-being and relaxation.

## How to Help Your Treatment Work Better

Because treatments "rearrange" your energetic pattern, moderation is the key in eating, exercise and exposure to temperatures to maintain the new energy arrangement. The two hours immediately before and after your treatment is not the time for a heavy meal, alcoholic drinks or pain relievers, a strenuous workout, or a trip to the sauna.

Acupuncture and herbs have a cumulative effect, so it is also important to follow through with a recommended series of treatments to get the desired results, and to follow all other instructions from your practitioner.

## Treatment Response

Most patients want to know whether acupuncture just treats symptoms, or if it can really relieve the causes of their illness. With many different kinds of problems, the energetic changes brought about by acupuncture and herbs can bring a person fully back to health.

Results depend on the duration and nature of the disease, the amount of damage that has been done, whether surgery has been performed, the age and general health of the person--the same kinds of factors that determine outcomes in Western medicine.

Even if a disease process has gone too far to be reversed

entirely, it is often possible to slow or stop the progress of the disease, or at least to provide some relief from symptoms so that the person can live more comfortably.

### Sterilization

Acupuncture needles are sterilized according to protocols approved for surgical instruments. Depending on your practitioner, steam autoclave or dry heat sterilization may be used. Sterilization is, by definition, the killing of all bacterial, fungus, virus, and spores.

Just as it is safe to re-use surgical instruments after they have been properly sterilized, it is also safe to re-use needles. If you are still concerned about this issue, ask your practitioner, and they will use disposable needles. Disposable needles are generally used for all people with hepatitis or AIDS or for people at high risk for these diseases.

Sterilization and all procedural techniques follow the Clean Needle Technique manual prepared by the National Commission for the Certification of Acupuncture.

### The American Association of Acupuncture and Oriental Medicine

The AAADM is a national organization of practitioners and students of acupuncture and Oriental medicine. Its purposes are:

- to provide the primary organizational forum for state, regional and specialized acupuncture organizations in the United States
- to elevate standards of practice and education
- to provide a forum for sharing of professional knowledge
- to assist in the establishment of just health codes and laws and to support those that exist
- to develop and establish continuing education programs for professionals
- to educate the general public about Oriental medicine
- to promote, encourage and support research
- to support and cooperate with the national professional organizations for certification of practitioners and educational institutions in our field, the National Commission for the Certification of Acupuncture and the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.

HAIG IGNATIUS, M.D.

The American City Building, Suite 108  
Columbia, Maryland 21044  
(301) 997-3770

February 14, 1989

David Ford  
3181 Nowell Avenue  
Juneau Alaska 99801

Dear Mr. Ford:

I understand that the approval for acupuncture in Alaska is presently under discussion.

I am a physician who graduated from the University of Illinois College of Medicine in 1952, and practiced as an Otolaryngologist until 1972. Thereafter, I studied Acupuncture with Korean Masters in San Francisco, and at the College of Traditional Chinese Acupuncture in Oxford, England. In 1975, I began my practice of Acupuncture in Maryland. While continuing to practice acupuncture, I offered Western Medical Supervision for patients of other acupuncturists in this area. During the past 14 years, I have also completed the Bachelor's and Master's Programs in Acupuncture in the U.K. and have been awarded Fellow (U.K.) and Diplomate (NCCA) in the United States.

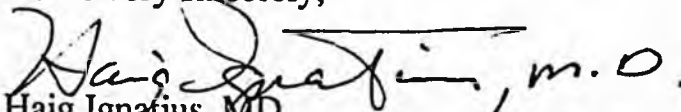
My experience has shown that acupuncture is a real health benefit in a large variety of conditions. Although the First Aid effects are limited and often done better with Western Medicine, there are remarkable improvements in patients with chronic and persisting conditions; this alone can reduce the length and severity of infirmity and, of course, the cost of health care in such a population.

Also remarkable are the improvements in mental health and the unusually sensitive response to this type of therapy by geriatric patients.

In addition, acupuncture is preventative in its action, reducing the severity, if not the actual, occurrence of many illnesses and conditions.

Having experienced these health benefits in my own patients, as well as those of my colleagues in Maryland, I am happy to endorse Acupuncture as a valuable addition to health care in Alaska.

Yours very sincerely,

  
Haig Ignatius, MD



Alan M.  
Abromovitz,  
M.D., M.Ac.,  
F.C.C.Ac.

February 15, 1989

David Ford  
369 South Franklin #300  
Juneau, Alaska 99801.

Dear David,

It is a pleasure to offer my support toward the legal-  
ization of acupuncture treatment in Alaska for both  
physicians and non-physician acupuncturists.

As you may know, I have been involved in the practice  
of acupuncture for 17 years and have found this modal-  
ity of treatment of great benefit to my patients.

I also support the acceptance of the NCCA exam as the  
minimum standard for competency as an acupuncturist.

If I can be of further assistance, please feel free  
to contact me.

Sincerely,

Alan M. Abromovitz, M.D.



AMA/vji

Doctor of Medicine • Master of Acupuncture • Homeopathic Physician • Fellow of the College of Chinese Acupuncture U.K.  
1725 East Osborn Road • Phoenix, Arizona 85016 • (602) 274-9302

Richard M. Apollo, M.D.  
1160 Embury Street  
Pacific Palisades, California 90272  
(213) 459-3629

February 18, 1989

Senator Jim Duncan  
Alaska State Legislature  
Pouch V  
Juno, Alaska 99801

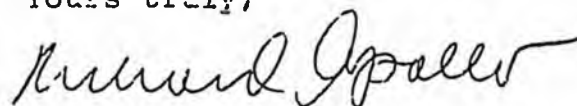
Dear Senator Duncan,

I am writing this letter in support of legislation legalizing the practice of acupuncture by qualified non-physician practitioners. I have been practicing acupuncture for twelve years and have thousands of hours of formal study to my credit. I feel qualified to judge competence in the practice of acupuncture. I have worked with many non-physician acupuncturists who are licensed in California as "Certified Acupuncturist". I have taught acupuncture at acupuncture colleges in California and Maryland and I am familiar with the curricula and requirements. I am also a Diplomate of the National Board for Acupuncture Certification.

Based on my background and experience, as both a physician and an acupuncturist, I feel qualified to state that persons who are non-physicians who fulfill the necessary 3500 hour training in acupuncture and who meet the criteria of national exam certification are definitely qualified to practice acupuncture safely and effectively. These people should have the legal sanction to practice this ancient art and should be acknowledged as legitimate members of the health care community and should be recognized for their dedication and effort in their long and difficult training.

I offer my full support to the passage of this legislation.

Yours truly,



Richard Apollo, M.D., M. Ac. (U.K.)

Peter Eckman, M.D., Ph.D.

4279 ARMY STREET

SAN FRANCISCO, CALIFORNIA 94131

(415) 648-1971

2/14/89

To whom it may concern:

I am writing to support the passage of legislation legalizing the practice of acupuncture in Alaska by licensed practitioners. I am a physician who specializes in acupuncture therapy, and I am on the Acupuncture Examining Committee of the State of California. I have been using acupuncture in my practice for over fifteen years, and I think it is an essential service that the public needs to have available. The examination administered by the NCCA has a good reputation, as does the one administered by California, and either could be suitable vehicles for an Alaska licensure process.

Sincerely,

Peter Eckman

Richard J. Garson, M.D.  
3653 20th Street  
San Francisco, California 94110  
(415) 641-5444

2/22/89

The Honorable James Duncan  
Senator, State of Alaska  
Statehouse  
Anchorage, Alaska

Dear Senator Duncan

I am writing this letter in support of the practice of acupuncture by non-physician acupuncturists who are properly examined and certified by the National Committee for the Certification of Acupuncturists (NCCA).

I have personal experience of being treated by about twenty acupuncturists who are not physicians and I feel that those who are qualified to practice should not be discriminated against because they are not medical doctors.

If you have need for further information do not hesitate to contact me.

Very truly yours,

Richard J. Garson MD

ROBERT J. ABRAMSON, D.D.S., M.D.

145 West 71st Street  
New York, New York 10023  
(212) 496-2114

Feb 13, 1989

To Alaskan Legislatures:

I am writing this letter in support of the bill to legalize acupuncture in Alaska. As a practicing physician and acupuncturist I am keenly aware of the benefits of this 5,000 year old method of treating disease. A large majority of ills that face 20<sup>th</sup> century society are not easily nor satisfactorily treated by western medicine. A partial example of these is as follows; headaches of several types, neck, upper and lower back pains, irritable bowel syndrome, insomnia, depression, anxiety, musculoskeletal pains and a host of stress related diseases. It is not that western medicine does not have pharmacological and surgical treatments for these diseases, but more that the treatments are not curative and also have a multitude of side effects some as bad as the problem they are trying to treat.

Acupuncture is in no means a panacea but it is a very real and practical way of treating a large body of disease and syndromes without great expense or untoward side effects.

The bill before you would grant very well trained, tested and licensed acupuncturists to practice above board and have the population served by these fine practitioners. I strongly suggest that you support the bill and have it become law. Thank you.

Sincerely,  
Robert J. Abramson M.D.

RECEIVED 24 1989

FRITZ FREDERICK SMITH, M. D.  
135 MONTE VISTA  
WATSONVILLE, CALIFORNIA 95076  
TELEPHONE 724-1164

*Make  
File  
Acupuncture*

February 15, 1989

Jim Duncan  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99801

Re: Acupuncture

Dear Mr. Duncan:

I understand from David Ford that legislation is coming up regarding acupuncture. I feel that acupuncture is an important health modality and should be available to citizens throughout our country. It is an effective, reasonable and relatively inexpensive health maintenance system and, whereas, I do not see it as a panacea, I do feel it has a major place in preventive, chronic and, to some extent, acute symptom work.

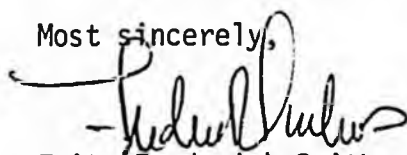
In my acupuncture career I have been an Approved Examiner for five years at the California Acupuncture Examination; have been on the Senior Faculty of the Traditional Acupuncture Institute in Columbia, Maryland and am on the Board of Directors of that institution. With my indepth exposure to Chinese medicine, I feel that one does not need to be an M. D. or D. O. to practice this health modality. A number of my friends are non-medical people and are superb acupuncturists.

I feel that the National Acupuncture Examination would be a good screening and licensing procedure. Whereas, there is no way of ever testing totally for someone's knowledge or lack of knowledge, I believe the national exam makes a very significant effort in doing this and is a valid criteria for licensing acupuncturists.

In summation, I encourage the legislature to authorize the practice of acupuncture in your State and would also encourage this not being tied to the medical model and using the National Acupuncture Examination as licensing criteria.

I wish you every success in your bill.

Most sincerely,



Fritz Frederick Smith, M. D.

FS:hm

Richard M. Apollo, M.D.  
1160 Embury Street  
Pacific Palisades, California 90272  
(213) 459-3629

*Mike*  
February 18, 1989

Senator Jim Duncan  
Alaska State Legislature  
Pouch V  
Juno, Alaska 99801

Dear Senator Duncan,

I am writing this letter in support of legislation legalizing the practice of acupuncture by qualified non-physician practitioners. I have been practicing acupuncture for twelve years and have thousands of hours of formal study to my credit. I feel qualified to judge competence in the practice of acupuncture. I have worked with many non-physician acupuncturists who are licensed in California as "Certified Acupuncturist". I have taught acupuncture at acupuncture colleges in California and Maryland and I am familiar with the curricula and requirements. I am also a Diplomate of the National Board for Acupuncture Certification.

Based on my background and experience, as both a physician and an acupuncturist, I feel qualified to state that persons who are non-physicians who fulfill the necessary 3500 hour training in acupuncture and who meet the criteria of national exam certification are definitely qualified to practice acupuncture safely and effectively. These people should have the legal sanction to practice this ancient art and should be acknowledged as legitimate members of the health care community and should be recognized for their dedication and effort in their long and difficult training.

I offer my full support to the passage of this legislation.

Yours truly,

*Richard Apollo*

Richard Apollo, M.D., M. Ac. (U.K.)

RECEIVED FEB 17 1989

MARTHA H. HOWARD, M.D.  
706 W. JUNIOR TERRACE  
CHICAGO, IL., 60613

February 14, 1989

Senator Jim Duncan  
Allaska State Legislature  
P.O. Box/Pouch V  
Juneau, Alaska 99801

Dear Senator Duncan:

This letter supports the bill to legalize the practice of acupuncture by qualified non-M.D. practitioners in the state of Alaska.

I am a board-certified Family Practitioner whose practice combines Western and Traditional Chinese medicine. I deliver babies, take care of all ages of patients, and use acupuncture and other Chinese traditional medical techniques equally along with Western medicines and techniques. Today we are faced with many difficult health problems. I believe that Western and Eastern medicine used in a complementary and interdisciplinary way can offer services that neither can alone. All patients in all areas of the United States deserve to have these benefits available to them. In fact, it is only fair to put this more strongly. I believe that for a state to withhold the right to practice Traditional Chinese Medicine, or to restrict its practice to M.D. or D.O. practitioners only, seriously deprives people of a crucial health-care resource.

Non-M.D. practitioners with proper training in the practice of Traditional Chinese Medicine are, generally speaking, usually more completely qualified than most M.D. practitioners. Usually M.D. practitioners take workshops or other partial training and non-M.D. practitioners must take full training in order to get certification. My former partner, a non-M.D. who now practices in Wisconsin, is one of the most talented acupuncturists and herbalists in the United States, with an outstanding treatment record. He has been a first-hand example to me of the ways in which more such practitioners would improve health care delivery.

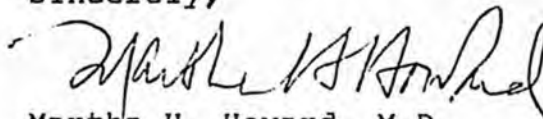
During my term as a board member of the American Association of Acupuncture and Oriental Medicine, I was involved in discussions of standards for acupuncture education. I believe that the 3500 hour requirement suggested for your proposed law is a proper educational requirement.

I hope that you will pass this bill. In my work in a designated Health Manpower Shortage Area in Illinois, I have been able to see just how great the need is for health care in this country, and how Western and Traditional Chinese Medicine used together

can be "greater than the sum of their parts." We need every resource available to begin to create new solutions to the problems we face today. By supporting the practice of Traditional Chinese Medicine in Alaska, you will be in the forefront of those who are bringing more comprehensive, complete care to the people of your state.

I am enclosing some information about Traditional Chinese Medicine that was prepared for the American Association of Acupuncture and Oriental Medicine. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martha H. Howard".

Martha H. Howard, M.D.

AMERICAN ASSOCIATION OF ACUPUNCTURE AND ORIENTAL MEDICINE

RECEIVED FEB 26 1989

Senator James Duncan  
State Legislature  
Pduck V  
Juneau, AK 99801

Dear Honorable Duncan;

It has come to our attention nationally that Alaska has no legislature regarding the licensing of acupuncture. We find this shocking coming from such a progressive state as Alaska.

Many states in America are now actively recognizing acupuncture as another choice in medical modalities. There are many good reasons for licensing acupuncturists within a State.

First, licensing produces qualified practitioners by setting guidelines, as with any other health care practitioner, for their education and training, their continued education, and ethical and professional conduct. This helps public safety. In any state where acupuncture is not licensed acupuncturists still practice,---even those that are not competent. Licensing helps eliminate this.

Another reason has to do with the general public. They should have a choice as to type of procedure performed on them. Sometimes in using just Western Medicine the only alternative may be surgery or some other extremely expensive procedure. Sometimes Western Medicine doesn't have a clue as to treatment of some disease. Acupuncture has been found on several occasions, to not only save the patient money but also work where all else has failed.

The public has the right to choose any health service they feel works for them. Eastern medicine has been around for 3,000 years and has been proven over and over again as to its clinical effectiveness.

Speaking of cost effectiveness, many insurances companies in several states have recognized acupuncture as a viable procedure and include it in their policies. Their reasoning has been that not only does acupuncture work for several ailments, but also it is much less expensive. Workers compensation in the state of California has as of January 1989 included acupuncturists

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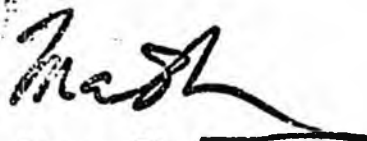
Acupuncture Association of Colorado • Acupuncture Association of Hawaii • Acupuncture Association of Metropolitan Washington • Acupuncture Association of Minnesota • Acupuncture Association of Montana • Acupuncture Association of New Mexico • Acupuncture Association of Washington • Acupuncture Center of New England • Acupuncture and Moxibustion Association of New Jersey • Acupuncture Society of Virginia • California Certified Acupuncturists Association • Emperor's College of Traditional Oriental Medicine • Five Branches Institute • Florida Institute of Traditional Chinese Medicine • Hawaii Association of Certified Acupuncturists • International Institute of Chinese Medicine • Japanese-American Acupuncture Foundation • Korean Acupuncture and Oriental Medicine Association of California • Maryland Acupuncture Society • Massachusetts Acupuncture Society • Minnesota Chiropractic Meridian Therapy Research Association • National Council of Acupuncture Schools and Colleges • New Center for Wholistic Health Education and Research • North Carolina Acupuncture Association • Northwest Institute of Acupuncture and Oriental Medicine • Oriental Medical Institute of Hawaii • Oriental Traditional Medical Association • Southeast Acupuncture Association • Southwest Acupuncture College • Texas Acupuncture Council • Traditional Acupuncture Institute • Traditional Chinese Medical Research Center • Tri-State Institute of Traditional Chinese Acupuncture • University of Aruba.

AMERICAN ASSOCIATION OF ACUPUNCTURE AND ORIENTAL MEDICINE

with medical doctors as physicians. It seems they have enough confidence in acupuncture in both cost effectiveness as well as clinical effectiveness.

I hope I have pleaded a good case, not necessarily to sway your opinion but to at least stir your curiosity. In exploring your curiosity I am sure you will find acupuncture much more acceptable than before.

Sincerely,

A handwritten signature in cursive script, appearing to read 'M. Shen', written in dark ink. The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

Mason Shen, Ph.D. O.M.D. L.Ac.  
Director, National Headquarters  
AAAOM

MS/lm

# Acupuncture Treatment of Alcoholic Recidivism: A Pilot Study

Milton L. Bullock, MD, Andrew J. Umen, MS, Patricia D. Culliton, MA, and Robert T. Olander, MA

We performed a randomized trial of acupuncture on a group of 54 hardcore alcoholic recidivists to determine if sobriety could be achieved and episodes of drinking and/or Detox Center admissions be decreased by this mode of therapy. Patients in the treatment group received acupuncture points specific for the treatment of substance abuse; control patients received nonspecific points.

Significant differences in the two groups were noted at the end of the study. Patients in the treatment group expressed less need for alcohol ( $p < 0.003$ ), and had fewer drinking episodes ( $p < 0.0076$ ) and admissions to the Detox Center ( $p < 0.03$ ) during the study than did control patients. The majority of treated patients felt that acupuncture had a definite impact on their desire to drink, whereas only a few control patients noted this effect ( $p < 0.015$ ).

The results of this study suggest that acupuncture may be able to interdict the cycle of alcoholic recidivism. Further investigation is needed to define the role of acupuncture in the treatment of alcoholism more precisely.

TREATMENT of patients with severe alcoholism often involves hospitalization or inpatient therapy for a period of weeks with outpatient follow-up after discharge. While this mode of therapy has undeniably helped many to regain sobriety, current alcohol treatment programs are expensive and recidivism is common. Multiple costly admissions, therefore, may be required to achieve sustained benefit. If progress is to be made against this costly, debilitating illness, additional treatment methods will have to be developed to supplement those currently available.

Recently, Western countries have taken note of the putative role of acupuncture in the treatment of drug addiction. China and other Far Eastern countries have for centuries used acupuncture to treat a variety of human afflictions including drug addiction. Their literature is replete with descriptive reports of drug-addicted subjects who have successfully undergone withdrawal and detoxification from a variety of drugs.<sup>1-3</sup>

Acupuncture is presently being used by a number of clinics in this country to treat alcohol and drug-addicted

individuals, but despite encouraging results, it has not achieved widespread acceptance as a useful modality in the treatment of addictive disorders. Efforts to encourage its use as an effective, yet inexpensive form of treatment have been hampered by skepticism engendered by the exotic nature of the procedure, the lack of understanding of its mechanism of action, and by the absence of controlled studies of treatment of alcohol and drug addiction.

As a pilot study, we performed a randomized trial of acupuncture in chronic alcoholics to determine whether the unremitting alcoholism, characteristic of the recidivist, could be interrupted.

## METHODS

### Patients Population and Selection Criteria

Patients were selected for the study from among male chronic alcoholics residing in Hennepin County. Those selected met the following criteria: (1) males between the ages of 25 and 65, (2) documentation of at least 20 admissions to the Hennepin County Detox Center, or at least five admissions in the most recent calendar year, (3) previous treatment failure, such as refusal to enter treatment, unsuccessful therapy, or failed commitment to treatment, (4) no identifiable support person/group(s), and (5) no full-time employment for at least 6 months. Patients were excluded if they were taking prescribed steroids or other mood-altering drugs. Those who met selection criteria were identified by the Hennepin County Chronic Case Division during routine admissions to the Detox Center, and, after a 3-5 day detoxification, were referred for voluntary screening and admission to the study.

### Study Design

The study was designed as a single-blind study to test the hypothesis that treatment with acupuncture could have an effect on specific outcomes such as retention of study patients (phase completion rates), drinking behavior, and patient need for alcohol. The study was divided into three phases (Table 1). Phase I consisted of a daily acupuncture treatment for 5 days. During phase II, single treatments were given three times per week for a period of 28 days, and during phase III, twice per week for 45 days. A follow-up period of 6 months, to enable evaluation of patients' drinking status, was planned, but could not be implemented since so few had telephones or permanent addresses. Patients who failed to return for treatment, therefore, had to be considered treatment failures.

Patients in the treatment group received acupuncture treatments with ear points specific for chemical dependency.<sup>4</sup> In contrast, control patients received ear points not specific for chemical dependency. However, the

Table 1. Treatment Protocol Utilized in the Study of 54 Alcoholic Recidivists

Phase	Duration of treatment (days)	Frequency of treatment
I	5	Daily
II	28	3/week
III	45	2/week

From the Hennepin County Detox Center, and the Department of Medicine, Hennepin County Medical Center and University of Minnesota Medical School Minneapolis, Minnesota.

Received for publication June 16, 1986; revised manuscript received September 3, 1986; accepted September 16, 1986.

This study was supported by the Hennepin County Department of Community Services, Chemical Health Division.

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nonspecific points were close enough (<5 mm) to the specific points that treatment and control patients could mingle and yet not perceive differences in treatment. As is standard in acupuncture therapy, wrist points were used in all patients to alleviate anxiety.

To prevent attrition of patients due to lack of transportation to and from the project center, all study patients were housed and received their acupuncture therapy at Mission Lodge, a 45-bed board and care facility under contract to Hennepin County. No counseling and no support groups of any kind were provided, and no effort was made to isolate study patients from individuals who entered the Lodge demonstrating inebriety. Patients were free to visit Minneapolis, and were given bus tokens to do so. The only criterion for dismissal from the study was violent or aggressive behavior directed toward study personnel or other patients. Continued ingestion of alcohol after study entry was not considered grounds for dismissal, but patients were evaluated before each treatment for evidence of drinking. A drinking episode was recorded for any patient in whom at least one of the following was noted: (1) a strong odor of alcohol, (2) slurred speech, or (3) an unstable gait.

At the end of each study phase, patients were asked by the acupuncturist to respond to two questions about their need for alcohol and their desire to drink during the study. These were: How would you assess your need for alcohol during this phase and Did acupuncture specifically affect your desire for alcohol during this phase? Patients selected their response to these questions from short, multiple choice five or six point Likert-scaled options, none of which required explanation. Each patient's responses were evaluated by two of the authors (MLB and RTO) who were blind to the assignment of patients to treatment or control groups. The protocol for this study was approved by the Hennepin County Medical Center Research Advisory Committee, and informed consent was obtained from every patient.

#### Acupuncture Treatment

Standardized acupuncture treatments (utilizing three ear points and two wrist points) were given by an experienced acupuncturist (PDC). Treatment patients always received the Shen Men and lung points, and either the liver, kidney, or occiput was used for the third point. The location of these points was identified by observation (color changes) and by palpation for a tingling sensation. Nonspecific ear points located 5 mm or less from specific points were used in control patients. Two wrist points, L.I. 4 Hoku and S.J. 5 Wenguan were also utilized. Acupuncture treatments were administered without manual or electrostimulation. Treatments lasted approximately 45 min and were administered with patients seated in comfortable chairs in a large, open room. Interaction of the acupuncturist with patients was limited to the time required for needle placement, casual group conversation during the treatment period, and brief interviews with patients after each completed study phase.

#### Statistical Analysis

Statistical analysis was directed toward measuring the differences in response to therapy of patients in the treatment and control groups. The Fisher's exact test (one-tailed) was used where appropriate.<sup>3</sup> In the case of number of drinking episodes and Detox Center admissions, the groups were compared by the Mann-Whitney U test. Variables with continuous outcomes were compared with Student's *t* test.

## RESULTS

### Patient Population

The study group of 54 patients included 27 treatment and 27 control patients. All were between the ages of 25-62, with the average age being 42 years. The patients were predominantly white (87%), and the majority (95%) were single or divorced with no visible family or support net-

work at the time of study entry. Educational levels of patients in the treatment and control groups were comparable. All patients were unemployed at the time of enrollment in the study and had been unemployed for an average of 3 years (38 months). Fifty-three patients received Public Assistance; the average duration was 11 months. No differences were discerned between treatment and control groups with regard to the demographic factors noted above.

### Alcohol Abuse and Treatment History

Of the entire study group, 53 (98.1%) indicated alcohol as their single drug of abuse; less than 15% reported significant use of other drugs such as tranquilizers, sedatives, or marijuana. With regard to drinking patterns (Table 2), 37 (68.5%) indicated a pattern of daily drinking; the remainder classified themselves as binge drinkers. The numbers of patients in both the treatment and control groups who were daily or binge drinkers were nearly identical. The mean years of alcohol abuse were 21 and 18, respectively.

All patients had multiple previous admissions to alcohol/drug treatment programs (Table 3). Comparison of the patient demographic data and of treatment history revealed no significant differences between treatment and control patients.

### Response to Treatment

Statistically significant differences were noted between treatment and control patients.

The completion rate for each phase of the study was significantly higher for patients in the treatment group than for those in the control group (Table 4). Five control patients were lost during phase I, and this attrition contin-

Table 2. Alcohol Abuse History of Treatment and Control Group Patients

Variable	Treatment group	Control group	p-Value
Drinking pattern			
Daily	19	18	NS*
Binge	8	7	
Variable	0	2	
Duration of alcohol abuse			
Mean years	21.6	18.5	0.22†
Total abuse years	584	499	

\* By Fisher's exact test.

† By *t*-test.

Table 3. Alcohol/Drug Treatment History of Recidivist Study Group

	Mean No. of Treatment Exposures		p-Value
	Treatment group	Control group	
Inpatient treatment	9.67	9.07	0.53
Outpatient treatment	0.24	0.33	0.79
AA* group(s)	11.8	5.65	0.25
Antabuse group(s)	1.74	1.15	0.13
Hennepin County Detox Center	24.96	26.04	0.68

\* AA, Alcoholics Anonymous.

Table 4. Completion Rates for Each Study Phase by Recidivist Study Group

Treatment phase	No. of Patients		p-Value*
	Treatment group	Control group	
I	27 (100.0)†	22 (81.5)	0.025
II	19 (70.4)	11 (40.7)	0.027
III	10 (37.0)	2 (7.4)	0.010

\* p Values refer to the comparison of differences between treatment and control group patients by Fisher's exact test.  
 † Numbers in parentheses represent percentage of patients completing each phase of the study.

Table 5. Assessment by Recidivist Study Group of Their Need for Alcohol during Each Study Phase

Phase	Treatment group	Alcohol need		p-Value*
		Moderate to strong	Neutral to none	
I	Treatment group	5	22	0.055
	Control group	10	13	
II	Treatment group	2	17	0.0002
	Control group	10	3	
III	Treatment group	0	11	0.003
	Control group	4	1	

\* p Values refer to the comparison of differences between treatment and control group patients by Fisher's exact test.

Table 6. Drinking Episodes and Detox Admissions Documented in the Recidivist Study Group during Each Study Phase

Study phase	Drinking episodes	p Value*	Detox admissions	p Value*
I	Treatment group (27)	0	0	0.15
	Control group (22)	1	0	
II	Treatment group (19)	0.0001	11	0.0001
	Control group (11)	39	25	
III	Treatment group (10)	0.0075	11	0.03
	Control group (2)	20	9	

\* p Value refers to comparison between treatment and control group patients by the Mann-Whitney U test.

used during phases II and III to the extent that only two control patients (7.4%) completed the study compared to 10 (37%) of the treatment patients. All differences in completion rates for the three phases were statistically significant (Table 4).

During phase I, no significant differences were noted in patients' reported need for alcohol (Table 5). As patients progressed through phases II and III, however, those in the control group expressed a significantly stronger need for alcohol than did those in the treatment group.

With regard to the number of drinking episodes and admission to the Detox Center (Table 6), no significant differences were discernible during phase I; during phases II and III, the differences in frequency of both drinking episodes and Detox admissions were clearly apparent and highly significant.

Finally, we were interested in the patients' assessment of whether acupuncture therapy had an impact on their desire to drink (Table 7). During all phases of the study,

Table 7. Assessment by Recidivist Study Group of the Impact of Acupuncture Therapy on Their Desire to Drink

Study phase	Acupuncture impact?			p Value*†	p Value‡	
	Yes	No	Unknown			
I	Treatment group	20	2	5	0.0001	0.002
	Control group	3	13	11		
II	Treatment group	20	0	7	0.0001	0.003
	Control group	3	6	13		
III	Treatment group	9	0	10	0.015	0.014
	Control group	1	3	7		

\* p Value refers to the comparison of differences between treatment and control group patients by Fisher's exact test.  
 † Includes patients in whom impact of acupuncture was unknown.  
 ‡ Includes only patients in whom impact of acupuncture was known.

significantly more treatment patients stated that acupuncture therapy had decreased their desire to drink.

### DISCUSSION

In this pilot study, we administered acupuncture therapy to a group of alcoholic recidivists to determine if the use of specific versus nonspecific acupuncture points would result in different outcomes. Outcomes measured were the retention of patients in the study, modification of drinking behavior (number of drinking episodes), and admissions to the Detox Center. Our results suggest that even the most severe alcoholic recidivists may benefit from this form of therapy.

When designing the study, we were concerned whether these severely addicted, typically noncompliant individuals could be retained in treatment for a sufficient period to gather reliable data. The fact that 37% of the treatment group, versus 7.4% of the control group, completed all three phases of the study is, therefore, noteworthy. Furthermore, the highly significant differences between the two groups, in the number of drinking episodes and Detox Center admissions, suggest that even if total sobriety cannot be achieved, the use of emergency rooms and detoxification centers can be reduced.

It is also of interest to note the significant differences expressed by patients in the treatment and control groups with regard to the impact of acupuncture on their desire to drink. Treatment patients experienced a positive influence; control patients did not. This finding is important because alcoholic recidivists who have failed multiple types of "alcohol therapy" are unlikely to pursue treatment in which they have little confidence.

Several limitations of this study deserve comment. While the higher completion rates of each phase of the study by patients in the treatment group suggest that a desirable therapeutic effect was achieved, dropout of control patients could have biased our results. Patients who dropped out, however, did not differ in their baseline demographic characteristics. Furthermore, we believe that our analysis remains valid, since even with a markedly reduced power to detect group differences, statistically

significant results were obtained during phase III when the fewest number of patients were available for study. Also, it was not possible to administer acupuncture in a double-blind fashion. Thus, neither the possible influence of the acupuncturist's personality, nor the objectivity of her documentation of drinking episodes, could be assessed. We did not use a breathalyzer to confirm sobriety in our patients. However, in this recidivist group, drinking episodes were rarely subtle; and we felt, therefore, that the three criteria used enabled an accurate tabulation of drinking episodes. The possibility of interview bias also cannot be excluded. However, all of our outcome measures, including those not subject to bias, suggest that acupuncture had a beneficial effect.

A number of clinical and economic advantages may accrue with the use of acupuncture therapy in the treatment of alcoholism. During acupuncture therapy, for example, patients are not continually admonished "not to drink." Hostility may thereby be lessened and patient receptivity to therapy enhanced. Furthermore, the effectiveness of acupuncture therapy is not dependent upon the required assimilation of educational packets, intensive counseling, or repeated emphasis with regard to the potential physical, social, and economic consequences of continued inebriety. Therapy in which these treatment strategies receive less emphasis may be particularly advantageous to long-term alcoholics in whom significantly impaired cognitive function has been demonstrated.<sup>4,7</sup>

Of equal importance in the present context of spiraling health costs, is the fact that acupuncture therapy is inexpensive: overhead costs are low, equipment needs are minimal, therapy is administered on an outpatient basis, and a large number of patients can be treated simultaneously by a single acupuncturist supported by a small ancillary staff. Thus, acupuncture is well suited for the care of long-term alcoholics who, like many patients with chronic disease, may require months or even years of therapy to sustain remission from their illness. Moreover,

the major benefits of acupuncture therapy may relate not only to the length of time that sobriety can be maintained, but also to the decreased utilization of expensive health care facilities so characteristic of the alcoholic recidivist in failing health. Any mode of therapy able to demonstrate this capability will likely attain increased acceptance as the effort to contain health care costs becomes more insistent.

The present study is, to our knowledge, the only controlled study currently available which investigates the putative usefulness of acupuncture in the treatment of alcoholism. Our findings leave many questions unanswered, but they are, we feel, sufficiently provocative to suggest the need for further investigation of this ancient modality with well-designed studies to determine if, indeed, acupuncture can provide an additional, cost-effective tool for the treatment of alcoholism.

#### ACKNOWLEDGMENTS

The authors wish to express their appreciation to Dr. Michael O. Smith for his encouragement and consultation during the course of this study, and to Drs. Alvin L. Schultz and Nicole Lurie for their critical review of the manuscript. Mary Kay Messner provided expert secretarial assistance.

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