

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 736

Senator Pat Pourchot
Senator Jay Kerttula

April 10, 1991
Page 2

On the floor of the House, several members expressed concern about the provision of CSHB 103 (Fin) that expressly prohibits cross-referencing fingerprints with a record showing that a minor has been arrested or adjudicated a delinquent. However, this provision is merely a statement of how the state fingerprint computer works. It is not possible to cross-reference the prints of either adults or minors in the fingerprint computer. In limiting cross-referencing the bill treats minors and adults exactly the same. In order to eliminate any possible confusion about this provision, the Department of Law has recommended that the phrase "by the automated system" be added after "cross-referenced" on page 1, line 7 of CSHB 103 (Fin). I would support this amendment.

In addition to the impossibility of cross-referencing the fingerprints of anyone, there is a significant practical barrier to cross-referencing a minor's fingerprints with a record showing that a minor has been adjudicated a delinquent: adjudication records are confidential by law and law enforcement officials have no way of finding out when, or whether, a minor is found to be a delinquent.

The Departments of Public Safety and Law both testified during the Senate Judiciary hearing that they could support either version of HB 103. They testified that either version will make a significant improvement over current law. However, I am concerned that those who wish to protect the rights of juveniles will not be able to support SCSCSHB 103 (Jud), and that the result of this version passing the Senate will be to require a conference committee on the bill. Since the needs of law enforcement can be satisfied by adoption of CSHB 103 (Fin), I am asking you to consider passing this version of the bill out of the Finance Committee.

Backup materials on the legislation are attached to this memorandum.

Thank you very much for any assistance you can provide in scheduling this bill for a hearing, and for considering my request that CSHB 103 (Fin) be passed out of the Finance Committee.

DD:lc

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE

DISTRICT ELEVEN • SPENARD

NORTHWOOD • SPENARD • THOMPSON • TURNAGAIN • UPPER MIDTOWN • WINDEMERE

P.O. BOX V, JUNEAU 99811

(907) 465-3892



SPONSOR STATEMENT

House Bill 103 allows law enforcement authorities to place the fingerprints of minors who are arrested for committing a crime in the state fingerprint computer. The legislation will help prevent criminal behavior by giving police officers the tools necessary to solve crimes and by allowing the early apprehension of repeat juvenile offenders.

One of the single most important investigative tools available to law enforcement officers is the ability to match unidentified fingerprints taken from a crime scene with known fingerprints that are stored in the state fingerprint computer. This tool increases the ability of police to protect the public, and helps ensure that people who have committed criminal acts are identified, apprehended, and convicted. However, because the fingerprints of minors are rarely allowed to be placed in the state fingerprint computer, this tool is not available to solve crimes committed by juveniles. Since the majority of burglary arrests in Alaska are of juveniles between the ages of 14 and 18, the restriction on placing minors' fingerprints in the computer significantly hinders the ability of police to solve crimes.

From 1984 through 1989, the fingerprints of 124 persons arrested for the first time as adults were matched with unidentified latent fingerprints taken from the scenes of unsolved crimes that were committed when the arrestee was a juvenile. It is likely that these offenders could have been identified and arrested earlier, and before they committed criminal acts as adults, if authority existed to place the fingerprints of minors in the state fingerprint computer.

The legislation has been a priority of the Alaska Peace Officers' Association for many years, and is strongly supported by the Alaska Association of Chiefs of Police, the Department of Public Safety, and the Department of Law.

ANCHORAGE OFFICE

3111 "C" STREET, SUITE 450 • ANCHORAGE, ALASKA 99503 • (907) 561-7629



STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

REPLY TO:

- CRIMINAL DIVISION CENTRAL OFFICE
P.O. BOX KC
JUNEAU, ALASKA 99811-0310
PHONE: (907) 465-3428
- OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

March 6, 1991

The Honorable Dave Donley, Chairman
House Judiciary Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: HB 103 (Fingerprinting Minors)

Dear Representative Donley:

By this letter, we wish to indicate our support for CSHB 103 (Fin), which will assist the state in its law enforcement efforts. This bill, as amended, allows the fingerprinting of juveniles age 14 and older who are arrested for criminal offenses.

A concern has been raised whether the language added by the Finance Committee will dilute the effectiveness of this bill. We do not believe so. The language added is as follows: "The commissioner of public safety shall assure that fingerprints entered into the Alaska automated fingerprint system under AS 47.10.097 are not cross-referenced with a record showing that the minor has been arrested or adjudicated a delinquent." The purpose of this provision is to ensure that the computer system only produces a name, and not a criminal history, when it identifies submitted fingerprints.

The intent of the legislature could be made even clearer by amending the sentence at page 1, line 7, to read:

The commissioner of public safety shall assure that fingerprints entered into the Alaska automated fingerprint system under AS 47.10.097 are not cross-referenced by the automated system with a record showing that the minor has been arrested or adjudicated a delinquent.

This would make it abundantly clear that, although the fingerprint system is not allowed to identify and produce the juvenile's criminal history, law enforcement officials can and are expected to

The Honorable Dave Donley

March 6, 1991
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use this information in the course of their investigative and enforcement work.

Thank you for the opportunity to comment on this matter.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL

By:

Margot O. Knuth

Margot O. Knuth
Assistant Attorney General

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX N
JUNEAU, ALASKA 99811-1200
PHONE: 465-4322

March 7, 1991

The Honorable Dave Donley
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

RE: CSHB 103(FIN), An Act Relating
to Fingerprinting of Minors

Dear Representative Donley:

At the request of Ms. Laurie Otto, Counsel to the House Judiciary Committee, we are writing to clarify some issues that were apparently discussed during the Legislature's consideration of CSHB 103(FIN) yesterday.

As we have testified at the legislative hearings on this bill, fingerprint impressions are entered, stored, retrieved, and compared in the Alaska Automated Fingerprint Identification System (AAFIS). Once a person's identity is confirmed through AAFIS, a criminal history records check for that person is conducted on the Alaska Public Safety Information System (APSIN). There is no electronic "cross-reference" between the two computerized data bases. APSIN operates on the state's "mainframe" computer, while AAFIS is a separate system located at State Trooper Headquarters in Anchorage.

As you know, AS 47.10.090 provides that all information and records pertaining to criminal cases against a minor are confidential, and subject to inspection only with court permission. Violation of this confidentiality provision is a misdemeanor crime punishable by up to one year in jail.

The Department of Health and Social Services handles delinquency cases against minors, unless the case is transferred by court order to "adult" court. The Department of Public Safety has no access to the files of the court or the Department of Health and Social Services regarding delinquency cases. As the Department of Public Safety has no access to this information, it is not possible for records regarding a juvenile's criminal behavior to be contained in APSIN, or cross-referenced with records in AAFIS.

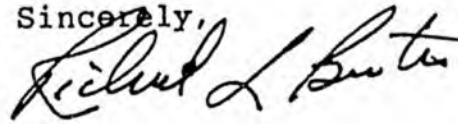
The Honorable Dave Donley

-2-

March 7, 1991

In our opinion, CSHB 103(FIN) would be an invaluable tool, allowing law enforcement officials to solve crimes and apprehend juveniles who repeatedly commit criminal offenses. The Department of Public Safety strongly supports CSHB 103(FIN).

Sincerely,

A handwritten signature in cursive script, reading "Richard L. Burton". The signature is written in dark ink and is positioned above the printed name and title.

Richard L. Burton
Commissioner

JUVENILE ARRESTS*

	1987	%	1988	%	1989	%
MAJOR FELONIES**						
Total Arrests	990		1100		2090	
Juveniles	96	9.7%	97	9%		
BURGLARY						
Total Arrests	1041		960		1004	
Juveniles	475	46.0%	509	49%	527	52.5%
LARCENY						
Total Arrests	4934		4398		4487	
Juveniles	1754	36.0%	1624	37%	1761	39.2%
MOTOR VEHICLE THEFT						
Total Arrests	331		481		512	
Juveniles	166	50.0%	214	44%	272	53.0%

*Data obtained from the 24 agencies submitting UCR figures to DPS.

**Major Felonies = Combined figures for Murder, Manslaughter, Rape, Robbery and Aggravated Assault.

Alaska Association Chiefs of Police



February 2, 1991

Representative Dave Donley
Alaska State Legislature
P. O. Box V (MS 3100)
Juneau, AK 99811

Dear Representative Donley,

I am writing this letter to express the support of the Alaska Association of Chiefs of Police for House Bill 106. Existing law only allows for imposition of five years of probation. We support extending this to ten years as proposed in your bill.

Probation can be an excellent tool in protecting the public. We submit, however, that judges under current law are too limited and should be given the ability to require persons convicted of serious crimes to be monitored and supervised for longer periods of time when necessary.

If we can be any assistance in the passage of your bill, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Duane S. Udland".

Duane S. Udland
President

HB 1044

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 15, 1991

FURTHER REFERRALS:

Date of Committee Action: 4-10-91

The FINANCE Committee considered:

HB 104

HOUSE BILL NO. 104

WEAPONS OFFENSES

"An Act defining defensive weapons and prohibiting their possession and use in certain circumstances; and amending the criminal laws relating to misconduct involving weapons."

RECOMMENDATIONS:

be replaced with CS HB 104 (Juo) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) PUB. SAFETY, COURT, CORRECTIONS LAW

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>Ronald J. Laro</i>	✓	<i>Gilbert P. Muehlen</i>		✓	
<i>Paul E. [Signature]</i>	✓				
<i>Barry Sharp</i>	✓				
<i>[Signature]</i>	✓				
<i>Jan Brown</i>	✓				
<i>Mark [Signature]</i>					
<i>Mike [Signature]</i>					
<i>Janora [Signature]</i>	✓				

Mike [Signature] *Gilbert P. Muehlen*
 CHAIRMAN'S SIGNATURE

CS FOR HOUSE BILL NO. 104 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/15/91
Referred: Finance

Sponsor(s): REPRESENTATIVES DONLEY, Ulmer, Barnes, C.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act defining defensive weapons and prohibiting their possession and use in certain
2 circumstances; and amending the criminal laws relating to misconduct involving weapons."

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

4 * Section 1. AS 11.41.500(a) is amended to read:

5 (a) A person commits the crime of robbery in the first degree if the person violates
6 AS 11.41.510 and, in the course of violating that section or in immediate flight thereafter, that
7 person or another participant

8 (1) is armed with a deadly weapon or represents by words or other conduct that
9 either that person or another participant is so armed;

10 (2) uses or attempts to use a dangerous instrument or a defensive weapon or
11 represents by words or other conduct that either that person or another participant is armed with
12 a dangerous instrument or a defensive weapon; or

13 (3) causes or attempts to cause serious physical injury to any person.

14 * Sec. 2. AS 11.56.300(a) is amended to read:

1 (a) One commits the crime of escape in the first degree if, without lawful authority, one
2 removes oneself from official detention by means of a deadly weapon or a defensive weapon.

3 * Sec. 3. AS 11.56.375(a) is amended to read:

4 (a) A person commits the crime of promoting contraband in the first degree if the person
5 violates AS 11.56.380 and the contraband is

6 (1) a deadly weapon or a defensive weapon;

7 (2) an article that is intended by the defendant to be used as a means of
8 facilitating an escape; or

9 (3) a controlled substance.

10 * Sec. 4. AS 11.61.200(a) is amended to read:

11 (a) A person commits the crime of misconduct involving weapons in the first degree if
12 the person

13 (1) knowingly possesses a firearm capable of being concealed on one's person
14 or a removable rifle magazine capable of containing more than five cartridges after having
15 been convicted of a felony by a court of this state, a court of the United States, or a court of
16 another state or territory;

17 (2) knowingly sells or transfers a firearm capable of being concealed on one's
18 person or a removable rifle magazine capable of containing more than five cartridges to a
19 person who has been convicted of a felony by a court of this state, a court of the United States,
20 or a court of another state or territory;

21 (3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

22 (4) knowingly sells or transfers a firearm to another whose physical or mental
23 condition is substantially impaired as a result of the introduction of an intoxicating liquor or
24 controlled substance [DRUG] into that other person's body;

25 (5) removes, covers, alters, or destroys the manufacturer's serial number on a
26 firearm with intent to render the firearm untraceable;

27 (6) possesses a firearm on which the manufacturer's serial number has been
28 removed, covered, altered, or destroyed, knowing that the serial number has been removed,
29 covered, altered, or destroyed with the intent of rendering the firearm untraceable;

30 (7) violates AS 11.46.320 and, during the violation, possesses on the person a
31 firearm when the person's physical or mental condition is impaired as a result of the

1 introduction of an intoxicating liquor or controlled substance into the person's body
2 [WHILE UNDER THE INFLUENCE OF AN INTOXICATING LIQUOR OR DRUG];

3 (8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on
4 premises or in a propelled vehicle in violation of a provision of an order issued under
5 AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive
6 weapon or a deadly weapon, other than an ordinary pocketknife; [OR]

7 (9) communicates in person with another in violation of AS 11.61.120(a)(6) and,
8 during the communication, possesses on the person a defensive weapon or a deadly weapon,
9 other than an ordinary pocketknife; or

10 (10) resides in a dwelling knowing that there is a firearm capable of being
11 concealed on one's person, a prohibited weapon, or a removable rifle magazine capable of
12 containing more than five cartridges in the dwelling if the person has been convicted of a
13 felony by a court of this state, a court of the United States, or a court of another state or
14 territory, unless the person has written authorization to live in a dwelling in which there
15 is a weapon or magazine described in this paragraph from a court of competent jurisdiction
16 or from the head of the law enforcement agency of the community in which the dwelling
17 is located.

18 * Sec. 5. AS 11.61.200(b) is amended to read:

19 (b) It is an affirmative defense to a prosecution under (a)(1), (2), or (10) [(a)(1) OR (2)]
20 of this section that

21 (1) the person convicted of the prior offense on which the action is based received
22 a pardon for that conviction;

23 (2) the underlying conviction upon which the action is based has been set aside
24 under AS 12.55.085 or as a result of post-conviction proceedings; or

25 (3) a period of 10 [FIVE] years or more has elapsed between the date of the
26 person's unconditional discharge on the prior offense and the date of the violation of (a)(1), (2),
27 or (10) of this section, and the prior conviction did not result from a violation of AS 11.41
28 or of a similar law of the United States or of another state or territory [POSSESSION,
29 SALE, OR TRANSFER OF THE FIREARM].

30 * Sec. 6. AS 11.61.200(e) is amended to read:

31 (e) As used in this section,

- 1 (1) "prohibited weapon" means any
2 (A) explosive, incendiary, or noxious gas
3 (i) mine or device that is designed, made, or adapted for the
4 purpose of inflicting serious physical injury or death;
5 (ii) rocket, other than an emergency flare, having a propellant
6 charge of more than four ounces;
7 (iii) bomb; or
8 (iv) grenade;
9 (B) device designed, made, or adapted to muffle the report of a firearm;
10 (C) [METAL KNUCKLES;
11 (D) SWITCHBLADE OR GRAVITY KNIFE;
12 (E)] firearm that is capable of shooting more than one shot automatically,
13 without manual reloading, by a single function of the trigger; or
14 (D) [(F)] rifle with a barrel length of less than 16 inches, shotgun with a
15 barrel length of less than 18 inches, or firearm made from a rifle or shotgun which, as
16 modified, has an overall length of less than 26 inches;

17 (2) "unconditional discharge" has the meaning ascribed to it in AS 12.55.185.

18 * Sec. 7. AS 11.61.210(a) is amended to read:

19 (a) A person commits the crime of misconduct involving weapons in the second degree
20 if the person

21 (1) possesses on the person, or in the interior of a vehicle in which the person
22 is present, a firearm when the person's physical or mental condition is impaired as a result
23 of the introduction of an intoxicating liquor or a controlled substance into the person's body
24 [WHILE UNDER THE INFLUENCE OF AN INTOXICATING LIQUOR OR DRUG] in
25 circumstances other than described in AS 11.61.200(a)(7);

26 (2) discharges a firearm from, on, or across a highway; [OR]

27 (3) discharges a firearm with reckless disregard for a risk of damage to property
28 or a risk of physical injury to a person;

29 (4) manufactures, possesses, transports, sells, or transfers metal knuckles; or

30 (5) manufactures, sells, or transfers a switchblade or a gravity knife.

31 * Sec. 8. AS 11.61.220(a) is amended to read:

1 (a) A person commits the crime of misconduct involving weapons in the third degree if
2 the person

3 (1) knowingly possesses a deadly weapon, other than an ordinary pocket knife
4 or a defensive weapon, that is concealed on the person;

5 (2) knowingly possesses loaded a firearm on the person in any place where
6 intoxicating liquor is sold for consumption on the premises; [OR]

7 (3) being an unemancipated minor under 16 years of age, possesses a firearm
8 without the consent of a parent or guardian of the minor;

9 (4) knowingly possesses a firearm

10 (A) within the grounds of or on a parking lot immediately adjacent
11 to a public or private preschool, elementary, junior high, or secondary school,
12 without the permission of the chief administrative officer of the school or district or
13 the designee of the chief administrative officer, except that a person 18 years of age
14 or older may possess an unloaded firearm in the trunk of a motor vehicle or encased
15 in a closed container in a motor vehicle; or

16 (B) within the grounds of or on a parking lot immediately adjacent
17 to a center, other than a private residence, licensed under AS 47.35.010 - 47.35.075
18 or recognized by the federal government for the care of children; or

19 (5) possesses or transports a switchblade or a gravity knife.

20 * Sec. 9. AS 11.61.220(c) is amended to read:

21 (c) The provisions of (a)(1), ~~[AND]~~ (2), and (4) of this section do not apply to a peace
22 officer acting within the scope and authority of the officer's employment.

23 * Sec. 10. AS 11.81.900(b) is amended by adding a new paragraph to read:

24 (58) "defensive weapon" means an electric stun gun, or a device to dispense
25 mace or a similar chemical agent, that is not designed to cause death or serious physical injury.

26 * Sec. 11. AS 11.61.215 is repealed.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. 1

Bill Version: CSHB 104(JUD)

(H) Publish Date: 3/15/91

Revision Date: _____
Title: An Act defining definsive weapons & prohibiting their possession & use
Sponsor: Rep. Donley
Requestor: House Judic. Comm.

Department Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachment

COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact _____

ANALYSIS: (Attach a separate page if necessary)
No substantial fiscal impact on the Alaska State Troopers is expected.

Prepared by: Gayle A. Horetski Phone: 465-4322
Division: Commissioner's Office Date: February 8, 1991
Approved by Commissioner: G. A. Horetski, Dep. Comm.
Agency: Department of Public Safety Date: 2-8-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 2

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: CSHB 104(JUD)

(H) Publish Date: 3/15/91

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act defining defensive weapons and prohibiting their possession... BRU: Trial Courts
 Sponsor: Donley Components: _____
 Requestor: Judiciary Committee COMPONENT SERIAL NO.

000 000	000 768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						
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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						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 264-8228
 Division: Alaska Court System Date: 02/08/91

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]*
 Agency: Alaska Court System Date: 02/08/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

lo. 3
 Bill Version: CSHB 104(JUD)
 (H) Publish Date: 3/15/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Corrections
 Title: An act defining defensive weapons BRU: _____
and prohibiting their possession Component: _____
 Sponsor: Rep. Donley
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Tom Sutton, Director *Tom Sutton* Phone: 465-3376
 Division: Administrative Services Date: 2-10-91
 Approved by Commissioner: *Henry Holmes*
 Agency: Department of Corrections Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 4
 Bill Version: CSHB 104 (JUD)
 (H) Publish Date: 3/15/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act defining defensive weapons
...misconduct involving weapons." BRU: Prosecution
 Component: Criminal Justice Litigation
 Sponsor: Representative Donlev
 Requestor: House Judiciary COMPONENT SERIAL NO.

		8	9
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: February 11, 1991
 Approved by Commissioner: Richard I. Pegues
 Agency: Department of Law Date: February 11, 1991
 Approved by: Charles E. Cole, Attorney General

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 104

HB 104 makes various changes to state laws defining defensive weapons prohibiting their possession and use in certain circumstances, and amends criminal laws relating to misconduct involving weapons.

These changes include making it a crime for felons to possess semi-automatic firearms; making it a crime to sell a semi-automatic firearm to a felon; prohibiting felons from living where firearms and prohibited weapons are located during the period that they are banned from possessing these weapons; and adding "butterfly knives" to the list of prohibited knives.

The bill also makes it a crime to possess firearms on school grounds; makes the ban on felons possessing concealable firearms, semi-automatic firearms, and prohibited weapons permanent when the felon's conviction was for a violent crime; otherwise, increasing to ten years the period of time during which felons are banned from possessing these weapons.

The bill also increases the level of offense to a class B felony for felons to possess (for some period of time following conviction) concealable firearms and prohibited weapons; reduces the penalty for selling or possessing metal knuckles, or for selling switchblades and other prohibited knives, from a class C felony to a class A misdemeanor; and reduces the penalty for possessing switchblades and other prohibited knives from a class C felony to a class B misdemeanor.

Because the bill's provisions will serve overall to prevent crime, it is the Department of Law's view that the bill will not cause a fiscal impact for the department.

SECTIONAL ANALYSIS - CSHB 104 (JUDICIARY)

Section 1. Clarifies that first degree robbery is committed when a defensive weapon (defined in bill section 10 as an electric stun gun or device designed to dispense substances such as mace) is used or attempted to be used.

Section 2. Clarifies that first degree escape is committed when a defensive weapon is used or attempted to be used.

Section 3. Clarifies that it is illegal to bring defensive weapons into correctional institutions.

Section 4. (1) Makes it illegal for convicted felons to have a removable rifle magazine capable of containing more than five cartridges; (2) replaces undefined term "drug" with defined term "controlled substance"; (3) clarifies definition of "under the influence" for purposes of the weapons statute; (4) clarifies that it is illegal to possess defensive weapons during a violation of a domestic violence restraining order; (5) makes it illegal for a convicted felon to knowingly live in a dwelling in which there is a weapon that the felon is prohibited from possessing without authorization from a court or the head of the local police agency.

Section 5. Extends the period of time during which most felons are prohibited from having firearms from five years to ten years, and permanently prohibits felons convicted of committing a violent crime from having firearms.

Section 6. Removes metal knuckles, switchblades, and gravity knives from the list of prohibited weapons (these weapons will remain prohibited under bill sections 7 and 8).

Section 7. (1) Prohibits a person from possessing firearms in the interior of a vehicle while intoxicated; (2) reduces penalty for possessing or selling metal knuckles from a C felony to an A misdemeanor; (3) reduces penalty for selling switchblades and gravity knives from a C felony to an A misdemeanor.

Section 8. (1) Clarifies that it is not illegal to carry a defensive weapon concealed on the person; (2) prohibits kids under the age of 18 from having guns on school property without permission from the school principal but allows adults to have guns on school property in the trunk of a car, in a closed container, or with the permission of the principal; (3) reduces the penalty for possessing switchblades and gravity knives from a C felony to a B misdemeanor.

Section 9. Makes a technical change to conform with section 8.

Section 10. Defines "defensive weapon".

Section 11. Repeals statute to conform to section 4 amendment.

BILL NO: CSHB 104(JUD)

DATE: 3/26/91

TITLE: Relating to Misconduct
Involving Weapons

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

DEPARTMENT OF
PUBLIC SAFETY

POSTAL PERMIT

CSHB 104(JUD) makes numerous changes in Alaska's firearms laws. The Department of Public Safety supports this bill, but offers the following comment.

Section 4 of the bill makes it a class "C" felony offense for a convicted felon to possess "a removable rifle magazine capable of containing more than five cartridges". In an earlier draft of this bill, this section prohibited a felon from possessing "a semi-automatic firearm". The Department of Public Safety believes it makes more sense to prohibit the possession by felons of such dangerous firearms, rather than to prohibit possession of a component piece of the firearm. Under the present draft, possession of an empty rifle magazine by a felon would be a class C felony. This seems anomalous, especially as the mere possession of devices such as metal knuckles, switchblades, and gravity knives is being decreased from a class C felony to a class A misdemeanor in this bill. The Department believes this bill would be strengthened considerably by the substitution of "or a semi-automatic firearm" for the new language shown at page 2, lines 14 and 18 and at page 3, lines 11 and 12. As stated above, the Department of Public Safety supports the other aspects of CSHB 104(JUD).



Richard L. Burton
Commissioner

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

REPLY TO:

CRIMINAL DIVISION CENTRAL OFFICE
P.O. BOX KC
JUNEAU, ALASKA 99811-0310
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

February 26, 1991

The Honorable Dave Donley, Chair
House Judiciary Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: HB 104 (Defensive Weapons/Misconduct Inv. Weapons)

Dear Representative Donley:

You have asked us to address three issues that arose at the House Judiciary Committee hearing on February 22, 1991, relating to HB 104 ("An Act defining defensive weapons and prohibiting their possession and use in certain circumstances; and amending the criminal laws relating to misconduct involving weapons"). Our responses are as follows.

First, the Committee requested proposed language that would make it a crime for a person to possess a firearm in a motor vehicle while under the influence of an intoxicating liquor or drug. This is not a crime under existing law because the statute, AS 11.61.210(a)(1), only prohibits an intoxicated person from possessing a firearm "on the person." We suggest the following amendment to AS 11.61.210(a)(1), at page 3, line 21, of HB 104:

(1) possesses on the person or in a motor vehicle a firearm

Second, the Committee expressed interest in language that would create a limited exception to the proposed prohibition against possessing firearms on school grounds to allow parents or other adults to possess firearms in their vehicles when picking children up from school. We suggest that HB 104 be amended at page 4, line 13, to add language as follows:

the designee of the chief administrative officer except that a person 18 years of age or older may possess an unloaded firearm in the trunk of a motor vehicle or encased in a locked container within the vehicle; or

Third, the Committee requested more information about "butterfly knives." Our court of appeals has addressed knives as

The Honorable Dave Donley

February 26, 1991
Page 2

prohibited weapons on several occasions. In State v. Weaver, 736 P.2d 781 (Alaska App. 1987), the court noted:

The pertinent characteristics which a switchblade and a gravity knife have in common are that they are easily concealed and quickly brought to bear. These characteristics are indicative of knives which are used as weapons rather than tools. Some utility knives are quickly brought to bear, such as a fishing knife or hunting knife in a sheaf, but are not easily concealed. ... An ordinary pocket knife may be concealed upon the person.... However, an ordinary pocketknife is incapable of being quickly brought to bear.

736 P.2d at 782-83 (footnote omitted). In State v. Strange, 785 P.2d 563, 565 (Alaska App. 1990), the court recited testimony presented at a superior court hearing that butterfly knives are "primarily used in the martial arts and in combat." The knives can be "easily concealed on the body and [can] quickly be brought to bear by a series of wrist movements utilizing centrifugal or inertial force." Id.

When speaking informally with the owner of a local weapons shop, I was advised that there is no utilitarian purpose to the butterfly knife in Alaska. According to that weapons dealer, their foremost purpose seems to be to "impress people," most often "other kids." I also spoke with Investigator Johnston of the Alaska State Troopers office in Anchorage, who is a weapons expert. He similarly voiced the opinion that butterfly knives are principally used in this state by "kids" and mostly to impress or intimidate each other. Officer Jennings of the Juneau Police is a weapons expert in this community and he indicates that butterfly knives are most useful for "stabbing" and "slashing," in part because of their double-edged blade.

If you have any further questions that we may be able to answer, please do not hesitate to call upon us.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL

By: Margaret O. Knuth
Margaret O. Knuth
Assistant Attorney General

MOK:mm-027

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX N
JUNEAU, ALASKA 99811-1200
PHONE: 465-4322

February 21, 1991

The Honorable Dave Donley
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

RE: HB 104, An Act Relating to
Weapons

Dear Representative Donley:

At the House Judiciary Committee meeting regarding HB 104 last week, a representative of the National Rifle Association suggested that state law be amended so that it would no longer be against the law for a person to possess metal knuckles, a switch blade knife, or a gravity knife. You asked me to let you know the position of the Department of Public Safety regarding this proposal.

Briefly stated, the Department of Public Safety opposes the "decriminalization" of these weapons. These weapons are not tools, as are fishing/hunting knives. Neither are they ordinary pocket knives that could be used as letter openers or fingernail parers. These are dangerous weapons because they can be folded or closed and concealed on the person, but can be brought into play instantly through the pressing of a mechanical spring switch or by a flick of the wrist. A person may seem unarmed, yet in a heartbeat become dangerously armed. The act of producing a mechanical knife from some concealed place and activating the mechanism itself involves a high degree of intimidation.

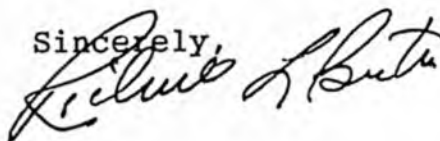
The Department of Public Safety supports the present bill's inclusion of a butterfly knife as a form of prohibited weapon; butterfly knives are merely another, more complex, form of gravity knife. We also encourage you to add "throwing star" to the list of prohibited weapons. Throwing stars are discs approximately three or four inches in diameter, of the weight and thickness of an average knife blade. They are cut into "star" shapes and have six to eight points. The points are sharp, and if the star is

February 21, 1991

thrown, it spins, "frisbee" style. The star can be thrown short distances with some accuracy. The points are sharp, and the star "sticks" when thrown. Such a weapon could be very dangerous, and we are aware of no legitimate sporting or recreational use for such a device.

I hope this will be of assistance to the Committee during its consideration of HB 104.

Sincerely,



Richard L. Burton
Commissioner

cc: Lori Nottingham
Governor's Office

Margo Knuth
Department of Law

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

REPLY TO:

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1031 WEST 4TH AVENUE, SUITE 318
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PHONE: (907) 279-7424

February 11, 1991

The Honorable Dave Donley, Chair
House Judiciary Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: HB 104 ("Use and Possession of Defensive and Deadly Weapons")

Dear Representative Donley:

By letter dated January 31, 1991, you have asked us whether we believe there are any "legal, constitutional, policy, or practical problems" with the above-referenced bill. You have also asked whether we support or oppose the bill.

We do not believe that there are any legal or constitutional problems with this bill and we support most of its provisions. There are some, however, as to which we either have no objection or we take no position. Furthermore, there are two proposed amendments that we find troublesome.

We support:

clarifying the law on "defensive weapons"

making it a crime (class B felony) for felons to possess (for some period of time following conviction) semi-automatic firearms

making it a crime (class C felony) to sell a semi-automatic firearm to a felon

prohibiting felons from living where firearms and prohibited weapons are located during the period that they are banned from possessing these weapons

adding "butterfly knives" to the list of prohibited knives

These proposals address "gaps" in existing law and are consistent with the intent of our current laws.

We have no objection to:

making it a crime (class B misdemeanor) to possess firearms on school grounds

making the ban on felons possessing concealable firearms, semi-automatic firearms, and prohibited weapons permanent when the felon's conviction was for a violent crime

otherwise, increasing to ten years the period of time during which felons are banned from possessing these weapons

We take no position with respect to:

increasing the level of offense to a class B felony for felons to possess (for some period of time following conviction) concealable firearms and prohibited weapons

reducing the penalty for selling or possessing metal knuckles, or for selling switchblades and other prohibited knives, from a class C felony to a class A misdemeanor

reducing the penalty for possessing switchblades and other prohibited knives from a class C felony to a class B misdemeanor

We are concerned, however, by the bill's proposals that weaken existing law regulating the possession of firearms by intoxicated persons. AS 11.61.200(a)(1) makes it a misdemeanor to possess a firearm while under the influence of an intoxicating liquor or drug. AS 11.61.200(a)(7) makes it a felony to commit criminal trespass while intoxicated and in possession of a firearm. HB 104 proposes changing each statute's requirement that the person be "under the influence of an intoxicating liquor or drug" to instead require that the person's "physical or mental condition [be] substantially impaired as a result of the introduction of an intoxicating liquor or a controlled substance into the person's body."

It is more difficult for the state to prove that a person's condition is "substantially impaired" than it is to prove that the person is "under the influence," which is defined in AS 11.61.215 as occurring when the person's "physical or mental abilities are impaired so that the person no longer has the ability to possess a firearm with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances." It is not apparent to us why this change is being

The Honorable Dave Donley

February 11, 1991
Page 3

proposed and, in the absence of additional information, we oppose the change.

Once again, however, we support most of this bill's provisions, believing that they will help prevent crime and improve our justice system. Thank you for the opportunity to comment on this bill. If you have any further questions that we may be able to answer, please do not hesitate to call upon us.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL

By: Margaret O. Knuth
Margaret O. Knuth
Assistant Attorney General

MOK:me-018



NATIONAL RIFLE ASSOCIATION OF AMERICA
INCORPORATED 1871

1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

RUPE ANDREWS
FIELD REPRESENTATIVE
ALASKA

9416 LONGRUN DRIVE
JUNEAU AK 99801
907/789-7422

March 13, 1991

Representative Dave Donley
Chairman, House Judiciary Committee
Alaska House of Representatives
Capitol Building
Juneau, AK 99801

Dear Representative Donley:

This letter is to express the support of the National Rifle Association for CSHB-104. I have appreciated the close working relationship with your committee and staff in the markup and committee discussions of CSHB-104.

My personal thanks to you and staffer Ms. Laurie Otto for your sincere consideration of the NRA's input to this statute. I believe that you have accomplished the goal of the Judiciary Committee in strengthening the weapons statute and the penalties for violation.

Sincerely,

Rupe Andrews, Field Representative, Alaska

HB 105

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 105

Revision Date: _____ Department Affected: Department of Administration

Title: An Act amending Alaska Rules of Criminal Procedure to facilitate joint trials of multiple defendants and joint charges in criminal prosecutions... Public Defender Agency

Component: _____

Sponsor: _____

Requestor: _____ COMPONENT SERIAL NO.

4	2		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Budgens B-M for

Prepared By: John Salemi, Public Defender Phone: 279-7541

Division: Public Defender Agency Date: 2/11/91

Approved by Commissioner: Millett Keller *Nick Mahon for MK*

Agency: Department of Administration Date: 2/12/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

HOUSE BILL NO. 105

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 2/4/91

Referred: Judiciary, Finance

A BILL**FOR AN ACT ENTITLED**

1 "An Act amending Rule 8(b) and Rule 14 of the Alaska Rules of Criminal Procedure to
2 facilitate joint trials of multiple defendants and joint charges in criminal prosecutions and
3 amending Rule 404(b)(1) of the Alaska Rules of Evidence as applicable to civil actions and
4 criminal prosecutions."

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

6 * Section 1. PURPOSE. (a) The rules governing joinder of two or more defendants at the same trial
7 are different than the rules for joinder of offenses because joinder is governed by a different section of
8 Criminal Rule 8 of the Alaska Rules of Criminal Procedure. Under Rules 8(b) and 13, defendants may
9 be tried together "if they are alleged to have participated in the same act or transaction or in the same
10 series of acts or transactions constituting an offense or offenses." However, in Greiner v. State, 741 P.2d
11 662 (Alaska App. 1987), the Alaska Court of Appeals held that evidence that codefendants "were willing
12 to sell drugs and were well acquainted and cooperated with each other in the individual sale of drugs"
13 was insufficient to show the existence of a conspiracy, joint venture, or common scheme or plan. The
14 amendment of Rule 8(b), Alaska Rules of Criminal Procedure, made by sec. 2 of this Act, overrules

1 Greiner v. State and allows a tacit joint venture to be proven by circumstantial evidence.

2 (b) Rule 14 of the Alaska Rules of Criminal Procedure vests the trial court with discretion to
3 sever counts if joinder unfairly prejudices the defendant. The Alaska Court of Appeals has held that a
4 defendant is prejudiced unless the evidence of the joined offenses is completely mutually cross-
5 admissible (that is, the evidence of crime A is admissible at a trial on crime B and the evidence of crime
6 B is admissible at a trial on crime A). *Velez v. State*, 762 P.2d 1297 (Alaska App. 1988). However,
7 mutual cross-admissibility is not required under federal law. *United States v. Harper*, 680 F.2d 731, 734
8 (11th Cir.), cert. denied, 459 U.S. 916, 103 S.Ct. 229, 74 L.Ed.2d 182 (1982); *United States v. Jamar*,
9 561 F.2d 1103, 1107 - 1108 n.8 (4th Cir. 1977). This difference in interpretation means that more cases
10 are severed in Alaska courts than in federal courts. The amendment of Criminal Rule 14 made by sec. 3
11 of this Act expressly provides that a showing that evidence of similar offenses is not completely and
12 mutually cross-admissible is insufficient, by itself, as a reason to grant severance.

13 (c) State courts treat Rule 404(b), Alaska Rules of Evidence, as a rule of exclusion. Evidence
14 is presumed prejudicial and inadmissible even if it is relevant to an issue at trial. *Lerchenstein v. State*,
15 697 P.2d 312, 315, and 318, n.2 (Alaska App. 1985), *aff'd.*, *State v. Lerchenstein*, 726 P.2d 546 (Alaska
16 1986); *Oksoktaruk v. State*, 611 P.2d 521, 524 (Alaska 1980). In *Lerchenstein*, the court explained that,
17 "The exclusionary provision of Evidence Rule 404(b) represents the 'presumption in our law that the
18 prejudicial effect of introducing a prior crime outweighs what probative value may exist with regard to
19 propensity. No case by case balancing is permitted.'" 697 P. 2d at 315. The state courts want
20 evidence of other crimes to fit into the uses specifically set out in Evidence Rule 404(b). If the evidence
21 is not relevant to one of these expressly stated purposes, state courts will generally find it inadmissible.
22 In contrast, federal courts treat the comparable federal rule as a rule of inclusion and are more willing
23 to admit evidence of other charged acts when weighing the probative value of the evidence against the
24 danger of unfair prejudice, generally allowing admissibility of the evidence for a nonpropensity purpose.
25 The amendment of Rule 404(b)(1), Alaska Rules of Evidence, made by sec. 4 of this Act, changes the
26 state court rule applicable in a criminal action or proceeding to make it one of inclusion and to establish
27 that the nonpropensity purposes listed in the rule are not inclusive and that evidence can be admitted if
28 it is relevant to a purpose not listed in the rule.

29 * Sec. 2. Rule 8(b), Alaska Rules of Criminal Procedure, is amended to read:

30 (b) JOINDER OF DEFENDANTS. Two or more defendants may be charged in the same
31 indictment or information if they are alleged to have participated in the same act or transaction

1 or in the same series of acts or transactions constituting an offense or offenses, or if the
2 defendants are parties to an express or tacit agreement to aid each other to commit an act or
3 transaction constituting a criminal offense or offenses. Such defendants may be charged in one
4 or more counts together or separately and all of the defendants need not be charged in each
5 count. The disposition of the indictment or information as to one of several defendants joined
6 in the same indictment or information shall not affect the right of the state to proceed against the
7 other defendants.

8 * Sec. 3. Rule 14, Alaska Rules of Criminal Procedure, is amended to read:

9 RULE 14. RELIEF FROM PREJUDICIAL JOINDER. If it appears that a defendant or
10 the state is unfairly prejudiced by a joinder of offenses or of defendants in an indictment or
11 information or by such joinder for trial together, the court may order an election or separate trials
12 of counts, grant a severance of defendants, or provide whatever other relief justice requires. A
13 showing that evidence of one offense would not be admissible during a separate trial of a joined
14 offense or a codefendant does not constitute prejudice that warrants relief under this rule. In
15 ruling on a motion by a defendant for severance the court may order the attorney for the state
16 to deliver to the court for inspection in camera any statements or confessions made by the defen-
17 dants which the state intends to introduce at trial.

18 * Sec. 4. Rule 404(b)(1), Alaska Rules of Evidence, is amended to read:

19 (1) Evidence of other crimes, wrongs, or acts is not admissible if the sole purpose
20 for offering the evidence is to prove the character of a person in order to show that the person
21 [HE] acted in conformity therewith. It is [MAY], however, [BE] admissible for other purposes,
22 including, but not limited to, [SUCH AS] proof of motive, opportunity, intent, preparation, plan,
23 knowledge, identity, or absence of mistake or accident.

HB 106

HOUSE COMMITTEE REPORT

(ii)

Date Referred: February 12, 1991

FURTHER REFERRALS:

Date of Committee Action: 2/20/91

The FINANCE Committee considered:

HB 106

HOUSE BILL NO. 106

EXTEND MAXIMUM PERIOD OF PROBATION

"An Act extending the maximum period of probation after conviction."

RECOMMENDATIONS:

be replaced with HB 106 the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____
 Admin SVC 2/12/91 Corrections 2/21
 zero fiscal note(s) DPS 2/12/91 AK COURT System 2/21

zero fiscal note _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Signature	Check appropriate column:	Do Not Pass	No Rec	Amend
AVOARRE	Mike Savane				
Bayer	Monte Bayo				
BARNES	Tamara Barnes				
BROWN	Tom Brown				
CARSON	Richard Carson				
CLARK	Paul Clark				
COOPER	W. Cooper *				
ACKO	Gene Acko *				
PHILLIPS	Frank Phillips				
SHARP	Best Sharp				

* I don't believe the fiscal note (NO) Mike Savane N-AVOARRE
 cc - Chairman's Signature

FISCAL NOTE

No. 1

Bill Version: HB 106

(H) Publish Date: 2/12/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act extending the maximum period of probation..." BRU: Prosecution
 Component: Criminal Justice Litigation
 Sponsor: House Judiciary Committee
 Requestor: House Judiciary Committee COMPONENT SERIAL NO.

		8	9
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

This bill amends AS 12.55.090(c) to extend the maximum period of probation after conviction to ten years from five years. This is a sentencing provision that may have some impact on Probation and Parole, but it will not have an impact on the Department of Law.

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Date: February 11, 1991

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: February 11, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

COMMITTEE COPY

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____
Title: An Act Extending the Maximum
Period of Probation
Sponsor: House Judiciary
Requestor: House Judiciary

Department Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments

COMPONENT SERIAL NO.

	7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-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

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated

Prepared by: Gavle A. Horetski Phone: 465-4322
Division: Commissioner's Office Date: 2/7/91
Approved by Commissioner: Gavle A. Horetski for Richard L. Burton
Agency: Department of Public Safety Date: 2/8/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 3
 Bill Version: HB 106
 (H) Publish Date: 2/12/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Corrections
 Title: An act relating to the maximum BRU: _____
period of probation... Component: _____
 Sponsor: House Judiciary Committee
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0 -	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 The number of individuals receiving 10 year probation periods is not quantifiable, the impact may be on how many instances would represent serving suspended sentences as part of the probation stipulations.

Prepared By: Tom Sutton, Director *Tom Sutton* Phone: 465-3376
 Division: Administrative Services Date: 2-10-91
 Approved by Commissioner: *Stacy Thomas*
 Agency: Department of Corrections Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 4
 Bill Version: HB 106
 (H) Publish Date: 2/12/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act extending the maximum BRU: Trial Courts
period of probation after conviction Components: _____
 Sponsor: Judiciary Committee
 Requestor: Judiciary Committee COMPONENT SERIAL NO.

000	000	000	788
-----	-----	-----	-----

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *C. S. Christensen III* Phone: 264-8228
 Division: Alaska Court System Date: 02/08/91

Approved by: Arthur H. Snowden, II, Administrative Director *Stephanie Cole*
 Agency: Alaska Court System Date: 02/08/91

COMMITTEE COPY

HOUSE BILL NO. 106

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 2/4/91

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the maximum period of probation after conviction."

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

3 * Section 1. AS 12.55.090(c) is amended to read:

4 (c) The period of probation, together with any extension, may [SHALL] not exceed 10
5 [FIVE] years.

6 * Sec. 2. AS 12.55.090(c), as amended by sec. 1 of this Act, does not apply in the case of a
7 conviction for a criminal act committed before the effective date of this Act.

BILL NO: HB 106

DATE: February 15, 1991

TITLE: An Act extending the maximum period of probation after conviction.

CONTACT: Barbara Miklos
Executive Director
Council on Domestic Violence
and Sexual Assault

COUNCIL ON DOMESTIC VIOLENCE
AND SEXUAL ASSAULT

The Council on Domestic Violence and Sexual Assault supports HB 106. This bill changes the maximum allowable period of probation from 5 years to 10 years.

The Council supports this legislation primarily because of its effect on sex offenders who have extremely high rates of recidivism. In order to prevent re-offending, sex offenders should be monitored closely and for a substantial amount of time. Monitoring is particularly necessary for offenders who do not participate in or complete treatment while incarcerated. However, offenders who do engage in treatment while incarcerated also need continuing treatment and parole supervision after their release to monitor their life-style and behavior. Monitoring the behavior of sex offenders for a longer period of time will help protect victims of crime.

Andy Klamser
Andy Klamser, Chair
Council on Domestic Violence
and Sexual Assault

Alaska State Legislature



House of Representatives House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

SPONSOR STATEMENT

House Bill 106 gives judges greater flexibility in sentencing criminal defendants by increasing the maximum allowable period of probation to ten years. Under current law, judges are prohibited from placing defendants on probation for longer than five years.

A longer probation period will allow for greater amounts of restitution to be paid to victims, will allow offenders who pose a high risk of reoffending to be supervised for longer periods of time, and for appropriate offenders, will provide a lower cost alternative to incarceration.

The legislation is supported by the Department of Law, the Department of Public Safety, the Alaska Association of Chiefs of Police, and the Network on Domestic Violence and Sexual Assault.

Dave Donley, Chair
Judiciary Committee

Handwritten initials "DD" in blue ink.

Alaska Association Chiefs of Police



February 2, 1991

Representative Dave Donley
Alaska State Legislature
P. O. Box V (MS 3100)
Juneau, AK 99811

Dear Representative Donley,

I am writing this letter to express the support of the Alaska Association of Chiefs of Police for House Bill 106. Existing law only allows for imposition of five years of probation. We support extending this to ten years as proposed in your bill.

Probation can be an excellent tool in protecting the public. We submit, however, that judges under current law are too limited and should be given the ability to require persons convicted of serious crimes to be monitored and supervised for longer periods of time when necessary.

If we can be any assistance in the passage of your bill, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Duane S. Ucland".

Duane S. Ucland
President

HB107

HOUSE BILL NO. 107

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MACLEAN

Introduced: 2/5/91

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to capital and surplus requirements of domestic insurers; and providing
2 for an effective date."

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

4 * Section 1. AS 21.09.070 is amended by adding a new subsection to read:

5 (g) Notwithstanding (a) of this section and AS 21.09.080(a), a domestic insurer admitted
6 in this state before May 16, 1990, shall maintain capital and surplus of at least \$4,000,000 as of
7 January 1, 1992; \$4,250,000 as of January 1, 1993; \$4,500,000 as of January 1, 1994; \$4,750,000
8 as of January 1, 1995; \$5,000,000 as of January 1, 1996; and \$5,250,000 as of January 1, 1997,
9 if the domestic insurer

- 10 (1) is not affiliated with any other insurer or group of insurers;
- 11 (2) has capital and surplus of less than \$5,250,000 on December 31, 1991;
- 12 (3) transacts any three or more of the following kinds of insurance: property,
13 marine and transportation, vehicle; casualty, excluding vehicle; surety; and disability; and
- 14 (4) has obtained the prior written approval of the director.

I * Sec. 2. This Act takes effect January 1, 1992.

HB 111

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 26, 1991

FURTHER REFERRALS:

Date of Committee Action: 5-9-91

The FINANCE Committee considered:

HB 111

HOUSE BILL NO. 111

LOANS SECURED BY LIMITED ENTRY PERMITS

"An Act relating to the lending authority and loans of the Commercial Fishing and Agriculture Bank; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 111 (FIN) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note FISH & GAME

zero fiscal note(s) DCED 4.5.91
CPAB 4.5.91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>EP. Machean</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>Mike Havane</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>		<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>George Fredrick</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	

Mike Havane EP Machean
CHAIRMAN'S SIGNATURE

CS FOR HOUSE BILL NO. 111 (FINANCE)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
 Referred:

Sponsor(s): REPRESENTATIVE NAVARRE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the lending authority and loans of the Commercial Fishing and
 2 Agriculture Bank and to the use of limited entry permits as security for those loans; and
 3 providing for an effective date."

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

5 * Section 1. AS 16.43.150(g) is amended to read:

6 (g) Except as provided in AS 16.10.333 - 16.10.337, AS 44.81.210, 44.81.225, and
 7 44.81.230 - 44.81.250, an entry permit may not be

8 (1) pledged, mortgaged, leased, or encumbered in any way;

9 (2) transferred with any retained right of repossession or foreclosure, or on any
 10 condition requiring a subsequent transfer; or

11 (3) attached, distrained, or sold on execution of judgment or under any other
 12 process or order of any court.

13 * Sec. 2. AS 44.81 is amended by adding a new section to read:

14 Sec. 44.81.225. SMALL LOANS. (a) To facilitate the development of commercial

1 fisheries in geographic areas in which factors such as geographic considerations, uncertainties of
2 communication, or limited demands do not encourage normal lending activities, the bank may
3 make small loans to qualified borrowers who are not members of the bank.

4 (b) The provisions of this chapter apply to loans authorized by this section except that

5 (1) the borrower is not required to be a member of the bank at the time the loan
6 is approved; and

7 (2) the principal amount of the portion of the loan made by the bank may not
8 exceed \$25,000.

9 (c) The total amount of money that may be loaned under this section may not exceed
10 eight percent of the total capital of the bank.

11 (d) To service loans made under this section, the bank may contract or make other
12 arrangements with a public agency or with a legal entity that the bank determines to be
13 responsible and competent to administer the loan.

14 * Sec. 3. AS 44.81.230(a) is amended to read:

15 (a) A loan under AS 44.81.210(a)(20) or 44.81.225 for the purchase of a limited entry
16 permit may be made only upon certification by the commission that the fisherman is a person
17 who qualifies as a transferee for the permit under AS 16.43 and the regulations adopted by the
18 commission.

19 * Sec. 4. AS 44.81.230(b) is amended to read:

20 (b) Upon approval by the bank, a [THE] permit [TO BE PURCHASED] may be pledged
21 as security for a loan made under (a) of this section, AS 44.81.225, or 44.81.235 [,] if

22 (1) the certificate for the pledged permit lists the bank as the legal owner of the
23 permit;

24 (2) the certificate for the pledged permit lists the debtor as the equitable owner
25 of the permit;

26 (3) all annual permit cards issued under the pledged permit list the name of the
27 debtor;

28 (4) all obligations and responsibilities of a permit owner are assumed by the
29 debtor;

30 (5) co-signers or other sureties for performance under the note are not vested with
31 any rights in the pledged permit and their obligation is limited to satisfaction of the note and

1 payment of costs directly incurred by the bank in administering the loan.

2 * Sec. 5. AS 44.81.230(f) is amended to read:

3 (f) In anticipation of possible foreclosure on an entry permit under AS 44.81.250, the
4 debtor may nominate a person to assume a note for a loan made [GIVEN] under
5 AS 44.81.210(a)(20), 44.81.225, or 44.81.235. If the person nominated qualifies under (a) of this
6 section at the time of the foreclosure, the person may assume all rights and liabilities of the
7 debtor in the event the bank forecloses on the entry permit.

8 * Sec. 6. AS 44.81.250(d) is amended to read:

9 (d) Nothing in this section affects the right of the bank to institute legal action for a
10 deficiency resulting from a default on a note for a loan made [GIVEN] under
11 AS 44.81.210(a)(20), 44.81.225, [OR] 44.81.230, or 44.81.235. In addition to any deficiency,
12 the debtor is liable for the costs of administering the note and for costs and attorney fees.

13 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

No. 1

Bill Version CSKB 111(L&C)

(H) Publish Date: 4/5/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____
Title: An Act relating to the lending authority and loans of CFAB
Sponsor: Rep. Navarre
Requestor: _____

Department Affected: Commerce & Economic Dev.
BRU: Banking, Securities & Corporations
Component: Banking & Securities

COMPONENT SERIAL NO.

1	2	3	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: William F. Kirkpatrick, Director Phone: 465-2521
Division: Banking, Securities & Corporations Date: 2/28/91
Approved by Commissioner: Glenn A. Olds *Glenn A. Olds* Spec. Asst. IT
Agency: Department of Commerce & Economic Development Date: 2-28-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. 2
Bill Version: CSHB 111(L&C)
(H) Publish Date: 4/5/91

Revision Date: _____ Department Affiliations: _____
Title: LEADING AUTHORITY + LOANS BRU: _____
OF CPAB Component: _____
Sponsor: REP. NAVARRE
Requestor: HOUSE LABOR + COMMERCE COMPONENT SERIAL NO.

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Expenditures/Revenue: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	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

Estimate of current year impact: NONE

ANALYSIS: (Attach a separate page if necessary.) HB 111 AFFECTS THE ALASKA COMMERCIAL FISHING + AGRICULTURE BANK ONLY. NO FISCAL IMPACT TO ANY STATE AGENCY IS EXPECTED.

Prepared By: BILL HALL, BUSINESS DEVL. SERVICES Phone: 276-2007
Division: CPAB Date: 2-25-91

Approved by Commissioner: D. G. Hall
Agency: ALASKA COMMERCIAL FISHING + AG. BANK Date: 2-25-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 111

Revision Date: 3/13/91 Department Affected: Fish and Game
 Title: CFAB Loans Secured by BRU: Commercial Fisheries
Limited Entry Permits Component: Commercial Fisheries
 Sponsor: Rep. Navarre
 Requestor: Governor COMPONENT SERIAL NO.

	4	5	9
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Bob Clasby Phone: 465-4210
 Division: Commercial Fisheries Date: 3/13/90
 Approved by ^{DEPUTY} Commissioner: RON SEMORVILLE by [Signature]
 Agency: A D F + G Date: 3/18/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

7-LS0637J :
Chenoweth
5/2/91

CS FOR HOUSE BILL NO. 111 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE NAVARRE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the lending authority and loans of the Commercial Fishing and
2 Agriculture Bank and to the use of limited entry permits as security for those loans; and
3 providing for an effective date."

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

5 * Section 1. AS 16.43.150(g) is amended to read:

6 (g) Except as provided in AS 16.10.333 - 16.10.337, AS 44.81.210, 44.81.225, and
7 44.81.230 - 44.81.250, an entry permit may not be

8 (1) pledged, mortgaged, leased, or encumbered in any way;

9 (2) transferred with any retained right of repossession or foreclosure, or on any
10 condition requiring a subsequent transfer; or

11 (3) attached, distrained, or sold on execution of judgment or under any other
12 process or order of any court.

13 * Sec. 2. AS 44.81 is amended by adding a new section to read:

14 Sec. 44.81.225. SMALL LOANS. (a) To facilitate the development of commercial

1 fisheries in geographic areas in which factors such as geographic considerations, uncertainties of
2 communication, or limited demands do not encourage normal lending activities, the bank may
3 make small loans to qualified borrowers who are not members of the bank.

4 (b) The provisions of this chapter apply to loans authorized by this section except that

5 (1) the borrower is not required to be a member of the bank at the time the loan
6 is approved; and

7 (2) the principal amount of the portion of the loan made by the bank may not
8 exceed \$25,000.

9 (c) The total amount of money that may be loaned under this section may not exceed
10 eight percent of the total capital of the bank.

11 (d) To service loans made under this section, the bank may contract or make other
12 arrangements with a public agency or with a legal entity that the bank determines to be
13 responsible and competent to administer the loan.

14 * Sec. 3. AS 44.81.230(a) is amended to read:

15 (a) A loan under AS 44.81.210(a)(20) or 44.81.225 for the purchase of a limited entry
16 permit may be made only upon certification by the commission that the fisherman is a person
17 who qualifies as a transferee for the permit under AS 16.43 and the regulations adopted by the
18 commission.

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23 permit;

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25 of the permit;

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27 debtor;

28 (4) all obligations and responsibilities of a permit owner are assumed by the
29 debtor;

30 (5) co-signers or other sureties for performance under the note are not vested with
31 any rights in the pledged permit and their obligation is limited to satisfaction of the note and

1 payment of costs directly incurred by the bank in administering the loan.

2 * Sec. 5. AS 44.81.230(f) is amended to read:

3 (f) In anticipation of possible foreclosure on an entry permit under AS 44.81.250, the
4 debtor may nominate a person to assume a note for a loan made [GIVEN] under
5 AS 44.81.210(a)(20), 44.81.225, or 44.81.235. If the person nominated qualifies under (a) of this
6 section at the time of the foreclosure, the person may assume all rights and liabilities of the
7 debtor in the event the bank forecloses on the entry permit.

8 * Sec. 6. AS 44.81.250(d) is amended to read:

9 (d) Nothing in this section affects the right of the bank to institute legal action for a
10 deficiency resulting from a default on a note for a loan made [GIVEN] under
11 AS 44.81.210(a)(20), 44.81.225, [OR] 44.81.230, or 44.81.235. In addition to any deficiency,
12 the debtor is liable for the costs of administering the note and for costs and attorney fees.

13 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

HB 111: "An Act relating to the lending authority and loans of the Commercial Fishing and Agriculture Bank; and providing for an effective date."

The department encourages the intent to foster further development of our commercial fisheries industry, especially geographic areas which may discourage normal lending sources. It is our understanding that this type of development activity is the foundation upon which CFAB was built.

We do question, but are not opposed to, the exemption provisions of membership to be qualified for a loan. One of the fundamental elements in the well-being of any cooperative is the support of its members and, in turn, the coop's membership service. It may be in the best interest of not only the success of CFAB but fisheries development to expand membership rather than dilute it.

The department encourages passage of HB 111.

Glenn A. Olds Spec. Asst. #1

Glenn A. Olds, Commissioner

Date: 2-28-91

May 9, 1991

SPONSOR STATEMENT

SUBJECT: CSHB111(L&C) An Act relating to the lending authority and loans of the Commercial Fishing and Agriculture Bank; and providing for an effective date.

.....

The first subject I would like to address is a CS that I had drafted. In the CS the only change is a new section (1) that was inserted to correct a technical drafting error. In the original bill, section 1 amended AS 44.81 by adding Sec. 44.81.225 and this number did not coincide with Fish & Game statutes under title 16. The new CS amends AS 16.43.150(g) to incorporate 44.81.225.

Under current statute CFAB can only extend loans to its members. This change in statute will allow CFAB to make small loans (under \$25,000) to non-members.

This bill will allow CFAB to serve the financial needs of Alaska commercial fisherman in Western Alaska and in fisheries such as Aluetian-Yukon-Kuskokwim fisheries.

Membership in CFAB involves the purchase of capital stock, extensive documentation, and a recordkeeping and communications burden which are costly to all involved. This bill reduces this dramatically.

This bill also expands the ability to use entry permits as collateral to proposed small loans. This has been a longstanding practice with CFAB.



UNITED FISHERMEN OF ALASKA

211 4th Street, Suit 112
Juneau, AK 99801
907-586-2820
Fax# 907-463-2545

February 26, 1991

POSITION PAPER IN SUPPORT OF HOUSE BILL 111

MEMBER ASSOCIATIONS

Alaska Crab Coalition
Alaska Independent Fishermen's
Marketing Association
Alaska Longline Fisherman's
Association
Alaska Trollers Association
Bering Sea Fishermen's Association
Bristol Bay Driftnetters Association
Concerned Area 'M' Fishermen
Cook Inlet Aquaculture Association
Copper River Fishermen's Cooperative
Cordova District Fishermen United
Kenai Peninsula Fishermen's Association
North Pacific Fisheries Association
Northern Southeast Regional
Aquaculture Association
Peninsula Marketing Association
Petersburg Vessel Owners Association
Prince William Sound
Aquaculture Association
Prince William Sound Seiners Association
Seafood Producers Cooperative
Southeast Alaska Seiners
Southern Southeast Regional
Aquaculture Association
United Cook Inlet Drift Association
United Southeast Alaska Gillnetters
Western Alaska Cooperative
Marketing Association

The United Fishermen of Alaska
wholeheartedly supports House Bill 111.

This proposed legislation would broaden the
lending capabilities of the commercial
Fishing and Agriculture Bank, from the
standpoint that for loans under \$25,000, the
small borrower would not have to become a
member of this cooperative bank.

The simplification of the lending procedure
would be particularly beneficial to the
fishing industry in Western Alaska where the
potential borrower might be intimidated by
the involved concept and paper work involved
in becoming a member of the bank. It would
also provide a needed service to the fishing
industry where loans are not always readily
available for necessary improvements.

The eight percent cap provided in the
legislation would prevent CFAB from adverse-
ly affecting the other commercial lending
institutions while providing a needed
service to Alaskan commercial fishermen.

The United Fishermen of Alaska urge you to
support this needed service to the commer-
cial fishing industry.

March 22, 1991

FOR COMPANION BILL 10. TWR
SENATE

Senator Fred Zharoff
Post Office Box V
Juneau, Alaska 99811

Dear Senator Zharoff,

For the Community Enterprise Development Corporation of Alaska and its members, I wish to voice our support for Senate Bill No. 92. This Bill, if passed, would allow the Alaska Commercial Fishing & Agriculture Bank to make \$25,000 commercial fishing loans.

Please allow me to tell you something about Community Enterprise Development Corporation of Alaska (CEDC). CEDC, formed by the Federal Government in 1968, is a non-profit organization designed to promote economic development in rural Alaska. We have 168 rural organizations who are members of CEDC, and the geographic areas which our members come from range from Sitka to Barrow.

One of the programs which we have, and is perhaps the most visible one in rural Alaska is our EDA Boat Loan Program. CEDC inherited this program from the Alaska Native Foundation in 1983. It is now the most creditable Federal Loan Program in rural Alaska. This program gives Western Alaska Fishermen, who otherwise could not qualify for a commercial bank loan, alternative financing for their boats. Since 1983, ninety four fishermen received financing worth \$1,123,973 for boats and gear from CEDC.

Our program has, and will continue to have a positive economic impact in Western Alaska. However, we do have restrictions with this program, and this is why we support Senate Bill No.92.

Our loan fund is small, and on an average we can only make 10 new boat loans per year. We cannot make loans outside of Western Alaska. Also, because we can not take fishing permits as collateral, we do not make permit loans. Within our service area the average fishing permit is worth from \$12,000-\$25,000.



CEDC


Community Enterprise Development Corporation of Alaska

Based on the number of inquiries that we get from fishermen outside of our service area. And due to limitations in our program. We can see there is adequate need for small fishing boats, and fishing permit financing in and outside of our service area.

CEDC and CFAB share a common interest with commercial fishermen. We both would like to see fishermen meet their goal of self-sufficiency. If this bill passes, this goal will be more attainable for the small boat fishermen.

Sincerely,

COMMUNITY ENTERPRISE DEVELOPMENT
CORPORATION OF ALASKA



Perry R. Eaton
President & CEO

HB 121

SPONSOR STATEMENT

CSHB 121 (C&RA) — Integrated Resource Planning & Energy Efficiency

CS House Bill 121 (C&RA)

The recent war in the Middle East has once again focused worldwide attention on the vulnerability of our non-renewable energy supplies and the need to aggressively pursue energy policies that emphasize energy efficiency and conservation in concert with the development of additional energy supplies.

CS House Bill 121 (C&RA) has two basic elements. This legislation would,

- 1) establish an Integrated Resource Planning (IRP) requirement for the state's largest Railbelt utilities (ie, yearly sales in excess of 300 million kilowatt hours); and
- 2) direct the Department of Community and Regional Affairs (DCRA) to prepare a report for the legislature concerning the implications of a major energy supply disruption.

Integrated Resource Planning

Integrated resource planning, also popularly referred to as "least-cost planning," is a planning process that ensures that utilities develop the most cost-effective energy system by integrating the analysis of "demand-side" energy service options with "supply-side" options.

Integrated Resource Planning enables utilities to evaluate "demand side" conservation options (so-called "end-use" technologies that conserve electricity) on an equal basis with the development of new power generation facilities. A 1988 House Research Agency (HRA) report, indicates that integrated resource planning is long overdue in Alaska. As noted by the House Research Agency, in urban areas of the state, \$1.3 billion was appropriated between FY 77 and FY 88. Over 99 percent of these appropriations were spent on "supply-side" projects and less than one percent on demand-side investments. If a true integrated resource planning process had been in place during this period, the study concluded, "a comprehensive analysis would have revealed residential and commercial building standards, commercial ventilation and lighting technical improvements, energy efficient appliances, and load management as feasible or more cost effective alternatives to new generating capacity." (See *Energy Planning in Alaska: Past Efforts and A Future Direction*, February 1988).

As noted in materials provided by Analysis North (the state's utility consumer advocate) demand-side energy efficiency and conservation investments could significantly offset the need for additional Railbelt power capacity investments. Conservation program investments could reduce the need for additional capacity investments in the year 2010 by 73 megawatts. (By comparison, the proposed Healy Coal Project would provide 50 megawatts of generation capacity.) Moreover, the AEA studies have concluded that energy efficiency investments are very *cost-effective* when compared to supply-side alternatives on a cost-benefit basis. The top three conservation program investments would produce a benefit of \$1.65 for each \$1 invested while a number of the supply side alternatives have benefits lower than costs.

Need for CS House Bill 121 (C&RA)

A recent report prepared by the Legislative Research Agency (Research Request 91.025) identified the need for a true Integrated Resource Planning process in Alaska:

Alaska state government should initiate a planning process that incorporates several key elements. ... The emphasis needs to change from studying and approving specific capital power projects to determining the best (least-cost) combination of supply and demand side power programs that meet energy requirements. ... the state should expend no funds that assist energy projects that are not consistent with the energy plan developed jointly between the state, industry and other groups.

The state has invested hundreds of millions of dollars in the Railbelt's electrical energy generating and distribution facilities and there is a compelling public interest in the efficient and cost-effective utilization of these state-financed facilities. CSHB 121 (C&RA) would ensure a much needed planning process to provide on-going evaluation of cost-effective energy efficiency and conservation investments as a condition of using state subsidized power facilities and access to future state subsidies or financing.

The planning requirements proposed in CSHB 121 (C&RA) would only apply to the state's larger Railbelt electric utilities (ie, utilities served by state-owned or financed power facilities and having sales in excess of 300,000,000 kwh). These are utilities with the administrative and financial resources to undertake the required planning efforts. CSHB 121 (C&RA) would ensure that future development of Railbelt utility systems proceeds in a balanced fashion with appropriate consideration given to both supply-side and demand-side alternatives.