

ALASKA LEGISLATURE

1029

HOUSE and SENATE FINANCE COMMITTEE FILES,

1993-1994

103

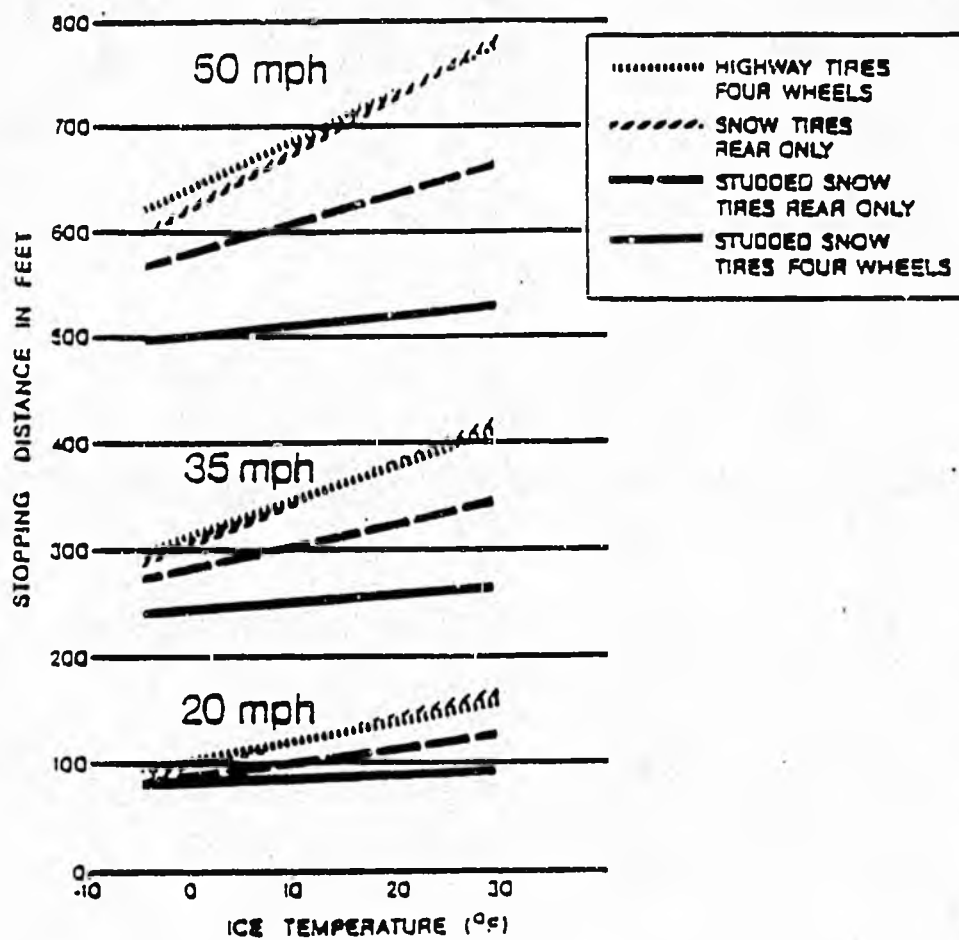


Figure 4.3. Stopping distance versus ice temperature for four cars traveling at 20, 35, and 50 mph (Smith et al., HRR 352, 1971).

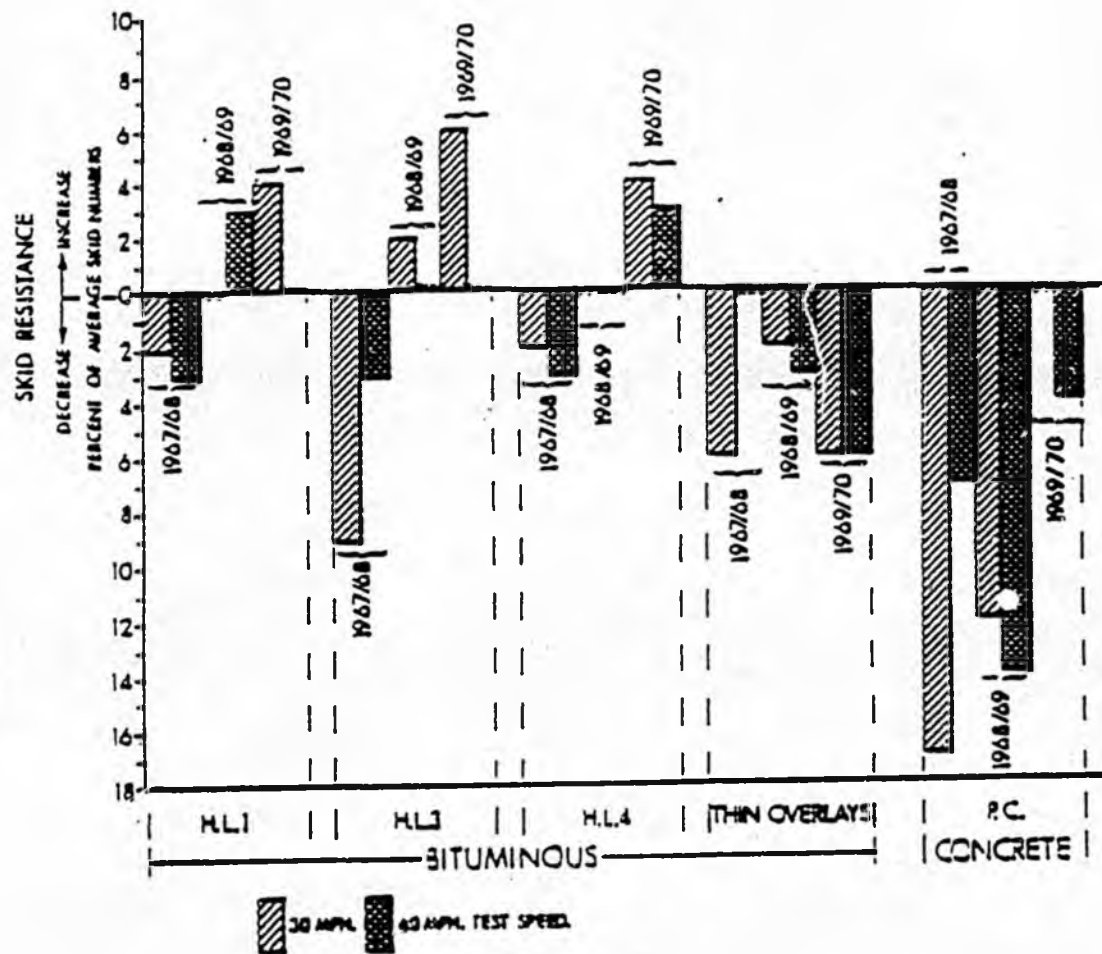


Figure 4.4. Changes in skid resistance of some pavements in Ontario with increasing use of studded tires (Smith and Schonfeld, HRR 352, 1971).

5.0 SUMMARY

This report presented a summary of the results of a literature review and survey of agencies on the use and effects of studded tires. Significant findings include the following facts:

- 1) Very little research has been done since 1975 in this area, with the exception of the Scandinavian countries.
- 2) Many agencies continue to prohibit or restrict the use of studded tires.
- 3) Very little new information on percent of vehicles using studded tires or on tire wear studies was available. Agencies basically do not know the rates of stud use.
- 4) Factors affecting wear rates were defined (e.g., pavement type, temperature, acceleration and deceleration areas).
- 5) The consequences and benefits of using studded tires were identified, but remain largely unquantified.
- 6) Telephone conversations with the manufacturers/distributors revealed that only the controlled protrusion type stud is currently used in the U.S.

Car owners continue to spend millions each year on studded tires for perceived or real benefits. Benefits associated with new tire types, radials instead of bias-ply tires, all-season treads vs. the older summer and winter treads, have not been evaluated in the USA. The shift from rear axle to front axle drive would also increase the effectiveness of studs on the drive axes, since the front axes perform much of the braking work. Therefore the above conclusions may no longer be valid.

6.0 REFERENCES

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Roberts, Stephen E., "Use of Studded Tires in the United States," Transportation Research Board, Highway Research Record N477, 1973, pp. 1-3.

Ryer, John, "Alaska DOT&PF 1987 Highway Pavements Skid Resistance Inventory," Alaska Department of Transportation and Public Facilities, SHWA-AK-RD-88-10, 1988.

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IHB

313

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 9, 1994

FURTHER REFERRALS:

Date of Committee Action: 2/17/94

The FINANCE Committee considered:

HB 313

HOUSE BILL NO. 313

SUSPENDED SENTENCES: DISORDERLY CONDUCT

"An Act relating to suspended imposition of criminal sentences and to the period in which suspension of the imposition of sentence for conviction of the crime of disorderly conduct may be authorized."

RECOMMENDATIONS:

be replaced with CS HB 313 (Jud.) 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) 1-LAW, 1-PS, 1-DOC.

zero fiscal not _____

zero fiscal note(s) 2(DOA) 1-COURTS

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Ronald J. Larson	(DP)	E.P. Meehan			
Mark Hanley	X	Terry Martin			
Sean P. Farrell	X	James Hill			
Mike Navarre	✓	Richard (D) Kelly	*		
Kay Brown	✓	J. L. Foster			

Ronald J. Larson
 E.P. Meehan
 CHAIRMAN'S SIGNATURE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE
BILL NO.

No. 3
Bill Version: CSHB 313 (JUD)
(H) Publish Date: 2/9/94

Revision Date: 2/1/94 Dept. Affected: Corrections
Title: SIS for Disorderly Conduct BRU: Statewide Operations
Sponsor: Rep. Kort Component: All Regional Probation Offices
Requestor: Rep. Kort COMPONENT SERIAL NO. 717, 723, 727

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
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
---------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHILA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Amount of current year (FY94) impact: \$ 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)

Probation Officers do not supervise misdemeanants. Any change in length of SIS for a misdemeanant would have no impact on the department's regional probation officers.

Prepared By: Diann Schenker, Special Assistant Phone: 465-3315/561-4426
Division: Office of the Commissioner Date: 2/1/94
Approved by Commissioner: J. Frank Furvia, Jr. Date: 2/1/94
Agency: Department of Corrections

COMMITTEE COPY

FISCAL NOTE

No. 4

Bill Version: CSHB 313 (JUD)

(H) Publish Date: 2/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: January 31, 1994
Title: "An Act relating to susoended imposition of criminal sentences..."
Sponsor: Representative Kott
Requestor: Representative Kott

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
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FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

This bill involves sentencing provisions and therefore will not have a fiscal impact on the Department of Law.

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

Phone: 465-3672
Date: January 31, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Date: January 31, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

ING. 1
Bill Version: CSHB 313 (JUD)
(H) Publish Date: 2/9/94

Revision Date: _____ Dept. Affected: Public Safety
Title: "An act relating to suspension of imposition
of criminal sentences" BRU: Alaska State Troopers
Sponsor: Representative Korr Component: Detachments
Requestor: H. JUD COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

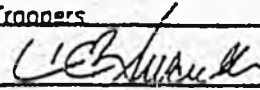
Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: (907) 269-5691
Division: Alaska State Troopers Date: 01/31/94
Approved by Commissioner:  Date: 01/31/94
Agency: Richard I. Burton, Dept. of Public Safety

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Bill Version CSHB 313 (JUD)
(H) Publish Date: 2/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BII.

Revision Date: 02/02/94 Dept. Affected: Alaska Court System
 Title: An Act relating to suspended imposition of BRU: Trial Courts
criminal sentences... Components: _____
 Sponsor: Rep. Kotl
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	
1005 GF/Program Receipts							
1006 GF/MHTIA							
Other							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS							
FULL-TIME							
PART-TIME							
TEMPORARY							

Estimate of current year (FY 94) cost: \$ None

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

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-3228
 Agency: Alaska Court System Date: 02/02/94

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CSC*
 Agency: Alaska Court System Date: 02/02/94

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FISCAL NOTE

No. 5
 Bill Version CSHB 313 (JUL
 (H) Publish Date: 2/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL NO

Revision Date: _____ Dept. Affected: Administration
 Title: *An Act relating to suspended imposition of ERL: Public Defender Agency
criminal sentences Component: Public Defender Agency
 Sponsor: Rep. Kait
 Requestor: (H) Jud COMPONENT SERIAL NO. 1631

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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)

Prepared by: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usery Date: 1/31/94
 Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 313 (Jud)

Revision Date: _____ Dept. Affected: Administration
 Title: *An Act relating to suspended imposition of BRU: Office of Public Advocacy
criminal sentences Component: Office of Public Advocacy
 Sponsor: Rep. Kott
 Requestor: (H) Jud COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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)

Prepared by: Brant McGee, Director Phone: 274-1684
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Nancy Bear Usery Date: 2/10/94
 Agency: Administration

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Representative Pete Kott

SPONSOR STATEMENT
CS FOR HOUSE BILL NO. 313(JUD)

In criminal cases, when a person is convicted of a crime and there are circumstances in mitigation of punishment, or when justice would be promoted, the court has the option of suspending imposition of sentence. When this occurs, no sentence is imposed. Instead, the defendant is placed on probation for a period of time, subject to reasonable conditions. If the defendant does not comply with the conditions of probation, the Court has the option of revoking probation and imposing sentence. If probation conditions are satisfied, sentence is never imposed and at the end of the probationary period the underlying judgment is vacated.

Under existing law, the probationary period available to a court when suspending imposition of sentence can not exceed the amount of time the defendant could be sentenced to jail. For example, Class A misdemeanors carry a potential of up to a year in jail. Accordingly, suspended imposition of sentences in cases involving class A misdemeanors could involve probationary periods of up to a year. This limitation of probationary periods is reasonable in almost all classes of offenses.

The crime of disorderly conduct, however, poses a problem. This is because it carries a potential jail term of only 10 days. What this means is that the court, when suspending imposition of sentence, is limited to a probationary period of but 10 days, which is meaningless. Disorderly Conduct is a Class B misdemeanor. Other Class B misdemeanors carry a potential jail term of but 90 days, which means that probation when imposition of sentence is suspended is limited to only 90 days. Depending on the circumstances; even 90 days may not be sufficient.

Disorderly Conduct and other Class B misdemeanors are very minor offenses, often involving youthful, first-time offenders. These offenders are the very people for whom the suspended imposition of sentence statute was intended. It therefore is desirable to have suspended imposition of sentence available in Disorderly Conduct



and other Class B misdemeanor cases. However, it also is desirable to permit the court to impose a reasonable period of probation. Ten days in Disorderly Conduct cases is just not long enough to have any meaningful effect on rehabilitation or for monitoring the defendant's behavior. Similarly, 90 days probation in other Class B misdemeanor cases, depending on circumstances, may be too short a period.

CS HB 313(JUD) cures this problem by permitting probation of up to one year when suspending imposition of sentence in all Class B misdemeanor cases, including Disorderly Conduct cases. This period is not mandatory. Sentencing judges retain the discretion to impose a shorter period where warranted. However, CS HB 313 (JUD) grants sentencing judges the flexibility of imposing probation of up to a year when suspending imposition of sentence in Class B misdemeanor cases if they deem it advisable. No other substantive changes are intended in the law.

This bill, as discussed above, affects only the permissible probationary period when suspending imposition of sentence in Class B misdemeanor cases. Class B misdemeanors are the least serious criminal offenses in the State of Alaska. A non-exhaustive sample of Class B misdemeanors includes the following: Theft in the Fourth Degree (AS 11.46.150); Criminal Trespass in the Second Degree (AS 11.46.330); Disregard of a Highway Obstruction (AS 11.46.460); Criminal Mischief in the Fourth Degree (AS 11.46.486); Impersonating a Public Servant (AS 11.56.830); Disorderly Conduct (AS 11.61.110); Harassment (AS 11.61.120); Obstruction of Highway (AS 11.61.150); Misconduct Involving Weapons in the Fifth Degree (AS 11.61.220); and, Misconduct Involving Controlled Substance in the Sixth Degree (AS 11.71.060). As indicated, this list is not exhaustive.

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSHB 313(JUD)

BY REPRESENTATIVE KOTT

Page 2, lines 1 - 2:

Delete "maximum probation period authorized by this section"

Insert "probationary term of the person"

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House of Representatives

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Representative Pete Kott
SECTIONAL ANALYSIS
CS HB 313(JUD)

Section 1:

This section of CS HB 313(JUD) amends AS 12.55.085(a) to permit judicial officers to suspend imposition of sentence in criminal cases for the maximum period of time that incarceration could be ordered or for a period of one year, whichever is greater. Before this change, criminal defendants could receive suspended imposition of sentences only up to the maximum period of time they could be sentenced to imprisonment.

Section 2:

This section is an amendment conforming AS 12.55.085(c) to the change made in Section 1 of this bill, thus permitting the Court to revoke probation and impose sentence during the entire period of probation ordered concomitantly with a suspended imposition of sentence.

Section 3:

This section makes it clear that the above discussed amendments apply only to crimes committed on or after the effective date of the Act.



HB

313

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 6
BILL NO Bill Version: CSHB 313 (JUD)
(H) Publish Date: 2/9/94

Revision Date: _____ Dept. Affected: Administration
Title: "An Act relating to suspended imposition of BRt: Office of Public Advocacy
criminal sentences" Component: Office of Public Advocacy
Sponsor: Rep. Kott
Requestor: (H) Jud COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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)

Prepared by: Brant McGee, Director Phone: 274-1684
Division: Office of Public Advocacy Date: _____
Approved by Commissioner: Nancy Bear Usera Date: 1/21/94
Agency: Administration

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FISCAL NOTE

No. 5
 Bill Version CSHB 313 (JUD)
 (H) Publish Date: 2/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL NO

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to suspended imposition of ERU: Public Defender Agency
criminal sentences" Component: Public Defender Agency
 Sponsor: Rep. Kott
 Requestor: (H) Jud COMPONENT SERIAL NO. 1631

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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)

Prepared by: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usery Date: 1/31/94
 Agency: Administration

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FISCAL NOTE

No. 4

Bill Version: CSHB 313 (JUD)

(H) Publish Date: 2/9/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: January 31, 1994
Title: "An Act relating to suspended imposition of criminal sentences..."
Sponsor: Representative Kott
Requestor: Representative Kott

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

This bill involves sentencing provisions and therefore will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Peques, Director

Phone: 465-3672

Division: Administrative Services Division

Date: January 31, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General

Agency: Department of Law

Date: January 31, 1994

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STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE
BILL NO.

No. 3
Bill Version: CSHB 313 (JUD)
(H) Publish Date: 2/9/94

Revision Date: 2/1/94 Dept. Affected: Corrections
Title: SIS for Disorderly Conduct BRU: Statewide Operations
Sponsor: Rep. Kott Component: All Regional Probation Offices
Requestor: Rep. Kott COMPONENT SERIAL NO. 710, 723, 727

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
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
---------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHILA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of current year (FY94) impact: \$ 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)
Probation Officers do not supervise misdemeanants. Any change in length of SIS for a misdemeanor would have no impact on the department's regional probation offices.

Prepared By: Diane Schenker, Special Assistant Phone: 465-3315/561-4426
Division: Office of the Commissioner Date: 2/1/94
Approved by Commissioner: J. Frank Prewis, Jr. Date: 2/1/94
Agency: Department of Corrections

COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BII.

Revision Date: 02/02/94 Dept. Affected: Alaska Court System
 Title: An Act relating to suspended imposition of BRU: Trial Courts
criminal sentences... Components: _____
 Sponsor: Rep. Kott
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	
1005 GF/Program Receipts							
1006 GF/MHTIA							
Other							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS							
FULL-TIME							
PART-TIME							
TEMPORARY							

Estimate of current year (FY 94) cost: \$ None

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

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-9228
 Agency: Alaska Court System Date: 02/02/94

Approved by: Arthur H. Snowden, II, Administrative Director *AS*
 Agency: Alaska Court System Date: 02/02/94

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FISCAL NOTE

No. 1
 Bill Version: CSHB 313 (JUD)
 (H) Publish Date: 2/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to suspension of imposition
of criminal sentences BRU: Alaska State Troopers
 Sponsor: Representative Kott Component: Detachments
 Requestor: H. JUD COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

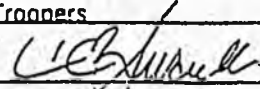
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: (907) 269-5691
 Division: Alaska State Troopers Date: 01/31/94
 Approved by Commissioner:  Date: 01/31/94
 Agency: Richard L. Burton, Dept. of Public Safety

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HB

315

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 2, 1994

FURTHER REFERRALS:

Date of Committee Action: 2/17/94

The FINANCE Committee considered:

HB 315

HOUSE BILL NO. 315

THEFT OF SUBSCRIPTION TV SERVICES

"An Act relating to the unauthorized use of or unauthorized interference with transmission and delivery of subscription cable services; and amending the definition of the offense of theft of services and the penalties for its violation."

RECOMMENDATIONS:

be replaced with

CS HB 315 (Jud)

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: LAW

zero fiscal note(s) (2) DOA

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Maclean</u>					
<u>EP Maclean</u>					
<u>Ronald J. Larson</u>	<input checked="" type="checkbox"/>	<u>Hanley</u>			
<u>Larry Martin</u>	<input checked="" type="checkbox"/>	<u>Mark Hanley</u>		<input checked="" type="checkbox"/>	
<u>Sean Parnell</u>	<input checked="" type="checkbox"/>	<u>Kay Brown Brown</u>		<input checked="" type="checkbox"/>	
<u>Lynn Hoffman</u>					
<u>Mike Warner</u>	<input checked="" type="checkbox"/>				
<u>Richard J. Foster</u>	<input checked="" type="checkbox"/>				

Ronald J. Larson EP Maclean
CHAIRMAN'S SIGNATURE

FISCAL NOTE

BILL NO. CSHB 315 (JUD)

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: February 3, 1994
Title: "...unauthorized use...unauthorized interference with transmission...cable services..."
Sponsor: Representative Porter
Requestor: Representative Porter

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
Division: Administrative Services Division Date: February 3, 1994
Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law Date: February 3, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 315 (JUD)

ANALYSIS CONTINUATION:

The committee substitute makes some changes in technical terms to clarify the means by which cable theft occurs and that would be prohibited by the bill. Otherwise the bill and its impact remains as described in our earlier analysis, which is repeated below.

Some of this bill is already addressed by existing law, but this bill would also make it a theft offense to buy or possess a "black box" that receives or descrambles coded cable services, or to sell, or to manufacture such devices. It is hard to predict a fiscal impact, but there is likely to be little or none because the current level of cable theft cases is relatively small.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 515 (Jud)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act referring to unauthorized use BRU: Public Defender Agency
of cable service . . ." Component: Public Defender Agency
 Sponsor: Rep. Porter
 Requestor: (H) Fin COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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)

Prepared by: John Salemi, Director Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usery Date: 2/4/94
 Agency: Administration

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Alaska State Legislature

Representative Brian S. Porter



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SELECT COMMITTEE ON LEGISLATIVE ETHICS

MEMBER
FINANCE SUBCOMMITTEES
DEPARTMENT OF LAW
DEPARTMENT OF PUBLIC SAFETY
COURTS

SESSION:
STATE CAPITOL, ROOM 118
JUNEAU, ALASKA 99801-1182
PHONE: (907) 465-4930
FAX: (907) 465-3834

INTERIM:
718 W. 4TH AVE., SUITE 640
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8197
FAX: (907) 258-5510

DISTRICT 20

SPONSOR STATEMENT **HB 315 - Theft of Cable Service**

If you are paying for Cable Service, your money is not only used by the local cable company to fund its operation but is also passed on to the people who run the satellites, the programming distributors and the people who produce that programming. If someone is using equipment designed to circumvent paying for these services then they are not only stealing from each and every one of the companies involved in bringing cable programming to your home, they are stealing from you.

The Alaska Cable Television Association estimates that annual theft of cable television service in Alaska exceeds \$1,000,000 based on a conservative rate of 2.5% of service revenues. HB 315 provides a more accurate definition of cable service theft along with criminal penalties which should act as a better deterrent to anyone considering the purchase and use of illegal devices.

Recently published demographic information lists our State as third in population in front of only Vermont and Wyoming. We are, though, the most difficult state in which to provide cable service as we have our small population spread over such a big expanse and have no adjacent population centers. Without a reasonable level of volume, cable service just won't pencil out in a given area and consequently will not be offered. This is one of the reasons why this legislation, to assure, as much as possible, that everyone who receives this service pays for the service, is so important in Alaska. Additionally, there is indication that our illegal interception problem may already be twice as bad as the national average.

This legislation fills a gap in law that now makes enforcement virtually impossible.

I would appreciate your favorable consideration of this important legislation.

Back-up

Alaska State Legislature

Representative Brian S. Porter



CHAIRMAN
HOUSE JUDICIARY COMMITTEE

MEMBER
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MEMBER
FINANCE SUBCOMMITTEES
DEPARTMENT OF LAW
DEPARTMENT OF PUBLIC SAFETY
COURTS

SESSION:
STATE CAPITOL, ROOM 118
JUNEAU, ALASKA 99801-1182
PHONE: (907) 465-4930
FAX: (907) 465-3834

INTERIM:
710 W. 4TH AVE., SUITE 040
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8197
FAX: (907) 258-5510

DISTRICT 20

MEMORANDUM

DATE: February 4, 1994

TO: Representative Ror. Larson, Co-Chair
House Finance Committee

FROM: Representative Brian Porter *BP*

RE: HB 315 - Theft of Subscription Cable Services

=====

If at all possible, I am asking you to waive the Finance Committee referral on this proposed legislation as it has received a zero fiscal note from the Department of Law, Office of Public Advocacy and the Public Defender Agency.

The intent of the legislation is to define in statute theft of subscription cable service as theft in the second degree for manufacturers and distributors of illegal descrambler devices, and theft in the third degree for the unauthorized use of such a device.

I introduced this bill at the request of Prime Cable of Anchorage and the Alaska Cable Television Association. The bill is supported by each cable operator in the state.

In the event you are unable to waive the Finance Committee referral, would you please schedule this bill for a hearing as soon as possible. I believe all of the appropriate documentation is attached.

Thank you for your consideration of this request.

BP:elm

Attachments

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

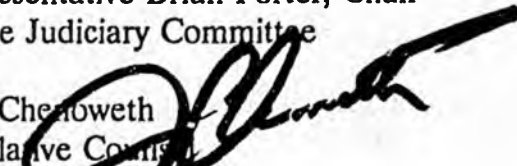
MEMORANDUM

February 4, 1994

SUBJECT: CSHB 315 (JUD) -- Sectional analysis (Work Order No. 8-LS1200(O))

TO: Representative Brian Porter, Chair
House Judiciary Committee

FROM: Jack Chenoweth
Legislative Council



CSHB 315 (JUD) amends four sections of the chapter of the state criminal code defining offenses against property--theft offenses--to address theft of subscription cable services.

Essential to an understanding of the bill is an appreciation drawn in its section 3, defining "theft of services." To the definition of "theft of services" is added one additional offense--the taking of services provided by a subscription cable system without authorization of the system. The offense may involve any one of several acts. In bill section 3, proposed AS 11.46.200(a)(4)(A) generally speaks to action taken knowingly in order to obtain unauthorized interception, connection, receipt, or use of a program or other service provided by the subscription cable system, while proposed AS 11.46.200(a)(4)(B) generally prohibits the knowing unauthorized manufacture, distribution, sale, and like acts designed to decode, descramble, or intercept a nonstandard signal carried by the subscription cable system. The distinction essentially is drawn between illicit activity to obtain and use a service without authorization--(a)(4)(A)--and activity intended to capture a financial profit from the sale or distribution of the illicit obtaining or use of the service--(a)(4)(B).

Bill section 1: The bill section amends the definition of the crime of theft in the second degree--a class C felony--to add theft of subscription cable services under AS 11.46.200(a)(4)(B), the activity intended to capture a financial profit from the sale or distribution of the illicit obtaining or use of the service.

Bill section 2: The bill section amends the definition of the crime of theft in the third degree--a class A misdemeanor--to add theft of subscription cable services under

Representative Brian Porter
February 4, 1994
Page 2

AS 11.46.200(a)(4)(A), the illicit activity to obtain and use a service without authorization of the subscription cable service.

Bill section 4, proposing a new subsection to AS 11.46.200, sets out definitions of terms used in the earlier sections.

JBC:pl
94-103.plm



Rogers Cablesystems of
Alaska, Inc.
P.O. Box 873107
Wasilla, Alaska
99687-3107

Tel: (907) 373-2288
Fax: (907) 376-8888

January 20, 1994

Representative Brian Porter
House of Representatives
State Capitol
Room 122
Juneau, Ak. 99801-1182

Dear Mr. Porter:

I am taking this opportunity to extend Rogers Cablesystems support of House Bill 315.

I commend you and Mr. Larson on your effort to clarify and amend the law in regards to Theft Of Subscription Cable Service. Theft of cable service has become a much too common problem. In our industry's effort to combat this problem, it has become a large expense in the operation of a cable company through the development and installation of security procedures such as scrambling devices and placement of set top converters. Cable theft has not only made it more expensive for our customers, it has greatly detracted from our ability to make cable service more compatible with our customer's home video equipment.

It is through the passage of legislation such as House Bill 315 and the efforts of officials such as yourself, that will send a clear message to the public that theft of cable service is a crime and that it will not be tolerated. It will also provide us, along with the cooperation of local law enforcement, the ability to successfully prosecute those individuals who would persist in engaging in this criminal behavior.

I thank you for your efforts and extend an open invitation to call on me to assist in any way I can. Please feel free to contact me at 373-5026.

Sincerely,


Kevin Sheridan
General Manager

ALASKAN CABLE NETWORK INC

Representative Brian Porter
State Capital
Juneau, AK 99801-1182

January 20, 1994

Dear Representative Porter;

As the District Manager of the second largest Cable operator in Alaska, please let it be known that I, on behalf of Alaskan Cable Network, fully support your House Bill No 315, concerning the sections that provide for criminal action being taken against a person or persons stealing subscription cable service.

If I can be of further assistance, please let me know.

Sincerely,



Jerry Parker
District Manager

PRIME CABLE

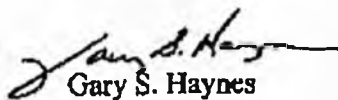
February 4, 1994

The Honorable Brian Porter
Alaska State Legislature
State Capital Building
Juneau, Alaska 99801-1182

Dear Representative Porter:

Prime Cable of Alaska would like to inform you that we are in full support of HB 315 relating to the unauthorized use of or unauthorized interference with transmission and delivery of subscription cable services; and amending the definition of the offense of theft of services and the penalties for its violation. Prime believes that the Bill in its current form will do much to control the dissemination and trafficking of these electronic theft devices and combat the scofflaws who are unfairly reaping financial gain at the expense of everyone from the producer to the local distributor of this copyrighted programming. The work that you and your staff have done on this legislation is greatly appreciated by not only the employees here but also by the many honest subscribers who have called us to complain about the unfairness of their subsidy of this type of criminal behavior. Thanks again for your help.

Sincerely,



Gary S. Haynes
Vice President of Operations



ALASKA CABLE TELEVISION ASSOCIATION

Received

JAN 11 1994

January 6, 1994

The Honorable Brian Porter
Alaska State Legislature
State Capitol Bldg.
Juneau, AK 99801-1182

Dear Representative Porter:

On behalf of the entire membership of the Alaska Cable Television Association ("ACTA"), I would like to thank you for your efforts in helping us prepare stronger "Theft of Service" legislation.

Theft of Service within the cable television industry has become annually, a \$4.7 billion dollar monster! As you know, Alaska is not immune from this problem. Cable television operators from throughout the state desperately seek stronger criminal and civil penalties for this high-tech thievery. We can no longer allow honest, paying subscribers to continue to subsidize these illegal activities.

It's important to note that there are many examples of unauthorized access to cable television services. The most common, of course, is the distribution of illegal converter boxes to descramble secured signals. Gary Haynes of Prime Cable has described these activities in great detail. But there are other security devices, such as decoding filters, which are also distributed illegally.

These devices, normally connected to the customer's service drop at the telephone pole or utility pedestal, either "decode" a scrambled signal, or prevent the reception of a channel or block of channels (a "negative" trap). Once tampered with, the outcome is the same with stolen services and lost revenue. Cable operators spend a considerable amount of time monitoring the theft of these filters. Generally, if the device is defeated, the integrity of the physical connection is weakened causing interference to other customer service drops, and contributes to signal leakage putting the cable system at serious risk with potential interference among the aeronautical frequencies. Stolen and/or illegal "decoding" devices are usually installed inside the home, making it virtually impossible to detect.

The ACTA stands by ready to provide you, your staff and the appropriate legislative committees with other examples of illegal equipment used to gain access to secured cable television signals. The ACTA strongly supports this legislation as we estimate that annual theft of cable television service in Alaska exceeds \$1,000,000 based on a conservative rate of 2.5% of service revenues. A more accurate definition of this type of service theft along with stiffer criminal penalties will create a deterrent to those considering the purchase of illegal equipment. Hopefully this would keep the rate of theft from growing and would also

Representative Brian Porter
- Page 2 -

follow through on the intent of the statute as originally created allowing for the aggressive pursuit of the distributors of such illegal burglary devices.

Please do not hesitate to call on us if we may provide you or staff with any additional information. The ACTA looks forward to working with you on the passage of this important piece of legislation.

Sincerely,

ALASKA CABLE TELEVISION ASSOCIATION



Michael W. Roberge
President

cc: Eric Musser
Daniella Loper
Mary Hughes, Hughs, Thorsness, Gantz, Powell & Brunden
Gary Haynes, Prime Cable
Kent Dawson, Dawson & Associates

PRIME CABLE

December 9, 1993

Received

DEC 16 1993

THE PRIME CABLE

The Honorable Representative Brian Porter
3111 "C" Street
Anchorage, Alaska 99503

Dear Representative Porter:

I have had a chance to review the work draft of a Bill to clarify the criminal act of Theft of Cable Service as suggested by Jack Chenoweth, Legislative Counsel. As I understand it, this deals with the criminal provisions of this type of theft and there may be a separate bill for the civil provisions. Mr. Chenoweth did a good job of covering our main concern with the language of the changes, that being defining the illegality of owning or trafficking in this type of telecommunications burglary tool. Unless you have other thoughts, I believe that if we could get this Bill through the legislature this session that the civil provisions could be worked on at a later date or may be altogether unnecessary. Our main thrust here is to address the problem presented to us by local law enforcement agents of lack of proper possession provisions for these particular theft devices.

I would like to repeat some of the other reasons that Prime Cable as well as other cable operators around the state are concerned with this type of activity. The National Cable Television Association publishes statistics on pay unit penetration nationwide and has shown that premium service penetration has actually declined by 9.2% between 1989 and 1992. Historically, Alaska with its younger population has had a higher penetration of pay units than the national average, however our erosion during this same period for the Anchorage market has been 20%. This is over twice the national average and clearly indicates that there are other forces at work here. Using the national figure of 9.2% and factoring in our net subscriber growth due to new construction and natural penetration growth we calculate our loss of pay unit activity due to theft of service for 1993 to be 1211 units. If you consider that our net activity for this period is actually only 2350 pay units it becomes clear that we are suffering a loss of almost a third of our net growth.

You must keep in mind that these figures are based on single pay units. In fact, someone who has purchased an illegal descrambler or modified one of our converter boxes gets all premium and pay per view channels. The normal churn of services does not occur with these customers so their loss strictly using the pay unit figure is grossly understated. This

Representative Porter
December 9, 1993
Page -2-

loss is also exacerbated by the loss of special event revenue for boxing and other musical and sporting events. The true value of lost service due to the capabilities of these illegal devices has been documented as seven channels of premium service and 22 different titles of pay per view movies per week for a monthly loss of \$373.55. If you assume that someone who possesses one of these devices only uses 10% of its capability and you use the conservative figure of 1211 units in the marketplace this represents a \$500,000 loss for Anchorage alone.

We believe that this figure as high as it is may be understated for the following reasons. Our "Theft of Service Hotline" has received over 50 anonymous tips from disgruntled neighbors and acquaintances this past year alone. Of these complaints, six are for commercial operations that are selling these boxes for prices that range from \$175 to "fix" a Prime cable box to \$450 for boxes that are imported from out of state or are Prime Cable boxes obtained from our non-pay pool of disconnected subscribers who have never returned their box. The commercial ventures range from small electronic repair shops to taxi drivers to utility technicians trying to make a little money on the side. Services rendered range from simply selling the illegal descrambler and encouraging the customer to reduce their service to the lowest level possible to full service operations that will actually install an illegal drop from our cable plant to your home disguising the drop by entering the house low to the ground or tapping into a neighbor's drop. We also have reports of apartment managers who will work out a lease plan on the boxes.

As we have mentioned before, it would seem easy for us to catch and prosecute these offenders under simple theft of utility service laws. This is not the case with telecommunications that is delivered to the home in that we do not have an affective method of measuring services used. With level of criminal theft being tied to value of services stolen it is understandable that local law enforcement and prosecutors are reluctant to take these cases on. In the singular, they represent petty theft. In the aggregate they represent substantial losses not only to the cable company but also to every person in the distribution path of the programming stolen.

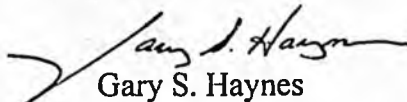
So this is where the damage is occurring. It starts with the Cable Company who loses revenue and does not have the funds available to invest in plant and system improvements. It damages the producers of programming and affects everyone in that circle from the satellite distributor, to the movie studio, to the producer and all the way to

Representative Porter
December 9, 1993
Page -3-

the guy who caters lunches on location. Locally, the ability of the cable system to offer pay per view events such as college hockey is threatened because the loss of revenue may not allow the proceeds from it to cover production cost. Most of all, we are concerned about the outrage of our legitimate customers who call us to report theft only to see that we have little power outside of threats to discontinue service to control this type of theft.

Strengthening of the law to include penalties for this type of device is imperative. The only use of them is to steal service. No cable company in the country would sanction their use because they are all designed to ignore all security measures for access control transmitted by the cable company. The telecommunications industry will not be able to grow and offer expanded service if it can not effectively control access to its product. Prime Cable appreciates the attention you have given us on this topic and hopes that you will be able to introduce this Bill in the upcoming session. Please call me at 786-9326 if you have any further questions.

Sincerely,


Gary S. Haynes
V.P. of Operations

GSH:jb

Federal Prosecutions - A Thing of the Past?

According to a recent article published in The Connecticut Law Tribune, federal criminal prosecutions in the District of Connecticut fell 23 percent from 1985 to 1988, and civil cases handled by the local U.S. Attorney's Office fell 32 percent during that same period. The decline in federal prosecutions in Connecticut was directly attributable to the "all-out battle" to prosecute 16 defendants in connection with the 1983 Connecticut Wells Fargo robbery. Nationally, according to the article, federal criminal prosecutions declined approximately 4 percent and related civil filings declined about 7 percent during the 1983-1986 period. Federal prosecutorial resources in Connecticut, and presumably elsewhere, are concentrated on drug cases, white-collar crime (particularly public official corruption cases), and organized crime, with an overall emphasis on asset forfeiture cases.

Emphasis on certain matters, such as the Wells Fargo case, by the Department of Justice clearly impacts on the amount of federal law enforcement and prosecutorial resources available to undertake criminal action against descrambler distributors, even though such distribution is patently violative of 47 U.S.C. sec. 553 and sec. 605, as well as mail and wire fraud statutes. Because of DOJ's current allocation of resources, the willingness of federal prosecutors, with some exceptions, to institute criminal prosecutions against descrambler distributors is undoubtedly being tested, notwithstanding the assistance of the cable industry, particularly from the NCTA's Office of Cable Signal Theft, and state association groups like the Connecticut Cable TV Association's Theft of Service Committee. Industry assistance to federal prosecutors has comprehensively been

(continued top of next column)

Signal Security Ideas Competition Deadline extended to March 15

in the form of investigative, technical and legal support to enforcement efforts. Theft of service action may turn, therefore, to state prosecutions where jurisdictionally possible. Otherwise, the civil action provisions of 47 U.S.C. sec. 553 and sec. 605 may become the enforcement tool of choice - by necessity.

Submitted by Burt Cohen, Esq.,
The law firm of Byrne, Slater, Sandler,
Shulman & Rouse, P.C.,
###

Warner Cable Hosts Signal Theft Seminar

Warner Cable Communications of Cincinnati, OH has conducted its first seminar as a step to unify the issue of combatting signal theft. Warner hosted other Cincinnati operators, program suppliers, prosecutors from area counties and state and local law enforcement officials to be addressed on the problem of signal theft.

Jim Allen, of NCTA's OCST, addressed the group in his keynote speech which gave a global look at the cable theft issue.

Virgil Reed, President and General Manager of Warner noted that "This seminar is an important milestone in the local cable industry as it will mark the first time that a concerted effort has been undertaken to coordinate the anti-cable theft effort."

Warner Cable of Cincinnati has had over thirty theft of service cases successfully prosecuted within the past four years.

###

People News...

Roger Williams was named president of The Travel Channel soon after its purchase by Landmark Communications' Broadcast and Video Enterprises Division in March of this year. He had been a senior vice president, affiliate sales and consumer marketing, for ESPN.

While with ESPN, Mr. Williams stepped up the network's protection of its programming through extensive work in theft of service prosecutions. Mr. Williams serves as the vice-chairman of the Coalition Opposing Signal Theft Committee, an advisory body to the Office of Cable Signal Theft.

also...

Michael L. Ward was promoted to vice president and counsel for Showtime Networks Inc. from counsel, SNI. Mr. Ward serves as a member of the Coalition Opposing Signal Theft Committee.

HBO Settles Suit With New Jersey Bar

Home Box Office Inc. concluded another case against a bar for the unauthorized distribution of the premium service. Poor Billy's Sports Cafe of Woodbridge, New Jersey has agreed to pay HBO \$7500 in damages and to adhere to a federal court injunction prohibiting any further exhibitions of HBO programming.

HBO is conducting a nationwide campaign to enforce the programming rights of its product. John Redpath, senior vice president and general counsel for HBO, commented on the settlement, "This action and subsequent settlement clearly shows that protecting the HBO signal and programming from unauthorized reception remains a top priority with our company. We are serious about continuing to locate and prosecute establishments that misappropriate our product."

Cable Pirate Receives 16 Year Sentence

In Norfolk Circuit Court, Norfolk, Virginia, defendant Christopher Deering pleaded guilty to three felony charges and one misdemeanor charge under the recently amended Virginia State Theft of Cable Television criminal statute 18.2 - 165.1.

The Honorable Judge John Morrison sentenced Deering to 16 years in prison: five years for each felony count and one year for the misdemeanor charge. Additionally, Morrison ordered the defendant to pay Cox Cable \$885 in restitution. Per the plea agreement, Deering will serve one year in jail and then be placed on five years supervised probation.

The charges and subsequent conviction resulted from a three-month investigation by Cox Cable's Field Audit Department. The department discovered that Deering, posing as a cable TV installer, was breaking into the cable television distribution system and connecting cable service for residents in the Tidewater Gardens section of Norfolk. Deering was charging residents \$10 - \$25 for each illegal connection. The connections have since been disconnected by Cox Cable. Cox received information about Deering from his customers.

Cable operators in Virginia lobbied for the upgrade of the state statute which went into effect on July 1, last year, making it a class 6 felony violation to perform unauthorized cable TV connections to residents for personal or financial gain.

PRIME CABLE

*where is
bill*

*does it have
SFC referral?*

*Info - give to
Kath & Joe
bill files.*

APR 1 1 1994

April 7, 1994

The Honorable Senator Drue Pearce
State Capitol, Room 508
Juneau, Alaska 99801-1182

Dear Senator Pearce:

**"PROFESSIONAL BOXING, COLLEGE HOCKEY AND SPECIAL SPORTS AND ENTERTAINMENT EVENTS WILL NO LONGER BE AVAILABLE TO THE ALASKA MARKET...
...PROMOTERS POINT TO INABILITY OF CABLE OPERATORS TO SUCCESSFULLY CONTROL THEFT OF PRODUCT"**

This headline, although only meant to focus your attention on the importance of HB 315, could become a reality if the original intent of current state theft of service statutes isn't clarified to protect the copyrighted material of studios and promoters. Did you know:

- * It is illegal to own or be in possession of a descrambler in 31 states. ALASKA is not one of them. It is only illegal to use a descrambler. The only possible use of a descrambler is to defeat the security system of a cable operator and commit electronic shoplifting. This language loophole is corrected by HB 315.
- * Piracy effects the picture quality of the system by weakening the signal. In some systems poor picture quality is the reason for service calls and other system maintenance which increases system costs and puts pressure on cable rates.
- * Most of the equipment used by cable pirates is not built to system specifications, thus radio signals used to transmit cable television can leak into frequencies reserved for aeronautical and emergency communications producing potential safety problems.

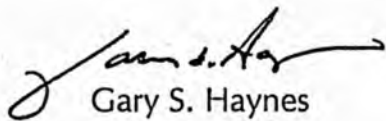
April 7, 1994

Page -2-

* Illegal descramblers imported into the Anchorage system or cable company boxes illegally modified to defeat the security system receive all scrambled signals including premiums, pay per view, special events and private institutional network communications intended for use only by specific institutions. These communications can range from simple restricted fire department training videos to live coverage of school budget committee meetings. This is no different than tapping into someone's phone.

I have attached a copy of the new Neighborhood Observer which is a publication of the Anchorage Neighborhood Crime Watch Program. I believe the article is a good summary of the problem and demonstrates that theft of cable service is not a victimless crime. Please help us and our communities control this problem by supporting HB 315.

Sincerely,



Gary S. Haynes
V.P. of Operations

GSH:jb

Attachments

NEIGHBORHOOD

OBSERVER

Volume 2, Issue 1

Winter 1994

A Publication of the Anchorage Police Department Neighborhood Crime Watch Program



Service Since 1921



The Stratford Court Neighborhood Crime Watch neighborhood seems to have an additional participant helping them out. Our thanks to Dick Williams for contributing this great photo.

Residential Burglar Alarms

A Neighborhood Crime Watch Technical Primer

Part Two of Three

Components

As discussed in Part I of this series, an alarm system consists of three basic components: the control unit, sensors, and the annunciator. In this article we will discuss what each of these components does, the variety of these components, and briefly, how each component is used.

CONTROL UNIT

The control unit, or processor, is often considered to be the brain of the system. The control unit is used to turn the alarm system on and off (arm and disarm). The control unit also monitors information from the sensors, and when it receives information that indicates an alarm condition, it activates the annunciator.

Other control unit features include: (1) entry and exit delays which give you time to arm and disarm the alarm system, (2) switch able instant and delay circuits to switch delay circuits to instant alarm circuits, (3) automatic cutoff and reset features to turn off the annunciator after a preset time and then reset the system, and (4) battery backup to switch to battery operation if the AC power fails.

Some control units provide zones which allow separate annunciation of the sensors.

See ALARM, Pg. 4

Inside the Observer...

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Crime Prevention BBS	11
Crime Stopper's Corner	6
Cable Theft	5
Pioneer Home Organizes	9
New Service Area	
Timeline of a New Neighborhood	3
Important Note	10

The Director's Beat

This edition of The New Neighborhood Observer, we are dedicating the Director's Beat space to another crime prevention program here in Anchorage. This program is Crime Stoppers of Anchorage. Many of you know about Crime Stoppers from the media and this newsletter, but you might not know just how successful the Anchorage program facilitated by the APD is. Accordingly, this article does just that.

CRIME STOPPERS OF ANCHORAGE:

An Overview

By F. Frederick Kampfer

Crime Stoppers is an all volunteer non-profit community organization that unites the public, media, and law enforcement in the fight against felony crime. Crime Stoppers began in Albuquerque, New Mexico, in 1976, and was started in Anchorage in 1981 by Lee Fisher, a CPA and member of the Chamber of Commerce. Today there are 968 Crime Stopper programs in the United States and seventeen other countries. They have solved over 450,000 cases and recovered almost \$3 billion in property and narcotics. There has been a 98% conviction rate involving over 80,000 defendants. Crime Stoppers has paid out \$32 million in rewards and for every dollar spend \$86 has been recovered. In Anchorage, nearly 3,000 cases have been cleared and \$10 million in property and narcotics recovered.

How does Crime Stoppers work?

Each week, Anchorage TV and radio stations, and newspapers publicize an unsolved felony crime and urge anyone with information on the "Crime of the Week," or any other serious crime, to call Crime Stoppers of Anchorage at 561-STOP (561-7867). Anchorage Police Department personnel answer the Crime Stoppers telephone. No names are requested and no recording is made of the conversation. The caller is given a code number to protect their anonymity and told to call back in a few days. If the caller's information leads to the indictment of the suspect, they are eligible for a cash reward of up to \$1,000. Twenty-one volunteers, representing a wide spectrum of the community, make of the Crime Stoppers of Anchorage Board of Directors. They help select the "Crime of the Week" and determine the amount of reward payments. The Board works closely with a Police Coordinator who suggests cases for publicity, maintains contact with the media, and passes tipster data to investigators.

Crime Stoppers receives no government funding and depends entirely on public donations and the generosity of the media in producing re-enactments of unsolved crimes and printing their details. Crime Stoppers of Anchorage has paid out \$128,000 in rewards and helped solve 17 homicides, 13 rapes, 92 robberies, and 155 burglaries. There have been 2,411 narcotics cases solved. Those who were here in 1985, will recall the heinous killings of Anchorage businessman Tom Faccio, his wife, and sister-in-law, by 19-year old and 14-year old burglars. Without assistance by Crime Stoppers, these horrible deeds may have gone unpunished.

More recently, the community was outraged and sickened when in December 1990, vandals did \$30,000 damage to a Bayshore residence, and tortured and dismembered the family pet. Crime Stoppers helped again. A group of junior high school students was identified and arrested because of a call to 561-STOP. In addition, other burglaries committed by the group were solved.

See **CRIME STOPPERS**, Pg. 11

BARNEY CIRCLE IS FIRST NEW CRIME WATCH NEIGHBORHOOD IN THE NEW APD SERVICE AREA.



Neighbors of Barney Circle along with Key-Persons gather for the sign ceremony and are joined by local Anchorage Assembly members Dick Traini and Kevin Meyer. Captain George Novaky, Sgt. Steve Warner, NCW Program Director Rick Helms, Buddy Bear, and McGruff the Crime Dog represented the APD.



Sgt. Steve Warner escorts McGruff the Crime Dog while Captain George Novaky assists Buddy Bear to the festivities on Barney circle.

TIME LINE OF A NEW NEIGHBORHOOD

- May 3rd First telephone contact and correspondence sent
- May 10th Invitations delivered to residents
- May 19th Initial Neighborhood Presentation/ Meeting held outside in the sun
- May 19th Key People Appointed/Operation ID Begins
- May 20th Meeting follow-up correspondence
- July 19th Home Security Surveys - Evening
- July 20th Home Security Surveys - Day and Evening
- Sept. 6th Neighborhood Update flyer circulated to residents
- Sept. 12th Follow-up Presentation
- Sept. 13th Home Security Surveys - Day and Evening
- Sept. 13th 60% + participation achieved
- Sept. 29th Congratulations flyer circulated
- Oct. 1st Street Sign Erected in ceremony, covered by KIMO and KTUU television
- Oct. 1st Participant List is filed with NCW office by Key-People



Key person Al Dwyer (right) along with Dan Marman (left) unwrap the new NCW street sign signifying the completion of steps one through three.

ALARM

...continued from page 1

This allows you to control separate areas of your house (garage, basement, first floor, etc.) individually.

These zones are often established according to the desired level of security: perimeter protection, space/area protection, and object/point protection. Perimeter protection is provided by placing sensors in exterior openings of the home such as doors, windows, vents, skylights, etc. Space/area protection sensors protect interior spaces of the home. These devices protect against intrusion even when the perimeter protection has not been activated. Object/point protection is used to detect the removal or attempted removal of an object at a single location. Items which are frequently protected include safes, filing cabinets, desks, art objects, statues, and expensive equipment.

SENSORS

Sensors provide imitations of the human senses of touch, hearing, and sight. Sensors are classified as either passive or active. Passive sensors monitor a preset environment, any change in that environment, such as an increase in temperature, will activate an alarm. Active sensors transmit energy and then monitor an echo or reflection of that energy for changes as it returns.

Perimeter Protection Sensors

The primary sensor used in perimeter protection is the magnetic contact switch. The switch has two parts, one mounted on the door or window jamb, and the other on the door or window sash. They can be surface-mounted or recessed. When the door or window is opened the contact between the two parts of the switch is broken and the alarm is activated.

To detect glass breakage, metallic foil tape is applied to windows. If the glass is broken, the foil breaks and the alarm will be activated. An alternative to foil tape is the "lollipop" type glass break detector that adheres to the glass. Some new sensors don't have to be glass mounted. When the glass is shattered, the sensor senses the breakage by shock or sound and activates the alarm.

Wooden dowel screens with wire running through the dowels or coated wire screens may be used to protect perimeter openings. When the wire is broken, the alarm is activated.

Door panels or other flat surfaces may be protected by installing a lace-like pattern of metallic foil or wire on the surface and placing a panel over the lacing. When entry is made, the foil or wire is broken and the alarm is activated.

Space/Area Protection Sensors

One of the basic space/area sensors is the photoelec-

tric eye. An infrared beam is transmitted across a protected area. When the beam is interrupted, the alarm is activated.

Ultrasonic sensors transmit a high-pitched sound wave. Movement in a protected area disrupts the ultrasonic wave and the alarm is activated. Ultrasonic sensors may be prone to false alarms because of unstable air currents caused by heating and air-conditioning systems, and other ultrasonic noises.

Microwave detectors transmit high frequency radio waves. Movement in a protected area disrupts the wave pattern and the alarm is activated. Because microwave energy will penetrate wood, sheet rock, cinder block, plastic, glass, and brick; application and installation of microwave sensors is very important.

Passive infra-red sensors do not transmit a signal. As a person moves through a protected area the body heat of the individual is detected against the normal temperature of the environment and the alarm is activated.

Active infra-red sensors radiate a beam of heat which is picked up by a receiver. If the beam is broken, the alarm is activated. These beams will penetrate clear glass so application and installation is important.

Sound sensors pick up noise created by an intrusion.

S. 2 ALARM, Pg. 8

Prime Cable of Alaska Seeks to Prevent Theft of Cable

No one would think twice about refusing to buy a device that would circumvent the phone companies billing system in order to gain free long distance service simply because they are paying for the basic phone hook up. Neither would they wire some of their electrical outlets up to their neighbor's electrical line in order to get free service because they thought they were already paying enough on their electrical bill. Some of the same people, however, do not consider the theft of cable premium services as a crime.

If you are paying the Basic Cable Service, this money is not only used by Prime Cable to fund its operation, but is also passed on to the people who run the satellites, the programming distributors, and the people who produce the programming.

This is also true of the premium services as well. The movie studios, production houses, suppliers of film equipment, actors, and even the local distributor, whether it's a movie theater, video store, or cable company depend on the income from these services to run their businesses. If someone is using equipment that is designed to circumvent paying for these products, then they are stealing from each and every one of the people in this chain.

Cable theft of service and the selling of "black boxes" has become a large illegal underground business in this coun-



try. There is so much money to be made selling these devices that the companies and individuals doing so will go to great lengths to convince people that it is either not illegal or that there are loopholes in the law that reduce the risk of using them. The question is why anyone, who purchases a modified box with an initial off-the-shelf value from the manufacturer in the range of \$125 and a cost of modification around \$25, pay someone upwards of \$600 and consider the transaction a legal one? Turn over any of these boxes and read the disclaimer, such as:

"Purchase of this unit does not authorize the reception of Pay TV Signals. Permission to use this unit must be obtained from the local broadcast or cable company"

The sellers of these devices say that they pick up all services without having to pay the cable company for them. The fact of the matter is that this disclaimer is an attempt by the seller to distance themselves from prosecution under federal statutes and make the buyer fully responsible for this illegal activity. The only use that can possibly be made of these boxes is to steal service without compensation to the suppliers of the programming.

Ask any of the distributors of this type of equipment that is unfortunately found in many otherwise credible electronics magazines to mail your converter box through the US Mail and they will refuse. They will insist on shipment through an overnight service for obvious reasons. These products are covered under current Federal and many State theft statutes and the ads usually show that they will not accept orders in the state in which they are located. Call the original manufacturer of the descrambling equipment being sold and they will tell you that this equipment has either been stolen or was purchased under false pretenses from an aftermarket wholesaler and was not authorized by them to go through this illegal modification.

See CABLE, Pg. 10



Crime Stoppers Corner

Crime Stoppers is asking for your help in solving a case of criminal mischief that occurred at the Chugach Electric Airport-East Switchyard, on West Northern Lights Blvd. in Anchorage.

On Tuesday, December 21, 1993 at approximately 11:30 P.M., an individual shot at an underground cable housing causing approximately \$20,000 in damage. These cases are always serious due to the potential of large power outages and safety concerns.

If you have any information on this vandalism or any other felony crime, please call Crime Stoppers. You do not have to give your name. You could be eligible for a cash reward of up to \$1,000 if the information you provide leads to a felony arrest and indictment. Call Crime Stoppers at 561-STOP.

Re: APD Case #93-203897

VIDEOS AVAILABLE FOR NEIGHBORHOOD WATCH MEETINGS

Personal and Home Safety Videos

Preventing Home Burglary (20:30)- A step by step demonstration on what you can do to prevent residential burglaries. Entry points, alarm systems, Operation I.D., lighting, and what potential burglars look for are covered.

Don't give a thief a free ride: Preventing auto theft (13:22)- Basic tips for preventing auto theft.

Home Security (30)- PBS' **Hometime** brings you home security tips and endorses Chevrolet products which sponsored the production of this video.

Home Invasion Robbery: Targeting the elderly (12)- Describes difference between home invasion robbery and burglary, typical methods of operation, and also describes what is being done in Florida to prosecute this crime.

National Crime Test (30)- Presents information in a test format to determine your crime-knowledge.

Kids and School Bus Safety Videos

McGruff Drug Prevention Kit- Video and education materials for kids K-6 on drug education.

McGruff's Gang Alert (approx. 10)- McGruff shows children that gangs are a dead end. Recommended for kids 5-12 years old.

McGruff's Personal Safety (approx. 10)- McGruff helps children protect themselves from child abuse. Recommended for kids 5-12 years old.

McGruff's Drug Alert (approx. 10)- McGruff helps children "Say No" to drugs. Recommended for kids 5-12 years old.

McGruff on the Law: Bicycles and Pedestrians (18)- McGruff explains what kids need to know about bicycle and pedestrian safety.

Think Safety and Stay Alive: Surviving School Bus Accidents- locally produced video on what to do in the case of a school bus accident.

Safe Bus riders are happy kids- locally produced video featuring Safety rules of the road for school bus riders.

See VIDEOS, Pg. 7



LOOKING FOR GOOD OPERATION I.D. SOFTWARE?

– Try this shareware for IBM PC's and Compatibles –

HOUSEHOLD REGISTER v3.11 (order #1866)

This excellent easy-to-use menu-driven home inventory program holds 99,999 items and uses an unlimited number of databases. Includes complete database management functions and full-featured report printing. Sends reports to the screen, printer or disk text file. A valuation report prints your inventory and a summary of total items of value by category, location, or owner. This exceptional program will prove invaluable for organizing and reporting your valuables in case of loss, theft, or natural disaster. Features include: Pop-up menus; On-line Help; Prints warranty lists showing warranty expiration dates; Includes sample database; and much more. Requires 384K and two floppy drives or a hard disk.

HOMEDATA v2.0 (order #8250)

You've been putting off updating Operation I.D. Why? Because you didn't have HOMEDATA to make the job easy and economical! ORGANIZE your important home and family information. Save time, money and headaches if an emergency such as fire, theft, medical problems, or tax review should arise. Menu-driven, context-sensitive help,

and pop-up input windows make the job a cinch. Seven modules (Home Inventory, Family Health Records, Vehicle Maintenance and Repair, Investments, Address Book, Personal Collections, and Christmas Card List) put the information all in one place for quick access and maintenance. Each module provides specialized formats for printing reports, envelopes, and mailing labels for Epson or IBM compatible printers. Requires 640K, color graphics, and hard disk.

Available from:

The Software Labs
Mail order department
100 Corporate Point, Suite 195
Culver City, CA 90230
or call (800) 569-7900

Either program is available on 5.25"

(\$3.79) or 3.5" (\$4.79) disks, plus \$4.00 shipping and handling.

ORGANIZE YOUR HOME INVENTORY v5.6 (order #3137)

Excellent home inventory and insurance tool that keeps track of what you own, location, original cost, replacement cost and more. Includes context-sensitive help and allows updating for inflation/depreciation. Requires DOS 3.0 or newer, 384K, and hard drive.

Available from:

Reasonable Solutions
1221 Disk Drive
Medford, OR 97501-6639
or call (800) 876-3475

Program is available on 5.25" (\$3.49) or 3.5" (\$3.99) disks, plus \$4.00 shipping and handling.

VIDEOS ...continued from page 6

Getting to and from school safely- another locally produced video for kids on school bus safety.

Single tape featuring four "classic" school bus safety videos from the early 1970's (1:23:30 running time):

Death Zones- safety on and around school buses.

And then it happened- preventing school bus accidents.

Just in case- Fire prevention on school buses.

Are you ready?- school bus evacuation techniques.

If you are a key-person interested in using one of these videos in your quarterly neighborhood meeting, call NCW well in advance and arrangements will be made. Please, key-people only.

ALARM

...continued from page 4

When the sound increases beyond the level normally encountered in the protected area, the alarm is activated. Some sound sensors have the capacity for actually listening to the protected area from a central monitoring station.

To reduce the false alarms triggered by single space/area sensors, dual technology sensors have been developed. These sensors typically combine ultrasonic and passive infra-red detection, microwave and passive infra-red detection, or sound and passive infra-red detection. Both sensors have to detect intrusion for the alarm to be activated.

Object/Point Protection

Sensors used in perimeter protection and space/area protection may also be used for object/point protection. Pressure mats may also be used in object/point protection. The mats may be placed in front of an object or in a hallway. When someone steps on the mat the alarm is activated.

Electronic vibration detectors are attached directly to object to be protected. The sensor detects vibration when the object is moved and the alarm is activated.

Capacitance/proximity detectors may be used to protect metal objects. An electrostatic field is created

around the object. When an intruder approaches or touches the object, the electrostatic field is unbalanced and the alarm is activated.

ANNUNCIATOR

As we mentioned above, one of the responsibilities of the control unit is to monitor information from the sensors and activate the annunciator when it receives information that indicates an alarm condition. Hopefully, the alarm system will deter intrusion into the protected area. If deterrence is not successful, the purpose of the alarm is to notify someone that there is an intrusion so that the proper response may be conducted. The annunciator fulfills this function of notification.

There are two basic categories of annunciators: local and remote. Local annunciators use bells, sirens, and strobe lights to indicate to the local environment that there is an intrusion. This type of system relies upon someone hearing or seeing the signal and calling the responsible authorities. Strobe lights are very useful in giving a visual warning and identifying the source of an alarm in a location, such as Anchorage, which requires that the alarm bell or siren be silenced after fifteen minutes. The strobe light may continue to be illuminated, identifying the source of the alarm.

Remote annunciators use the control unit to transmit the

alarm signal to a location other than the premises being protected. A person monitoring the alarm at the remote location will then take the appropriate action.

The remote monitoring locations are either a proprietary monitoring station or a central monitoring station. Proprietary monitoring stations are owned and/or controlled by the protected business or apartment/condominium complex. Central monitoring stations are commercial stations which provide alarm monitoring services for a monthly fee.

There are five basic types of systems used to transmit alarm signals to remote monitoring stations. Direct wire systems use a single dedicated telephone line from the protected premises to the monitoring station where a separate receiver supervises only that alarm. This system allows for quick tracing of the alarm signal, but there is a higher cost for the leased telephone line.

The shared wire system transmits multiple alarm signals over the same telephone line to a single receiving panel at the monitoring station. Each alarm has a distinct code to identify it from the others. Shared wire systems often use a technique known as multiplexing which involves sharing frequencies or time to allow multiple users on the same line. Shared wire systems

See ALARM, Pg. 11

ANCHORAGE PIONEER HOME ORGANIZES

Participants of two new APD Neighborhood Crime Watch neighborhoods at the Anchorage Pioneer Home gather in the lobby of the Anchorage Police Department prior to their tour of the communications center.

Pictured with the morning session include Robyn Johnson, Assistant Director Anchorage Pioneer Home, Sgt. Steve Warner, APD Crime Prevention, and Rick Helms, NCW Program Director.



Photos - Cathy Diehl, APD Forensics



Pictured with the afternoon session include Robyn Johnson, Rick Helms, and Deborah Cargill, APD Crime Prevention Specialist.

CABLE...continued from page 5

The 1992 Consumer Protection and Competition Act increased penalties for theft of cable services to a \$50,000 fine and two year prison term for commercial violation and a \$1,000 fine and six month prison term for non-commercial private use. It also clarified that the penalties applied to each device found. In the State of Alaska, theft of cable service is in the same category as theft of utility service and has the following penalties:

VALUE	CLASS	FINE	SENTENCE
Above \$25,000	First degree/ Class B Felony	\$50,000	10 years
\$500 - \$25,000	Second degree/ Class C Felony	\$50,000	5 years
\$50 - \$500	Third degree/ Class A Misd	\$5,000	1 year
Less than \$50	Fourth degree/ Class B Misd	\$1,000	90 days

MANY THANKS

During National Crime Prevention Month (October) several Anchorage radio stations aired crime prevention public service announcements written by Jeff Becker and Rick Helms (APD NCW). A special thanks to Mr. Rick Goodfellow of KLEF FM98 and Mr. Robert Hawk of KSKA Public

Radio for their valuable technical assistance. Also our thanks to those featured in the psa's; Sgt. Steve Warner, Officer Pat O'Brien, Jo Ann Brandlen (APD Crime Prevention), Kathy Monfreda (APD Forensics), and Officer Fred Jones (APD Traffic).



Restitution is often allowed to the cable company for the value of service stolen.

It can be documented that one of these converter boxes is capable of receiving services that are valued at \$373.55 per month for the time the converter box has been physically connected to the system. As you can see, it does not take long to elevate the seriousness of this crime into the Felony category.

Theft of cable service is not a victimless crime. As revenue is lost to all participants in the delivery of programming to the consumer, their ability to continue to provide that service and develop new and innovative ones is jeopardized. Those honest subscribers who do pay for services delivered are also subsidizing those who do not. The sale of these boxes and the exorbitant profits gained from them are also known to be used to finance other illegal and improper activities.

Theft of Cable Service is no longer a joke, it's a serious crime.

IMPORTANT NOTE

The signs are coming down.

It's a new year and since January 1st, we've been taking down NCW signs in neighborhoods that are not current or have fallen below our 60% participation level. Remember that to stay current, you must have:

- (1) A current identified Key person.
- (2) A current (not older than 12 months) mailing and phone list filed with the APD NCW office.
- (3) 60% of occupied homes in the NCW identified neighborhood checked off with Operation I.D. and Home Security Survey.
- (4) Met at least four times in the last 12 months.
- (5) Neighborhoods formed as of June 1, 1992 must have completed the 90 minute training session, "How to recognize and report suspicious and criminal activity."

Signs will be returned after the above criteria has been met.

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CABLE...continued from page 5

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ALARM ...continued from page 8

have lower telephone line costs, but a problem on the leased line is more difficult to locate than with a direct wire system.

Digital communication systems use a regular switch line telephone network to transmit a series of coded electronic pulses that can only be received on a computer at the monitoring station. Signals are then displayed visually and a hard copy printout may be obtained.

Telephone dialers deliver a prerecorded, verbal message to a remote location. The receiver at the remote location then takes the appropriate action.

Radio signal transmission is being used in some locations to transmit the alarm signal from the protected premises to a remote monitoring

CRIME STOPPERS...continued from page 2

During the 1991-1992 school year, Crime Stoppers worked with the administration at West High School to establish the first Student Crime Stoppers program in Alaska. Five hundred dollars was given to the fledgling group. The program has been so successful, it has become a model for other schools in Anchorage and elsewhere in Alaska. Not only do Crime Stoppers programs solve a major crime every three minutes, but as the name implies, there is every indication they prevent crime in those communities where they exist and where they receive widespread publicity and support.

Donations to Crime Stoppers, which may be tax deductible, should be sent to :

Crime Stoppers
P.O. Box 101831
Anchorage, AK 99510-1831

Fred Kampfer is the president of Crime Stoppers of Anchorage, Inc., and a retired Special Agent of the FBI. He resides in Anchorage where he is active in the Alaskan Chapter of the American Society for Industrial Security.

station or a radio pager. The appropriate personnel are informed of the alarm and then take the correct action. Radio transmission may be an option where telephone lines are not available or the telephone lines are unreliable.

In this article we have discussed the three basic components of an alarm system: the control unit, sensors, and the annunciator. We have also discussed the different types of sensors used in perimeter protection, space/area protection, and object/point protection. Finally, we discussed local and remote annunciator systems and the different means by which an alarm signal is transmitted to a remote monitoring station.

In the third article of this series we will discuss putting it all together. How alarm systems can work for you and your neighborhood.

DO YOU HAVE A COMPUTER AND A MODEM?

Your NCW program has teamed up again with the folks at the Z.J. Loussac Library to bring you an additional service.

It's a crime prevention computer bulletin board (BBS). Now you can read articles on Home Security, parts of the quarterly newsletter, leave messages for the NCW staff, and find out about other crime prevention programs of APD, all by computer.

Here is what you need to know:

Telephone #: 24 hrs.: 261-2923; 2400 Baud.

Settings: No Parity; 8 Data Bits; 1 Stop Bit.

Because other departments of city government participate, you can find out the Parks & Recreation center schedules, library schedules, museum activities, leave messages for the mayor, and read the Municipal Assembly Agenda, all from your computer.

Our thanks to Alan Julliard of the Library.

THE NEW NEIGHBORHOOD OBSERVER is written, edited and published quarterly by the staff of the Neighborhood Crime Watch Program of the Anchorage Police Department, 4501 South Bragaw Street, Anchorage, Alaska 99507-1599; (907) 786-8585. Richard J. Helms, Program Director.

Opinions expressed in **THE NEW NEIGHBORHOOD OBSERVER** are those of the individual authors and contributors and do not necessarily express or reflect official views or policy of the Municipality of Anchorage, Anchorage Police Department, or Alaska Justice Services, Inc. Product or service information is not purported to imply endorsement.

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Submissions: **THE NEW NEIGHBORHOOD OBSERVER** encourages readers to submit news items and will consider all articles and photographs. Material may be edited at our discretion.



**COLD WEATHER REMINDERS
TO HELP PREVENT AUTO THEFT
& RESIDENTIAL BURGLARY**

Don't leave your vehicle running unattended – even for a few seconds as you warm it up, run into the store or house. Do this enough times and you will not have a vehicle to come back to.

Watch your garage door as you exit to make sure it closes fully before driving away – sometimes ice and/or snow builds up under the door and the door automatically bounces open again. Many people are down the block and out of the neighborhood when this happens.

The New Neighborhood Observer
Anchorage Police Department Neighborhood Crime Watch
4501 South Bragaw Street
Anchorage, AK 99507-1599

(Address Correction Requested)

BULK RATE
U.S. Postage
PAID
Permit No. 202
Anchorage, AK

IN THE NEXT ISSUE...

What did they take?

A statistical look at property crime in Anchorage.

Also, the 1993 statistics of the Anchorage Police Department.

PRIME CABLE

March 14, 1994

The Honorable Senator Loren Leman
State Capitol, Room 113
Juneau, Alaska 99801-1182

Dear Senator Leman:

Prime Cable of Alaska is concerned about the expeditious consideration of HB315 by the Senate and would ask that you review the following recent developments to demonstrate the seriousness of the situation to our operations here in Anchorage.

- Prime Cable has recently received a client list from an FBI sting operation of people in Anchorage who have purchased "descrambler" boxes from a company called Global Cable Network. There have been a large number of people who have ordered these unauthorized electronic burglary tools to avoid paying for premium services, pay per view and special events such as UAA Hockey. Some of the clients have purchased large numbers of boxes for resale in the Anchorage area as well as to other systems in Alaska.
- We have recently run across a student and a faculty member from two local electronic programs offered in local educational institutions who have either purchased whole units or electronic kits that require breaking into our descramblers to defeat the security system. One of these institutions is designed to help problem students learn new skills to become a contributing member of society. Teaching them to defeat the security system of a copyrighted service and perhaps reap great profits from it should not be a part of the curriculum, but the weakness in the present statutes encourages this type of low risk behavior.
- There has been an assault by the criminal element in Anchorage on our commercial accounts to steal cable boxes belonging to Prime Cable for modification and resale at great profit. These include businesses, apartment complexes and recently hotel/motels. I have attached letters from two of the affected parties here that illustrates the ripple affect of the weakness in the current statutes. Please note that although they refer to SB315; they intend to reference HB315.

Senator Loren Leman

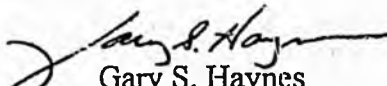
March 14, 1994

Page -2-

- Recent charge of "receipt of stolen goods" on a local electronics company. This shop contained stolen Prime Cable descramblers purchased for \$25 to \$50 and modified for resale at nearly ten times that amount. There were also unauthorized descramblers present for resale not originating from Prime Cable that would allow people to steal our signal, but the present statutes did not allow the police to confiscate them. We could not even charge the accused with theft of cable service due to the weakness in current law but had to rely on a "receipt" charge.
- Report from a very frustrated subscriber that she was aware of at least three drivers for a local cab company that were arranging for black box sales to fares. This same complaint has been reported before, but again the seller would be immune to prosecution since he would not actually be using the device.

For the reasons listed above, as well as to discourage associated criminal activity funded by profits from the sale of these kits and devices, it is important that H 3315 be considered at the earliest possible date. Thanks in advance for your consideration and please feel free to contact me with any questions at 786-9326.

Sincerely,


Gary S. Haynes
V.P. of Operations

/jb

Marston

Properties

4105 Turnagain Blvd.
Anchorage, Alaska 99517
(907) 248-1717
Fax (907) 248-3541

March 11, 1994

Senators
State Capitol Building
Juneau, AK 99801-1182

RE: Senate Bill No. 315 (HB315)

Dear Senators,

I am writing to you concerning Senate Bill No. 315 which is now pending.

As an Association Manager for twenty-one different Condominium Associations, I am strongly in favor of this Bill and would appreciate any help from you in getting it passed through the Senate.

Many of the Associations that I manage carry bulk cable service and have become the target of theft by gangs. I feel this Bill, if passed, would help to alleviate some of these problems in that when caught an additional penalty could be imposed for theft of cable converters.

I do urge you to cast your vote in favor of this bill. If you have any questions please feel free to call me at 248-1717.

Sincerely,

MARSTON PROPERTIES


Mark Nilson, AMS
Association Manager

MN/mko

Black Angus Inn

1430 Gambell, Anchorage, Alaska 99501

(907) 272-7503 Reservation: 279-7717

March 10, 1994

To whom it may concern:

I am writing letter to show my support as a small business in anchorage for the senate bill number SB - 315.
(HB)

The black Angus Inn has recently had a break in. (Date: March 2, 1994) in several of its rooms in which one T.V. eight cable boxes, four lamps, and three telephones were stolen. In the rooms we found four gang signs printed on the walls and sheets. (Municipality of Anchorage. police case # 94 - 33711 police office: Lantham)

This was not only time we got stolen. last year, we lost five cable boxes and T.V. acts like this has a definite impact on our business and causes us out of pocket expenses to replace the stolen items.

We believe that the rewording of the present bill that combats crime and theft may be a deterrent in stopping further acts of malicious destruction and the stealing of personal property.

T.L. L. ... Black Angus Inn Manager Tomy Sch.

HB

319

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 23, 1994

FURTHER REFERRALS:

Date of Committee Action: 3/24/94 am

The FINANCE Committee considered:

HB 319

HOUSE BILL NO. 319

ALASKA PEACE STANDARDS TRAINING FUND

"An Act relating to the training of law enforcement and corrections officers; to the establishment of surcharges to be assessed for violations of certain traffic offenses; creating the Alaska Police Standards Training Fund; and providing for an effective date."

RECOMMENDATIONS:

be replaced with _____

CS HB 319 (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 DPS

fiscal note(s) _____

zero fiscal note AK Court, Law

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>EP Maclean</i> Maclean	✓				
<i>Ronald J. Varson</i> Varson	X				
		<i>Mark Hanley</i> Hanley		X	
		<i>Terry Martin</i> Martin		✓	
		<i>Richard Parnell</i> Parnell		X	
		<i>Ben Gussendorf</i> Gussendorf		X	
		<i>Mike Navarre</i> Navarre		✓	
		<i>Lay Brown</i> Brown			✓
		<i>Gene Theriault</i> Theriault		X	

EP Maclean *Ronald J. Varson*
CO-CHAIRMAN'S SIGNATURE

Maclean

Varson

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 319 (FIN)

Revision Date: 03/23/94
Title: An Act relating to the training of law enforcement and corrections officers...
Sponsor: Reps. Phillips, MacLean, Sanders, Kott
Requestor:

Dept. Affected: Alaska Court System
BRU: Trial Courts
Components:
COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other InterAgency RSA	See note below.					
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
See attached fiscal analysis. The Police Standards Council will transfer funds to the court system via a reimbursable services agreement to cover supply and program conversion costs.

Prepared by: C. S. Christensen III, Staff Counsel
Agency: Alaska Court System

Phone: 264-8228
Date: 03/23/94

Approved by: Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 03/23/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court System
Fiscal Analysis
CSHB 319 (JUD)

This legislation will require revision of various court forms, traffic booklets, operating procedures and minor computer reprogramming. The fiscal impact of this legislation is detailed below.

Contractual

Postage for reprinting traffic booklets

The court system provides two version of a traffic offense booklet to all law enforcement agencies and courts in the state. Approximately 3,500 copies of the booklet are distributed at a cost of \$.75 each. \$2,625

Contractual programming of rural court computers to facilitate the new forms and procedures. 4,900

Supplies

Supplies for reprinting traffic booklet

The traffic offense booklets contain approximately 15 duplex pages each. The court must prepare 3,500 copies of the 15 page booklet at a cost per page of \$.035. 1,338

Non-computerized courts use a DWI judgment form for certain traffic offenses, which must be revised and reprinted. 700

Estimated one-time cost *** \$9,963

*** These costs will be funded through an RSA with the Police Standards Council.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: CSHB 319FIN

Revision Date: _____ Dept. Affected: Public Safety
 Title: Peace Officers Training Fund BRU: Alaska Police Standards Council
 Component: Alaska Police Standards Council
 Sponsor: REP. PHILLIPS
 Requestor: H. FIN COMPONENT SERIAL NO. 519

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0.	52.6	105.2	105.2	105.2	105.2
TRAVEL	0.	6.0	12.0	12.0	12.0	12.0
CONTRACTUAL	0.	115.3	535.0	580.7	580.7	580.7
SUPPLIES	0.	.4	.7	.7	.7	.7
EQUIPMENT	0.	175.0	45.7	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.	349.3	698.6	698.6	698.6	698.6
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES (1005) Revenue Code	0.	349.3	698.6	698.6	698.6	698.6

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0	349.3	698.6	698.6	698.6	698.6
1006 GF/MHTIA						
Other						
TOTAL	0.	349.3	698.6	698.6	698.6	698.6

Estimate of current year (FY 94) impact \$ _____

POSITIONS:

FULL-TIME	0	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.) PSC's Basic Operating Budget provides funding for staff, travel for council members and contractual services for basic police training. HB319 would supplement training for 2200 officers statewide and increase funding for training of additional peace officers.

Prepared By: J. Laddie Shaw Phone: 465-4378
 Division: Alaska Police Standards Council Date: 3-24-94
 Approved by Commissioner: [Signature] Date: 3-24-94
 Agency: Richard I. Burton, Dept. of Public Safety

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The Alaska Police Standards Council is responsible by legislation (AS 18.65.230) to establish and maintain training programs for law enforcement agencies and correctional institutions. In-service training is essential to support the special requirements of peace officers throughout the state.

CSHB319 FIN establishes a training fund that would allow for a much needed continuing education and training support of the law enforcement and corrections community throughout Alaska.

Presently the Alaska Police Standards council is funded to support the basic level training of 15 officers. No additional funds are available for any in-service training from the Alaska Police Standards Council.

In-service and specialized training are being addressed in a fragmented fashion by taking advantage of training whenever and wherever it is offered.

The establishment of this fund will come about in the development of a user fee assessment, as where violators will pay for police and corrections training.

In charging a \$10 assessment on all uniformed traffic citations and court judgements, projected revenue to the fund will be \$539.3.

A \$25 assessment on operating a motor vehicle or aircraft while intoxicated, reckless driving, refusal to submit to a chemical test, driving while license canceled, suspended or revoked, and failure to stop and give aid when a motor vehicle accident occurs, equate to a projected revenue of \$159.3.

To deal with the additional tasks necessary to implement this legislation, two full-time positions will be needed. One position is a Training Coordinator, who will be a point of contact for all information in regards to training. A Training Coordinator will provide a cost savings as training currently offered will be maximized and be more cost effective. The position will coordinate activities of training programs with all law enforcement agencies and correctional institutions throughout the state. Duties will

also include the development and coordination of in-service, instructor and recertification training programs. Travel is required of this position to insure the training and educational needs of the law enforcement and corrections are being carried out.

The position of a Data Processing Clerk is needed to set up and maintain files of correspondence and records for the ongoing training reports submitted by the peace officer network, and assist in processing the 2200 officer certification updates, new certificates, and decertification processes.

Initial equipment cost will be in setting up computer-based interactive multimedia training, distance learning, and simulator systems.

The Alaska Police Standards Council is willing to explore options in the development and placement of satellite distance learning and teleconferencing capabilities with other state agencies. By coupling the interactive multimedia program with a participating agency satellite distance learning system it would then allow for a larger number of training sites to deliver telecourse and videotaped training material to Alaska's widely dispersed target audience.

If the Alaska Police Standards Council is to be effective in delivering programs on a statewide basis to all law enforcement agencies and corrections institutions, the satellite downlike system has the potential to deliver the best training at the most reasonable cost.

Due to the administrative conversion within the court system to allow them to collect and process the assessment fee under HB319, and change over the uniform traffic citations, there will be a reimbursable service agreement of \$10,000.00 from the Alaska Police Standards Council to the Alaska Court System. This RSA is included under contractual within the FY 96 operating costs.

Basic level training grants and in-service training will encompass the additional portion of the funds.

CSHB319 FIN will supplement the existing Police Standards budget to allow for the much needed growth of recruits in the basic level academies.

In-service training would be relevant to continuing enforcement education in areas of investigation, community relations, multi-cultural diversity, officer safety, use of force, etc. Training is also needed for recertification, i.e.: first aid, intoximeter, defensive tactics, firearms, etc.

The following is a summary of the costs that are anticipated to be incurred the first full year of operations under this legislation.

Personal Services	105.2
Travel	12.0
Contractual	220.7
Supplies	.7
Equipment	<u>360.0</u>
TOTAL	698.6

Costs not included after the first year are the equipment costs (400.0) which will be moved to contractual for basic and in-service training needs the following years.

Personal Services

Training Coordinator Range 18 Step A	
Salary	\$48,876
Benefits	<u>19,654</u>
(includes 200 hours overtime)	\$ 68,530
Data Processing Clerk II Range 9 Step A	
Salary	\$24,288
Benefits	<u>12,366</u>
	\$ 36,654
Total Personal Services	\$ 105,184

Contractual

Basic Level Training 10 Students @ 10 Weeks	\$ 53,000
In-Service/Field Training and Executive Level Training	\$ 155,700
Alaska Court System RSA	\$ 10,000
Long Distance Phone Costs	\$ 2,000
Total Contractual Costs	\$ 220,700

Department of Public Safety
CSHB 319 FIN
Page 5 of 5

Supplies

Stationary, copy machine paper,
Calculator, etc. \$ 700

Equipment

Two Desks	\$ 1500	
Credenza	500	
Two Chairs	1000	
Two Side Chairs	600	
Work Station (Technical)	2500	
Work Station (Support)	2500	
Two Bookcases	400	
Four File Cabinets	2100	
Two PC Systems	7000	
PC Hookup Charge	500	
Work Table	500	
Cellular Phone	500	
Two Telephone & Installation	400	
	<u>SUBTOTAL</u>	\$ 20,000

Inter Active Video System X 10		
Large Screen TV, CD-Rom (PC)		
Software, Hardware (Set-up)	40,000	
Driving Simulators X 2	140,000	
Firearms Training System X 2	160,000	
	<u>SUBTOTAL</u>	\$ 340,000

TOTAL		\$ 360,000
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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 319 (JUD)

Revision Date: February 17, 1994
Title: "...relating to the training of law enforcement and correction officers...surcharges..."
Sponsor: Representative Phillips
Requestor: Representative Phillips

Department Affected: Department of Law
BRU: Legal Services
Component: Operations
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division
Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Phone: 465-3672
Date: February 17, 1994

Date: February 17, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 319 (JUD)

ANALYSIS CONTINUATION:

This bill amends AS 12.55 to add a surcharge of \$10 to any fine or penalty assessed as a result of a violation of a vehicle or traffic offense under AS 28, except the surcharge would be \$25 if the offense was driving while intoxicated or if the offense was refusal to submit to a chemical test. The bill also amends AS 18.65 to establish the Alaska police training fund in the general fund, consisting of appropriations made by the legislature to the fund. The bill provides that the legislature may appropriate from the funds collected as surcharges; however, the bill also makes it clear that nothing in the bill creates a dedicated fund. Finally, the bill also provides that the state may initiate proceedings to collect unpaid surcharges.

It appears that about 70 percent of fines and penalties that accrue from traffic offenses are paid voluntarily, and it is anticipated that the same high ratio of surcharges would also be paid voluntarily. Because of the costs involved in attempting to collect the remaining 30 percent of unpaid surcharges, state efforts to collect the unpaid amount would not be undertaken until their value substantially exceeds the cost for collection. Consequently, there will not be a fiscal impact for the Department of Law.

Adopted 3/24/94 am
see pg 2

8-LS1237R
Luckhaupt
3/16/94

CS FOR HOUSE BILL NO. 319()

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES PHILLIPS, MacLean, Sanders, Kott, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the training of law enforcement and corrections officers; to
2 the establishment of surcharges to be assessed for violations of certain traffic
3 offenses; allowing defendants who are unable to pay the surcharge to perform
4 community work; creating the Alaska police standards training fund; and
5 providing for an effective date."

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

7 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that
8 (1) the Alaska Police Standards Council is an essential part of the law
9 enforcement training support network of the state and it warrants continued and predictable
10 support;
11 (2) rural and urban communities rely on dependable public safety protection;
12 (3) the law enforcement and corrections community of the state is greatly
13 strengthened by having a professionally trained network; and

1 (4) the safety of the public will be greatly improved by the establishment and
2 maintenance of an efficient training network for law enforcement and corrections officers.

3 (b) It is the purpose of this Act to

4 (1) enable the Alaska Police Standards Council to function in a manner that
5 enhances the performance and accountability of the council and the law enforcement and
6 corrections communities it serves;

7 (2) provide a stable funding source for law enforcement and corrections officer
8 training by establishing a surcharge to be assessed against violators of the traffic and motor
9 vehicle laws of the state.

10 * Sec. 2. AS 12.55 is amended by adding a new section to read:

11 Sec. 12.55.039. SURCHARGE. (a) In addition to any fine or other penalty
12 prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail
13 for, or is convicted of a violation of a vehicle or traffic offense under AS 28, a
14 regulation adopted under AS 28, or a municipal ~~ordinance~~ under AS 28.01.010 shall
15 be assessed a surcharge of

16 (1) \$10 if the violation is for other than a violation of AS 28.15.291,
17 AS 28.33.030, 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, or a
18 comparable municipal ordinance; or

19 (2) \$25 if the violation is a violation of AS 28.15.291, AS 28.33.030,
20 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, or a comparable municipal
21 ordinance.

22 (b) A court may not fail to impose the surcharge required under this section.
23 The surcharge may not be waived, deferred, or suspended. A court may allow a
24 defendant who is unable to pay the surcharge required to be imposed under this section
25 to perform community work under AS 12.55.055(c) in lieu of the surcharge.

26 (c) The surcharge shall be paid within 10 days of imposition or such shorter
27 period of time as ordered by the court. Failure to pay the surcharge is punishable as
28 contempt of court. Proceedings to collect the surcharge may be instituted by the state,
29 the municipality, or by the court on its own motion.

30 (d) Money collected under this section shall be deposited into the general fund
31 and accounted for under AS 37.05.142.