

ALASKA LEGISLATURE

1220

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

to stop the use of spotter planes.

Some solutions Fish and Game Protection Budget should not be cut anymore.

Protection should have more personnel on the grounds.

Use jet units on the bottom of outboard motors this would enable them to come up and go into shallow waters.

When they do catch a violator they should just take the operators permit card from him and then write him up during the closed period most time violators don't even stop fishing.

Undercover operations should be employed throughout the season. a group of us offered to have Forest Protection officers use our boats and just take No's of boats in violation and ticket them later this was 10 years ago at the start of this lawlessness.

It is sicking to see these lawbreakers brag about their catches and go by some boats especially native owned that caught only 50,000 lb of fish the whole season and they can't compete with the rest of the

"highliners"

Protection could employ temporary hires to run ships thereby freeing up officers to do the ticketing.

Need the use of Fish & Game Planes unmarked to act as spotter plane to patrol the landmasses and relay info to Protection vessels.

Need use of confiscated Fishing Vessel to patrol have nets on board and the "crew" officer dressed as fisherman. and just drive around and take no's. of vessels.

This situation is out of control now and something needs to be done if we as a group of fishermen can help we are willing to do it.

Sincerely,

Robert Burt

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 29, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 4 May 94

The JUDICIARY Committee considered:

CSSB 316(RES)

CS FOR SENATE BILL NO. 316(RES)

FISHING VIOLATIONS: FINES/BURDEN OF PROOF

"An Act relating to commercial fishing penalties."

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

ADOPTS: House Judiciary letter of Intent

- ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
- fiscal impact _____ fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

And letter of Intent

[Signature]
 CHAIRMAN'S SIGNATURE

SB

316

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/3/94

FURTHER:

DATE TURNED INTO OFFICE: 3-16-94

The Finance Committee considered SENATE BILL NO. 316

"An Act relating to commercial fishing penalties."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS SB 316 (Res)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DPS	3-3-94		10.4

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DPLaw	2-25-94		60.1

Appropriation No Fiscal Note

DO PASS:

Bob M. Sharp
George S. ...
Tom Kelly

OTHER RECOMMENDATIONS:

Steve ... No Recommendation
... No Rec

1. Sharon do pass

2. True voice. 10235

FISCAL NOTE

No. L
 Bill Versior: SB 316
 (S) Public's Date: 3-3-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: February 25, 1994
 Title: "An Act relating to commercial fishing penalties."
 Sponsor: Senator Halford
 Requestor: Senate Resources Committee

Department Affected: Department of Law
 BRU: Prosecution
 Component: Criminal Justice Litigation
 COMPONENT SERIAL NO. 0087

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	43.9	43.9	43.9	43.9	43.9	43.9
TRAVEL	3.5	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	1.2	1.2	1.2	1.2	1.2	1.2
EQUIPMENT	6.5					
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	60.1	53.6	53.6	53.6	53.6	53.6

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF	60.1	53.6	53.6	53.6	53.6	53.6
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	60.1	53.6	53.6	53.6	53.6	53.6

POSITIONS:

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY94) impact: _____

Changes in CS SB 316 (RES)
 reflect NO FISCAL CHANGE from the original
 fiscal note. This fiscal note is appropriate.
3/2/94 date CS Comte Aide (initial)

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 25, 1994
 Date: February 25, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 316

ANALYSIS CONTINUATION:

This bill amends the state commercial fishing penalties laws under AS 16.05.710 to provide, in addition to other penalties imposed by law, that when a person is convicted of a misdemeanor or felony violation of a commercial fishing law, a court may suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than one year, if the conviction is the person's first misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law. Under the existing statute, this additional penalty applies to both a first and second conviction.

This section is further amended to provide that a court shall suspend a person's commercial fishing privileges and licenses for three years, if the conviction is the person's second or subsequent misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law. The existing statute gives the court the discretion to suspend a commercial fishing privilege or license for up to three years for a third or subsequent conviction.

The bill also amends AS 16.05.722(a) to increase the penalty for a person who, without any culpable mental state, violates the state's commercial fishing laws by providing for a fine of not more than \$6,000 for a first conviction and providing for a fine of not more than \$12,000 for a second or subsequent conviction. The existing penalties for these commercial fishing violations are \$3,000 and \$6,000, respectively.

Finally, the bill amends AS 16.05.722(b) and AS 16.05.723(a) to provide that in a defense against a state forfeiture action for fish found on board a fishing vessel that was used in or in aid of a violation of the state's commercial laws, it is the defendant's burden to show by clear and convincing evidence that the fish on board were lawfully taken and retained. Under existing laws, defendants are permitted to use the lesser standard of a preponderance of the evidence to prove that the fish on board were lawfully taken and retained.

We believe that this will have two effects on the enforcement of the state's commercial fishing laws that will be primarily felt in Southwestern Alaska. First, the bill's increased penalties will serve as an incentive for persons engaged in commercial fishing to obey the state's commercial fishing laws and regulations. Second, the bill could also serve as a disincentive for violators to plead guilty and settle out as most do now. For example, in the Bristol Bay salmon fishery which experiences the state's highest number of violations, about 500 violations occur each year. Of this number, between 15 and 20 violations are contested and now go to trial. Most of the remainder of the violations settle before trial. Although we believe that the total number of violations will probably decline, we also believe that the number of contested violations (and subsequent trials) will increase significantly. We therefore request fiscal impact funds to pay for a permanent part-time Attorney III, who would work on the increased caseload from June through November, each year.

02/25/94

15:03:35.4

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 2

DEPARTMENT OF LAW

SCENARIO: 3

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

BRU NAME: PROSECUTION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B S C U	R&S BUDG	MOS	SALARY	PREM PAY	GENES	PER.SERV. COSTS	G. F. AMOUNT
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03#044		ATTORNEY IV	F	ANCHORAGE	A XE AA	24A	12	61008	0	20660	81668.60	
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**** JUSTIFICATION:

TRAVEL COSTS	7500.00	
CONTRACTUAL COSTS	13600.00	
SUPPLIES COSTS	3300.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
=====		
TOTAL COSTS	112568.60	81668.60
*** FUNDING DETAIL:		
100% GENERAL FUND RECEIPTS	81668.60	
=====		
TOTAL FUNDING	81668.60	

03#048		ATTORNEY III	P	DILLINGHAM	A XE III	22A	6	33900	0	10011	43911.96	
--------	--	--------------	---	------------	----------	-----	---	-------	---	-------	----------	--

**** JUSTIFICATION:

Substantial increases in the penalties for commercial fishing violations will result in a more vigorous defense by defendants and will increase the number of trials significantly.

TRAVEL COSTS	3500.00	
CONTRACTUAL COSTS	5000.00	
SUPPLIES COSTS	1200.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
=====		
TOTAL COSTS	60111.96	43911.96
*** FUNDING DETAIL:		
100% GENERAL FUND RECEIPTS	43911.96	
=====		
TOTAL FUNDING	43911.96	

All GF

COMPONENT TOTALS:

FULL TIME NEW POSITIONS	1	TOTAL PERSONAL SERVICES	125580.56
PART TIME/SEASONAL NEW POSITIONS	1	TOTAL COSTS INC. ASSOC COSTS	172680.56
NON PERMANENT NEW POSITIONS	0		
OTHER.....	0		
	====		

NUMBER OF NEW POSITIONS IN COMPONENT: 2

FUNDING DATA: G.F. & G.F. MATCH:	125580.56
OTHER FUNDS:	0.00
=====	
TOTAL FUNDING:	125580.56

FISCAL NOTE

SB 316

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: CSS 316(RES)

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to commercial fishing penalties" BRU: Fish & Wildlife Protection
 Sponsor: Senator Halford Component: Enforcement & ISU, Marine Enforcement
 Requestor: (S) FIN COMPONENT SERIAL NO. 490, 493

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	10.4	10.4	10.4	10.4	10.4	10.4
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	10.4	10.4	10.4	10.4	10.4	10.4
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()						
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	10.4	10.4	10.4	10.4	10.4	10.4
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	10.4	10.4	10.4	10.4	10.4	10.4

Estimate of current year (FY 94) impact: \$ 0

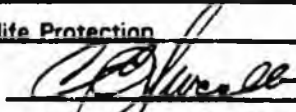
POSITIONS:

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.)

These are anticipated travel costs of having division personnel attend up to fifty (50) jury trials which would result from fishing violations detected in Bristol Bay being prosecuted as misdemeanors.

Estimated airfare for 3 employees x 6 trips @ \$400 = \$7,200 plus a meal allowance of \$36/day for 3 employees x 6 trips x 5 days = \$3,240 for an estimated total of \$10,440 per year.

Prepared By: Captain Ted L. Ruddell Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 03/03/94
 Approved by Commissioner:  Date: 03/03/94
 Agency: Richard V. Burton, Dept. of Public Safety

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MWR
3/4/94

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

WALTER J. HICKEL, GOVERNOR

8800 GLACIER HWY, #109
JUNEAU, AK 99801
(907) 789-6150 Licensing Calls
(907) 789-6160 Other Business
(907) 789-6170 FAX

February 11, 1994

The Honorable Rick Halford
President of the Alaska State Senate
Capitol Building, Room 111
Juneau, AK 99801-1182

RECEIVED

FEB 11 1994

.....

Re: Your request for comments concerning proposed amendment to
AS 16.05.710

Dear Senator Halford:

We circulated your request to various staff members for their comments. One of our senior hearing officers is David A. Ingram, who was personally responsible for the last amendment to AS 16.05.710, which both toughened the statute and clarified some of its terms.

Mr. Ingram produced a thoughtful memo in response dated February 10, 1994, which is enclosed with this letter. In response to your specific request, some suggested language is provided on page 3 of Mr. Ingram's memo.

There is much additional and relevant discussion in Mr. Ingram's memo. We have not yet thought through all of the implications of the various suggestions. However, in the face of your pending legislative deadline, we wanted you to have the benefit of the best information we have at present, so we are sharing the entire memo with you.

Please call if you have any questions or comments. You are welcome to call Mr. Ingram directly at this office.

Sincerely,

COMMERCIAL FISHERIES ENTRY COMMISSION

Bruce Twomley, Chairman
Frank Homan, Commissioner
Dale G. Anderson, Commissioner

by: _____

Enclosure

cc: David Thompson, Special Staff Assistant
Colonel Bill Valentine, Fish & Wildlife Protection
Commissioner Carl Rosier, Alaska Department of Fish & Game
Clem Tillion, Special Assistant to the Governor for Fisheries
Dean J. Guaneli, Assistant Attorney General

COMMENTS FROM COMMERCIAL FSH. ENTRY
COMMISSION

MEMORANDUM**STATE OF ALASKA**

TO: Commissioners
Management Council
Jesse Walters
Susan Haymes
Elerene McClure

DATE: February 10, 1994

FILE NO:

TELEPHONE NO:

FROM: Dave Ingram *JAC*
Hearing Officer

SUBJECT: Proposed Amendment
to AS 16.05.710

Here are my thoughts on the proposal to toughen up AS 16.05.710.

First, as Col. Valentine's synopsis of the 1993 Bristol Bay enforcement effort suggests, the real problem with enforcement in the Bay is not the inadequacy of AS 16.05.710, it's the performance of the prosecutors. They generally reduce misdemeanors down to violations in order to obtain quick guilty pleas and avoid trial. In doing so, however, they allow the offenders to avoid the effects of AS 16.05.710, which requires misdemeanor or felony convictions before the suspension provisions come into play. Col. Valentine correctly stated the problem as follows: "As long as misdemeanor cases are reduced to infractions [violations] there will never [be] any chance of fishing permits being suspended or ultimately revoked after three convictions as provided by statute."

You might ask why the statute can't be amended to provide for suspension upon conviction of mere violations. The answer is that to do so would require a major restructuring of the criminal code as well in order to avoid constitutional problems. AS 11.81.900(b)(57) defines a violation as being a noncriminal offense punishable only by a fine and further provides that a person charged with a violation is not entitled to a trial by jury and is not entitled to have a public defender appointed to the case. The Alaska Supreme Court has made it clear that a defendant is entitled to a trial by jury if conviction may result in the loss of a license to pursue an occupation. See Baker v. City of Fairbanks, 471 P.2d 386 (Alaska 1970). Consequently, no entry permit can be suspended unless the defendant has the right to a trial by jury. The criminal code would have to be changed to allow for trial by jury on violations before permits could be suspended at that level, and I doubt that such a change would find little, if any, support in the Department of Law.

The best cure for rampant violation of fishing laws in the Bay, I think, would be vigorous prosecution of the cases prepared by Fish and Wildlife Protection (F&WP). I can imagine how frustrating it must be for the officers to work up a case and then have a prosecutor reduce it

Sec 16.05.710. Suspension and forfeiture of commercial license and entry permit. (a) Upon the conviction of a person for a misdemeanor or felony violation of a commercial fishing law of this state, the court, in addition to other penalties imposed by law

(1) may suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than one year, if the conviction is the person's first [OR SECOND] misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state or another jurisdiction; or

(2) shall suspend one or more of the person's commercial fishing privileges and licenses for a period of at least one year but not more than three years if the conviction is the person's second [THIRD OR SUBSEQUENT] misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state or another jurisdiction; or

(3) shall suspend one or more of the person's commercial fishing privileges and licenses for a period of at least two years but not more than five years if the conviction is the person's third misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state or another jurisdiction; or

(4) shall suspend one or more of the person's commercial fishing privileges and licenses for a period of at least three years but not more than seven years if the conviction is the person's fourth misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state or another jurisdiction; or

(5) shall order the forfeiture of one or more of the person's commercial fishing privileges and licenses if the conviction is the person's fifth or subsequent misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state or another jurisdiction.

The remaining sections of the statute would have to be renumbered and tweaked a bit to include forfeiture language where appropriate.

There is, of course, another way to get tough on violators that the legislature may wish to consider: provide for suspension and revocation of permits through administrative proceedings as well as court proceedings. The Alaska Supreme Court has held that a respondent has no right to a jury trial and that his professional license may be suspended or revoked in administrative proceedings in which the respondent's fitness to practice a profession is the primary concern. See Loesche v. Alaska Board of Fish and Game, 537 P.2d 1122 (Alaska 1975). Here, it seems, the legislature could assign the task of conducting such proceedings to CFEC and provide guidelines for determining when a person has become unfit for participation in a fishery due to violations of fishing laws and the threat such violations pose to the fishery. The guidelines could be very similar to the proposed statutory amendment set forth above, e.g., suspension would be mandatory after a certain number of convictions and revocation would follow if more violations were committed. The advantage in using administrative proceedings, it seems, are several: (1) no jury trial is required, (2) mere violations could be considered as well as

misdemeanors and felonies in determining whether the person is unfit to continue in the fishery, and (3) the proceedings would be relatively simple if lack of fitness were tied to convictions only (all CFEC would have to do is provide proof of the convictions, apply the formula provided by the legislature, and suspend or revoke the permit).

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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Mail Stop 3101

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

MEMORANDUM

February 25, 1994

SUBJECT: Sectional Summary of CSSB 316 (RES): An Act relating to commercial fishing penalties. (Work Order No. 8-LS1676)

TO: Senator Mike Miller

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of CSSB 316 (RES): An Act relating to commercial fishing penalties.

A sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.05.710(a) to provide an escalating schedule for suspension, and eventually forfeiture, of commercial fishing privileges and licenses based on the number of times a person had been convicted of misdemeanor or felony violations of commercial fishing laws in this state or another jurisdiction during the preceding 10 years.

Section 2 of the bill amends AS 16.05.722(a) to double the maximum allowable fines that may be imposed for strict liability violations of commercial fishing laws.

Section 3 of the bill amends AS 16.05.722(b) to increase the evidentiary burden that a commercial fisherman must satisfy in order to rebut the presumption that fish found onboard a fishing vessel that is used in a strict liability violation of a commercial fishing law or fish present at a fishing site where a strict liability commercial fishing violation occurred, were taken unlawfully and thus subject to forfeiture. The burden of proof is increased from a preponderance of the evidence to clear and convincing evidence.

Section 4 of the bill amends AS 16.05.723(b) to increase the evidentiary burden that a commercial fisherman must satisfy in order to rebut the presumption that fish found onboard a fishing vessel that is used in the commission of a misdemeanor commercial fishing offense or fish present at a fishing site where a misdemeanor

Senator Mike Miller
February 25, 1994
Page 2

commercial fishing offense occurred, were taken unlawfully and thus subject to forfeiture. The burden of proof is increased from a preponderance of the evidence to clear and convincing evidence.

GU:pl
94-162.plm

LOST

FROM DPS, Div. of Fish & Wildlife Protection

The following is a brief synopsis of the 1993 Bristol Bay Salmon Enforcement Program.

The program began on June 20, 1993, with an opener in the Egegik District, which was covered by the P/V PUBLIC SAFETY #1 (PS1). The P/V TROOPER and the P/V WOLDSTAD arrived in the bay on June 23. The P/V PS1 patrolled the Egegik and Ugashik districts, the P/V TROOPER patrolled the Egegik district, and the P/V WOLDSTAD patrolled the Naknek-Kvichak district. The P/V WOLDSTAD departed the bay on July 16, the P/V TROOPER departed on July 20, and the P/V PS1 patrolled the Ugashik district until July 19, 1993.

Unlike the 1991 season, we didn't have to deal with any strike related activity. This allowed us to concentrate our efforts on enforcement right from the beginning.

The Bristol Bay run this year came back considerably larger than forecast. The preseason forecast was for a return of 41.8 million fish. A commercial harvest of 41.7 million fish was achieved in 1993, with a total return of 53.6 million fish, broken down as follows:

RIVER SYSTEM	CATCHES	ESCAPEMENTS	TOTAL RUN
Naknek-Kvichak	8,914,823	5,931,722	14,846,545
Egegik	21,911,499	1,522,188	23,433,687
Ugashik	4,357,820	1,429,538	5,787,358
Nushigak	5,818,947	2,654,573	8,573,520
Togiak	721,007	356,980	1,077,987
TOTALS	41,724,096	11,895,001	53,619,097

The inshore run of sockeye salmon totaled 52.2 million fish, the third largest inshore return on record (trailing only returns of 62.5 million in 1980, and 53.1 million in 1965). It was approximately 25% greater than the preseason forecast of 41.8 million.

All districts except the Naknek-Kvichak experienced greater than expected runs and a commercial harvest of 40.8 million sockeye was achieved, the largest sockeye harvest on record for Bristol Bay (exceeding the previous high of 37.4 million in 1983). A total of 11.4 million sockeye entered the escapement.

The estimated ex-vessel value of the 1993 Bristol Bay salmon fisheries totaled \$153.7 million. This is the fifth largest ex-vessel value on record, but well below the \$202.3 million record value attained in 1990 when salmon prices were high and below last years ex-vessel value of \$191.3 million. It was, however, well above the 1973 to 1992 mean value of \$102.9 million.

Bristol Bay Enforcement Recap 1993

Page 2

December 15, 1993

There were twenty commissioned personnel assigned to the program, as well as nine civilians. Six of the civilians were part of the crews on the two large patrol vessels and the other three were clerical support staff. The total number of personnel (including civilian vessel personnel, clerks, etc.) was twenty-nine. A personnel roster is attached. The highest number of personnel at the peak of the 1992 season was only nineteen. At the peak of the 1991 season, the highest number of personnel was thirty-eight.

We had four commissioned Alaska State Troopers assigned to the program full time. Three of these troopers were assigned to the vessels and one was assigned to the beach. Each of these individuals did an outstanding job.

TDY personnel arrived in King Salmon aboard the King Air on June 23, 1993. At which time, a briefing was held prior to their deployment to the vessels and to Dillingham.

We were able to maintain an excellent working relationship with the Alaska Department of Fish and Game staff in King Salmon and Dillingham. We were kept well informed of openings, closures, extensions, etc. Problem areas and enforcement concerns were discussed on a regular basis. The cooperation and coordination between the two agencies continues to be excellent and is expected to remain that way.

As always, our primary fisheries enforcement problems occurred on the district lines. As mentioned earlier, with no strike activity this year, we were able to concentrate on enforcement problems right from the start. This allowed us to stay on top of things as best we could.

It should be noted that on the first day of the fishery at Egegik, June 20, 1993, the crew of the P/V PS1, assisted by Trooper Gary Folger in a Piper Supercub, made approximately 60 closed waters cases.

Again this year, we saw excellent cooperation between the vessels and aircraft. With the exception of the first opening at Egegik, patrol vessel skiffs were able to approach nearly all violators spotted from the air.

While the P/V PS1 did an excellent job at Egegik, it was just not enough and couldn't control the line. Sergeant Rollin Young and FWEO Scott Quist, as stated earlier, made approximately 60 cases the first day and could have probably made that many more if they had the skiffs and troops to do it.

Bristol Bay Enforcement Recap 1993

Page 3

December 15, 1993

With the big return to the Egegik district, we had close to 950 boats in that district throughout much of the season. Fishermen appeared to be much more aggressive this season and constantly pushed over the line. They knew at what point we were citing and pushed to that point and beyond continuously.

Our shore based personnel were faced with continuous set net complaints. This was primarily due to two reasons. First, there is always the ongoing dispute between the drifters and the setnetters. Numerous complaints came from the drifters that the setnetters were fishing too far out. Complaints also came from the setnetters that the drifters were on top of their set nets.

This was compounded this year by a regulation change that took effect March 1, 1993, which required setnetters to be no more than 1000 feet from the 18 foot high tide mark. In past years in this area, they could be out to 1200 feet from the 18 foot high tide mark.

Measuring these nets proved almost impossible until we located a La Prosurvey 1000 Laser Ranger 58, which we rented from The Surveyor's Exchange in Anchorage. This device proved invaluable in dealing with the problems of measuring nets, distances, etc.

At Ugashik, we experienced the same problems as in past years. As long as a patrol boat was on the line, we could keep fishermen from pushing over the line for the most part. However, the minute the boat got tied up with a case or left the line, fishermen decided it was open season everywhere.

With that in mind, we did a stakeout operation on the north line of Ugashik. We set up range markers on the bluff, utilizing the loran on the P/V PS1. This worked well and we made quite a few cases. Some boats we had over the line as many as three times in one day. The operation went well until the officer was spotted on the bluff by a spotter pilot, who then landed in a dry lake bed and walked up to see what he was doing. It was amazing how well the fishermen knew where the line was once they found out an officer was on the bluff.

We did a similar operation on the Egegik north line on the first opening. In that situation, we put an officer on another vessel with a fisherman who agreed to work with us. The P/V PS1 then left the line and the officer stayed on the private vessel and made approximately 20 cases. He reported seeing many skippers on their flying bridges with binoculars looking for the patrol vessel. His comments were that it was obvious most fishermen were not concerned about where the line was, they were only

Bristol Bay Enforcement Recap 1993

Page 4

December 15, 1993

Four vessels were seized in the bay this season. Three of the vessels were seized for fishing closed waters and the fourth was seized as a result of the operators fishing without a permit. Vessels seized are as follows:

Fishing Vessel	Reason Seized	Settlement
GONE FISHING	.5 miles into closed waters after the closure of the Kvichak Section.	Civil: \$10,000
KATIE DEVINE	Closed waters 30 minutes after closure.	Released.
DEACON	Operator did not have a permit.	Has not settled.
MINSTRAL	1.5 miles into closed waters outside the Nushigak District.	Civil: \$25,000

The F/V KATIE DEVINE was released with no settlement. This was done because the defendant stated he had lost a net and that he had approval from Fish and Game to retrieve it from closed waters. A check revealed that Fish and Game did not talk to this individual. However, it was very clear from talking to other fishermen who heard the conversation on the VHF radio that someone came on the VHF and stated that they were ADF&G and that they had given the F/V KATIE DEVINE approval to go into closed waters to retrieve a net. The F/V KATIE DEVINE did forfeit its illegal fish.

We opened 482 cases during the Bristol Bay fishery this year, up from a previous all time high of 328 in 1991. We filed 509 criminal charges in 1993. There were 52 cases with multiple defendants and we had 31 cases where there were multiple charges per defendant.

We seized 581,474 pounds of fish during the season, of which; 161,172 has been forfeited to date. Based on an average of \$.60 per pound, forfeiture value of this fish is \$96,730.20.

We seized 108 shackles of gillnet during the program. 19 shackles were forfeited as of this date.

As of December 9, 1993, gross fines for the program have been \$1,065,633.86, with only \$230,500 of that being suspended. This leaves a total of \$835,133.86 in net fines due the State.

Bristol Bay Enforcement Recap 1993

Page 5

December 15, 1993

There was nearly a 100% increase in closed waters cases in 1993, with a total of 311 cases in 1993 compared to 168 cases in 1992. This can be attributed in part to the extreme aggressiveness of the fishermen this season and to continued effective enforcement. A break down of the cases are as follows:

<u>VIOLATION</u>	<u># OF OCCURRENCES</u>
ASSAULT III	1
COMMERCIAL FISH AID AND ABET	2
COMMERCIAL FISH ANCHOR DRIFT NET	4
COMMERCIAL FISH CLOSED PERIOD	28
COMMERCIAL FISH CLOSED WATERS	311
COMMERCIAL FISH DRIFT TOO CLOSE	16
COMMERCIAL FISH EMPLOY UNLICENSED CREW	15
COMMERCIAL FISH FAIL TO MARK BUOY	5
COMMERCIAL FISH FAIL TO RECORD	4
COMMERCIAL FISH FAIL TO REGISTER	6
COMMERCIAL FISH FALSE FISH TICKET	2
COMMERCIAL FISH FALSE STATEMENT	3
COMMERCIAL FISH ILLEGAL GEAR	1
COMMERCIAL FISH ILLEGAL POSSESSION	5
COMMERCIAL FISH IMPROPERLY MARKED BUOY	1
COMMERCIAL FISH IMPROPERLY MARKED GEAR	6
COMMERCIAL FISH MISCELLANEOUS CHECK/STOP	1
COMMERCIAL FISH NET OUT TOO FAR	21
COMMERCIAL FISH NO BUOY	4
COMMERCIAL FISH NO CREW LICENSE	26
COMMERCIAL FISH NO PERMIT	3
COMMERCIAL FISH NO PHOTO ID	16
COMMERCIAL FISH NO VESSEL NAME	3
COMMERCIAL FISH NO VESSEL NUMBERS	6
COMMERCIAL FISH PERMIT HOLDER NOT PRESENT	5
LOG: BOATING ACCIDENT	1
LOG: CARCASS FOUND	1
LOG: COMMERCIAL FISH CLOSED PERIOD	1
LOG: COMMERCIAL FISH DRIFT TOO CLOSE	8
LOG: COMMERCIAL FISH FAIL TO REGISTER	2
LOG: COMMERCIAL FISH INTERFERE WITH GEAR	2
LOG: COMMERCIAL FISH MISCELLANEOUS	1
LOG: COMMERCIAL FISH NO VESSEL NUMBERS	1
LOG: COMMERCIAL FISH OVERLIMIT OF GEAR	4
LOG: COMMERCIAL FISH SET NET TOO CLOSE	1

Bristol Bay Enforcement Recap 1993

Page 6

December 15, 1993

<u>VIOLATION</u>	<u># OF OCCURANCES</u>
LOG: FOUND NET	2
LOG: GAME NUISANCE BEAR	1
LOG: MEDICAL ASSIST	1
LOG: PERSONAL USE CLOSED SEASON	2
LOG: PROCESS SERVED	1
LOG: PUBLIC ASSIST	3
LOG: UNMARKED GILLNET	1
SPORT FISH NO KING STAMP	2
SPORT FISH NO LICENSE	13
SPORT FISH USE BAIT	1
WARNING: COMMERCIAL FISH ANCHOR DRIFT NET	4
WARNING: COMMERCIAL FISH CLOSED PERIOD	2
WARNING: COMMERCIAL FISH CLOSED WATERS	6
WARNING: COMMERCIAL FISH DRIFT TOO CLOSE	1
WARNING: COMMERCIAL FISH EMPLOY U/L CREW	7
WARNING: COMMERCIAL FISH FAIL TO MARK NET	1
WARNING: COMMERCIAL FISH INTERFERE WITH GEAR	1
WARNING: COMMERCIAL FISH NO CREW LICENSE	5
WARNING: COMMERCIAL FISH NO VESSEL ID	1
WARNING: SPORT FISH NO LICENSE	6

Radio Dispatcher II Jolene Dodge from Kodiak, Clerk IV Cynthia Nestegard from SIS, and Clerk Typist III Kim Spaans from Detachment provided the clerical support for the program. While from outward appearances this seems like a large clerical staff for one program, we must realize that Kim and Cynthia only overlapped each other for a couple of days and that this staff handled 484 cases in approximately three weeks. This included running criminal record checks on all defendants, closing case reports for those that plead out at arraignment, and returning those cases to the boats for full reports were the defendants plead not guilty at arraignment. They also utilized a data base program to keep track of all the statistics for this program.

For the most part the enforcement program went very well with personnel working as hard and carrying as large a case load as humanly possible. Without question the most frustrating part of the program was the process of prosecuting the cases and not receiving adequate penalties to serve as a deterrent to the fishermen. As in the past the Division, in conjunction with the District Attorney's Office in Dillingham, established recommended sentencing guidelines for the various violations occurring in the Bay. These guidelines were based on ten years of experience with the fishery. In 1993 we did begin citing fishermen for a narrower margin of closed water fishing

Bristol Bay Enforcement Recap 1993

Page 7

December 15, 1993

than in previous years with this being the only major change.

It is common practice to be approached by the various defendants prior to court arraignments in an effort for them to reach a plea agreement satisfactory to the state and thus avoid a trial. This routinely involves the fishermen and Fish & Wildlife personnel assigned court duty. The district attorney is advised of the agreement and normally makes this recommendation to the court.

During 1993 we had two state attorneys assigned to the program. One attorney was not only new to Bristol Bay but was also a new attorney. The second attorney had several years of experience with the program. For some reason the experienced attorney felt the plea agreements were too harsh, so consequently it became common practice for him to lower the recommended penalty to the court, in many cases by \$1,000 to \$1,500 (sometimes more), and agree to return additional fish and nets. Keep in mind the original plea agreement was agreed to by the defendant. It was then not uncommon for the court to reduce the fine even more.

Another common problem with the District Attorney's office is the practice of reducing cases from a misdemeanor to an infraction (violation). This is done for a number of reasons but for the most part as a cost saving measure. The burden of proof is less for an infraction in that the "intent" of the fishermen to violate the law is not required to be proven (strict liability rule). However, intent has been proven in all cases originally filed as misdemeanors by FWP, the information is in the report. There is a greater chance of the defendant agreeing to plea to an infraction, as opposed to a misdemeanor because the monetary fine is less, there is no chance of serving jail time, and his fishing permit can not be suspended. As a result, this saves the Department of Law and the Court System time and money by not having to schedule expensive trials, convene juries and pay judge and attorney travel expenses to the Bay later in the year. No one debates the expense and time that would be necessary to conduct misdemeanor trials for the several hundred fishing cases.

The number of cases in Bristol Bay are increasing while the fines per case are decreasing. The fishermen already know they may be able to make several illegal sets valued at \$10,000 to \$20,000 before being caught. This combined with the possibility of a mere \$3,000 or even a \$6,000 fine serves as no deterrent to their illegal acts.

As long as misdemeanor cases are reduced to infractions there will never be any chance of fishing permits being suspended or ultimately revoked after three convictions as provided by statute. This, of course is the ultimate deterrent.

Bristol Bay Enforcement Recap 1993

Page 8

December 15, 1993

Prior to the 1994 season it is imperative for the Division to meet with the appropriate state attorneys and judges if necessary to resolve these issues. Division personnel and the commercial fishing community are demanding a much higher compliance rate but this will never happen until the penalty exceeds or at least meets the value of the crime.

This is a list of the personnel and equipment which were utilized in the program:

P/V WOLDSTAD (Egegik, Naknek, and Kvichak)

Cpl. Dean Layton
Trp. Lonnie Swanson
VTII Bill Wertanen
BOI Don Wood (cook)
BOI John Gianguilli
BOI Mike Reuter
Trp. Ken Woldstad
AST Trp. Willard Ellis

P/V TROOPER (Egegik)

Trp. Robert Rodrigues
Trp. Scott Jones
BOI Rick Gottwald
VTI Mark Selvog
FWEO Bob Beasley
AST Trp. Jeff Edmondson
AST Trp. Frank D'Angelo

P/V PUBLIC SAFETY #1 (Egegik and Ugashik)

Trp. Rollin Young
FWEO Scott Quist

KING SALMON

Lt. Thomas Schwantes
Sgt. Don Starbard
Trp. Gary Folger (pilot)
Trp. Curt Bedingfield (pilot) (set net)
FWEO Rohn Nelson (set net)
AST Trp. Joanna Roop (set net)
RDII Jolene Dodge
CIV Cynthia Nestegard
CTIII Kim Spaans

Bristol Bay Enforcement Recap 1993

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December 15, 1993

DILLINGHAM

Trp. Ed Painter (pilot) (O.I.C.)

Trp. Jim Lowe (22' Whaler)

FWEO Eric Olsen (22' Whaler)

AIRCRAFT

PA18 Cub on floats (King Salmon)

PA18 Cub on wheels (King Salmon)

PA18 Cub on floats (Dillingham)

King Air (transportation of TDY personnel)

VESSELS

P/V WOLDSTAD (2 skiffs)

P/V TROOPER (2 skiffs)

P/V PUBLIC SAFETY #1 (1 skiff)

22' Whaler (King Salmon)

22' Whaler (Dillingham)

Vessel Sea Days	FY93	FY94	Total
P/V WOLDSTAD	12	20	32
P/V TROOPER	10	23	33
P/V PUBLIC SAFETY #1	10	22	32
22' WHALER (DILLINGHAM)	3	10	13
22' WHALER (KING SALMON)	8	19	27
Grand Total	43	94	137

AIRCRAFT HOURS

Cessna 714NK

1.2 Hours

PA18 24005

42.5 Hours

PA18 7056

54.9 Hours

PA18 88AK

64.4 Hours

=====

TOTAL AIRCRAFT HOURS**163.4 Hours**

FY93 AIRCRAFT HOURS = 82.5

FY94 AIRCRAFT HOURS = 80.9

ALASKA

**DEPARTMENT OF PUBLIC SAFETY
FISH AND WILDLIFE PROTECTION**

**BRISTOL BAY SALMON ENFORCEMENT
1993 SEASON**

**Commissioner,
Richard L. Burton**



ADF&G Statistics

▶ Ex-vessel value of the harvest

▶ \$153.7 million dollars

▶ (Fifth largest ever)

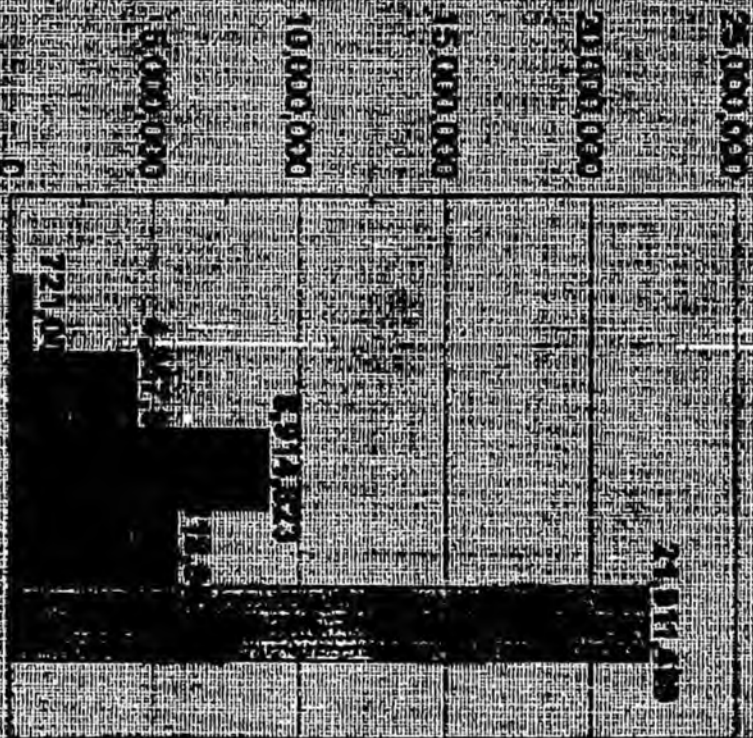
▶ Total run was 53,619,017 fish.

▶ (Third largest run ever)

▶ Total catch was 41,724,096

▶ (Largest sockeye catch on record, exceeding the prior 1983 record of 37.4 million)

▶ Total Escapement = 11,895,001



CATCHES

TOULAK LEASHIK INKOVIGHAK
RUBHAYAK EDECIK

1993 BRISTOL BAY SALMON PROGRAM COSTS - VS - INCOME COMPARISON

EXPENSES

▶ PERSONAL SERVICES \$173,050.00
 ▶ TRAVEL \$27,572.00
 ▶ CONTRACTUAL \$9,404.00
 ▶ SUPPLIES \$17,812.00
 ▶ TOTAL EXPENSES \$227,928.00

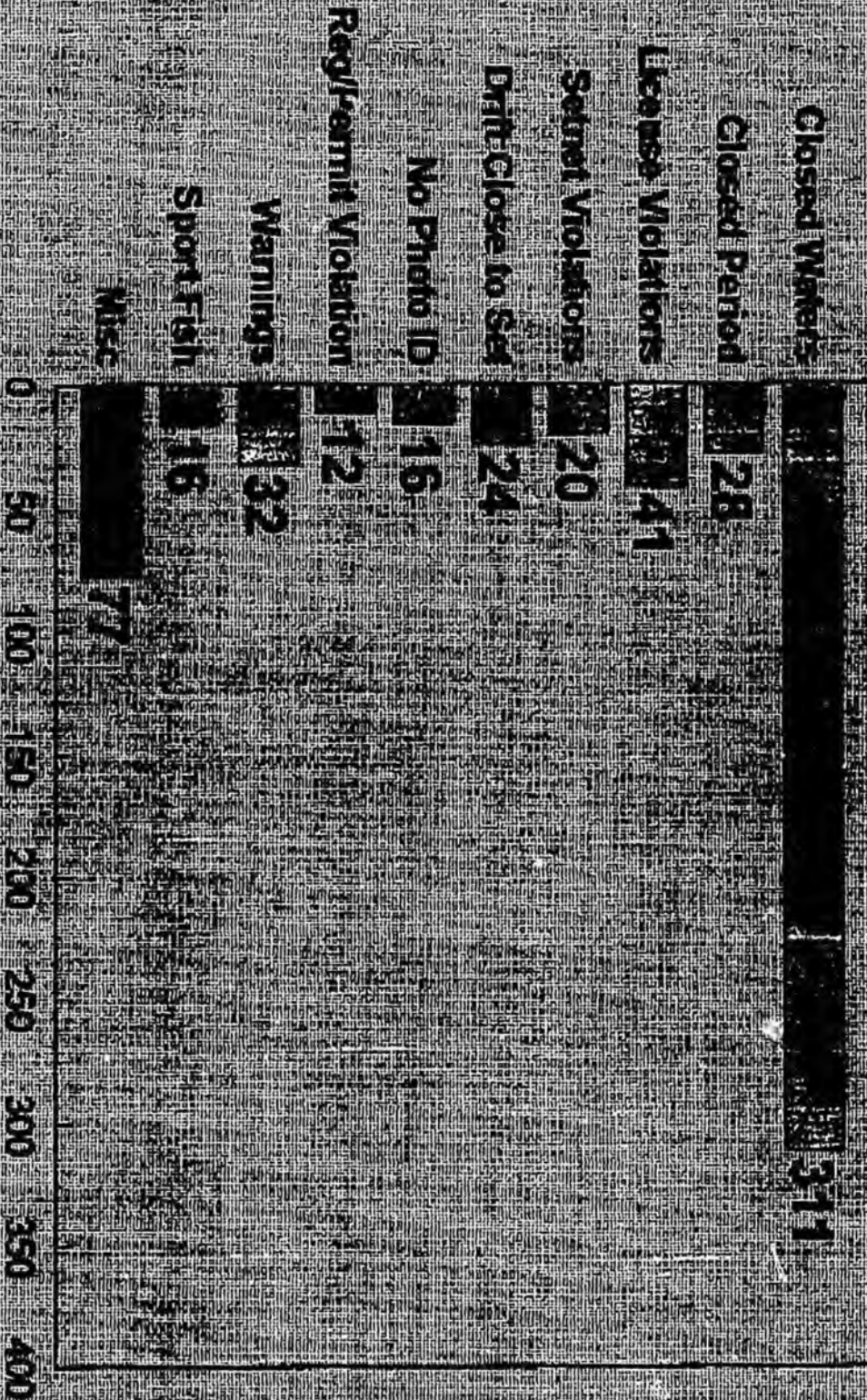
INCOME

▶ FINES \$835,133.86
 ▶ SERVED FISH \$86,730.20
 ▶ FORGOTTEN GEAR \$5,700.00
 ▶ CIVIL FINES \$45,000.00
 ▶ TOTAL INCOME \$972,564.06

* Values remaining to be entered - ES

11 53 3

1993 Distribution of Case Load



1991 - 92 - 93 COMPARISONS



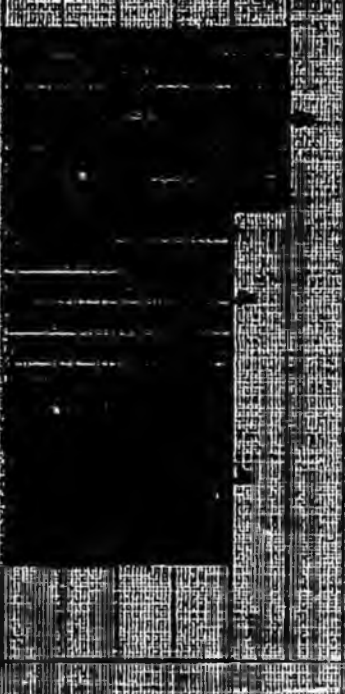
1991 1992 1993



1991 1992 1993



1991 1992 1993



1991 1992 1993

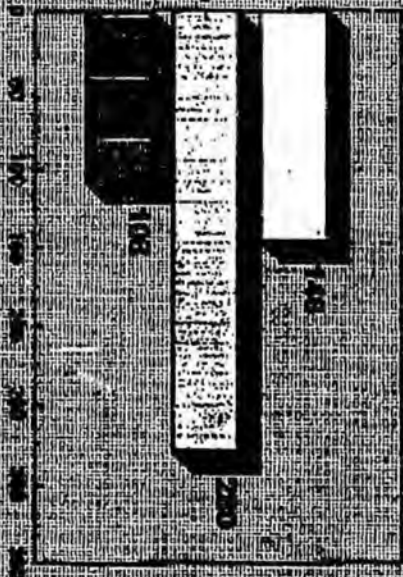
1991 - 92 - 93 COMPARISONS

NETS SEIZED



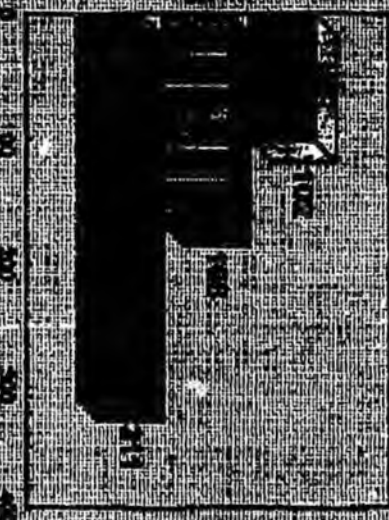
1991 1992 1993

NETS REUSED



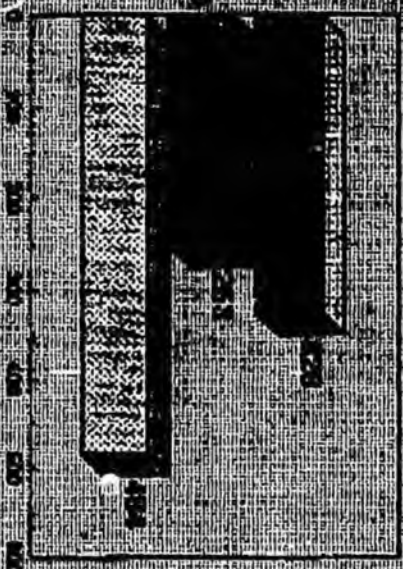
1991 1992 1993

CLOSED WATERS



1991 1992 1993

WATERS CLOSED



1991 1992 1993

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: SB 316

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to commercial fishing
penalties." BRU: Fish & Wildlife Protection
 Component: Enforcement & ISU, Marine Enforcement
 Sponsor: Senator Halford
 Requestor: S.RES COMPONENT SERIAL NO. 490, 493

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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 EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()						
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

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

This FN did not come w/ the bill.

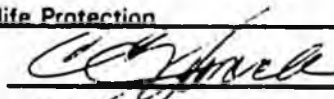
Estimate of current year (FY 94) impact: \$ 0

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.)

No fiscal impact is anticipated.

Prepared By: Captain Ted L. Ruddell Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 02-28-94
 Approved by Commissioner:  Date: 02-28-94
 Agency: Richard J. Burton, Dept. of Public Safety

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SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/14/94

FURTHER: Finance

four
Date of 5-Day Notice: 2.25.94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3.3.94

Resources Committee considered SB 316

"~~As Am~~ relating to commercial fishing penalties."

and recommends: and recommends it
be replaced with

replace with _____ CS SB 316 (RES)

- same title
- new title
- technical title change (HB only)

attaches amendment(s) and report it
back as follows

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FN

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
SB/CS DEPT. OF LAW	2-25-94		60.1

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

1) Finance

2) Finance only NO REC

3) Frank

2) Noel to Bennett No Rec

2) Do (blank) - NO REC

3) Owen & Lerman NO REC

1) Mike Miller DO PASS

Chair: Signature and Recommendation

SB

319

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/23/94

FURTHER:

DATE TURNED INTO OFFICE: 3-10-94

The Finance Committee considered **SENATE BILL NO. 319**

"An Act relating to the possession of controlled substances within 500 feet of recreation and youth centers; and permitting municipalities to install 'drug-free recreation and youth center zone' signs."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
Corrections	3-1-94	✓	
Law	2-23-94	✓	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DHESS	2-22-94	✓	
DPS	2-22-94	✓	

Appropriation No Fiscal Note

DO PASS:

Terri Kelly
John M. ...
Robert ...

OTHER RECOMMENDATIONS:

1. *Shore DO PASS*
 Co-Chair: Signature/Recommendation

2. *Tom ... DO PASS*

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB-319

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the possession BRU: All
of controlled substances... Component: All
 Sponsor: Sen. Pearce
 Requestor: Senate Finance COMPONENT SERIAL NO. 694-1884

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						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE	(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

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2147
 Division: Office of the Commissioner Date: 3/1/94
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 3/1/94
 Agency: Department of Corrections

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The bill would increase the severity, and thus length of sentence, for certain drug crimes if committed in proximity to recreation and youth centers. A class C felony (MICS IV) would become a class B felony (MICS III), and a class A misdemeanor (MICS V) would become a class C felony (MICS IV) if certain controlled substances were possessed within 500 feet of a youth or recreational center.

Assumptions

1. It is assumed that the effect of this measure might be similar to the effect of increasing the severity of MICS offenses which are committed in the proximity of schools, as provided under current law. The department was unable to locate any meaningful data on the frequency with which these offenses occur or their impact on the incarcerated or probation/parole populations. Only data on the actual offense category is available, which does not include the specific elements of the offense, such as proximity to a school. Therefore, the department contacted several law enforcement agencies/personnel and one prosecutor and asked how frequently such offenses occur. A district attorney informed the department that one such case occurred in the two years he was in that position. Three police officers stated such offenses occur "almost never." One police agency reported an average of 5.5 arrests near schools within the past four years. The department does not have the research resources needed to find out how this would correlate with actual convictions and sentences, so no conclusion could be drawn. Based upon this small amount of information, the department assumes that the behaviors described in the bill will "almost never" result in raising the severity of an offense from one category to another, and thus will not impact incarcerated or probation/parole populations.
2. In a profile of the incarcerated population on June 30, 1993, there were 41 inmates incarcerated for MICS IV and 75 incarcerated for MICS III. There were 96 inmates actually sentenced for MICS IV during 1992, and 119 sentenced for MICS III. In the June profile, there were 211 offenders under probation or parole supervision for MICS IV and 346 offenders being supervised for MICS III. Any increase in sentence length, or movement from misdemeanor to felony level which might result from this bill would seriously impact the department, given the number of cases involved. (Misdemeanor cases are not supervised by the department when placed on probation.)
3. If the department obtains any information contradicting the "almost never" incidence rate assumed above, the fiscal note will be revised to reflect an increase in prisoner-days (\$113/day) and probation/parole-days (\$6/day), as well as any capital funds necessary to expand correctional bedspace, based upon the numbers of current MICS III and IV cases under the department's custody on June 30, 1993.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 319

Revision Date: February 23, 1994
 Title: "...relating to the possession of controlled substances within 500 feet of recreation and youth centers."
 Sponsor: Senator Pearce
 Requestor: Senator Pearce

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. Pegues, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: February 23, 1994

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

Date: February 23, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 319

ANALYSIS CONTINUATION:

This bill amends AS 11.71 to extend the current prohibitions and penalties for possession of a controlled substance within 500 feet of school grounds to also include prohibiting possession of a controlled substance within 500 feet of a recreation or youth center.

This bill defines "recreation or youth center" to mean a building, structure, athletic playing field, or playground operated by a municipality or the state to provide athletic, recreational, or leisure activities for minors. We do not believe the bill will have a fiscal impact because the number of cases involving possession of a controlled substance under current law is not significant and, extension of "Drug Free" zones to include recreation and youth centers, will not add any new significant workload.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill No. 2
Bill Version: SB 319
(S) Publish Date: 2-23-94

Revision Date: _____ Dept. Affected: Health and Social Services
Title: An Act relating to possession of controlled substance within 500 ft of recreation & Youth Center BRU: Alcohol & Drug Abuse
Sponsor: Senator's Pearce, Kelly & Lincoln Component: Administration
Requestor: _____ COMPONENT SERIAL NO. 302

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	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
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGES IN REVENUES	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

POSITIONS:

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

Estimate of current year (FY94) cost \$ _____

ANALYSIS: (Attach a separate page if necessary)
This Bill has no fiscal impact upon the Department of Health and Social Services

Prepared by: Suzanne Perry
Division: Alcoholism and Drug Abuse

Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
Agency: Department of Health & Social Services

Phone: 465-2071
Date: 02/18/94

Date: 2-22-94

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STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

No. 1
BILL No. SB: 319
(S) Publish Date: 2-23-94

Revision Date: _____ Dept. Affected: Public Safety
Title: Drug Free Recreation and Youth Centers BRU: Alaska State Troopers
Component: Detachments
Sponsor: SENATOR PEARCE
Requestor: SENATOR PEARCE 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 EXPENDITURES						
CHANGE IN REVENUES () Revenue Code						

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 anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322
Division: Commissioner's Office Date: 2/22/94
Approved by Commissioner: [Signature] Date: 2-22-94
Agency: Richard L. Burton, Dept. of Public Safety

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Juneau, AK 99801-1182
(907) 465-4993
Fax (907) 465-3872

Senator Drue Pearce
District F

Sponsor Statement

Senate Bill 319 takes the idea of "Drug-Free School Zones" and expands it to include the areas around "recreation and youth centers." This includes buildings, structures, playgrounds and athletic playing fields. The legislation stiffens the penalties on people who possess drugs where children go to play.

Criminal justice, education, and substance abuse prevention leaders agree that the best resolution to the current drug epidemic lies in reducing the demand for illegal drugs, particularly among youth. The reason we create neighborhood playgrounds and recreation centers is to provide healthy alternatives for our citizens. Children and adults should not be intimidated by people who push or possess illegal substances in these areas.

Under SB-319, if a person is caught with drugs within 500 feet of a recreation or youth center, they will be charged with either misconduct involving a controlled substance in the third degree or the fourth degree, depending on the nature of the drug. Both of these are felony charges. Current statutes provide for only misconduct involving a controlled substance in the fourth degree or fifth degree (a misdemeanor). The proposed penalties are the same as current statutes for "Drug-Free School Zones."

Anchorage Police Chief Kevin O'Leary says the area around recreation and youth centers are fertile ground for those who promote and sell drugs to children. Officer Patrick O'Brien, a police/school liaison officer, says the parking lot of the Fairview Recreation Center is the site of a huge drug trade. The director of Spenard Recreation Center says the local drug dealer lives across the street. We must give law enforcement officials additional weapons to stop this illegal activity.

SB 319

1791 - 1991

CITY OF KENAI
"Oil Capital of Alaska"

210 FIDALGO KENAI, ALASKA 99511
TELEPHONE 283-7535
FAX 907-283-3014



March 3rd, 1994

The Kenai Recreation Center and Teen Center are a location where a large number of adults and teens come together to participate in various recreational activities.

While inside the building individuals are carefully supervised by staff, but once outside of the building, and just off the grounds, supervision is much more difficult. It is this area, outside of the facility, where individuals possessing or selling drugs would most likely be found.

The Staff at the Kenai Recreational Center and Teen Center strongly support House Bill 337, because we feel that it will give our local Police Department added incentive to closely monitor the area outside of our facility. We also believe that the drug-free recreation and youth center zone signs will communicate our staff's commitment to providing a safe drug-free environment for all individuals who use our facility.

Sincerely,

Julie Niederhauser

Julie Niederhauser

Asst. Supervisor of Teen Center

Raymond Gilliland
Director - Parks & Recreation

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 22, 1994

SUBJECT: Sectional Summary of SB 319
(Work Order No 8-LS1736/A)

TO: Senator Drue Pearce
Attn: Ken Erickson

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.71.030(a)(3)^{1/} by providing that it is illegal to possess any amount of a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center.^{2/}

Section 2 of the bill amends AS 11.71.030(b) to provide that it is an affirmative defense to a prosecution for possessing a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center and that the possession did not involve distributing, dispensing, or possessing with the intent to sell.

^{1/} AS 11.71.030 is misconduct involving controlled substance in the third degree, a class B felony, which is punishable as provided in AS 12.55.125(d)(imprisonment) and 12.55.035(fine).

^{2/} Schedule IA and IIA controlled substances are identified at AS 11.71.140 and 11.71.150, respectively.

Senator Drue Pearce
February 22, 1994
Page 2

Section 3 of the bill amends AS 11.71.040(a)(4)^{3/} to make it illegal to possess a schedule IIIA, IVA, VA, VIA controlled substance at or within 500 feet of a recreation or youth center.^{4/}

Section 4 of the bill amends AS 11.71.040(b) to make it an affirmative defense to a prosecution for possessing a schedule IIIA, IVA, VA, or VIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center.

Section 5 of the bill provides a definition of "recreation or youth center."

Section 6 of the bill amends AS 28.01.010(d) by providing a new paragraph (2) that allows municipalities to post "drug-free recreation or youth center zone" signs.

GPL:gc
94-148.glc

^{3/} AS 11.71.040 is misconduct involving controlled substances in the fourth degree, a class C felony, which is punishable as provided in AS 12.55.125(e)(imprisonment) and 12.55.035(fine).

^{4/} Schedule IIA, IVA, VA, and VIA controlled substances are identified at AS 11.71.160, 11.71.170, 11.71.180, and 11.71.190, respectively.



February 22, 1994

Senator Drue Pearce
Senate
State Capitol, Room 508
Juneau, AK 99801-1182

Dear Senator Pearce:

This letter is in support of S.B. 319. It seems logical to me that any area where young people gather we have a responsibility as a community to protect them as much as possible. This bill sends that kind of message. It also gives the police the authority to take action if these violations occur. Substance use and abuse have been on the decline for the past few years, however when it comes to young people that's still the area where most problems are occurring. So anything that can continue to assist this problem from rising again we should support. These areas where young people gather are most vulnerable for this kind of activity. We have to let the young people know that we are working in their best interest. I am very grateful for this legislation it proves to me that you and your colleagues are very concerned about the teenagers of our communities. Prevention is the only hope we have for the future. Best of luck with this bill.

Sincerely,


Joseph DiMatteo
Executive Director

/JDM



Tom Fink, Mayor

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99507-1599
 TELEPHONE (907) 786-8500



Service since 1921

2/22/94

Senator Drue W. Pearce
 Alaska State Legislature
 State Capitol (MS 3100)
 Juneau, Alaska 99801-1182

Dear Senator Pearce:--

I have received a copy of proposed legislation, Senate Bill 319, which widens the scope of areas designated as drug-free zones. As you may already know, the areas around recreation and youth centers are indeed fertile ground for those who promote and sell drugs to our children. The fact that buildings, playgrounds and athletic fields have been included in the bill enhances the effectiveness of this important legislation.

The Anchorage Police Department, in cooperation with the School District, does its very best to protect our youth from drugs by education, counseling, and by vigilance in and near schools. However, it is time to attack the drug problem on as many fronts as possible. We enthusiastically support SB 319 and its goals to eradicate drugs from any area where children may be present, and to severely punish those who would possess, use, promote or sell controlled substances near our children.

Sincerely,

Duane S. Udland
 Deputy Chief of Police

~~RECEIVED~~ CORRECTED

Post-It™ brand fax transmittal memo 7871 # of pages 1

To Senator Drue Pearce	From Chief D. Udland
Co. (Ken Puckett)	Co. APP
Dept.	Phone # 786-8590
Fax # 765-5874	Fax # 786-2638

Alaska Recreation and Park Association

P.O. Box 102564
Anchorage, Alaska 99510-2664

February 17, 1994

Representative Jim Nordlund
Alaska State Capitol
Juneau, Alaska 99801-1182

Rep. Nordlund:

Thank you for your sponsorship of House Bill No. 337 and for sharing a copy of this proposed legislation with me. After studying the bill this week, asking for opinions from my membership and then sharing it with my own city Police Chief for his comment, I believe HB337 will greatly benefit communities throughout our state and will assist the goals of the Alaska Recreation and Park Association (ARPA).

Not only does HB337 clear up current law and make it more enforceable, but it extends stiffer penalties for possession of controlled substances to include zones where young people play and recreate, as well as where they attend school. It is an unfortunate fact of life that drugs are available and readily accessible throughout our state, but we should not tolerate this condition and should take steps like HB337 to "say no to drugs" and to drug dealers.

ARPA believes recreation and play should be a positive experience. We support HB337 and other efforts like it that would help say "NO!" to those who would enter our parks, play areas and recreation centers to ruin that positive experience and to potentially ruin the lives of those we serve.

Please feel free to contact me at any time regarding this issue or any other involving recreation and parks, and I thank you for your fine efforts.

Sincerely,



William J. Musson, President
Alaska Recreation and Park Association

cc: ARPA Board of Directors

Municipality of Anchorage



PARKS AND RECREATION

P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650

TOM FINK
MAYOR

Representative Jim Nordlund
Alaska State Capitol
Juneau, AK 99801
February 18, 1994

Letter of Support for House Bill No. 337

As Director of the Spenard Community Recreation Center and speaking from a youth oriented perspective, I support House Bill No. 337. Having read the bill I believe that setting up drug free zones for youth and recreation centers will greatly benefit not only the Spenard Community Recreation Center, but similar areas across the state. The bill will benefit the youth of the community and hopefully prevent any problems with controlled substances.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Perrin". The signature is written in dark ink and is positioned above the typed name and title.

Sharon Perrin, Director
Spenard Community Recreation Center

ANCHORAGE POLICE DEPARTMENT EMPLOYEES ASSOCIATION

4501 South Bragaw Street

Anchorage, Alaska 99507-1599



Representative Jim Nordlund
Alaska State Legislature
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

February 3, 1994

Dear Representative Nordlund:

The Anchorage Police Department Employees Association strongly endorses House Bill 337. The Association feels that youth and recreation centers should be drug free zones that offer families and children recreational opportunities free of infringements from street predators.

Recognizing that the expanded wording in this statute is the first step toward aggressive, proactive enforcement, the A.P.D.E.A. encourages all legislators to support HB 337. This will send a clear message throughout the state's criminal justice system that this legislature means business by targeting specific elements of the criminal community who have blatantly and deviously infringed on areas which should be oases of childhood innocence and strongholds of wholesome family activities.

The represented employees of the A.P.D.E.A. stand firm in our support of HB 337 and commend your efforts pertaining to this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rob Heun".

Sgt. Rob Heun
President, A.P.D.E.A.

Survey of State Attorneys General Shows Encouraging Signs

Recently, the National Coalition for Drug-Free School Zones conducted a national survey of state Attorneys General to determine which states have Drug-Free School Zone (DFSZ) legislation and to discover new innovations in the area of Drug and Weapon-Free School Zone legislation. The survey questioned whether:

- Each state has a DFSZ law in effect or pending before its legislation.
- There has been a legal challenge to that DFSZ law.
- The legislation has been amended.
- A Weapon-Free School Zone (WFSZ) law is in effect, pending, or proposed.

Of the forty-five states which responded to the survey:

- Forty have DFSZ laws in effect.
- Sixteen have amended their DFSZ legislation, enhancing the penalties for drug offenses or designating specific places (such as public housing facilities) as Drug-Free Zones.
- Twelve states have enacted WFSZ legislation
- Seven states have a WFSZ provision pending before the state legislature.

Currently, Drug and Weapon-Free School Zone legislation is pending before the Texas and Nebraska state legislature.

The states of North Dakota, Ohio, and West Virginia do not have DFSZ or WFSZ legislation enacted or proposed.

In Nevada, legislation has been enacted which extends the boundaries of a Drug-Free Zone to encompass a 1,000 foot area surrounding playgrounds, public swimming pools, recreational centers for youths, and college campuses. This amendment poses an additional penalty for violations occurring within 1,000 feet of a school bus stop, one hour before school begins and one hour after school ends during scheduled school days. The legislation also designates the 1,000 foot area surrounding a video arcade as a Drug-Free Zone.

The Coalition supports the position taken in Nevada because these provisions recognize that any area in which children congregate should be protected from drug offenders. The Nevada legislature has also passed a provision prohibiting the possession of dangerous weapons on the property of the University of Nevada system, as well as public or private schools, and within vehicles of a public or private school.

New Jersey, which has been a leader in the Drug-Free School Zone initiative,

has amended its legislation clarifying that in a case involving DFSZs: the fact that no juveniles were present or that school was not in session at the time of the offense, is not an adequate defense. The state successfully defended a legal challenge to its DFSZ law in which the court upholds the law which finds the 1,000 foot distance provision in the statute not vague or over-broad. A bill establishing Weapon-Free Zones is pending before the State of New Jersey Senate and General Assembly. This bill, if passed, will make it a crime to knowingly possess a dangerous weapon "in or upon any part of the buildings or grounds of any school, college, university, or other educational institutions...irrespective of the fact that the offender possesses a valid permit to carry the firearm."

Utah's DFSZ legislation has been amended to include shopping malls, public parks, churches, recreation centers, video arcades, parking lots, and stadiums. The statute also includes increased penalties for offenses involving persons under 18, regardless of where the offense occurs.

An amendment extends to Wisconsin's DFSZ law to include public parks, pools, youth and

**NATIONAL COALITION FOR DRUG-FREE SCHOOL ZONES
NATIONAL SURVEY RESULTS**

STATE	DFZ	DFZ PENDING	LEGAL CHALLENGE	AMENDED	WFZ	WFZ PENDING
AL	.			.		
AK	.					
AZ	.			.		.
AR	.					
CA	.					
CO	.					.
CT	.			.	.	
DE	.					
DC	.					
FL	.					
GA	.					
HI	.					
ID	.					.
IL	.			.	.	
IN	.					
IA	.		.	.		
KS	.				.	
KY	.					
LA	.				.	
ME	.					
MD	.		.			
MA	.		.			
MI	.			.		
MN	.			.	.	
MS	.					
MO	.		.			
MT	.					
NE	.	.				.
NV	.			.	.	
NH	.					
NJ
NM	.					
NY	.			.	.	
NC	.				.	
ND	.					
OH	.					
OK	.					
OR	.			.		
PA	.					
RI	.			.		
SC	.			.		
SD	.					
TN	NO RESPONSE					
TX	.	.				.
UT	.			.	.	
VT	.				.	
VA	
WA	.					.
WV	.					
WI	.			.	.	
WY	.					

community centers, and school buses. This amendment also contains a provision enabling officials to increase the maximum term of imprisonment prescribed by law by five years. However, Wisconsin's WFZ law is restricted to areas designated as a "school zone."

Connecticut has added a provision which extends the DFZ law to include public housing projects and has

enacted a WFSZ law. This is similar to the Minnesota DFSZ legislation which provides for increased penalties for drug and weapon offenses which occur within a school zone, public housing zone or park zone.

The NCDFSZ is encouraged by the developments in the Drug-Free School Zone initiative, especially those provisions including public housing

projects, recreational centers and parks. Hamish Park, Coalition Program Director, anticipates that more states will expand their Drug-Free Zone legislation to include additional public places. The Coalition is currently compiling Weapon-Free Zone legislation in order to provide a model for those states wishing to enact WFSZ laws. ♦

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

gms

DATE: 2/14/94

FURTHER: Finance

Date of 5-Day Notice: 2/17/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/23/94

HESS Committee considered SB 319

"~~An Act~~ relating to the possession of controlled substances within 500 feet of recreation and youth centers; and permitting municipalities to install 'drug-free recreation and youth center zone' signs."

+ maj of Crite needs dog

and recommends:

replace with _____ CS _____ ()

attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

2 of FOI

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Public Safety	2/22/94	✓	
HSS	2/22/94	✓	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Andrew A. Duncan
Judith E. Salo
Duncan
Bob Sharp

OTHER RECOMMENDATIONS:

Steve King Do Pass
Chair: Signature and Recommendation

SB

320

SFIN

FILE

FISCAL NOTE

No. 1

Bill Version: SB 320

(S) Publish Date: 4-21-94

Revision Date:
Title: Occupational Licensing

Department Affected: DOT&PF
BRU: E&OS

Sponsor: Leman
Requestor:

Component: D&C
Component Serial Number: #547

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
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	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/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY94) impact: \$0

ANALYSIS: (Attach a separate page if necessary)

Changes in CSB 320 (L&C)
have no fiscal impact. This
fiscal note is appropriate.

4-20-94 APZ
date | Comte Aide (initial)

Prepared by: Mal Linthwaite, Deputy State Engineer

Phone: 465-2960

Division: Engineering & Operations Standards

Date: February 23, 1994

Approved by Commissioner: B.A. Campbell

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: February 24, 1994

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FISCAL NOTE

Bill Version: SB 320

(S) Publish Date: 4-21-94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

B:

Revision Date: 3/14/94
 Title: An Act relating to occupational licensing board and commissions; and relating to AELS.
 Sponsor: Senator Leman
 Requestor: Senator Leman

Department: Commerce and Economic Dev.
 BRU: Occupational Licensing
 Component: Operations

COMPONENT SERIAL NO. 1844

Expenditures/Revenues		(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	
OPERATING EXPENDITURES							
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 EXPENDITURES							
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0	

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

Changes in SB 320 (LAC) have no fiscal impact. This fiscal note is appropriate.
 4/20/94 [Signature]
 Date Comtee Aide (initial)

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

POSITIONS		FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME		0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME		0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY		0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)
 SB 320 amends the appointment and terms provision under AS 08.01.035 for board and commission members; and make several amendments to AS 08.48 relating to the Board of Registration for Architects, Engineers, and Land Surveyors. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing
 Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 3/14/94
 Date: 3/14/94

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10:05am

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WORK DRAFT

8-LS1735R✓
Lauterbach
4/20/94

CS FOR SENATE BILL NO. 320()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR LEMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to membership on the Board of Registration for Architects,
2 Engineers, and Land Surveyors; relating to registration by the board; clarifying
3 the meaning of practicing or offering to practice architecture, engineering, or land
4 surveying; deleting teachers of postsecondary land surveying courses from a
5 registration exemption; and amending the definition of 'practice of land
6 surveying.'"

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

8 * Section 1. AS 08.48.011(b) is amended to read:

9 (b) The board consists of nine members appointed by the governor having the
10 qualifications as set out in AS 08.48.031. The board consists of two civil engineers,
11 three [ONE LAND SURVEYOR, ONE MINING ENGINEER, TWO] engineers from
12 other branches of the profession of engineering, two architects, one land surveyor, and
13 one public member.

1 * Sec. 2. AS 08.48.191(b) is amended to read:

2 (b) A person holding a certificate of registration authorizing the person to
3 practice engineering in a state, territory, or possession of the United States, the District
4 of Columbia, or a foreign country, that, in the opinion of the board meets the
5 requirements of this chapter, based on verified evidence, may, upon application, be
6 registered in accordance with regulations of the board. [A PERSON HOLDING A
7 CERTIFICATE OF QUALIFICATION ISSUED BY THE NATIONAL COUNCIL OF
8 ENGINEERING EXAMINERS COMMITTEE ON NATIONAL ENGINEERING
9 CERTIFICATION MAY, UPON APPLICATION, BE REGISTERED IN
10 ACCORDANCE WITH THE REGULATIONS OF THE BOARD.]

11 * Sec. 3. AS 08.48.321 is amended to read:

12 Sec. 08.48.321. EVIDENCE OF PRACTICE. A person practices or offers to
13 practice architecture, engineering, or land surveying who

14 (1) practices a branch of the profession of architecture, engineering, or
15 land surveying as defined in AS 08.48.341;

16 (2) by verbal claim, sign, advertisement, letterhead, card, or other
17 means represents to be an architect, engineer, or land surveyor, or through the use of
18 some other title implies that the person is an architect, engineer, or land surveyor; or

19 (3) holds out as able to perform or who does perform an architectural,
20 engineering, or land surveying service recognized by the professions covered by this
21 chapter, and specified in regulations of the board, as architectural, engineering, or land
22 surveying.

23 * Sec. 4. AS 08.48.331 is amended to read:

24 Sec. 08.48.331. EXEMPTIONS. This chapter does not apply to

25 (1) a contractor performing work designed by a professional architect
26 or engineer or the supervision of the construction of the work as a supervisor or
27 superintendent for a contractor;

28 (2) workers in building trades crafts, superintendents, supervisors, or
29 inspectors in the performance of their customary duties;

30 (3) an officer or employee of the United States government practicing
31 architecture, engineering, or land surveying as required by the person's official

1 capacity;

2 (4) an employee or a subordinate of a person registered under this
3 chapter if the work or service is done under the direct supervision of a person
4 registered under this chapter:

5 (5) associates, consultants, or specialists retained by a registered
6 individual, a partnership of registered individuals, or a corporation authorized to
7 practice architecture, engineering, or land surveying under this chapter, in the
8 performance of professional services if responsible charge of the work remains with
9 the individual, the partnership, or a designated representative of the corporation:

10 (6) a person preparing drawings or specifications for -

11 (A) a building for the person's own use and occupancy as a
12 single family residence;

13 (B) farm or ranch buildings, unless the public health, safety, or
14 welfare is involved:

15 (C) a building that is intended to be used only as a residence
16 by not more than four families and that is not more than two stories high:

17 (D) a garage, workshop, or similar building that contains less
18 than 2,000 square feet of floor space to be used for a private noncommercial
19 purpose:

20 (7) a specialty contractor licensed under AS 08.18 while engaged in the
21 business of construction contracting or designing systems for work within the specialty
22 to be performed or supervised by the specialty contractor, or a contractor preparing
23 shop or field drawings for work that the specialty contractor has contracted to perform:

24 (8) a person furnishing drawings, specifications, instruments of service,
25 or other data for alterations or repairs to a building that do not change or affect the
26 structural system or the safety of the building, or that do not affect the public health,
27 safety, or welfare:

28 (9) a person who is employed by a postsecondary educational
29 institution to teach engineering or [,] architectural [, OR LAND SURVEYING]
30 courses; in this paragraph, "postsecondary educational institution" has the meaning
31 given in AS 14.48.210.

1 * Sec. 5. AS 08.48.341(10) is amended to read:

2 (10) "practice of land surveying" means the teaching of land
3 surveying courses at an institution of higher learning, or any service or work the
4 adequate performance of which involves the application of special knowledge of the
5 principles of mathematics, the physical and applied related sciences, and the relevant
6 requirements of law for adequate evidence of the act of measuring and locating land,
7 lines, angles, elevations, natural and manmade features in the air, on the surface
8 of the earth, within underground workings, and on the beds of bodies of water for
9 the purpose of determining areas and volumes, geodetic and cadastral surveys for
10 the location and monumentation of property boundaries, for the platting and planning
11 of land and subdivisions of land, including the topography, alignment, and grades
12 for streets, and for the preparation and perpetuation of maps, record plats, field note
13 records, and property descriptions that represent these surveys;

SB 320

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-5367 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

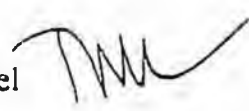
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 20, 1994

SUBJECT: Sectional Summary of CSSB 320 () "K" version. (An Act relating to architects, engineers, and land surveyors.)

TO: Senator Loren Leman

FROM: Terri Lauterbach
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

Since you have not asked any specific questions about the legal effect of this bill, this summary is fairly general. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1.

Changes the makeup of the Board of Architects, Engineers, and Land Surveyors.

Sec. 2.

Abolishes licensure based on certificates issued by the National Council of Engineering Examiners Committee on National Engineering Certification.

Sec. 3.

Clarifies, by adding an "or" on page 2, line 12, that any one of these activities constitutes the practice or offer to practice.

Sec. 4.

Removes the current licensure exemption for persons who teach land surveying at postsecondary educational institutions.

Sec. 5.

Amends the definition of "practice of land surveying" to add postsecondary teachers of land surveying and persons who plat or plan topography, alignment, and grades for streets.

TML:mi
94-093.mai

gmb

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/14/94

FURTHER: ~~Industry~~

Finance

Date of 5-Day Notice: 3-10-94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-20-94

L&C Committee considered SB 320

"An Act relating to occupational licensing boards and commissions; and relating to architects, engineers, and land surveyors."

and recommends it be replaced with

and recommends:

replace with _____ CS SB 320 (LTC)

attaches amendment(s)

and report it back as follows

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

phi/psi's

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DCED	3/14/94	<input checked="" type="checkbox"/>	
DOT/PF	2/24/94	<input checked="" type="checkbox"/>	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Active Prior No Recommendation
 _____ NR
 _____ (NR)

Kell Sp

Chair Signature and Recommendation

SB

321

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/7/94

FURTHER:

DATE TURNED INTO OFFICE: 3-16-94

The Finance Committee considered **SENATE BILL NO. 321**

Taking of fingerprints when a person is arrested; that the fingerprints be provided to the Dept of Public Safety; criminal and crime records; reporting of information concerning homicides and suspected homicides; requiring the Dept of Public Safety to participate in the Federal Bureau of Investigation, Violent Crimes Apprehension Program."

and recommends:

replace with _____ CS JB 321 (FINANCE)
 or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DPS troopers	2-28-94	<input checked="" type="checkbox"/>	
DPS Records	2-28-94	<input checked="" type="checkbox"/>	
DCC	3-18-94	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS.

Tim Kell
Bob [unclear]
[unclear]

OTHER RECOMMENDATIONS:

Steve King No Recommendation

1. *Don't do pass*

2. *True Name. 10/25/94*

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. L
BILL NO Bill Version: SB 321
(S) Publish Date: 3-7-94

Revision Date: _____ Dept. Affected: Public Safety
Title: Fingerprinting/Crime Records BRU: Alaska State Troopers
Component: Detachments
Sponsor: Senator Halford
Requestor: Senator Halford 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-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

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-

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

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.)

No fiscal impact anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322
Division: Commissioner's Office Date: 02/28/94
Approved by Commissioner: [Signature] Date: 02/28/94
Agency: Richard J. Burton, Dir. of Public Safety

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

For further

date Comte Aide (initial)

Changes in CS SB321(J4D)
have no fiscal impact. This
fiscal note is appropriate.

3/3/94 [Signature]

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO

No. 2
Bill Version: SB 321
(S) Publish Date: 3-7-94

Revision Date: _____ Dept. Affected: Public Safety
Title: Fingerprinting/Crime Records BRU: Statewide
Component: Alaska Criminal Records
Sponsor: Senator Halford
Requestor: Senator Halford COMPONENT SERIAL NO. 1190

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-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

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-

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

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.)
No fiscal impact anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322
Division: Commissioner's Office Date: 02/28/94

Approved by Commissioner: [Signature] date 02/28/94 Conte Aide (initial)
Agency: Richard L. Burton, Dept. of Public Safety

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Changes in CS SB 321 (JVD)
have no fiscal impact. This
fiscal note is appropriate.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

*Rec'd after bill R/O
3-18-94
Transmitted to the
BILL NO.: CSSB 321(FIN) floor.*

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to ... fingerprints BRU: Statewide Operations
 Sponsor: Sen. Halford Component: Institutions
 Requestor: Senate Finance Component Serial #: 694-1884

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	.	.	.	.	.
TRAVEL						
CONTRACTUAL	0	.	.	.	.	.
SUPPLIES	0	.	.	.	.	.
EQUIPMENT	0	.	.	.	.	.
*LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	.	.	.	.	.

CAPITAL EXP	0
-------------	---	---	---	---	---	---

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

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

Estimate of any current year (FY94) cost \$ 0

POSITIONS

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

ANALYSIS: Please see the attached explanation.

Prepared by: Diane Schenker, Special Assistant
 Division: Office of the Commissioner
 Approved by: I. Frank Prewitt, Jr., Commissioner
 Agency: Department of Corrections

Phone: 465-4643/786-2147
 Date: 3/16/94
 Date: 3/18/94
 Page 1 of 2

Fiscal Note/DOC
CSSB 321(FIN)
March 15, 1994
Page 2 of 2

The bill requires that fingerprints be taken for persons arrested for an offense, with or without a warrant, when booked into a correctional facility, or at arraignment, adjudication, or sentencing. A court will order that the offender be fingerprinted at a correctional facility or other appropriate place. Mandatory fingerprinting for misdemeanants will not go into effect until FY96. The department cannot determine with accuracy the number of additional cases which will require fingerprinting, nor which of those cases will be assigned to the department, without further investigation. Any increase in resources needed to accomplish additional fingerprinting will be requested through the FY96 budget process.

The department is continuing to work with the Department of Public Safety to assess the actual number of cases which are not being satisfactorily fingerprinted now. Offenders taken directly to a magistrate, appearing in court on a summons, or sentenced to probation without a period of incarceration, as well as some warrant arrests and some probation violators are probably not being fingerprinted under current practice. The increase in workload to fingerprint these cases will require additional resources. It has not been determined which agencies, in which locations, will be the most appropriate to pick up the additional fingerprinting workloads.

It costs roughly \$10 per set of prints (for 20 minutes of a correctional officer's time plus supplies.) The department plans to begin using an automated fingerprint machine at the busiest booking facility, Sixth Avenue Correctional Center, which may reduce personnel and supply expenses per set of prints. The time estimated to fingerprint an offender does not include the time required to perform a pat search and property inventory for a prisoner prior to admission into a correctional facility.

3-16-94
JK-304

WORK DRAFT

WORK DRAFT

WORK DRAFT

8-LS1649R
Luckhaupt
3/15/94

Adopted

CS FOR SENATE BILL NO. 321()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS HALFORD, Phillips, Kelly

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the taking of a legible set of fingerprints when a person is
2 arrested, upon initial appearance or arraignment, upon the conviction of the
3 person, and when the person is received at a correctional facility, and providing
4 that the set of fingerprints shall be provided to the Department of Public Safety;
5 relating to criminal and crime records and information; requiring the reporting
6 of information concerning homicides and suspected homicides to the Department
7 of Public Safety for analysis; requiring the Department of Public Safety to
8 participate in the Federal Bureau of Investigation, Violent Criminals Apprehension
9 Program."

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

11 * **Section 1.** AS 12.80 is amended by adding a new section to read:

12 **Sec. 12.80.060. FINGERPRINTING. (a)** When a person is arrested for an

1 offense, with or without a warrant, fingerprints of the person may be taken by the law
2 enforcement agency with custody of the person. If the law enforcement agency with
3 custody of the person does not take the fingerprints, the person's fingerprints shall be
4 taken by the correctional facility where the person is lodged following the arrest.

5 (b) At the initial court appearance or arraignment of a person for an offense,
6 the court shall determine if the person's fingerprints have been taken in connection
7 with the offense. If the court is unable to conclusively determine that the person's
8 fingerprints have been taken, the court shall order the person to submit to
9 fingerprinting within 24 hours at the appropriate correctional facility or another place
10 for taking fingerprints that is more appropriate.

11 (c) When a defendant is sentenced or otherwise adjudicated for an offense, the
12 court shall determine if legible fingerprints have been taken in connection with the
13 proceedings. If the court is unable to conclusively determine that legible fingerprints
14 have been taken, the court shall order that the defendant, as a condition of sentence,
15 adjudication, suspended imposition of sentence, probation, or release, submit to
16 fingerprinting within 24 hours at the appropriate correctional facility or another place
17 for taking fingerprints that is more appropriate.

18 (d) The Department of Public Safety shall develop standard forms and
19 procedures for the taking of fingerprints under this section. Fingerprints shall be

20 (1) taken on a form, and in the manner, prescribed by the Department
21 of Public Safety; and

22 (2) forwarded within five working days to the Department of Public
23 Safety.

24 (e) When the Department of Public Safety receives fingerprints of a person in
25 connection with an offense, the Department of Public Safety shall make a reasonable
26 effort to confirm the identity of the person fingerprinted. If the Department of Public
27 Safety finds that the person fingerprinted has criminal history record information under
28 a name other than the name submitted with the fingerprints, the Department of Public
29 Safety shall promptly notify the officer, agency, or facility that took the fingerprints.

30 (f) If the arresting officer, the law enforcement agency that employs the
31 officer, or the correctional facility where fingerprints were taken is notified by the

1 Department of Public Safety that fingerprints taken under this section are not legible,
2 the officer, agency, or facility shall make a reasonable effort to obtain a legible set of
3 fingerprints. If legible fingerprints cannot be obtained within a reasonable period of
4 time, and if the illegible fingerprints were taken under a court order, the officer or
5 agency shall inform the court, which shall order the defendant to submit to
6 fingerprinting again.

7 (g) In this section,

8 (1) "correctional facility" has the meaning given in AS 33.30.901;

9 (2) "offense" means conduct subjecting a person to arrest as an adult
10 offender, or as a juvenile charged as an adult,

11 (A) due to a violation of a federal or state criminal law, or
12 municipal criminal ordinance;

13 (B) under AS 12.25.180;

14 (C) under AS 12.30.060; or

15 (D) under AS 12.70.

16 * Sec. 2. AS 33.30.011 is amended to read:

17 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

18 (1) establish, maintain, operate, and control correctional facilities
19 suitable for the custody, care, and discipline of persons charged or convicted of
20 offenses against the state or held under authority of state law;

21 (2) classify prisoners;

22 (3) for persons committed to the custody of the commissioner, establish
23 programs, including furlough programs that are reasonably calculated to

24 (A) protect the public;

25 (B) maintain health;

26 (C) create or improve occupational skills;

27 (D) enhance educational qualifications;

28 (E) support court-ordered restitution; and

29 (F) otherwise provide for the rehabilitation and reformation of
30 prisoners, facilitating their reintegration into society;

31 (4) provide necessary medical services for prisoners in correctional

1 facilities or who are committed by a court to the custody of the commissioner,
2 including examinations for communicable and infectious diseases;

3 (5) provide necessary psychological or psychiatric treatment if a
4 physician or other health care provider, exercising ordinary skill and care at the time
5 of observation, concludes that

6 (A) a prisoner exhibits symptoms of a serious disease or injury
7 that is curable or may be substantially alleviated; and

8 (B) the potential for harm to the prisoner by reason of delay or
9 denial of care is substantial; [AND]

10 (6) establish minimum standards for sex offender treatment programs
11 offered to persons who are committed to the custody of the commissioner; and

12 (7) provide for fingerprinting in correctional facilities in accordance
13 with AS 12.80.060.

14 * Sec. 3. AS 44.41 is amended by adding a new section to read:

15 Sec. 44.41.050. UNIFORM HOMICIDE REPORTING. (a) A law
16 enforcement agency shall report each homicide or suspected homicide committed
17 within the jurisdiction of the agency to the Department of Public Safety within 25 days
18 of the homicide's discovery. The report shall be on a form approved by the
19 commissioner of public safety and must contain information as determined by the
20 commissioner to be necessary to aid law enforcement personnel in comparing
21 homicides and suspected homicides and discovering those that exhibit similar
22 characteristics. If the Department of Public Safety determines that a homicide or
23 suspected homicide meets the Violent Criminals Apprehension Program criteria, the
24 department shall notify the law enforcement agency that submitted the report, and the
25 agency shall complete and forward to the department within 30 days a Federal Bureau
26 of Investigation Violent Criminals Apprehension Program form.

27 (b) The Department of Public Safety shall enter the information submitted
28 under (a) of this section into a file and shall compare the information to information
29 on other homicides or suspected homicides for the purpose of discovering similarities
30 in criminal methods and suspect descriptions. If the Department of Public Safety finds
31 homicides exhibiting similar criminal methods or suspect descriptions, the department