

ALPHABETICALLY

HJ

HB 180.

Neither bill addresses enforcement cost, capability, or policy very adequately. HB 620 however, does appear to be a more reasonable law to enforce.

5. We are aware of little evidence of benefit to youth from state policies which take a punitive criminal justice approach to possession or use of alcohol and drugs. We are aware of several other approaches that have been taken by schools and communities to control availability which do not make criminals of young people.

We are concerned that HB 180's punitive approach, and potentially police in schools and on school grounds, will further alienate youth from their families, their schools, and their communities. Honesty, trust, and reasonableness are the basis for successful work with youth by health and social service agencies, families, and schools.

HB 620 presents a more honest, and reasonable approach to the issue of simple possession versus sale.

6. HB 180's provisions for "intent to deliver" seem poorly defined. We are concerned that this provision builds in too much opportunity for selective and discriminatory application of the law. Discriminatory sentencing for minority offenders has already been identified as a problem in Alaska's criminal justice system.

HB 620 has no provision for "intent to deliver".

7. HB 180 has two provisions which effect "burden of proof" being placed on the defendant in a drug charge. As we understand it, this conflicts with the intent in all criminal law that the burden of proof is on the prosecution.

HB 620 relocates burden of proof to the prosecution in these two cases.

8. We are concerned about many other issues raised by the proposed legislation. To mention a few more:
 - ° HB 180 appears to have an unreasonably harsh penalty structure for juveniles.
 - ° HB 620 appears to reflect the medical knowledge of health consequences of various drugs better than HB 180.
 - ° Both bills provide for the Scheduling Committee to have functions which seem to duplicate the Governor's Advisory Board on Drug Abuse, ie., grant review, budget allocations, and program evaluation.
 - ° It seems likely that a large burden of unsupervised probationers resulting from HB 180 especially, may fall into our treatment programs without adequate resources to handle them.

HOUSE JUDICIARY COMMITTEE
HEARINGS

HB 180

Anchorage

| | | |
|----------------------|----------|--|
| Monday October 26 | 10:30 AM | University of Alaska Amphitheater |
| | 7:30 PM | Legislative Information Office |
| Wednesday October 28 | 1:00 PM | Legislative Information Office Teleconference Hearing <u>Sites:</u> Kodiak, Soldotna, Dillingham Bethel, and Homer. |

Palmer

| | | |
|--------------------|---------|-----------------------|
| Tuesday October 27 | 5:00 PM | Borough Assembly Room |
|--------------------|---------|-----------------------|

Sitka

| | | |
|---------------------|---------|---|
| Thursday October 29 | 7:30 PM | Centennial Building-Public Hearing |
| Friday October 30 | 1:00 PM | Legislative Information Office Teleconference Hearing <u>Sites:</u> Petersburg, Haines, Ketchikan, and Wrangell. |

ANNUAL DRUG REPORT 1980



DEPARTMENT OF PUBLIC SAFETY
ALASKA STATE TROOPERS
CRIMINAL INVESTIGATION BUREAU

1980 ANNUAL DRUG REPORT
TABLE OF CONTENTS

| <u>SUBJECT</u> | <u>PAGE</u> |
|---|-------------|
| Introduction | 1 |
| Summary of Drug Enforcement 1980 | 2 |
| Data Collection | 6 |
| Statistical Overview | 6 |
| Statistical Tables and Graphical Analysis | |
| Summary, Conclusion | 10 |
| <u>Figure 1</u> - Statewide Drug Enforcement Arrest and Case Summary Information | 11 |
| <u>Figure 2</u> - Drug Arrest Percentages for Sale and Possession | 12 |
| <u>Figure 3</u> - Fairbanks and Adjacent Area Drug Arrests and Reported Drug Offenses | 13 |
| <u>Figure 4</u> - Anchorage and Adjacent Area Drug Arrests and Reported Drug Offenses | 13 |
| <u>Figure 5</u> - Kenai/Soldotna/Kodiak/Cordova and Adjacent Area Drug Arrests and Reported Drug Offenses | 14 |
| <u>Figure 6</u> - North and Western Alaska Drug Arrests and Reported Drug Offenses | 15 |
| <u>Figure 7</u> - Southeast Alaska and Adjacent Area Drug Arrests and Reported Drug Offenses | 15 |
| <u>Figure 8</u> - Narcotic and Drug Seizures Statewide for Calendar Year 1980 | 16 |
| <u>Figure 9</u> - Statewide Drug Enforcement Seizure Valuation Comparison | 17 |

INTRODUCTION

DRUG ENFORCEMENT IN ALASKA

Drug Enforcement in Alaska involves numerous Law Enforcement Agencies at the local, state and federal levels of government.

There are a total of 26 local Law Enforcement Agencies throughout the State listed in the 1980-81 Law Enforcement Directory that independently or in cooperation with other agencies enforce drug laws.

At the State level, the Alaska State Troopers enforce drug laws through their Detachments and posts in the State. In addition, there are four specialized Drug Enforcement Units, funded by special appropriation of the legislature beginning in 1973 in an attempt to address the problem of illicit drugs in Alaska. These units are the Anchorage Metro Unit, comprised of four local officers and two Troopers and a scent detection dog; the Fairbanks Metro Unit, comprised of two Troopers and two local officers; the Anchorage Airport Detail comprised of two Trooper Investigators, one Anchorage Police Department Officer and Dog and the Kenai Narcotics Team, comprised of a Trooper Investigator whose primary function is to assist the seven local police agencies in the Southcentral area of the State. In addition, a Statewide Drug Enforcement Coordinator is located in the Criminal Investigation Bureau at Trooper Headquarters in Anchorage to provide funds, undercover agents and coordinate drug enforcement between all units in the State.

An increase has been requested in the 1982 budget to expand the capabilities of these specialized Drug Enforcement units.

At the federal level, the Drug Enforcement Agency handles the majority of drug cases, but other agencies become involved in drug enforcement also, including the Coast Guard, the Military agencies in Alaska and U.S. Customs.

A high degree of interagency cooperation exists between the Troopers, the local Police Departments and the federal enforcement agencies.

SUMMARY OF DRUG ENFORCEMENT DURING 1980

During 1980, the Alaska State Troopers continued their program of working cooperatively with local law enforcement agencies towards suppressing the flow of illegal drugs into Alaska, specifically by identifying and apprehending those persons responsible for the importation of drugs into Alaska and their sale to the citizens of Alaska.

In past years, the Alaska State Trooper efforts have primarily been to provide manpower and narcotic enforcement funds to the urban areas of Fairbanks and Anchorage to support drug enforcement teams in those two cities. An additional effort was made to provide professional narcotics investigators and undercover agents to periodically go into the small towns around the State and assist local Police Departments to develop cases against drug dealers.

During 1980, two additional programs were begun which aided in the apprehension of illegal drug importers and dealers. The first was the development of the Airport Detail supervised by State Troopers at the Anchorage International Airport. In this program, there are two State Trooper Investigators, an Anchorage Police Officer with a drug detection dog and periodically a Federal Drug Enforcement Agent. This unit works towards the interdiction of illegal narcotics and drugs at the airport since the Anchorage International Airport is believed to be the primary entry point of drugs into Alaska.

A review of the seizure of illegal drugs by the Airport Detail during 1980 indicates this program is slowing the importation of drugs into the state. The Anchorage Police Department Investigator who uses the drug detection dog says in his 1980 report: "Since the utilization of the scent detection canine named KAI at the Anchorage International Airport between August 13, 1979 and December 10, 1980, a total of \$187,775.00 in illegal drugs and narcotics were seized as a direct result of the scent detection canine". A total of 136 searches have been made utilizing the dog. Of these, a total of 18 Search Warrants were obtained and executed and 27 cases have been made. It should be noted that the Anchorage Investigator and the dog were at the Airport only part of the time during 1980 since other cases and drug detection efforts throughout the Anchorage area required the use of the dog.

A second program which came to maturity during 1980 was the Southcentral Area Narcotics Team (SCAN) on the Kenai Peninsula, headquartered at Soldotna. This team is comprised of a State Trooper Narcotics Investigator who has an office in the Soldotna Police Department and who coordinates the Drug Enforcement Activities with seven Police Departments on the Peninsula plus in Kodiak, Cordova and Valdez. During 1980, the SCAN Team was involved in 48 cases throughout its area of jurisdiction. A sample of their activities during 1980 may be gained from the 1980 report by the Trooper/Investigator. "In July, the Team targeted an area resident. As a result of a two-month investigation, contact was made with two of his associates who live in Anchorage. Ultimately one pound, three ounces of 68% cocaine was seized, sending three individuals to jail. This cocaine seized had a very low percentage of adulterants indicating that we were very close to the supply which is likely from South America." The investigation was a joint effort between Federal Drug Enforcement Administration, Anchorage Metro and the SCAN Team.

Another investigation was initiated in Valdez. Multiple ounce purchases of cocaine were made by an undercover informant and subsequently several arrests were made. The result of this investigation was the seizure of one pound, three ounces of 50% cocaine.

These two programs initiated by the Troopers in 1980 were in addition to strong efforts made by the Anchorage and Fairbanks Metropolitan Drug Enforcement Teams to suppress drugs in their areas. To quote from the Fairbanks Metropolitan Drug Team 1980 Report, "they worked 140 criminal cases, resulting in the conviction of 42 individuals, serving a total of 71 state search warrants and four (4) federal search warrants. Of the 140 criminal cases worked by the Fairbanks Team, 82 of them centered around cocaine investigations. The Team has seized 1,400 grams of cocaine, equal to approximately 48.98 ounces in 1980." A significant comment by the head of the Fairbanks Metro Drug Team was that of the 48.98 ounces seized, they averaged 38.6% pure cocaine as compared to approximately 31.18% last year. This increase in the percentages of cocaine to adulterants is indicative of the increase in the availability of cocaine in the Fairbanks area. The street value of Cocaine seized by the Fairbanks Metro Unit for the calendar year 1980 is approximately \$209,900.00 at a street value estimated at \$125.00 per gram, at 30% cocaine.

An indicator of what the State of Alaska may face in possible future organized criminal importation of narcotics and other vice-related activities is contained in a section of the Fairbanks Metro Drug Team Report for 1980. The arrest and conviction of a female adult from Washington for Distribution of Cocaine was the culmination of an investigation which originated in the State of Washington. During this investigation, the Fairbanks Narcotics Team was contacted by undercover officers who were members of the Washington State Patrol. They had made contact with organized crime figures in the purchase of large quantities of drugs and stolen property. The undercover officers had stated that they were "Underworld figures from Fairbanks seeking to increase their contacts in the State of Washington before the advent of the gas pipeline". The criminals in Washington decided to check the story of the undercover officers and at that point, the Fairbanks Narcotics Team was contacted. Subsequently, a cover was set up for the Washington State Officers and the suspects in Washington ultimately agreed to do business with the Washington Officers. During negotiations between members of the Area-Wide Narcotic Team in Fairbanks and the suspects in Washington, a prostitute was sent to Fairbanks by the suspects to show "good faith in future dealings". The female adult, a convicted prostitute, also brought to the Fairbanks Area-Wide narcotic Team one ounce of cocaine as a sample of things to come. This case is noteworthy in that organized crime figures in the State of Washington were well aware of the possibility of expanding their illicit operations in the State of Alaska as the gas pipeline boom progressed. A final quote of the supervisor of Area-Wide Drug Team in Fairbanks sums up his opinion as to drug activities there. "In my approximately 5-1/2 years as a Narcotics Investigator for the Alaska State Troopers, I feel that 1980 has seen the greatest influx in controlled substances than any previous year."

Anchorage Metro Drug Unit supervisor reports continued operation in the Greater Anchorage area during 1980 utilizing six Anchorage Police Department personnel, two Alaska State Trooper personnel, and one Anchorage Police Department Scent detection dog. Numerous informants and Special Officers were employed to assist with undercover operations.

1980 Statistics showed 578 cases assigned, 138 drug charges filed, and \$790,012.00 worth of drugs seized. As with other Drug Units within the State, the Anchorage Metropolitan Drug Unit observed a substantial increase in cocaine availability.

It was further noted that the availability of controlled substances in general has shown a noteworthy increase during 1980, with marijuana being the most prevalent of those substances.

DATA COLLECTION

Statistics and data pertaining to statewide drug enforcement is a compilation of information collected and compiled by the Criminal Justice Planning Agency (CJPA) within the State Department of Law and the Department of Public Safety Statewide Drug Enforcement Unit.

Although all local Police Departments enforce drug laws, as do the Troopers and the several federal law enforcement agencies, not all these agencies report that information to CJPA. Of the 26 local Police Departments mentioned earlier, 20 contributed full-year data for 1980. In addition to these 26 departments, there are other smaller local Police Departments that do not participate in the data system, although it is equally true that they experience little, if any, drug problems. By far, the greatest drug traffic occurs in the larger cities, and they all contribute to the data system.

Other agencies not participating include all the Military services, the Coast Guard, U.S. Customs and the Drug Enforcement Agency all at the Federal level. However, since many of their cases involve the State Troopers, a substantial portion of their activity is reflected in Trooper data. Nevertheless, efforts continue to improve the data system. The goal is to have data from all Law Enforcement agencies in Alaska.

The statistics in this report, therefore, must be viewed as consisting of most, but not all the information about drug activity in Alaska.

STATISTICAL OVERVIEW

This 1980 drug report for Alaska is the result of substantial effort required by the complexities involved in drug reporting statistics. Drug trafficking and distribution are world-wide activities involving numerous persons. Drug enforcement for the same reason, is and must continue to be a cooperative effort often involving many different agencies. This very fact means that several law enforcement agencies "open" a case against the same individual. These cases normally result in more than one criminal charge being made against the individual involved. After the individual is arrested, each agency will show their case "closed by arrest".

An example of this situation would be an investigation of a drug trafficker who was buying drugs in San Francisco and transporting them to Anchorage and Kenai for distribution. In this instance, there may be cases initiated by police agencies in California, Drug Enforcement Administration (Federal), Anchorage Metro, the Alaska State Troopers, Kenai Police Department and the Kenai SCAN Team and possibly other local police departments. All these law enforcement agencies keep their own records of officers activities and thus they "open" a case relative to their investigation.

The subsequent investigation may result in a variety of charges being developed under the various investigations by the agencies involved. Once it is determined that an arrest is to be made, the individual (and possibly associates) is arrested, the associated cases are closed by arrest. In this example, at least six cases may have been opened for the development of from one to ten charges of drug offenses and one person (or possibly more) was arrested. It is readily apparent, from examples such as these, that the true measurement of drug activity and investigative results is not readily available by simply adding the statistics furnished by the different enforcement agencies. This report has screened out duplicative information to the extent possible and efforts continue to further refine drug reporting.

The following tables and graphs use certain common terms, which are explained, as follows:

NUMBER OF ARRESTS - Actual number of individuals arrested, cited or summoned for drug violations during the period specified.

OFFENSE CHARGE - The basic charges used to describe the drug offense. The general charge categories are detailed below:

SALE/NARCOTICS - Possession for sale or criminal activity relating to sale of opium, heroin, morphine, cocaine, codeine or related drugs.

SALE/MARIJUANA - Possession for sale or criminal activity relating to sale of hashish, marijuana or other related drugs.

SALE/SYNTHETIC NARCOTICS - Possession for sale or criminal activity relating to sale of methadone, demerol or related drugs.

SALE/DANGEROUS DRUGS - Possession for sale or criminal activity relating to sale of barbiturates, amphetamines, benzedrine, hallucinogens, tranquilizers, LSD, or related drugs.

USE/NARCOTICS - Possession for use, furnish, transport, manufacturing, cultivate or obtain unlawfully: opium, heroin, morphine, cocaine, codeine, or related drugs.

USE/MARIJUANA - Possession for use, furnish, transport, manufacture, cultivate or obtain unlawfully: hashish, marijuana, or other related drugs.

USE/SYNTHETIC NARCOTICS - Possession for use, furnish, transport, manufacture, cultivate or obtain unlawfully: methadone, demoral, or other related drugs.

USE/DANGEROUS DRUGS - Possession for use, furnish, transport, manufacture, cultivate, obtain unlawfully: barbiturates, amphetamines, benzeorine, hallucinogens, tranquilizers, LSD, or other related drugs.

NUMBER OF ARRESTS UNDER 18 - Juvenile drug offenders arrested 17 years old or less at time of offense.

NUMBER OF ARRESTS 18 OR OVER - Drug offenders 18 years or older at time of offense.

TOTAL DRUG CASES OPENED - Number of drug-related offenses or cases reported for the period specified.

DRUG SEIZURE - Amount of drug seized during the reporting period. The standard reporting units used for seizure of drugs is as follows:

- a. HEROIN - Weight in grams with a relative purity specified (100% maximum).
- b. COCAINE - Weight in grams with a relative purity specified (100% maximum).
- c. HASHISH - Weight in grams.
- d. MARIJUANA - Weight in pounds and ounces.
- e. PHARMACEUTICAL DRUGS - Dosage unit for specified drug.

DRUG VALUE - The street value of the specified drug seized. This value is determined as a state-wide value based on the volume of the drug on the illicit state market during the period specified. It should be noted that a drug purchased in large quantities which is relatively pure will have a street value far in excess of the initial price paid for the drug.

For computation purposes, the breakdown prices that determine street value are as follows:

| | |
|----------------------------|----------|
| Marijuana - Per Ounce | \$ 40.00 |
| LSD - Per Tablet | 3.00 |
| Amphetamines - Per Hundred | 30.00 |
| Heroin - Per Gram | 125.00 |
| Cocaine - Per Gram | 125.00 |
| Hashish - Per Gram | 10.00 |

SUMMARY CONCLUSION

Lack of available manpower requires screening and selection of cases to be worked. Available manpower has remained the same since the Unit's inception in 1973. Overall effectiveness of the Unit has diminished due to the substantial increase in drug trafficking and availability and lack of increase in the Unit's available manpower. The quantities of illegal drugs being imported into the State has increased each year as has the sophistication of the importers and street dealers that the investigators attempt to identify and apprehend. The illegal traffic in drugs increases the rate of crimes involving violence and theft of property. Continued Drug Enforcement efforts on a full-time professional basis by trained Narcotic Investigators with adequate funds for buy money, expenses and informants is critically needed to continue to meet the threats posed by narcotics in Alaska.

STATEWIDE DRUG ENFORCEMENT ARREST AND CASE SUMMARY INFORMATION
FOR CALENDAR YEAR 1980

| STATEWIDE DRUG ENFORCEMENT TOTALS | | | | | | | | | | | | | ALL OTHER POLICE AGENCIES (LOCAL POLICE AND AST) | | | TOTAL | | |
|-----------------------------------|-----------------|-----------|-------|-----------------|-----------|-------|------------|-----------|-------|-----------------|-----------|-------|--|-----------|-------|-------|-----|-----|
| ARRESTS | FAIRBANKS METRO | | | ANCHORAGE METRO | | | KENAI SCAN | | | STATEWIDE TOTAL | | | ALL AGENCIES | | | | | |
| | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | | | |
| DRUG SALE | 1 | 33 | 34 | 1 | 35 | 36 | - | 27 | 27 | 2 | 95 | 97 | 11 | 52 | 63 | 13 | 147 | 160 |
| NARCOTICS | - | 24 | 24 | 1 | 26 | 27 | - | 23 | 23 | 1 | 73 | 74 | - | 22 | 22 | 1 | 95 | 96 |
| MARIJUANA | - | 4 | 4 | - | 3 | 3 | - | 3 | 3 | - | 10 | 10 | 10 | 26 | 36 | 10 | 36 | 46 |
| SYNTHETIC | - | - | - | - | 1 | 1 | - | - | - | - | 1 | 1 | - | - | - | - | - | - |
| DANGEROUS | 1 | 5 | 6 | - | 5 | 5 | - | 1 | 1 | 1 | 11 | 12 | 1 | 4 | 5 | 2 | 15 | 17 |
| DRUG POSSESSION | 1 | 14 | 15 | - | 15 | 15 | - | - | - | 1 | 29 | 30 | 265 | 174 | 439 | 266 | 203 | 469 |
| NARCOTICS | - | 6 | 6 | - | 10 | 10 | - | - | - | - | 16 | 16 | 15 | 25 | 40 | 15 | 41 | 56 |
| MARIJUANA | 1 | 3 | 4 | - | 3 | 3 | - | - | - | 1 | 6 | 7 | 244 | 137 | 381 | 245 | 143 | 388 |
| SYNTHETIC | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 1 | 3 | 2 | 1 | 3 |
| DANGEROUS | - | 5 | 5 | - | 2 | 2 | - | - | - | - | 7 | 7 | 4 | 11 | 15 | 4 | 18 | 22 |
| TOTAL | 2 | 47 | 49 | 1 | 50 | 51 | - | 27 | 27 | 3 | 124 | 127 | 276 | 226 | 502 | 279 | 350 | 629 |
| OTHER ARRESTS | 8 | | | 106 | | | 23 | | | 137 | | | * | | | * | | |
| TOTAL DRUG CHARGES | 90 | | | 138 | | | 55 | | | 283 | | | * | | | * | | |
| TOTAL DRUG CASES OPEN | 140 | | | 578 | | | 48 | | | 766 | | | 560 | | | 1326 | | |

figure 1

* Figures not available for 1980

DRUG ARREST PERCENTAGES FOR SALE AND POSSESSION
BY STATEWIDE DRUG ENFORCEMENT UNITS COMPARED TO
OTHER POLICE AGENCIES

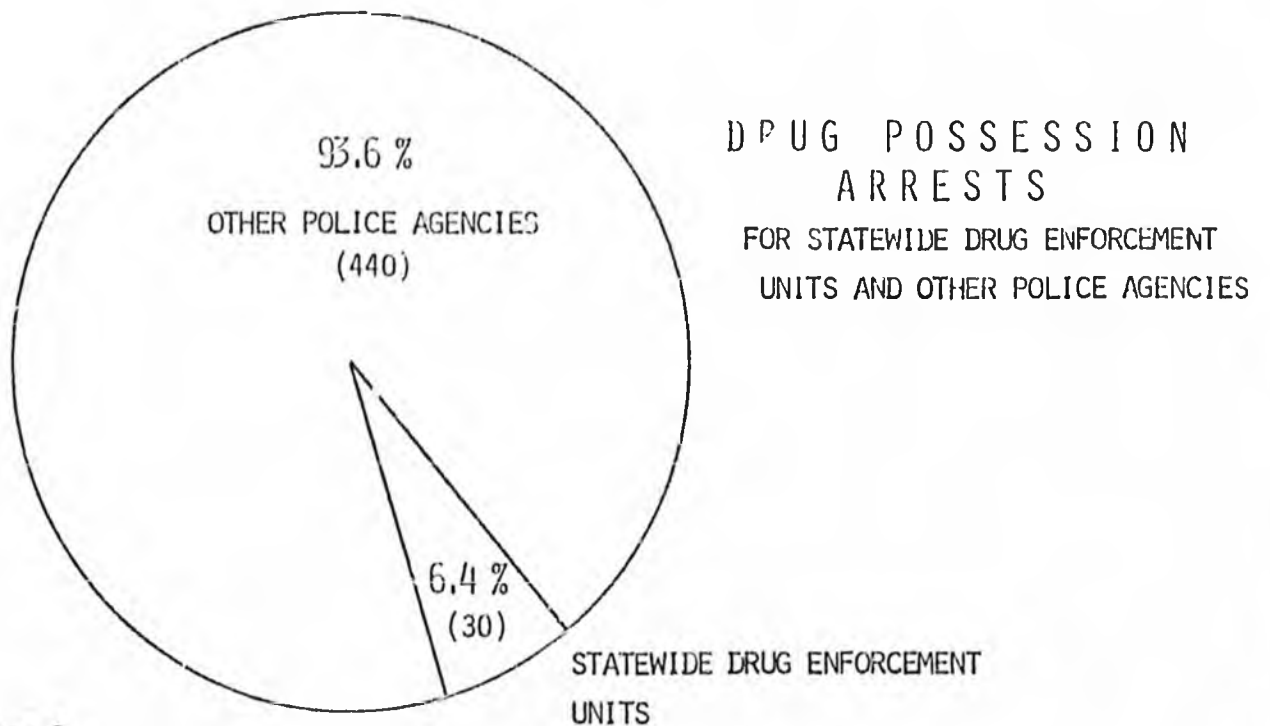
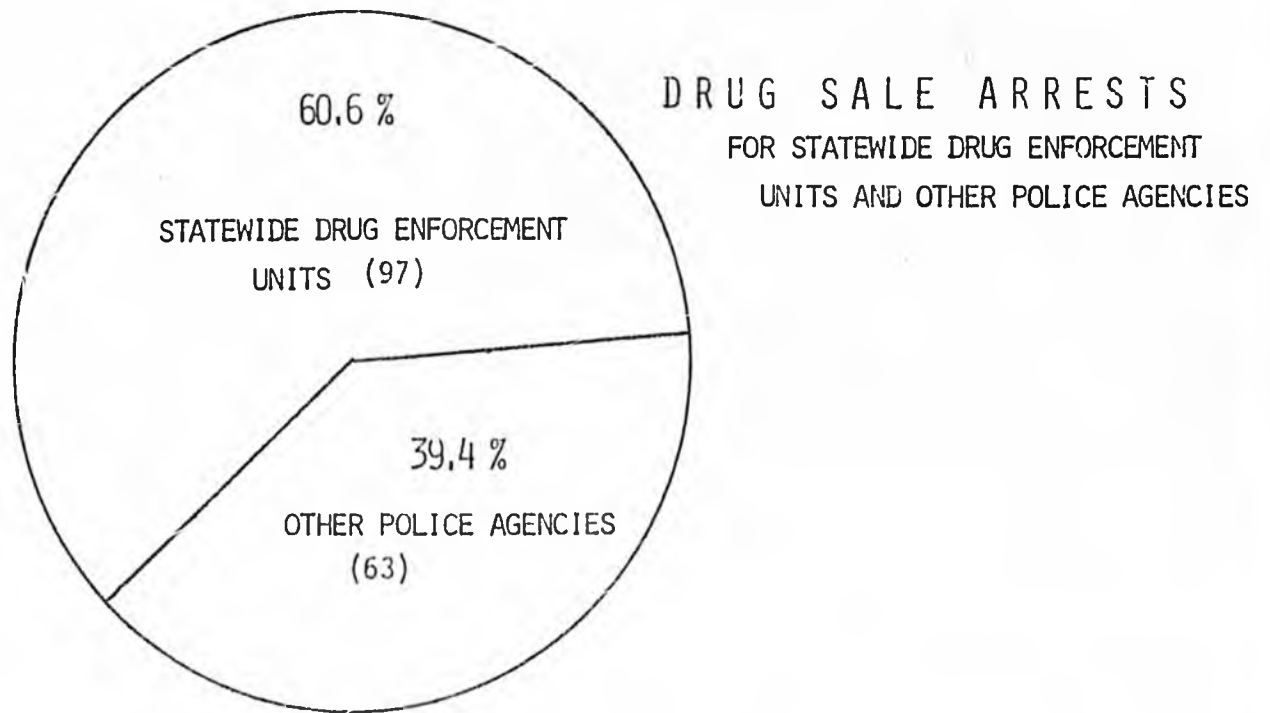


figure 2

FAIRBANKS AND ADJACENT AREA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

| JUVENILE/ADULT | FAIRBANKS METRO | | | FAIRBANKS/NORTH POLE POLICE DEPARTMENTS | | | I DETACHMENT AST | | | TOTAL FAIRBANKS AREA | | |
|-------------------|-----------------|-----------|-------|---|-----------|-------|------------------|-----------|-------|----------------------|-----------|-------|
| | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL |
| DRUG SALE | 1 | 33 | 34 | - | 2 | 2 | - | - | - | 1 | 35 | 36 |
| NARCOTICS | - | 24 | 24 | - | - | - | - | - | - | - | 24 | 24 |
| MARIJUANA | - | 4 | 4 | - | 2 | 2 | - | - | - | - | 6 | 6 |
| SYNTHETIC | - | - | - | - | - | - | - | - | - | - | - | - |
| DANGEROUS | 1 | 5 | 6 | - | - | - | - | - | - | 1 | 6 | 6 |
| DRUG POSSESSION | 1 | 14 | 15 | 17 | 16 | 33 | 6 | 5 | 11 | 24 | 35 | 59 |
| NARCOTICS | - | 6 | 6 | 1 | 1 | 2 | - | 1 | 1 | 1 | 8 | 9 |
| MARIJUANA | 1 | 2 | 4 | 15 | 15 | 30 | 6 | 4 | 10 | 22 | 22 | 44 |
| SYNTHETIC | - | - | - | - | - | - | - | - | - | - | - | - |
| DANGEROUS | - | 5 | 5 | 1 | - | 1 | - | - | - | 1 | 5 | 6 |
| TOTAL | 2 | 47 | 49 | 17 | 18 | 35 | 6 | 5 | 11 | 25 | 70 | 95 |
| DRUG CASES OPENED | 140 | | | 45 | | | 38 | | | 223 | | |

figure 3

ANCHORAGE AND ADJACENT AREA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

| ARRESTS | ANCHORAGE METRO | | | *ANCHORAGE/PALMER POLICE DEPARTMENTS | | | C - G DETACHMENT AST | | | TOTAL ANCHORAGE AREA | | |
|-------------------|-----------------|-----------|-------|--------------------------------------|-----------|-------|----------------------|-----------|-------|----------------------|-----------|-------|
| | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL |
| DRUG SALE | 1 | 35 | 36 | 8 | 21 | 29 | 2 | - | 2 | 11 | 56 | 67 |
| NARCOTICS | 1 | 26 | 27 | - | 13 | 13 | - | - | - | 1 | 39 | 40 |
| MARIJUANA | - | 3 | 3 | 7 | 7 | 14 | 2 | - | 2 | 9 | 10 | 19 |
| SYNTHETIC | - | 1 | 1 | - | - | - | - | - | - | - | 1 | 1 |
| DANGEROUS | - | 5 | 5 | 1 | 1 | 2 | - | - | - | 1 | 6 | 7 |
| DRUG POSSESSION | - | 15 | 15 | 139 | 14 | 153 | 22 | 38 | 60 | 161 | 67 | 228 |
| NARCOTICS | - | 10 | 10 | 5 | 1 | 6 | 4 | 3 | 7 | 9 | 14 | 23 |
| MARIJUANA | - | 3 | 3 | 134 | 10 | 144 | 17 | 34 | 51 | 151 | 47 | 198 |
| SYNTHETIC | - | - | - | - | 1 | 1 | - | - | - | - | 1 | 1 |
| DANGEROUS | - | 2 | 2 | - | 2 | 2 | 1 | 1 | 2 | 1 | 5 | 6 |
| TOTAL | 1 | 50 | 51 | 147 | 35 | 182 | 24 | 38 | 62 | 172 | 123 | 295 |
| DRUG CASES OPENED | 578 | | | 517 | | | 74 | | | 1169 | | |

* For 1980 the Anchorage Police Department of Anchorage Metro include a limited amount of duplication for arrest information due to the overlap in the reporting of drug cases.

figure 4

KENAI - SOLDOTNA - KODIAK - CORDOVA AND ADJACENT AREA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

| ARRESTS | KENAI SCAN | | | * KENAI PENINSULA POLICE AGENCIES | | | KODIAK/VALDEZ/ CORDOVA POLICE DEPT. | | | D - E DETACHMENT AST | | | TOTAL KENAI SCAN AREA | | |
|----------------------|-------------|--------------|-------|--------------------------------------|--------------|-------|--|--------------|-------|-------------------------|--------------|-------|--------------------------|--------------|-------|
| | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL |
| DRUG SALE | - | 27 | 27 | 1 | 4 | 5 | - | 4 | 4 | - | - | - | 1 | 35 | 36 |
| NARCOTICS | - | 23 | 23 | - | 2 | 2 | - | 3 | 3 | - | - | - | - | 28 | 28 |
| MARIJUANA | - | 3 | 3 | 1 | - | 1 | - | 1 | 1 | - | - | - | 1 | 4 | 5 |
| SYNTHETIC | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| DANGEROUS | - | 1 | 1 | - | 2 | 2 | - | - | - | - | - | - | - | 3 | 3 |
| DRUG POSSESSION | - | - | - | 22 | 18 | 40 | 2 | 8 | 10 | - | 4 | 4 | 24 | 30 | 54 |
| NARCOTICS | - | - | - | 1 | 8 | 9 | - | 7 | 7 | - | - | - | 1 | 15 | 16 |
| MARIJUANA | - | - | - | 21 | 10 | 31 | 2 | - | 2 | - | 3 | 3 | 23 | 13 | 36 |
| SYNTHETIC | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| DANGEROUS | - | - | - | - | - | - | - | 1 | 1 | - | 1 | 1 | - | 2 | 2 |
| TOTAL | - | 27 | 27 | 23 | 22 | 45 | 2 | 12 | 14 | - | 4 | 4 | 25 | 65 | 90 |
| DRUG CASES OPENED | 48 | | | 93 | | | 37 | | | 8 | | | 186 | | |

* Includes Soldotna, Kenai, Seward and Homer Police Departments

figure 5

41

NORTH AND WESTERN ALASKA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

| ARRESTS | F DETACHMENT AST | | | * NORTHWESTERN ALASKA POLICE DEPT. | | | TOTAL NORTHWESTERN | | |
|----------------------|---------------------|--------------|-------|---------------------------------------|--------------|-------|-----------------------|--------------|-------|
| | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL |
| DRUG SALE | - | 6 | 6 | - | 4 | 4 | - | 10 | 10 |
| NARCOTICS | - | 1 | 1 | - | - | - | - | 1 | 1 |
| MARIJUANA | - | 5 | 5 | - | 4 | 4 | - | 9 | 9 |
| SYNTHETIC | - | - | - | - | - | - | - | - | - |
| DANGEROUS | - | - | - | - | - | - | - | - | - |
| DRUG POSSESSION | - | 3 | 3 | 7 | 9 | 16 | 7 | 12 | 19 |
| NARCOTICS | - | - | - | 3 | 2 | 5 | 3 | 2 | 5 |
| MARIJUANA | - | 3 | 3 | 4 | 6 | 10 | 4 | 9 | 13 |
| SYNTHETIC | - | - | - | - | - | - | - | - | - |
| DANGEROUS | - | - | - | - | 1 | 1 | - | 1 | 1 |
| TOTAL | - | 9 | 9 | 7 | 13 | 20 | 7 | 22 | 29 |
| DRUG CASES OPENED | 15 | | | 76 | | | 91 | | |

* Includes Bethel, North Slope Borough,
Nome, Kotzebue and Unalaska Police Departments.

figure 6

SOUTHEAST ALASKA AND ADJACENT AREA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

| ARRESTS | B DETACHMENT AST | | | * SOUTHEASTERN ALASKA POLICE DEPT. | | | TOTAL SOUTHEAST | | |
|----------------------|---------------------|--------------|-------|---------------------------------------|--------------|-------|--------------------|--------------|-------|
| | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL | UNDER 18 | 18 & OVER | TOTAL |
| DRUG SALE | - | 1 | 1 | - | 10 | 10 | - | 11 | 11 |
| NARCOTICS | - | - | - | - | 3 | 3 | - | 3 | 3 |
| MARIJUANA | - | 1 | 1 | - | 6 | 6 | - | 7 | 7 |
| SYNTHETIC | - | - | - | - | - | - | - | - | - |
| DANGEROUS | - | - | - | - | 1 | 1 | - | 1 | 1 |
| DRUG POSSESSION | 24 | 21 | 45 | 26 | 38 | 64 | 50 | 59 | 109 |
| NARCOTICS | 1 | - | 1 | - | 2 | 2 | 1 | 2 | 3 |
| MARIJUANA | 22 | 21 | 43 | 23 | 31 | 54 | 45 | 52 | 97 |
| SYNTHETIC | - | - | - | 2 | - | 2 | 2 | - | 2 |
| DANGEROUS | 1 | - | 1 | 1 | 5 | 6 | 2 | 5 | 7 |
| TOTAL | 24 | 22 | 46 | 26 | 47 | 73 | 50 | 70 | 120 |
| DRUG CASES OPENED | 52 | | | 128 | | | 160 | | |

* Includes Juneau, Petersburg, Wrangell,
Ketchikan and Sitka Police Departments

figure 7

NARCOTIC & DRUG SEIZURES STATEWIDE
Calendar Year 1980 *

| AGENCY | MARIJUANA | | LSD | | PHARMACEUTICAL DRUGS | | HEROIN | | COCAINE | | HASHISH | | Other Drugs Seized | | Total Value of Narcotic & Drugs Seized |
|-------------------|----------------|-----------------|---------|-----------------|----------------------|-----------------|--------|-----------------|---------------------|-----------------|---------|-----------------|---|---------------------------------|--|
| | Pounds / Grams | Street Value \$ | Tablets | Street Value \$ | Tablets | Street Value \$ | Grams | Street Value \$ | Grams | Street Value \$ | Grams | Street Value \$ | Type/ Amount | Street Value \$ | Street Value |
| Anchorage Metro | 77-14 | \$49,840 | 5,472 | \$16,416 | 802 | \$241 | 23.5 | \$2,938 | 4,210 (40% ave.) | \$701,717 | 1,096 | \$10,960 | 25.5 pds mush-rooms opium 1/4 gram morphine 2 1/2 gram | \$7,500 \$ 100 \$ 300 | \$ 790,012 |
| Kenai SCAN | 1-2 | \$720 | 234 | \$702 | 199 quaalude | \$60 | | | 1,559 (40%) | \$259,875 | | | | | \$ 261,357 |
| Southeast Alaska | 2-0 | \$1,280 | 3 | \$9 | | | | | 23.3 | \$3,538 | 10 | \$100 | | | \$ 4,927 |
| Fairbanks Metro | 4-14 | \$3,120 | 250 | \$750 | 9,533 | \$2,860 | | | 1,399 (38.6%) | \$225,125 | | | | | \$ 231,855 |
| 1980 Total Amount | 85-14 | \$54,960 | 5,959 | \$17,877 | 10,534 | \$3,161 | 23.5 | \$2,938 | 7,196.3 | \$1,190,255 | 1,106 | \$11,060 | | \$7,900 | \$1,288,151 |

* Note: During 1980, other seizures of vehicles, money and gold used in drug operations were made by the State-wide Drug Units. These items were all turned over to the Federal authorities because there is no State Statute providing seizure authority for State and local law enforcement agencies.

figure 8

STATEWIDE DRUG ENFORCEMENT

SEIZURE VALUATION COMPARED TO EXPENSES
(BUY MONEY, EXPENSES, AND INFORMATION COST)

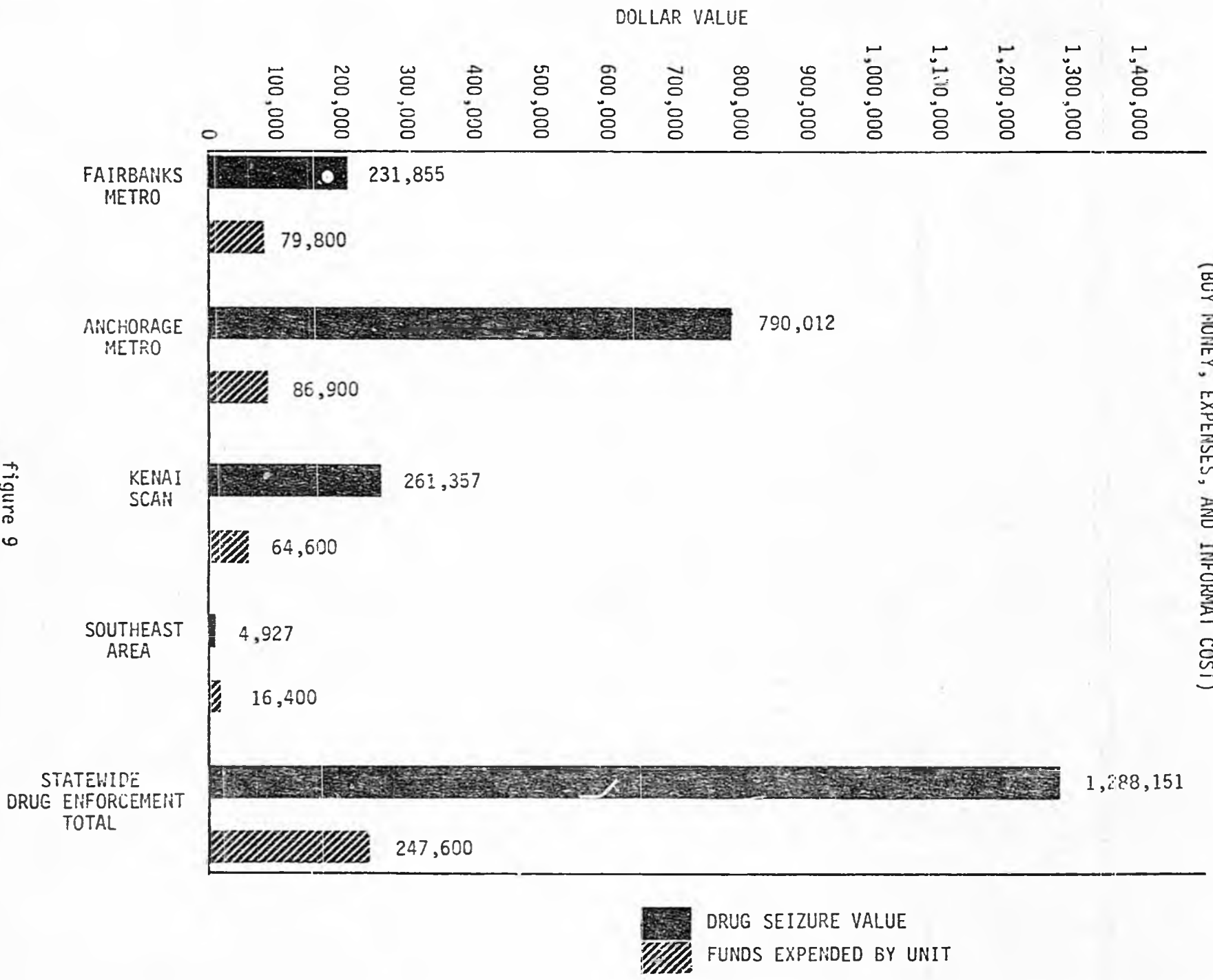


figure 9
17

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802

02177 NL ANCHORAGE ALASKA 191 01-12 1235P AST

PMS REP RAMONA BARNES
JUNEAU 0588

AS A 44 YEAR RESIDENT OF ALASKA AND PHYSICIAN WITH 26 YEARS EXPERIENCE IN TREATING PEOPLE WITH ALCOHOLIC DRUG ABUSE PROBLEMS I STRONGLY URGE YOU TO RECOMMEND A DO NOT PASS FOR THE DRUG ENFORCEMENT ACT HB180. THIS ACT IS PUNITIVE FOR MERE POSSESSION OR SHARING OF DRUGS (WHICH IS PRESUMPTION OF GUILT) WITH NO REGARD AS TO WHETHER HARMFUL OR AGGRESSIVE ACTS HAVE BEEN COMMITTED TOWARD ANYONE. IF DRUG TRAFFICKING IS TO BE ILLEGAL LET US DIRECT OUR ENFORCEMENT TOWARD THE SELLER NOT THE USER AND LET US NOT PRESUME GUILT UNDER ANY CIRCUMSTANCES. THE ACT CREATES AN ADVISORY BOARD TO REVIEW THE ENFORCEMENT ACT ITSELF AND DRUG TREATMENT PROGRAMS. AN ADVISORY BOARD ON DRUG ABUSE ALREADY EXISTS AND WOULD BE MORE APPROPRIATE THAN A NEW BOARD. IT COULD BE COMPLEMENTED BY ADDITION OF LAW ENFORCEMENT PEOPLE IF THOUGHT NECESSARY. A DO NOT PASS RECOMMENDATION WOULD ALLOW CONSIDERED REVIEW OR REVISION OF THIS ACT. THE JOINT LEGISLATIVE COMMITTEE OF THE REVIEW BOARD ON ALCOHOLISM AND THE DRUG ADVISORY BOARD WOULD BE WILLING TO ASSIST. PLEASE INCORPORATE THIS IN THE RECORD OF THURSDAYS PUBLIC HEARING 1-14-82.

DR BOB JOHNSON

BOX 1727

KODIAK AK 99615

Anchorage Daily News

Alaska's Only Morning Newspaper

GERALD E. GRILLY
General Manager

January 14, 1982

Brian Porter
Chief of Police
Municipality of Anchorage
625 C Street
Anchorage, AK 99501

Dear Brian:

Attached you will find a letter signed by me representing the Anchorage Crime Commission to Ramona L. Barnes stating our support for the enactment of House Bill 180.

We appreciate your carrying our message to them and if any questions should arise while in Juneau, please call my office or the offices of George Nelson or Cas Bierman at Sohio.

Sincerely,

Gerald E. Grilly
Gerald E. Grilly

GEG:lah

cc: Bob Penney
Ron Moore
George Nelson
Cas Bierman

Attach.

ANCHORAGE CRIME COMMISSION
ANCHORAGE, ALASKA

January 15, 1982

Ramona L. Barnes
State Representative
House of Representatives
Juneau, Alaska

Dear Mrs. Barnes:

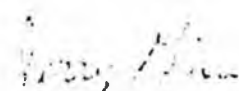
The Anchorage Crime Commission strongly endorses the enactment of House Bill 180. This should provide a clear message that the people of Alaska will no longer tolerate the sale, use or possession of illicit drugs including marijuana with its attendant high crime rate. Substantive drugs, including marijuana, have proven to be the principle motivating factor for crimes against property and a significant factor in the commission of violent crimes. Murder cases in the Anchorage area have been predominantly related to drugs.

The current legislation has created a permissive environment for soft drugs throughout the State. Soft drugs more often than not lead to hard drugs. In Anchorage alone drug related arrests have been decreasing since its enactment. Only 178 arrests were made in 1980 which showed a steady decline from 367 arrests in 1978. In 1980, 80% or 143 of those arrests were persons 18 years old or younger. This trend will continue unless the legislature takes strong action to stem the flow of drugs into and within our State.

We acknowledge that alcohol contributes to our high crime rate and recognize that measures are being taken for control in that area at a leisurely pace. Substantive drugs, however, have been identified as a more serious contributing factor and must be acted upon now.

Any assistance you may provide will be greatly appreciated by all members of the Anchorage Crime Commission.

Sincerely,


Jerry Grilly
Treasurer

CRIME STOPPERS OF ANCHORAGE

Quarterly Report

December 31, 1981

Crime Stoppers of Anchorage started operations on Monday, September 14, 1981. During the ensuing sixteen week period ended December 31, 1981, 235 calls were logged through 274-STOP. 101 code numbers have been assigned to persons furnishing useful information about criminal activities in our city. Many of these callers remain active.

Seven arrests have solved 46 cases. Six indictments have been returned and the one trial that has been completed through our court system has resulted in a conviction and the person is in prison.

The 46 cases solved involved \$169,600 of stolen property. Of this total, \$63,600 of property has been recovered and returned to owners.

The six rewards paid during the quarter total \$2,050. That's an excellent return on investment -- approximating slightly over 3000 percent when compared to recovered property.

Our Anchorage program is proving to be one of the best in the nation. In other cities it isn't unusual to go a full year before solving a Crime of the Week. We solved our third ^{WEEK'S} Crime of the Week and I'm pleased to report that a second -- involving over \$20,000 in property damage -- has just been solved and will be a part of the next quarter's statistics.

Perhaps the most unusual local Crime Stopper event was the call to 274-STOP that halted an attempted jail break in late December. On a national level Crime Stoppers is over five years old and Anchorage's new program is the first Crime Stopper group to stop a jail break. Crime Stoppers USA will be publicizing this "first" in national publications.

Like any new business just starting operations, Crime Stoppers of Anchorage is building up an inventory. Our inventory is cases being actively worked by the Anchorage Police and Alaska State Troopers. As you may have guessed, most cases solved have involved drugs in one way or the other. Likewise, a large number of the cases presently under investigation involve the sale, distribution and trafficking of drugs in Alaska. In most instances these cases take several months to work; may involve under-cover operations and are very difficult to resolve. The majority of anonymous callers are giving information on our very serious drug problem. The Board of Crime Stoppers believes that our next quarterly report will include some very gratifying statistics related to drugs.

There are three factors that have blended together to cause the success of Crime Stoppers in our community. First, our board has been active, responsive and creative. Their volunteer efforts and talents can never be measured in dollars. Your support can, and the private sector has donated just over \$9,000 to date. Secondly, our local law enforcement agencies -- the Anchorage Police and Alaska State Troopers -- pitched in from the start and believed in the program as a concept, before it ever proved itself. Those of us that have had the opportunity to work with these professionals know how fortunate we are to have this caliber of people in our community. Their support and professionalism has been superb. And finally, our local media has cooperated in a manner unequalled anywhere in the nation. The print, audio and visual media have it in their power to make or break this program. My hat is off to all of the people that have assisted us from the media sector. Reporters, newscasters and management have responded to this community need in an exemplary fashion.

Crime Stoppers of Anchorage is your program -- not mine or the Chamber of Commerce or the police or the media. If the activity during the next quarter increases as we suspect, our only problem is going to be an adequate reward fund. To date, approximately 200 individuals and businesses have contributed \$9,036. The bank balance stands at \$5,992 at December 31, 1981. It wouldn't take many successful informants to wipe out our surplus.

Our main money raising scheme this month is a program involving the Municipal Utility billings. Over 50,000 utility customers will be receiving a donation form along with their monthly statement in January 1982. This should result in a large volume of small contributions, but probably won't sustain the fund for any long period.

Other fund raising projects are being planned, but in the interim we are working on a shoestring and your financial assistance is crucial. One way to be of help would be to stuff your customer's billings with this same donation request form. Call the Chamber office - 272-2401 - if you would like to participate in such a mailing.

Finally, if you haven't given personally, please send a check to 415 F street, the Crime Stopper's office at the Chamber of Commerce.

WE'RE GOING TO MAKE ANCHORAGE AN UNPLEASANT PLACE FOR THE CRIMINAL.

QUARTERLY REPORT
for
September-December , 1981

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

| | <u>TOTAL</u> | <u>TOTAL TO DATE</u> <u>Monthly/Quarterly</u> | <u>TOTAL</u> | <u>ARRESTS</u> <u>TOTAL TO DATE</u> |
|---------------------------------------|--------------|--|--------------|--|
| NUMBER OF CODE NUMBERS ISSUED: | 101 | 101 | | |
| NUMBER OF CALLS TO CRIME STOPPERS: | 235 | 235 | | |
| <u>CASES SOLVED:</u> | | | | |
| HOMICIDE | _____ | _____ | _____ | _____ |
| RAPE | _____ | _____ | _____ | _____ |
| ARMED ROBBERY | 8 | _____ | 2 | _____ |
| AGGRAVATED ASSAULT | _____ | _____ | _____ | _____ |
| BURGLARY | 19 | _____ | 4 | _____ |
| LARCENY/THEFT | _____ | _____ | _____ | _____ |
| AUTO THEFT | 2 | _____ | _____ | _____ |
| TOTAL INDEX CRIMES | _____ | _____ | _____ | _____ |
| ARSON | _____ | _____ | _____ | _____ |
| NARCOTICS | _____ | _____ | _____ | _____ |
| FORGERY/FRAUD | 15 | _____ | 1 | _____ |
| FUGITIVES | _____ | _____ | _____ | _____ |
| OTHER (SPECIFY) Jail Break | 1 | _____ | _____ | _____ |
| Vandalism | 1 | _____ | _____ | _____ |
| TOTAL CASES SOLVED | 46 | _____ | 7 | _____ |
| INDICIMENTS/TRIALS/CONVICTIONS | 6/1/1 | 6/1/1 | | |
| \$ VALUE CASH/PROPERTY STOLEN/DAMAGED | 169,600 | 169,600 | | |
| \$ VALUE RECOVERED PROPERTY | 63,600 | 63,600 | | |
| \$ VALUE SEIZED NARCOTICS | 200 | 200 | | |
| REWARDS PAID | 2,050 | 2,050 | | |
| CASES SOLVED - NO REWARDS | 3 | 3 | | |

MONTHLY REPORT
for
December , 198 1

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

| | <u>TOTAL</u> | <u>TOTAL TO DATE</u> <u>(Monthly/Quarterly)</u> | <u>TOTAL</u> | <u>ARRESTS</u> <u>TOTAL TO DATE</u> |
|---------------------------------------|-------------------|--|-------------------|--|
| NUMBER OF CODE NUMBERS ISSUED: | <u>36</u> | <u>101</u> | | |
| NUMBER OF CALLS TO CRIME STOPPERS: | <u>73</u> | <u>235</u> | | |
| <u>CASES SOLVED:</u> | | | | |
| HOMICIDE | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| RAPE | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| ARMED ROBBERY | <u> </u> | <u>8</u> | <u> </u> | <u>2</u> |
| AGGRAVATED ASSAULT | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| BURGLARY | <u> </u> | <u>19</u> | <u> </u> | <u>4</u> |
| LARCENY/THEFT | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| AUTO THEFT | <u> </u> | <u>2</u> | <u> </u> | <u> </u> |
| TOTAL INDEX CRIMES | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| ARSON | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| NARCOTICS | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| FORGERY/FRAUD | <u> </u> | <u>15</u> | <u> </u> | <u>1</u> |
| FUGITIVES | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| OTHER (SPECIFY) Jail Break | <u>1</u> | <u>1</u> | <u> </u> | <u> </u> |
| Vandalism | <u>1</u> | <u>1</u> | <u> </u> | <u> </u> |
| TOTAL CASES SOLVED | <u>2</u> | <u>46</u> | <u> </u> | <u>7</u> |
| INDICIMENTS/TRIALS/CONVICTIONS | <u>0/0/0</u> | <u>6/1/1</u> | | |
| \$ VALUE CASH/PROPERTY STOLEN/DAMAGED | <u>24,000</u> | <u>169,600</u> | | |
| \$ VALUE RECOVERED PROPERTY | <u>0</u> | <u>63,600</u> | | |
| \$ VALUE SEIZED NARCOTICS | <u>200</u> | <u>200</u> | | |
| REWARDS PAID | <u>0</u> | <u>2,050</u> | | |
| CASES SOLVED - NO REWARDS | <u>2</u> | <u>3</u> | | |

MONTHLY REPORT
for
November , 1981

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

| | <u>TOTAL</u> | <u>TOTAL TO DATE</u> <u>(Monthly/Quarterly)</u> | <u>TOTAL</u> | <u>ARRESTS</u> <u>TOTAL TO DATE</u> |
|---------------------------------------|-------------------|--|-------------------|--|
| NUMBER OF CODE NUMBERS ISSUED: | <u>24</u> | <u>65</u> | | |
| NUMBER OF CALLS TO CRIME STOPPERS: | <u>49</u> | <u>162</u> | | |
| <u>CASES SOLVED:</u> | | | | |
| HOMICIDE | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| RAPE | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| ARMED ROBBERY | <u>1</u> | <u>8</u> | <u>1</u> | <u>2</u> |
| AGGRAVATED ASSAULT | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| BURGLARY | <u>1</u> | <u>19</u> | <u> </u> | <u>4</u> |
| LARCENY/THEFT | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| AUTO THEFT | <u> </u> | <u>2</u> | <u> </u> | <u> </u> |
| TOTAL INDEX CRIMES | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| ARSON | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| NARCOTICS | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| FORGERY/FRAUD | <u>15</u> | <u>15</u> | <u>1</u> | <u>1</u> |
| FUGITIVES | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| OTHER (SPECIFY) | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| TOTAL CASES SOLVED | <u>17</u> | <u>44</u> | <u>2</u> | <u>7</u> |
| INDICIMENTS/TRIALS/CONVICTIONS | <u>1/0/0</u> | <u>6/1/1</u> | | |
| \$ VALUE CASH/PROPERTY STOLEN/DAMAGED | <u>4,600</u> | <u>145,600</u> | | |
| \$ VALUE RECOVERED PROPERTY | <u>4,600</u> | <u>63,600</u> | | |
| \$ VALUE SEIZED NARCOTICS | <u> </u> | <u> </u> | | |
| REWARDS PAID | <u>400</u> | <u>2,050</u> | | |
| CASES SOLVED - NO REWARDS | <u>1</u> | <u>1</u> | | |

MONTHLY REPORT
for
September, 1981

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

| | <u>TOTAL</u> | <u>TOTAL TO DATE</u> <u>(Monthly/Quarterly)</u> | <u>TOTAL</u> | <u>ARRESTS</u> <u>TOTAL TO DATE</u> |
|---------------------------------------|-------------------|--|-------------------|--|
| NUMBER OF CODE NUMBERS ISSUED: | <u>10</u> | <u>10</u> | | |
| NUMBER OF CALLS TO CRIME STOPPERS: | <u>31</u> | <u>31</u> | | |
| <u>CASES SOLVED:</u> | | | | |
| HOMICIDE | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| RAPE | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| ARMED ROBBERY | <u>7</u> | <u>7</u> | <u>1</u> | <u>1</u> |
| AGGRAVATED ASSAULT | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| BURGLARY | <u>17</u> | <u>17</u> | <u>3</u> | <u>3</u> |
| LARCENY/THEFT | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| AUTO THEFT | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| TOTAL INDEX CRIMES | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| ARSON | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| NARCOTICS | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| FORGERY/FRAUD | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| FUGITIVES | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| OTHER (SPECIFY) | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| TOTAL CASES SOLVED | <u>24</u> | <u>24</u> | <u>4</u> | <u>4</u> |
| INDICTMENTS/TRIALS/CONVICTIONS | <u>1/1/1</u> | <u>1/1/1</u> | | |
| \$ VALUE CASH/PROPERTY STOLEN/DAMAGED | <u>119,000</u> | <u>119,000</u> | | |
| \$ VALUE RECOVERED PROPERTY | <u>37,000</u> | <u>37,000</u> | | |
| \$ VALUE SEIZED NARCOTICS | <u> </u> | <u> </u> | | |
| REWARDS PAID | <u>1,350</u> | <u>1,350</u> | | |
| CASES SOLVED - NO REWARDS | <u>0</u> | <u>0</u> | | |

MONTHLY REPORT
for
October , 1981

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

| | <u>TOTAL</u> | <u>TOTAL TO DATE</u> <u>(Monthly/Quarterly)</u> | <u>TOTAL</u> | | <u>ARRESTS</u> <u>TOTAL TO DATE</u> |
|---------------------------------------|-------------------|---|-------------------|--|--|
| NUMBER OF CODE NUMBERS ISSUED: | <u>31</u> | <u>41</u> | | | |
| NUMBER OF CALLS TO CRIME STOPPERS: | <u>82</u> | <u>113</u> | | | |
| <u>CASES SOLVED:</u> | | | | | |
| HOMICIDE | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| RAPE | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| ARMED ROBBERY | <u> </u> | <u>7</u> | <u> </u> | | <u>1</u> |
| AGGRAVATED ASSAULT | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| BURGLARY | <u>1</u> | <u>18</u> | <u>1</u> | | <u>4</u> |
| LARCENY/THEFT | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| AUTO THEFT | <u>2</u> | <u>2</u> | <u> </u> | | <u> </u> |
| TOTAL INDEX CRIMES | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| ARSON | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| NARCOTICS | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| FORGERY/FRAUD | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| FUGITIVES | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| OTHER (SPECIFY) | <u> </u> | <u> </u> | <u> </u> | | <u> </u> |
| TOTAL CASES SOLVED | <u>3</u> | <u>27</u> | <u>1</u> | | <u>5</u> |
| INDICTMENTS/TRIALS/CONVICTIONS | <u>4/0/0</u> | <u>5/1/1</u> | | | |
| \$ VALUE CASH/PROPERTY STOLEN/DAMAGED | <u>22,000</u> | <u>141,000</u> | | | |
| \$ VALUE RECOVERED PROPERTY | <u>22,000</u> | <u>59,000</u> | | | |
| \$ VALUE SEIZED NARCOTICS | <u> </u> | <u> </u> | | | |
| REWARDS PAID | <u>300</u> | <u>1,650</u> | | | |
| CASES SOLVED - NO REWARDS | <u>0</u> | <u>0</u> | | | |

CRIME STOPPERS OF ANCHORAGE

Statement of Cash Receipts and Disbursements
for the period September 14, 1981 through December 31, 1981

| | | |
|---|--------------|--------------------------|
| Bank balance, September 14, 1981 | | |
| Cash receipts | | |
| Contributions - individuals and businesses | | \$9,036.77 |
| Cash disbursements | | |
| Rewards (6) | \$2,050.00 | |
| Printing and supplies | 332.00 | |
| Telephone | 211.01 | |
| Advertising | 363.00 | |
| Incorporation costs | <u>89.65</u> | |
| | | <u>3,045.66</u> |
| Bank balance, December 31, 1981 | | <u><u>\$5,991.11</u></u> |

June 22, 1981

CSSJR 18(SA) continued

Nays: 0

Not Voting: 3 Anderson, Malone, Zharoff

And so, CSSJR 18(SA) passed the House on reconsideration of the vote, was signed by the Speaker and the Chief Clerk and returned to the Senate.

SECOND READING OF SENATE BILLS

SB 190

SENATE BILL NO. 190 (revising the drug laws and making amendments to the criminal laws of the state; effective date) was read the second time with Judiciary Committee report (page 2261 of the journal).

Amendment No. 1 by Beirne, Bettisworth, Brown, Fanning, Randolph, Rogers and Sutcliffe:

AMENDMENT

1
2
3 Offered in the HOUSE

4 TO: SB 190

5
6 Page 1, line 29 - page 36, line 25:

7 Delete all material and insert the following:

8 * Sec. 2. AS 11 is amended by adding a new chapter to read:

9 CHAPTER 71. CONTROLLED SUBSTANCES.

10 ARTICLE 1. OFFENSES RELATING TO CONTROLLED SUBSTANCES.

11 Sec. 11.71.010. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
12 THE FIRST DEGREE. (a) Except as authorized in § 17.30, a person
13 commits the crime of misconduct involving a contro. substance in the
14 first degree if he manufactures any amount of a schedule IA controlled
15 substance or delivers any amount of a schedule IA controlled substance
16 to a person under 19 years of age who is at least three years younger
17 than he.

SB 190 continued

Representative Beirne moved and asked unanimous consent for the adoption of Amendment No. 1.

Representative Barnes objected.

Representative Brown placed a call of the House.

Representative Brown lifted the call of the House.

Representative Halford moved and asked unanimous consent that the House recess until 5:00 p.m. There being no objection, the House recessed at 3:00 p.m.

AFTER RECESS

The House was called back to order at 5:05 p.m.

SB 190 continued

Amendment No. 1 was before the House at this time.

Representative Rogers placed a call of the House on the amendment.

The question being: "Shall Amendment No. 1 be adopted?
The roll was taken with the following result:

SB 190 continued

SB 190 AM1

Yeas: 24 Abood, Beirne, Bettisworth, Brown,
Buchholdc, Carney, Clocksin, Cotten,
Cuddy, Duncan, Fanning, Freeman,
Gardiner, Malone, Meekins, Miller,
O'Connell, Phillips, Randolph,
Rogers, Smith, Sutcliffe, Vaska,
Zharoff

Nays: 16 Adams, Anderson, Barnes, Bylsma,
Cato, Chuckwuk, Fuller, Grussendorf,
Halford, Haugen, Hayes, Hurlbert,
Martin, Metcalfe, Montgomery, Moss

Not
Voting: 0

Representative O'Connell changed his vote from "nay" to "yea."

And so, Amendment No. 1 was adopted.

SB 190am11

Representative Rogers lifted the call of the House.

Representative O'Connell placed a call of the House on the bill.

Amendment No. 2 to SB 190 by Meekins:

(This amendment was drafted to SB 190 and will have to be incorporated into SB 190am11 if adopted.)

Page 1, line 28

Add a new section four and number all following sections accordingly.

Sec. 4. AS 11.41.200 (a) (1) is amended to read:

SB 190amH continued

Representative Meekins moved for adoption of Amendment No. 2.

Representative Barnes objected.

The question being: "Shall Amendment No. 2 be adopted?"
The roll was taken with the following result:

SB 190AMH AM2

Yeas: 20 Bairns, Battisworth, Buchholdt,
Carney, Chuckwuk, Cotten, Cuddy,
Fanning, Freeman, Gardiner, Malone,
Martin, Meekins, Metcalfe, Miller,
Moss, Randolph, Rogers, Vaska,
Zharoff

Nays: 20 Abood, Adams, Anderson, Barnes,
Brown, Bylsma, Cato, Clocksin,
Duncan, Fuller, Grussendorf, Halford,
Haugen, Hayes, Huribert, Montgomery,
O'Connell, Phillips, Smith,
Sutcliffe

Not
Voting: 0

Representative O'Connell changed his vote from "yea" to "nay."

Representative Cotten changed his vote from "nay" to "yea."

Representative Duncan changed his vote from "yea" to "nay."

Representative Vaska changed his vote from "nay" to "yea."

Representative Adams changed his vote from "yea" to "nay."

SB 190:amH continued

(1) he recklessly causes serious physical injury to another person by means of a dangerous instrument;

Add a new section 5 and number all following sections accordingly:

Sec. 5. AS 11.41.210 (a) (2) is amended to read:

(2) he recklessly causes serious physical injury to any person.

Add a new section 6 and number all following sections accordingly:

Sec. 6. AS 11.41.220 (a) is amended to read:

(a) A person commits the crime of assault in the third degree if he recklessly

(1) places another person in fear of imminent serious physical injury by means of a dangerous instrument; or

(2) causes physical injury to another person by means of a dangerous instrument

Add a new section 7 and number all following sections accordingly:

Sec. 7. AS 11.41.230 (a) (3) is amended to read:

(3) by words or other conduct he recklessly places another person in fear of imminent physical injury.

Add a new section 8 and number all following sections accordingly:

Sec. 8. AS 11.81.630 is amended by adding a new subsection to read:

(b) Notwithstanding (a) of this section, evidence that the defendant was intoxicated may not be offered to negate the element of the offense of assault in the second degree that requires that the defendant intentionally cause a result (AS 11.41.210 (a) (1)).

SB 190amH continued

And so, Amendment No. 2 was not adopted.

Representative Halford moved and asked unanimous consent that SB 190amH be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

SB 190amH was read the third time.

The Speaker stated the call was satisfied.

The question being: "Shall SB 190amH pass the House?"
The roll was taken with the following result:

SB 190AMH

Yeas: 15 Beirne, Bettisworth, Brown,
Buchholdt, Carney, Cotten, Duncan,
Freeman, Gardiner, Malone, Miller,
Rogers, Smith, Vaska, Zharoff

Nays: 24 Abood, Adams, Anderson, Barnes,
Bylsma, Cato, Chuckwuk, Clocksin,
Cuddy, Fanning, Fuller, Grussendorf,
Halford, Haugen, Hayes, Hurlbert,
Martin, Metcalfe, Montgomery, Moss,
O'Connell, Phillips, Randolph,
Sutcliffe

Not
Voting: 1 Meckins

Representative Grussendorf changed his vote from "yea" to "nay."

Representative Abood changed his vote from "yea" to "nay."

And so, SB 190amH failed to pass the House.

SB 190amH continued

Representative Halford served notice of reconsideration of his vote on SB 190amH on the next legislative day.

CSSB 351(Fin)am

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 351 (Finance) amended (relating to donations of personal leave; effective date) was read the second time with the State Affairs Committee report (page 1622 of the journal), the Finance Committee report (page 2279 of the journal), the 2d Finance Committee report (page 2330 of the journal) and the Rules Committee report (page 2378 of the journal).

Representative Halford moved and asked unanimous consent that CSSB 351(Fin)am be held in second reading for tomorrow's calendar. There being no objection, it was so ordered.

CSSB 84(Res)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 84 (Resources) (relating to the processing of permits by state agencies; effective date) was read the second time with the Finance Committee report (page 2371 of the journal) and the Rules Committee report (page 2378 of the journal).

Representative Halford moved and asked unanimous consent that CSSB 84(Res) be returned to the Rules Committee. There being no objection, it was so ordered.

The House reverted to

ALASKA

STATE LEGISLATURE

MEMORANDUM

DATE: 27 January 1982

TO: Representative Ramona Barnes

FROM: Representative Terry Martin

I thought that you might find this article of interest (Legislative inroads against computer crime).

First Reading

Legislative inroads against computer crime

Cracking a safe used to require sandpapered fingertips and sensitive ears, the ability to work by flashlight and to handle an occasional stick of dynamite. But now that financial data are automated, computers are becoming the bank vaults of business, electronic signals and magnetic patterns the medium of exchange.

It is estimated that the annual loss in the United States from computer crimes is more than \$100 million. Detection and prosecution are difficult, requiring a knowledge of computer technology. But to deter and combat this type of white-collar crime, 12 state legislatures—two this year—have enacted computer crime laws. Other legislatures are considering them.*

Montana and Georgia passed laws this year making computer crime a new offense. Meanwhile, Minnesota legislators referred two such bills to a conference committee after debating whether computer crime is a new offense or whether the computer is just a new instrument for old crimes, punishable under existing laws.

The U.S. Justice Department has compiled a list of cases where criminals have used the computer to commit fraud, larceny, embezzlement, bribery, burglary, sabotage, espionage, conspiracy, extortion and kidnapping. The department's 1979 manual on computer crime pointed out the need for laws "directly applicable to computer crime." Federal legislation on computer crime has been before Congress since 1977, but has never passed.

U.S. Representative Bill Nelson (D-Fla.), sponsor of the federal bill, in 1978 introduced Florida's computer crime bill when he was a state representative. It was the first such law enacted by any state and gave the prosecutor a specific statute for theft cases by defining computer information as property value. Meanwhile, other states since then have considered and sometimes passed computer crime legislation patterned after the federal bills.

Montana's new statute defines computer crime, makes it a new offense and provides for its inclusion in the state's

Criminal Code. The new law defines the word "computer" very broadly. "The bill tries to cover everything on the water-front," according to Lloyd Krumman of the Computer and Business Manufacturers' Association. While no model law exists, he said, the industry prefers more general definitions like those in the Florida and Georgia laws.

The new Georgia law also addresses the uniqueness of the scene and duration of computer crimes. Such crimes may take 3 milliseconds to commit, as well as to erase, and there may be no evidence at the scene of the crime. The law addresses the geographical problem by specifying the location of violation.



In Minnesota, the Senate version of the House bill approaches computer crime by incorporating computer terms into the statutes covering theft and aggravated criminal damage to property. The House version, whose chief sponsor is Representative Phyllis Kahn, makes computer crime a new offense by creating a new section in the criminal code relating to and defining computer use and abuse, and would create two new crimes. One, called "aggravated computer abuse," would carry penalties of up to 10 years in jail and a fine of up to \$50,000 for intentionally using a computer to defraud or to steal money, services or property, including checks, other financial information or computer software; or for damaging a computer system while using it without authorization. The other, lesser crime, called "computer abuse," would carry penalties of up to 90 days and \$500 for unauthorized use of a computer without intent to steal or defraud.

The House version covers a broad range of conduct and property and would carry a higher potential fine than the Senate version. The Senate version does not cover the theft of intangible items,

such as computer time, nor losses an employer might incur from disruption of computer services or costs of correcting misused information.

Supporters of computer crime legislation are warning of a more serious potential for crime and abuse as computer use increases. "As we move toward a financial system based on electronic fund transfer systems," Representative Nelson warns, "theft and sabotage of these systems could have a profound effect on the future economic well-being of every American."

Kaye Bache-Snyder

Sexual harassment: The overlooked problem

Sexual harassment is a very personal problem for many women and some men, but when it occurs within the workplace, it becomes a personnel problem with potential legal, economic and social costs. A significant number of states are taking action in this area by developing special mechanisms to deal with sexual harassment.

The term sexual harassment has come to describe a range of undesirable sexual behavior: some overt, some subtle, some physical, and some verbal. It may be a conscious act intended to gain power or to force compliance, or an unconscious act that grows out of ingrained sex roles. Sexual harassment may be a single encounter or a recurrent pattern. At times, it is a condition of employment; at other times, it is a pervasive and condoned condition of the work environment and a part of the organizational climate.

Several informal surveys have been conducted which reveal the pervasive and widespread nature of the problem. In May 1975, the Working Women's Institute in New York surveyed 155 women. Seventy percent reported that they had experienced sexual harassment at least once. Of these, the majority had ignored it only to find the behavior worsened with unwarranted reprimands, transfers and dismissals of the victims. The minority who complained through established channels found that no action was taken.

In another survey conducted in 1976 of 198 federal employees in the departments of Health, Education and Welfare, Justice and General Administration, 70 employees reported sexual harassment experiences. One-fourth had promotions withheld, some were transferred, fired, or looking for another job; and a few indicated sexual harassment took the form of rape or attempted rape. In both of

*Arizona, California, Colorado, Florida, Illinois, Michigan, North Carolina, New Mexico, Rhode Island and Utah enacted computer crime laws in 1979, and Georgia and Montana in 1981. Other bills in 1979 in Hawaii, Maryland, Missouri and Tennessee failed to pass.

COMPARISON OF PENALTIES
FOR SOME OFFENSES
UNDER AS 17.10 & 17.12 WITH H.B. 180

| | DELIVERY OF HEROIN TO MINOR | DELIVERY OF COCAINE TO MINOR | DELIVERY OF HEROIN TO ADULT | DELIVERY OF COCAINE TO ADULT | POSSESSION OF HEROIN OR COCAINE AT SCHOOL | POSSESSION OF HEROIN OR COCAINE | DELIVERY OF MARIJUANA TO MINOR | DELIVERY OF MARIJUANA TO ADULT | POSSESSION OF MARIJUANA AT SCHOOL | POSSESSION OF MARIJUANA UNDER CERTAIN CIRCUM. |
|---|--|--|--|--|--|---|--|---|---|--|
| <p><u>UNDER PRESENT LAW, TITLE 17</u></p> | <p>1st: 10-30</p> <p>2nd: 15-30</p> <p>3rd: MANDATORY LIFE</p> | <p>1st: 10-30</p> <p>2nd: 15-30</p> <p>3rd: MANDATORY LIFE</p> | <p>1st: 2-10</p> <p>2nd: 10-20</p> <p>3rd: 20-40</p> | <p>1st: 2-10</p> <p>2nd: 10-20</p> <p>3rd: 20-40</p> | <p>NO SPECIAL TREATMENT IN PRESENT LAW</p> | <p>1st: 2-10</p> <p>2nd: 10-20</p> <p>3rd: 20-40</p> | <p>0-LIFE</p> | <p>1st: 0-25</p> <p>2nd: 0-LIFE</p> <p>NOTE: SAME PENALTIES WERE APPLIED TO POSSESSION OF MARJ. IN 17.12.110</p> | <p>NO SPECIAL TREATMENT IN PRESENT LAW</p> | <p>(1) Public Use Fine Only</p> <p>(2) Over 1 oz. Poss. in Publ. "</p> <p>(3) Possesses While Operating M.V. "</p> <p>(4) Minor Possesses any Amt. "</p> <p>(5) Adult Possesses less than 1 oz. in Publ. <u>Not Criminal</u></p> |
| <p><u>UNDER H.B. 180 under HB 180</u></p> | <p>UNCLASS. FEL 5-99</p> <p>NO PRESUMPTIVE TERM</p> | <p>A FELONY 0-20</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 10 YR. PRESUMPTIVE</p> <p>3rd: 15 YR. PRESUMPTIVE</p> | <p>A FELONY 0-20</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 10 YR. PRESUMPTIVE</p> <p>3rd: 15 YR. PRESUMPTIVE</p> | <p>B FELONY 0-10</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 4 YR. PRESUMPTIVE</p> <p>3rd: 6 YR. PRESUMPTIVE</p> | <p>B FELONY 0-10</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 4 YR. PRESUMPTIVE</p> <p>3rd: 6 YR. PRESUMPTIVE</p> | <p>C FELONY 0-5</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 2 YR. PRESUMPTIVE</p> <p>3rd: 3 YR. PRESUMPTIVE</p> | <p>B FELONY 0-10</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 4 YR. PRESUMPTIVE</p> <p>3rd: 6 YR. PRESUMPTIVE</p> | <p>C FELONY 0-5</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 2 YR. PRESUMPTIVE</p> <p>3rd: 3 YR. PRESUMPTIVE</p> | <p>C FELONY 0-5</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 2 YR. PRESUMPTIVE</p> <p>3rd: 3 YR. PRESUMPTIVE</p> | <p>(1) Public Use B MISD.</p> <p>(2) Publ. Poss. Over 1 oz. "</p> <p>(3) Poss. While Oper. M.V. "</p> <p>(4) Minor Poss. Less than 1oz. "</p> <p>(5) Adult Poss. 4 oz. or more anywhere "</p> <p>(6) Anyone Poss. less than 1oz Violation in public (no jail)</p> |

SOME HYPOTHETICALS COMPARING SENTENCING RANGES UNDER:

- (1) Present Law, AS 17.10;
- (2) Present Judicial Application Per
1980 Narcotic Offender Sentencing
Guidelines of Alaska Court System;
- (3) House Bill 180

| DESCRIPTION OF CRIME AND CONVICT'S BACKGROUND | TITLE 17 RANGE | 1980 JUDICIAL GUIDELINES APPLICATION OF AS 17.10 | HOUSE BILL 180 RANGE |
|---|----------------|--|---|
| 1. Possession of cocaine-1 ounce, No prior felonies, one prior misdemeanor, carrying concealed weapon, 1981 | 2-10 years | Probation-30 days | C Felony (0-5) no presumptive term |
| 2. Possession of cocaine-4 ounces, one prior felony, sale of marijuana, 1978, one prior juvenile burglary, two misdemeanor convictions: (1) Assault & Battery; (1980) (2) Malicious destruction of private property (1978) (not counted since not three within last 5 years) | 2-10 years | 8-24 months | C Felony (0-5) 2 year presumptive term for one prior felony |
| 3. Sale of cocaine, 12 grams, <u>On Parole</u> Three prior felonies: (1) sale of cocaine (1977); *(2) sale of marijuana (1976); (3) burglary of dwelling (1978) (not counted, as received suspended imposition of sentence) Two prior misdemeanors: (1) driving w/o owner's consent (1979); (2) D.W.I. (1980) (misdemeanors not counted in guidelines, as must be three or more w/in last 5 years) | 10-20 years | 1-3 years | B Felony (0-10) 6 yr. presumptive term, as 3rd felony conviction |
| 4. Sale of cocaine to minor (1 gram); <u>On Parole</u> Four prior felonies: (1) sale of cocaine (1978) (2) sale of marijuana to minor (1977) (less than 60 days served, so not used under guidelines) (3) assault w/dangerous weapon (1976)(*4) armed robbery, 1974 | 15-30 years | 2-18 months (no apparent special treatment for sale to minor in guidelines) | Unclassified felony 5-99, no presumptive term |
| 5. Possession of cocaine, 4 ounces, One prior felony: (1) Possession of cocaine, 1978 (rec'd S.I.S. & off probation May 1981, so not counted in guidelines or as enhancement for a C Felony) Three Misdemeanors: (*1) D.W.I. 1975; (2) malicious destruction of property, 1978 (3) D.W.I., 1981 (misdemeanors not counted in guidelines as not 3 or more w/in 5 years) | 10-20 years | Probation-30 days | C Felony (0-5) No presumptive term |

| DESCRIPTION OF CRIME AND CONVICT'S BACKGROUND | TITLE 17 RANGE | 1980 JUDICIAL GUIDELINES APPLICATION OF AS 17.10 | HOUSE BILL 180 RANGE |
|--|-------------------|--|--|
| <p>6. Sale of cocaine - 1 gram or less, <u>On Parole</u> <u>Three prior felonies:</u> (1) Possession of heroin, 1978, incarcerated over 60 days; (*2) two burglaries, Not in A Dwelling, 1973 (pharmacies) (*3) Sale of cocaine & sale of marijuana 1970; <u>Three prior misdemeanors:</u> (1) D.W.I. 1978; (2) Assault & Battery, 1977; (*3) Possession of marijuana while operating motor vehicle, 1976 (Since No. 3 is over 5 years old, leaving total of <u>less than 3, not counted in guidelines.</u>)</p> | 20-40 years | 9-36 months | B Felony, 6 year presumptive term |
| <p>7. Sale of cocaine to minor - 1 gram <u>On Work Release From Imprisonment, Two</u> <u>Prior Felonies:</u> (1) Sale of heroin to minor, 1979; (2) Sale of cocaine to minor, 1975 (over 5 years, not counted in guidelines) <u>Three Prior Misdemeanors:</u> (1) Possession of marijuana while operating motor vehicle, 1979; (*2) Possession of marijuana while operating motor vehicle, 1979 (not counted as over 5 years);(*3) Assault & Battery, 1976 (Not counted as over 5 years) (Misdemeanors not counted as not over three w/in 5 years)</p> | LIFE IMPRISONMENT | 1-3 years | Unclassified felony, 5-99, no presumptive term |
| <p>8. Possession of Heroin - 2 grams <u>Not on Parole, Three Prior Felonies:</u> (1) Possession of heroin, 1977; (*2) Possession of cocaine, 1974; (*3) Sale of marijuana, 1973 <u>Three Prior Misdemeanors:</u> (1) D.W.I., 1980; (2) Possession of marijuana while operating a motor vehicle, 1977; (*3) Carrying concealed weapon, 1976 (Misdemeanor not counted since not three w/in last 5 years)</p> | 20-40 years | 8-24 months | C Felony, three year presumptive term for 3rd felony (may be reduced to 0 or increased to 5 years) |

*Misdemeanor, felony conviction or incarceration not counted in guidelines because over five years since that incarceration and this offense.

Introduced: 2/18/81
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 180

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the drug laws and making amendments
7 to the criminal laws of the state; and providing for
8 an effective date."

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

10 * Section 1. DECLARATION OF LEGISLATIVE PURPOSE. (a) The purposes of
11 this Act are to consolidate and revise Alaska's drug laws so that they are
12 patterned after the Uniform Controlled Substances Act and the Federal Con-
13 trolled Substances Act of 1970 and to enact uniform penalty provisions in
14 conformity with the 1978 revision of Alaska's criminal code to effectively
15 combat illicit trafficking in controlled substances.

16 (b) Two distinct, but interrelated, concerns are addressed in this
17 Act. The first concern is the detrimental effect on public safety created
18 through illicit trafficking in and use of drugs. A second, equally important
19 concern, is the effect on public health created by the use and abuse of
20 drugs. It is the intent of the legislature that, in addressing public
21 safety concerns, uniform classification and penalty provisions be enacted
22 which adopt an approach reflecting law enforcement problems unique to Alaska.
23 It is also the intent of the legislature that in addressing public health
24 concerns, a statutory scheme be enacted which is patterned after federal law
25 and that the legitimate manufacture, distribution, prescription, and dis-
26 pensing of controlled substances be subject to a regulatory scheme regarding
27 registration, record keeping, order forms, and prescription requirements
28 that is identical to that provided under federal law.

29 * Sec. 2. AS 11 is amended by adding a new chapter to read:

1 CHAPTER 71. CONTROLLED SUBSTANCES.

2 ARTICLE 1. OFFENSES RELATING TO CONTROLLED SUBSTANCES.

3 Sec. 11.71.010. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
4 THE FIRST DEGREE. (a) Except as authorized in AS 17.30, a person
5 commits the crime of misconduct involving a controlled substance in the
6 first degree if he

7 (1) delivers any amount of a schedule IA controlled sub-
8 stance to a person under 19 years of age who is at least three years
9 younger than he; or

10 (2) engages in a continuing criminal enterprise.

11 (b) For purposes of this section, a person is engaged in a "con-
12 tinuing criminal enterprise" if

13 (1) he commits a violation of this chapter which is punish-
14 able as a felony; and

15 (2) that violation is a part of a continuing series of five
16 or more violations of this chapter

17 (A) which he undertakes in concert with at least five
18 other persons he organizes, supervises, or otherwise manages; and

19 (B) from which he obtains substantial income or re-
20 sources.

21 (c) Misconduct involving a controlled substance in the first
22 degree is an unclassified felony and is punishable as provided in
23 AS 12.55.

24 Sec. 11.71.020. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
25 THE SECOND DEGREE. (a) Except as authorized in AS 17.30, a person
26 commits the crime of misconduct involving a controlled substance in the
27 second degree if he

28 (1) manufactures or delivers any amount of a schedule IA
29 controlled substance or possesses any amount of a schedule IA con-

1 trolled substance with intent to manufacture or deliver; or

2 (2) delivers any amount of a schedule IIA or IIIA controlled
3 substance to a person under 19 years of age who is at least three years
4 younger than he.

5 (b) Misconduct involving a controlled substance in the second
6 degree is a class A felony.

7 Sec. 11.71.030. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
8 THE THIRD DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35, a
9 person commits the crime of misconduct involving a controlled substance
10 in the third degree if he

11 (1) manufactures or delivers any amount of a schedule IIA or
12 IIIA controlled substance or possesses any amount of a schedule IIA or
13 IIIA controlled substance with intent to manufacture or deliver;

14 (2) delivers any amount of a schedule IVA, VA or VIA con-
15 trolled substance to a person under 19 years of age who is at least
16 three years younger than he; or

17 (3) being 18 years of age or older, possesses any amount of
18 a schedule IA or IIA controlled substance within the grounds of or on a
19 parking lot immediately adjacent to a public or private preschool,
20 elementary, junior high, or secondary school.

21 (b) It is an affirmative defense to a prosecution under (a)(3)
22 of this section that at the time of the possession the school was
23 closed to any organized activity involving persons under 18 years of
24 age. Nothing in this subsection precludes a prosecution under any
25 other provision of this section or any other section of this chapter.

26 (c) Misconduct involving a controlled substance in the third
27 degree is a class B felony.

28 Sec. 11.71.040. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
29 THE FOURTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35,

1 a person commits the crime of misconduct involving a controlled sub-
2 stance in the fourth degree if he

3 (1) manufactures or delivers any amount of a schedule IVA,
4 VA, or VIA controlled substance or possesses any amount of a schedule
5 IVA, VA, or VIA controlled substance with intent to manufacture or
6 deliver;

7 (2) possesses

8 (A) any amount of a schedule IA or IIA controlled sub-
9 stance;

10 (B) 25 or more tablets, ampules, or syrettes containing
11 a schedule IIIA or IVA controlled substance;

12 (C) one or more preparations, compounds, mixtures, or
13 substances of an aggregate weight of three grams or more contain-
14 ing a schedule IIIA or IVA controlled substance;

15 (D) 50 or more tablets, ampules, or syrettes containing
16 a schedule VA controlled substance;

17 (E) one or more preparations, compounds, mixtures, or
18 substances of an aggregate weight of six grams or more containing
19 a schedule VA controlled substance; or

20 (F) one or more preparations, compounds, mixtures, or
21 substances of an aggregate weight of one pound or more containing
22 a schedule VIA controlled substance;

23 (3) being 18 years of age or older, possesses a schedule
24 IIIA, IVA, VA, or VIA controlled substance within the grounds of or on
25 a parking lot immediately adjacent to a public or private preschool,
26 elementary, junior high, or secondary school;

27 (4) knowingly keeps or maintains any store, shop, warehouse,
28 dwelling, building, vehicle, boat, aircraft, or other structure or
29 place which is used for keeping or distributing controlled substances

1 in violation of this chapter or AS 17.30;

2 (5) makes, delivers, or possesses a punch, die, plate,
3 stone, or other thing which prints, imprints, or reproduces a trademark,
4 trade name, or other identifying mark, imprint, or device of another or
5 any likeness of any of these upon a drug, drug container, or labeling
6 so as to render the drug a counterfeit substance;

7 (6) knowingly uses in the course of the manufacture or dis-
8 tribution of a controlled substance a registration number which is
9 fictitious, revoked, suspended, or issued to another person;

10 (7) knowingly furnishes false or fraudulent information in
11 or omits material information from any application, report, record, or
12 other document required to be kept or filed under AS 17.30;

13 (8) obtains possession of a controlled substance by mis-
14 representation, fraud, forgery, deception or subterfuge; or

15 (9) affixes a false or forged label to a package or other
16 container containing any controlled substance.

17 (b) It is an affirmative defense to a prosecution under (a)(3) of
18 this section that at the time of the possession the school was closed
19 to any organized activity involving persons under 18 years of age.
20 Nothing in this subsection precludes a prosecution under any other pro-
21 vision of this section or any other section of this chapter.

22 (c) Nothing in (a)(4) or (5) of this section precludes a prosecu-
23 tion or civil proceeding brought under any other provision of this sec-
24 tion or any other section of this chapter or under AS 17.

25 (d) Misconduct involving a controlled substance in the fourth
26 degree is a class C felony.

27 Sec. 11,71.050. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
28 THE FIFTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35, a
29 person commits the crime of misconduct involving a controlled substance

1 in the fifth degree if he

2 (1) possesses

3 (A) less than 25 tablets, ampules, or syrettes con-
4 taining a schedule IIIA or IVA controlled substance;

5 (B) one or more preparations, compounds, mixtures, or
6 substances of an aggregate weight of less than three grams con-
7 taining a schedule IIIA or IVA controlled substance;

8 (C) less than 50 tablets, ampules, or syrettes con-
9 taining a schedule VA controlled substance;

10 (D) one or more preparations, compounds, mixtures, or
11 substances of an aggregate weight of less than six grams con-
12 taining a schedule VA controlled substance; or

13 (E) one or more preparations, compounds, mixtures, or
14 substances of an aggregate weight of one-half pound or more con-
15 taining a schedule VIA controlled substance; or

16 (2) fails to make, keep, or furnish any record, notification,
17 order form, statement, invoice, or information required under AS 17.30.

18 (b) Misconduct involving a controlled substance in the fifth
19 degree is a class A misdemeanor.

20 Sec. 11.71.060. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
21 THE SIXTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35, a
22 person commits the crime of misconduct involving a controlled substance
23 in the sixth degree if he

24 (1) uses or displays any amount of a schedule VIA controlled
25 substance or possesses one or more preparations, compounds, mixtures,
26 or substances of an aggregate weight of one ounce or more containing a
27 schedule VIA controlled substance on a public street or sidewalk or on
28 the premises of a public carrier or business establishment or in any
29 other public place;

1 (2) knowingly possesses any amount of a schedule VIA con-
2 trolled substance within his immediate control while operating a pro-
3 pelled vehicle;

4 (3) being under 19 years of age, possesses one or more
5 preparations, compounds, mixtures, or substances of an aggregate weight
6 of less than four ounces containing a schedule VIA controlled substance;

7 (4) possesses one or more preparations, compounds, mixtures,
8 or substances of an aggregate weight of four ounces or more containing
9 a schedule VIA controlled substance; or

10 (5) refuses entry into a premises for an inspection autho-
11 rized under AS 17.30.

12 (b) Misconduct involving a controlled substance in the sixth
13 degree is a class B misdemeanor.

14 Sec. 11.71.070. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
15 THE SEVENTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35,
16 a person commits the offense of misconduct involving a controlled
17 substance in the seventh degree if he possesses one or more prepara-
18 tions, compounds, mixtures, or substances of an aggregate weight of
19 less than one ounce containing a schedule VIA controlled substance on a
20 public street or sidewalk or on the premises of a public carrier or
21 business establishment or in any other public place.

22 (b) Misconduct involving a controlled substance in the seventh
23 degree is a violation.

24 ARTICLE 2. STANDARDS AND SCHEDULES.

25 Sec. 11.71.100. CONTROLLED SUBSTANCES ADVISORY COMMITTEE. (a)
26 The Controlled Substances Advisory Committee is established in the
27 Department of Law. The committee consists of

28 (1) the attorney general or his designee;

29 (2) the commissioner of health and social services or his

1 designee;

2 (3) the commissioner of public safety or his designee;

3 (4) the chairman of the Board of Pharmacy or his designee
4 who shall also be a member of the Board of Pharmacy;

5 (5) a peace officer appointed by the governor after consul-
6 tation with the Alaska Association of Chiefs of Police;

7 (6) a physician appointed by the governor;

8 (7) a psychiatrist appointed by the governor; and

9 (8) two individuals appointed by the governor.

10 (b) Members of the committee appointed under (a)(5) - (8) of this
11 section serve terms of four years. A member of the committee receives
12 no salary but is entitled to per diem and travel expenses authorized by
13 law for boards and commissions under AS 39.20.180.

14 (c) The attorney general is the chairman of the committee.

15 (d) The committee meets at the call of the attorney general.

16 (e) The committee may not meet less than twice a year.

17 (f) Five members of the committee constitute a quorum.

18 Sec. 11.71.110. DUTIES OF COMMITTEE. The committee shall

19 (1) determine the need to add substances to the schedules
20 set out in AS 11.71.140 - 11.71.190;

21 (2) advise the governor of the need to delete or reschedule
22 substances in the schedules in AS 11.71.110 - 11.71.190;

23 (3) recommend regulations for adoption by the Board of
24 Pharmacy to prevent excessive prescription of controlled substances and
25 the diversion of prescription drugs into illicit channels;

26 (4) evaluate the effectiveness of programs in the state
27 providing treatment and counseling for persons who abuse controlled
28 substances;

29 (5) recommend programs to the Alaska Court System to be in-

1 stituted as alternatives to the prosecution or imprisonment of offenders
2 who have no prior criminal record involving controlled substance of-
3 fenses and who are charged with crimes involving controlled substances;

4 (6) review and evaluate enforcement policies and practices
5 of the Department of Public Safety and the Department of Law with
6 regard to crimes involving controlled substances, and recommend modifi-
7 cations of those policies and practices consistent with the committee's
8 assessment of the probable danger of particular controlled substances;
9 and

10 (7) review budget requests and recommend amounts for appro-
11 priations to the governor and the legislature for departments and
12 agencies responsible for

13 (A) enforcing criminal laws pertaining to controlled
14 substances;

15 (B) providing treatment and counseling of persons who
16 abuse controlled substances; and

17 (C) regulating the legitimate handling of controlled
18 substances.

19 Sec. 11.71.120. AUTHORITY TO SCHEDULE CONTROLLED SUBSTANCES. (a)
20 If, after considering the factors set out in (c) of this section, the
21 committee finds that a substance should be added to a schedule of
22 controlled substances under AS 11.71.140 - 11.71.190, the attorney
23 general shall adopt a regulation under the Administrative Procedure Act
24 (AS 44.62) in accordance with the committee's findings. The committee
25 shall prescribe the effective date of a regulation adopted under this
26 section. This date may not be earlier than the 60th day of the next
27 regular session of the legislature following adoption of the regulation.
28 Within 10 days after the convening of a regular session of the legisla-
29 ture, the committee shall submit to the legislature a regulation adopted

1 under this section which has not taken effect and shall submit findings
2 of fact and other information which it considers appropriate. If the
3 legislature annuls a regulation adopted under this section by statute,
4 the regulation may not be readopted within three years after the annul-
5 ment.

6 (b) If a substance is added as a controlled substance under
7 federal law and notice of the addition is given to the attorney general,
8 the committee shall give notice under AS 44.62.190 of proposed adoption
9 of a regulation making a corresponding change in the Alaska schedules
10 and shall hold a hearing under AS 44.62.210. The committee shall
11 submit the regulation to the legislature as provided in (a) of this
12 section. If the committee decides not to adopt the regulation, it
13 shall file with the lieutenant governor a notice of that decision along
14 with findings of fact.

15 (c) In making a determination regarding the addition of a sub-
16 stance under (a) of this section, or in advising the governor of the
17 need to delete or reschedule a substance, under AS 11.71.110(2), the
18 committee shall assess the danger or probable danger of the substance
19 after considering the following:

20 (1) the actual or probable abuse of the substance including:

21 (A) the history and current pattern of abuse both in
22 this state and in other states;

23 (B) the scope, duration, and significance of abuse;

24 (C) the degree of actual or probable detriment which
25 may result from abuse of the substance;

26 (D) the probable physical and social impact of wide-
27 spread abuse of the substance;

28 (2) the biomedical hazard of the substance including

29 (A) its pharmacology, the effects and modifiers of the

1 effects of the substance;

2 (B) its toxicology, the acute and chronic toxicity,
3 interaction with other substances, whether controlled or not, and
4 the degree to which it may cause psychological or physiological
5 dependence;

6 (C) the risk to public health and the particular sus-
7 ceptibility of segments of the population;

8 (3) whether the substance is an immediate precursor of a
9 substance already controlled under this chapter;

10 (4) the current state of scientific knowledge regarding the
11 substance, including whether there is any acceptable means to safely
12 use the substance under medical supervision;

13 (5) the relationship between the use of the substance and
14 other criminal activity, including

15 (A) whether persons engaged in illicit trafficking of
16 the substance are also engaged in other criminal activity;

17 (B) whether the nature and relative profitability of
18 manufacturing or delivering the substance encourages illicit
19 trafficking in the substance;

20 (C) whether the commission of other crimes is one of
21 the effects of abuse of the substance;

22 (D) whether addiction to the substance relates to the
23 commission of crimes to support the continued use of the substance.

24 (d) If the committee designates a substance as an immediate
25 precursor of a controlled substance, a precursor of that immediate
26 precursor is not subject to control solely because it is a precursor of
27 the immediate precursor.

28 (e) The committee has no authority over tobacco or intoxicating
29 liquor as defined in AS 04.20.010.

1 Sec. 11.71.130. NOMENCLATURE. Controlled substances are listed
2 in the schedules in AS 11.71.140 - 11.71.190 by official, common,
3 usual, chemical, or trade designation and by slang terms if applicable.
4 In a prosecution or other proceeding under this chapter, it is not a
5 defense and it is immaterial that a slang term is listed after more
6 than one controlled substance, that a slang term listed after a con-
7 trolled substance is inaccurately applied to that controlled substance,
8 that no slang term is listed after a controlled substance, or that
9 slang terms other than those listed may apply to a controlled substance.
10 The use of a slang term is not required in a complaint, indictment, or
11 information charging a violation of this chapter, and the failure to
12 specify a slang term, or the use of an improper slang term in a com-
13 plaint, indictment, or information is not grounds for dismissal of the
14 charging document, or for an instruction directing an acquittal of the
15 charge.

16 Sec. 11.71.140. SCHEDULE IA. (a) A substance shall be placed in
17 schedule IA if it is found under AS 11.71.120(c) to have the highest
18 degree of danger or probable danger to a person or the public.

19 (b) Substances, vegetable origin or chemical synthesis. Schedule
20 IA includes, unless specifically excepted or listed in another schedule,
21 any of the following substances whether produced directly or indirectly
22 by extraction from substances of vegetable origin, or independently by
23 means of chemical synthesis, or by a combination of extraction and
24 chemical synthesis:

25 (1) opium and opiate, and any salt, compound, derivative, or
26 preparation of opium or opiate, excluding apomorphine, dextrorphan,
27 nalbuphine, naloxone, and naltrexone, and their respective salts, but
28 including the following:

29 (A) raw opium (~~slang terms: op, pan-yan, hop, tar,~~

1 ~~black stuff~~);

2 (B) opium extracts;

3 (C) opium fluid extracts;

4 (D) powdered opium;

5 (E) granulated opium;

6 (F) tincture of opium;

7 (G) codeine (slang term: school boy);

8 (H) ethylmorphine;

9 (I) etorphine hydrochloride;

10 (J) hydrocodone;

11 (K) hydromorphone;

12 (L) metopon;

13 (M) morphine (~~slang terms: cube, first line, hocus,~~

14 ~~Emma, morph, morpho, mud, white stuff, hard stuff, M, unkie~~);

15 (N) oxycodone;

16 (O) oxymorphone;

17 (P) thebaine;

18 (2) any salt, compound, derivative, or preparation of a
19 substance included in (b)(1) of this section which is chemically equiva-
20 lent or identical to any of the substances referred to in (b)(1) of
21 this section; however, these substances do not include the isoquinoline
22 alkaloids of opium;

23 (3) opium poppy and poppy straw;

24 (4) concentrate of poppy straw which is the crude extract of
25 poppy straw in either liquid, solid, or powder form which contains the
26 phennanthrine alkaloids of the opium poppy.

27 (c) Opiates. Schedule IA includes, unless specifically excepted
28 or unless listed in another schedule, any of the following opiates,
29 including their isomers, esters, ethers, salts, and salts of isomers,

1 esters, and ethers, whenever the existence of these isomers, esters,
2 ethers, and salts is possible within the specific chemical designation,
3 dextrorphan excepted:

- 4 (1) acetylmethadol;
- 5 (2) allylprodine;
- 6 (3) alphacetylmethadol;
- 7 (4) alphameprodine;
- 8 (5) alphamethadol;
- 9 (6) alphaprodine;
- 10 (7) anileridine;
- 11 (8) benzethidine;
- 12 (9) betacetylmethadol;
- 13 (10) betameprodine;
- 14 (11) betamethadol;
- 15 (12) betaprodine;
- 16 (13) bezitramide;
- 17 (14) clonitazene;
- 18 (15) dextromoramide;
- 19 (16) diampramide;
- 20 (17) diethylthiambutene;
- 21 (18) difenoxin;
- 22 (19) dihydrocodeine;
- 23 (20) dimenoxadol;
- 24 (21) dimepheptanol;
- 25 (22) dimethylthiambutene;
- 26 (23) dioxaphetyl butyrate;
- 27 (24) diphenoxylate;
- 28 (25) dipipanone;
- 29 (26) ethylmethylthiambutene;

- 1 (27) etonitazene;
- 2 (28) etoxeridine;
- 3 (29) fentanyl;
- 4 (30) furethidine;
- 5 (31) hydroxpethidine;
- 6 (32) isomethadone;
- 7 (33) ketobemidone;
- 8 (34) levomethorphan;
- 9 (35) levomoramide;
- 10 (36) levorphanol;
- 11 (37) levophenacymorphan;
- 12 (38) Meperidine, also known as pethidine
- 13 (39) (38) metazocine;
- 14 (40) (39) methadone;
- 15 (41) (40) methadone-intermediate, 4-cyano-2-dimethylamino ,
- 16 4-diphenyl butane;
- 17 (42) (41) moramide-intermediate, 2-methyl-3-morpholino-1,
- 18 1-diphenylpropane-carboxylic acid;
- 19 (43) (42) morpheridine;
- 20 (44) (43) noracymethadol;
- 21 (45) (44) norlevorphanol;
- 22 (46) (45) normethadone;
- 23 (47) (46) norpipanone;
- 24 (48) (47) pethidine, also known as meperidine;
- 25 (49) (48) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenyl-
- 26 piperidine;
- 27 (50) (49) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-
- 28 carboxylate;
- 29 (51) (50) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-
- carboxylic acid;

- 1 (52) ~~(51)~~ phenadoxone;
2 (53) ~~(52)~~ phenampromide;
3 (54) ~~(53)~~ phenazocine;
4 (55) ~~(54)~~ phenomorphan;
5 (56) ~~(55)~~ phenoperidine;
6 (57) ~~(56)~~ piminodine;
7 (58) ~~(57)~~ piritramide;
8 (59) ~~(58)~~ propheptazine;
9 (60) ~~(59)~~ properidine;
10 (61) ~~(60)~~ propiram;
11 (62) ~~(61)~~ racemethorphan;
12 (63) ~~(62)~~ racemoramide;
13 (64) ~~(63)~~ racemorphan;
14 (65) ~~(64)~~ trimeperidine.

15 (d) Opium derivatives. Schedule IA includes, unless specifically
16 excepted or unless listed in another schedule, any of the following
17 opium derivatives, their salts, isomers, and salts of isomers whenever
18 the existence of these salts, isomers, and salts of isomers is possible
19 within the specific chemical designation:

- 20 (1) acetorphine;
21 (2) acetyldihydrocodeine;
22 (3) benzylmorphine;
23 (4) codeine methylbromide;
24 (5) codeine-n-oxide;
25 (6) cyprenorphine;
26 (7) desomorphine;
27 (8) dihydromorphine;
28 (9) drotebanol;
29 (10) etorphine, except hydrochloride salt;

1 (11) heroin (~~slang terms, big H, boy, brown, brown sugar,~~

2 ~~caballo, Chinese red, China, crap, dooju, H, Hays, Hays,~~

3 ~~Mexican mud, powder, sagg, smack, stuff, thing, soy powder, white~~

4 ~~stuff, sugar, hairy, skag, smack);~~

5 (12) hydromorphinol;

6 (13) methyldesorphine;

7 (14) methyldihydromorphine;

8 (15) morphine methylbromide;

9 (16) morphine methylsulfonate;

10 (17) morphine-n-oxide;

11 (18) myrophine;

12 (19) nicocodeine;

13 (20) nicomorphine;

14 (21) normorphine;

15 (22) pholcodine;

16 (23) thebacon.

17 Sec. 11.71.150. SCHEDULE IIA. (a) A substance shall be placed
18 in schedule IIA if it is found under AS 11.71.120(c) to have a degree
19 of danger or probable danger to a person or the public which is less
20 than substances listed in schedule IA, but higher than substances
21 listed in schedule IIIA.

22 (b) Hallucinogens. Schedule IIA includes, unless specifically
23 excepted or unless listed in another schedule, any material, compound,
24 mixture, or preparation which contains any quantity of the following
25 hallucinogenic substances, or which contains any of its salts, isomers,
26 whether optical, position, or geometric, or salts of isomers whenever
27 the existence of these salts, isomers, or salts of isomers is possible
28 within the specific chemical designation:

29 (1) 4-bromo-2, 5-dimethoxy-amphetamine, also known as

1 4-bromo-2,5-dimethoxy-a-methylphenethylamine and 4-bromo-2, DMA;

2 (2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-
3 a-methylphenethylamine and 2,5-DMA;

4 (3) 4-methoxyamphetamine, also known as 4-methoxy-a-methyl-
5 phenethylamine and paramethoxyamphetamine, PMA;

6 (4) 5-methoxy-3,4-methylenedioxy-amphetamine;

7 (5) 4-methyl-2,5-dimethoxy-amphetamine, also known as
8 4-methyl-2,5 - dimethoxy-a-methylphenethylamine (slang terms: DOM, MDA,
9 STP, serenity, tranquility, and peace, cone drug);

10 (6) 3,4-methylenedioxy amphetamine;

11 (7) 3,4,5-trimethoxy amphetamine;

12 (8) bufotenine, also known as 3-(B-dimethylaminoethyl)-5-
13 hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N, N-dimethylsero-
14 tonin; 5-hydroxy-N, N-dimethyltryptamine, and mappine;

15 (9) diethyltryptamine, also known as N,N-diethyltryptamine
16 and DET;

17 (10) dimethyltryptamine, also known as DMT (slang terms:
18 businessman's special, lunch-hour trip);

19 (11) ibogaine, also known as 7-ethyl-6, 6B, 7, 8, 9, 10, 12,
20 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido [1',2': 1, 2] azepino [5,
21 4-b] indole and tabernanthe iboga;

22 (12) lysergic acid diethylamide, also known as LSD (slang
23 terms: ~~Alice B, acid, beast, big B, blue cheer, blue heaven, blue~~
24 ~~mist, brown dots, California sunshine, chocolate chips, coffee, contact~~
25 ~~lens, cupcakes, haz, mellow yellows, mescalate, orange mushrooms,~~
26 ~~orange wedges, Owlsey, paper acid, royal blue, strawberry fields,~~
27 ~~sugar, sunshine, the hawk, wedges, white lightning, window pane,~~
28 ~~yellows, cubes, 25, Lucy in the sky with diamonds);~~

29 (13) mescaline (slang terms: ~~mese, mescal, moon);~~

1 (14) n-ethyl-3-piperidyl benzilate;

2 (15) n-methyl-3-piperidyl benzilate (~~slang term: [REDACTED]~~)

3 (16) peyote (~~slang terms: buttons, cactus, mescal buttons,~~
4 ~~mescal, mescal plants~~);

5 (17) analogs of phencyclidine (PCP), including:

6 (A) ethylamine analog, also known by some trade or
7 other names as follows: N-ethyl-1-phenylcyclohexylamine (1-phenyl-
8 cyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclo-
9 hexamine, PCE;

10 (B) pyrrolidine analog, also known by some trade or
11 other names as follows: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPY,
12 PHP;

13 (C) thiophene analog, also known as 1-[1-(2-thienyl)
14 cyclohexyl] piperidine and 2-thienylanalog of phencyclidine, TCP, and TCP;

15
16 (18) psilocybin (~~slang terms: magic mushroom, mushroom~~);

17 (19) psilocyn (~~slang terms: magic mushroom, mushroom~~).

18 (c) Cocaine and coca leaves. Schedule IIA includes cocaine or
19 coca leaves, and any salt, compound, derivative, mixture, isomer,
20 ester, ether, or preparation of cocaine or coca leaves produced direct-
21 ly or indirectly by extraction from coca leaves, or independently by
22 means of chemical synthesis, or by a combination of extraction and
23 chemical synthesis, including the isomers, salts, and salts of isomers
24 of cocaine and other derivatives of coca leaves whenever the existence
25 of these esters, ethers, isomers or salts is possible, but does not
26 include decocainized coca leaves or extractions of coca leaves which do
27 not contain cocaine or ecgonine (~~slang terms: Bernice, bernies, big C,~~
28 ~~blow, C, coke, dream, flake, girl, gold dust, heaven dust, nose candy,~~
29 ~~paradise, rock, white, happy dust, speedballs, snow birds, Cecil,~~

1 ~~stardust, Corine, Carrie, dust, Burese).~~

2 (d) Depressants. Schedule IIA includes, unless specifically
3 excepted or unless listed in another schedule, any material, compound,
4 mixture, or preparation which contains any quantity of the following
5 substances having a depressant effect on the central nervous system,
6 including their salts, isomers, and salts of isomers whenever the
7 existence of these salts, isomers, and salts of isomers is possible
8 within the specific chemical designation:

9 (1) amobarbital (~~slang terms: barbs, block busters, Christ-~~
10 ~~mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,~~
11 ~~goofballs, goofs, tuinal, tuies, rainbow, double trouble, reds and~~
12 ~~blues);~~

13 (2) mandrix or mandrax;

14 (3) mecloqualone;

15 (4) methaqualone (~~slang terms: ludes, quas, quads, soapers,~~
16 ~~sopes);~~

17 (5) pentobarbital (~~slang terms: barbs, block busters,~~
18 ~~Christmas trees, downers, green dragons, peanuts, sleeping pills,~~
19 ~~stumblers, goofballs, goofs, yellow jackets, yellows, nimbys, nimbies,~~
20 ~~nobbies);~~

21 (6) phencyclidine, also known as PCP (~~slang terms: angel~~
22 ~~dust, DOA (Dead on Arrival), hog, killer wood (when combined with~~
23 ~~marijuana or other plant material), peace pill);~~

24 (7) secobarbital (~~slang terms: barbs, block busters, Christ-~~
25 ~~mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,~~
26 ~~goofballs, goofs, tuinal, tuies, rainbow, double trouble, reds and~~
27 ~~blues, red birds, red devils, eecy, pink, soggy, pink ladies, marsh-~~
28 ~~mallow reds, Mexican reds).~~

29 (e) Stimulants. Schedule IIA includes, unless specifically

1 excepted or unless listed in another schedule, any material, compound,
2 mixture, or preparation which contains any quantity of the following
3 substances having a stimulant effect on the nervous system:

4 (1) amphetamine, its salts, optical isomers, and salts of
5 its optical isomers (~~slang terms. beans, bennies, black beauties,~~
6 ~~blackbirds, black Mollies, bumblebees, cartwools, chalk, chicken powder,~~
7 ~~copilots, crank, crossroads, crystal, dexies, double cross, eye openers,~~
8 ~~hearts, jelly beans, lightning, meth, minibennies, nuggets, oranges,~~
9 ~~pop pills, speed, roses, thrusters, truck drivers, turnabouts, uppers,~~
10 ~~ups, wake ups, peaches, whites, browns, greenies, bombido, jugs,~~
11 ~~bottles, lid proppers, football, coast to coast, L.A. turnabouts~~);

12 (2) methamphetamine, its salts, isomers, and salts of its
13 isomers (~~slang terms. bombido, crystal, meth, speed, splash~~);

14 (3) methlyphenidate;

15 (4) phenmetrazine and its salts.

16 (f) Immediate Precursors. Schedule IIA includes, unless specifi-
17 cally excepted or unless listed in another schedule, any material,
18 mixture, or preparation which contains any quantity of the following
19 substances:

20 (1) immediate precursor to amphetamine and methamphetamine:
21 phenylacetone, also known as phenyl-2-propanone; P2P; benzyl methyl
22 ketone; methyl benzyl ketone;

23 (2) immediate precursors to phencyclidine, also known as:
24 PCP:

25 (A) 1-phencylclohexylamine;

26 (B) 1-piperidinocyclohexanecarbonitrile, also known as

27 PCC.

28 Sec. 11.71.160. SCHEDULE IIIA. (a) A substance shall be placed
29 in schedule IIIA if it is found under AS 11.71.120(c) to have a degree

1 of danger or probable danger to a person or the public less than the
2 substances listed in schedule IIA but higher than substances listed in
3 schedule IVA.

4 (b) Stimulants. Schedule IIIA includes, unless specifically
5 excepted or unless listed in another schedule, any material, compound,
6 mixture, or preparation which contains any quantity of the following
7 substances having a stimulant effect on the central nervous system,
8 including their salts, isomers whether optical, position, or geometric,
9 and salts of these isomers whenever the existence of these salts,
10 isomers, and salts of isomers is possible within the specific chemical
11 designation:

- 12 (1) benzphetamine;
- 13 (2) chlorphentermine;
- 14 (3) clortermine;
- 15 (4) mazindol;
- 16 (5) phendimetrazine;

17 (6) any compound, mixture, or preparation in dosage unit
18 form containing any stimulant substance listed in schedule IIA, which
19 compound, mixture, or preparation was listed on August 25, 1971, as an
20 excepted compound under 21 C.F.R. sec. ~~1308.32~~, and any other drug of
21 the quantitative composition shown in that list for those substances, or
22 which is the same except that it contains a lesser quantity of any
23 controlled substance.

24 (c) Depressants. Schedule IIIA includes unless specifically
25 excepted or unless listed in another schedule, any material, compound,
26 mixture, or preparation which contains any quantity of the following
27 substances having a depressant effect on the central nervous system:

28 (1) amobarbital, secobarbital, or pentobarbital or any salt
29 of these substances, combined with one or more other active medicinal

1 ingredients which are not listed in any other schedule;

2 (2) amobarbital, secobarbital, or pentobarbital or any salt
3 of these substances, approved by the federal Food and Drug Administra-
4 tion for marketing only as a suppository;

5 (3) any substance which contains any quantity of a deri-
6 vative of barbituric acid or any salt of barbituric acid;

7 (4) chlorhexadol;

8 (5) glutethimide (slang terms: C.D., cibas);

9 (6) lysergic acid;

10 (7) lysergic acid amide;

11 (8) methyprylon;

12 (9) sulfondiethylmethane;

13 (10) ulfonethylmethane;

14 (11) sulfonmethane.

15 (d) Nalorphine. Schedule IIIA includes nalorphine.

16 (e) Narcotics. Schedule IIIA includes, unless specifically
17 excepted or unless listed in another schedule, any material, compound,
18 mixture, or preparation containing any of the following narcotic drugs
19 or their salts calculated as the free anhydrous base or alkaloid, in
20 the following quantities:

21 (1) not more than 1.8 grams of codeine per 100 milliliters
22 or not more than 90 milligrams per dosage unit, with an equal or greater
23 quantity of an isoquinoline alkaloid of opium;

24 (2) not more than 1.8 grams of codeine per 100 milliliters
25 or not more than 90 milligrams per dosage unit, with one or more active,
26 nonnarcotic ingredients in recognized therapeutic amounts;

27 (3) not more than 300 milligrams of dihydrocodeinone per 100
28 milliliters or not more than 15 milligrams per dosage unit, with a
29 fourfold or greater quantity of an isoquinoline alkaloid of opium,

1 (4) not more than 300 milligrams of dihydrocodeinone per 100
2 milliliters or not more than 15 milligrams per dosage unit, with one or
3 more active nonnarcotic ingredients in recognized therapeutic amounts;

4 (5) not more than 1.8 grams of dihydrocodeine per 100 milli-
5 liters or not more than 90 milligrams per dosage unit, with one or more
6 active nonnarcotic ingredients in recognized therapeutic amounts;

7 (6) not more than 300 milligrams of ethylmorphine per 100
8 milliliters or not more than 15 milligrams per dosage unit, with one or
9 more active, nonnarcotic ingredients in recognized therapeutic amounts;

10 (7) not more than 500 milligrams of opium per 100 milli-
11 liters or per 100 grams or not more than 25 milligrams per dosage unit,
12 with one or more active, nonnarcotic ingredients in recognized thera-
13 peutic amounts;

14 (8) not more than 50 milligrams of morphine per 100 milli-
15 liters or per 100 grams, with one or more active, nonnarcotic ingredi-
16 ents in recognized therapeutic amounts.

17 (f) Hallucinogens. Schedule IIIA includes

18 (1) hashish;

19 (2) hash oil or hashish oil; and

20 (3) tetrahydrocannabinols (~~slang terms: black Russian, hash,~~
21 ~~Kif, quarter moon, coles~~).

22 Sec. 11.71.170. SCHEDULE IVA. (a) A substance shall be placed
23 in schedule IVA if it is found under AS 11.71.120(c) to have a degree
24 of danger or probable danger to a person or the public which is less
25 than the substances listed in schedule IIIA, but higher than the sub-
26 stances listed in schedule VA.

27 (b) Depressants. Schedule IVA includes, unless specifically
28 excepted or unless listed in another schedule, any material, compound,
29 mixture, or preparation which contains any quantity of the following

1 substances, including their salts, isomers and salts of isomers when-
2 ever the existence of these salts, isomers, and salts of isomers is
3 possible within the specific chemical designation:

- 4 (1) barbital;
- 5 (2) chloral betaine;
- 6 (3) cloral hydrate (~~along terms: Knockout drops, Mickey~~
7 ~~Finn, Mickey, Peter~~);
- 8 (4) chlordiazepoxide;
- 9 (5) clonazepam;
- 10 (6) clorazepate;
- 11 (7) diazepam;
- 12 (8) ethchlorvynol;
- 13 (9) ethinamate;
- 14 (10) flurazepam;
- 15 (11) lorazepam;
- 16 (12) mebutamate;
- 17 (13) meprobamate;
- 18 (14) methohexital;
- 19 (15) methylphenobarbital, also known as mephobarbital;
- 20 (16) oxazepam;
- 21 (17) paraldehyde;
- 22 (18) petrichloral;
- 23 (19) phenobarbital;
- 24 (20) prazepam.

25 (c) Fenfluramine. Schedule IVA includes any material, compound,
26 mixture or preparation which contains any quantity of the following
27 substances, including their salts, isomers whether optical, position,
28 or geometric, and salts of these isomers, whenever the existence of
29 these salts, isomers, and salts of isomers is possible: fenfluramine.

1 (d) Stimulants. Schedule IVA includes, unless specifically
2 excepted or unless listed in another schedule, any material, compound,
3 mixture, or preparation which contains any quantity of the following
4 substances having a stimulant effect on the central nervous system,
5 including their salts, isomers whether optical, position, or geometric,
6 and salts of these isomers whenever the existence of these salts,
7 isomers, and salts of isomers is possible within the specific chemical
8 designation:

- 9 (1) diethylpropion;
10 (2) phentermine;
11 (3) pemoline, including organometallic complexes and chelates
12 of this substance.

13 (e) Narcotics. Schedule IVA includes, unless specifically ex-
14 cepted or unless listed in another schedule, any material, compound,
15 mixture, or preparation containing not more than 1 milligram of di-
16 fenoxin and not less than 25 micrograms of atropine sulfate per dosage
17 unit, or their salts calculated as the free anhydrous base or alkaloid.

18 (f) Other substances. Schedule IVA includes, unless specifically
19 excepted or unless listed in another schedule, any material, compound,
20 mixture or preparation which contains any quantity of the following
21 substances, including their salts:

22 (1) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-
23 diphenyl-3-methyl-2-propionoxybutane); *also, known as propoxyphene*

24 (2) pentazocine.

25 (3) *propoxyphene also known as dextropropoxyphene*

26 Sec. 11.71.180. SCHEDULE VA. (a) A substance shall be placed in
27 schedule VA if it is found under AS 11.71.120(c) to have a degree of
28 danger or probable danger to a person or the public which is less than
29 substances listed in schedule IVA, but higher than substances listed in
30 schedule VIA.

1 (b) Narcotics. Schedule VA includes any compound, mixture, or
2 preparation containing any of the following limited quantities of
3 narcotic drugs or their salts, calculated as the free anhydrous base or
4 alkaloid, in limited quantities as specified in (1) - (6) of this sub-
5 section, which includes one or more nonnarcotic active medicinal ingre-
6 dients in sufficient proportion to confer upon the compound; mixture,
7 or preparation valuable medicinal qualities other than those possessed
8 by schedule IA substances alone:

9 (1) not more than 200 milligrams of codeine per 100 milli-
10 liters or per 100 grams;

11 (2) not more than 100 milligrams of dihydrocodeine per 100
12 milliliters or per 100 grams;

13 (3) not more than 100 milligrams of ethylmorphine per 100
14 milliliters or per 100 grams;

15 (4) not more than 2.5 milligrams of diphenoxylate and not
16 less than 25 micrograms of atropine sulfate per dosage unit;

17 (5) not more than 100 milligrams of opium per 100 milli-
18 liters or per 100 grams;

19 (6) not more than 0.5 milligrams of difenoxin and not less
20 than 25 micrograms of atropine sulfate per dosage unit.

21 (c) Loperamide. Schedule VA includes loperamide.

22 Sec. 11.71.190. SCHEDULE VIA. (a) A substance shall be placed
23 in Schedule VIA if it is found under AS 11.71.120(c) to have the lowest
24 degree of danger or probable danger to a person or the public.

25 (b) Marijuana. Schedule VIA controlled substances include mari-
26 juana (slang terms: ~~Acapulco gold, broccoli, bush, dry high, gage,~~
27 ~~ganga, grass, griffe, hay, hemp, herb, J, Jay, Jane, Mary Jane, mot,~~
28 ~~mulali, Panama red, pad, pot, reefer, sativa, smoke, stick, tea, weed,~~
29 ~~stuff, rope, joints, Texas tea, goof butt, jive, sweet lunch, stinkweed,~~

1 ~~locoweed, moss, Mary Wamer, Indian hay, fu, bobo bush).~~

2 Sec. 11.71.195. EXEMPTED DRUGS. A substance the manufacture,
3 distribution, dispensing, or possession of which is explicitly exempt
4 from criminal penalty under federal law is exempt from the application
5 of this chapter and AS 17.30. This exemption includes any substances
6 which may, under the federal Food, Drug, and Cosmetic Act (21 U.S.C.
7 sec. 301 et seq.) be lawfully sold over the counter without a prescrip-
8 tion. This exemption also includes those substances listed in 21
9 C.F.R. sec. 1308.22 on April 1, 1980.

10 ARTICLE 3. MISCELLANEOUS PROVISIONS.

11 Sec. 11.71.300. PENALTIES UNDER OTHER LAWS. A penalty imposed
12 for violation of this chapter is in addition to, and not in place of,
13 any other civil or administrative penalty or sanction otherwise autho-
14 rized by law.

15 Sec. 11.71.310. BAR TO PROSECUTION. If a violation of this
16 chapter is a violation of a federal law or the law of another state, a
17 conviction or acquittal under federal law or the law of another state
18 for the same act is a bar to prosecution in this state.

19 Sec. 11.71.320. DEFENSES EXEMPTED. (a) In a prosecution for the
20 possession of a controlled substance under this chapter, it is not a
21 defense that the substance was possessed in less than a useable quan-
22 tity. It is sufficient to support a conviction that there is a suf-
23 ficient quantity of the substance to permit proper identification.

24 (b) In a prosecution for an offense involving a controlled sub-
25 stance under this chapter, it is not a defense that the substance is
26 misclassified under a subsection within a schedule.

27 Sec. 11.71.330. LIABILITY OF PUBLIC SERVANTS. No liability is
28 imposed by this chapter upon a public servant acting within the scope
29 and authority of his employment.

1 Sec. 11.71.340. OFFENSES DEFINED BY AMOUNTS. Whenever a pro-
2 vision of this chapter defining an offense requires a determination of
3 an amount, it is not a defense to the lowest class of offense estab-
4 lished by the evidence that the amount in question was equal to or
5 larger than the amount which would make the offense a higher class of
6 offense, and a person may be charged and convicted accordingly.

7 Sec. 11.71.350. BURDEN OF PROOF. It is not necessary for the
8 state to negate an exemption or exception provided for in this chapter
9 in a complaint, information, indictment, or other pleading or at a
10 trial, hearing, or other proceeding under this chapter or AS 17.30.
11 The defendant has the burden of proving by a preponderance of the
12 evidence any exemption or exception claimed by him.

13 Sec. 11.71.360. UNPRIVILEGED COMMUNICATIONS. Information commu-
14 nicated to a physician or other licensed practitioner in an effort to
15 unlawfully procure a controlled substance or to unlawfully procure the
16 administration of a controlled substance is not a privileged communi-
17 cation.

18 ARTICLE 4. DEFINITIONS.

19 Sec. 11.71.900. DEFINITIONS. In this chapter, unless the context
20 clearly requires otherwise,

21 (1) "administer" means the direct application of a con-
22 trolled substance, whether by injection, inhalation, ingestion, or any
23 other means into the body of a patient or research subject by

24 (A) a practitioner or, in the practitioner's presence,
25 by his authorized agent; or

26 (B) the patient or research subject at the direction
27 and in the presence of a practitioner;

28 (2) "agent" means an authorized person who acts on behalf of
29 or at the direction of a manufacturer, distributor, or dispenser, but

1 does not include a common or contract carrier, public warehouseman, or
2 employee of the carrier or warehouseman;

3 (3) "committee" means the Controlled Substances Advisory
4 Committee established in AS 11.71.100;

5 (4) "controlled substance" means a drug, substance, or im-
6 mediate precursor included in the schedules set out in AS 11.71.140 -
7 11.71.190;

8 (5) "counterfeit substance" means a controlled substance
9 which, without authorization, bears the trademark, trade name, or other
10 identifying mark, imprint, number, or device of a manufacturer, distri-
11 butor, or dispenser other than the person or persons who in fact manu-
12 factured, distributed, or dispensed the substance and which falsely
13 purports or is represented to be the product of, or to have been distri-
14 buted by, the other manufacturer, distributor, or dispenser;

15 (6) "deliver" or "delivery" means the actual, constructive,
16 or attempted transfer from one person to another of a controlled sub-
17 stance whether or not there is an agency relationship;

18 (7) "dispense" means to deliver a controlled substance to an
19 ultimate user or research subject by or under the lawful order of a
20 practitioner, including the prescribing, administering, packaging, la-
21 beling, or compounding necessary to prepare the substance for that de-
22 livery; "dispenser" means a practitioner who dispenses;

23 (8) "distribute" means to deliver other than by administer-
24 ing or dispensing a controlled substance, whether or not there is any
25 money or other item of value exchanged; it includes sale, gift, or
26 exchange; "distributor" means a person who distributes;

27 (9) "drug"

28 (A) means

29 (i) a substance recognized as a drug in the offi-

1 cial United States Pharmacopoeia, official Homeopathic Pharma-
2 copoeia of the United States, or official National Formulary,
3 or any supplement to these publications;

4 (ii) a substance intended for use in the diagnosis,
5 cure, mitigation, treatment, or prevention of disease in
6 humans or animals;

7 (iii) a substance, other than food, intended to
8 affect the structure or any function of the body of humans or
9 animals; and

10 (iv) a substance intended for use as a component of
11 any article specified in (i), (ii), or (iii) of this sub-
12 paragraph;

13 (B) does not include a device or its components, parts,
14 or accessories;

15 (10) "hashish" means the dried, compressed, resinous product
16 of the plant (genus) Cannabis;

17 (11) "hashish oil" means the viscous liquid concentrate of
18 tetrahydrocannabinols extracted from the plant (genus) Cannabis;

19 (12) "immediate precursor" means a substance which is by
20 statute or regulation designated as the principal compound commonly
21 used or produced primarily for use, and which is an immediate chemical
22 intermediary used or likely to be used in the manufacture of a con-
23 trolled substance, the control of which is necessary to prevent, cur-
24 tail, or limit manufacture of that controlled substance;

25 (13) "manufacture"

26 (A) means the production, preparation, propagation,
27 compounding, conversion, growing, or processing of a controlled
28 substance, either directly or indirectly by extraction from sub-
29 stances of natural origin, or independently by means of chemi cal

1 synthesis, or by a combination of extraction and chemical syn-
2 thesis; however, the growing of marijuana for personal use is not
3 manufacturing;

4 (B) includes the preparation, compounding, packaging,
5 repackaging, labeling or relabeling of a controlled substance or
6 its container unless done in conformity with applicable federal
7 law

8 (i) by a practitioner as an incident to his admin-
9 istering or dispensing of a controlled substance in the
10 course of his professional practice; or

11 (ii) by a practitioner, or by his authorized agent
12 under his supervision, for the purpose of, or as an incident
13 to, research, teaching, or chemical analysis and not for
14 sale;

15 (14) "marijuana" means the leaves, stems, flowers, and seeds
16 of the plant (genus) Cannabis, whether growing or not; it does not
17 include the resin or oil extracted from any part of the plant, or any
18 compound, manufacture, salt, derivative, mixture, or preparation from
19 the resin or oil, including hashish, hashish oil, and natural or syn-
20 thetic tetrahydrocannabinol; it does not include the mature stalks of
21 the plant, fiber produced from the stalks, or cake made from the
22 seeds of the plant, any other compound, manufacture salt, derivative,
23 mixture, or preparation of the mature stalks, fiber, oil or cake, or
24 the sterilized seed of the plant which is incapable of germination;

25 (15) "opiate" means

26 (A) a substance having an addiction-forming or addic-
27 tion-sustaining capability similar to morphine or being capable of
28 conversion into a drug having addiction-forming or addiction-
29 sustaining capability;

1 (B) includes its racemic and levorotatory forms; and

2 (C) does not include, unless specifically designated as
3 controlled under AS 11.71.120 the dextrorotatory isomer of
4 3-methoxy-n-methylmorphinan and its salts (dextromethorphan);

5 (16) "opium poppy" means the plant of any species of Papaver
6 containing the phenanthrine alkaloids of opium, except its seeds;

7 (17) "peyote" means any part of the plant classified botani-
8 cally as Lophophora Williamsii Lemaire, whether growing or not, the
9 seeds of the plant, any extract from any part of the plant, and a
10 compound, manufacture, salt, derivative, mixture, or preparation of the
11 plant, its seeds or extracts, including mescaline;

12 (18) "poppy straw" means all parts, except the seeds, of the
13 opium poppy, after mowing;

14 (19) "practitioner" means

15 (A) a physician, dentist, veterinarian, scientific in-
16 vestigator, or other person licensed, registered, or otherwise
17 permitted to distribute, dispense, conduct research with respect
18 to, or to administer or use in teaching or chemical analysis a
19 controlled substance in the course of professional practice or
20 research in the state;

21 (B) a pharmacy, hospital, or other institution licensed,
22 registered, or otherwise permitted to distribute, dispense, con-
23 duct research with respect to, or to administer a controlled sub-
24 stance in the course of professional practice or research in the
25 state;

26 (20) "sale" means to sell, barter, exchange, give, or dispose
27 of to another, or an exchange for a thing of value;

28 (21) "schedule IA controlled substance" means a controlled
29 substance included in the schedule in AS 11.71.140;

1 (22) "schedule IIA controlled substance" means a controlled
2 substance included in the schedule in AS 11.71.150;

3 (23) "schedule IIIA controlled substance" means a controlled
4 substance included in the schedule in AS 11.71.160;

5 (24) "schedule IVA controlled substance" means a controlled
6 substance included in the schedule in AS 11.71.170;

7 (25) "schedule VA controlled substance" means a controlled
8 substance included in the schedule in AS 11.71.180;

9 (26) "schedule VIA controlled substance" means a controlled
10 substance included in the schedule in AS 11.71.190;

11 (27) "ultimate user" means a person who lawfully possesses a
12 controlled substance for his own use or for the use of a member of his
13 household or for administering to an animal owned by him or by a member
14 of his household.

15 * Sec. 3. AS 17 is amended by adding a new chapter to read:

16 CHAPTER 30. CONTROLLED SUBSTANCES.

17 ARTICLE 1. REGULATION OF MANUFACTURE, DISTRIBUTION,
18 PRESCRIPTION, AND DISPENSING OF CONTROLLED SUBSTANCES.

19 Sec. 17.30.010. REGULATIONS. (a) The Board of Pharmacy shall
20 adopt regulations under the Administrative Procedure Act (AS 44.62)
21 which are necessary for the administration of this chapter, and may
22 charge reasonable fees relating to the registration and control of the
23 manufacture, distribution, and dispensing of controlled substances as
24 authorized by federal law in the state.

25 (b) Regulations adopted under this chapter by the board shall be
26 patterned after federal law so that the legitimate manufacture, distri-
27 bution, and dispensing of controlled substances is subject to regula-
28 tions regarding registration, record keeping, order forms and prescrip-
29 tion requirements that are identical to those required by federal law

1 or regulations.

2 Sec. 17.30.020. REGISTRATION REQUIREMENTS. (a) A person who
3 manufactures, distributes, dispenses, or conducts research with a
4 controlled substance in the state or who proposes to manufacture,
5 distribute, or dispense a controlled substance in the state, shall
6 register annually with the board in accordance with regulations adopted
7 under AS 17.30.010.

8 (b) A person registered under this chapter to manufacture, distri-
9 bute, dispense, or conduct research with controlled substances may
10 possess, manufacture, distribute, dispense, or conduct research with
11 those substances to the extent authorized by his registration and in
12 conformity with the other provisions of this chapter.

13 (c) The following persons may lawfully possess controlled sub-
14 stances under this chapter without registration:

15 (1) an agent or employee of a registered manufacturer, dis-
16 tributor, dispenser, or researcher of a controlled substance so long as
17 the possession is incidental to the usual course of his business or
18 employment;

19 (2) a common or contract carrier or warehouseman, or his
20 employee, whose possession of a controlled substance is in the usual
21 course of his business or employment;

22 (3) an ultimate user or a person in possession of a con-
23 trolled substance under a lawful order of a registered practitioner or
24 in lawful possession of a schedule VA controlled substance.

25 (d) The board may, by regulation, waive the requirement for
26 registration of certain manufacturers, distributors, or dispensers if
27 it finds it consistent with public health and safety.

28 (e) A separate registration is required for each principal place
29 of business or professional practice where the applicant manufactures,

1 distributes, or dispenses controlled substances.

2 (f) The board may inspect the establishment of a registrant or
3 applicant for registration in accordance with regulations adopted by
4 the board.

5 Sec. 17.30.030. REGISTRATION. (a) The board shall register an
6 applicant to manufacture, distribute, or dispense controlled substances
7 listed in the schedules established under federal law unless it finds
8 that the registration would be inconsistent with the public interest.
9 In determining the public interest, the board shall consider the follow-
10 ing factors:

11 (1) maintenance of effective controls against diversion of
12 controlled substances into other than legitimate medical, scientific,
13 or industrial channels;

14 (2) compliance with applicable state and local law;

15 (3) a conviction of the applicant under federal or state
16 laws relating to controlled substances;

17 (4) past experience in the manufacture, distribution, or
18 dispensing of controlled substances and the existence in the appli-
19 cant's establishment of effective controls against diversion of con-
20 trolled substances into other than legitimate medical, scientific, or
21 industrial channels;

22 (5) furnishing by the applicant of false information in an
23 application filed under this chapter;

24 (6) suspension or revocation of the applicant's federal
25 registration to manufacture, distribute, or dispense controlled sub-
26 stances as authorized by federal law; and

27 (7) any other factors relevant to and consistent with the
28 public health and safety.

29 (b) A practitioner registered under federal law to conduct re-

1 search with controlled substances shall be issued a registration to
2 conduct research with these substances in the state if the practitioner
3 furnishes the board with evidence of the federal registration.

4 (c) A manufacturer, distributor, or dispenser who complies with
5 federal law pertaining to registration requirements other than fees is
6 entitled to be registered under this chapter.

7 Sec. 17.30.040. DENIAL, REVOCATION AND SUSPENSION OF REGISTRA-
8 TION. (a) A registration applied for or issued under AS 17.30.030 to
9 manufacture, distribute, dispense, or conduct research with a control-
10 led substance may be denied, suspended, or revoked by the board upon a
11 finding that the registrant

12 (1) has furnished false or fraudulent material information
13 in an application filed under this chapter;

14 (2) has been convicted of a felony offense under state or
15 federal law; or

16 (3) has had his federal registration to manufacture, dis-
17 tribute, dispense, or conduct research with controlled substances
18 denied, suspended, or revoked.

19 (b) The board may limit the denial, revocation, or suspension of
20 a registration to a particular controlled substance with respect to
21 which grounds for denial, revocation, or suspension exist.

22 (c) If the board denies, suspends, or revokes a registration, all
23 controlled substances owned or possessed by the registrant at the time
24 of the denial or suspension or the effective date of the revocation
25 order may be placed under seal by the board or the Department of Public
26 Safety and remains in the custody of the department, subject only to
27 the orders and decrees of a court having jurisdiction over the property.
28 A disposition may not be made of substances under seal until the time
29 for taking an appeal has elapsed or until all appeals have been con-