

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

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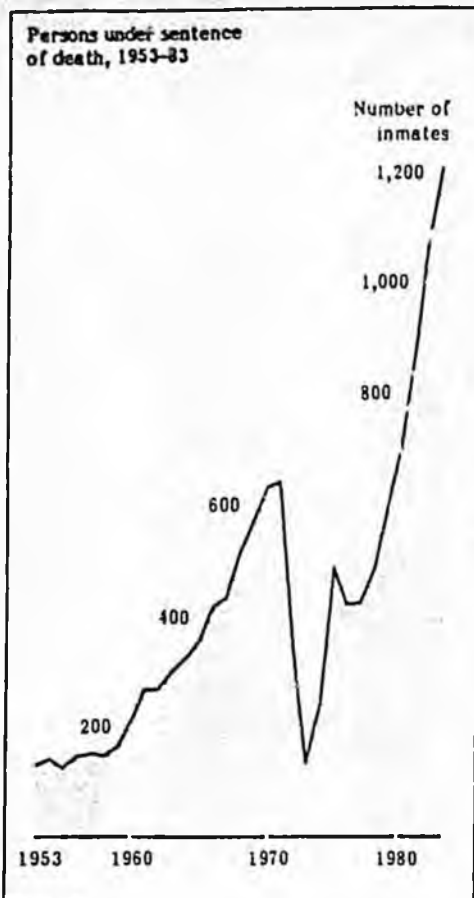


Figure 5

including 143 persons with 6 years or more on death row. The median age of death row prisoners was about 31 years, although the ages ranged from 17 to 82.

There were 500 black inmates under sentence of death in 1983. Since 1978, the proportion of death-row inmates who were black has remained about 2 in 5. Between 1968 and 1975, the proportion exceeded 50%; it dropped to 46% in 1976, 45% in 1977, and 41% in 1978. Blacks also amounted to about 2 in 5 inmates receiving new death sentences in 1983. Since 1968, the proportion of those receiving death sentences each year who were black ranged from 38% to 62%.

The 13 women on death row at year-end 1983 amounted to about 1% of all death-row inmates. Their number has more than tripled since 1972 (figure 6).

An increase in the number of Hispanics on death row brought to 72 the number of Hispanic death-row inmates at yearend 1983. Twelve States held at least one Hispanic under sentence of death with the largest numbers being held in States with relatively large Hispanic populations: California (24), Texas (20), Florida (8), and Arizona (6). Hispanics have generally averaged about 6% of the total death-row population in the United States since data on ethnicity were first collected in 1978. Their increase on death row in

relation to most non-Hispanics (about twice as fast since 1978) may in part reflect improved reporting on ethnicity.

Like that of most State prisoners, the educational level of death-row inmates was generally low; only 41% had completed high school, while 1 in 10 had not graduated from the eighth grade. Most death-row prisoners were not married; some 44% had never married, 20% were divorced or separated, and 2% were widowed.

Persons sentenced to death during 1983

Twenty-seven States, one less than in 1982, imposed death sentences during 1983. The number of new death sentences imposed fell from 281 in 1982 to 252 in 1983, a decline of over 10%. New York imposed its first death sentence since 1977 and New Jersey its first since a new law was enacted in 1982. Montana and Utah were the only other States that imposed sentences of death in 1983 but not 1982. Five States that had new death-row prisoners in 1983 imposed no death sentences in 1982: Colorado, Delaware, Idaho, Maryland, and Wyoming.

Three women were sentenced to death during 1983, two in Ohio and one in Alabama. Ohio last had women on death row in 1978, when four women had death sentences lifted when Ohio's law was found to be unconstitutional. Alabama had begun the year with one woman on death row.

Eighteen Hispanics received death sentences in 1983, the largest numbers being sentenced in California (6), Texas (4), and Florida (3).

The median age of those newly sentenced to death was just over 27 years, slightly higher for whites and slightly lower for blacks. With the exception of their being younger on the average, in-

Each year, some death sentences from previous years are reported for the first time, so the magnitude of the decrease may be lessened after the 1983 figures are revised.

Number of women on death row, yearend 1972-83												
State	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
United States	4	3	3	8	7	6	5	7	9	11	14	13
California	3			1	2							
Georgia	1	2	1	1	1	1	2	3	4	4	3	
North Carolina		1	2	3			2	1	1	1	1	
Ohio				2	3	4						2
Oklahoma				1				1	1	1	2	2
Florida					1	1	1	1				
Alabama							1	1		1	1	2
Texas								1	2	2	2	
Kentucky									1	1		
Maryland										1		
Mississippi											1	1
Nevada											1	1

Figure 6

mates sentenced in 1983 were similar in most other characteristics to those already on death row.

Persons leaving death row during 1983

In all, 21 States had a combined total of 113 persons removed from death row during 1983. Ten States (Delaware, Idaho, Indiana, Kentucky, Missouri, Montana, New Mexico, Ohio, Utah, and Wyoming) had no removals, although they began the year with prisoners under sentence of death.

Of the 113 inmates who left death row—

- 60 had their sentences lifted but convictions upheld
- 28 had their sentences and convictions vacated
- 11 had their sentences commuted
- 5 were executed
- 5 died of natural causes
- 3 died by suicide
- 1 was killed while attempting escape

The five persons executed spent from 4-1/2 to 10 years on death row, with an average stay of 7 years and 2 months. In addition to the five who were executed, five persons died of natural causes, three committed suicide, and one was killed attempting to escape while in court. Since the major capital punishment decisions handed down by the Supreme Court in 1976, the number removed from death row has dropped each year with two exceptions—1980 (when 42 persons were removed from Alabama's death row after a major court decision there) and 1983.

Over half of the 99 persons no longer under sentence of death at the end of the year were serving reduced sentences (almost all of them life). Twenty-one persons were still awaiting retrial and 19 persons were awaiting resentencing. One person had all capital charges dropped.

The median time spent on death row by those who left during 1983 was 38

months. For the first time since the death row buildup began anew after 1976, the median time was lower than that of the previous year. More than half of the removals occurred in three of the four States with the largest death-row populations, Florida, Georgia, and Texas. California, with the Nation's third largest death-row population, had four removals from death row during 1983.

Death penalty laws in 1983

During 1983, 11 States modified existing death penalty statutes. Six of the 11 changed those sections of the law relating to the method of execution. Four States (Arkansas, Montana, North Carolina, and Utah) added lethal injection as a method of execution; Illinois changed from electrocution to lethal injection and Nevada from gas to lethal injection. For the remaining five States, the changes were mainly of a technical nature, including renumbering sections of the law, changing words, and correcting citations. Indiana added a new aggravating circumstance to its capital punishment law: that of murder committed by a person serving a prison term with at least 20 years of time remaining.

Fourteen States provided for more than one method of execution, usually lethal injection or an alternate method, at the election of the condemned prisoner (figure 7). Electrocution was the most common method of execution provided for in the statutes; 18 States had electrocution as a method of execution. Lethal injection was permitted in 13 States; lethal gas in 8 States; hanging in 4 States; and a firing squad in 2 States. Some States have anticipated the possibility that lethal injection may be found unconstitutional by providing for an alternate method. Each of the other four methods challenged on Eighth Amendment grounds as cruel and unusual punishment have been found constitutional.

Almost all death penalty statutes provide for an automatic review of all

death sentences. Some require a review of both conviction and sentence while others require only a review of the sentence. Typically, the review is undertaken by the State supreme court and results in affirming or vacating the conviction alone or both the conviction and sentence. If either the conviction or the sentence is vacated, the case may be remanded to the trial court for additional proceedings. Some statutes also allow the State supreme court to commute a death sentence to life imprisonment.

In some States, a minimum age for the imposition of the death penalty is cited in State law; in others, the minimum age is, in effect, the youngest age at which a juvenile may be transferred to adult court by judicial waiver. In South Dakota, for example, 10 is the youngest age at which a juvenile may be waived to adult court, and thus, at least technically, the youngest age at which the death penalty may be imposed. At the opposite extreme, in New York only persons over age 18 may be executed. The majority of States put the age limit at 15 to 18, with 18 being the most prevalent age. However, a number of States have neither a specific age at which a juvenile may be transferred to criminal court by judicial waiver nor a minimum age at which the death penalty may be imposed. In such States, the decision to file capital charges against youthful defendants is at the discretion of the prosecutor.

Methodological note

Statistics in this series may vary from other death-row counts for any of the following reasons:

Inmates are not added to the NPS death-row counts at the time the court hands down sentence, but at the time they are admitted to a State or Federal correctional facility.

Inmates sentenced to death under statutory provisions later found unconstitutional are removed from the death-row count on the date of the relevant court finding rather than on the date

Bureau of Justice Statistics Bulletins are prepared by BJS staff. Carol B. Kalish, chief of data analysis, edits the bulletins. Marilyn Marbrook, chief of production, administers their publication, assisted by Millie Baldea, Dorothea M. Proctor, Betty Sherman, and Joyce M. Stanford. Ethel D. Harris provided statistical assistance. The author of this bulletin is Mimi Cantwell of BJS.

NCJ-93925, July 1984

the finding is applied to individual cases. Thus, persons who are technically under sentence of death, but who are no longer at risk, are not counted.

NPS death-row counts are always as of the last day of the calendar year and will therefore differ from estimates made for more recent periods.

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Method of execution, by State, 1983	
Method	States that use method
Electrocution	Alabama, Arkansas*, Connecticut, Florida, Georgia, Indiana, Kentucky, Louisiana, Massachusetts*, Nebraska, New York, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia
Lethal injection	Arkansas*, Idaho*, Illinois, Massachusetts*, Montana*, Nevada, New Jersey, New Mexico, North Carolina*, Oklahoma, Texas, Utah*, Washington*
Lethal gas	Arizona, California, Colorado, Maryland, Mississippi, Missouri, North Carolina*, Wyoming
Hanging	Delaware, Montana*, New Hampshire, Washington*
Firing squad	Idaho*, Utah*
*Provides for two methods of execution.	

Figure 7

Bureau of Justice Statistics reports (revised June 1984)

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Bulletin



Bureau of Justice Statistics Bulletin

Death-row Prisoners 1981

The death-row population in the United States swelled to 838 persons by yearend 1981—150 more than at yearend 1980. It was by far the largest group awaiting execution since a national count began in 1953. The cause of this huge accumulation of condemned prisoners was a 3 to 1 ratio of persons receiving the death penalty to those removed from death row during 1981. Among the latter was an Indiana prisoner who was executed in March 1981, the fourth person to suffer the death penalty since an unofficial 10-year moratorium on executions ended in 1977.

A decade of decisions

The relatively small group, 74 in all, relieved of the death sentence during 1981 reflected increasingly successful efforts of State legislatures to adapt capital punishment laws to guidelines established by the U.S. Supreme Court

during the 1970's. During the previous decade, opponents of the death penalty had stepped up their use of litigation to block the execution of death-row prisoners, actions that largely were responsible for the moratorium that began in 1967.

Then, in the 1972 watershed case of Furman vs. Georgia, the U.S. Supreme Court ruled that the death penalty had often been used in an arbitrary and capricious manner, thereby violating Eighth Amendment guarantees against cruel and unusual punishment. All of the 600 persons sentenced under pre-Furman laws and awaiting death were eventually removed from death row. But the accumulation began again as many States moved quickly to revise their capital punishment statutes to meet objections raised by the Court.

The new laws generally were of two types. Some States sought to eliminate

any chance of unfair treatment by making the death penalty mandatory for specified crimes, contingent solely on a finding of guilt. A second type went beyond the

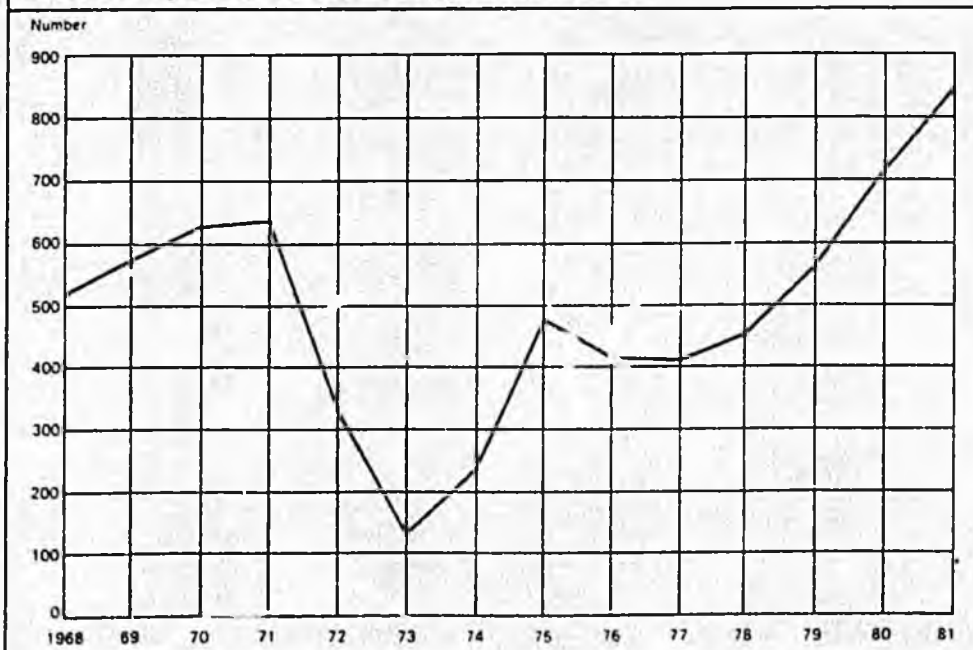
July 1982

The United States will witness a spate of executions beginning in 1983-84 without parallel in this Nation since the depression era. Whatever views one may hold on the use of capital punishment, that is the reality behind the numbers presented here—both those dealing with prisoners on death row and the number of State capital punishment statutes that have passed Federal or State constitutional muster.

The number of persons on death row has been rising steadily for 5 years; only four persons were executed during this period, three of whom chose not to exhaust their avenues of appeal. A similar buildup on death row occurred during the sixties, but these persons were all removed from the threat of capital punishment as a result of the Supreme Court decision in Furman vs. Georgia.

Now again time is running out for a large proportion of individuals awaiting capital punishment. States have drafted and redrafted capital punishment measures and the Supreme Court is overturning fewer and fewer on Eighth Amendment or other constitutional grounds. Further, many death-row residents are exhausting their appeal process under these statutes. Thus the situation is ripe for the Nation to witness executions at a rate approaching the more than three per week that prevailed during the 1930's. We will then have a grim arena in which to conduct our national debate on the eff:

Number of persons on death row, yearend 1968-81



Status of death penalty statutes and prisoners under sentence of death, by region and State, 1981

Region and State	Death penalty in force as of 12/31/81	Prisoners under sentence of death 12/31/80	Changes during 1981			Prisoners under sentence of death 12/31/81
			Received under death sentence	Removed from death row	Executed	
United States	...	688	228	77 ¹	1	838
Male	...	679	225	76	1	827
Female	...	9	3	1	0	11
Federal ²	Yes	0	0	0	0	0
State	...	688	228	77	1	838
Northeast	...	7	5	1	0	11
Maine	No	0	0	0	0	0
New Hampshire	Yes	0	0	0	0	0
Vermont	Yes	0	0	0	0	0
Massachusetts	No	0	0	0	0	0
Rhode Island	No	0	0	0	0	0
Connecticut	Yes	0	0	0	0	0
New York	Yes	0	0	0	0	0
New Jersey	No	0	0	0	0	0
Pennsylvania	Yes	7	5	1	0	11
North Central	...	54	25	1	1	77
Ohio ³	Yes	0	0	0	0	0
Indiana	Yes	6	5	0	1	10
Illinois	Yes	31	11	1	0	41
Michigan	No	0	0	0	0	0
Wisconsin	No	0	0	0	0	0
Minnesota	No	0	0	0	0	0
Iowa	No	0	0	0	0	0
Missouri	Yes	7	7	0	0	14
North Dakota	No	0	0	0	0	0
South Dakota	Yes	0	0	0	0	0
Nebraska	Yes	10	2	0	0	12
Kansas	No	0	0	0	0	0
South	...	522	141	58	0	605
Delaware	Yes	3	1	0	0	4
Maryland	Yes	2	7	1	0	8
District of Columbia	No	0	0	0	0	0
Virginia	Yes	13	5	1	0	17
West Virginia	No	0	0	0	0	0
North Carolina	Yes	15	5	3	0	17
South Carolina	Yes	14	8	1	0	21
Georgia	Yes	87	5	1	0	91
Florida	Yes	155	24	18	0	161
Kentucky	Yes	5	4	0	0	9
Tennessee	Yes	15	8	2	0	21
Alabama	Yes	2	14	0	0	16
Mississippi	Yes	14	13	0	0	27
Arkansas	Yes	15	12	4	0	23
Louisiana	Yes	12	0	2	0	10
Oklahoma	Yes	30	9	3	0	36
Texas	Yes	140	26	22	0	144
West	...	105	57	17	0	145
Montana	Yes	3	0	0	0	3
Idaho	Yes	1	2	1	0	2
Wyoming	Yes	1	0	1	0	0
Colorado	Yes	0	1	0	0	1
New Mexico	Yes	1	2	0	0	3
Arizona	Yes	33	8	3	0	38
Utah	Yes	4	0	1	0	3
Nevada	Yes	10	4	2	0	12
Washington ³	Yes	5	0	5	0	0
Oregon ³	No	3	0	3	0	0
California	Yes	44	40	1	0	83
Alaska	No	0	0	0	0	0
Hawaii	No	0	0	0	0	0

NOTE: Some of the figures for yearend 1980 are revised from those shown in *Capital Punishment, 1980* (final report), December 1981. These figures exclude 46 inmates (42 in Alabama, and 1 each in Arizona, Georgia, Illinois, and Louisiana) relieved of the death sentence before 1981 and the inclusion of 20 inmates (8 in Georgia, 2 in Florida, 1 in Texas, 2 in Mississippi, 6 in Louisiana, and 1 in Virginia) who, although sentenced to death before 1981, were either reported late

to the NPS program or were not the in custody of relevant correctional authorities by December 31, 1981.

¹Includes 1 Florida prisoner who committed suicide and 2 Texas prisoners who died of natural causes.

²Excludes 4 prisoners held under Armed Forces jurisdiction.

³The death penalty was in effect for only part of the year in Ohio, Oregon, and Washington. See text.

issue of guilt to the circumstances of the crime.

In 1976, the U.S. Supreme Court ruled on five cases that became the benchmark for subsequent capital punishment laws. In two of these—*Woodson vs. North Carolina* and *Roberts vs. Louisiana*—the Court struck down statutes that imposed mandatory death sentences without due consideration of other factors. In the other three cases, however—*Gregg vs. Georgia*, *Proffitt vs. Florida*, and *Jurek vs. Texas*—the Court upheld death penalty laws that allowed the judge or jury, subject to stipulated guidelines, to weigh both aggravating and mitigating circumstances in passing sentence. Based on these rulings, most States have adopted laws that carefully define the elements of a capital crime and provide for guided discretion in determining the sentence.

Since 1976, the U.S. Supreme Court has scrutinized the details of many cases involving capital punishment, but has chosen relatively few for formal review. The most significant of these decisions was *Coker vs. Georgia* (1977) in which the Court held that rape of an adult woman was not grave enough to warrant the death penalty. As a result of this decision, virtually all capital penalties now in effect are for specified homicides or for specified felonies that result in death; those for other offenses have not had their constitutionality tested. Currently, all death-row inmates are convicted of homicide, except for two Florida inmates convicted of "sexual battery of a female child age 11 or under."

Current developments

By yearend 1981, at least four cases were awaiting a review by the High Court, while an important decision on the legal rights of capital prisoners was rendered in May of that year. In *Estelle vs. Smith*, the Court ruled that psychiatric testimony derived from the pretrial competency hearing of a Texas prisoner could not be used by the prosecution during the penalty phase of the proceedings, since in that hearing the defendant had not been warned of his right to remain silent and to retain counsel. The decision, which touches on a judicial practice common in Texas, could eventually affect as many as half of that State's death-row prisoners.

The supreme courts of individual States also handed down important rulings during 1981. Two such rulings resulted in the removal of all prisoners from death row in two States.

Oregon's supreme court, in *Oregon vs. Quinn*, ruled that the State's death penalty law was unconstitutional because it placed the responsibility for deciding a defendant's mental state on the judge rather than the jury, in effect depriving

the accused of the right to a jury trial. As a result of this ruling, the death sentences of all three of Oregon's death-row inmates were vacated.

Washington's capital punishment law also was struck down by its supreme court. In *State vs. Frampton*, the court found that the defendant, who pleaded not guilty, could be sentenced to death, whereas defendants who pleaded guilty could not because the law did not provide for a sentencing jury in such cases. Frampton's death sentence was changed to life imprisonment, and the court vacated the death sentences of the State's remaining four death-row inmates, whose cases also were on appeal. A month later, in May 1981, the Washington legislature replaced the unconstitutional law with one designed to overcome the defect.

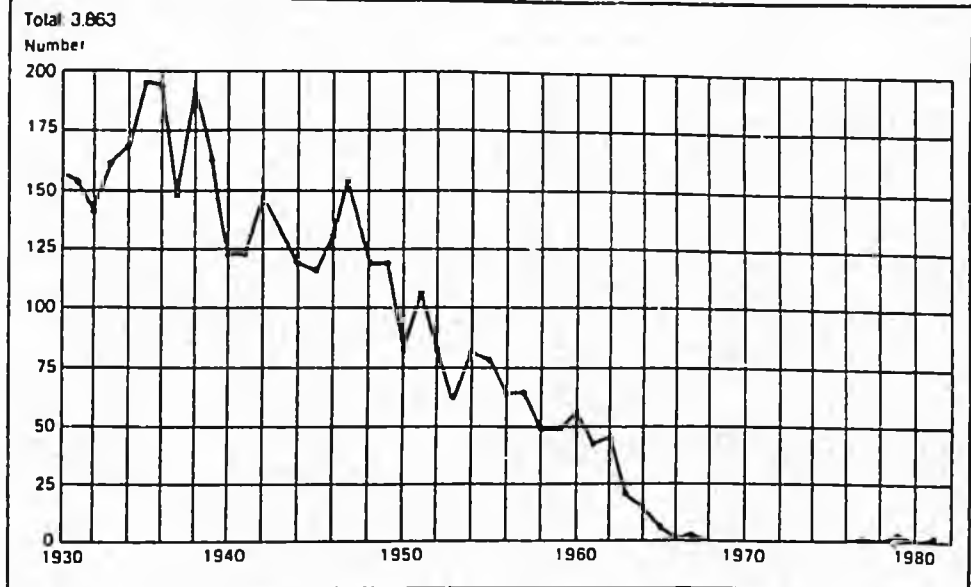
In other legislative actions taken during 1981, one State created a new capital offense, one State reenacted its death penalty law, and four revised existing ones. Oklahoma, which already had the death penalty for murder, passed a law making rape of a minor or mental incompetent a capital offense. Ohio passed a new capital punishment law to replace one ruled unconstitutional by the U.S. Supreme Court in 1978 (*Lockett vs. Ohio*). The law had put undue limitations on the circumstances that the sentencing authority could consider in its deliberation. Alabama, in response to the 1980 decision rendered by its supreme court in *Beck vs. Alabama*, also revised its death penalty law. The new law allows the jury to convict a defendant of lesser crimes rather than, as provided by the original law, only the capital offense. It also establishes a dual trial procedure, one for determining guilt and one for sentencing, as well as a mandatory appellate review. Connecticut, Texas, and Virginia made minor changes in their death penalty laws before the end of the year.

In 1981 for the first time, States reported whether their death penalty laws provided for automatic appeal from death sentences. With the exception of Arkansas, New York, and the Federal system, the statutes of all jurisdictions call for an automatic appeal, even if the defendant wished to waive the right. Some State laws provide for review of the sentence only; others require a review of both conviction and sentence.

Death sentences in 1981

With Ohio added to the list of States that permit capital punishment and Oregon removed from it, the total number of States (36) that had the death penalty in effect at yearend 1981 was the same as a year earlier. Of the 28 States with prisoners awaiting execution at yearend 1981, 25 had handed down the death penalty at least once during the year.

Number of persons executed, by year, 1930-81



Florida had more persons (161) awaiting execution than any other State; next were Texas (144) and Georgia (91). These three States held close to half of all prisoners on death row in the Nation.

Among States that contributed to the net increase of 150 prisoners, California's growth (from 44 to 83) was the largest. Next were Alabama (14) and Mississippi (13). No other State added more than 10, and five States (Louisiana, Oregon, Utah, Washington, and Wyoming) decreased the number of persons they had awaiting execution.

Blacks accounted for 41% of the Nation's death-row population—about the same proportion as a year earlier. Members of races other than white or black accounted for 1%.

Eleven women were under sentence of death at yearend 1981, two more than the year before. Maryland, Georgia, and Alabama each sentenced one woman during the year; one woman was relieved of the death penalty in Florida. All 11 women on death row were in southern States—4 in Georgia, 2 in Texas, and 1 each in Maryland, North Carolina, Kentucky, Alabama, and Oklahoma. Eight were white; three were black.

The number of Hispanics sentenced to die rose to 47—21% more than in 1980. Fourteen received new sentences; only six were relieved of the death sentence. Texas held the most Hispanics (16); next were California (12), Florida and Arizona (5 each), Illinois (4), and Virginia, Arkansas, New Mexico, Utah, and Nevada (1 each).

The number of new death-row inmates (228) represented a 16% increase over the number sentenced in 1980 and was one of

the highest figures reported for the decade. California imposed the most new sentences (40) followed by Texas (26) and Florida (24). None of the other 22 States that handed down sentences during the year added more than 14.

For every three persons added to death row during 1981, only one was relieved of the death sentence. Texas granted the most dispositions (22), followed by Florida (18). All death-row inmates in Oregon and Washington were relieved of their death sentences as a result of State supreme court decisions. No other State relieved more than four prisoners of the death penalty.

The national total of 78 removals from death row included 1 execution in Indiana, 1 suicide in Florida, and 2 natural deaths in Texas. Since 1971, 29 prisoners have died while on death row, most from natural causes. Four died by execution, and at least five committed suicide.

Methodological note

Data on persons under sentence of death are collected annually for the

Bureau of Justice Statistics Bulletins are prepared principally by the staff of the bureau. Carol B. Kalish, chief of policy analysis, edits the bulletins. Marilyn Marbrook, head of the publications unit, administers bulletin publication, assisted by Scott G. Alexander and Julie A. Ferguson. Susan Schechter-Ryan of the Bureau of the Census is the principal author of this bulletin.

NCJ-83191, July 1982

Bureau of Justice Statistics by the U.S. Bureau of the Census as part of the National Prisoner Statistics (NPS) program. Data are obtained from the departments of corrections in each of the 50 States and the District of Columbia. The Bureau of Justice Statistics gratefully acknowledges the cooperation of State officials whose generous assistance and unflinching patience make National Prisoner Statistics possible.

Statistics in this series may vary from other death-row counts for any of the following reasons:

- Persons are not added to the NPS

death-row counts at the time the court hands down sentence, but at the time the condemned person is received by the appropriate correctional authority.

- Inmates sentenced to death under statutory provisions later found unconstitutional are removed from the death-row count on the date of the relevant court finding rather than on the dates the finding is applied to individual cases.
- NPS death-row counts are always as of the last day of the calendar year and will therefore differ from estimates made for more recent periods.

Further reading

A final report on the death-row population in 1981 will be published in late 1982. To obtain the final 1980 report, Capital Punishment 1980, NCJ-78600, or to be added to the bulletin mailing list, write to the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850. Other National Prisoner Statistics Bulletins include—

- Veterans in Prison, October 1981, NCJ-79232;
- Prisons and Prisoners, January 1982, NCJ-80697;
- Prisoners in 1981, May 1982, NCJ-82262.

U.S. Department of Justice
Bureau of Justice Statistics

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BULK RATE



Washington, D.C. 20531

Bulletin

State Statistical agencies

The Bureau of Justice Statistics has sponsored the development of statistical analysis centers in more than 40 States. Users desiring data specific to single States should call or write the persons listed below. Users unable to contact a particular State should contact Herbert Koppel at (202) 724-7770 or the Criminal Justice Statistics Association at (202) 347-4608.

Alabama

Ron Shum, Deputy Director
Alabama Criminal Justice
Information Center
858 South Court Street
Montgomery, AL 36104
(205) 832-4930

Alaska

Larry Hooton
Assistant Commissioner
Department of Public Safety
Pouch N
Juneau, AK 99811
(907) 465-4345

Arizona

Tom Epperlien, Director
Statistical Analysis Center
Department of Public Safety
Post Office Box 6638
Phoenix, AZ 85005
(602) 262-8082

Arkansas

Larry Cockrell
Manager, Research and Statistics
Arkansas Crime Information Center
No. 1 Capitol Mall
Little Rock, AR 72201
(501) 371-2221

California

Steve Crawford, Program Manager
Bureau of Criminal Statistics
Post Office Box 13247
Sacramento, CA 95813
(916) 739-5166

Colorado

Patricia A. Malak, SAC Director
Division of Criminal Justice
Department of Public Safety
1325 S. Colorado Blvd., B-700
Denver, CO 80222
(303) 866-3331

Connecticut

Gerald Stowell
Chief of Research
Justice Planning Division, OPM
80 Washington Street
Hartford, CT 06106
(203) 566-3522

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Michael H. Rabasca, Director
Statistical Analysis Center
60 The Plaza
Dover, DE 19901
(302) 736-4626

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Shirley Wilson
Executive Director
Office of Criminal Justice
420 7th Street, N.W.
Washington, D.C. 20064
(202) 727-6495

Florida

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Bureau of Public Safety Management
Department of Community Affairs
2571 Executive Center Circle East
Tallahassee, FL 32301
(904) 488-8016

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Thomas J. McGreevy, Director
Georgia Crime Information Center
Post Office Box 17745
Atlanta, GA 30334
(404) 656-6110

Hawaii

Steven E. Vidinha, Director
Hawaii Criminal Justice Data Center
465 South King Street
Honolulu, HI 96813
(808) 548-2090

Idaho

William Overton, Chief
Technical Services Unit
Department of Law Enforcement
6081 Clinton Street
Boise, ID 83704
(208) 334-3161

Illinois

Scott Levin, Deputy Executive Director
Illinois Criminal Justice Information
Authority
120 South Riverside Plaza
Tenth Floor
Chicago, IL 60606
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Paul Stageberg, Director
Statistical Analysis Center
Office for Planning and Programming
523 East 12th Street
Des Moines, IA 50319
(515) 281-3108

Kansas

Michael Boyer, Supervisor
Statistical Analysis Center/UCR
Kansas Bureau of Investigation
3420 Van Buren
Topeka, KS 66611
(913) 267-5000

Kentucky

John R. Lancaster, Director
Division for Grant Programs
Kentucky Department of Justice
State Office Building Annex
Frankfort, KY 40601
(502) 564-3251

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Arle L. Jackson, Research Director
Louisiana Commission
on Law Enforcement
1885 Woodale Boulevard, Rm 610
Baton Rouge, LA 70806
(504) 925-4440

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Maine Criminal Justice Data Center
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Research and Statistics
Criminal Justice Coordinating Council
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Towson, MD 21204
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Jennifer Panagopoulos
Director of Research
Committee on Criminal Justice
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(617) 727-6300

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Research and Statistical Analysis
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Statistical Analysis Center
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Planning and Research Bureau
Montana Board of Crime Control
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Accounting Division
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Rol Kebach Training Center
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Juvenile Justice Specialist
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Commission on Criminal
and Juvenile Justice
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Utah State Capitol Building
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Jack O'Connell
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Wisconsin Council on Criminal Justice
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David J. Roberts, Director
Center for Criminal Justice Research
DCI
Boyd Building, 4th Floor
Cheyenne, WY 82002
(307) 777-7512XD

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 31
Publish Date: _____

Revision Date: _____
Title: "An Act authorizing capital
punishment..."
Sponsor: Fischer, Kelly, Faiks
Requestor: Senate Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	-0-	-0-	244.7	254.5	264.7
TRAVEL				37.8	39.3	40.9
CONTRACTUAL				589.9	613.5	638.0
SUPPLIES				4.3	4.5	4.7
EQUIPMENT				15.3	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	892.0	911.7	948.3

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	892.0	911.7	948.3
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	892.0	911.7	948.3

POSITIONS:

FULL-TIME	-0-	-0-	-0-	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy
Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Phone: 274-1684
Date: 2/23/87
Date: 2/4/87

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB31

The passage of death penalty legislation would have a dramatic fiscal impact on the Office of Public Advocacy. The OPA is purely reactive agency and must provide legal representation when appointed by the court. The OPA is responsible for providing representation to indigent criminal defendants in cases where the Alaska Public Defender Agency has a conflict of interest.

This office's estimate that it will be responsible for three capital cases in FY90 is dependent upon the following two assumptions: (1) a slight numerical increase in the number of first degree murder cases which fall within the OPA statutory mandate, and (2) the Department of Law will request the death penalty in only one-third of all First Degree Murder cases.

The Office of Public Advocacy would assign at least two experienced attorneys to each capital case in accordance with the policy of numerous states in which the death penalty has become law. Each case will necessitate an exhaustive pretrial investigation, contracts with numerous expert witnesses, and extensive litigation of legal issues during pretrial proceedings, trial, and numerous appellate stages.

The New York Defender Association estimated expert witness fees at \$60,000 per case. Further, travel costs will be extraordinary high because this Anchorage-based death penalty team must provide statewide representation.

It is anticipated that the Office of Public Advocacy will have to contract for representation in at least one death penalty case per year. Such a case would arise when OPA has a conflict of interest. The New York Defender Association has estimated the cost of defense services in each case to be \$350,000.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

SB31 continued:

Personal Services

Anchorage

Attorney V Salary & Benefits	=	82.2
Attorney IV Salary & Benefits	=	77.1
Investigator III Salary & Benefits	=	52.8
Legal Secretary I	=	<u>32.6</u>
Subtotal Personal Services		244.7

Travel

Necessary travel for court hearings,
investigation, expert witnesses, etc. 37.8

Contractual

Additional office for four positions in Anchorage = 17,500		17.5
Expert witness fees based on three cases per year at 64,800 per case		194.4
Contract representation for one case per year where OPA has a conflict of interest at 378,000 per case		<u>378.0</u>
Subtotal Contractual		589.9

Supplies

Stationary, library and office
supplies for four new positions
at 1,080 per position = 4,320 4.3

Equipment

Office furniture & equipment for
three professional positions at 2,623
each and one legal secretary at 7,385 15.3

TOTAL: 892.0

Note: All figures are based on FY88 rates plus 8%
in order to approximate FY90 actual costs.

Position Title Attorney V		No. of Positions 1	Range/Step 25/A	Barg. Unit X																																							
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8																																							
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>2</th> <th>Amount</th> </tr> <tr> <th>1</th> <th></th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td>60,252</td> <td></td> </tr> <tr> <td>Benefits</td> <td>15,808</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> </tr> <tr> <td>Other +8% for FY90</td> <td>6,128</td> <td></td> </tr> <tr> <td>Total Personal Services</td> <td></td> <td>82,188</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td>Total Cost</td> <td></td> <td>82,188</td> </tr> </tbody> </table>		Type of Expenditure	2	Amount	1		3	Salary	60,252		Benefits	15,808		Premium Pay			Other +8% for FY90	6,128		Total Personal Services		82,188	Travel			Contractual			Commodities			Equipment			Other			Total Cost		82,188	Justification This position would be the lead attorney of the death penalty team consisting of an additional lawyer, an investigator, and a legal secretary. The position is required to supplement the current attorney staff which falls short of LEAA national caseload standards. This position would be responsible for supervising the investigator, the preparation of all pretrial and trial motions and the filing of appeals in state and federal court. The requirement of extensive court hearings and a lengthy trial in each case will necessitate that this position be assigned exclusively to death penalty cases.		
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Other																																											

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 4 of 7
 Revised Date _____

FY 88

Position Title Attorney IV		No. of Positions 1	Range/Step 24/A	Barg. Unit X																																						
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8																																						
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>Amount</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td>56,244</td> <td></td> </tr> <tr> <td>Benefits</td> <td>15,177</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> </tr> <tr> <td>Other +8% for FY90</td> <td>5,691</td> <td></td> </tr> <tr> <td>Total Personal Services</td> <td></td> <td>77,112</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td>Total Cost</td> <td></td> <td>77,112</td> </tr> </tbody> </table>		Type of Expenditure	Amount	1	2	3	Salary	56,244		Benefits	15,177		Premium Pay			Other +8% for FY90	5,691		Total Personal Services		77,112	Travel			Contractual			Commodities			Equipment			Other			Total Cost		77,112	Justification This position will act as co-counsel to the Attorney V position in all death penalty cases. As part of the death penalty team, this position will prepare motions, interview witnesses, write appellate briefs and assist the lead attorney in conducting the guilt and penalty phases of all death penalty cases. Two attorneys are required for each case in order to share the enormous workload and to assure effective representation of the accused.		
Type of Expenditure	Amount																																									
1	2	3																																								
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**Request For
New Position**

Agency Administration
BRU Office of Public Advocacy
Component _____

Page 5 of 7
Revised Date _____

FY 88

Position Title Investigator III		No. of Positions 1	Range/Step 18/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Justification				
<p>This position will perform all investigative duties in death penalty cases. Extensive experience in all areas of criminal investigations will be required to assure that defendants facing execution receive a thorough and effective investigation. This position will interview witnesses, examine the crime scene and all physical evidence, arrange transportation, serve subpoenas, follow-up and review the prosecution investigation and coordinate witness testimony.</p> <p>The OPA current has no investigator positions. It is anticipated that the position will work full time on death penalty cases.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	37,356			
Benefits	11,570			
Premium Pay				
Other +8% for FY90	3,914			
Total Personal Services		52,840		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		52,840		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	52,840		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 6 of 7
 Revised Date _____

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage.		Election District 8
Type of Expenditure		Amount		
1	2	3		
Salary	22,020			
Benefits	8,164			
Premium Pay				
Other +8% for FY90	2,415			
Total Personal Services		52,599		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		52,599		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	52,599		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
<p>The Anchorage office of OPA is presently staffed with 3 legal secretaries who provide clerical support to 12 professional positions. The addition of 2 attorneys and 1 investigator will increase the Anchorage clerical workload dramatically. The complex issues involved in death penalty cases and the length of each case through sentencing and appeal necessitates the addition of a legal secretary to handle the increased workload.</p>				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 7 of 7
 Revised Date _____

FY 88

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : SB31

Publish Date : _____

Revision Date: _____

Agency Affected Dept. of Administration

Title : "An Act authorizing capital punishment..."

BRU: Public Defender Agency

Sponsor: Sen. Fischer, Kelly, Faiks

Components: Third Judicial District

Requestor: Senate Judiciary

Fourth Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		743.1	772.8	803.7	835.9	869.3
TRAVEL		225.0	234.0	243.3	253.1	263.2
CONTRACTUAL		450.0	468.0	486.7	506.2	526.5
SUPPLIES		27.0	28.1	29.2	30.4	31.6
EQUIPMENT		60.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		1505.1	1502.9	1563.0	1625.6	1690.6

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		NA	NA	1563.0	1625.6	1690.6
FEDERAL FUNDS						
OTHER						
TOTAL		NA	NA	1563.0	1625.6	1690.6

POSITIONS:

FULL-TIME		NA	NA	12.0	12.0	12.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Effective date of Aug. 15, 1989, so FY90 budget predicated on 4% inflation factor based on FY88 figures.

See attached analysis

Prepared by: Dana Fabe, Public Defender

Phone: 279-7541

Division: Public Defender Agency

Date: Feb. 25, 1987

Approved by Commissioner: Garrey Peska

Date: 3/4/87

Agency: Department of Administration

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

If this death penalty bill is enacted, representation of the poor in death cases must be adequate. The United States Supreme Court has recognized that death penalty cases require greater due process procedural safeguards than do non-capital cases. This is due to the severity and finality of a death sentence as well as the potential for killing an innocent person by mistake. Some degree of mistake is of course a potential problem in all criminal cases. In non-death cases, the system stands ready to correct those mistakes where they become known. An execution can never be corrected.

Due to these considerations, the processing of a death case is much more complex and expensive than other criminal cases. Not only are extraordinary amounts of attorney time and substantial expert fees necessary in the guilt phase of a trial, but the penalty phase, in which a jury determines whether or not to put a person to death, takes on tremendous significance. This penalty phase requires extensive preparation, the use of psychiatric experts and family and friends from out-of-state, as well as other necessary expenditures.

Finally, even after the death penalty has been imposed, the appeal procedures in death penalty cases are lengthy and time consuming. After guilt and penalty phases of a case, the following procedures would be routinely necessary:

1. Motion to modify before trial judge.
2. Appeal of conviction and sentence to Alaska Supreme Court.
3. Writ of certiorari to the United States Supreme Court.
4. Post-conviction relief proceedings in state court.
5. Appeal of post-conviction relief proceedings in the Court of Appeals.
6. Petition for hearing of post-conviction relief proceedings to the Alaska Supreme Court.
7. Petition for Writ of Habeas Corpus in the Federal District Court.
8. Appeal to the United States Court of Appeals.
9. Rehearing in the United States Court of Appeals.
10. Writ of certiorari to the United States Court of Appeals.
11. Commutation applications to executive branch.
12. Emergency stays to the United States Supreme Court.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

The figures in this fiscal note are based on an estimation of the number of cases which would have qualified under the bill as capital cases. This agency handles approximately 30 first degree murder cases each year. On the assumption that one third or 10 of these cases would qualify as capital cases under this bill, the specific figures were arrived at as follows:

1. Personal Services

Given the complexity and intensity of effort involved in each death penalty trial and penalty phase, many states recommend or require by statute that a minimum of two attorneys handle each death penalty case. Based on an estimated 10 cases per year, this agency would need two death penalty teams of two attorneys each to handle the trial and penalty phases of these cases. Two appellate attorneys would be necessary to handle the appeals of these cases. In addition, each team of attorneys would require an investigator and legal secretary.

Use of this death penalty team concept will be needed to adequately represent a client who faces the death penalty. Substantially more attorney time is required in a death penalty case than in a non-capital case. Extensive pre-trial motion practice would be required in each case. Given the lack of plea bargaining in Alaska, jury trials will be conducted in all capital murder cases. These jury trials will be longer and more complex than in non-capital cases. The penalty phase of each case will require tremendous expenditures of attorney time in preparing for sentencing and coordinating professional and lay witnesses to testify. Finally, appeals of death penalty cases require extraordinary amounts of attorney time. The New York Defender Association estimates that preparation and argument before the United States Supreme Court alone would be equivalent to 883 hours attorney time.

2. Travel and Contractual Fees.

The New York State Defender Association has estimated that a minimum figure for expert witness fees and travel must be \$30,000 for the penalty phase per case. Experts in forensics, ballistics, blood analysis, hair analysis, eyewitness identification, psychiatry, and psychology could be necessary during the trial phase in each case, and many of these would be traveling from out-of-state. During the penalty phase friends and family members of the defendant as well as psychiatrists, psychologists and social workers would be involved. Thus the contractual and travel costs for expert witnesses has been calculated at \$60,000 per case. This figure does not include any expert fees which might be necessary at the appellate stages. The amount of contractual fees estimated in this fiscal note is based on an estimated 10 cases per year.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

3. Equipment and Supplies.

Other costs include expanded office space as well as equipment and supply money for additional personnel.

BUDGET SUMMARY

Personal Services:

Guilt and Penalty Team-Anchorage .			
Attorney V	79.7		
Attorney IV	74.8		
Investigator III	51.1		
Legal Secretary I	31.5		
Appellate Team - Anchorage			
Attorney V	79.7		
Attorney IV	74.8		
Investigator III	51.1		
Legal Secretary I	31.5		
Guilty and Penalty Team-Fairbanks			
Attorney V	90.7		
Attorney IV	85.0		
Investigator III	58.1		
Legal Secretary I	<u>35.1</u>	TOTAL	743.1

Travel:

Based on 10 Capital cases per year	225.0
Employee and non-employee (experts)	

Contractual:

Based on 10 Capital cases per year.			
Experts	400.0		
Office space			
Anchorage, Fairbanks	40.0		
Printing	5.0		
Communications	<u>5.0</u>	TOTAL	450.0

Supplies:

Office, law library	27.0
---------------------	------

Equipment:

Office furniture and machines	<u>60.0</u>
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TOTAL 1505.1

Position Title Attorney V		No. of Positions 1	Range/Step 25A	Barg. Unit PX		
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92		
Type of Expenditure		Justification				
1		2				
Amount		3				
Salary	\$5021/mo	60,252	This Attorney V will serve as a death penalty team leader in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.			
Benefits		19,437				
Premium Pay						
Other						
Total Personal Services		79,689				
Travel		50,000				
Contractual		110,000				
Commodities		3,000				
Equipment		2,500				
Other						
Total Cost		245,189				
Funding Source for Total Cost						
Federal Receipts	1002					
G. F. Match	1003					
General Fund	1004	245,189				
I-A Receipts	1006					
CIP Receipts	1061					
Other						

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

FY 88

Page 5 of 16
 Revised Date 2/25/87

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX		
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92		
Type of Expenditure		Justification				
		<p>This Attorney IV will serve as a death penalty team member in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.</p>				
1					2	3
Salary	\$4687/mo				56,244	
Benefits					18,551	
Premium Pay						
Other						
Total Personal Services						74,795
Travel						50,000
Contractual						110,000
Commodities						3,000
Equipment						2,500
Other						
Total Cost						240,295
Funding Source for Total Cost						
Federal Receipts	1002					
G. F. Match	1003					
General Fund	1004	240,295				
I-A Receipts	1006					
CIP Receipts	1061					
Other						

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

FY 88

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 Revised Date 2/25/87

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	\$3113/mo	37,356		
Benefits		13,763		
Premium Pay				
Other				
Total Personal Services		51,119		
Travel		-0-		
Contractual		-0-		
Commodities		-0-		
Equipment		2,500		
Other				
Total Cost		53,619		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	53,619		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Investigator III will serve as a death penalty team member in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities. The travel and contractual are included in the requests for attorneys.

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

FY 88

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 Revised Date 2/25/87

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Type of Expenditure		Amount		
1	2	3		
Salary \$1835/mo	22,020			
Benefits	9,431			
Premium Pay				
Other				
Total Personal Services		31,451		
Travel		-0-		
Contractual		-0-		
Commodities		3,000		
Equipment		12,500		
Other				
Total Cost		46,951		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,951		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Justification

This Legal Secretary I will provide support services to a death penalty team in Anchorage and other parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor

Request For
New Position

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

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 Revised Date 2/25/87

FY 88

Position Title Attorney, V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage .		Election District 92
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary	\$5021/mo	60,252		
Benefits		19,437		
Premium Pay				
Other				
Total Personal Services				79,689
Travel		10,000		
Contractual		5,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost				100,189
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	100,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Attorney V will serve as a death penalty team leader in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year. Travel will be to Seattle for the Ninth Circuit Court of Appeals and to Washington, D.C. for the United States Supreme Court. Contractual is to cover printing costs for motions and briefs to the Federal Appellate Courts.

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

FY 88

Page 9 of 16
 Revised Date 2/25/87

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 9?
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary	\$4687/mo	56,244		
Benefits		18,551		
Premium Pay				
Other				
Total Personal Services		74,795		
Travel		10,000		This Attorney IV will serve as a death penalty team member in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year. Travel will be to Seattle for the Ninth Circuit Court of Appeals and to Washington, D.C. for the United States Supreme Court. Contractual is to cover printing costs for motions and briefs to the Federal Appellate Courts.
Contractual		5,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		100,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	100,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

FY 88

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 Revised Date 2/25/87

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage.		Election District 92
Justification				
This Investigator III will serve as a death penalty team member in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year.				
Type of Expenditure		Amount		
1	2	3		
Salary \$3113/mo	37,556			
Benefits	13,763			
Premium Pay				
Other				
Total Personal Services		51,119		
Travel		5,000		
Contractual		-0-		
Commodities		-0-		
Equipment		2,500		
Other				
Total Cost		58,619		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	58,619		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Request For
New Position

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial

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 Revised Date 2/25/87

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary \$1835/mo	22,020			
Benefits	9,431			
Premium Pay				
Other				
Total Personal Services	31,451			
Travel		-0-		
Contractual		-0-		
Commodities		3,000		
Equipment		12,500		
Other				
Total Cost		46,951		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,951		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Legal Secretary I will provide support services to the appellate death penalty team in all parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor.

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

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 Revised Date 2/25/87

FY 88

Position Title Attorney V			No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0		Location Fairbanks		Election District 94
Type of Expenditure			Amount		
1			2		3
Salary	\$5773/mo		69,726		
Benefits			21,432		
Premium Pay					
Other					
Total Personal Services			90,708		
Travel			50,000		Justification This Attorney V will serve as a death penalty team leader in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.
Contractual			110,000		
Commodities			3,000		
Equipment			2,500		
Other					
Total Cost			256,208		
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004		256,208		
I-A Receipts	1006				
CIP Receipts	1061				
Other					

**Request For
New Position**

Agency Department of Administration
BRU Public Defender Agency
Component Fourth Judicial District

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Revised Date 2/25/87

FY 88

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 94
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary	\$5385/mo	64,620		
Benefits		20,403		
Premium Pay				
Other				
Total Personal Services		85,023		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		250,523		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	250,523		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Attorney IV will serve as a death penalty team member in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

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 Revised Date 2/25/87

FY 88

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Stat. Months 12.0	Location Fairbanks		Election District 94
Type of Expenditure		Amount		
1	2	3		
Salary \$3565/mo	42,768			
Benefits	15,291			
Premium Pay				
Other				
Total Personal Services		58,059		
Travel		-0-		
Contractual		-0-		
Commodities		-0-		
Equipment		2,500		
Other				
Total Cost		60,559		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	60,559		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
<p>This Investigator III will serve as a death penalty team member in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities. The travel and contractual are included in the requests for attorneys.</p>				

Request For
New Position

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

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 Revised Date 2/25/87

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Fairbanks,		Election District 94
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary	\$2072/mo	24,864		
Benefits		10,235		
Premium Pay				
Other				
Total Personal Services				35,099
Travel				-0-
Contractual				-0-
Commodities				3,000
Equipment				12,500
Other				
Total Cost				50,599
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			50,599
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Legal Secretary I will provide support services to a death penalty team in Fairbanks and other parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

FY 88

Page 16 of 16
 Revised Date 2/25/87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: _____

Publish Date: _____

Revision Date: SB #31

Title: An act authorizing capital punishment

Agency Affected: Division of Elections

BRU: Office of Elections

Sponsor: Fischer

Components: II

Requestor: Fisher

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL SUPPLIES			2.2			
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING			2.2			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			2.2			
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote

(cont.)

Prepared by: Linda Edgeworth Phone: 465-4611

Division: Elections Date: 2-24-87

Approved by Commissioner: Carol P. Kestler Date: 2-27-87

Agency: Office of the Governor/ Division of Elections

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB # 31

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

53.4

COMMITTEE BILL FILE WORK-UP ON:

Bill #: SB31 Capital Punishment
Sponsor: Dinsdale
Room #: 508C Phone #: 8791

- 1/19 1 Receive Original Bill and Log In.
- 1/19 2 Duplicate Work Copies for Committee File and Senator's File.
- 1/19 3 File Original Bill in Special Locking File.
- 1/29 4 Set-Up Weekly Schedule of Hearings (2 Weeks in Advance if possible).
- 1/29 5 Notify Senate Secretary (5 Day Rule Applies - Allows Time to Get it Printed in Journal). A Copy of the Committee Agenda is Sufficient.
- 1/29 6 Move Work File to "Active" File Drawer.
- _____ 7 Notify the Following Persons of the Hearing Date:

Committee Members	<u>Bishop Kennedy</u>	Department Liaisons	<u>Jack</u>
	_____		<u>Bob Fischer (7N) 264-0545</u>
Bill Sponsor	_____	Governor If Necessary	_____

- 1/29 8 Request Back-Up Information from Bill Sponsor As Soon As Possible.
- 1/29 9 Request Witness Roster of Persons the Sponsor Has Notified or Desires to Have Notified.
- Jack did 10 If First Committee of Referral, Request Fiscal Note from Pertinent Department Liaison(s) for each bill change (ie. SS, CS etc) - (5 Day Rule Applies).
- Jack 11 If Necessary, Prepare or Request Sectional Analysis from Legal (3867) when pertinent for each change (ie. SS, CS etc). This is Pretty Much a Judgement Call.
- Jack 12 Research and Prepare Back-Up Material as Necessary.
- _____ 13 Prepare Committee Files (8 Copies: 1 ea for: Committee Members, Committee Aide, Senate Pool Secretary).
- _____ 14 Prepare 10-15 Copies of All Documents to Hand Out to Public During the Hearing (ie. Bill, Short Synopsis, Others at Sponsor's Request). 1/31
- 1/29 / 1/30 15 Distribute Committee Agenda (Schedule).
- _____ 16 If Requested, Provide Files As Soon As Possible On the Day of the Hearing. Otherwise, Provide the Files at the Beginning of the Hearing in the Committee Room.

WITNESS ROSTER WORK SHEET

Bill # Title Date of Hearing

1. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
2. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
3. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
4. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
5. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
6. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
7. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
8. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
9. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
10. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
11. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
12. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 30, 1987

SUBJECT: Sectional Analysis of SB 31, authorizing
capital punishment.

TO: Senator Paul Fischer

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested a sectional analysis of the above described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 amends AS 11.41.100(b) to designate murder in the first degree as a capital felony punishable under AS 12.55.125 rather than an unclassified felony.

Section 2 amends AS 12.30.040(b) to include a capital felony conviction among those under which a defendant may not be released on bail before sentencing or during the appeal process.

Section 3 amends AS 12.55 by adding a new section, 12.55.117. Subsection (a) provides that a sentence of death for a capital crime must be given a priority review by the Alaska supreme court within 60 days of sentencing unless extended by the supreme court. On review the court must determine whether the sentence was imposed under the influence of passion, prejudice, or arbitrary factors, whether the evidence supports the finding of the required aggravating factor, and whether the sentence was excessive in comparison to similar cases and defendants.

Subsection (b) requires that after affirming a death sentence, the Supreme Court issue a death warrant. The warrant shall go to the Commissioner of Corrections who shall

specify the time, place and manner of execution. Before determining the manner, the commissioner shall provide the defendant an opportunity to choose to be executed by lethal injection or by firing squad.

Subsection (c) provides that execution by firing squad is to take place at a state prison designated by the Commissioner of Corrections. The firing squad will consist of six peace officers, compensated in an amount determined by the commissioner.

Subsection (d) provides for the selection of a drug to be used in executions by lethal injection.

Subsection (e) requires the Commissioner of Corrections and a licensed physician to be present at an execution and permits the commissioner to choose up to nine citizens to also be present, although no individual may attend an execution as a matter of right.

Subsection (f) requires the commissioner to return the death warrant showing the time, place, and manner of the execution.

Subsection (g) requires the commissioner to permit up to six members of the media to attend the execution.

Subsection (h) prohibits the use of a photographic or recording equipment at the execution until it is completed. Violation of this provision is a class B misdemeanor.

Subsection (i) provides that persons attending an execution are subject to a reasonable search as a condition of attendance.

Subsection (j) specifically prohibits individuals under 19 years of age and other unauthorized people from attending an execution.

Subsection (k) requires the Department of Corrections to adopt regulations regarding attendance at executions.

Section 4 amends AS 12.55.125(a) to provide that a person convicted of a capital felony shall be sentenced to the same sentence previously reserved for murder in the first degree or to death.

Section 5 amends AS 12.55 by adding several new sections.

Section 12.55.177 (a) provides that after a defendant is convicted of a capital offense, the court shall conduct a separate sentencing proceeding before the trial jury as soon as practicable. A jury shall be selected after conviction if the defendant was not tried by a jury.

Subsection (b) permits the presentation at sentencing of evidence of any aggravating or mitigating factor that the court allows as probative regardless of its admissibility at trial so long as the defendant has an opportunity to rebut hearsay statements and assert any evidentiary privileges available under the Alaska Rules of Evidence. The subsection does not authorize the introduction of evidence secured by unconstitutional means. It requires that both the prosecution and defense be permitted oral argument at sentencing.

Section 12.55.178 provides that the jury shall deliberate after the sentencing hearing and give an advisory verdict to the judge that includes findings whether an aggravating factor justifies death, whether mitigating factors outweigh aggravating factors, and whether the defendant should be sentenced to prison or death.

Section 12.55.179(a) provides that after considering the evidence and advisory verdict of the jury, the court shall pass a sentence of imprisonment or death. Upon a sentence of death the court shall make written findings of aggravating factors that justify the sentence and mitigating factors considered.

Subsection (b) provides for automatic review by the Alaska Supreme Court upon a judgment of death.

Section 12.55.180 provides that a death sentence may not be imposed unless one of a list of aggravating factors is found to exist and that factor is not outweighed by mitigating factors. The aggravating factors are

(1) deliberate cruelty involving torture or an aggravated battery;

(2) a risk of imminent physical injury to three or more people, other than an accomplice;

(3) a prior conviction for a felony involving violence;

(4) the offense was committed pursuant to an agreement that the defendant pay or be paid for the commission of the offense;

(5) the defendant was on release for another felony charge or conviction having assault as an element;

(6) the offense was knowingly directed at an active or former officer of the court, prosecuting attorney, law enforcement officer, correctional employee, or fireman during or because of the exercise of that person's official duties; and

(7) the defendant was a member of an organized group of at least five persons and the offense was committed to further the criminal objectives of the group.

Section 12.55.181 establishes mitigating factors to be considered by the court that will prohibit a sentence of death if found to outweigh aggravating factors:

(1) the offense was committed under a significant degree of duress, coercion, threat; or compulsion insufficient to constitute a defense;

(2) the conduct of a youthful defendant was substantially influenced by a person more mature than the defendant;

(3) the defendant acted with serious provocation from the victim; and

(4) the defendant assisted authorities to detect or apprehend other persons who committed the offense with the defendant.

Section 12.55.182(a) provides that the Commissioner of Public Safety shall inform the court, the prosecutor, and the defense attorney in writing if a defendant awaiting execution is believed to be pregnant or incompetent. The execution shall then be stayed pending further order of the court.

Subsection (b) provides that upon notice of possible incompetency of a defendant sentenced to death the defendant

shall be evaluated for competency under AS 12.47.070 as if being evaluated for competency to stand trial. Upon a finding of incompetency, the sentencing court shall so inform the Supreme Court and the Commissioner of Public Safety and order the defendant committed under AS 12.47.110. Upon a finding of competency, the court shall so inform the Supreme Court and the Commissioner of Public Safety. The Supreme Court shall deliver another death warrant to the Commissioner of Public Safety specifying a date of execution between 30 and 60 days ahead.

Subsection (c) provides that upon a finding that a defendant awaiting execution is pregnant, the sentencing court shall so inform the Supreme Court and the commissioner. The Supreme Court shall then issue a stay during the pregnancy. After the pregnancy ends the sentencing court shall so inform the Supreme Court and the commissioner. The Supreme Court shall then deliver another death warrant to the commissioner specifying a date of execution between 30 and 60 days ahead.

Section 6 amends AS 22.07.020(a) to except from the jurisdiction of the state court of appeals a prosecution for a capital offense for which a death sentence is imposed.

Section 7 provides that the lieutenant governor shall place before the voters for advisory vote during the next general election following enactment the question of whether capital punishment for murder in the first degree as authorized by law should go into effect on August 15, 1989.

Section 8 provides for an effective date of August 15, 1989 for sections 1-6 of the Act.

Section 9 provides for an immediate effective date for section 7 of the Act.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 2, 1987

SUBJECT: Comparison of SB 7 and SB 31, relating
to capital punishment

TO: Senator Paul Fischer
Chairman, Senate Health, Education, and
Social Services Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested a sectional analysis of SB 7 and a comparison of that bill to SB 31, both of which relate to capital punishment. Both bills are substantially similar; the differences between the two are detailed below. The sectional analysis of SB 31, prepared for you January 30, 1987, may be used as a reference to compare that bill with SB 7. Please note that a sectional analysis should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Sections 1, 2, and 4 of SB 7 are identical to sections 1, 2, and 4 of SB 31. These sections make technical amendments to existing provisions of law to refer to the new capital punishment provisions added by other sections of the bill.

Section 3 of SB 7 adds a new provision, AS 12.55.117. Subsection (a) of that section is identical to subsection (a) of AS 12.55.117 in section 3 of SB 31.

Subsection (b) is similar to subsection (b) of SB 31 except that SB 7 requires the date of execution to be set between 30 and 60 days after the death warrant is issued.

Subsection (c) of SB 7 is substantively the same as subsection (f) of SB 31.

Subsection (d) of SB 7 gives the Department of Corrections the authority to adopt regulations governing the procedures

for executions. In contrast, SB 31 sets those details out in other subsections of AS 12.55.117.

Section 5 of SB 7 adds AS 12.55.177, setting out the sentencing procedures for capital felonies. Subsections (a) and (b) are substantively identical to subsections (a) and (b) of AS 12.55.177 as added by section 5 of SB 31.

Subsection (c) of SB 7 is substantively similar to AS 12.55.178 in section 5 of SB 31, except that under SB 7 the jury renders a "recommended sentence" and under SB 31 the jury renders an "advisory sentence."

AS 12.55.179 in SB 7 provides that the court must follow the jury's recommendation. If the jury makes certain findings and recommends the death penalty, the court must impose that penalty. If the jury recommends a sentence of imprisonment, the court may not impose the death penalty. In contrast, SB 31 does not require the court to follow the jury's advisory sentence. -If the court makes certain findings regarding aggravating and mitigating factors in SB 31 (see AS 12.55.180 and 12.55.181), it may impose a death sentence independent of the jury's findings.

AS 12.55.180 in SB 7 sets out the aggravating factors the sentencing court may consider. They differ from the factors set out in AS 12.55.180 of SB 31. The SB 7 aggravating factors include:

- (1) the defendant's conduct manifested deliberate cruelty in that it involved sexual assault in the first degree, kidnapping, or assault in the first degree;
- (2) the defendant's conduct caused the death of two or more persons, other than accomplices;
- (3) the defendant had a prior conviction for murder;
- (4) the defendant's conduct was directed at the President of the United States or the Governor of Alaska;
- (5) the defendant's conduct was directed at a law enforcement, judicial, or correctional officer;
- (6) the defendant killed a child nine years of age or younger;
- (7) the offense was committed under an agreement that the defendant pay or be paid for the commission of the offense;

(8) the defendant committed the offense while avoiding lawful arrest or escaping from lawful confinement;

(9) the defendant committed the offense after escaping from lawful custody of a peace officer or place of lawful confinement.

AS 12.55.181 in SB 7 sets out the mitigating factors the court must consider; these are identical to the mitigating factors set out in AS 12.55.181 of SB 31.

AS 12.55.182 of SB 7 deals with incompetency and pregnancy of persons sentenced to death and is substantively the same as AS 12.55.182 of SB 31.

Section 6 of SB 7 is substantively the same as section 6 of SB 31.

Section 7 of SB 7 is a technical amendment dealing with the lack of jurisdiction of the Court of Appeals in death sentence appeals. This section is not found in SB 31, but probably should be added for clarity.

Section 8 of SB 7 requires the Commissioner of Corrections to establish a procedure for execution of the death penalty. This provision is not contained in SB 31.

Section 7 of SB 31 puts the question of the desirability of the death penalty on the ballot as an advisory question in 1988. This provision is not contained in SB 7.

Section 8 of SB 31 makes the bill effective August 15, 1989, giving the legislature the opportunity to respond to the advisory vote before the bill takes effect. In contrast, SB 7 has no effective date provision, and therefore would take effect 90 days after the governor signs it.

KBL:csh
c7/039

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: Senate Bill 31
Publish Date: _____

Revision Date: _____
Title: "An act authorizing capital punishment, classifying murder...."
Sponsor: Senator Paul Fischer
Requestor: Senator Paul Fischer

Agency Affected: Dept. of Corrections
BRU: Southcentral Region
Components: Spring Creek C.C.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES			473.1	993.5	1043.2	1095.3
TRAVEL			4.0	8.4	8.8	9.3
CONTRACTUAL			17.5	36.8	38.6	40.5
SUPPLIES			4.0	8.4	8.8	9.3
EQUIPMENT			3.1			
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	501.7	1047.1	1099.4	1154.4
CAPITAL	-0-	2683.5	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	2683.5	501.7	1047.1	1099.4	1154.4
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	2683.5	501.7	1047.1	1099.4	1154.4

POSITIONS:

FULL-TIME	-0-	-0-	20	20	20	20
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Susie Riley, Program Budget Analyst Phone: 465-3376
Division: Administrative Services Date: Jan. 27, 1987

Approved by ^{Acting} Commissioner: William W. Lindsey Date: 2/3/87
Agency: Department of Corrections

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

ANALYSIS

A. Assumptions:

Enactment of Senate Bill 31 would change the State law to permit capital punishment for a capital felony. Current estimates indicate three convictions per year for this offense would involve executing the death penalty. Because of the lengthy appeal process in cases where the death penalty has been imposed, it is anticipated that a significant number of persons would have to be confined in a separate confinement area. The national average length of time between sentencing and execution of the death penalty is 5 or 6 years. The fact that the sentence is subject to review within 60 days by the State Supreme Court is not expected to appreciably affect the average length of time spent on death row since most cases proceed immediately to the federal courts. Therefore, we are predicting the need for a maximum of 20 death row beds.

1. Capital expenditures required to provide specialized space not currently available in existing State correctional centers. Details follow in B-1.
2. The new space will be adjacent to an existing facility, but isolated. Existing authorized staff could not provide for the necessary security of inmates housed in the area designated for prisoners sentenced to execution.
3. Two fixed guard posts will be required plus one post for roving patrol, and one post for shift supervisor due to the high security and high risk nature of the unit. To man one post 24 hours per day, 7 days per week requires 5 personnel.
4. Inflation is estimated at 5% per year.
5. The unit will be available for occupancy January 1989.

B. Estimated Costs

1. Capital Expenditures

- a. Functions and square footage allocations are derived from accepted space standards and are adjusted to an existing design for a 20-cell complex.
- b. Assumes this structure will be an addition to an existing institution with all activity for prisoners sentenced for execution to be limited to this maximum security unit.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

- c. Assumes only the usual 6% equipment factor and does not include costs for whatever type of equipment would be appropriate for the specified method of execution.
- d. It is estimated that the cost will be \$300 per square foot, considering the fact that this unit must be more secure than other facilities under construction and the relatively small size of the building. No indoor recreation room has been projected.

<u>e. Area Identification</u>	<u>Square Footage</u>
Core Area (44' x 44')	1936
-Control Room, Sallyport	
-Visitation (Attorney, Secure)	
-General Movement	
-Storage	
-Mechanical Room	
Housing Wings	
(2 @ 37' x 47' + 200 sq. ft.)	3678
-20 Cells @ 80 sq. ft. gross each	
-Three Shower Areas	
-Two Movement/Indoor Recreation Area	
Execution Area	1000
Total (Gross)	6614/sq. ft.
	x \$300/sq. ft.
Cost of Structure	\$1,984,200
Secure Outdoor Recreation	
(2 @ 16' x 20')	
-640 sq. foot @ \$125/sq. foot	80,000
Total Building Cost	\$2,064,200
-30% Administration/Overhead	619,260
TOTAL PROJECTED COST	\$2,683,460

- 2. Salaries and related costs are detailed on "Request for New Positions" attached. It is estimated that Operating Costs would not begin until January of 1989 due to time needed for construction, so funds are included for only six months of FY89.

Position Title Correctional Officer II		No. of Positions 15	Range/Step 13B	Barg. Unit GGU
Time Status PFT	Staff Months 90	Location Seward		Election District
Type of Expenditure		Justification		
1	2	3		
Salary	249,885	This facility, even though attached to an existing institution, would require two additional fixed guard posts and one post for roving patrol, due to the high security and high risk nature of the unit. To man one post 24 hours per day, 7 days per week requires at least 5 Correctional Officer II's. Three additional posts will require a minimum of 15 CO II's. The cost for one-half FY89 is as follows:		
Benefits	96,285			
Premium Pay				
Other				
Total Personal Services		346,170		
Travel		3,000		
Contractual				
Commodities		3,000		
Equipment		2,250		
Other				
Total Cost		354,420		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	354,420		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

\$16,659 Salaries
6,419 Benefits
\$23,078

200 Travel (training)
200 Standard Supplies (\$400 per year)
150 Equipment
\$23,628

**Request For
New Position**

Agency Department of Corrections
BRU Southcentral Region
Component Spring Creek Correctional Center

Page 4 of 5
Revised Date

FY 88

Position Title Correctional Officer III		No. of Positions 5	Range/Step 15A	Barg. Unit GGU																																																														
Time Status PFT	Staff Months 90	Location Seward		Election District																																																														
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td></td> <td>92,230</td> <td></td> </tr> <tr> <td>Benefits</td> <td></td> <td>34,680</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Personal Services</td> <td></td> <td></td> <td>126,910</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> <td>1,000</td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> <td>1,000</td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td>750</td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Cost</td> <td></td> <td></td> <td>129,660</td> </tr> </tbody> </table>		Type of Expenditure	1	2	3	Salary		92,230		Benefits		34,680		Premium Pay				Other				Total Personal Services			126,910	Travel			1,000	Contractual				Commodities			1,000	Equipment			750	Other				Total Cost			129,660	Justification Five supervisory Correctional Officer III's will be required to fill the compliment for the three added posts in addition to the fifteen CO II's. The cost for one-half of FY89 is as follows: <table> <tr> <td>\$18,446</td> <td>Salaries</td> </tr> <tr> <td>6,936</td> <td>Benefits</td> </tr> <tr> <td><u>\$25,382</u></td> <td></td> </tr> <tr> <td>200</td> <td>Travel (training)</td> </tr> <tr> <td>200</td> <td>Standard Supplies (\$400 per year)</td> </tr> <tr> <td>150</td> <td>Equipment</td> </tr> <tr> <td><u>\$25,932</u></td> <td></td> </tr> </table>			\$18,446	Salaries	6,936	Benefits	<u>\$25,382</u>		200	Travel (training)	200	Standard Supplies (\$400 per year)	150	Equipment	<u>\$25,932</u>	
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**Request For
New Position**

Agency Department of Corrections
 BRU Southcentral Region
 Component Spring Creek Correctional Center

Page 5 of 5
 Revised Date

FY 88

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 7

Publish Date: _____

Revision Date: _____

Title: "An Act authorizing capital punishment..."

Agency Affected: Public Safety

BRU: DPS Administration
Alaska State Troopers

Sponsor: Sen. Abood and Kelly

Components: _____

Requestor: Sen. HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

JNR
2/3/87

Prepared by: Kathy Niles, Admin. Assistant

Phone: 465-4336

Division: Commissioner's Office

Date: 2/03/87

Approved by Commissioner: [Signature]

Date: 2/3/87

Agency: Public Safety

Distribution (by preparer):

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

SB

32

For Mary

Listing of SB 32 stuff on file. Sen. Fischer's office

~~AT~~
Contact
Dave Moses.

1. Marijuana and Health, Institute of Medicine, Nat. Academy Press. (A:Mari. txt)
2. ACLU - Ravin Decision.
3. Marijuana: The Myth of Harmlessness goes up in Smoke.
4. Patterns of Drug Use: School Survey. (Back Up) SB 32.
5. Anchorage Police Dept. (1987) Del Smith Support.
6. Togiak City Council. 1987 letter of Support.
7. Analysis of Marijuana Policy, 1982, Nat. Academy Press.
8. House Research Agency, 1987
- 9. Finding on Senate Bill 32.
10. Ketchikan Gateway Borough School Dist. Res. in Support of SB 32.
- 11. Department of Law (Feb. 88' Fiscal Note) and Opinion.
- 12. Senate Comm. Report. Fiscal Notes.
- 13. File- Fiscal Notes and Opinions * Very Good Stuff.
14. Marijuana Bill 12/2/88. Rep. Alyce Hanley.
15. Norml Letter. 2/10/88
16. Yellow Book w/ SB 32 original, Cssh 32 (Hess) Sectional analysis, fiscal notes, resolutions in Support, index of studies, Articles and publications, synopsis of S. Hess Comm. Action.
17. Memo to Senate Judiciary and Finance Committee Res. of Support.
18. Resolutions- Hard Copy in Support.
19. House Research Agency 1987 findings and opinion.
20. References for legislative findings to cssh 32.
21. Haines Borough Resolution in Support.
22. Ravin Points against.
23. Fairbanks Newsminer March 4, 1988.
24. Support letters Ak for Drug free youth.
25. PTA Alaska.
26. National Marijuana Laws by state
27. Memo - Judiciary Committee Memebers 4/30/87.
28. Listing of Scientific Studies.
29. Local District D support.
30. News Release - Nancy Reagan.
31. Reproduction and Pot.
32. House Research Agency, (Possession of Pot)
33. Rep. Koppenen- Minutes of SB 32 House Side Hearing. 4/21/88.
34. Anchorage Chamber of Commerce, Crime Commission Marijuana Study.
35. Alaska Peace Officers Association, 15th Legislature Report.
36. Betty Wilson - Ketchikan- 4/30/88 Major Petition.
37. The White House- Washington 9/8/86.
38. Anchorage Crime Commission Report. Nov. 85.
40. Adolecent Drug taking Behavior, Follow-up study. Dec. 87.
41. The Purpose of Pleasure.- Richard Healey, 1983, Independent School Press.
42. Getting Tough on Gateway Drugs, Robert Dunlop, American Psychiatric Press. 1984.
43. Marijuana Alert, Peggy Mann, McGraw Hill Books, 1985.



TONY KNOWLES
MAYOR

ANCHORAGE POLICE DEPARTMENT

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



RONALD L. OTTE
CHIEF

March 13, 1987

MAR 18 1987

Senator Paul Fischer
Chairman, H.E.S.S. Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Fischer,

The purpose of this letter is to inform you of our support for Senate Bill 32 addressing the recriminalization of marijuana.

We believe that recent research may indicate that marijuana is more of a health hazard than originally thought. We believe that the legislature of the State of Alaska should take a serious look at recriminalization and hold hearings regarding its potential medical effects upon the populace. In addition, we believe that the youth of Alaska receive a mixed signal regarding the appropriateness of drug usage when marijuana is essentially legal in this state. In addition to that, we feel that the populace develops a scoff law attitude when the possession of marijuana is legal, but the purchase of and transportation of is illegal.

We urge that the recriminalization of marijuana be brought from the committee and addressed on the floor of the State Legislature.

If we can be of any further assistance regarding this issue or any other law enforcement related issue that you wish to call upon us for, feel free to do so.

Sincerely,

Del Smith
Del Smith

Deputy Chief of Operations

DS:d1

Statements of Support



City of
Ketchikan

334 Front Street
Ketchikan, Alaska 99901
907-225-3111

Police Department

February 24, 1987

Senator Paul Fisher
Chairman, Hess Committee
Pouch V
Juneau, Alaska 99811


Dear Senator Fisher:

Substance abuse problems of all types are significant in Ketchikan as well as throughout the State of Alaska. The attached figures - obtained from the Alaska Department of Public Safety - represents arrests for substance abuse problems and provide some indicators of the scope of the problems.

For a number of years, law enforcement officers throughout the state have been concerned that a contributing factor to substance abuse has been the permissive Alaska State Statutes allowing the possession and use of marijuana in certain circumstances. Those statutes are inconsistent with Federal marijuana laws. The primary reason for law enforcement concern is that those inconsistencies provide conflicting messages to the public regarding the acceptability of the use of illegal substances.

Senate Bill 32 supports recriminalization of marijuana in the state of Alaska which will make state drug law consistent with the rest of the United States. That recriminalization is supported by the Alaska Association of Chiefs of Police and the Alaska Peace Officers Association as well as this Department. I would urge your support of SB32 and request your action to get the bill out of committee to the floor for a vote. If I can provide any further information in support of this bill, please contact me.

Sincerely,



D. A. Anslinger, III
Chief of Police

DAA:mp
Attachments

cc: Senator Lloyd Jone
Representative John Sund
Representative Robin Taylor
Representative Terry Martin

SUBSTANCE ABUSE ARREST SUMMARY

SOUTHEAST ALASKA

CONTROLLED SUBSTANCE AND ALCOHOL OFFENSES

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>*1986</u>
<u>Ketchikan P.D.</u>								
Controlled Substance	23	12	43	34	74	70	56	93
Alcohol	<u>219</u>	<u>235</u>	<u>443</u>	<u>322</u>	<u>306</u>	<u>358</u>	<u>398</u>	<u>548</u>
<u>TOTAL Ketchikan P.D.</u>	<u>242</u>	<u>247</u>	<u>486</u>	<u>356</u>	<u>380</u>	<u>428</u>	<u>454</u>	<u>641</u>
<u>Juneau P.D.</u>								
Controlled Substance	27	43	23	34	43	30	48	
Alcohol	<u>273</u>	<u>348</u>	<u>379</u>	<u>428</u>	<u>328</u>	<u>352</u>	<u>396</u>	
<u>TOTAL Juneau P.D.</u>	<u>300</u>	<u>391</u>	<u>402</u>	<u>462</u>	<u>371</u>	<u>382</u>	<u>444</u>	
<u>Sitka P.D.</u>								
Controlled Substance	30	12	27	2	5	5	4	
Alcohol	<u>261</u>	<u>263</u>	<u>185</u>	<u>212</u>	<u>280</u>	<u>197</u>	<u>115</u>	
<u>TOTAL Sitka P.D.</u>	<u>291</u>	<u>275</u>	<u>212</u>	<u>214</u>	<u>285</u>	<u>202</u>	<u>119</u>	
<u>Wrangell P.D.</u>								
Controlled Substance	10	6	14	11	12	-	6	
Alcohol	<u>87</u>	<u>81</u>	<u>114</u>	<u>84</u>	<u>83</u>	<u>72</u>	<u>83</u>	
<u>TOTAL Wrangell P.D.</u>	<u>97</u>	<u>87</u>	<u>128</u>	<u>95</u>	<u>95</u>	<u>72</u>	<u>89</u>	
<u>Petersburg P.D.</u>								
Controlled Substance	1	2	2	10	14	3	4	
Alcohol	<u>46</u>	<u>39</u>	<u>42</u>	<u>34</u>	<u>30</u>	<u>69</u>	<u>49</u>	
<u>TOTAL Petersburg P.D.</u>	<u>47</u>	<u>41</u>	<u>44</u>	<u>44</u>	<u>44</u>	<u>72</u>	<u>53</u>	

* NOTE 1986 SUMMARIES NOT AVAILABLE FOR CITIES OTHER THAN KETCHIKAN

SUBSTANCE ABUSE ARREST ANALYSIS

SOUTHEAST ALASKA

CONTROLLED SUBSTANCE AND ALCOHOL OFFENSES

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>*1986</u>
<u>Ketchikan P.D.</u>								
Juvenile Controlled Substance								18
Marijuana	8	1	12	7	11	15	13	
Cocaine	-	-	-	-	-	-	-	
Other	-	-	2	1	1	2	-	
Adult Controlled Substance								75
Marijuana	6	6	12	12	51	39	35	
Cocaine	5	2	11	12	6	12	8	
Other	4	3	6	2	5	2	-	
Juvenile DWI	2	5	6	4	8	3	8	8
Adult DWI	82	86	127	130	133	134	107	115
Juvenile Alcohol	71	74	152	92	71	94	125	185
Adult Alcohol	<u>64</u>	<u>72</u>	<u>131</u>	<u>96</u>	<u>94</u>	<u>127</u>	<u>158</u>	<u>240</u>
<u>TOTAL Ketchikan P.D.</u>	<u>242</u>	<u>247</u>	<u>486</u>	<u>356</u>	<u>380</u>	<u>428</u>	<u>454</u>	641
<u>Juneau P.D.</u>								
Juvenile Controlled Substance								
Marijuana	17	17	5	9	11	8	13	
Cocaine	-	-	-	3	-	1	2	
Other	-	2	-	-	-	2	1	
Adult Controlled Substance								
Marijuana	10	21	17	15	19	19	32	
Cocaine	-	-	-	6	13	-	-	
Other	-	3	1	1	-	-	-	
Juvenile DWI	6	4	4	6	2	3	2	
Adult DWI	91	82	70	133	137	172	193	
Juvenile Alcohol	98	166	161	138	100	89	93	
Adult Alcohol	<u>78</u>	<u>96</u>	<u>144</u>	<u>151</u>	<u>89</u>	<u>88</u>	<u>108</u>	
<u>TOTAL Juneau P.D.</u>	<u>300</u>	<u>391</u>	<u>402</u>	<u>462</u>	<u>371</u>	<u>382</u>	<u>444</u>	
<u>Sitka P.D.</u>								
Juvenile Controlled Substance								
Marijuana	9	1	2	1	3	-	2	
Cocaine	1	1	1	-	-	-	-	
Other	1	-	1	-	-	-	-	
Adult Controlled Substance								
Marijuana	10	7	3	1	2	3	-	
Cocaine	3	3	14	-	-	2	2	
Other	6	-	6	-	-	-	-	
Juvenile DWI	4	11	3	10	6	4	1	
Adult DWI	87	142	92	81	123	126	59	
Juvenile Alcohol	108	84	48	78	102	30	25	
Adult Alcohol	<u>62</u>	<u>26</u>	<u>42</u>	<u>43</u>	<u>49</u>	<u>37</u>	<u>30</u>	
<u>TOTAL Sitka P.D.</u>	<u>291</u>	<u>275</u>	<u>212</u>	<u>214</u>	<u>285</u>	<u>202</u>	<u>119</u>	

Mayor and City Council
 Substance Abuse Arrest Analysis
 January 2, 1987

	1979	1980	1981	1982	1983	1984	1985	*1986
<u>Wrangell P.D.</u>								
Juvenile Controlled Substance								
Marijuana	2	4	7	3	2	-		6
Cocaine	-	-	-	-	-	-		-
Other	4	-	-	-	-	-		-
Adult Controlled Substance								
Marijuana	4	2	4	4	8	-		-
Cocaine	-	-	3	3	2	-		-
Other	-	-	-	1	-	-		-
Juvenile DWI	-	-	-	-	2	1		-
Adult DWI	5	7	13	36	55	32		22
Juvenile Alcohol	57	58	88	32	15	22		32
Adult Alcohol	<u>25</u>	<u>17</u>	<u>13</u>	<u>16</u>	<u>11</u>	<u>17</u>		<u>29</u>
<u>TOTAL Wrangell P.D.</u>	<u>97</u>	<u>87</u>	<u>128</u>	<u>95</u>	<u>95</u>	<u>72</u>		<u>89</u>
<u>Petersburg P.D.</u>								
Juvenile Controlled Substance								
Marijuana	-	1	-	4	11	-		-
Cocaine	-	-	-	-	-	-		-
Other	-	-	-	-	-	-		-
Adult Controlled Substance								
Marijuana	1	1	2	3	1	3		2
Cocaine	-	-	-	3	-	-		1
Other	-	-	-	-	2	-		1
Juvenile DWI	1	-	-	6	-	3		1
Adult DWI	18	18	25	19	18	24		25
Juvenile Alcohol	21	16	14	-	5	28		8
Adult Alcohol	<u>6</u>	<u>5</u>	<u>3</u>	<u>9</u>	<u>6</u>	<u>14</u>		<u>15</u>
<u>TOTAL Petersburg P.D.</u>	<u>47</u>	<u>41</u>	<u>44</u>	<u>44</u>	<u>44</u>	<u>72</u>		<u>53</u>

* NOTE 1986 ANALYSIS NOT AVAILABLE FOR CITIES OTHER THAN KETCHIKAN



KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

Darroll Hargraves
SUPERINTENDENT

Resolution No. 210
Ketchikan Gateway Borough School District

A REQUEST FOR CHANGING THE STATE STATUTES TO MAKE THE POSSESSION AND USE OF MARIJUANA ILLEGAL

WHEREAS, the State of Alaska allows legal private possession and use of marijuana,

WHEREAS, Alaska's present statutes regarding possession and use of marijuana appear to be in conflict with the laws of the United States, and

WHEREAS, the problem of drug and alcohol abuse in our schools and our society appears to be on the rise, and

WHEREAS, the President of the United States initiated a national crusade to counter the current drug problem, and

WHEREAS, many students find easy access to illegal drugs, particularly marijuana, and

WHEREAS, Alaska statutes present a mixed message by currently allowing the use and possession of marijuana in the home, and

WHEREAS, current research and medical opinion concerning marijuana indicates that marijuana is harmful and does present a serious health problem, and

WHEREAS, the utilization of marijuana possession in Alaska sends the message to outside suppliers that Alaska is an open state which condones the "personal use" of marijuana, and

WHEREAS, a show of community resolve against the legal possession and use of marijuana sends a message to the state legislature and the governor's office,

RESOLUTIONS IN SUPPORT OF
RECRIMINALIZATIONSB 31 - CAPITAL

THEREFORE BE IT RESOLVED by the Ketchikan Gateway Borough School District that,

1. The School District encourages and supports the reenactment of statutes which will recriminalize the possession of marijuana.
2. The School District makes this position one of public record so that all in the community, in other school districts, and across the state will understand our position that the present statutes in Alaska governing marijuana are not in the best interest of its citizens.
3. The School District requests our legislators, locally and across the state, to give the recriminalization of marijuana immediate attention during the 1st session of the 15th legislature so that effective July 1, 1987 the possession and use of marijuana will be illegal and carry consequences.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF EDUCATION OF THE KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT OF KETCHIKAN, ALASKA THIS _____ DAY OF _____, 1987.

President of the Board

Clerk-Treasurer of the Board

AMENDED AND APPROVED

Date 12-9-86

Submitted by: Assemblyman
Brad Bradley

Prepared by: Assemblyman
Brad Bradley

For Reading: November 25, 1986

AR No. 86-284

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE SUPPORTING REPEAL
OF AS 11.71.070 AND AMENDMENT OF AS 11.71.060(a) TO MAKE
MARIJUANA ILLEGAL

WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana, and

WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people, and

WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana, and

WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse, and

WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers, and

WHEREAS, the Anchorage Crime Commission has for the past three years concluded that Alaska's permissive laws on marijuana should be repealed, and

ANCHORAGE ASSEMBLY

WHEREAS, representatives of 60 Alaskan high schools at the Alaska Association of School Governments' Annual Fall Conference on October 18 of this year unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.

NOW THEREFORE, the Anchorage Assembly resolves:

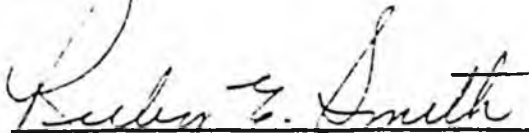
That the Governor of the State of Alaska, the Alaska State Legislature and the Alaska Supreme Court ^{are} ~~is~~ petitioned to take immediate steps to repeal/ ~~AS-11-71-070~~ ^{statutory and constitutional protections} ~~and~~ ^{amend} ~~for the~~ ~~AS-11-71-060~~ ~~to make~~ use and possession of marijuana ~~illegal~~ ^{in order} in the State of Alaska/to promote the general health, welfare and public safety of the citizens of Anchorage and the State of Alaska.

PASSED AND APPROVED by the Anchorage Assembly this 9th day of December, 1986.

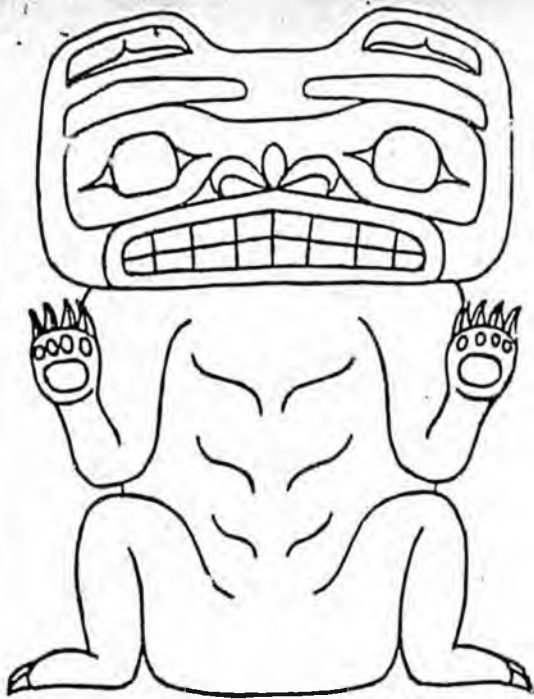


Chairman

ATTEST:



Municipal Clerk



City of Saxman

Rt. 2, Box 1
Saxman, Alaska 99901
907-225-4166

CITY OF SAXMAN

RESOLUTION NO. 87-01-030

A RESOLUTION OF THE CITY OF SAXMAN, ALASKA, SUPPORTING REPEAL OF A.S. 11.71.070 AND AMENDMENT OF A.S. 11.71.060(a) TO MAKE MARIJUANA ILLEGAL AND ESTABLISHING AN EFFECTIVE DATE.

- WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana; and
- WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people and of all ages; and
- WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana; and
- WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse; and
- WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers; and
- WHEREAS, Ketchikan Youth Service, Families in Action and other concerned local citizens have expressed concern over the drug abuse problem in the community; and
- WHEREAS, representatives of sixty (60) Alaska high schools at the Alaska Association of School Governments' Annual Fall Conference held on October 18, 1986, unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.



GALENA CITY SCHOOL DISTRICT

GALENA, ALASKA 99741
PHONE (907) 656-1205

SUPERINTENDENT'S
OFFICE

January 7, 1987

Representative Terry Martin
P.O. Box V
Mail Stop 3100
Juneau, Alaska 99811

Dear Representative Martin:

The Board of Education for the Galena City School District is appalled at the free uncontrolled flowing use of controlled drugs including marijuana.

We are aware of the detrimental effect that drugs have on the education of students who use drugs and that schools are held accountable for the learning that should take place. Therefore, it is very important that those negative effects on learning be eliminated.

One of the big reasons that larger and larger numbers of students are failing in school is the use of drugs and marijuana.

Our School Board strongly encourages you to support stricter laws on possession, sale and use. Further, we would ask for your support laws that will facilitate the arrest and conviction of dealers.

We appreciate your positive attitude and support.

Sincerely,

Carole C. Huntington
Carole C. Huntington, President
Board of Education

CCH/elb
069/87

cc: School Board Members
Galena City School District

GALENA SCHOOL DIST



Alaska Association of School Governments

RESOLUTION: ALASKA ASSOCIATION OF SCHOOL GOVERNMENTS
FALL CONFERENCE
DIAMOND HIGH SCHOOL
October 18, 1986

Whereas the student leaders of Alaska recognize that there is a severe Drug and Alcohol problem in Alaska,

Whereas the student leaders of Alaska recognize this problem exists in the Alaskan elementary, junior and senior high schools,

Whereas the students believe it is necessary for them to take a united stand against Drugs and Alcohol,

Therefore, be it resolved that the students representing the Alaska Association of School Governments (AASG), endorse the nationally known "Just Say No" Drug Prevention Program

Be it further resolved the AASG students will present a flag to Governor Sheffield to be flown over the capitol building that states: "Alaska Students/Just Say No" and

Be it further resolved the AASG students request the Governor and the Alaska Legislature to repeal the current marijuana law and make marijuana illegal in this state.

Resolution passed unanimously by 60 Alaskan high schools in attendance at the AASG fall conference.

ALASKA ASSOCIATION OF STUDENT GOVTS.



WILLIAM G KLEIN
CHIEF OF POLICE
106TH SESSION

WRANGELL POLICE DEPARTMENT

CITY OF WRANGELL, ALASKA
POST OFFICE BOX 531 • WRANGELL, ALASKA 99929
(907) 874-3304



March 4, 1987

MAR 5 1987

Senator Paul Fisher
Hess Committee Chairman
P.O. Box V
Juneau, Alaska 99811 (Mail Stop 3100)

Dear Senator Fisher:

On behalf of this department and the concerned members of this community, I sincerely urge that all possible efforts and support be afforded to Senate Bill 32, Recriminalization of Marijuana, in order that said bill be brought to the floor of the Senate and House for a vote.

As an Alaska law enforcement officer for the past 21 years I can state without reservation that one of the greatest errors consummated by a legislative body was the decriminalization of marijuana. Not only is it in violation of Federal Law, its usage among the youth of this state has escalated like a malignant growth.

In all frankness, I must state that the time is long overdue for positive action on behalf of our elected officials to combat and control this statewide problem. Give law enforcement in the State of Alaska the weapons, in the form of realistic and effective laws, and we will do our part.

Respectfully submitted,

William G. Klein
Chief of Police

WGK:rrk

cc: Representative Terry Martin
Senator Lloyd Jones
Representative Robin Taylor
Representative John Sund

BILL NO: HB 55
TITLE: "An Act relating to marijuana; and providing for
an effective date"
DATE: 3/4/87

The Juneau Police Department is supportive of this legislation.

The purpose of HB 55 is to recriminalize the possession of any amount of marijuana. By achieving this end a number of purposes will be served.

Increasingly it has been shown that the long term consumption of marijuana poses a health hazard of serious consequence. A number of medical studies substantiate this fact. It is necessary to reflect that the possession of any amount of marijuana will not be tolerated so as to reinforce the concept that health hazards do exist when marijuana is used. Marijuana has been targeted as the single best predictor of other future illegal drug use.

The present conflict that exists between current state and federal law tends to create confusion in the mind of the public. This conflict creates apathy on the part of the public and flies in the face of the need for consistency in the law. Disregard and apathy are most readily apparent in the minds of the young people of the community. This conflict also creates impediments in the discharge of local police responsibilities in addressing the problem of drug traffickers.

The relaxed attitude toward marijuana in Alaska creates in the minds of people that this is a state that condones this and other types of drug usage. It creates a marked placed for a substance that is legal here but illegal in all other states.

The recriminalization of marijuana would not, as some sources are concerned, create a large scale impact on the criminal justice system. The primary focus is and will continue to be on interception, interdiction and prosecution of drug sources. This is a demonstrated philosophy that provides cost effective results for resources expended.

Michael S. Gelston
Chief of Police
Juneau Police Department

MSG/ps6

ROTARY CLUB



MAR 9 1987

February 26, 1987

Senator Paul Fisher
Pouch V (Mail Stop 3100)
Juneau, AK 99811

Dear Senator Fisher:

The Rotary Club of Valdez supports the City of Valdez Resolution No.8711 which urges the repeal of laws allowing for the personal use of marijuana.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patrick M. Shely".

Patrick M. Shely
President
P.O. Box 307
Valdez, AK 99686

Cook Inlet Council On Alcohol And Drug Abuse

"A PRIVATE NON-PROFIT CORPORATION"

MAIN OFFICE

255 Willow Street, Rm. 203
KENAI PROFESSIONAL BUILDING

P.O. Box 882
Kenai, Alaska 99611

PHONE:
283-3658

LAKE STREET CENTER

P.O. Box 2362
Homer, Alaska 99603

PHONE:
235-8001

MAR 24 1987

A RESOLUTION OF THE COOK INLET COUNCIL ON ALCOHOL AND DRUG ABUSE OF KENAI, ALASKA, URGING THE ALASKA LEGISLATURE TO REPEAL LAWS ALLOWING FOR THE PERSONAL POSSESSION AND USE OF MARIJUANA.

WHEREAS, the Cook Inlet Council on Alcohol and Drug Abuse is committed to the education, the prevention and treatment of drug abuse; and

WHEREAS, we believe countless lives are distorted through the availability and use of drugs, most particularly the lives of our young people; and

WHEREAS, socially responsible states are recognizing the need for limited access to dangerous drugs; and

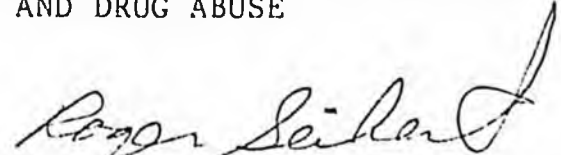
WHEREAS, Federal law mandates criminal penalties for possession and use of marijuana; and

WHEREAS, current Alaska statutes threaten the State of Alaska's eligibility for federal funds for control of narcotics:

BE IT THEREFORE RESOLVED that laws shall be enacted in the State of Alaska to establish criminal penalties for the use and possession of marijuana.


DATED at Kenai, Alaska, this sixteenth day of March, 1987.

COOK INLET COUNCIL ON ALCOHOL
AND DRUG ABUSE



Roger Seibert, President
Board of Directors

ATTEST:



Kay Mayes, Secretary
Board of Directors

Anchorage Chamber of Commerce

Crime Commission

RECRIMINALIZATION OF MARIJUANA



The Anchorage Crime Commission is a public group that wishes to present information on the issue of recriminalization of marijuana.

In 1985 the Anchorage Crime Commission compiled a bibliographical summary of numerous professional evaluations and opinions regarding the health hazards associated with marijuana usage. Based on this data the 1985 Crime Commission strongly endorsed the recriminalization of marijuana.

The 1986 Anchorage Crime Commission (with the generous support of the Anchorage Times and Carr's Quality Centers) conducted an area wide public opinion survey dealing with public attitudes on a wide range of crime related issues.

Although the final survey analysis and subsequent recommendations are not scheduled for release until early 1987, an extract of the survey provides statistical information regarding public attitude on two relevant questions directly related to the issue of marijuana recriminalization.

The citizens of Anchorage indicated their strong desire for the recriminalization of marijuana.

The Anchorage Crime Commission extends its support to the Municipal Assembly in accepting the challenges related to addressing this issue. Should further support or definition be needed, we would be happy to assist.

Harold C. Heinze

Harold C. Heinze
Chairman

A Committee of the
Anchorage Chamber
of Commerce

115 F Street
Anchorage AK 99501
(907) 272-2401

ANCHORAGE CRIME COMMISSION



KIWANIS CLUB OF ANCHORAGE
P.O. BOX 101404
ANCHORAGE, ALASKA 99510



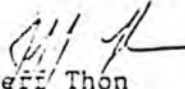
Anchorage Assembly

Whereas, it is a major emphasis of Kiwanis International to enrich the lives of our youth, and

Whereas, the Kiwanis Club Of Anchorage is currently participating in a nationally promoted activity of drug abuse prevention and education through the Just Say No Foundation, and

Whereas, the current laws in Alaska do not consider it a crime to possess certain combinations of controlled substances in certain amounts, which is counterproductive to our efforts in the Just Say No [to drugs] Program,

Now therefore, be it resolved that the Kiwanis Club of Anchorage hereby encourages the Anchorage Municipal Assembly to adopt a resolution in support of changing our statutes to make possession of a controlled substance, other than by prescription, a crime.


Jeff Thon
President

KIWANIS RESOLUTION

CITY OF VALDEZ, ALAKSA

RESOLUTION NO. 8711

A RESOLUTION OF THE CITY OF VALDEZ URGING THE ALASKA LEGISLATURE TO REPEAL LAWS ALLOWING FOR THE PERSONAL USE OF MARIJUANA.

WHEREAS, the State of Alaska is eligible for certain Federal grants for control of narcotics; and

WHEREAS, the dangerous and grievous use of unlawful narcotics threatens the lives and well-being of many citizens of Alaska, especially, our young people; and

WHEREAS, the Alaska State Statutes allow for personal possession and use of amounts of contraband and dangerous substances that would otherwise be illegal under Federal and State laws; and

WHEREAS, these peculiar provisions of State law threaten the State of Alaska's eligibility for Federal funds for control of narcotics; and

WHEREAS, these provisions serve no useful purpose in a society that is outraged at the suffering and expense caused by drug abuse; and

WHEREAS, the right to privacy in the home in Alaska is a constitutional protection and that right can be protected by allowing the exception to be a lawfully obtained search warrant,

NOW, THEREFORE, BE IT RESOLVED that the Valdez City Council urges the Legislature of the State of Alaska to repeal those sections of the Alaska Statutes which allow personal possession and use of marijuana and support the recriminalization of marijuana.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF VALDEZ, ALASKA this 17th day of February, 1987.

CITY OF VALDEZ, ALASKA

BY: John Devens

John Devens, Mayor

ATTEST:

BY: John Thorp

John Thorp
Acting City Manager



American Civil Liberties Union

Alaska Civil Liberties Union -Legislative Committee-217 Second St. #204-Juneau, Alaska 99801

ACLU POSITION ON MARIJUANA AND THE RIGHT TO PRIVACY

The Alaska Civil Liberties Union is the local affiliate of the American Civil Liberties Union, representing approximately 900 members in Alaska. The ACLU opposes proposed legislation to recriminalize the personal possession and consumption of marijuana.

The use of marijuana involves protected constitutional rights, including the right to privacy which is explicitly guaranteed in Article I, Section 22 of the Alaska Constitution. Intrusion by government on such a constitutionally protected act places a burden of justification upon government. That burden has not been met with respect to federal and state laws that impose penalties on the use and possession of personal use quantities of marijuana.

ACLU opposes the definition of behavior as criminal when such behavior, engaged in either alone or with other consenting adults, does not in and of itself harm another person or force another person to act unwillingly in any way. Private personal possession and consumption of marijuana falls within this protected sphere of private personal activity.

The showings of government interest in regulating marijuana use, upon which the proposed legislation rests, are neither clear nor conclusive, as the Alaska Supreme Court has ruled in the case of Ravin v. State. The present state of scientific knowledge fully supports the rationale of the Ravin decision; there have been no scientific developments since Ravin which would change the constitutional basis for that decision. The medical findings contained in HB 55 and SB 32 are innacurate, selective, and misleading. The sentences of imprisonment and large fines called for under the proposed legislation are excessive and unconstitutional interventions into personal and private rights.

The sale of marijuana to adults over 18 should not be subject to criminal penalties. However, reasonable regulation and taxation of the sale of marijuana does not in and of itself constitute a violation of civil liberties. ACLU strongly supports educational efforts aimed at teaching all persons, and in particular minors, about the dangers of drug use and abuse.

The ACLU opposes laws which criminalize the possession, use and sale of marijuana, for these reasons:

1. They impose arbitrary, often harsh, and cruel penalties for private conduct for which no criminal penalty at all is appropriate.
2. They impose all of the hardships of an arrest, and arrest record, and often a prison term on otherwise law-abiding young people.
3. They are selectively enforced.
4. Their enforcement relies on entrapment, illegal searches, and other police conduct which violates civil liberties.
5. They encourage police corruption.
6. They divert law enforcement money and manpower from the enforcement of laws against serious crimes.
7. They engender contempt for the law.
8. They interfere with honest efforts to educate young people about the dangers of drug use and to combat the problems of drug abuse.

ACLU urges the defeat of legislation which would impose criminal penalties for the use or possession of marijuana.

Submitted by: Assemblyman
Brad Bradley

Prepared by: Assemblyman
Brad Bradley

AMENDED AND APPROVED

Date 12-9-86

For Reading: November 25, 1986

AR No. 86-284

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE SUPPORTING REPEAL
OF AS 11.71.070 AND AMENDMENT OF AS 11.71.060(a) TO MAKE
MARIJUANA ILLEGAL

WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana, and

WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people, and

WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana, and

WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse, and

WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers, and

WHEREAS, the Anchorage Crime Commission has for the past three years concluded that Alaska's permissive laws on marijuana should be repealed, and

WHEREAS, representatives of 60 Alaskan high schools at the Alaska Association of School Governments' Annual Fall Conference on October 18 of this year unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.

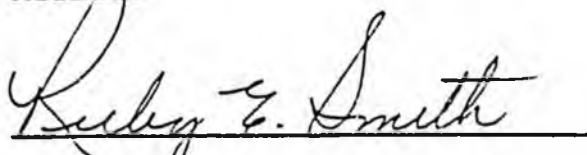
NOW THEREFORE, the Anchorage Assembly resolves:

That the Governor of the State of Alaska, the Alaska State Legislature and the Alaska Supreme Court ^{are} ~~is~~ petitioned to take immediate steps to repeal / ~~AS-11.71.070~~ ^{statutory and constitutional protections} ~~and~~ ^{for the} ~~amend~~ ~~AS-11.71.060~~ ^{in order} ~~to make~~ use and possession of marijuana illegal in the State of Alaska / to promote the general health, welfare and public safety of the citizens of Anchorage and the State of Alaska.

PASSED AND APPROVED by the Anchorage Assembly this 9th day of December, 1986.


Chairman

ATTEST:


Municipal Clerk

CITY OF HAINES

RESOLUTION 86/87-18

A RESOLUTION OF THE CITY OF HAINES, ALASKA, SUPPORTING REPEAL OF AS 11.71.070 AND AMENDMENT OF AS 11.71.060(a) TO MAKE MARIJUANA ILLEGAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAINES, ALASKA.

WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana, and

WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people, and

WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana, and

WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse, and

WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers, and

WHEREAS, the Anchorage Crime Commission has for the past three years concluded that Alaska's permissive laws on marijuana should be repealed, and

WHEREAS, representatives of 60 Alaskan high schools at the Alaska Association of School Governments' Annual Fall Conference on October 18, 1986 unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Haines, Alaska that the Governor of the State of Alaska, the Alaska State Legislature and the Alaska Supreme Court are petitioned to take immediate steps to repeal statutory and constitutional protections for the use and possession of marijuana in the State of Alaska in order to promote the general health, welfare and public safety of the citizens of Haines and the State of Alaska.

PASSED AND APPROVED THIS 21st DAY OF JANUARY, 1987.

April S. Lapham
April S. Lapham, Mayor

ATTEST: *Susan V. Hedrick*
Susan V. Hedrick, City Clerk

S E A L:

CITY OF KETCHIKAN

RESOLUTION NO. 87-1498

A RESOLUTION OF THE CITY OF KETCHIKAN, ALASKA, SUPPORTING REPEAL OF A.S. 11.71.070 AND AMENDMENT OF A.S. 11.71.060(a) TO MAKE MARIJUANA ILLEGAL AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana, and

WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people and of all ages, and

WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana, and

WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse, and

WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers, and

WHEREAS, Ketchikan Youth Services, Families in Action and other concerned local citizens have expressed concern over the drug abuse problem in the community, and

WHEREAS, representatives of sixty (60) Alaskan high schools at the Alaska Association of School Governments' Annual Fall Conference held on October 18, 1986, unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.

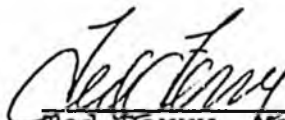
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA as follows:

Section 1. The City Council of the City of Ketchikan, Alaska hereby petitions the Governor of the State of Alaska, the Alaska State Legislature and the Alaska Supreme Court to take immediate steps to repeal statutory and constitutional protections for use and possession of marijuana in the State of Alaska in order to promote the general health, welfare and public safety of the citizens of Ketchikan and the State of Alaska.

Section 2. The City Clerk is hereby directed to send copies of this resolution to Governor Cowper, Senator Jones, Representative Taylor, Representative Sund, the Attorney General and the Alaska Municipal League.

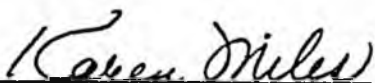
Section 3. This resolution shall become effective immediately upon passage.

PASSED AND APPROVED this 8th day of January, 1987.



Ted Ferry, Mayor

ATTEST:



Karen Miles, CMC
City Clerk

City of Ketchikan



334 Front Street
Ketchikan, Alaska 99901
907-225-3111

10/13/86

MAYOR AND COUNCIL

<u>Mayor</u>	<u>Mailing Address</u>	<u>Home Address</u>	<u>Work Phone</u>	<u>Home Phone</u>
Ted Ferry	Box 7755	1616 Water		225-2276
<u>Councilmembers</u>				
Alarie Stanton (Vice-Mayor)	3817 Fairview	3817 Fairview	225-3780	225-3406
Paul Boyd	Box 7318	391 Bawden	225-4108	225-3231
Tom Friesen	Box 5118	2031 Second	225-3146	225-4905
Val Jackson	Box 6315	500 Front		225-5414
Georgia C. Skannes	519 Buren	519 Buren		225-2459
Donald F. Hoff, Jr.	2438 First Ave.			225-6376
Edward W. Zastrow	3530 Denali	3530 Denali	225-2151 Ext.202	225-2814
City Manager James A. Van Altvorst	334 Front St.		225-3111	225-2410
Utilities Manager Richard A. Southworth	334 Front St.		225-1000	225-2201
City Clerk Karen Miles	334 Front St.		225-3111	225-3249

COUNCIL/ELECTIONS