

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5321 SJUD SB 352 - SB 383

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352

Senator Rick Halford



Senate District 1
Chugiak, Eagle River, East Anchorage, Fort Richardson

Senate Finance Committee
Co-Chairman

February 17, 1988

MEMORANDUM

To: Senate Judiciary Committee Members

From: Senator Rick Halford, *RH* Co-Chairman
Senate Finance Committee

Subject: SB 352 - Attempted Murder Bill

Under present law, an individual who attempts to commit murder, an unclassified felony, can be found guilty of only a class A felony. If it is the defendant's first felony conviction, he will be subject to a presumptive term of either five or seven years imprisonment, depending upon the facts of the offense.

Therefore, given Alaska's good time statute, an individual who commits a deliberate, intentional attempt to kill another person could be free from jail in three and a half years.

This bill raises the criminal penalties for the crime of attempted murder in the first degree by adding it to the list of unclassified felonies.

Section 1 of the bill amends AS 11.31.100(d) in order to establish the crime of attempted murder in the first degree as an unclassified felony.

Section 2 amends AS 11.81.250(a) to add attempted murder in the first degree to the list of unclassified felonies for purposes of sentencing.

Section 3 amends AS 11.81.250(b) in order to add the crime to the list of unclassified felonies.

Section 4 amends AS 12.55.035(b) to change the fine applicable to the crime of attempted murder in the first degree and make it consistent with the maximum fine imposable on other crimes defined as unclassified felonies.

Section 5 amends AS 12.55.125(a) to set a definite term of imprisonment for the crime of attempted murder in the first degree.

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "In Act relating to attempted murder in the first degree."
Sponsor: Senator Halford
Requestor: Senate Judiciary

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONNEL 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)

Please see attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: February 17, 1988
Approved by Commissioner: Richard A. Pegues /-GR/
Grace Berg Schauble, Atty. Gen. Date: February 17, 1988
Agency: Department of Law

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requester
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 352

This bill amends existing statutes by raising the criminal penalty for attempted murder in the first degree, from a class A felony to an unclassified felony. This change in the sentencing law will not have a fiscal impact on the Department of Law because there are not many of these offenses, and because these offenses are already being prosecuted.

JAN 10 1985
DEPT. OF JUSTICE

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

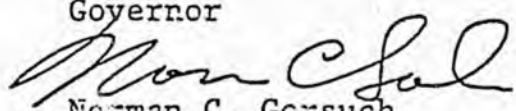
POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

OFFICE OF THE ATTORNEY GENERAL

January 8, 1985

M E M O R A N D U M

TO: Honorable Bill Sheffield
Governor

FROM: 
Norman C. Gorsuch
Attorney General

RE: Attached bill relating to
criminal sentences
Our file no. 377-129-85

Attached is a bill, requested by the criminal division of the Department of Law, which raises the criminal penalties for attempted murder, solicitation to comm. murder, manslaughter, and criminally negligent homicide, and makes some badly needed "housekeeping" amendments to present sentencing laws.

As originally proposed, the focus of this bill was to raise the crimes of attempted murder and solicitation to commit murder to the "unclassified" level. This proposal was approved by John Shively on September 4, 1984. As the bill was being drafted, however, its scope was expanded to allow the correction of several other significant problems that exist in our present sentencing laws. Under current law, for example, a person convicted of manslaughter is subject to a presumptive term that is two years less than that imposed upon a person who assaults his victim, but does not kill him.

Although the bill is somewhat broader than originally planned, the amendments it contains are valuable ones that should receive legislative attention.

A draft transmittal letter to the legislature, containing a detailed explanation of the bill, is attached.

NCG:GAH:so

cc w/enc.: Hon. Robert Sundberg, Commissioner
Dept. of Public Safety

Daniel W. Hickey, Chief Prosecutor
Dept. of Law

D R A F T

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will increase the penalties for the crimes of attempted murder, solicitation to commit murder, manslaughter, and criminally negligent homicide. The bill also makes some badly needed "housekeeping" changes to existing sentencing laws.

Under present law, a person who attempts to commit or solicits another to commit murder, an unclassified felony, is guilty of only a class A felony. If it is the defendant's first felony conviction, he will be subject to a presumptive term of either five or seven years imprisonment, depending upon the facts of the offense. (AS 12.-55.125(c)(1), (c)(2).)

A deliberate, intentional attempt to kill another person, or the deliberate, intentional solicitation of someone else to commit a murder, are among the most heinous crimes that a person can commit. Only the completed murder itself could be more serious. The penalties prescribed under existing law do not reflect the seriousness of this conduct. Under present law, for example, a parent who improperly touches his eight-year-old child's genitals receives a more severe sentence than that imposed upon a person who deliberately, but unsuccessfully, attempted to kill the child. Sections 1 -- 4 and 10 of this bill cure

this anomaly by raising the crimes of attempted murder and solicitation to commit murder to the "unclassified" level. The crimes will carry a presumptive sentence equal to that now provided for the unclassified felonies of sexual assault in the first degree or sexual abuse of a minor in the first degree. (See AS 12.55.125(i).)

Manslaughter is a class A felony. Under current law, a person convicted of a first offense class A felony faces a presumptive term of seven years if the person knowingly directed his conduct to a uniformed police officer, possessed a firearm, used a dangerous instrument, or caused serious physical injury during the crime, unless the conviction was for manslaughter. AS 12.55.125(c)(2). A defendant convicted of manslaughter is subject to a presumptive term of only five years.

This sentencing "exception" for manslaughter has created an incredible anomaly in existing law. For example, an intoxicated driver who causes a traffic accident in which another person is seriously injured has committed assault in the first degree under AS 11.41.200(a)(1), a class A felony. The drunk driver, if convicted for the assault, faces a presumptive term of seven years. If, however, the victim dies, and the drunk driver is convicted of manslaughter, the defendant's presumptive sentence decreases to five years. This result is one that is difficult to

understand, and even more difficult to explain to a deceased victim's family. Section 8 of this bill removes this "exception", and treats manslaughter the same as any other class A felony.

Section 5 of the bill reclassifies the crime of criminally negligent homicide from a class C to a class B felony level. This raises the maximum possible penalty from five years to 10. (Before the new criminal code took effect in 1980, negligent homicide was considered a form of manslaughter, and carried a penalty of up to 20 years imprisonment). Under present law, the disparity between manslaughter (a class A felony with a maximum term of 20 years) and criminally negligent homicide (a C felony, five year maximum) is too great. The difference between the two crimes is the defendant's mental state at the time of the killing -- "reckless" for manslaughter, "criminally negligent" for criminally negligent homicide. These mental states are defined in AS 11.81.900(a), and the difference between them is not great. Criminally negligent homicide is the unlawful killing of another. Reclassification of this crime to the B felony level will bring the penalty level in line with the seriousness of the offense. In appropriate cases a sentencing court could decide not to impose any jail sentence at all, as a first offense B felony conviction does not carry a presumptive term.

Sections 6 and 7 make some badly needed "housekeeping" amendments to the sentencing laws. When the present criminal code was enacted in 1978, there were only three "unclassified" offenses: murder in the first degree, murder in the second degree, and kidnapping. These three crimes were originally listed, by name, in several places in the code as exceptions to the general classification and sentencing scheme. In the intervening years, other crimes have been raised to the unclassified level, including sexual assault in the first degree, sexual abuse of a minor in the first degree, and misconduct involving a controlled substance in the first degree. In addition, this bill raises attempted murder and solicitation to commit murder to the unclassified level.

It has become increasingly impractical to list all unclassified offenses by name whenever the statutory reference is to the group of offenses. The present system presents the danger that necessary conforming amendments will inadvertently be overlooked when a new crime is added to the unclassified group. This is exactly what happened when the legislature amended the criminal code in 1983 to strengthen the laws against sexual abuse of children. A new unclassified crime, sexual abuse of a minor in the first degree, was created (AS 11.41.434). Through a drafting oversight, however, a reference to this crime was not added to AS 12.55.035, the general provision that

specifies the fines authorized for given offenses. Thus, although a person convicted of sexual abuse in the first degree faces a presumptive term of eight years in prison under AS 12.55.125(i), existing penalty provisions do not include a fine for this offense.

To remedy this oversight, and to ensure that similar errors do not occur in the future, this bill substitutes a reference to unclassified crimes as a group wherever the offenses in this group are now specifically listed by name in the statutes.

The amendments contained in secs. 9, 11, 13, and 15 of the bill are needed for a similar reason. Presumptive terms under the new criminal code were originally imposed under a few subsections of AS 12.55.125. These few subsections were specifically cited in many general provisions that dealt with some aspect of presumptive sentencing (in, for example, the list of aggravating or mitigating factors and the section creating the three-judge sentencing panel). As the criminal code has been amended over the years, however, and presumptive penalties have been added or changed, necessary conforming amendments were not always made, or were not always made completely. This bill cures past discrepancies, and eliminates the problem for the future, by simply substituting a general reference to "presumptive terms" in statutes that now refer to specific

subsections under which a presumptive sentence is imposed.

In 1982 the language of AS 12.55.145(a) was amended to provide that a criminal conviction in another jurisdiction would be considered a "prior conviction" for presumptive sentencing purposes in this state if the out-of-state offense had elements "similar to" those of a crime defined as a felony in Alaska. As the result of a drafting oversight, the language of a companion subsection dealing with procedural matters was not amended. Section 12 of this bill cures this discrepancy by amending AS 12.55.145(c).

The amendments included in this bill are needed to improve existing sentencing laws, and to recognize the seriousness of taking a human life.

Sincerely,

Bill Sheffield
Governor

Sheffield Bill

Introduced: 1/25/85
Referred: Health, Education & Social Services
Judiciary

ad.ition

§ 14
(15 12.55. 155(e))

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 102

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to criminal sentences."

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

8 * Section 1. AS 11.31.100(d) is amended to read:

9 (d) Unless otherwise provided, an [AN] attempt is a

10 (1) class A felony if the crime attempted is an unclas-
11 sified felony;

12 (2) class B felony if the crime attempted is a class A
13 felony;

14 (3) class C felony if the crime attempted is a class B
15 felony;

16 (4) class A misdemeanor if the crime attempted is a class C
17 felony;

18 (5) class B misdemeanor if the crime attempted is a class A
19 or class B misdemeanor.

20 * Sec. 2. AS 11.31.100 is amended by adding a new subsection to read:

21 (e) An attempt to commit murder in the first degree is an un-
22 classified felony and is punishable as provided in AS 12.55.

23 * Sec. 3. AS 11.31.110(c) is amended to read:

24 (c) Unless otherwise provided, solicitation [SOLICITATION] is a

25 (1) class A felony if the crime solicited is an unclas-
26 sified felony;

27 (2) class B felony if the crime solicited is a class A
28 felony;

29 (3) class C felony if the crime solicited is a class B

1 felony;

2 (4) class A misdemeanor if the crime solicited is a class C
3 felony;

4 (5) class B misdemeanor if the crime solicited is a class A
5 or class B misdemeanor.

6 * Sec. 4. AS 11.31.110 is amended by adding a new subsection to read:

7 (e) Solicitation to commit murder in the first or second degree
8 is an unclassified felony and is punishable as provided in AS 12.55.

9 * Sec. 5. AS 11.41.130(b) is amended to read:

10 (b) Criminally negligent homicide is a class B [C] felony.

11 * Sec. 6. AS 11.81.250 is amended to read:

12 Sec. 11.81.250. CLASSIFICATION OF OFFENSES. (a) For purposes
13 of sentencing under AS 12.55, all offenses defined in this title,
14 except unclassified offenses [MURDER IN THE FIRST AND SECOND DEGREE,
15 SEXUAL ASSAULT IN THE FIRST DEGREE, AND KIDNAPPING], are classified on
16 the basis of their seriousness, according to the type of injury char-
17 acteristically caused or risked by commission of the offense and the
18 culpability of the offender. Except for unclassified offenses [MURDER
19 IN THE FIRST AND SECOND DEGREE, SEXUAL ASSAULT IN THE FIRST DEGREE,
20 AND KIDNAPPING], the offenses in this title are classified into the
21 following categories:

22 (1) class A felonies, which characteristically involve
23 conduct resulting in serious physical injury or a substantial risk of
24 serious physical injury to a person;

25 (2) class B felonies, which characteristically involve
26 conduct resulting in less severe violence against a person than class
27 A felonies, aggravated offenses against property interests, or ag-
28 gravated offenses against public administration or order;

29 (3) class C felonies, which characteristically involve

1 conduct serious enough to deserve felony classification but not seri-
2 ous enough to be classified as A or B felonies;

3 (4) class A misdemeanors, which characteristically involve
4 less severe violence against a person, less serious offenses against
5 property interests, less serious offenses against public adminis-
6 tration or order, or less serious offenses against public health and
7 decency than felonies;

8 (5) class B misdemeanors, which characteristically involve
9 a minor risk or physical injury to a person, minor offenses against
10 property interests, minor offenses against public administration or
11 order, or minor offenses against public health and decency;

12 (6) violations, which characteristically involve conduct
13 inappropriate to an orderly society but which do not denote criminal-
14 ity in their commission.

15 (b) The classification of each felony defined in this title,
16 except unclassified offenses [MURDER IN THE FIRST AND SECOND DEGREE,
17 SEXUAL ASSAULT IN THE FIRST DEGREE, AND KIDNAPPING], is designated in
18 the section defining it. A felony under Alaska law defined outside
19 this title for which no penalty is specifically provided is a class C
20 felony.

21 (c) The classification of each misdemeanor defined in this title
22 is designated in the section defining it. A misdemeanor under Alaska
23 law defined outside this title for which no penalty is provided is a
24 class A misdemeanor.

25 * Sec. 7. AS 12.55.035(b) is amended to read:

26 (b) Upon conviction of an offense, a defendant who is not an
27 organization may be sentenced to pay, unless otherwise specified in
28 the provision of law defining the offense, a fine of no more than

29 (1) \$75,000 for an unclassified felony [MURDER IN THE FIRST

1 OR SECOND DEGREE, SEXUAL ASSAULT IN THE FIRST DEGREE, KIDNAPPING, OR
2 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE FIRST DEGREE];

3 (2) \$50,000 for a class A, B, or C felony;

4 (3) \$5,000 for a class A misdemeanor;

5 (4) \$1,000 for a class B misdemeanor;

6 (5) \$300 for a violation.

7 * Sec. 8. AS 12.55.125(c) is amended to read:

8 (c) A defendant convicted of a class A felony may be sentenced
9 to a definite term of imprisonment of not more than 20 years, and must
10 [SHALL] be sentenced to the following presumptive terms, subject to
11 adjustment as provided in AS 12.55.155 -- 12.55.175:

12 (1) if the offense is a first felony conviction and does
13 not involve circumstances described in (2) of this subsection, five
14 years;

15 (2) if the offense is a first felony conviction, [OTHER
16 THAN FOR MANSLAUGHTER,] and the defendant possessed a firearm, used a
17 dangerous instrument, or caused serious physical injury during the
18 commission of the offense, or knowingly directed the conduct con-
19 stituting the offense at a uniformed or otherwise clearly identified
20 peace officer, fire fighter, correctional officer, emergency medical
21 technician, paramedic, ambulance attendant, or other emergency
22 responder who was engaged in the performance of official duties at the
23 time of the offense, seven years;

24 (3) if the offense is a second felony conviction, 10 years;

25 (4) if the offense is a third felony conviction, 15 years.

26 * Sec. 9. AS 12.55.125(g) is amended to read:

27 (g) If a defendant is sentenced to a presumptive term under
28 [(c), (d)(1), (d)(2), (e)(1), (e)(2), OR (i) OF] this section, except
29 to the extent permitted under AS 12.55.155 -- 12.55.175,

- 1 (1) imprisonment may not be suspended under AS 12.55.080;
2 (2) imposition of sentence may not be suspended under
3 AS 12.55.085;
4 (3) terms of imprisonment may not be otherwise reduced.

5 * Sec. 10. AS 12.55.125 is amended by adding a new subsection to read:

6 (j) A defendant convicted of attempted murder or solicitation to
7 commit murder may be sentenced to a definite term of imprisonment of
8 not more than 30 years, and must be sentenced to the following pre-
9 sumptive terms, subject to adjustment as provided in AS 12.55.155 --
10 12.55.175:

11 (1) if the offense is a first felony conviction and does
12 not involve circumstances described in (2) of this subsection, eight
13 years;

14 (2) if the offense is a first felony conviction, and the
15 defendant possessed a firearm, used a dangerous instrument, or caused
16 serious physical injury during the commission of the offense, 10
17 years;

18 (3) if the offense is a second felony conviction, 15 years;

19 (4) if the offense is a third felony conviction, 25 years.

20 * Sec. 11. AS 12.55.145(a) is amended to read:

21 (a) For purposes of considering prior convictions in imposing
22 sentence under AS 12.55.125 [12.55.125(c), (d)(1), (d)(2), (e)(1),
23 (e)(2), OR (i)]

24 (1) a prior conviction may not be considered if a period of
25 10 or more years has elapsed between the date of the defendant's
26 unconditional discharge on the immediately preceding offense and
27 commission of the present offense unless the prior conviction was for
28 an unclassified or class A felony;

29 (2) a conviction in this or another jurisdiction of an

1 offense having elements similar to those of a felony defined as such
2 under Alaska law at the time the offense was committed is considered a
3 prior felony conviction;

4 (3) two or more convictions arising out of a single, con-
5 tinuous criminal episode during which there was no substantial change
6 in the nature of the criminal objective are considered a single con-
7 viction unless the defendant was sentenced to consecutive sentences
8 for the crimes; offenses committed while attempting to escape or avoid
9 detection or apprehension after the commission of another offense are
10 not part of the same criminal episode or objective.

11 * Sec. 12. AS 12.55.145(c) is amended to read:

12 (c) If the defendant denies the authenticity of a prior judgment
13 of conviction, that the defendant is the person named in the judgment,
14 that the elements of a prior offense committed in another jurisdiction
15 are similar [SUBSTANTIALLY IDENTICAL] to those of a felony defined as
16 such under Alaska law, or that a prior conviction occurred within the
17 period specified in (a)(1) of this section or if the defendant alleges
18 that two or more purportedly separate prior convictions should be
19 considered a single conviction under (a)(3) of this section, the
20 defendant shall file with the court and serve on the prosecuting
21 attorney notice of denial no later than 10 days before the date set
22 for imposition of sentence. The notice of denial must [SHALL] include
23 a concise statement of the grounds relied upon and may be supported by
24 affidavit or other documentary evidence.

25 * Sec. 13. AS 12.55.155(a) is amended to read:

26 (a) If a defendant is convicted of an offense and is subject to
27 a presumptive term [SENTENCING] under AS 12.55.125 [12.55.125(c),
28 (d)(1), (d)(2), (e)(1), (e)(2), CR (i)] and

29 (1) the presumptive term is four years or less, the court

AS 12.55.165(2)
(amended)

1 may decrease the presumptive term by an amount as great as the pre-
2 sumptive term for factors in mitigation or may increase the presump-
3 tive term up to the maximum term of imprisonment for factors in aggra-
4 vation;

5 (2) the presumptive term of imprisonment is more than four
6 years, the court may decrease the presumptive term by an amount as
7 great as 50 percent of the presumptive term for factors in mitigation
8 or may increase the presumptive term up to the maximum term of impris-
9 onment for factors in aggravation.

10 * Sec. 14. AS 12.55.165 is amended to read:

11 Sec. 12.55.165. EXTRAORDINARY CIRCUMSTANCES. If the defendant
12 is subject to a presumptive term [SENTENCING] under AS 12.55.125
13 [12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), OR (i)] and the court
14 finds by clear and convincing evidence that manifest injustice would
15 result from failure to consider relevant aggravating or mitigating
16 factors not specifically included in AS 12.55.155 or from imposition
17 of the presumptive term, whether or not adjusted for aggravating or
18 mitigating factors, the court shall enter findings and conclusions and
19 cause a record of the proceedings to be transmitted to a three-judge
20 panel for sentencing under AS 12.55.175.

TERMS OF IMPRISONMENT AND AUTHORIZED FINES IN REVISED CRIMINAL CODE

	FIRST FELONY	SECOND FELONY	THIRD FELONY
Sexual Assault in the First Degree; Sexual Abuse of a Minor in the First Degree	4-[8]-30 5-[10]*-30	7½-[15]-30	12½-[25]-30
"A" Felony	2½-[5]-20 3½-[7]**-20	5-[10]-20	7½-[15]-20
"B" Felony	0-10***	0-[4]-10	3-[6]-10
"C" Felony	0-5***	0-[2]-5	0-[3]-5

MAXIMUM FINES - PERSONS

Murder, Kidnapping, Sexual Assault I, Misconduct Invol- ving Controlled Substance I	- \$75,000
A, B, or C Felony	- \$50,000
A misdemeanor	- \$ 5,000
B misdemeanor	- \$ 1,000
Violation	- \$ 300

MAXIMUM FINES - ORGANIZATIONS

All offenses - \$100,000 or
3 X pecuniary gain -
whichever is greater

MAXIMUM TERM OF IMPRISONMENT
FOR MISDEMEANORS

A misdemeanor - 1 year
B misdemeanor - 90 days

SENTENCES FOR
UNCLASSIFIED FELONIES

Murder I: 20-99 years
Murder II, Kidnapping,
Misconduct Invol-
ving Controlled
Substance I: 5-99 years

KEY

Number in bracket is presumptive sentence. Number to left is lowest mitigated sentence. Number to right is highest aggravated sentence.

- * Ten year presumptive term applies if defendant possessed a firearm, used a dangerous instrument or caused serious physical injury.
- ** Seven year presumptive term applies if first A felony conviction, other than manslaughter, and defendant possessed a firearm, used a dangerous instrument or caused serious physical injury or directed offense at peace officer or other emergency responder.
- *** Presumptive sentencing may apply if offense directed at peace officer or other emergency responder.

CLASSIFICATION OF OFFENSES IN REVISED CRIMINAL CODE

UNCLASSIFIED FELONIES

Murder in the First Degree
AS 11.41.100
20-99 years

Murder in the Second Degree
AS 11.41.110
5-99 years

Sexual Assault I
AS 11.41.410
Maximum of 30 years

Kidnapping
AS 11.41.300
5-99 years

Sexual Abuse of a Minor I
AS 11.41.434
Maximum of 30 years

Misconduct Involving a
Controlled Substance I
AS 11.71.010
5-99 years

CLASSIFIED FELONIES

5-2

A	B	C
Attempted Unclassified Felony AS 11.31.100(d) (1)	Attempted A Felony AS 11.31.100(d) (2)	Attempted B Felony AS 11.31.100(d) (3)
Solicitation of Unclassified Felony AS 11.31.110(c) (1)	Solicitation of A Felony AS 11.31.110(c) (2)	Solicitation of B Felony AS 11.31.110(c) (3)
Manslaughter AS 11.41.120	Assault II AS 11.41.210	Criminally Negligent Homicide AS 11.41.130
Assault I AS 11.41.200	Sexual Assault II AS 11.41.420	Assault III AS 11.41.220
	Sexual Abuse of a Minor II AS 11.41.436	Custodial Interference I AS 11.41.320
Robbery I AS 11.41.500	Unlawful Exploitation of a Minor AS 11.41.420	Sexual Abuse of a Minor III AS 11.41.220

	Sexual Abuse of a Minor II AS 11.41.436	AS 11.41.320
Robbery I AS 11.41.500	Unlawful Exploitation of a Minor AS 11.41.436	Sexual Abuse of a Minor III AS 11.41.220
Arson I AS 11.46.400	Robbery II AS 11.41.510	Incest AS 11.41.450
Escape I AS 11.56.300	Extortion AS 11.41.520	Coercion AS 11.41.530
Promoting Prostitution I AS 11.66.110(a) (2)	Theft I AS 11.46.120	Theft II AS 11.46.130
Criminal Possession of Explosives with Intent to Commit Murder or Kidnapping AS 11.61.240(b) (1)	Issuing a Bad Check, \$25,000 or more AS 11.46.280(d) (1)	Concealment of Merchandise, \$500 or more AS 11.46.220(c) (1)
Misconduct Involving Con- trolled Substance II AS 11.71.020	Burglary I AS 11.46.300	Removal of Identification Marks, \$500 or more AS 11.46.260(b) (1)
	Arson II AS 11.46.410	Unlawful Possession (of Altered Property), \$500 or more AS 11.46.270(b) (1)
	Criminal Mischief I AS 11.46.480	Issuing a Bad Check, \$500 or more AS 11.46.280(d) (2)
	Forgery I AS 11.46.500	Fraudulent Use of a Credit Card, \$500 or more AS 11.46.285(b) (1)
	Scheme to Defraud AS 11.46.600	Obtaining a Credit Card by Fraudulent Means AS 11.46.290(a) (1), (2)
	Defrauding Creditors, \$25,000 or more AS 11.46.730(c) (1)	Burglary II AS 11.46.310
	Bribery AS 11.56.100	Criminal Mischief II AS 11.46.482

	<p>Criminal Mischief I AS 11.46.480</p> <p>Forgery I AS 11.46.500</p>	<p>AS 11.46.270(b) (1)</p> <p>Issuing a Bad Check, \$500 or more AS 11.46.280(d) (2)</p> <p>Fraudulent Use of a Credit Card, \$500 or more AS 11.46.285(b) (1)</p>
	<p>Scheme to Defraud AS 11.46.600</p> <p>Defrauding Creditors, \$25,000 or more AS 11.46.730(c) (1)</p> <p>Bribery AS 11.56.100</p> <p>Receiving a Bribe AS 11.56.110</p> <p>Perjury AS 11.56.200</p> <p>Escape II AS 11.56.310</p> <p>Interference with Official Proceedings AS 11.56.510</p> <p>Receiving a Bribe by a Witness or Juror AS 11.56.520</p> <p>Criminal Possession of Explosives with Intent to Commit a Felony AS 11.61.240(b) (2)</p> <p>Promoting Prostitution I AS 11.66.110(a) (1) and (3)</p>	<p>Obtaining a Credit Card by Fraudulent Means AS 11.46.290(a) (1), (2)</p> <p>Burglary II AS 11.46.310</p> <p>Criminal Mischief II AS 11.46.482</p> <p>Forgery II AS 11.46.505</p> <p>Criminal Possession of Forgery Device AS 11.46.520</p> <p>Criminal Simulation \$500 or more AS 11.46.530(b) (1)</p> <p>Tampering with a Witness I AS 11.56.540</p> <p>Offering a False Instrument for Recording AS 11.46.550</p> <p>Misapplication of Property \$500 or more AS 11.46.620</p> <p>Falsifying Business Records AS 11.46.630</p>

Escape II
AS 11.56.310

Interference with Official
Proceedings
AS 11.56.510

Receiving a Bribe by a
Witness or Juror
AS 11.56.520

Criminal Possession of
Explosives with Intent
to Commit a Felony
AS 11.61.240(b)(2)

Promoting Prostitution I
AS 11.66.110(a)(1) and (3)

Misconduct Involving Con-
trolled Substance III
AS 11.71.030

Criminal Simulation \$500
or more
AS 11.46.530(b)(1)

Tampering with a Witness I
AS 11.56.540

Offering a False Instrument
for Recording
AS 11.46.550

Misapplication of Property
\$500 or more
AS 11.46.620

Falsifying Business Records
AS 11.46.630

Commercial Bribe Receiving
AS 11.46.660

Commercial Bribery
AS 11.46.670

Defrauding Creditors, \$500-
\$25,000
AS 11.46.730(c)(2)

Criminal Use of a Computer
AS 11.46.740

Endangering Welfare of Minor
AS 11.51.100

Perjury by Inconsistent
Statements
AS 11.56.230

Escape III
AS 11.56.320

Promoting Contraband I
AS 11.56.375

Jury Tampering
AS 11.56.590

Endangering ...
AS 11.51.100

Perjury by Inconsistent
Statements
AS 11.56.230

Escape III
AS 11.56.320

Promoting Contraband I
AS 11.56.375

Jury Tampering
AS 11.56.590

Misconduct by a Juror
AS 11.56.600

Tampering with Physical
Evidence
AS 11.56.610

Harming a Police Dog I
AS 11.56.705

Hindering Prosecution I
AS 11.56.770

False Accusation
AS 11.56.805

Terroristic Threatening
AS 11.56.810

Riot
AS 11.61.100

Distribution of Child
Pornography
AS 11.61.125(a)(1), (2)

Promoting or Exhibition of
Fighting Animals
AS 11.61.145

Misconduct Involving Weapons I
AS 11.61.200

Promoting or Exhibition of
Fighting Animals
AS 11.61.145

Misconduct Involving Weapons I
AS 11.61.200

Criminal Possession of
Explosives with Intent to
Commit B Felony
AS 11.61.240(b)(3)

Unlawful Furnishing of
Explosives
AS 11.61.250

Promoting Prostitution II
AS 11.66.120

Promoting Gambling I
AS 11.66.210

Possession of Gambling
Records I
AS 11.66.230

Misconduct Involving Controlled
Substance IV
AS 11.71.040

ncd 2/18 ARM

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "An Act relating to attempted murder
in the 1st degree"
Sponsor: Sen. Halford, etc.
Requestor: Senate Judiciary

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Criminal Investigation
Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
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 FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

*JWR
2/18/88*

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/17/88

Approved by Commissioner: Wayle G. Hoots
Agency: Public Safety

Date: 2-18-88

Distribution: (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "An Act relating to attempted murder
in the 1st degree"
Sponsor: Sen. Halford, etc.
Requestor: Senate Judiciary

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Criminal Investigation
Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
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 FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JWR
2/18/88

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/17/88

Approved by Commissioner: Wayne G. Hootaki
Agency: Public Safety

Date: 2-18-88

Distribution: (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

S B

378

Position Paper

SB 378

For an Act entitled: "An Act making a special appropriation to the Department of Law for staff to address legal issues surrounding AIDS and other public health matters; and providing for an effective date."

This legislation will fund staff in the Department of Law to address legal issues surrounding AIDS and other public health matters.

Background

As the acquired immune deficiency syndrome (AIDS) problem has grown, legal issues regarding patient record confidentiality, access to treatment, and protection of health care providers have become extremely complex. With the increased federal and state funding to address the disease, Department of Health and Social Services staff are making program expansions that result in greater involvement with the ethical and legal issues surrounding this disease.

In order to avoid legal entanglements that would adversely impact disease prevention activities, additional legal expertise in the Department of Law is necessary. This enhanced legal capacity would also provide the groundwork for responses to any similar public health issue that might arise in the future.

Position

The Department of Health and Social Services supports the contribution that SB 378 will make to the solution of the AIDS problem in Alaska.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date:

February 8, 1988

Approved by:

Blanche Beumel
Myra M. Munson
Commissioner
Department of Health and
Social Services

FISCAL NOTE

REQUEST:

Revision Date: 1/28/88
Title: An Act making a special appropriation to . . .
Sponsor: _____
Requestor: _____

Agency Affected: Health & Social Services
BRU: State Health Services
Components: AIDS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of SB 378 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090
Division: Public Health Date: 2-8-88

Approved by Commissioner: *Burke Brune, Acting* Date: 2/12/88
Agency: Department of Health & Social Services

Distribution (by preparer):

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

Alaska State Legislature

SENATOR PAUL FISCHER, Chairman
SENATOR JOE JOSEPHSON, Vice Chairman
SENATOR LLOYD JONES
SENATOR JAY KERTULLA
SENATOR RICK HALFORD



P. O. BOX V
ROOM 508
STATE CAPITOL
(907) 465-3762

Senate Committee on Health, Education and Social Services

INTENT LETTER

CS FOR SB 378

It is the intent of the Senate Health, Education and Social Services Committee by recommending do pass SB 378, that the Department of Law hire an Attorney II, range 19 in Juneau. It is also the intent of the HESS Committee to request that the Department use existing equipment as opposed to the purchase of new equipment.

Explanation of reduction in the appropriation for SB 378

Original App. 92,400.00

Difference in salary and benefits
between an Attorney IV and an
Attorney II 19,590.84

Exact Dollar Difference 72,809.16

Total Current Appropriation 72,800.00

above rounded to the nearest
100.00

ATTORNEY I	Range 16	2,715.00/mo*
ATTORNEY II	Range 19	3,353.00/mo*
ATTORNEY III	Range 22	4,095.00/mo*
ATTORNEY IV	Range 24	4,687.00/mo*
ATTORNEY V	Range 25	5,021.00/mo*

*ABOVE DOES NOT INCLUDE BENEFITS AT APP. 31% OF BASE SALARY

1986

R01-ACBD-0010

SALARY SCHEDULE

STATE OF ALASKA

SCHEDULE A

BASE SCHEDULE

BARGAINING UNIT - (X) PARTIALLY EXEMPT

MONTHLY - HOURLY 07/16/85

RANGE NO.	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	STEP H	STEP I	STEP J	STEP K	STEP L	STEP M	RANGE NO.

05 MONTHLY 37.5 H/W	1,387.00 8.54	1,425.00 8.77	1,467.00 9.03	1,507.00 9.27	1,552.00 9.55	1,593.00 9.80	1,653.00 10.17	1,715.00 10.55	1,779.00 10.95	1,846.00 11.36				05
06 MONTHLY 37.5 H/W	1,467.00 9.03	1,507.00 9.27	1,552.00 9.55	1,593.00 9.80	1,639.00 10.09	1,687.00 10.38	1,750.00 10.77	1,816.00 11.18	1,884.00 11.59	1,955.00 12.03				06
07 MONTHLY 37.5 H/W	1,552.00 9.55	1,593.00 9.80	1,639.00 10.09	1,687.00 10.38	1,740.00 10.71	1,793.00 11.03	1,860.00 11.45	1,930.00 11.88	2,002.00 12.32	2,077.00 12.78				07
08 MONTHLY 37.5 H/W	1,639.00 10.09	1,687.00 10.38	1,740.00 10.71	1,793.00 11.03	1,845.00 11.35	1,901.00 11.72	1,974.00 12.15	2,048.00 12.60	2,125.00 13.08	2,205.00 13.57				08
09 MONTHLY 37.5 H/W	1,740.00 10.71	1,793.00 11.03	1,845.00 11.35	1,903.00 11.71	1,965.00 12.09	2,020.00 12.43	2,096.00 12.90	2,175.00 13.38	2,257.00 13.89	2,342.00 14.41				09
10 MONTHLY 37.5 H/W	1,845.00 11.35	1,903.00 11.71	1,965.00 12.09	2,020.00 12.43	2,082.00 12.81	2,145.00 13.20	2,225.00 13.69	2,308.00 14.20	2,395.00 14.74	2,485.00 15.29				10
11 MONTHLY 37.5 H/W	1,965.00 12.09	2,020.00 12.43	2,082.00 12.81	2,145.00 13.20	2,217.00 13.64	2,286.00 14.07	2,372.00 14.60	2,461.00 15.14	2,553.00 15.71	2,649.00 16.30				11
12 MONTHLY 37.5 H/W	2,082.00 12.81	2,145.00 13.20	2,217.00 13.64	2,286.00 14.07	2,365.00 14.55	2,445.00 15.05	2,537.00 15.61	2,632.00 16.20	2,731.00 16.81	2,833.00 17.43				12
13 MONTHLY 37.5 H/W	2,217.00 13.64	2,286.00 14.07	2,365.00 14.55	2,445.00 15.05	2,531.00 15.58	2,623.00 16.14	2,721.00 16.74	2,823.00 17.37	2,929.00 18.02	3,039.00 18.70				13
14 MONTHLY 37.5 H/W	2,365.00 14.55	2,445.00 15.05	2,531.00 15.58	2,623.00 16.14	2,715.00 16.71	2,818.00 17.34	2,924.00 17.99	3,034.00 18.67	3,148.00 19.37	3,266.00 20.10				14
15 MONTHLY 37.5 H/W	2,531.00 15.58	2,623.00 16.14	2,715.00 16.71	2,818.00 17.34	2,910.00 17.91	3,020.00 18.58	3,133.00 19.28	3,250.00 20.00	3,372.00 20.75	3,498.00 21.53				15
16 MONTHLY 37.5 H/W	2,715.00 16.71	2,818.00 17.34	2,910.00 17.91	3,020.00 18.58	3,129.00 19.26	3,242.00 19.95	3,364.00 20.70	3,490.00 21.48	3,621.00 22.28	3,757.00 23.12				16
17 MONTHLY 37.5 H/W	2,910.00 17.91	3,020.00 18.58	3,129.00 19.26	3,242.00 19.95	3,353.00 20.63	3,468.00 21.34	3,598.00 22.14	3,733.00 22.97	3,873.00 23.83	4,018.00 24.73				17
18 MONTHLY 37.5 H/W	3,129.00 19.26	3,242.00 19.95	3,353.00 20.63	3,468.00 21.34	3,582.00 22.04	3,717.00 22.87	3,856.00 23.73	4,001.00 24.62	4,151.00 25.54	4,307.00 26.50				18
19 MONTHLY 37.5 H/W	3,353.00 20.63	3,468.00 21.34	3,582.00 22.04	3,717.00 22.87	3,831.00 23.58	3,974.00 24.46	4,123.00 25.37	4,278.00 26.33	4,438.00 27.31	4,604.00 28.33				19
20 MONTHLY 37.5 H/W	3,582.00 22.04	3,717.00 22.87	3,831.00 23.58	3,974.00 24.46	4,095.00 25.20	4,246.00 26.13	4,405.00 27.11	4,570.00 28.12	4,741.00 29.18	4,919.00 30.27				20

2413 → 2413 → 3413 → 5

NEGOTIATING UNIT - (X) PARTIALLY EXEMPT

BASE SCHEDULE

MONTHLY - HOURLY 07/16/85

RANGE NO.	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP J	STEP K	STEP L	STEP M	RANGE NO.
21 MONTHLY 37.5 H/W	3,831.00 23.58	3,974.00 24.46	4,095.00 25.20	4,246.00 26.13	4,379.00 26.95	4,537.00 27.92	4,707.00 28.97	4,884.00 30.06	5,067.00 31.18	5,257.00 32.35	21
22 MONTHLY 37.5 H/W	4,095.00 25.20	4,246.00 26.13	4,379.00 26.95	4,537.00 27.92	4,687.00 28.84	4,859.00 29.90	5,041.00 31.02	5,230.00 32.18	5,426.00 33.39	5,629.00 34.64	22
23 MONTHLY 37.5 H/W	4,379.00 26.95	4,537.00 27.92	4,687.00 28.84	4,859.00 29.90	5,021.00 30.90	5,209.00 32.06	5,404.00 33.26	5,607.00 34.50	5,817.00 35.80	6,035.00 37.14	23
24 MONTHLY 37.5 H/W	4,687.00 28.84	4,859.00 29.90	5,021.00 30.90	5,209.00 32.06	5,385.00 33.14	5,568.00 34.26	5,777.00 35.55	5,994.00 36.89	6,219.00 38.27	6,452.00 39.70	24
25 MONTHLY 37.5 H/W	5,021.00 30.90	5,209.00 32.06	5,385.00 33.14	5,568.00 34.26	5,773.00 35.53	5,990.00 36.86	6,215.00 38.25	6,448.00 39.68	6,690.00 41.17	6,941.00 42.71	25
26 MONTHLY 37.5 H/W	5,209.00 32.06	5,385.00 33.14	5,568.00 34.26	5,773.00 35.53	5,990.00 36.86	6,206.00 38.19	6,439.00 39.62	6,680.00 41.11	6,931.00 42.65	7,191.00 44.25	26
27 MONTHLY 37.5 H/W	5,385.00 33.14	5,568.00 34.26	5,773.00 35.53	5,990.00 36.86	6,206.00 38.19	6,442.00 39.64	6,684.00 41.13	6,935.00 42.68	7,195.00 44.28	7,465.00 45.94	27
28 MONTHLY 37.5 H/W	5,568.00 34.26	5,773.00 35.53	5,990.00 36.86	6,206.00 38.19	6,442.00 39.64	6,666.00 41.02	6,916.00 42.56	7,175.00 44.15	7,444.00 45.81	7,723.00 47.53	28
29 MONTHLY 37.5 H/W	5,773.00 35.53	5,990.00 36.86	6,206.00 38.19	6,442.00 39.64	6,666.00 41.02	6,901.00 42.47	7,160.00 44.06	7,429.00 45.72	7,708.00 47.43	7,997.00 49.21	29
30 MONTHLY 37.5 H/W	5,990.00 36.86	6,206.00 38.19	6,442.00 39.64	6,666.00 41.02	6,901.00 42.47	7,144.00 43.96	7,412.00 45.61	7,690.00 47.32	7,978.00 49.10	8,277.00 50.94	30

ATTORNEY I

Definition:

Attorney I positions conduct legal research, fact-finding studies, and litigation proceedings under close supervision of experienced attorneys in an office of the Attorney General (including Chief Prosecutor, Special Prosecution and Appeals, and District Attorneys), the Public Defender, or in any other agency, board, or commission when authorized by the Attorney General.

Definition:

Attorney II positions serve as Assistant Attorneys General, Assistant District Attorneys, Assistant Public Defenders, or in any other agency, board, or commission when authorized by the Attorney General. They conduct the agency's routine legal work under general supervision, and learn to assist in the more difficult cases.

ATTORNEY II

Definition:

Attorney III positions provide legal services of moderate difficulty as an Assistant Attorney General, Assistant District Attorney, Assistant Public Defender, or in any other agency, board, or commission when authorized by the Attorney General.

ATTORNEY III

Definition:

Attorney IV positions render legal services of a difficult nature in a variety of fields of law in an office of the Attorney General (including Chief Prosecutor, Special Prosecutions and Appeals, and District Attorneys), the Public Defender, or in any other agency, board or commission when authorized by the Attorney General.

ATTORNEY IV

Definition:

Attorney V positions perform and supervise a variety of complex and specialized legal work in an office of the Attorney General (including Chief Prosecutor, Special Prosecutions and Appeals, and District Attorneys), the Public Defender, or in any other agency, board or commission when authorized by the Attorney General.

ATTORNEY V

Distinguishing Characteristics:

This is the entry level to professional legal practice. Attorneys I perform legal research/assistance and court proceedings consistent with Alaska Bar Rule 44 (persons are trained in law but are not bar members). Assignments are made to assist other attorneys, to carry out routine matters, and to become familiar with the agency's legal practice. Immediate supervision may be relaxed as experience is gained; however, all work is subject to close review while in progress or on completion. This is an in-training class that may be used for substituting positions which are classified at a higher level.

Distinguishing Characteristics:

This is the initial level of professional law practice following admission to the Alaska State Bar. Attorneys II are assigned to complete routine noncomplex cases or legal problems independently. In such cases/problems, the legal questions or facts are relatively easily resolved in light of well-established or easily determined facts and clearly applicable precedents. Legal sanctions or penalties pursued are relatively minor. Precedents of wider potential impact are rarely involved. Attorneys II also assist more experienced attorneys in more complex cases where considerable research and analysis are needed. Work at this level is typically subject to technical and substantive review. Training and experience are gained in a variety of the agency's work. This class may be used for substituting positions classified at a higher level.

Distinguishing Characteristics:

This is the first experienced level of professional practice. Attorneys III do a variety of work independently where important precedents or policy matters are not involved. They are expected to determine all the technical (factual and procedural) needs of the cases or legal problems assigned. Completed work is typically reviewed for substantive findings and conclusions. Assigned cases or legal problems are often difficult due to lack of clear precedents, or applicable precedents are arguable due to factual complexity or different constructions that could be placed on the facts or laws or precedents involved. Assignments may require development of an extensive factual record.

Distinguishing Characteristics:

This is the typical full working level class. Broad knowledge of legal precedents and trends is required for application to the cases assigned. Attorneys IV provide a variety of legal services and work independently in most cases, and also may assist more senior attorneys with portions of the most complex and exceptional cases of great significance. Attorneys at this level are expected to exercise their own "judgment" on supervision needed and otherwise to provide complete analysis and response to the problem, subject to review for important policy or precedent effect. Assigned cases or legal problems often involve difficult legal issues (e.g., several and conflicting issues, precedents are lacking or highly arguable) difficult policy issues, or significant potential ramifications. Assignments may also require supervising other attorneys in specific legal matters.

Distinguishing Characteristics:

This is the "expert" or supervisory class. They serve as section chiefs, as District Attorneys or Assistant Public Defenders for moderately active geographic areas, as assistant chiefs in large metropolitan offices, or as experts in highly technical and specialized areas of law. Attorneys V who do not have a regularly assigned subordinate staff also frequently direct the work of other attorneys, e.g., contract attorneys or other agency staff who assist on difficult cases. Assignments performed at this level are often large and either time-consuming or need immediate response, and, therefore, the Attorney V leads a team effort.

Attorneys V work independently except in extraordinary cases. They work almost exclusively on the most difficult cases, for example, where a high order of original and creative legal endeavor is required to obtain a reasonable balance of conflicting interests. Complex factual or policy issues require extensive research, analysis, obtaining and evaluating expert testimony or information in controversial or highly technical areas (scientific, financial, corporate, etc.). Cases typically have substantial impact on large-scale and important activities of state agencies or public or private parties, and cases are often contested by extremely capable legal talent.

Example of Duties:

Conduct legal and factual research related to litigation, legal questions or problems, statutes, regulations, or other matters of the agency's responsibility. Analyze information and develop findings and recommendations.

Assist in preparing briefs, motions, cases, legal advice, opinions, legislation and regulations. Participate in arraignments, pleas, bail hearings, sentencing and in-chambers conferences. Write pleadings and trial memorandums. Prepare witnesses for testimony.

Example of Duties:

Review legislative measures, statutes, regulations, rules and other legal actions, and case histories. Analyze and make recommendations concerning proposed laws and regulations. Assist with drafting to assure constitutionality and absence of conflict with other laws.

Evaluate precedents, legislative intent, and potential effect of recommendations. Prepare pleadings and verify propriety and completion of legal documentation for hearings, suits, trials and other legal proceedings when area of responsibility includes some depth of research in a general area.

Act as defense attorney or prosecuting attorney in average types of misdemeanor trials. Assist in more difficult litigation such as complex regulatory crimes, felonies or appeals.

Examples of Duties:

Draft informal opinions to interpret and apply legislation, regulations or other legal instruments. Assist in drafting formal opinions involving limited legal or policy issues or constitutional problems. Prepare, evaluate, interpret or recommend changes to a variety of legal documents. Perform comprehensive studies of legal questions where development of all background material is required. Perform legal investigations.

Advise and assist State agencies in conducting hearings and conferences and in preparing findings of fact, conclusions of law and decisions. May be designated to serve as counsel to a specialized State agency.

Serve as defense attorney or prosecuting attorney in all types of misdemeanor or class B or C felony trials. Conduct sentence appeals, misdemeanor writ appeals, or less complex felony writ appeals.

May be assigned cases in rural areas.

Example of Duties:

Provide legal advice and prepare formal opinions, legislation, regulations, rules, contracts and a variety of other documents, and present cases that may involve highly technical as well as legal procedural complexity and may have the effect of substantially broadening or restricting activities of an agency or major public or private interests. Negotiate settlements of average difficulty.

Serve as counsel to specialized state agencies. Present analysis, conclusions and advice to agency executives. Explain and defend content of legislation, regulations, etc., before boards, commissions, industry representatives, legislators, concerned public or other groups, where issues or proposed actions may be controversial.

Act as defense attorney or prosecuting attorney for all types of felony cases. Conduct felony appeals. Negotiate settlements or charges of plea. Screen cases to determine appropriate action or assignment in the agency. Routinely represent the agency and present cases in rural areas.

Periodically supervise other attorneys in matters involving particular legal experience.

Example of Duties:

Act as legal expert and perform legal services related to one or more specialized fields of law.

Determine how a variety of legal problems will be dealt with (e.g., formal or informal opinion, litigation, negotiated settlement, etc.) and direct the response.

Draft formal opinions, legislation, regulations and other legal instruments involving complex legal and technical issues.

Responsible for development and presentation of cases in various state and federal courts. Present cases involving complex constitutional problems before the U.S. Supreme Court.

Conduct the most difficult civil litigation. Develop and argue serious Class A felony and unclassified criminal cases and appeals. Obtain and evaluate expert testimony and information in highly specialized, technical and/or controversial areas.

Assign cases and supervise other attorneys. Advise on the selection of legal staff to perform work for the agency. Evaluate work of others.

Knowledge, Skills and Abilities:

Knowledge of general legal principles and practices, administrative and constitutional law, legal procedures, methods of legal research, and rules of evidence.

Ability to gather facts, weigh variables, analyze and make recommendations on legal questions; prepare concise written reports on facts and applicable laws and precedents; establish and maintain cooperative relationships with those contacted in the work.

Knowledge, Skills and Abilities:

Knowledge of general legal principles and their applications, the powers, functions and duties of the Attorney General, District Attorneys or Public Defender; methods and tactics employed in the prosecution and defense of noncomplex legal actions in courts or before administrative agencies; methods and procedures involving judicial review of noncomplex administrative decisions; methods and tactics employed in noncomplex appellate court work. (Specifics depend on agency assignment.)

Ability to prepare briefs, opinions and pleadings in noncomplex legal matters; carry out legal research; analyze legal documents and instruments for clarity and legal sufficiency; assemble, appraise and organize facts and logically, clearly, and concisely present noncomplex evidentiary matters and other materials in accepted oral and written legal forms; work effectively with attorneys, agency personnel and the public.

Knowledge, Skills and Abilities:

Knowledge of general legal principles and their application; the State statutes and their judicial interpretation and precedents; the powers, functions and duties of the Attorney General, District Attorneys or Public Defender; methods and tactics employed in the prosecution and defense of legal actions in courts or before administrative agencies; methods and procedures involving judicial review of administrative decisions; methods and tactics employed in appellate court work. (Depends on agency assignment.)

Ability to prepare briefs, opinions and pleadings; carry out legal research; analyze legal documents and instruments for clarity and legal sufficiency; assemble, appraise and organize facts and to logically, clearly and concisely present evidence and other materials in accepted oral and written legal forms; work effectively with attorneys, agency personnel and the public.

Knowledge, Skills and Abilities:

Considerable knowledge of general legal principles and their application with particular reference to the activities and authority of governmental agencies; the state statutes and their judicial interpretation and precedents; the powers, functions and duties of the Attorney General, District Attorneys or Public Defenders; methods and tactics employed in the prosecution and defense of legal actions in courts or before administrative agencies; methods and procedures involving judicial review of administrative decisions; methods and tactics employed in appellate court work. (Depends on agency assignment.)

Ability to analyze highly complex legal documents for clarity and legal sufficiency; assemble, appraise and organize facts and to logically, clearly and concisely present evidence and other matters in accepted oral and written legal forms; work effectively with attorneys, agency officers and executives, and the public.

Demonstrated skill in the preparation of briefs, opinions and pleadings, and in carrying out legal research of a difficult nature.

Knowledge, Skills and Abilities:

Extensive knowledge of general legal principles and their application with particular reference to the activities and authority of governmental agencies, and of the powers, duties and functions of the Attorney General, District Attorneys or the Public Defender (depends on agency assignment).

Thorough knowledge of state statutes and their judicial interpretation and precedents with extensive knowledge in the specialized field of law; methods and tactics employed in the prosecution and defense of legal actions in courts and in conducting procedures before administrative agencies, both state and federal; methods and tactics employed in appellate court work, both state and federal. Knowledge of principles of personnel supervision.

Ability to analyze the most complex legal documents and instruments for clarity and legal sufficiency; assemble, appraise and organize facts and to logically, clearly and concisely present evidence and other matters in accepted oral and written legal forms; train, supervise, plan, organize and evaluate the work of junior staff attorneys; work effectively with attorneys, agency heads, and the public; carry out legal assignments with minimal supervision.

Skill in the preparation of briefs, opinions and pleadings, and in carrying out legal research of a highly difficult nature.

Minimum Qualifications:

Graduation from an approved school of law.

(This class is partially exempt.)

Minimum Qualifications:

Admission to the Alaska State Bar.

(This class is partially exempt.)

Minimum Qualifications:

Admission to the Alaska State Bar and at least two years of legal experience.

(This class is partially exempt.)

Minimum Qualifications:

Admission to the Alaska State Bar and at least four years of legal practice.

(This class is partially exempt.)

Minimum Qualifications:

Admission to the Alaska State Bar and at least five years of legal practice that includes substantial experience in a specialized area of practice. Supervisory experience is desirable.

(This class is partially exempt.)

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701-4679

P O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
465-3603

March 7, 1988

Honorable Paul Fischer
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Re: SB 378

Dear Senator Fischer:

Thank you for asking the Department of Law to comment on SB 378. This appropriation would allow the Department of Law to add an attorney to our staff. The attorney would be responsible for identifying and dealing with the legal issues which face the state as a result of the AIDS epidemic. This new position will contribute not only to the department's ability to respond to requests for legal assistance from the Department of Health and Social Services but will enhance the department's response to all other agencies in state government who are or will be affected by the unique challenge of the AIDS epidemic.

There are a multitude of legal issues which have arisen in other jurisdictions as well as in Alaska as a result of the growing concern regarding the government's response to AIDS. For instance, decisions which the state makes regarding dealing with its own employees who may be seropositive are concerns which face the state's personnel administrators. Another personnel issue concerns what protection state employees may need if they are employed in positions where they may come into contact with contaminated blood or where they provide care for persons who are or may be seropositive.

The Department of Education also may have questions about what AIDS policies should be mandated in the schools of the state. Likewise, the Departments of Correction and Public Safety will have questions regarding their responsibility for those persons in their custody and to the public as well.

The Department of Health and Social Services would probably serve as the focus for policy decisions and as such will need frequent general counsel advice. Confidentiality, the duty to warn, privacy, quarantine, and informed consent are just a few

Honorable Paul Fischer
Alaska State Senate
Re: SB 378

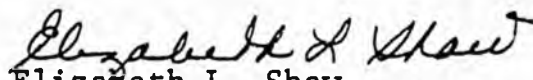
March 7, 1988
Page 2

of the issues of law which have come to the fore regarding AIDS. The Department of Law's current staff, although anxious to provide requested assistance, does not have additional time to research and then to consult with Department of Health and Social Services' staff.

AIDS as a public health matter is one in which the legal system plays an integral part. For better or worse, the legal system provides the forum for the confrontations which will take place in our country and our state. The purpose of an experienced attorney with expertise in this new and growing area of the law will allow the state to avoid simply drifting and awaiting the decisions made in other places. We will be able to actively assist state officials in determining the course for Alaska. Because of the complexity as well as the sensitivity of the issues involved an experienced attorney is needed to provide the necessary legal assistance. The attached breakdown of costs of an experienced attorney also reflects the need to provide money for travel and to allow the attorney to obtain needed specialized education in this new area of law.

Sincerely yours,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: 
Elizabeth L. Shaw
Assistant Attorney General

ELS:bap

cc: Bob Evans
Art Peterson

Salary and Benefits

Attorney IV, Range 24A 72,000

Travel

Provides for travel to:

Anchorage/Juneau/Anchorage - 3 trips - \$	1,100	
Anchorage/outside/Anchorage - 1 trip -	900	
Per diem, 20 days at \$80.00	1,600	
AIDS seminar costs	400	
		4,000

Contractual

Communications costs of \$200 per month for postage, telephone, toll calls and copying -	\$ 1,200	
WESTLAW computerized legal research, \$100 per month -	1,200	
Hookup fees to state's mainframe	1,500	
		5,100

Supplies

Expendable office supplies, \$100 per month -	\$ 1,200	
Library costs for statutes, Administrative Code, and periodicals and law journals, such as BNA's AIDS Reporter -	1,800	
One-time new position costs for non-expendable furniture and PC software -	1,500	
		4,500

Equipment

Item

1 Desk, 72 x 36	726	
1 Swivel Chair	672	
2 Side Chairs	384	
1 Bookcase	143	
1 Locking 4-Drawer File	280	
1 Dictator	691	
1 PC Table	200	
1 Epic Personal Computer with draft printer, modem, and port circuit card	3,400	
		6,496

1/27/88
RIP

AIDS Legal Advisor
Cost Summary

Personal Services

Attorney IV at either Juneau or Anchorage 72.3

Travel 4.0

Contractual

Communications/Copy 200pm x 12 = 2,400
Westlaw 100pm x 12 = 1,200
One-time DP hookup 1,500 x 1 = 1,500 5.1

Supplies

Office Supplies 150pm x 12 = 1,800
Library 100pm x 12 = 1,200
New position 1,500 x 1 = 1,500 4.5

Equipment

New position 1,500 x 1 = 1,500
PC 5,000 x 1 = 5,000 6.5

TOTAL 92.4

Travel provides for trip out of state to attend legal conferences dealing with this rapidly developing legal area (2,000), as well as in-state travel (2,000).

AIDS lawyers: Advocates in realm of sorrow

By ELIZABETH KASTOR
The Washington Post

WASHINGTON — Kenneth Labowitz was conducting what he calls "the closing interview." He looked through all the papers one last time, handed his client the settlement check and launched into his routine speech: thanking his client for the opportunity to work for him, urging the man to get in touch if he could be of help in the future.

"Yeah," the man said, bitter, flat. "I'll give you a call the next time I get a terminal illness."

As Labowitz tells the story, two years later, he still recalls from the words. "I thought, 'Ooh! I didn't deserve that! But on the other hand, I understand where he's coming from. And there's nothing to be said.'"

Three months later, his client was dead.

The man was Labowitz's second client with AIDS. Since then, he has represented more than 75 clients on AIDS-related issues, including last year's much-publi-

'We're doing stuff no one's ever seen before. We're out past Mars. Unexplored territory. . . . It's fascinating work, leaving aside that you're dealing with the greatest human tragedy.'

— AIDS lawyer Kenneth Labowitz

cized case on behalf of a small girl with AIDS temporarily removed from the Fairfax County, Va., school system.

AIDS patients who have been fired from their jobs, who can't get into school, who are denied medical treatment and who then see his name in the paper call from Virginia, Maryland, West Virginia and North Carolina. By virtue of temperament, experience and chance, Labowitz can laughingly say, "I've sort of defined myself as Mr. AIDS in Virginia."

That he could do that is not surprising, given that the field is so small. Ask one AIDS lawyer who else around the country is doing similar work, and you hear six, sev-

en, eight names, no more. Some, like Mauro Montoya, legal director at Washington's Whitman-Walker Clinic, spend their days writing wills, explaining the intricacies of bestowing power of attorney, rushing to hospitals to resolve conflicts between parents and levers — work Labowitz calls "Mother Teresa stuff."

Others, like Labowitz, specialize in litigation, sometimes teaming up with groups like the American Civil Liberties Union and Lambda Legal Defense and Education Fund on what they call "high-impact cases," the ones that leap up the rungs of the court system, make precedent and affect thousands.

"The astonishing thing is there's nothing, nothing, paralleling this stuff," Labowitz says. "We're doing stuff no one's ever seen before. We're out past Mars. Unexplored territory."

With few obvious precedents to rely on, these lawyers are essentially writing new law on questions of privacy, breach of contract, civil rights, child custody:

• Should doctors be required to inform the sex partners of someone who has tested positive that they may be carrying the virus?

• Can people be fired because their employers think they might have AIDS?

• What rights does a sick person have to be included in experimental drug trials?

• Does a hospital being sued for malpractice over the death of a patient from AIDS, contracted after receiving blood transfusions, have the right to keep the names of blood donors confidential? (Last week, the U.S. Supreme Court let stand a lower-court ruling that donors' rights to

See Page F-2, LAWYER

LAWYER: AIDS issues break new ground

Continued from Page F-1

privacy do not override a Texas woman's need to find their identities in a malpractice case over her daughter's death. The Texas hospital must release the names.)

"There are people writing contracts that include the clause, 'If you get AIDS, you don't get paid,'" Labowitz says. "Now, that's an interesting concept, isn't it? But I don't know if it's illegal."

He laughs at the intellectual gymnastics involved in resolving such quandaries. "It's fascinating work, leaving aside that you're dealing with the greatest human tragedy."

In the years to come, the field will inevitably grow more crowded. Already, more than 100 Washington-area lawyers volunteer their counsel through the Whitman-Walker Clinic. The American Bar Association recently appointed a committee to coordinate AIDS-related activities and make recommendations for AIDS policy.

"I think it's hard to come up with any other phenomenon, whether it be an epidemic or a political phenomenon, that will touch as many lawyers in as many communities around the country," says Harlon L. Dalton, an associate professor at Yale Law School and co-editor of "AIDS and the Law: A Guide for the Public."

And so more and more lawyers will, like Labowitz, discover what comes along with the legal adventures: Men, women and children who most likely will die. It is work that makes emotional demands unlike anything most lawyers — or most anyone — would ever expect to confront, and that hardly anyone is trained to handle.

For someone given to crusades, AIDS law is a galvanizing cause. "AIDS is as clear-cut as any discrimination case you see," Labowitz says. "It's sort of like 1954 in terms of race, and 1984 in terms of gender. People say, 'We fired him because he had AIDS? Of course we did!' They don't realize what they're saying."

What they don't realize is that people with AIDS are gaining protection from feder-

al and local laws prohibiting discrimination against people with handicaps.

"We're going to go through a much faster version of what happened after Brown vs. Board of Education and what happened with gender discrimination. Now, there are still stupid things done, but you won't hear people saying, 'We fired that boy because he's a Negro.' We're sensitized."

Labowitz, who is not gay, came to his latest subject in 1985, when the director of Alexandria's Office of Human Rights, who knew of Labowitz's interest in discrimination cases, gave his name to Whitman-Walker director Jim Graham, a lawyer who was looking for a volunteer attorney to take on the case of Richard Goodfellow. Goodfellow had worked for 12 years as a draftsman for an Alexandria firm, and was fired after he told his boss he had AIDS.

"Ken came to us not as a member of our own community, but as someone interested in civil rights," says Graham. "I had to get comfortable that this was someone who would give compassionate as well as competent representation. That dedication was at once apparent to me."

Labowitz was immediately faced with the realities of AIDS. Sitting in Graham's

office on Christmas Eve 1985, he overheard a phone conversation: The companion and family of a man who had died were at the hospital fighting over the body. "I said, 'I can do the discrimination cases, but I can't do that!'" he remembers.

But there has been no avoiding the singular demands of the work. To argue that a child with AIDS should be allowed to attend school, one must stay on top of the latest medical research on transmission of the virus.

"It's very complicated epidemiologically, and there aren't four lawyers who can spell epidemiology," says Labowitz. "Lawyers are doctors who couldn't pass organic chemistry."

And there are other hurdles. "The kind of people who have selected to practice law may not be the best kinds of people for dealing with issues that are emotionally wrenching," says Yale's Dalton.

"The system would collapse if lawyers were free to make judgments about their clients or feel what they feel. So it's a good profession for people who like to keep a sort of tight rein on their own emotions, and not such a good profession in terms of giving us much practice in figuring out how to feel and do at the same time, without having

either activity undermine the other."

"Most of my clients are dying," Labowitz says, "and that's nothing my training prepared me for. The relationship between client and lawyer is bizarre. I make a point to distance myself emotionally from the horror of this."

But ask how he does that, and the generally ebullient lawyer, whose words usually shoot forth as if under pressure, is silent, and remains that way for a long time.


"I guess I tend to make clear what my role is in the professional relationship," he says at last. "I am trying to achieve a set goal in a set time frame with certain limitations. Period. I am not here to be a friend."

It sounds harsh and perhaps he knows it, for he continues, telling the story of his second client and the bitter parting statement.

"What can I say? There's nothing abstract about all this. We're talking about people who have limited options, with a great many problems, some of which are legal. And you do what you can."

"On the other hand, what I can't do, I won't do. And I can't make it better. I can't fix it. Sometimes I can't even fix the legal problems."

For individuals who are serious about their hair care . . .



Foltene
Shampoo and Supplement

Thinning hair and hair loss. As we age, the microcirculation to the hair follicles slows down. Fewer hairs are produced and they tend to be weaker and susceptible to loss.

Foltene® products significantly improve the condition of thinning hair. Following two decades of clinical testing, research scientists noticed that a special compound they were testing had an interesting effect. When used in topical hair treatments, the condition of thinning hair was significantly improved. This unique compound called *Tricosaccaride*® is the basis for Foltene products.

When massaged into the hair and scalp, Foltene Supplement for Thinning Hair provides a feeling of stimulation to the scalp and penetrates deep, not only into the exposed hair shaft, but into the hair follicle, where healthy looking hair begins. It attracts vital moisture, resulting in hair that looks fuller, thicker and more manageable.

Foltene Shampoo for Thinning Hair gently cleanses the hair, removing build-up which could result from sebum, dry scalp flakes

Anchorage Daily News
March 2, 1988

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3 8 3

Oregon Says "No" To Driving By Minors Who Use Drugs

By H. Wesley Smith

When H. Wesley Smith was a school principal in Albany, Oregon, he led the movement to enact the 1983 Oregon law that suspended the driving privileges of teenagers who violated alcohol and drug laws.

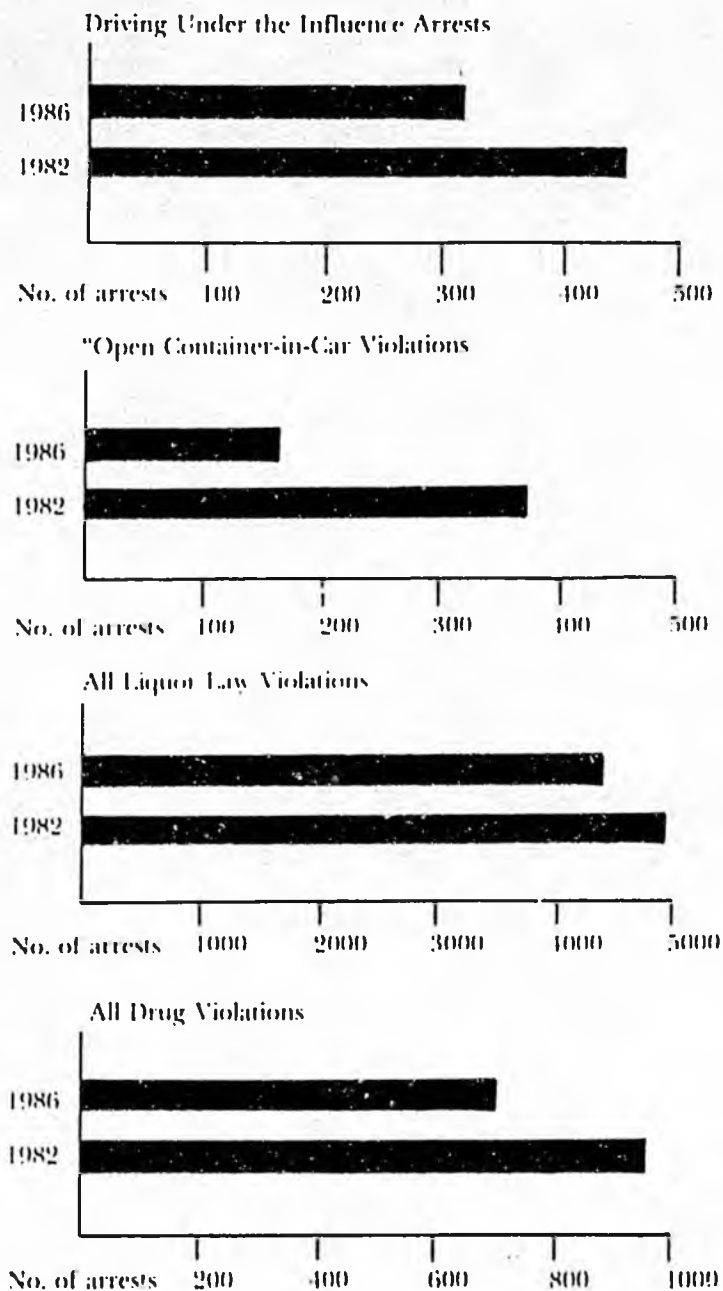
In 1983 I was principal of a school that was considered to have an outstanding drug education program. And yet, the students were still using drugs.

I felt there had to be a way to motivate young people to stop using drugs. I thought that students might be encouraged to stay away from drugs to protect their privilege of driving. Receiving a driver's license is important to a teenager.

With this in mind, I exercised my right as an Oregonian to submit a proposal to the state legislature. My proposal stipulated that 13- to 17-year-olds found in violation of any drug or alcohol laws would lose their driving privileges for 1 year or until age 17, whichever was longer. The violator would be unable to apply for a license during the penalty period. In the case of a 13-year-old violator, the youth would have to wait until age 17 to apply, invoking the 1-year penalty after the youth became eligible at the age of 16. This penalty would be imposed whether or not a motor vehicle was involved. A second violation would require the suspension of driving privileges for 2 years or until age 18, whichever was longer. The proposal also provided an appeals procedure.

After much deliberation, the "Oregon Denial Law" was passed in 1983. The law was credited with

Denial Law Causes Sharp Decline in Drug Use



reducing juvenile drug arrests 22 percent by the end of 1984 and an additional 7 percent by the end of 1986. Open-container-in-vehicle violations were reduced 45 percent by the end of 1984 and an additional 19 percent by the end of 1986.

The most persuasive arguments in favor of the law's concept were:

- It helped youth by giving them a reason to say "no" which was acceptable to their peers.
- It gave judges an effective tool to use in responding to drug violators.
- In contrast to traditional prevention programs, this penalty program was nearly cost-free to the state.
- It provided positive reinforcement to drug-free teenagers by maintaining their eligibility to drive.
- It demonstrated society's commitment to fight drug use by taking firm legal action.
- It provided an absolute consequence to drug violations.
- The law supported parents, schools, and others fighting drug abuse.

Passage of the law was not without struggle. Although opponents of the bill criticized it as harsh, and possibly in violation of the state constitution, we answered those criticisms. Oregon courts have upheld the law.

Public response to the law has been overwhelmingly positive. To obtain more information about the law, write to H. Wesley Smith, Assistant to the Superintendent, Greater Albany Public Schools, 718 Seventh Avenue, S.W., Albany, OR 97321 or telephone (503) 967-4515.

Oregon Denial Law Upheld

In April 1987, the Oregon Court of Appeals upheld that state's "Denial Law," which had been challenged on state constitutional grounds. In affirming the constitutionality of the statute, the court held that:

- The law meets its two intended goals—deterrence of drug and alcohol possession and use and promotion of highway safety; and
- A teenager's interest in possessing a driver's license is outweighed by the state's goals in this instance.

The court also rejected the claim that enforcement of the law constituted cruel and unusual punishment, that it treated minors unconstitutionally as a "suspect class," and that the license suspension penalty is out of proportion to more serious conduct.

The statute also survived an earlier court challenge based on arguments that it denied students their rights to equal protection under the state constitution.

States Follow Oregon's Lead

Several states have been actively considering proposals similar to Oregon's "denial" law. Here's a progress report from around the country:

New Jersey's new anti-drug law, effective since July 1987, contains provisions that relate drug use to driving privileges. New Jersey minors face a \$550 fine and a 6-month license suspension if caught with even one marijuana cigarette. Students found in possession of drugs before receiving a driver's license will have to wait 6 months past the normal date of eligibility before applying for a driver's license.

Missouri students will be subject to provisions of that state's new "abuse and lose" law scheduled to take effect on September 28, 1987. In Missouri, students under age 21 who are convicted of drunk driving or drug violations stand to lose their driving privilege for 1 year. Those under 16 would face a 1 year suspension beginning on their 16th birthday. These strict penalties also apply to students convicted of falsifying identification cards or carrying such cards.

The **California** legislature is considering a bill that would suspend or delay driving privileges of residents under 21 who are convicted of drug violations. Conviction for any drug or alcohol violation would result in a mandatory 1-year suspension of driving privileges for those with licenses. Students under 16 would be penalized by delaying their eligibility to drive for 1 year. The bill passed the California Senate by a vote of 21 to 4 and has been forwarded to the Assembly for further consideration.

In **Georgia**, Representative Thomas E. Wilder has introduced a bill in the General Assembly to deny auto licenses until the age of 17 to persons convicted of misdemeanors while under the influence of alcohol or drugs.

Wilder plans to seek passage of the bill in the next session of the General Assembly.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: An Act relating to suspension and BRU: Motor Vehicles
revocation of a minor's license to drive.
 Sponsor: Binkley Components: Driver Services
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		5.4	7.5	7.9	8.3	8.7
TRAVEL						
CONTRACTUAL		.2	.2	.2	.2	.2
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT		2.3				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	8.0	7.8	8.2	8.6	9.0

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

REVENUE	-0-	2.5	20.0	30.0	30.0	30.0
---------	-----	-----	------	------	------	------

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	8.0	7.8	8.2	8.6	9.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	8.0	7.8	8.2	8.6	9.0

POSITIONS:

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

One part-time clerical position will be necessary to handle additional work-load, including preparing file, entry of license action on computer, preparing certified copies, notifying individual, preparation of record for microfilm, entry of data on microfilm retrieval system, etc. Cost breakdown attached.

Prepared by: Bill Brown Phone: 465-4335
 Division: Motor Vehicles Date: 2-4-88

Approved by Commissioner: Donna Havelok, Dep. Comm. Date: 2-4-88
 Agency: Public Safety

Distribution (by preparer):

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

JMR
2/4/88

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 383

DETAIL

100 Personal Services

One Document Processing Clerk II Part-Time, 2 hours per day	5.4	5.4
--	-----	-----

300 Contractual

Postage and tolls	.2	.2
-------------------	----	----

400 Commodities

Normal office supplies	.1	.1
------------------------	----	----

500 Equipment

1 type writer	1.2	
1 desk	.6	
1 chair	.2	
1 file cabinet	.3	

TOTAL	2.3	8.0
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INFORMATION

It has been learned that of the total number of youth ages 13 to 17 who are arrested for offenses outlined in AS 28.15.185, an estimated 300 to 400 will be convicted or adjudicated by a juvenile court. It is felt a part-time position will be required to process the additional workload.

With the effective date being September 1, 1988, documents will not start being received from the Court until around October 1, 1988. Therefore, personal services for FY89 reflect a nine month period with the employee being hired October 1, 1988. Other items are budgeted accordingly with the first full year being FY90.

FY90 and subsequent years reflect a 5% inflation factor.

REVENUE

Statutes require payment of a \$100.00 reinstatement fee prior to issuance of a driver's license following a suspension or revocation. The revenue indicated is based on an estimation of the number of minor's whose driving privileges would be taken away under this legislation and who will apply for a license and pay the \$100.00 fee, following the revocation. If the person does not apply for a license prior to the sealing of the record at age 18, the \$100.00 fee will not be collected.

Position Title Document Processing Clerk II		No. of Positions 1	Range/Step 8b	Barg. Unit GCU
Time Status PPT	Staff Months 12	Location Juneau		Election District 2
Type of Expenditure		Amount		
1	2	3		
Salary	4.3			
Benefits	1.1			
Premium Pay				
Other				
Total Personal Services		5.4		
Travel				
Contractual		.2		
Commodities		.1		
Equipment		2.3		
Other				
Total Cost		8.0		
Funding Source for Total Cost				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		8.0		
GF Program Receipts 1005				
Other				
<p>Justification</p> <p>This legislation will require action against the driving privileges of an estimated 300 to 400 individuals who are convicted of, or adjudicated for offenses which do not currently require action. This position will prepare files, establishing beginning and ending dates of the action; enter the license action on the individual's driving record; change the status on the individual's record; send a notice to the individual concerning the action and requirements for reinstatement; prepare certified copies for prosecutors when individual is arrested for driving while revoked; change status on driving record when license action is over; prepare record for microfilm; enter data on microfilm retrieval system; and assist in correspondence concerning the license action.</p> <p>This form prepared reflecting nine months cost. Position to begin October 1, 1988.</p>				

**Request For
New Position**

Agency Public Safety
 BRU Motor Vehicles
 Component Driver Services

Page 3 of 3
 Revised Date

FY 89

BILL NO: SB 383

DATE: March 1, 1988

TITLE: An Act relating to
suspension and revocation
of a minor's license to drive...

CONTACT: Bill Brown
465-4335

RECEIVED
MAR 10 1988

DEPARTMENT OF PUBLIC SAFETY
PASSENGER

This bill will require revocation of driving privileges for persons who are 13 thru 17 years of age and who are convicted, or "adjudicated delinquent" in juvenile court, for certain criminal offenses involving alcohol or other drugs. This will generate an additional workload for DMV to maintain the revocation files for each individual whose license is revoked under provisions of this bill.

This version of the bill is preferred over two versions currently pending in the House (HB 336 and HB 361) because of proposed 28.15.185(d) which would exempt those convicted or adjudicated of a non-traffic offense from having to maintain proof of financial responsibility (SR22 insurance).

The Department of Public Safety proposes the following amendments:

- 1) Delete words "suspension and" from the first line of the bill title, as the bill only addresses revocation.
- 2) On page 4, line 23, after word offenses, add "and driver's license action taken under AS 28.15.185". If we are required to seal the record when the individual becomes 18 years of age, it would prevent enforcement of revocation at that time. The result would be that a 17-year-old convicted or adjudicated for a second or subsequent offense would never be revoked for the full time period outlined in proposed AS 28.15.185(b)(2), because the record of the revocation would no longer appear and the individual could obtain a driver's license.

A. English

for Arthur English
Commissioner

WHY DO STUDENTS "DO DRUGS?"

The reasons are as many and varied as the number of youth using drugs. Students "do drugs" for lots of reasons, but usually to satisfy, compensate or resolve a basic human need.

The most frequently given reasons are:

- to be accepted by peers
- to feel important and good at something
- to satisfy a need for relaxation
- to respond to the pressure from friends
- to escape boredom
- to be less inhibited
- to counteract depression
- to experience the high feeling
- to achieve the excitement of "risk" and "kicks"
- to resolve poor family communication/environment/relationships

PREVENTION SUGGESTIONS

- Build confidence. Youth who use chemicals often have a low self-image or poor self-esteem. Encouragement is very important. Praise them when it is possible. Let your child please you or he/she may please friends instead.
- Help your child deal with success and failure. Frustration and anxiety are normal. Be available at the awkward and anxious moments of adolescence. Do NOT over-protect.
- Set realistic limits on your child's behavior. Be fair but consistent without being overly rigid. Do NOT expect what cannot be attained. Do NOT compare siblings.
- Create cooperation and caring for others. Although each person should feel important, don't foster self-centeredness — a "me only" attitude.
- Establish good parent-child communication. Listen and have a mutual commitment on drugs and alcohol.
- Establish a family policy for "sticky" situations such as 1) babysitting; 2) at party and ride home is under the influence; 3) at an activity where environment is uncomfortable.

"PEOPLE IN PERIL"

January 19, 1988

Mr. Howard Weaver
Managing Editor
Anchorage Daily News
P.O. Box 14-9001
Anchorage, Alaska 99514

Dear Mr. Weaver:

As an agency involved in preventing and reducing the use and abuse of alcohol and other drugs in Alaska, the Alaska Council on Prevention of Alcohol and Drug Abuse would like to commend you and the "Daily News" staff on your recent series of articles, "People in Peril." You did a superb job of heightening people's awareness of the devastating effects of alcohol and its related problems on Alaskans. While we are all affected either directly or indirectly by the health, social and economic issues related to alcohol and other drug abuse, there is a great deal that can be done to improve the quality of life for all Alaskans. The series demonstrated that people are actively taking steps to fight this problem in their individual lives and communities.

The road to healing and preventing further abuse begins with commitment. As you have noted, a movement is building in Alaska that will significantly empower people to reach their human potential. We truly appreciate and support the efforts of the "Daily News" in being a catalyst in this awareness process.

Sincerely,

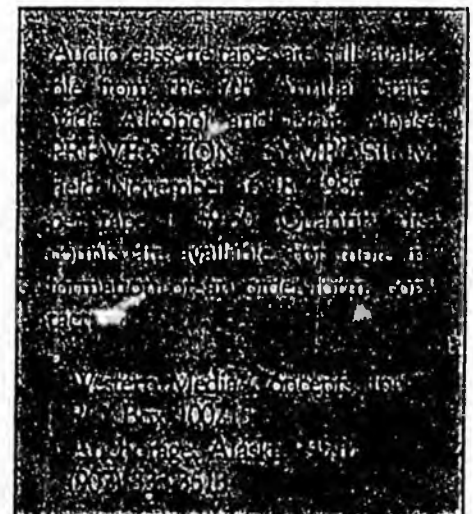
Bette O'Moor

Bette O'Moor
Executive Director

* The series, "People in Peril" will be available soon in tabloid format for a nominal fee. If you would like to order one or more copies, please contact the "Anchorage Daily News" at (907) 257-4200.

- Have a family policy concerning drugs.
- Be parents first! Your responsibility as a parent is more important than your child's right as a minor. Be loving, but don't be AFRAID to say NO. Provide guidance and consistent discipline. Be willing to enforce home policies and rules. Parents who care confront situations, demonstrating their concern for the child.

Keeping In Touch
Albany Free From Drug Abuse (AFFDA)
P.O. Box 493
Albany, OR 97321



HARRIS SURVEY CITES ALCOHOL & OTHER DRUGS AS MOST SERIOUS YOUTH PROBLEM

The use and abuse of alcohol and other drugs now commands center stage as the foremost problem affecting young people in America today, according to community leaders, grantmakers and prevention experts surveyed by Louis Harris and Associates. More than 90% ranked alcohol and drugs ahead of other youth problems including teen pregnancy, crime, suicide, school dropouts, unemployment and cigarette smoking.

The survey, which polled 2,100 community leaders, grantmakers and national prevention experts, was the first of its kind and focused on the most promising program strategies for youth, sources of potential funding and on the key elements of a successful prevention campaign.

"Boys Clubs of America, in its role as advocate for youth, especially the 14 million children in America living at or below the poverty level, commissioned this survey to gauge the extent of support and leadership for community-based prevention efforts," said Jeremiah Milban, President, Boys Clubs of America.

Findings include:

- The use and abuse of alcohol and

other drugs is widely perceived as a major contributing factor to other youth problems including crime, suicide, pregnancy, auto accidents, youth unemployment, dropping out of school and hospital admissions.

- Liquor and beer are seen as the principal substances abused by youth, followed by marijuana.
- Marijuana was viewed by a high majority (81%) as a gateway drug leading to other more dangerous drugs.
- Peer pressure from other youth (71%) and negative parental role models (64%) are seen as major reasons that young people turn to drugs and alcohol. Very few see alcohol and drug use as a temporary phase or rite of passage.
- The family is expected to take the dominant role in dealing with drug and alcohol use and abuse among young people. Roughly three quarters of all groups surveyed give the family dominant responsibility in this area. Equally large numbers give the family an abysmally low performance rating in this area.
- There is a great deal of optimism about prevention. 95% of each group sur-

veyed say they believe that alcohol and drug use can be reduced by effective programs. Moreover, 84% of all those surveyed say they are willing to contribute time, talent and money to a first class campaign.

- Parental involvement, good information on what works and more severe penalties for drug dealers are considered absolutely essential to effective prevention. More than 80% surveyed feel that these programs should begin by the age of ten. Many prevention experts say these programs should begin by age six.
 - Total giving by grantmakers to alcohol and drug related prevention programs could rise substantially if programs include parental involvement and good information on what works.
- The message is clear," said Milban. "The need is evident and the desire is there to mount a nationwide campaign. The information gathered in this survey should serve as a catalyst for action. For Boys Clubs of America, the battle has already begun."

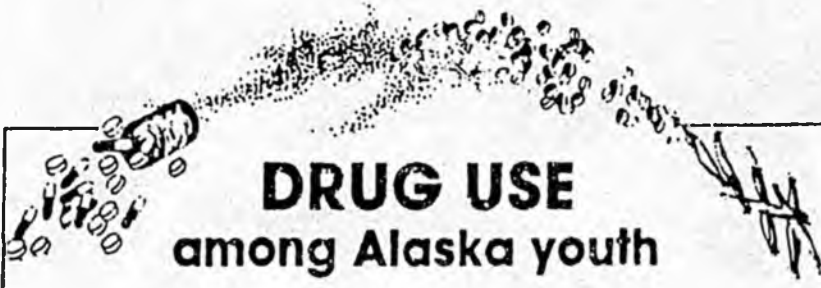
The Chemical People Newsletter, Sept./Oct. 1987



ALASKA COUNCIL ON PREVENTION
OF ALCOHOL AND DRUG ABUSE, INC.

7521 OLD SEWARD HWY, SUITE A · ANCHORAGE ALASKA 99518

Non-Profit Organization
U.S. Postage Paid
Permit No. 449
Anchorage, Alaska



DRUG USE among Alaska youth

Percentage of Alaska, U.S. youth who have tried drugs

<u>Drug</u>	<u>Alaska youth ages 12-17</u>	<u>U.S. youth ages 12-17</u>
Marijuana	47.4	26.7
Hallucinogens	7.9	5.2
Cocaine	16.6	6.5
Heroin	2.3	0.1
Stimulants	25.9	6.7
Depressants	14.0	5.8
Tranquilizers	11.1	4.9
Alcohol	71.7	65.2
Tobacco	55.0	49.5

Source: Alaska Medicine, January-March
1987 issue

J.W. Smith
Abesoo

PERCENT OF DRIVER BY AGE GROUP

INVOLVED IN TRAFFIC ACCIDENTS

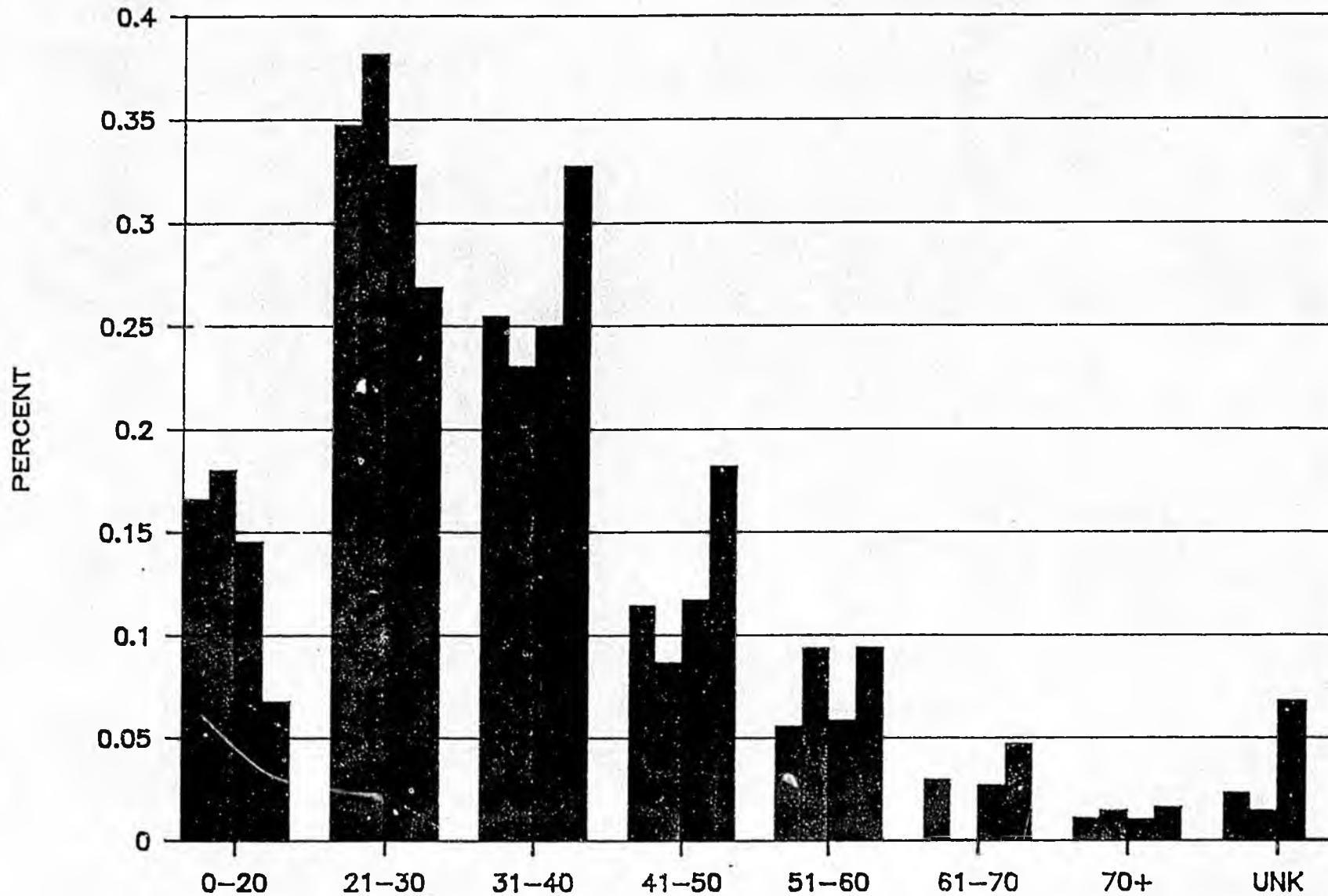


CHART 10

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FAT.

TOT. ACC

LIC DRVRS

MAR 23 1988



Senator John Binkley

Senate Finance Committee
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985

Finance Committee
Co-Chairman

MEMORANDUM

March 18, 1988

TO: Senator Jay Kerttula, Chairman
Senate Judiciary Committee

FROM: Senator John Binkley *John Binkley*

RE: SB 383, Revocation of a Minor's License to Drive

Beth

Earlier this month, CSSB 383 (State Affairs) was referred to your committee. This bill, on which I was the original prime sponsor, will require the revocation of driving privileges for persons who are 12 through 17 years of age and who are convicted in juvenile court for possession or consumption of alcohol or abuse involving a controlled substance.

This piece of legislation is based on a similar Oregon statute and would revoke the driver's license of a convicted juvenile for 6 months or until the age of 16-1/2, whichever is longer for the first conviction of an offense named above. Second and subsequent convictions would carry a revocation period of 12 months or until the minor was 17, whichever is longer. The Court would be able to review the revocation after one-half of the revocation period had been "served" and reinstate the license upon petition by the minor.

Section 1(d) exempts those minors whose licenses have been revoked from having to maintain proof of financial responsibility (SR-22 insurance) since neither offense is traffic related. Section 2 adds the privilege "to obtain a driver's license" to the definition of driver's license so that a minor so convicted would not be able to obtain an instructional permit during a revocation period.

Section 3 makes it clear that the current statutory provisions relating the juvenile court proceeding do not apply to actions taken under this bill. Finally, Section 4 allows the Court to send notice of a revocation to the Department of Public Safety and provides that any record of a revocation be sealed upon the minor turning 18 unless the revocation extends beyond the 18th birthday. In that case, the records will be sealed as soon as the revocation period is concluded.

This bill, and the concept it embodies, has been termed "use and lose" legislation. The attempt is to send a message to young people that drug and alcohol abuse is not acceptable behavior. The day a young person gets his or her driver's license is for most one of the most long awaited days of their short lives. It marks the passage of a dependent child to an independent "adult". Unfortunately, many other things in our society are also used as a sort of litmus test by young people to measure

this passage - smoking, drinking, and using drugs. We want to say no, those are not proper measures.

Driving is a privilege. It requires sound judgment and adherence to laws. This bill does not create a new crime; possession or consumption of either alcohol or drugs is illegal for minors. It simply sets a meaningful penalty for an already serious violation. Your early consideration of this important piece of legislation would be greatly appreciated.

Citizens' Adv. SENATE BILL NO. 373, (see pages 1013;1060;1225). Reported
Commission on back to the Senate March 17, 1988 by Finance recommending it do
Federal Areas pass. Concurring: Halford (Co-Chair), Duncan, Fischer and
in Alaska Uehling. To Rules.

Minors Using SENATE BILL NO. 383, (see pages 1044;1101). Reported back
Drugs/Alcohol to the Senate March 14, 1988 by State Affairs recommending
(revoking State Affairs recommending it be replaced with a State Affairs
driver's lic.) substitute and that it do pass. Concurring: Abood (Chair),
Fanning, Uehling and Hensley. To Judiciary. On March 15 a Finance
referral was added. The bill will be referred to Finance after it
is reported out of Judiciary.

The State Affairs substitute relates to court revocation of a minor's license to drive (original bill related to court revocation and restriction of a minor's license). A minor who is at least 12 years old (was 13) but not older than 17 who is adjudicated by a juvenile court of misconduct involving a controlled substance or possession or consumption of alcohol would have his/her driver's license revoked.

For a first conviction or adjudication the court would have to revoke the license for six months or until the minor reaches 16 and a half, whichever is longer (was until the minor reaches 14 and a half, whichever is longer). For a second or subsequent conviction or adjudication, the license would be revoked for a year or until the minor reaches 17 years old, whichever is longer (was until the minor reaches 15 years old, whichever is longer).

The State Affairs substitute does not include section 1 of the original bill. That section would have allowed the court to suspend a minor's license for different time periods (the times periods listed above) than for an adult driver convicted of drunk driving or for failure to submit to a chemical test. State Affairs adds a new section to AS 47.10.010 (Children's Proceedings. Jurisdiction) so that the laws covering children's proceedings would not apply to the license suspension proceedings listed above. The court would have to impose a driver's license revocation in the same manner as adult driver's license revocations, except that a parent or legal guardian would have to be present at all proceedings.

Would prohibit disclosure of court records relating to revocation of a minor's license to drive without the court's permission, except for Dept. of Public Safety files. The court would be required to forward a record of adjudication of a violation of the minor's license law to the Dept. of Public Safety. The records would be sealed within 30 days of the minor's 18th birthday, or if the court retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on which the court relinquishes jurisdiction over the minor.

The September 1, 1988 effective date remains the same.

Rec'd
3-21-88
DK

LAW OFFICE OF
COUNCIL & CROSBY
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

WILLIAM T. GOUNGIL
DAVID G. CROSBY

(907) 586-1786

March 21, 1988

The Honorable Jalmer M. Kerttula
Alaska State Senate
P. O. Box Y
Juneau, Alaska 99811

Dear Senator Kerttula:

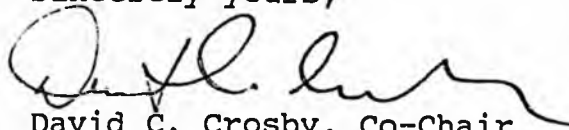
I am writing to you as Co-Chair of the Juneau Blue Ribbon Commission on Youth and as an elected member of the Juneau School Board to urge you to schedule early Judiciary Committee hearings on C.S.S.B. 383.

The Juneau Blue Ribbon Commission on Youth is preparing a draft final report for circulation to the public. I anticipate that the Commission will make passage of C.S.S.B. 383 its top legislative priority.

I cannot stress too much the importance of passing this crucial piece of legislation. Survey results given to the Juneau School District indicate to me that we are continuing to lose ground in the war on substance abuse by minors. This type of legislation has proven to be effective in Oregon, where it reduced juvenile drug violations by 22% in the first year following its passage. Please do not let this critical piece of legislation die.

I am enclosing with this letter materials that I submitted to the State Affairs Committee in support of S.B. 383. If there is any further information that I can provide to you, I would be pleased to meet with you or a member of your staff. Please be sure to have someone notify me of any scheduled hearings on the bill.

Sincerely yours,



David C. Crosby, Co-Chair
Juneau Blue Ribbon
Commission on Youth
Member, Juneau School Board

cc(w/enc.): Senator Arliss Sturgulewski
Senator Joe P. Josephson
Senator Jan Faiks
Senator Patrick Rodey

2-11-88

LAW OFFICE OF
COUNCIL & CROSBY
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

WILLIAM T. COUNCIL
DAVID C. CROSBY

(907) 586-1786

February 10, 1988

The Honorable John E. Binkley
Alaska House of Representatives
Room 318 Capitol Building
Juneau, Alaska 99801

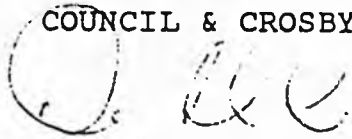
Re: Senate Bill No. 383 (Minor Consuming
and Driving Privileges -- "Use and Lose")

Dear Senator Binkley:

Due to some confusion regarding the time of the hearing held on February 8, 1988, regarding Senate Bill No. 383, I was unable to testify. Please include the enclosed testimony and attachments in the record and have your legislative assistant call me if further hearings are scheduled.

Sincerely yours,

COUNCIL & CROSBY



David C. Crosby

Enc.

- cc: Senator Mitch Abood
- Senator Rick Uehling
- Senator Jan Faiks
- Senator Willie Hensley
- Senator Joe P. Josephson
- Senator Jalmer M. Kerttula
- Senator Arliss Sturgulewski
- Senator Rick Halford
- Senator Patrick Rodey

TESTIMONY OF DAVID C. CROSBY

SENATE BILL 383 (MINOR CONSUMING AND
DRIVING PRIVILEGES -- "USE AND LOSE")

I am the parent of two teenagers, one of whom was diagnosed as alcohol dependent and drug abusive at age 14. I am a member of the City and Borough of Juneau School Board. Prior to my election in 1986, I served on a citizen committee that drafted drug and alcohol disciplinary regulations for the Juneau-Douglas High School. In March of 1987 I was appointed as the Co-Chair of the Juneau Blue Ribbon Commission on Youth, which was created by the Mayor and Assembly at the request of the Juneau Youth Advocates Coalition, of which I am also a member.

Before getting into the specifics of Senate Bill 383, I would like to supply the Committee with some background statistics. Attached to this letter is a brief summary taken from the magazine "Alaska Medicine," January-March 1987 issue. According to this source, Alaska youth ages 12 to 17 have an experimentation rate with marijuana twice the national average, cocaine nearly three times the national average, and alcohol roughly 10% higher than the national average. These statistics correlate with drug and alcohol surveys performed for the Juneau School District on an annual and five year basis.

The most recent five year summary from the University of Alaska indicates that use of illegal substances has increased by approximately 15% in Juneau over the last five years. Perhaps more ominously, the average age when experimentation begins has dropped from 13 to 12 over that same five year period.

In addition to the individual tragedies caused by this epidemic of drug and alcohol use by teenagers in Alaska, recent statistics from the State Office of Alcohol and Drug Abuse document that minors are involved in a disproportionately large number of serious automobile accidents where drug or alcohol use is the contributing cause. (Drivers under 21 constitute 7% of the driving public, but account for 14% of the serious drug and alcohol related accidents.)

I am also enclosing for the record a copy of a recent editorial and "My Turn" column published by the Juneau Empire. These articles discuss the impact of adolescent substance abuse in Juneau, including the recent tragic single-car automobile accident that left one high school student dead, one in a coma and one probably paralyzed for life.

As you may know, Representative Bill Hudson is also a member of the Juneau Blue Ribbon Commission on Youth. Representative Hudson has been instrumental in introducing, through the House HESS Committee, a version of the so-called "Use and Lose" law that is similar in many respects to Senate Bill 383. At a recent hearing held by the Juneau Blue Ribbon Commission on Youth, nearly all witnesses testified favorably in support of a Use and Lose law for Alaska. The Juneau Blue Ribbon Commission on Youth supports this approach, as does the Governor's Blue Ribbon Commission on Youth.

The objectives of the Use and Lose law, as I understand it, are twofold. First, the law would assist in removing from the highways a class of drivers who are responsible for a disproportionately high incidence of serious, drug and alcohol related highway tragedies. Secondly, the Use and Lose law sends a potent message to adolescents who are struggling with the decision whether to use drugs and alcohol. The Senate Bill, as presently drafted, would accomplish neither of these objectives.

Under Senate Bill 383, as presently drafted, a minor could be convicted twice of drug and alcohol related offenses and still receive his or her driver's license on his or her 16th birthday. This is a meaningless sanction,

for at least two reasons. First, the right to obtain a permit, which can only be used in the presence of an adult, is not nearly so significant as the right independently to operate a motor vehicle. It is the latter event that marks the division between the dependence of youth and the independence of adulthood in the minds of many adolescents.

Secondly, I submit to you that we already have a major problem of credibility in enforcing the criminal law with juveniles. Overworked prosecutors (in Juneau there are two prosecutors and three public defenders) do not charge what they regard to be as "insignificant offenses." If the prosecutors won't charge, sooner or later the police stop arresting. Testimony at the recent hearing held by the Blue Ribbon Commission on Youth suggests that this is precisely what is happening with the minor consuming laws in general. Juneau Superior Court Judge Walter Carpeneti advises me that he cannot recall seeing a prosecution for minor consuming in his years on the bench. The sanctions imposed in Senate Bill 383 are so trivial that neither police nor prosecutors will bother with enforcement.

I am also enclosing with this testimony a brief summary of Use and Lose laws from other jurisdictions. While these summaries are no substitute for a detailed analysis of the legislation from other jurisdictions, it nevertheless

suggests that Alaska would be unique in permitting a minor to be convicted of drug and alcohol related offenses and still receive a driver's license on his or her 16th birthday.

I realize that the House HESS version, which would defer or suspend the license privilege for one year or until the 17th birthday for the first offense, and until the 18th birthday for the second offense, may seem harsh or "punitive." It does send a message to the kids that we are very serious about drug and alcohol use by minors. We don't do the children any favors when we set up a system of rules that lacks credibility and that is so slow to impose meaningful sanctions that bad habits -- possibly even addicting habits -- have been permitted to take root before the child encounters any meaningful sanction from society. By that time, it is too late.

For those who are concerned about the harshness of the House Bill, I would suggest that both the House and Senate version give the judge some leniency to restore privileges. If this restoration were made contingent upon successful completion of drug and alcohol counseling, the harshness of the penalty could be mitigated, as it should be, by a showing of a good faith effort to correct the behavior that

is so dangerous to the child and the others who must share the highway with him or her.

Finally, the statistics received by the Juneau School District suggest that the starting age for juveniles affected by the law should be reduced to age 12 to correspond with the age when experimentation is most likely to begin.

To summarize, the Use and Lose concept holds perhaps the greatest promise for both deterring adolescent drug and alcohol use and for reducing drug and alcohol related traffic accidents by modifying the behavior or denying licenses to a class of drivers that is statistically more likely to be involved in serious drug and alcohol related traffic accidents than members of the driving public in general. In order to accomplish these worthwhile objectives, I suggest that the language of Senate Bill No. 383 be amended as follows:

1. Strike "13" and insert "12" in the first sentence of AS 28.15.185.

2. Strike "six months" and "14 and one-half" from AS 28.15.185(b)(1) and insert in their stead "one year" and "17."

3. Strike "15" in AS 28.15.185(b)(2) and insert "18."

4. Insert in AS 28.15.185(c) following "Upon petition of the person," the following language: "and upon proof of successful completion of an approved drug and/or alcohol counseling program,"

Thank you for affording me the opportunity to express my views on this vital piece of legislation. I would very much appreciate the opportunity to state my views in person, should the Committee hold additional hearings.

2-3-88

JUNEAU EMPIRE

WILLIAM S. MORRIS III
Publisher

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General Manager

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Managing Editor

FRED HOWARD
Circulation Manager

THOMAS BLUMENSHINE
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ROBIN HERDMAN PAUL
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DONNA GRUNOW
Office Manager

Local tragedy being addressed

Nothing is so tragic as a needless injury or loss of life, but that tragedy is even greater when it involves a young person. In Juneau, an increasing number of young people — our young people — are being hurt or killed or permanently injured.

The cause of this tragedy? It's not disease, or a natural disaster. It is the ready availability of drugs and alcohol to teen-agers.

That is one of the findings of the Juneau Blue Ribbon Commission on Youth, a group of concerned citizens that has been probing the complex and as-yet unresolved problems facing young people here.

Today, we are publishing a "My Turn" column written by David Crosby, a lawyer who is co-chair of the commission and a

ISSUE: Youth panel progresses toward solutions

member of the Juneau City-Borough Board of Education. It expresses better than any stack of statistics or studies the tragedy drug and alcohol abuse is working on our young people, how it is happening and some of the ways we might be able to stem its tide.

Do not misunderstand the message of this commission. All of our young people are not alcoholic or drug addicts. But the overwhelming prevalence of serious alcohol and drug abuse in our community demands our attention.

Recognizing the problem and formulating possible solutions is a giant leap, but the commission recognizes that the real progress will be made with action — in the Alaska Legislature, the Juneau City-Borough Assembly, the school board, the Juneau Police Department and all the way down to individual families. If each segment does its part, there is little doubt the community as a whole will be making a giant stride towards solving the problem.

The commission deserves the thanks of the community for its work so far, but its members recognize that much remains to be done.

The real celebration will come once the appropriate steps are taken and our young people are living better more fulfilling lives.

MY TURN

By DAVID CROSSBY

So what's wrong with Juneau? Members of the Juneau Blue Ribbon Commission on Youth asked that question of a cross section of local citizens: students and parents, teachers and religious leaders, business leaders and law enforcement officials, people who make a living providing services to kids, Natives and non-Natives. We got lots of interesting answers, ranging from lack of recreational facilities to "too many surveys," but in every group we polled, the number one concern was substance use and the easy availability of drugs and alcohol to our kids in Juneau. There weren't any close seconds, not even among the high school students we polled.

Well, you may say, everybody is concerned these days, and Juneau is no worse off than anyplace else. Not so. In part because the names of juveniles injured or arrested while under the influence are never published, the impact of what has been going on in this community is depersonalized. Often times the fact that drugs or alcohol are involved in a tragedy involving a minor is not reported in deference to the families of the victims.

My own unofficial tally from the two years I have been back in Juneau is as follows. The recent car accident left one dead, one in a coma, one paralyzed and one with serious internal injuries. Two deaths by drowning. These were kids who stumbled into the water and were too drunk to get themselves out. In both instances their friends were too far gone themselves to notice or render any effective assistance. One death by falling from a high tension tower, one more quadriplegic as a result of a motor vehicle accident while under

the influence.

Somewhat less dramatic, but nonetheless disturbing, I have carried a young, semi-conscious high school girl into the emergency room of Bartlett Memorial Hospital after she and a friend tried to down a bottle of vodka in 15 minutes. I have picked a young woman up off the highway and delivered her to the same emergency room after she stepped out of a moving vehicle on Egan Drive. The driver was charged with DWI. I know of two middle school students who went to the emergency room in alcohol induced comas after a recent party. If you have kids in middle school or high school and you keep your ears open, you know that my stories are just the tip of the iceberg.

Extend the definition of "youth" a little (but not much) and you have the young man whose body was thrown into Montana Creek by his own friends after he overdosed on cocaine. The poignant letter to the editor from that young man's mother hinted at what the mother of every drug or alcohol addicted child knows in her heart - there is a kind of living death that consists of watching what was once a bright, energetic, loving young person destroy him or her self, and for which the death of the child comes almost as a welcome release.

Teenage crime goes hand in hand with substance use. Steal from your parents. Steal from your friends. One young Juneau man narrowly escaped a murder charge when the gun he pointed at the liquor store owner failed to go off. He was living with an (only) slightly older companion who was charged with dealing cocaine. Arrests by the Juneau Police Department for violation of the drug laws

by juveniles jumped from 31 in 1985 to 77 in 1986. Arrests for violation of the liquor laws by juveniles jumped from 110 to 148 over the same period.

I'm staying within my two year time frame. Are you still listening? I moved to Juneau from a suburb of Seattle, where I lived for eight years across the street from the high school. In eight years in that town (Renton), I do not recall as many drug and alcohol related tragedies as I have seen in Juneau in just two.

Statistics for the State of Alaska suggest that one of every two students in Juneau will use marijuana before graduating from high school. (The national average is one in four). One in six will do the same with cocaine. (The national average is closer to one in twenty.) Three out of four kids will use alcohol by the time they graduate, which is slightly higher than the national average. One recently released study of Juneau students found a 15 percent increase in drug and alcohol use since 1982. The average age at which experimentation starts is now 11-12 years old (down from 13 five years ago).

Some of these kids, like those I just mentioned, will kill themselves quickly and by accident. Some will kill themselves deliberately. (Nine of ten adolescents who attempt or successfully commit suicide are harmfully involved with drugs or alcohol.) Some of them will kill others. Although minors in Alaska are only 7 percent of the drivers, they are responsible for 14 percent of the traffic deaths linked to substance use. Still others will just kill their dreams, or the dreams of those who love them.

Is there anything we can do about this? The Commission is looking at long range proposals that focus on

Youth, substance use, and the law

education and providing healthy alternatives to drugs and alcohol. We are also looking at the laws relating to substance use by juveniles. On Feb. 4, at 7 p.m. in the School District Conference Room, the laws subcommittee of the Blue Ribbon Commission on Youth will hold a hearing on substance use and related problems in Juneau and proposals for legal reform.

Among the most promising of reforms put forth to date is a so-called "use and lose" law. The concept is simple: use, possess or sell drugs or alcohol to a minor and the time when you can apply for a driver's license is put off — one year for the first conviction and another year for the second offense. For most kids the day on which they get their driver's license marks the passage from the status of a dependent child to that of an independent adult. It is, as most who read this will no doubt recall, the most long awaited day of your short life. For kids who use drugs or alcohol because they think it is acceptable "adult" behavior, the "use and lose" law sends a potent message.

The Commission has also received numerous communications urging it to join school districts and other organizations concerned about adolescent substance use in calling for the re-criminalization of marijuana. Locally both the School Board and the Assembly have passed resolutions call for re-criminalization.

Although state law currently forbids use or possession of marijuana by minors, the fact that state law legalizes possession and use for adults makes marijuana more readily available to all. Like liquor, smoking marijuana has become a litmus test of the adult status that adolescents

so desperately covet. Put a slightly different way, patterns of adolescent substance use tend to mirror use in the community as a whole. Kids are sensitively attuned to adult hypocrisy. As one high school student testified at hearings on the marijuana re-criminalization bill last year, "If it's no good for me, it's no good for you." She may also have had in mind the converse of her own statement: "If it's good for you, it's good for me."

The Commission has received considerable evidence documenting the harmful effects of marijuana usage, especially upon developing adolescents. The so-called "Raven" decision, in which the Alaska Supreme Court found a constitutional right of privacy for adults to use and possess marijuana in their homes (notwithstanding federal laws prohibiting the same conduct), left the door ajar to a different result should advances in medical evidence suggest that the drug is more harmful than was generally believed a decade ago, when that case was decided. Many citizens now believe the case for re-criminalization can and should be made. Juneau Rep. Bill Hudson, a Commission member, recently added his name to the list of co-sponsors of the bill to re-criminalize marijuana.

Other citizens have expressed dismay and outrage at the apparent ease with which kids are able to obtain alcohol in Juneau. In a poll conducted by the high school newspaper a few years ago, of those students who drank (a majority of the school population), only 5 percent reported that availability was a problem. Alcohol is sold to minors not because it is difficult to determine who is a minor and who is not. It is sold because it is profitable. The kids quickly learn who checks ID and who does not, and give their not inconsiderable business accordingly.

Although it is illegal for a liquor licensee to sell to a minor, a violation of this provision is treated no more seriously than any other offense. Under current law, a liquor license may not be revoked until the third violation. There appears to be no legitimate reason for this tolerant atti-

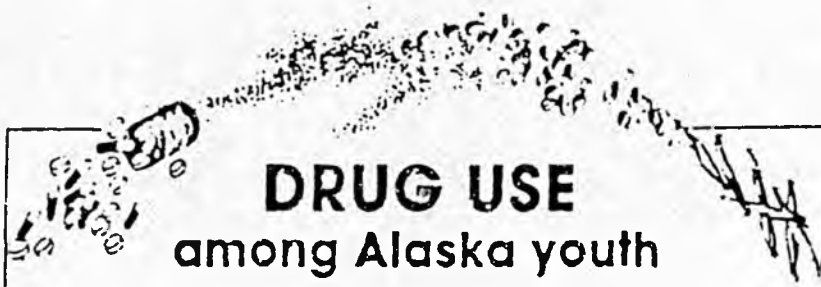
tude, when a simple check of the driver's license could provide a complete defense to prosecution.

The Commission has also received a copy of a Washington "keg law," requiring liquor store owners to record the names and addresses of persons purchasing kegs. All too often when police bust a keg party it is impossible to determine who purchased the alcohol given to the kids, and who sold it to them.

The Commission will also look at enforcement issues. Many citizens have observed that perhaps a better job could be done of policing areas where drugs are used and distributed by and to students, such as the graveyard and the small boat harbor across from the high school. "Sting" operations could and should be mounted against liquor store owners suspected of selling to kids. The Commission has received several complaints that police "bust" parties where drinking is evident, but simply issue verbal warnings. If true, this conduct on the part of the police sends a message that drinking by adolescents is acceptable and expected, as long as it "doesn't get out of hand" — which, of course, it never does until someone climbs the high tension tower, or walks into the lake, or walks into the river, or crosses the median.

The Commission has received communications from some parents who, for very understandable reasons, might be unwilling to give public testimony. The Commission understands and respects this need for confidentiality. If you have information or an opinion that you would like to express to the Commission in confidence about adolescent substance use or related problems in Juneau, you may mail your testimony to the Juneau Blue Ribbon Commission on Youth, care of Rep. Bill Hudson, Pouch Y, Juneau, Alaska 99811. Otherwise, we hope that you will attend the public hearing on Feb. 4 at 7 p.m. at the School District Conference Room.

David Crosby is co-chair of the Blue Ribbon Commission on Youth and a member of the Juneau City-Borough School Board.



DRUG USE among Alaska youth

Percentage of Alaska, U.S. youth who have tried drugs

<u>Drug</u>	<u>Alaska youth ages 12-17</u>	<u>U.S. youth ages 12-17</u>
Marijuana	47.4	26.7
Hallucinogens	7.9	5.2
Cocaine	16.6	6.5
Heroin	2.3	0.1
Stimulants	25.9	6.7
Depressants	14.0	5.8
Tranquilizers	11.1	4.9
Alcohol	71.7	65.2
Tobacco	55.0	49.5

Source: Alaska Medicine, January-March
1987 Issue

reducing juvenile drug arrests 22 percent by the end of 1984 and an additional 7 percent by the end of 1986. Open-container-in-vehicle violations were reduced 45 percent by the end of 1984 and an additional 19 percent by the end of 1986.

The most persuasive arguments in favor of the law's concept were:

- It helped youth by giving them a reason to say "no" which was acceptable to their peers
- It gave judges an effective tool to use in responding to drug violators
- In contrast to traditional prevention programs, this penalty program was nearly cost-free to the state.
- It provided positive reinforcement to drug-free teenagers by maintaining their eligibility to drive.
- It demonstrated society's commitment to fight drug use by taking firm legal action
- It provided an absolute consequence to drug violations
- The law supported parents, schools, and others fighting drug abuse

Passage of the law was not without struggle. Although opponents of the bill criticized it as harsh, and possibly in violation of the state constitution, we answered those criticisms. Oregon courts have upheld the law.

Public response to the law has been overwhelmingly positive. To obtain more information about the law, write to H. Wesley Smith, Assistant to the Superintendent, Greater Albany Public Schools, 718 Seventh Avenue, S.W., Albany, OR 97321 or telephone (503) 967-4515.

Oregon Denial Law Upheld

In April 1987, the Oregon Court of Appeals upheld that state's "Denial Law," which had been challenged on state constitutional grounds. In affirming the constitutionality of the statute, the court held that:

- The law meets its two intended goals—deterrence of drug and alcohol possession and use and promotion of highway safety; and
- A teenager's interest in possessing a driver's license is outweighed by the state's goals in this instance.

The court also rejected the claim that enforcement of the law constituted cruel and unusual punishment, that it treated minors unconstitutionally as a "suspect class," and that the license suspension penalty is out of proportion to more serious conduct.

The statute also survived an earlier court challenge based on arguments that it denied students their rights to equal protection under the state constitution.

States Follow Oregon's Lead

Several states have been actively considering proposals similar to Oregon's "denial" law. Here's a progress report from around the country:

New Jersey's new anti-drug law, effective since July 1987, contains provisions that relate drug use to driving privileges. New Jersey minors face a \$550 fine and a 6-month license suspension if caught with even one marijuana cigarette. Students found in possession of drugs before receiving a driver's license will have to wait 6 months past the normal date of eligibility before applying for a driver's license.

Missouri students will be subject to provisions of that state's new "abuse and lose" law scheduled to take effect on September 28, 1987. In Missouri, students under age 21 who are convicted of drunk driving or drug violations stand to lose their driving privilege for 1 year. Those under 16 would face a 1 year suspension beginning on their 16th birthday. These strict penalties also apply to students convicted of falsifying identification cards or carrying such cards.

The **California** legislature is considering a bill that would suspend or delay driving privileges of residents under 21 who are convicted of drug violations. Conviction for any drug or alcohol violation would result in a mandatory 1-year suspension of driving privileges for those with licenses. Students under 16 would be penalized by delaying their eligibility to drive for 1 year. The bill passed the California Senate by a vote of 21 to 4 and has been forwarded to the Assembly for further consideration.

In **Georgia**, Representative Thomas E. Wilder has introduced a bill in the General Assembly to deny auto licenses until the age of 17 to persons convicted of misdemeanors while under the influence of alcohol or drugs.

Wilder plans to seek passage of the bill in the next session of the General Assembly.

Senator Johne Binkley

Senate Finance Committee
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985



February 11, 1988

Finance Committee
Co-Chairman

David C. Crosby, Esq.
Council & Crosby
424 North Franklin Street
Juneau, AK 99801

RECEIVED
FEB 17 1988

COUNCIL & CROSBY

Dear Mr. Crosby:

I have received your letter dated February 10 regarding SB 383, the so-called "use and lose" bill, along with the attachments. Your written testimony is excellent and the "My Turn" article was very moving. Thank you so much for providing this information to me and my Senate colleagues.

I have written to Senator Abood expressing my agreement with the proposal to increase the ages for revocation to 16-1/2 for the first offense (or 6 months, whichever is longer) and 17 for the second offense (or one year, whichever is longer). I know you advocate a one year revocation for all offenses, giving the court the ability to reinstate the license sooner. I have a couple of problems with making the initial offense a one year revocation. First, I think its important in the first go-around that the revocation period be within a time frame that will have meaning to the minor. To make it too long, I'm afraid, will make the reinstatement seem unobtainable and therefore, the penalty may lose its poignancy. Second, by giving the court the ability to shorten the sentence may serve to benefit only those minors who are themselves or whose parents are familiar with and unintimidated by the "system."

I certainly agree that the penalty must be significant. Raising the ages and perhaps requiring evaluation for treatment for alcohol or drug abuse upon the second conviction would, I believe, fit the criteria.

Again, I want to thank you for taking such an interest in this bill. I have been advised by the State Affairs Committee that it will be heard again on Friday, February 19 at 1:30 p.m. I'm also told that a number of teenagers plan to attend to protest. I hope you too will be able to attend.

Sincerely,

A handwritten signature in black ink that reads "Johne".

Senator Johne Binkley
Yukon-Kuskokwim and
Interior Rivers

jka

Alaska State Legislature

PRESIDENT
907-465-3755



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

February 13, 1988

David C. Crosby
Council and Crosby
424 North Franklin Street
Juneau, Alaska 99801

Dear Mr. Crosby:

Thank you for providing a copy of your written testimony regarding SB-383, concerning minor consuming alcoholic beverages and driving privileges, or popularly known as the "use and lose" bill.

I just want to let you know that I found your presentation to be excellent in its content and organization. I find myself in agreement with your points and your suggested amendments to the legislation.

Thank you for taking time to submit your thoughts about this proposed legislation. Thanks, too, for getting involved in the effort to stem the tide of alcohol and drug abuse that is so pervasive among our young people.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Faiks".

Jan Faiks
Senator

JF/mg

OUT OF SESSION

3111 C STREET, SUITE 525 ANCHORAGE, ALASKA 99503 907-561-7610

WILLIAM T. COUNCIL
DAVID C. CROSBY

LAW OFFICE OF
COUNCIL & CROSBY
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

(907) 586-1788

February 19, 1988

The Honorable John E. Binkley
Alaska House of Representatives
Room 318 Capitol Building
Juneau, Alaska 99801

Re: Senate Bill No. 383 (Minor Consuming
and Driving Privileges -- "Use and Lose")

Dear Senator Binkley:

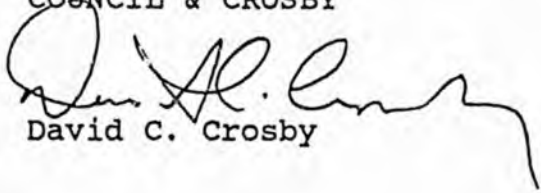
Thank you for notifying me of the hearings on SB 383.
Thank you also for your kind letter of February 11, 1988.

Enclosed is a supplement to the testimony I submitted
to you under cover letter of February 10, 1988.

Due to time constraints, I was unable to run off copies
for all committee members. I would appreciate it if you
would have your staff make copies and distribute them
accordingly.

Sincerely yours,

COUNCIL & CROSBY


David C. Crosby

Enc.

SUPPLEMENTAL TESTIMONY OF DAVID C. CROSBY

SENATE BILL 383 (MINOR CONSUMING AND
DRIVING PRIVILEGES -- "USE AND LOSE")

I would like to supplement my testimony submitted under cover letter of February 10, 1988, to Senator Binkley, with the following information:

1. F. W. Smith, "Oregon says "No" to Driving by Minors Who Use Drugs," The Challenge magazine. Attached to my testimony of February 10, 1988, was page 19 of an article printed in The Challenge magazine. This is a United States Department of Education publication. I am sorry that I cannot provide the volume number or date. The article appeared, however, within the last year. The author, H. Wesley Smith, is generally regarded to be the father of the "Use and Lose" laws. The additional materials submitted provide statistical confirmation that Oregon's Use and Lose law (which is virtually identical to H.B. 361 and similar to S.B. 383, with the exception of the penalty provision) has been effective in reducing alcohol and drug use by minors including use in connection with driving. The law is credited with reducing juvenile drug arrests by nearly 30% in the four years since its enactment.

2. State of Oregon, interoffice memo dated April 8, 1987. This memorandum provides statistical information similar to that recited in the Smith article, covering the years 1982 through 1984. (The Oregon statute was passed in 1983.)

3. State of Oregon v. Day, 84 Or. App. 291, 733 P.2d 937 (1987), Petition for Review denied, ___ P.2d. ___ (1987). This case upheld the Oregon statute against contentions that it denied equal protection (including a contention that it created a suspect classification of minors) and a contention that the law violated the prohibition against cruel and unusual punishment. In the course of its opinion, the Oregon Court of Appeals had the following to say:

The legislative history reveals that the law was intended to meet two goals: Deterrence of drug and alcohol possession and use among young people and promotion of highway safety. Both goals are legitimate. The legislature considered the sanction appropriate to meet these goals because of the lack of other meaningful penalties for the group and the recognition that driving is a privilege young people do not want to lose.

. . . .

We conclude that the interest in possessing an operator's license, although an important entitlement, is outweighed by the State's goals of promoting highway safety and deterring drug and alcohol possession and use by those between the ages of 13 and 17.

4. Praete v. Commonwealth, 722 S.W.2d 602 (Ky App. 1987). In this case the Kentucky Court of Appeals held that the legislature could constitutionally impose more stringent penalties upon minors than others in connection with drug and alcohol use and driving. The Court of Appeals quoted the lower court's statement:

Those between the ages of 16 and 18 . . . are still deemed to be minors and the legislature may reasonably regard them as a class requiring closer supervision than those over the age of 18. More importantly, the legislature may properly decide that members of the general public are entitled to greater protection from those minors who have demonstrated a lack of maturity in both the consumption of alcohol and the operation of a motor vehicle upon the highways of the State.

5. SOADA Statistics and Bar Graph. In my testimony of February 10, 1988, I represented to you that "drivers under 21 constitute 7% of the driving public, but account for 14% of the serious drug and alcohol related accidents." Attachment 5 is the supporting documentation for this statement.

6. Adolescent Drug-Taking Behavior Follow-up Study, Juneau: Grades 7 through 12 (University of Alaska, 1987). This is a five-year follow-up study on drug and alcohol use among Juneau school students, highlighting changes from 1982 through 1987. The study is marked "Confidential." The

Juneau School District, however, has elected to release the report to the public.

There are two significant findings in this report. The first appears on page 6:

Presently, 58.4% of those surveyed, over half of the sample, reported having tried one or more of the chemical substances listed in the questionnaire during their lifetime. The number of students reported having tried one or more drugs in 1982 was 42.6%. The difference between the two statistics represents an increase of 15.8% (over a five year period).

This statistic should be contrasted with the Oregon statistics set forth in Attachment 1. While the two studies do not purport to measure precisely the same behavior (drug and alcohol violations, as opposed to reports of lifetime experiences with drugs and alcohol), one would logically expect statistics regarding violations to have some logical correspondence to usage. Without attempting to draw any conclusions from the magnitude of change in either study, it is significant to note that Oregon and Alaska appear to be headed in quite different directions concerning the extent of drug and alcohol usage among minors.

The second significant finding appears on page 12:

Previous research suggested that age 13 was the peak year for initiation into drugs, but the present findings indicate that age 12 now appears to be the critical year for initiation into drugs.

I cited this finding to you on page 6 of my original testimony. I wanted the Committee to have the supporting documentation.

Thank you for the opportunity to present these additional materials to you.