

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
5347 SJUD HB 371 - HB 386

9/19

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

5-7

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

JAN 0 1985

DEPT. OF LAW

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

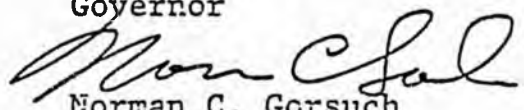
POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

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 commit 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

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

*note: add sec. 14
(AS 12.55.155(e))*

addition

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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 unde:
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), OR (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.

Rodey

POSITION PAPER/Department of Health & Social Services

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, Acting
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: Barbara Bunker Adams 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)

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 subfilling 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 subfilling 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 or 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. They 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 trials or class B or C felony trials. Conduct sentence appeals, misdemeanor appeals, or less complex felony merit 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 their 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.)

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) 485-3762

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

BARGAINING 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	(LONGEVITY INCREMENTS OF FINAL STEP)					RANGE NO.
							J	K	L	M		
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

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

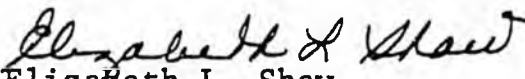
March 7, 1988
Page 2

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 lovers — 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 1964 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 havin';

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."

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Shampoo and Supplement

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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

March 2, 1988
Anchorage Daily News

REPRESENTATIVE
PETER GOLL



Bodey
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4925

STATE OF ALASKA
HOUSE OF REPRESENTATIVES

M E M O R A N D U M

APR 29 1988

DATE: April 28, 1988
TO: Senator Jalmar Kerttula
Chairman
Senate Judiciary Committee
FROM: Representative Peter Goll
SUBJECT: Abuse of Disabled Persons

Physical and sexual abuse of mentally and physically disabled adults is a problem in Alaska and nationally.

HB 344 establishes mandatory reporting requirements and procedures for investigation of attacks on those adults who are so severely disabled that they are clearly unable to protect themselves.

The Division of Family and Youth Services reports that in 1986, there were 202 actual "reports of harm" to the elderly and 312 "reports of harm" to disabled adults under the age of 65 in Alaska.

That is a total of 514 reported cases in a single year. The reported cases represent only a portion of actual incidents.

I have attached:

1. Letter of support from the "Alaska State Association of Retarded Citizens".
2. Letter of support from the "Association of Retarded Citizens of Anchorage".
3. Letter to Rep. Peter Goll from Mr. David Maltman.

PG:ljb

attachments

State of Alaska

House Majority Leader

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
HOUSE JUDICIARY
HOUSE RULES



P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3718
465-4968/4986

914 CLAY COURT
ANCHORAGE, ALASKA 995
(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

October 19, 1987

TO: REPRESENTATIVE NIILLO KOPONEN, CO-CHAIR HOUSE HESS
COMMITTEE
REPRESENTATIVE JOHNNY ELLIS, CO-CHAIR HOUSE HESS
COMMITTEE

FROM: MAX F. GRUENBERG, JR. *max*

RE: INTRODUCING "AN ACT RELATING TO PHYSICALLY AND MENTALLY
DISABLED PERSONS" AS A HESS COMMITTEE BILL

I would very much appreciate it if we could introduce the attached draft bill as a HESS Committee bill.

This bill clarifies certain portions of SB 1, which was signed into law by the Governor.

Section 1 of the bill requires the driver of a vehicle who causes property damage to a physically disabled person's property, such as a wheelchair, to pay for damages. There is no provision in SB 1, now Chapter 69, SLA 1987, to compensate a victim if his property is damaged or destroyed.

Section 2 clarifies AS 11.76.130(a) to require that a person must intentionally interfere with the rights of a disabled person to be guilty of a Class "B" misdemeanor. Thus, a person repairing his sidewalk, for example, would not be criminalized.

Both of these changes certainly reflect our legislative intent in HB 172 last year, now SB 1, passed this year.

Section 3 removes a superfluous requirement for determining eligibility for driver's licenses. The Division of Motor Vehicles already under (5) of this section, retains the ability to refuse a license or permit for a person with a present mental disability. Many people have received

counseling or, at one time were mentally ill. Very few were legally adjudged incompetent. Fewer still were formally restored to competency by the methods provided by law. The mental health community strongly supports the repeal of AS 28.15.031(a)(4). Subsection (5) gives the DMV sufficient authority to protect the public.

I would like to make a motion at our Friday, October 23 meeting that the HESS Committee sponsor the bill and have it pre-filed.

If any committee member objects or requests any amendment (deletion or addition), please contact me at my law office, 276-6844, and I'll be happy to assist.

Thank you very much.

cc: All HESS Committee members

POSITION PAPER

CSHB 344

"An Act relating to the protection of persons with disabilities and to disabled adults who are victims of physical or sexual abuse."

EFFECT OF CSHB 344

Section 1 amends A.S. 09.65.150(a) to include responsibility for property damage incurred when a driver fails to yield for a physically disabled pedestrian so identified in this Section. "Property" under this Section could relate to the mobility aids and appliances utilized by the pedestrian.

Section 2 amends A.S. 11.76.130(a) and limits the crime of interference to those situations where the rights of a disabled person are intentionally prevented or restricted as described.


Section 3 requires certain professionals to report suspected criminal physical and sexual abuse of a disabled adult to the nearest law enforcement agency provided that the disabled adult is unable to report the abuse. CSHB 344 also provides immunity from liability and retaliation to the individual who is reporting the suspected abuse.

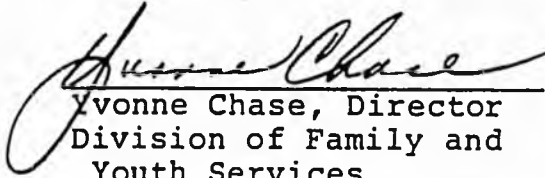
The bill appropriately distinguishes between those disabled people who are capable of reporting crimes themselves from those who cannot due to their disabilities. The former should be allowed to make their own decisions regarding reporting of crimes, while the latter must have assistance or they will go entirely unprotected.

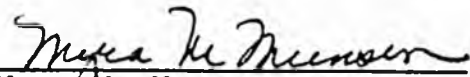
Section 4 repeals A.S. 28.15.031(b) (4) which restricts the issuance of a driver's license if a person has a mental disability and has not been restored by the methods provided by law. This provision is unnecessarily restrictive and redundant. AS 28.15.031 (b) (5) provides the Department of Public Safety the authority to revoke or not grant a driver's license to a person with a mental or physical disability.

The Department of Health and Social Services (DHSS) supports CSHB 344. The department estimates that 312 reports of harm to disabled adults were received in 1986. Although DHSS attempts to respond to reports of abuse of disabled adults, DHSS currently does not have the necessary resources to provide an adequate level of adult protection services statewide. Further, this bill addresses reports of criminal conduct against adults which is appropriately investigated by law enforcement. The efforts of the two agencies working cooperatively in appropriate cases will further the protection available to disabled people.

CSHB 334 helps by providing a mechanism by which people who are aware of criminal physical and sexual abuse of disabled people are required to report these crimes to the appropriate law enforcement agency. In addition, CSHB 344 clarifies existing law with regard to interference with disabled persons.

Recommended by: 
Mel Henry, Director
Division of Mental Health
and Developmental Disabilities


Yvonne Chase, Director
Division of Family and
Youth Services

Approved by: 
Myra M. Munson
Commissioner
Department of Health
and Social Services

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION : CSHB 344 (HESS)
PUBLISH DATE : _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Relating to the Protection of
Persons with Disabilities...
Sponsor: HESS COMMITTEE
Requestor: _____

Agency Affected: HEALTH and SOCIAL SERVICES
BRU: _____
Components: _____

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-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----


FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

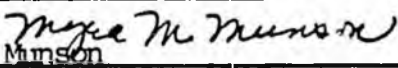
ANALYSIS : (Attach a separate page if necessary)

Prepared by: Mel Henry, Director 

Division: Division of Mental Health and Dev. Disabil.

Phone: 465-3370

Date: 2/29/88


Approved by Commissioner: Myra Munson

Date: 3/1/88

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



Association for Retarded Citizens of Alaska, Inc.

2211-A Arca Drive, Anchorage, Alaska 99508 • (907) 277-6677

January 23, 1988

Representative Peter Goll
513 Capitol Building
P.O. Box V
Juneau, Alaska 99811

RE: House Bill 311

For an act entitled, "An Act Relating to Protection of Adults with Disabilities who are Victims of Abuse, Neglect or Exploitation."

Dear Representative Goll:

I am writing this letter in behalf of the Board of Directors of the Alaska State Association of Retarded Citizens, who at its January 16, 1988 Board meeting unanimously supported the passing of House Bill 311.

The Alaska State Association for Retarded Citizens is comprised of families, consumers, and professionals all dedicated to speak out in behalf of the interests and rights of persons who are mentally retarded/developmental disabled. We feel that the bill will provide for the protection of those individuals who due to their disability are not able to speak out for themselves.

Again, our strong support for this bill is encouraged. If I can be of any further assistance, please do not hesitate to contact me at 277-6677.

Sincerely,

Mary Jane Starlings
Executive Director

Margaret R. Lowe, President
Board of Directors

MJS/sls
cc: Fran Ulmer



January 23, 1988

Representative Peter Goll
513 Capitol Building
P.O. Box V
Juneau, Alaska 99811

RE: House Bill 311
For an act entitled, "An Act Relating to Protection of
Adults with Disabilities who are Victims of Abuse, Neglect
or Exploitation."

Dear Representative Goll:

I am writing this letter in behalf of the Board of Directors of the Association of Retarded Citizens of Anchorage, who at its January 14, 1988 Board meeting unanimously supported the passing of House Bill 311.

The Association for Retarded Citizens of Anchorage provides residential services for persons who are mental retarded/developmentally disabled. We feel that this bill will provide for the following:

1. The assurance that adults with mental retardation will live in a safe program providing quality training leading to the least restrictive and most normalized setting possible.
2. That professionals in residential, vocational, respite and other services provided to adults with mental retardation who have reasonable cause to believe that an individual has suffered harm as a result of abuse, neglect or exploitation shall be afforded the opportunity and protection to report the harm to the Department of Health and Social Services.
3. That advocates, families, friends, and consumers who have reasonable cause to believe that an individual has suffered harm as a result of abuse, neglect or exploitation within a program in the State of Alaska has the opportunity to report the harm to the Department of Health and Social Services.

Representative Goll
JM: ARCA
DATE: January 23, 1988
PAGE: 2 of 2

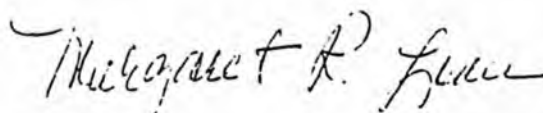
It is all of our responsibilities to advocate in behalf of the interests and rights of persons with mental retardation who may not have the ability to speak out in their own behalf because of their disabilities.

Again, our strongest support for this bill is encouraged. If I can be any further assistance, please do not hesitate to contact me at 277-6677.

Sincerely,



Mary Jane Starlings
Executive Director



Margaret R. Lowe, President
Board of Directors

MJS/sls
cc: Fran Ulmer



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

325 E. Third, Suite 400
Anchorage, AK 99501-2606
(907) 274-3658 TTD

127 S. Franklin
Juneau, AK 99801
(907) 586-1627 TTD

250 Cushman, Suite 3H
Fairbanks, AK 99701
(907) 456-1070 TTD

February, 27, 1987

Mr. Peter Goll
P.O. Box 581
Haines, Alaska 99827

Dear Representative Goll:

We are glad to respond to your request for suggestions for a bill which would protect vulnerable adults from abuse. For your review, we have enclosed a draft document which includes the ingredients we believe necessary for an optimal approach for legislation to remedy this problem

Most importantly, the draft document we offer establishes a penalty for care givers that do not report the abuse and neglect of people with Developmental Disabilities. This provision alone would do a great deal to rectify the current situation. As your bill moves through the legislature we hope the provision for a penalty can be maintained and passed into law.

We appreciate your concern about this serious situation and you can count on our support for your bill. Your interest and sponsorship for this measure will undoubtedly determine its success.

Again, we are pleased to assist you. Do not hesitate to call if we can provide more information.

Sincerely,

David F. Maltman
Executive Director

DFM:glf
Enc.

HB

372

ANCHORAGE TASK FORCE ON SEXUAL ASSAULT
LEGISLATIVE COMMITTEE

c/o S.T.A.R., 3925 Reka Dr., Anchorage, AK 99508 (907) 276-7279

March 23, 1988

Senate Judiciary Committee
P.O. Box V
Juneau, AK 99811

RE: HB 372; Letter of Support
Request for Committee Hearing

Dear Senator Jay Kerttula, Chairman;
Senator Arliss Sturgulewski, Vice-chairman;
Senator Joe Josephson;
Senator Rick Halford;
Senator Pat Rodey:

The Anchorage Task Force on Sexual Assault (ATFSA) is comprised of thirty individuals from the State Departments' of Law, Health and Social Services, and Corrections, the Anchorage Police Department, Association of Stranded Rural Alaskans in Anchorage, Standing Together Against Rape (STAR), local hospitals, private mental health institutions, and concerned professionals. The purpose of the ATFSA is to heighten community awareness, enhance inter-agency communication and cooperation, identify resources for victims, and advocate for policies affecting sexual assault victims and their families.

The ATFSA legislative committee strongly supports HB 372 and urges the Judiciary Committee to schedule a hearing on the bill. The bill provides for the prohibition of suspended imposition of sentencing (SIS) for sexual assault offenses, which do not carry a presumptive term. This would include sexual offenses in the second, third and fourth degree.

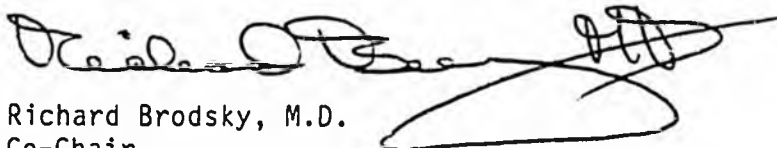
As many of you already know, sexual assault continues to be a serious problem in Alaska. Alaska has led the nation in sexual assault per capita the last ten years, with the exception of 1980. The figures for child sexual abuse are equally high. Child sexual abuse cases investigated by the Department of Health and Social Services in 1986, was 5 times greater than the reported national incident rate.

Passage of HB372 is valuable in combatting the problem of adult and child sexual assault in two ways. Firstly, the law would reflect the state's strong sanctions against sexual assault offenses. SIS's are already prohibited for drunk driving offenses. And clearly the incidence of sexual assault offenses are as serious and numerous. Secondly, a recorded history

would be maintained for those convicted of sexual assault offenses to assist employers who conduct employee criminal background checks. It is to the advantage of employers, and benefit of society, to access a criminal history background which is factual. Since an SIS allows record clearance of a conviction, nothing is left in the archives to reflect the wrongdoing. Efforts by employers to carefully screen prospective employees, (such as the Anchorage, Fairbanks and Juneau School Districts' which conduct criminal background checks for sex offenses) can be seriously undermined by providing an inaccurate criminal history.

Committee consideration on the merits of HB 372 would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Brodsky", with a large, stylized flourish extending from the end of the name.

Richard Brodsky, M.D.
Co-Chair
Legislative Committee

Enclosures



ANCHORAGE SCHOOL
DISTRICT POLICY ON
CRIMINAL BACKGROUND
CHECKS.

ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99519-6614
AREA CODE [907] 333-9561

SCHOOL BOARD

Martha Roderick
President

William Frick
Vice President

Jim Robinson
Clerk
Past President
1981-82, 1984-85

Bettye Davis
Treasurer
Past President
1985-86

Darryl Jordan
Clerk Pro Tem

Jean Buchanan
Assistant Treasurer
Past President
1983-84, 1986-87

Carol Stolpe
Parliamentarian

SUPERINTENDENT

William Coats, Ph.D.

March 14,

Ms. Carrie Longoria
P.O. Box 10-3356
Anchorage, AK 99510

BACKGROUND CHECK

In response to your inquiry, this letter addresses the issue of the employee background checks. In the past, it has been difficult to ascertain whether an employee had a history of crimes against children. The fingerprint process enables us to acquire this information. The Anchorage School District requires that all new employees, including substitutes, be fingerprinted. The purpose of this check is to assure that the employee has no history of convictions for sex crimes or crimes against children.

The cost of the fingerprint process is fourteen dollars (\$14.00) per person, funded by the new employee in the form of a cashier's check or money order. The fingerprints are forwarded to the Federal Bureau of Investigation through the Alaska State Troopers and an investigation is conducted.

It is the District's policy to carefully select qualified, moral and safe employees to educate the children of Anchorage. The background check is a tool for the District to verify that the employee has no past criminal offenses regarding minors. If you have further concerns, please contact the Staffing Department at 269-2154.

M. Goodwin

MERRIANNE GOODWIN, PERSONNEL OFFICE MANAGER

MPM/cl
SR300.18

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, AK

BACKGROUND CHECK

PURPOSE PAPER

The hiring purpose of the District provides for the employment of a staff competently trained, physically and mentally healthy, unified in purpose and organization, and devoted to the cause of public education. The District's policy is specifically directed toward the creation of the best possible educational climate in each of the schools.

In an effort to discourage inclusion of individuals who have demonstrated behaviors which are dangerous to the health and welfare of youngsters, the District initiated a more extensive background investigation procedure beyond the scope of traditional reference checks. Due to a strong position against child abuse and exploitation, as well as past occurrences of unlawful and immoral acts against children, the fingerprint procedure proposal was approved by the School Board effective July 1, 1984.

The background check, which incorporates a fingerprinting procedure, is utilized by several other districts within the United States. The information obtained is used only to make lawful employment decisions. Once the prospective employee is "cleared" by the Federal Bureau of Investigation, background check information is destroyed.

The fingerprint procedure is required as a contingency of employment for new employees only (those hired on or after July 1, 1984), including substitutes and temporaries. Background checks are not required of those employed before July 1, 1984 for several reasons.

- 1.) It is inappropriate to mandate that these employees obtain a background check "after the fact" of employment.
- 2.) The need for a check is minimized after the employee has been working under supervision and has been evaluated.
- 3.) After meeting District requirements to obtain a position, it would not be fair practice to require employees to pay fourteen dollars (\$14.00) for a background check that was not a contingency of employment at the time of hire.

In summary, the District strives for a high quality educational environment which includes hiring those individuals who not only contribute to the pursuit of excellence, but who meet the highest moral/ethical standards. Moreover, we are committed to attaining this goal.

GR/cl

SR300.29

Child Advocacy Network



APR 3 1988

c/o MOA, Abuse Prevention Unit, P.O. Box 196650, Anchorage, AK 99519-6650

343-6533

April 5, 1988

Senate Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

RE: LETTER OF SUPPORT FOR HB 372

Dear Senator Jay Kerttula, Chairman;
Senator Arliss Sturgelewski, Vice-Chairwoman;
Senator Joe Josephson;
Senator Rick Halford;
Senator Pat Rodey:

The Child Advocacy Network is an organization whose primary interest is the care and welfare of children in our state. We believe it is our duty, as professionals who work with children, to respond to proposed legislation which would impact children. The enclosed pamphlet outlines our position and recommendations on legislation significant in affecting the lives of children.

Although our position of support for HB 372 is included in the pamphlet, its pending status in your Committee warrants this cover letter. The bill proposes prohibiting suspended imposition of sentencing (SIS) for sexual assault offenses which do not carry a presumptive sentence. This would include sexual assault offenses against minors. CAN believes HB 372 is of paramount importance in protecting children against sexual assault.

Because an SIS allows the criminal record to be cleared, this could seriously undermine efforts by employers attempting to reduce the risk of sexual offenses against children. Under present law, AS 12.62.035, employers can conduct criminal history background checks of employees. The Anchorage, Fairbanks, and Juneau school districts' conduct employee background checks in efforts to provide a safer environment for children. However, if an SIS has been provided for a sexual assault offense (excluding those with a presumptive sentence), no criminal history is recorded in the archives. Furthermore, employees can assert in all honesty, they have no record of conviction for sexual assault offenses.

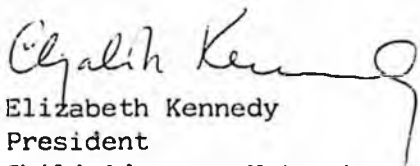
It is also important to recognize that individuals who sexually assault adults may also commit sexual offenses against children. In a study conducted by Dr. Gene Abel of non-familial female child molesters, 20% of their sexual crimes included adult rapes. In the same study, 19% of sexual crimes committed by incest male child molesters were for adult rape. Therefore, it is extremely

CHILD ADVOCACY NETWORK
Letter of Support for HB 372
April 5, 1988
Page Two

imperative to prohibit an SIS for adult sexual assault offenses (excluding first degree) as well as child sexual offenses, since an overlap in the propensity to commit either crime may exist.

Passage of HB 372 would further efforts in preventing child sexual abuse in Alaska. CAN realizes many of the Committee members have an outstanding record of assisting child sexual assault victims. We trust these valiant efforts will continue through your consideration of HB 372. We urge its quick passage.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Kennedy". The signature is written in dark ink and is positioned above the typed name and title.

Elizabeth Kennedy
President
Child Advocacy Network

EK/sjj

CHILD ADVOCACY NETWORK
HB 372

POSITION

The Child Advocacy Network strongly supports HB 372. HB 372 should be passed as expeditiously as possible.

BACKGROUND

Sponsored by Representative Fran Ulmer, the bill prohibits suspended imposition of sentencing (SIS) for sexual assault offenses.

Presently, suspended imposition of sentencing for first time sexual assault offenses which do not carry a presumptive term can be expunged from the record upon a motion from the offender. This allows individuals found guilty of sexual assault offenses against minors, excluding first degree sexual abuse of a minor, to move to have their record cleared.

CAN is concerned with the provisions which allow SIS's for sexual offenses against minors. Sexual assault offenses against minors are serious. Allowing an SIS for this type of offense disregards the gravity of the crime and mitigates the seriousness of the offense. Current statutory language and commentary reflect a state philosophy which holds sexual offenses against minors in serious light. This is particularly important since Alaska boasts some of the highest figures nationwide for sexual abuse of minors. A consistent philosophical regard, which views child sexual offenses as a serious crime, should be perpetuated throughout the state's statutory fabric. To provide for less undermines current laws which work to protect minors and subverts the state's grave regard for sexual assault offenses against minors.

Because present law allows SIS's for sexual offenses against minors, a motion to have the record expunged clears the record. Therefore, a history of the offense is not maintained and useful for criminal background checks. Clearance of the criminal record is of particular concern since any child sex abusers purposely gain employment in positions with authority, care or entrustment over a child. This could mean, present efforts by the Anchorage School District in providing criminal background checks for prospective employees to guarantee the safety and welfare of children is defeated. And current law under AS 12.62.035, which allows for criminal history background checks is thwarted since expungement of the record does not allow for a true presentation of a criminal history.

In addition, a "reoffense" of the same crime could only result in sentencing as a first time offense instead of as a second time offense although in reality the same individual has committed a second offense and has harmed another child or assaulted the same child twice. This is a particularly heinous injustice in child sexual abuse cases since part of the dynamics used by the offender against the child involves "minimizing" or "denying" the realities of the harm. The perpetuation of this dynamic should not be carried in the law.

Passage of HB 372 would prohibit suspended imposition of sentencing for sexual assault offenses, including sexual assault felonies against minors. The bill is important in maintaining the state's serious regard for child sexual offenses and in furthering the protection of children from those who seek access through employment, by maintaining records of offenders who sexually assault children.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act prohibiting suspended
imposition of sentence."
Sponsor: Representative Ulmer
Requestor: _____

Agency Affected: Department of Corrections
BRU: _____
Components: _____

(107)

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	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

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)

This legislation will have minimal impact on the Department of Corrections. We estimate that it will affect approximately 45 sex offenders per year, and they will receive jail sentences no greater than 6 months. This is

Susan E. Knighton
Susan E. Knighton, Director

465-3376

Prepared by: _____
Division: Administrative Services

Phone: _____
Date: 1-28-88

Approved by Commissioner: Susan Humphrey-Barnett
Agency: Department of Corrections

Date: 1-28-88

Distribution (by preparer):

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

STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE

108

REQUEST: _____

Bill Version: HB 372
Publish Date: HOUSE 2/10/88

Revision Date: 1-26-88
Title: An act prohibiting suspended
imposition of sentence...sexual offense
Sponsor: Ulmer
Requestor: House HESS

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)						
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL
REVENUE

FUNDING: (Thousands of Dollars)						
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel
Division: Alaska Court System
Phone: 264-8215
Date: 1-26-88

Approved by: *Stephanie Cole, for*
Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System
Date: 1-26-88

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

HB

374

81

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 374(SA)
PUBLISH DATE: HOUSE 2/3/88

FISCAL NOTE

REQUEST:

Revision Date: 1/29/88
Title: An Act relating to selection of the jury list.
Sponsor: STATE AFFAIRS COMMITTEE
Requestor: House State Affairs

Agency Affected: _____
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Division of Elections Date: _____
Approved by Commissioner: [Signature] Date: 2/1/88
Agency: Office of the Governor

Distribution (by preparer):

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

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 374(SA)
PUBLISH DATE: HOUSE 2/3/88

82

FISCAL NOTE

REQUEST

Revision Date: _____
Title: An Act relating to selection
of the jury list
Sponsor: State Affairs Committee
Requestor: State Affairs Committee

Agency Affected: Revenue
BRU: Permanent Fund Dividend
Components: Permanent Fund Dividend
Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS:

The Permanent Fund Dividend Division will be able to provide a tape listing of Permanent Fund Dividend applicants with the following information: first name, middle initial, last name, mailing address and birth date. We will not be able to provide a separate residence address or years and/or dates of residence. However, each applicant on file states that they were a resident of Alaska since at least prior to October 1.

Prepared By: Ervin Jones
Division: Permanent Fund Dividend Division

Phone: 465-2323
Date: January 25, 1988

Approved by Commissioner: [Signature]
Agency: Revenue

Date: 1/26/88

Distribution (by preparer):

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

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STATE OF ALASKA



LYMAN F. HOFFMAN
REPRESENTATIVE

P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4530, 465-4453

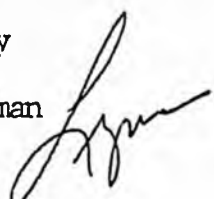
HOUSE OF REPRESENTATIVES

DISTRICT 25

AKIACHAK
AKIAK
ATMAUTLUAK
BETHEL
CHEFORNAK
EEK
GOODNEWS BAY
KASIGLUK
KIPNUK
KONGIGANAK
KWETHLUK
KWIGILLINGOK
MEKOR'UK
NAPAKJAK
NAPASKIAK
NEWTOK
NIGHTMUTE
NUNAPIITCHUK
OSCARVILLE
PLATINUM
QUINHAGAK
TOKSOOK BAY
TUNTUTLIAK
TUNUNAK

MEMORANDUM

TO: Senator Jay Kerttula
Chairman, Senate Judiciary

FROM: Representative Lyman Hoffman 

DATE: March 23, 1988

RE: Scheduling of CS HB 386/387

Attached please find complete backup for CS HB 386/387.

Please schedule this alcohol legislation at your earliest convenience.

If there are any questions concerning this information or the legislation, please do not hesitate to contact my office.

Thank you.

BACKUP INFORMATION FOR CS HB 386 and CS HB 387

- 1) HB 386 and HB 387
- 2) CS HB 386(Judiciary) and CS HB 387(Judiciary)
- 3) February 24th House Judiciary Committee Report
- 4) March 14th House Finance Committee Report
- 5) March 21st House Floor Action CSHB386/CSHB387
- 6) Summary analysis for CS HB 386/387
- 7) Public Safety description of W.A.A.N.T.
- 8) Public Safety Fiscal Note/Position Paper
- 9) Health/Social Services Fiscal Note/Position Paper
- 10) ABC Board Fiscal Note
- 11) Newsweek article, "Alaska's Suicide Epidemic"
- 12) Anchorage Daily News articles,
"Haven for Bootleggers"
"St. Marys loses a life in frustrating battle"

HB 237

against a child, but also to homicides where the victim is a child and to cases involving unlawful exploitation of children."

HB 237 is in the Finance Committee.

HB 386

The Judiciary Committee has considered:

HOUSE BILL NO. 386

"An Act relating to rewards to promote the apprehension and conviction of certain offenders; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 386 (Judiciary)

"An Act relating to enforcement of alcoholic beverage control laws; and providing for an effective date."

Recommending do pass (7): Sund (Chairman), Ulmer, Gruenberg, Barnes, Navarre, Cotten, Taylor

A zero fiscal note was published February 24, 1988.

HB 386 was referred to the Finance Committee.

HB 387

The Judiciary Committee has considered:

HOUSE BILL NO. 387

"An Act making a special appropriation to the Department of Public Safety for a reward program to promote the apprehension and conviction of persons who violate certain alcohol control laws; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 387 (Judiciary)

"An Act making a special appropriation to the Department of Public Safety for enforcement of alcoholic beverage control laws and for a reward program to promote the apprehension and conviction of persons who violate certain alcohol control laws; and providing for an effective date."

Recommending do pass (7): Sund (Chairman), Ulmer, Gruenberg, Barnes, Navarre, Cotten, Taylor

HB 387 was referred to the Finance Committee.

HB 386

The Finance Committee has considered:

HOUSE BILL NO. 386

"An Act relating to rewards to promote the apprehension and conviction of certain offenders; and providing for an effective date."

March 14, 1988

HOUSE JOURNAL

2557

HB 386

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 386 (Judiciary)
(page 2333)

Recommending do pass (6): Pourchot (Vice-chairman), Goll, Swackhammer, Boyer, Rieger, Wallis

A zero fiscal note with analysis was published March 14, 1988.

HB 386 was referred to the Rules Committee for placement on the calendar.

HB 387

The Finance Committee has considered:

HOUSE BILL NO. 387

"An Act making a special appropriation to the Department of Public Safety for a reward program to promote the apprehension and conviction of persons who violate certain alcohol control laws; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 387 (Judiciary)
(page 2333)

Recommending do pass (6): Pourchot (Vice-chairman), Goll, Swackhammer, Boyer, Rieger, Wallis

HB 387 was referred to the Rules Committee for placement on the calendar.

HB 386

The following was read the second time:

HOUSE BILL NO. 386

"An Act relating to rewards to promote the apprehension and conviction of certain offenders; and providing for an effective date."

with the:

Judiciary Committee report	p. 2333
Zero fiscal note published 2/24/88	p. 2333
Finance Committee report	p. 2556
Zero fiscal note with analysis published 3/14/88	p. 2557

Representative Gruenberg moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 386 (Judiciary)

"An Act relating to enforcement of alcoholic beverage control laws; and providing for an effective date."

There being no objection, it was so ordered.

CSHB 386(Jud)

Representative Gruenberg moved and asked unanimous consent that CSHB 386(Jud) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 386(Jud) was read the third time.

The question being: "Shall CSHB 386(Jud) pass the House?"
The roll was taken with the following result:

CSHB 386(JUD)

Yeas: 39 Adams, Barnes, Boucher, Boyer,
Brown, Cato, Cotten, Davidson,
Davis, Donley, Ellis, Frank,
Furnace, Goll, Gruenberg,
Grussendorf, Hanley, Herrmann,
Hoffman, Hudson, Koponen, Larson,
Martin, Menard, Miller, Navarre,
Pearce, Pettyjohn, Phillips,
Pourchot, Rieger, Shultz,
Springer, Sund, Swackhammer,
Taylor, Ulmer, Wallis, Zawacki

Nays: 0

Excused: 1 Collins

Absent: 0

And so, CSHB 386(Jud) passed the House.

Representative Gruenberg moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 386(Jud) was referred to the Chief Clerk for engrossment.

HB 387

The following was read the second time:

HOUSE BILL NO. 387

"An Act making a special appropriation to the Department of Public Safety for a reward program to promote the apprehension and conviction of persons who violate certain alcohol control laws; and providing for an effective date."

HB 387

with the:

Judiciary Committee report	p. 2333
Finance Committee report	p. 2557

Representative Gruenberg moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 387 (Judiciary)
 "An Act making a special appropriation to the Department of Public Safety for enforcement of alcoholic beverage control laws and for a reward program to promote the apprehension and conviction of persons who violate certain alcohol control laws; and providing for an effective date."

There being no objection, it was so ordered.

CSHB 387(Jud)

Representative Gruenberg moved and asked unanimous consent that CSHB 387(Jud) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 387(Jud) was read the third time.

The question being: "Shall CSHB 387(Jud) pass the House?"
 The roll was taken with the following result:

CSHB 387(JUD)

Yeas:	38	Adams, Barnes, Boucher, Boyer, Brown, Cato, Cotten, Davidson, Davis, Donley, Ellis, Frank, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hoffman, Hudson, Koponen, Larson, Martin, Menard, Miller, Navarre, Pearce, Phillips, Pourchot, Rieger, Shultz, Springer, Sund, Swackhammer, Taylor, Ulmer, Wallis, Zawacki
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Nays:	0
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March 21, 1988

HOUSE JOURNAL

2653

CSHB 387(Jud)

Excused: 1 Collins

Absent: 1 Pettyjohn

And so, CSHB 387(Jud) passed the House.

Representative Gruenberg moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 387(Jud) was referred to the Chief Clerk for engrossment.

SUMMARY ANALYSIS

CS HB 386 (Judiciary)

Section 1. Will include alcohol with drug enforcement. Will primarily focus on investigation, apprehension, and conviction of bootleggers in local option communities.

An annual detailed report will be delivered to the Legislature on the activities of drugs and alcohol enforcement.

Section 2. The establishment of a reward program, and grant system for villages for reward programs, leading to apprehension and conviction of bootleggers who violate local option laws.

Section 3. Effective date - July 1, 1988.

SUMMARY ANALYSIS

CS HB 387 (Judiciary)

Section 1. An appropriation of \$250,000 from the general fund for enforcement of local option laws.

Section 2. Unused funds would lapse to general fund 6-30-89.

Section 3. This Act will take effect on the effective date of CS HB 386 (Judiciary).

Description of Combined Drug and Alcohol Enforcement Unit

There is presently a program within the Alaska State Troopers that is responsible for providing assistance to local agencies and villages in Western Alaska with their drug enforcement efforts. The program is called the Western Alaska Narcotics Team (W.A.N.T.). One state trooper drug investigator is responsible for coordinating primarily narcotics investigations; he assists in bootlegging investigations as time and resources allow. W.A.N.T. was established in late 1982.

Based on the area of responsibility and the vast travel requirements, the W.A.N.T. trooper investigator works out of Anchorage. The W.A.N.T. area includes communities located along the Alaska Peninsula and the Aleutian Islands, and those communities in Bristol Bay, the Kuskokwim Delta, Norton Sound, Seward Peninsula, and the Kotzebue Sound. The investigator's role is to provide leadership, guidance, assistance, direction, informants, undercover agents, buy money, expense funds, and to act in undercover capacities whenever possible. The investigator's office is located at the Anchorage airport, which allows increased effectiveness in disrupting the flow of drugs to Western Alaska.

In the five years of its existence, the Western Alaska team has seized over a million dollars worth of drugs and made over 300 arrests for drug and alcohol violations in its area.

Because a single trooper is responsible for covering such a large area, he can give his attention to a certain area for only a short period of time. He must divide his efforts so as to provide, on a rotating basis, enforcement in as many different communities as possible. Generally, his concentration has been on drugs first and alcohol second. In either case, he encourages those communities with enforcement resources to conduct their own investigations with his assistance and some AST funding. Consistent and continuous clandestine investigative pressure on drug and alcohol violators is simply not possible under current staffing levels, even though such an effort is badly needed.

The alcohol problems in Western Alaska need to be addressed on a full-time basis, and in combination with full-time drug enforcement efforts. The procedures for conducting investigations for either type of violation are very similar. The best way to address this problem would be the development of a team of investigators who can concentrate 100 percent on west coast alcohol and drug problems. The

team members should be capable of working undercover either together or singly, be able to deal with interdiction at the airports, provide assistance and guidance in clandestine operations, share intelligence information, conduct training for law enforcement officers, VPSOs, and VPOs, and participate in school and other prevention programs.

A joint drug and alcohol investigative unit would support local law enforcement efforts. A no-cost alcohol and drug information hot line could be established to receive confidential tips from citizens. This information can be evaluated, and payment from a "reward fund" awarded to individuals based on their participation and the reliability of their information.

We suggest the creation of a full-time Western Alaska Alcohol and Narcotics Team (W.A.A.N.T.). We suggest the addition of one trooper investigator and a clerk typist to the existing one-trooper W.A.N.T. unit. The scope of the unit's enforcement efforts would then be expanded to include full-time ongoing investigation of alcohol violations.

The desirability of having two investigators dealing with related problems and working in the same area of Alaska was well illustrated by the recently concluded enforcement effort in Western Alaska. That effort was conducted by the W.A.N.T. unit trooper investigator, local officers, local troopers, a VPSO, VPOs, and two additional state trooper narcotics investigators temporarily assigned to assist the W.A.N.T. unit.

The following costs are anticipated (based upon the level of funding now proposed in HB 386):

Personal Services:

A. Investigator I (PFT - Range 77A)		
Salary	\$42,880	
Overtime (225 hours per year)	7,250	
Benefits	<u>18,211</u>	
Investigator I Cost		68.4
B. Clerk Typist II (PFT - 7A)		
Salary	\$18,540	
Overtime (150 hours per year)	2,150	
Benefits	<u>9,185</u>	
Clerk Typist II Cost		<u>30.0</u>
Total Personal Services		\$98.4

Travel:

Extensive travel would be necessary to conduct investigations, oversee undercover operatives, and coordinate with local law enforcement authorities.

In-State Transportation	10.0	
In-State Per Diem	<u>10.0</u>	
Total Travel		20.0

Contractual:

Much of the unit's activities will involve conducting undercover operations. Costs include informant pay, buy funds, establishing a reward program for alcohol related information, and expense funds. These costs are paid outside the normal state purchasing system to assure the confidentiality of the operations.

Professional Services	100.8	
Communications (telephone, etc.)	6.0	
Printing/binding - training and school instruction material	8.0	
Miscellaneous (clothing allowance, etc.)	<u>2.0</u>	
Total Contractual		116.8

Supplies:

Office supplies (stationery, etc.)	4.0	
Professional supplies (ammunition, etc.)	3.0	
Miscellaneous	<u>1.0</u>	
Total Supplies		8.0

Equipment: (First Year Cost Only)

Desks (2)	1.1	
Chairs (3)	1.0	
Bookcase	0.4	
File cabinet	0.6	
Firearms	0.7	
Word Processor (shared)	<u>3.0</u>	
Total Equipment		<u>6.8</u>
Total Cost		\$250.0

FISCAL NOTE

REQUEST

Revision Date: 1/29/88
Title: "An Act relating to alcohol."
Sponsor: Rep. Hoffman
Requestor: House Rules

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments

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.

Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 1/29/88

Approved by Commissioner: Arthur English *A.A.H.*
Agency: Public Safety

Date: 1/29/88

Distribution: (by preparer):

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

JNR KES
2/19/88

FEB 26 1988

BILL NO: CSHB 386 (Jud) and
CSHB 387 (Jud)

DATE: 2/25/88

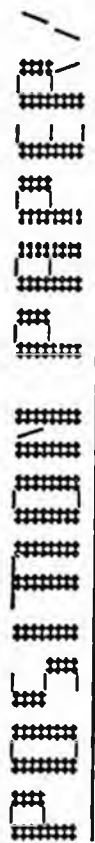
TITLE: "An Act relating to
enforcement of alcoholic
beverage control laws..."

CONTACT: Arthur English
Commissioner
465-4322

Bob

"An Act making a special
appropriation for
enforcement of alcoholic
beverage control laws..."

DEPARTMENT OF
PUBLIC SAFETY



The Department of Public Safety strongly supports CSHB 386 (Jud), An Act relating to enforcement of alcoholic beverage control laws, and its companion bill CSHB 387 (Jud), An Act making a special appropriation to the Department of Public Safety for enforcement of alcoholic beverage control laws and for a reward program.

The illicit importation and sale of alcoholic beverages in communities which have adopted "local option" laws to restrict the sale or possession of alcoholic beverages is a major law enforcement and public safety concern in many parts of rural Alaska. The consumption of alcohol and illicit drugs is a contributing factor in a very high percentage of the crimes committed in rural Alaska, especially violent crimes. The consumption of "bootlegged liquor" has contributed in many cases to abuse and neglect of children, disruption of the family unit, suicide, fatal accidents, assaults, and murder.

CSHB 386 (Jud) would broaden the scope of the present Alaska State Trooper's statewide Drug Investigative Unit to include both drugs and alcoholic beverages. The bill also authorizes the Department to establish and administer, and provide grants to municipalities and villages to establish and administer, reward programs for persons who provide information leading to the arrest and conviction of bootleggers.

CSHB 387 (Jud) makes a special appropriation to the Department to carry out the investigative duties and reward program described in CSHB 386 (Jud). A detailed description of the combined Alcohol and Drug Investigative Unit, and the way in which the appropriation would be spent, is attached.

The Department believes that passage of CSHB 386 (Jud) and CSHB 387 (Jud) will provide the State Troopers with valuable tools that can be used to help curtail the destructive flow of bootleg liquor to rural Alaska.


Arthur English, Commissioner

POSITION PAPER
ON
HOUSE BILL NO. 386



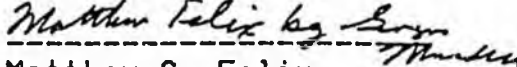
"An Act relating to rewards to promote the apprehension and conviction of certain offenders; and providing for an effective date."

The Department of Health and Social Services is fully supportive of House Bill 386. The human and financial costs associated with illegal alcohol sales in rural Alaska are significant, and have been repeatedly documented by a variety of sources. According to the Department of Public Safety 1986 Crime in Alaska Report, 1800 persons age 18 and over, and 1039 persons under age 18 were arrested for liquor law violations. Bootlegging arrests are included as liquor law violations in this report.

Providing a financial incentive for reporting illegal alcohol sales should improve upon the present situation. Because of the vast distances in rural Alaska, the capability of law enforcement officers is limited. In hub communities the problem becomes overwhelming; bootleggers are smart, and arrests with sufficient evidence for convictions are frequently difficult to obtain.

House Bill 387 is a companion bill to House Bill 386 and will provide a \$250,000 appropriation to the Department of Public Safety to establish this program.


Myra M. Munson
Commissioner


Matthew C. Felix
Coordinator

2/18/88

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

REQUEST: _____

Bill Version: House Bill 386
Publish Date: _____

Revision Date: _____
Title: "An Act relating to rewards to promote the apprehension and conviction of certain offenders; and providing for an effective date."

Agency Affected: Health & Social Services
BRU: Alcoholism & Drug Abuse

Sponsor: Hoffman
Requestor: N/A

Components: Alcohol Abuse Grant

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Matthew Felix by George Mundell Phone: 586-6201
Division: Alcoholism and Drug Abuse Date: 2/16/88

Approved by Commissioner: *Mina M. Munson* Date: 2-17-88
Agency: Mat Felix by George Mundell

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: 03/01/88
Title: "An Act relating to enforcement of alcoholic beverage control laws; ed
Sponsor: House Judiciary
Requestor: House Finance

Agency Affected: Revenue
BRU: ABC BOARD
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Patrick L. Sharrock, Director
Division: Alcoholic Beverage Control Division
Approved by Commissioner: Hugh Malone
Agency: Department of Revenue

Phone: 277-8638
Date: 03/02/88
Date: 03/02/88

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

FISCAL NOTE

REQUEST:

Revision Date: 03/02/88
 Title: "An Act making a special approp. to the Department of Public Safety for enforcement of alcoholic beverage control laws and for a reward program to promote the apprehension and conviction of persons who violate certain alcohol control laws; prov. for effective date.
 Sponsor: house Judiciary
 Requestor: house Finance

Agency Affected: Revenue
 BRU: ABC BOARD

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

	FY 86	FY 89	FY 90	FY 91	FY 92	FY 93
GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

	FY 86	FY 89	FY 90	FY 91	FY 92	FY 93
FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Patrick L. Sharrock, Director Phone: 277-8638
 Division: Alcoholic Beverage Control Division Date: 03/02/88

Approved by Commissioner: Hugh Malone Date: 03/02/88
 Agency: Department of Revenue

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

Alaska's Suicide Epidemic

MICHAEL PENN—ANCHORAGE'S DAILY NEWS

The obituaries led to the story

"Moonlighting's" producers won't divulge what specific 3-D tricks they have in mind; odds are good, however, that someone will throw an object toward the viewer, an effect that has graced every 3-D movie from Three Stooges shorts to "Kiss Me Kate." The proclivity for projectiles, in fact, may explain the appeal of the newest 3-D gadget. The SegaScope 3-D video game comes with rakish black wrap-around liquid-crystal glasses, which plug into the game console and render the on-screen action 3-D. The effect is convincing: in "3-D Missile Defense," for example, attacking missiles seem to zoom straight from the screen and explode dramatically when blasted.

Robot eyes: Many experts doubt that 3-D will become more than a novelty. "You might put on glasses to watch 'House of Wax' for a couple of hours," says Glenn Kenny, an editor with Video Review, "but as a way of life, it's not going to work." But there are some practical applications for 3-D video. Lenny Lipton, president of StereoGraphics in San Rafael, Calif., has invented a sophisticated 3-D television camera that provides the eyes for a robot now cleaning up the Three Mile Island power plant. He also sells 3-D computer monitors to engineers and scientists for drawing aircraft or analyzing scientific data.

Lipton, who has written a textbook on 3-D cinema, is a true believer: He's convinced that eventually 3-D will become as accepted on the screen as stereo sound is in high-fidelity equipment. "We could have 3-D television in the home the day after tomorrow, if only an RCA or a Sony would get behind it." But he is realistic enough to know that a poor showing on "Moonlighting" next May could set his cause back another decade.

MICHAEL ROGERS



BERNARD GOTFRYD—NEWSWEEK

A controversial drug: Ritalin

It was an old story, the kind to which most editors didn't give a second thought. After all, Alaska is frontier country, and alcoholism—with its attendant ills—comes with the territory. But all that changed last winter, when a new report by the state epidemiologist revealed massive underreporting of Alaska's suicide statistics, particularly in rural areas. About the same time, several reporters from the Anchorage Daily News followed up that study by re-examining the ostensibly routine obituaries of Alaskan Eskimos, Indians and Aleuts. After they discovered that many had not died of natural causes, managing editor Howard Weaver put almost every reporter he had on the story. The extraordinary effort paid off. For 10 days last month, the paper held the state's attention with a searing series of reports describing the epidemic of largely liquor-induced suicide, crime and violence that was wreaking havoc on rural Alaska.

As with all good reporting, the impact of the series grew out of the powerful accumulation of details. The paper showed how in one 16-month period, the small village of Alakanuk (population: 550) suffered eight suicides, dozens of attempted suicides, two murders and four drownings. In 44 separate stories, the News described the widespread despair and self-destruction: native men 20 to 24 committed suicide at 10 times the national average; alcoholism was rampant; so was the sexual assault of children. "It's a wrenching series," says Howard Simons, the head of Harvard's Neiman Foundation who also publishes a small Alaskan weekly. "For the paper to pick this scab and expose it is stunning."

'Stiff price': It's the kind of gritty reporting that Weaver hoped to direct when he became editor in 1983, replacing Katherine Fanning, who left to run the Christian Science Monitor. He spared no resources: 30 reporters and photographers—almost the entire reporting staff—traveled 28,000 miles across Alaska to piece together the tragedy afflicting the close-knit native population. "It was a stiff price," says Weaver. "The news reporting was thinner for a period of about six months." That kind of reporting has paid commercial dividends.



'Wrenching series': Checking for bootlegging (top), dramatic front page

With the solid backing of the McClatchy Newspapers chain, which bought the daily in 1979, the News has steadily raised its circulation from 12,000 to 55,000, surpassing its rival The Anchorage Times in 1983 to become the largest paper in the state.

Judging by the hundreds of calls and letters, nine to one in favor of the series, Alaskans were shocked but profoundly moved by what they read. Two days after the series began, Gov. Steve Cowper rewrote his annual state-of-the-state speech to address the "unconscionable" rate of suicide, alcohol and drug abuse in the rural areas. The Alaska Legislature is considering new laws raising penalties for bootlegging, prohibiting mail-order liquor sales and increasing funding for alcoholism programs. But most important, according to Doug Modig, an Anchorage alcohol-abuse counselor, the News series has opened the problem up for discussion and change. "Instead of holding the shame inside, people are beginning to talk," says Modig. "When you don't talk about living in terror in your own villages, you cannot heal."

JENNET CONANT with bureau reports

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A SPECIAL REPORT

Moving booze to the Bush can mean big profits if you know how to play the game and don't spend much time fretting about the well-being of your clientele.

Haven for bootleggers

By HAL BERNTON
Daily News reporter

BETHEL — On a damp Sunday in October, two youthful brothers from a village along the Kuskokwim River motored up to Bethel for whiskey to drink with the second game of the World Series. To make the bootleg buy, they didn't have far to go.

They pulled up their boat on a beach littered with empty plastic bottles of Windsor Canadian and walked across a sandy boardwalk to a collection of plywood shacks and A-frame huts.

One of the two disappeared into a hut, then reappeared a few minutes later. He had a bottle hidden under his clothes, his brother said. They hopped Jack into the boat and turned downriver for the half-hour trip home.

Such sales are the mainstay of Alaska's bootleg liquor industry, and Bethel is its capital. Bootleggers find the city's tentative approach to prohibition — allowing the importation of alcohol, but not its sale — and its role as an air and river crossroads, an ideal climate.

The cases of liquor that arrive each day from Anchorage are sold, bottle by bottle, from riverfront shacks, the trunks of taxi cabs, abandoned freezer vans or the backpacks of teen-agers. Law enforcement

officials estimate the illegal trade at \$2 million to \$5 million a year.

"Right now we see pallets, literally pallets of alcohol arrive at the airport," said Bethel Police Chief Kevin Clayton. "We know where it's going. We know what's going to happen with it, but we're powerless to stop it."

Much of the liquor is sold to local residents or the people who visit Bethel from the villages that dot the broad delta of the Yukon and Kuskokwim rivers. Some are social drinkers, but many are binge alcoholics unwilling to wait for liquor to arrive by air freight from Anchorage. They want their whiskey immediately, and will pay up to \$40 for a \$7 bottle of it.

Other bootleggers use Bethel as a base from which to smuggle booze into villages where both importation and sale are banned. In the "dry" villages, that same \$7 bottle can sell for \$120.

Aniak, a village along the middle Kuskokwim River that also allows unlimited importation of liquor, is another distribution hub for bootleggers. Cargo and passenger planes bring in daily shipments of booze, which a half-dozen bootleggers sell to local clients or send up and down the river.



Anchorage Daily News/John Hall

See Page A-8, BOOTLEGS A bottle near the Bethel corner



Anchorage Daily News/John Hall

With the village of St. Marys in the background, Francine Ella holds a picture of her boyfriend, Willie Fancyboy, who committed suicide.

St. Marys loses a life in frustrating battle

By RICHARD MAUER
Daily News reporter

ST. MARYS — Nov. 22, 1986, was a Saturday that seemed like a turning point for St. Marys.

Larry Ledlow, an Alabaman reputed to be one of western Alaska's biggest bootleggers, was sitting in jail on felony liquor sale charges. In the cell with him was his alleged partner, Paul Johnson Jr.

Willie Fancyboy, a 23-year-old with a responsible job, a future, a girlfriend and an alcohol problem he was

starting to control, had put them there.

Come the following May, everything was upside-down.

Ledlow and Johnson were walking the streets as free men, all charges dismissed because of error and inattention by officials.

And Willie Fancyboy was dead, the victim of months of harassment, of neglect by the authorities he helped, and finally of a shotgun he himself wielded.

A PEOPLE



IN PERIL

TODAY

Though more than 70 villages have sought to control alcohol consumption by enacting dry laws, their efforts are often foiled by bootleggers. Our stories for the sixth day of the Daily News' 10-day series on self-denial in the Bush examine the lucrative, underground industry, a throwback to the Prohibition era.

Reporter Hal Bernton focuses on Bethel, western Alaska's regional hub, where bootleggers do more with impunity from freezer vans, taxis and shacks around town. From St. Marys, a dry village on the Yukon River, reporter Richard Mauer tells all how the justice system completely fell apart in a recent bootlegging case, leaving one young man dead and a village ashamed in its efforts to control whiskey.

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See Page A-10, ST. MARYS



Brass Buckle nightclub only sells soft drinks, but it is still a major gathering place for drinkers in Bethel.

Anchorage Daily News/Bob Heston

Continued from Page A-1

In both towns, the bootleggers operate just out of sight, often using "runners," some as young as 12 years old, to make the actual sales. The runners dispense bottles from small packs, then turn over the cash, minus a \$5- to \$10-a-bottle commission, to the bootleggers.

Bootleggers who sell directly to customers protect themselves by refusing to deal with strangers.

In the early '80s, some of the biggest bootleggers were ethnic Albanians from Yugoslavia.

"I remember when Albanians from Bethel came in they would buy about 10 cases of Windsor whiskey in plastic bottles," recalls Edith Tuskington, a former employee of Party Time Liquor in Anchorage. "That is 10 cases for each person."

A BIG MARKET

"There's plenty of business for a..." said one bootlegger in his early 20s, who agreed to be interviewed only if his name were withheld. He is a handsome man who would look more at home on a California surfing beach than the soggy tundra of the delta. He traded a 9-to-5 job, he said, but bootlegging proved more alluring, first as a way to earn quick cash, and then as a full-time occupation. Today he peddles whiskey from a small freezer van in the seedy section of town known as Bootlegger's Alley.

"I just kind of got into this and things started working out real good," he said.

He spent on a Friday evening while at the Bethel airport awaiting a shipment of beer. The order was for another bootlegger, who planned to smuggle it into a dry village.

The young man said he



The party is over: A man sleeps on the floor of a house in Bethel where a party had been going on.

Anchorage Daily News/Bob Heston

launched his bootlegging operation two years ago with a special introductory offer: \$25-a-bottle whiskey, which he hoped would quickly attract a core of customers. The price crested "quite a bit of conflict" with other bootleggers, he said, so he raised it to \$30.

Now, in a good day, he may sell two 12-bottle cases of whiskey at a profit of more than \$500. Less enterprising bootleggers, the ones he calls "subsistence bootleggers," order only a half-dozen bottles at a time, earning just enough to support their own alcohol habits.

At first, he said, he used his van as both an illicit liquor store and a tiny, one-room apartment. But last fall he finally tired of drunken clients pestering him through the night — even after the booze was all gone — and moved out. Now he operates only part of the day from a different van. But that approach has caused him other hassles: "I've had problems with break-ins three or four times. And my windows have been shot up."

He also had trouble with alcoholic runners who drank his booze instead of selling it. Now he uses only sober ones. In early October, his three runners were aged 16, 17 and 25.

Despite the problems, he estimates he earned more than \$20,000 last year. "When I didn't drink," he said, "it was really quite profitable."

Sales of bootleg booze peak in July as hundreds of fishermen converge on Bethel to sell their catches. On the Fourth of July alone, he said, he earned more than \$2,000. Demand stays strong through the summer, then drops off sharply as villagers stalk moose in September. As permanent fund dividends begin to arrive in October, business picks up again and remains brisk through New Year's.

On a typical weekend, he gathers with other bootleggers in the parking lot of the town shopping mall. They smoke, drink, talk and watch for potential clients across the street at the Brass Buckle, a low, ranch-style building that serves as the delta's only nightclub. By midnight, the Brass Buckle is jammed with Eskimo, Indian and white "n' n' rollers.

The bar can't sell alcohol, just soft drinks, but that isn't obvious from the customers. Many are staggeringly drunk. On the crowded dance floor, two women argue over a man; across the room, two men fight over a woman, or would, if they were sober enough to manage a serious scuffle.

"It's a hot spot," the bootlegger said. "People don't go there unless they're really f—d up."

At 1:30 a.m., as closing time approaches, the action shifts outside. Around the back of the building, amid a clutter of 55-gallon drums and fuel

tanks, a young Eskimo woman sips from a cup. "I'm getting drunk and looking for a good piece of a—," she says with a laugh.

Out front, the parking lot of the Brass Buckle looks like a giant block party. "I'm on shrooms," says one woman who apparently has been eating psilocybin mushrooms. A young man standing nearby pulls out a plastic bottle of Windsor Canadian from his blue-jean jacket. When he draws a few stares, the bottle quickly disappears behind his back.

A half-dozen cabs ring the parking lot, the drivers ready to make quick runs for booze, and the ever-present, backpack-clad runners wander through the crowd.

The bootleggers stay as long as there is money to be made.

"THERE'S NO FUTURE"

"People will beg you and beg you," the bootlegger said. "They pay in food stamps... everything they got. One guy gave \$65 in food stamps for one bottle." Sometimes they trade ivory.

Asked whether he worries about the ravages of alcohol on his customers and their community, he replied, "When it gets to the younger neighborhood kids, that makes you feel kind of bad. Knowing you are f—ing these kids' lives up."

Briefly last summer, he said, he feared a police bust.

Then the heat slacked off. "Bootleggers are winning the war now... It seems like nobody cares," he said.

Does he ever think about quitting? "I just got into this and things started working out real good." He thought about it some more. "This is so easy... But there's no future."

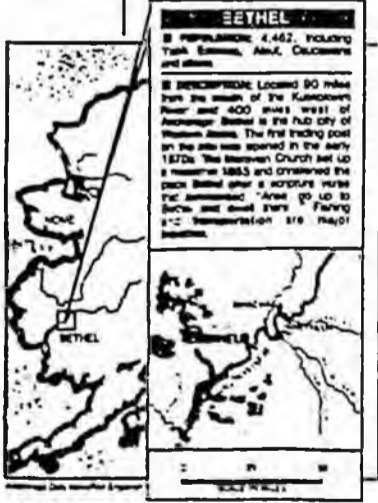
THE 'BUSH AIR COMPLEX'

Carl Berger spends much of his time trying to heal the wounds caused by alcohol. The Yukon-Kuskokwim Health Corp., which he directs, provides suicide prevention and rape counseling, and helps villages cope with accidental death and acts of violence.

From the second-story window of his riverfront office, Berger can look down at the beachfront conglomeration of A-fridges and shacks with a reputation as one of the town's most notorious bootlegging sites. Locals call it "the Bush Air complex" because of the air taxi headquartered there.

During the fishing season, Berger recalled, he watched in frustration as village seiners, their pockets stuffed with cash from salmon sales, lined up to buy bootleg whiskey and then scattered up and down the river to drink.

Some headed down the beach toward the neighborhood of state Sen. John Binkley, a forceful



spokesman for local option laws that allow voters to ban alcohol. Others milled around the health corporation building. "I got to the point where we had to hire security so that people could get in and out of the building without getting harassed," Berger recalled.

The complex sits on a half-acre of land owned by the Moravian Church. The Moravians came to Western Alaska in the 1880s and helped found Bethel. The federal government deeded 129 acres of land to them in 1911. A church was built on one part, a school on another. Some of the land has been washed away by the river, much of what remains is being "held in trust for the Native people," according to Kurt H. Vitt, director of theological education for the church.

For the last 13 years, a portion of the "trust" land has been leased to Ron Peltola, the 44-year-old proprietor of Bush Air. Peltola has been charged with flying booze into a dry village and is awaiting trial. He has a history of problems with authorities.

In 1974, he pleaded guilty to a misdemeanor charge of selling wild game illegally and was fined \$2,400. The state temporarily shut down his charter operation in 1985 because he lacked the required insurance.

Last year, his pilot's license was permanently revoked for doctoring his medical records, according to the Federal Aviation Administration. On June 22, he pleaded no contest to a misdemeanor charge of harassment for repeatedly threatening to kill a police officer.

The Moravians first gave Peltola a 10-year lease in 1974, according to court records. He built a plywood shack to serve as an air taxi office, and a collection of other shacks and A-frames, some of which he later sold.

When the lease expired in 1984, the Moravians sued to evict Peltola for non-payment of rent. So far they have been unsuccessful.

'ONE-STOP SHOPPING'

In the meantime, the complex has developed into a base for bootlegging, according to Berger and Bethel Police Chief Clayton. It is the base for one of a half-dozen major bootlegging operations in Bethel, Clayton said, with revenue estimated at more than \$100,000 a year.

Because the beach at Bush Air is one of the few breaks in a riverfront largely walled off by old cars and metal pilings, it is a favorite pull-in spot for villagers arriving by boat. The beach also serves as a waiting area for charter passengers traveling to or from nearby villages.

"It was easy to get customers, when you knew (Bush Air) could give you a bottle and fly you," said Simon Brown, a state trooper who investigated Bush Air. "This was one-stop shopping."

On Aug. 2, troopers, with the aid of an undercover agent, busted Bush Air. They seized Peltola's floatplane and arrested him on



The riverfront complex that includes the office of Bush Air is a hotbed of bootlegging, says Bethel Police Chief Kevin Clayton.



The Moravian Church has been trying to evict Bush Air owner Ron Peltola from its property.



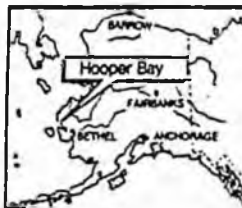
Bill Turner, a convicted bootlegger who went through an alcohol rehabilitation program, says getting booze into the Bush was no big problem.

misdemeanor charges of importing alcohol into the dry village of Tuntutuliak and enlisting a minor to aid in the crime.

The minor was a young female employee of the air service. She told Trooper Brown she went to the Bethel airport to pick up liquor and delivered it to Peltola, who handed it over to Joe Newman, an occupant of an A-frame next to the Bush Air office, according to an affidavit by Brown.

Peltola instructed the employee to send any liquor customers to the A-frame. Brown said she told him. After the booze was sold, Newman brought the money to her, and she put it in a Bush Air money bag.

Bush Air still has a



floatplane, and the charter service is open for business. Peltola spoke indignantly of his arrest, and flatly denied the employee's statements to police. He said passengers may have carried liquor on his planes, but he didn't know about it. Peltola sold two of the three A-frames in May 1982, according to Peltola and his

attorney. Some huts may be used for bootlegging, Peltola said, but they have no connection to Bush Air.

\$120 A BOTTLE

Hooper Bay, a community of 778 people spread along the Bering Sea coast, is one of more than 30 villages along the Kuskokwim River that prohibits the importation and sale of alcohol.

But the prohibition, rather than stemming the flow of liquor, has merely altered its course by creating a powerful economic incentive for bootlegging. A bottle of whiskey that sells for \$7 in Anchorage or \$40 in Bethel can sell for \$120 in a village like Hooper Bay.

As a result, subsistence or professional bootleggers bring booze into virtually every village — by snowmobile or skiff, in the baggage of air charter passengers, or in a concealed package through the U.S. mail.

In Holy Cross, a village on the lower Yukon River, bootleggers use private planes to fly in liquor shipments from the nearby wet village of Anvik, or smuggle it in on cargo flights delivering groceries and other essentials.

"We get it every Friday. . . . There'd be a lot of repacked boxes for people," said Bill Turner, a convicted Holy Cross bootlegger who recently went through an Anchorage alcohol rehabilitation program. "Like, it might be a milk box or an egg box. And it'll be all taped up so you can't get in it real easy. And inside the egg box would be booze."

Where cash is scarce, drinkers often turn to sour-tasting batches of home-brew made from crackers, yeast, sugar and fruit cocktail.

Last summer in Hooper Bay, a teen-age boy killed himself during a game of Russian roulette, and four

other youths attempted suicide, according to Ed Graham, the principal of Hooper Bay High School. Only one of the attempted suicides was directly linked to drinking, Graham said, but "without any question, the real problem is alcohol."

"Everybody in the village is affected by even one single drunk," he said. "The village is so small and so close that every little incident has an effect on everybody."

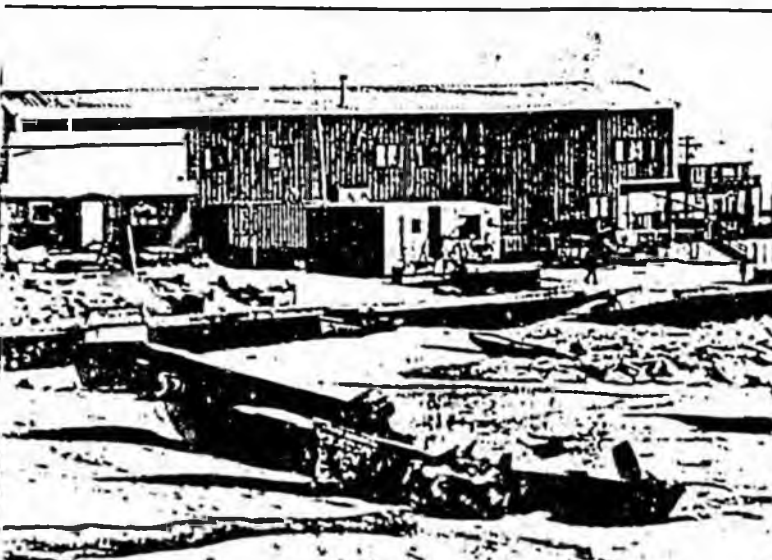
Much of the hard liquor sold in Hooper Bay is imported by homegrown entrepreneurs lured by the easy money. While fishing, firefighting and basket weaving all provide some income, much of life is still subsistence hunting and fishing. So when someone needs a new snowmachine, bootlegging is a quick way to raise the cash. A bootlegger can buy a round-trip ticket to Anchorage, party in the city for a few days and still turn a profit on the trip by bringing home a single, 12-bottle case of whiskey purchased for \$66.

Other village bootleggers go only as far as Bethel, where an established bootlegger will, for a fee, order booze from Anchorage and have it delivered to the airport. From there, it can be concealed in luggage and flown into a dry village.

Once in a dry village, bootleggers offer liquor to a select group of customers, or use runners to peddle it. A case of whiskey can be sold in a half-hour or less, according to one part-time bootlegger. Sometimes, the last bottle in a shipment is auctioned off to the highest bidder.

The bootleggers "know the people who like to drink," said one 30-year-old resident of Hooper Bay. "And they know the power of the craving. They know people need it."

Additional news stories on following pages



The Bush Air complex with the Yukon-Kuskokwim Health Corporation in the background.

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