

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6102 HOUSE STATE AFFAIRS

506



# Alaska State Legislature

House of Representatives  
COMMITTEE ON STATE AFFAIRS

TO: Jack Chenoweth  
Legal Services

FROM: Dennis J. Burns<sup>DJB</sup> Committee Aide  
House State Affairs Committee

DATE: January 26, 1989

RE: HB 88 Making Possession of Marijuana Illegal

-----

I have been requested to ask the following questions regarding HB 88:

- 1) If possession of marijuana in the home under HB 88 is a violation, would it be subject to constitutional (court) review? If so, would it stand?
- 2) If HB 88 passed, what affect would it have on the attached proposed initiative/bill?

Marie G. Majewske, Chair  
Marijuana Initiative Committee  
4002 Kingston Drive  
Anchorage, AK 99504  
(907) 333-0717

The Honorable Stephen McAlpine  
Lieutenant Governor, State of Alaska  
P.O. Box AA  
Juneau, AK 99811

STATE OF ALASKA  
**RECEIVED**  
DEC 16 1988

Dear Lt. Governor McAlpine:

LIEUTENANT GOVERNOR

We are enclosing an application proposing an initiative which relates to repeal of personal usage of marijuana, and a \$100.00 deposit. Under AS 15.45.30 this application must include and does include:

- 1) The proposed bill.
- 2) A statement that the sponsors are qualified voters.
- 3) The designation of an initiative committee.
- 4) The signatures and addresses of sponsors, with additional signatures to be received in the next two weeks.
- 5) A resolution requesting repeal of the existing law.

Inasmuch as there has been a tremendous amount of concern about the permissive statute that allows consumption of marijuana in the home and its potential harmful effects on individuals, and the cost to society within the family and outside the home; and inasmuch as we feel that the Legislature for over four years while having bills to correct the problem has failed to act according to the vast majority of the people of Alaska; and whereas numerous local governments and community representative groups have asked the Legislature to repeal the law that condones personal possession and usage; we now ask your approval of this initiative for the people of the State of Alaska to vote on this issue.

We are aware that you and the Governor have expressed support for affirmative action on this issue by the Legislature, and therefore we find it necessary to request your cooperation in approving this application, and expediting the issuing of the petition booklets through the Director of the Division of Election.

It is our understanding that should this not be proper form for certification you could assist us in conforming to the Constitution and proper statutes. We would most appreciate any help or advice you would offer.

Sincerely yours,

Nancy Hutcheon  
Sponsor

Marie L. Majewski  
Sponsor

Denise L. Williams  
Sponsor

Sandra K. Spargo  
Sponsor

- Edward P. Young

- Linda Douglas "Just Say No!"  
Alaska Area Organizer

- David P. Reinhart

- Marsha L. Haas

- Marlene J. Cannon

- Joyce A. Hanley

- Terrence H. Martin  
W. J. J. J.

-  
-

1           A Bill Enacted By The People of The State of Alaska  
2 Under Their Authority Granted By The Constitution Article  
3 XI Section 1, 2, 3, and 4; Alaska Statute AS 15.45.010

4   A BILL

5 For an Act entitled: "An Act relating to marijuana."

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

7       Sec. 1   AS 11.71.060(a) is amended to read:

8           (a)    Except as authorized in AS 17.30, a person  
9                commits the crime of misconduct involving a  
10               controlled substance in the sixth degree if the  
11               person

12                       (1)   uses or displays any amount of a  
13                       schedule VIA controlled substance or possesses  
14                       one or more preparations, compounds, mixtures,  
15                       or substances of a aggregate weight of less than  
16                       one-half pound containing a scheduled VIA controlled  
17                       substance; or

18                       (2)   refuses entry into a premises for an  
19                       inspection authorized under AS 17.30.

20       Sec. 2   AS 11.71.070 is repealed.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 30, 1989

SUBJECT: Questions pertaining to House Bill 88  
TO: Representative H.A. "Red" Boucher, Chair  
House State Affairs Committee  
FROM: Jack Chenoweth  
Legislative Counsel



House Bill 88 makes possession of small amounts of marijuana in other than a public place a violation.

I

You have asked if a citation and payment of the penalty imposable under HB 88 would be subject to constitutional review. The answer is "yes". Whether or not a constitutional attack would succeed is a separate, albeit significant, question.

Suffice to say that the court decision in Ravin v. State, 537 P.2d 494 (Alaska, 1975) is helpful, but not definitive. In Ravin, you may recall, the court concluded that there was

. . . no adequate justification for the state's intrusion into the citizen's right to privacy by its prohibition of possession of marijuana by an adult for personal consumption in the home. The privacy of the individual's home cannot be breached absent a persuasive showing of a close and substantial relationship of the intrusion to a legitimate governmental interest. . . . [M]ere scientific doubts will not suffice. The state must demonstrate a need based on proof that the public health or welfare will in fact suffer if the controls are not applied.

Ravin, at 511. Nothing in the intervening 13 years suggests ~~that~~ the court has modified the requirement enunciated in the last sentence.

Representative H. A. "Red" Boucher

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January 30, 1989

Unlike the other measures to "recriminalize" marijuana, this bill is not accompanied by a comprehensive set of findings. If possession of small amounts of marijuana is to be made a crime, as those bills would do, the inclusion of findings "to demonstrate a need based on proof that the public health or welfare will in fact suffer if the controls are not applied" is essential to sustain the bill. To meet the requirement of the Ravin test, the committee may want to prepare findings for inclusion in HB 88.

Review of the testimony offered to marijuana-related legislation during the last legislative session suggests a genuine division of opinion as to whether or not the public health or welfare suffers by uncontrolled possession of small amounts of marijuana for personal use. One cannot conclude as to marijuana, as the court has done with reference to cocaine in State v. Erickson, 574 P.2d. 1 (Alaska, 1978), that the substance represents a substantial threat to public welfare and safety. As to marijuana, there still seems to be no firm conclusion.

Still, in the years intervening since the Ravin decision, society's tolerance for use of certain products has diminished. Laws affecting sale of tobacco and alcohol have been amended, in part out of a greater appreciation of the debilitating effects of those products to significant numbers of people within society.

HB 88 makes possession of small amounts of marijuana in other than a public place illegal, but punishable only as a violation (i.e. by payment of a fine), not as a crime (with the possibility of a jail sentence). Arguably, the absence of findings is not necessarily fatal to a defense of this bill. Enactment of HB 88 seems predicated on an implicit legislative determination that possession of less than four ounces of marijuana "involve[s] conduct [that is] inappropriate to an orderly society, but which [does] not denote criminality in [its] commission". AS 11.81.250(a)(6). In defense of the bill, one may argue, I think, that the legislature was determining only that possession of marijuana in small quantities for personal use was inappropriate, but not so wrong that, as a matter of law, more serious legal consequences should attach. The proposal to make that possession a violation permits the legislature to reach that conclusion.

II

You have asked whether adoption of HB 88 would have an affect on a proposed initiative.

If submitted to the voters and approved, the proposed initiative would make the conviction for possession of less than one-half pound of marijuana a class B misdemeanor, a crime.

If certified for inclusion on the November, 1990, ballot, the lieutenant governor may thereafter withdraw the certified initiative (or, alternatively, not certify its inclusion on the ballot) only if, "before election, substantially the same measure has been enacted". Article XI, section 4, state constitution. The test of substantial similarity is established in Warren v. Boucher, 543 P.2d 731 (Alaska, 1975), a case involving an initiative relating to regulation of campaign contributions and related legislation:

If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists.

Warren v. Boucher, at 736. The approaches used need not be exactly similar, and some allowance must be made for complexity of the subject matter of the two measures:

It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative.

Ibid. Applying its test, you will recall, I am sure, the majority of the court determined that the initiative and the legislated measure were substantially similar, and that you were correct in withholding the initiative from the forthcoming election ballot:

Viewing the two measures as a whole we find that they accomplish the same general goals. They adopt similar, although not identical, functional techniques to

Representative H. A. "Red" Boucher

Page 4

January 30, 1989

accomplish those goals. The variances in detail between the measures are no more than the legislature might have accomplished through reasonable amendment had the initiative become law. Nothing is present here to suggest that the act was a subterfuge to frustrate the ability of the public to obtain consideration and enactment of a comprehensive system to regulate election campaign contributions and expenditures.

. . . .

Warren v. Boucher, at 739.

Procedurally, as you know, the determination is assigned by AS 15.45.210 to the lieutenant governor, who acts "with the formal concurrence of the attorney general".

I hesitate to say what those officers would conclude on the question. Chief among the factors they would consider would surely be the fact that (1) the initiative would "recriminalize" possession of small amounts of marijuana, while the proposed legislation would make that possession illegal but not criminal, (2) the penalties imposable under HE 88 and the initiative petition would lead to the imposition of penalties that were significantly different, and (3) the initiative and the bill are mutually exclusive in that adoption of the initiative, making possession of marijuana a misdemeanor, would essentially supersede or "swallow up" the bill making marijuana a violation, were it enacted.

JC:kb  
wkk1/089

# STATE OF ALASKA

## DEPARTMENT OF LAW

### CRIMINAL DIVISION

STEVE COWPER, GOVERNOR

REPLY TO

CRIMINAL DIVISION CENTRAL OFFICE  
P.O. BOX KC  
JUNEAU, ALASKA 99801-0310  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE 318  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

April 4, 1989

Dennis Burns  
Legislative Aide  
House State Affairs Committee  
P.O. Box V  
Juneau, Alaska 99811

Dear Mr. Burns:

I would like to call your attention to a problem that we perceive with sec. 7 of HB 88. In that section, the drafter deleted the portion of the definition of "manufacture" that excluded the growing of marijuana for personal use. According to the sectional analysis, the drafter deleted the section because it "would appear to serve no useful purpose."

The manufacture of drugs is punished more seriously than mere possession. Since growing marijuana for personal use is the equivalent of possession of marijuana, and is not the equivalent of producing other controlled substances, this act was excluded from the definition of "manufacture." However, growing marijuana would fall within the definition of "possession," which is defined in AS 11.81.900(b)(42) as "having physical possession or the exercise of dominion or control over property."

The result of deleting the exclusion meant that a person who possessed 1.1 ounces of dried marijuana would be guilty of a B misdemeanor under the proposed AS 11.71.060(a)(3). However, a person who possessed one live marijuana plant that weighed 1.1 ounces when dried by the police would be guilty of a C felony under AS 11.71.040(a)(2). Since we understand that this was not the intent of the committee, we suggest that sec. 7 be deleted from the bill.

Very truly yours,

DOUGLAS B. BAILY  
ATTORNEY GENERAL

By: 

Laurie H. Ottb  
Assistant Attorney General

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: Possession of firearms while intoxicated BRU: Alaska State Troopers  
 Sponsor: Senator Binkley, et al. Component: Detachments  
 Requestor: House State Affairs

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This bill will not have any fiscal impact on the Department of Public Safety.

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

Phone: 269-5691  
 Date: 12/19/89

Approved by Commissioner: Arthur English  
 Agency: Department of Public Safety

Date: 1-8-90  
 Page 1 of 1

*Photo*  
12/22/89

b. Example / Checklist Contact sheet

LEGISLATIVE SPONSOR: House State Affairs  
 Pub. Hear Work Ses. Inv. Hear  
 LEGISLATIVE REFERENCE: HB888  
 SUBJECT: Making <sup>possession of</sup> Marijuana Illegal  
 CONTACT: AMM PH: 4931

TC DATE/DAY: Thurs, Mar 11  
 TIME: 8:30 - 10:00 am  
 JUNEAU ROOM: C-102  
 BRIDGE: \_\_\_\_\_  
 # OF PORTS: 5  
 DATE TAKEN/BY: James 3/10/89

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

- Anchorage → Julie Kenison
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka
- Soldotna
- Valdez \*

LTC'S

- Homer
- Wrangell

VTS'S

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

CHAIRING SITE: Juneau  
 CHAIRPERSON: Rep. Boucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON \_\_\_\_\_

DATE \_\_\_\_\_

\*\*\*\*\*

Will be hiring outside bridge - will call or collect. If use Ficks-800# they can call.  
 LIO will give instructions program. (will fill up ports. Using small bridge in Ficks). Can't get port 1000 - need equipment.

SPECIAL INSTRUCTIONS

*Brooks 3/14*  
*Chen this*  
 Clyde Bell - Henley  
 OFFNETS: 766-2950 (Haines)  
 Dr. Lee Maxwell - 248-1335 / 277-7735 (ANC)  
 Dr. Bernard Segal - 786-1801 (ANC)  
 Dr. Bonar (Gagne) - 563-4981 } 10:00  
 Center for Alc & Addic. Studies  
 U of AA  
 3211 Providence Dr.  
 99508

To Red/Dennis  
 Date 3/8 Time 4:20

**WHILE YOU WERE OUT**

M. Clyde Bill  
 of Haines 766-2319  
 Phone 30yr resident (766-2950)  
Area Code Number Extension

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input checked="" type="checkbox"/>	WILL CALL AGAIN	<input checked="" type="checkbox"/>
WANT TO SEE YOU	<input checked="" type="checkbox"/>	URGENT	<input checked="" type="checkbox"/>

RETURNED YOUR CALL

Message Marijuana Bills  
not worth voting for.  
Will send proposals in  
writing.

HB 88  
 Operator



DR Lee Maxwell  
 248-1335  
 277-7735

HR DR  
 more productive -  
 effective utilization  
 work sessions

Guova →

Buivy  
 committee  
 Aide →

office → 786-1801

To ANN  
 Date \_\_\_\_\_ Time \_\_\_\_\_

**WHILE YOU WERE OUT**

M. Cathy Carlson  
 of \_\_\_\_\_

Phone \_\_\_\_\_  
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message Yes They would  
like to ~~test~~ from  
HO in Anch  
502-8573

Operator \_\_\_\_\_







Chamber of Commerce

1107 West 8th, No. 1 (907) 586-6420 Juneau, Alaska 99801

DATE: September 22, 1989

TO: All Members of the Sixteenth Alaska State Legislature

FROM: John Gucker, President  
Greater Juneau Chamber of Commerce

SUBJECT: Resolution 89-6 relating to Initiative No. 88MARI

MESSAGE: Enclosed for your information is a copy of Resolution 89-6 passed by the Greater Juneau Chamber of Commerce September 22, 1989. The resolution is in support of Initiative 88MARI requesting that the recriminalization of marijuana be placed before the voters during the next state-wide election.

We ask for and encourage your support in bringing this issue before the voters so all resident Alaskans have an opportunity to voice their opinions.

RESOLUTION 89-6 OF THE GREATER JUNEAU CHAMBER OF COMMERCE

A RESOLUTION IN SUPPORT OF INITIATIVE NO. 88MARI REGARDING THE RECRIMINALIZATION OF MARIJUANA BEING PLACED BEFORE THE VOTERS AT THE NEXT STATE-WIDE ELECTION.

WHEREAS, marijuana has been found to be physically and mentally addictive and significantly impairs learning for individuals under the influence; and

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

WHEREAS, the supreme courts of other states and the United States Supreme Court uphold state statutes prohibiting the use and possession of marijuana; and

WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws and International Treaties; and

WHEREAS, conflicts between federal and state laws pertaining to marijuana create barriers for law enforcement officials in providing protection to the public; and

WHEREAS, marijuana use affects business through high absenteeism, tardiness, high injury and accident rates, thefts of equipment, money and merchandise, poor workmanship, low productivity, high workers' compensation rates, low morale of workers and increased errors and mistakes; and

WHEREAS, current Alaska law indicates to Alaska youth that the use of marijuana is an acceptable adult behavior contrary to federal laws making possession of marijuana a crime; and

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

WHEREAS, Alaska currently receives federal monies in fiscal year 1989 for: drug enforcement; drug-free school programs; juvenile justice; alcohol, drug abuse, and mental health administration to the total of \$5,175,000; and

WHEREAS, continued receipt of these funds is jeopardized by Alaska's failure to conform its marijuana laws to national standards; and

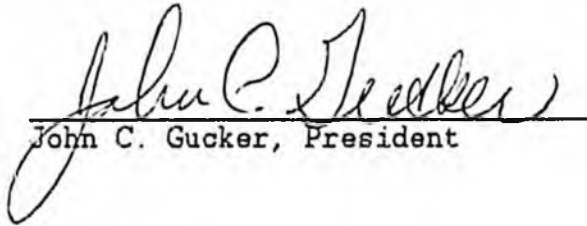
WHEREAS, one of the major purposes and objectives of the Greater Juneau Chamber of Commerce is to "improve the business climate and to make this community a more desirable place to live and work";

NOW, THEREFORE, BE IT RESOLVED BY THE GREATER JUNEAU CHAMBER OF COMMERCE:

That the Greater Juneau Chamber of Commerce 1. urges the Alaska State Legislature to revise the statutes relating to marijuana to conform to the national standards, and 2. supports Initiative No. 88MARI being placed on the next state-wide ballot to give the residents of Alaska the choice of whether or not to recriminalize marijuana, and 3. urges Alaskans to vote to recriminalize marijuana during the next state-wide ballot on Initiative 88MARI.

Effective date. This resolution shall be effective immediately upon adoption.

Adopted this 22nd day of September, 1989

  
\_\_\_\_\_  
John C. Gucker, President

Attest:

\_\_\_\_\_  
Judy Gilmore, Office Manager

Initiative: Marijuana

This measure would make any use or display of marijuana in any public place, public or private, and having less than one-half pound of a substance which has marijuana in it, punishable by up to 90 days in jail and up to a \$1,000 fine.

Current Law

<u>Place</u>	<u>Amount</u>	<u>Classification</u>	<u>Penalty - Up To</u>
Anywhere	>8 oz	A misdemeanor	\$5,000/1 yr
Anywhere	>4 <8 oz	B misdemeanor	\$1,000/90 days
Public	>1 <4 oz	B misdemeanor	\$1,000/90 days
Public	<1 oz	7th degree vio	\$100
Private	<4 oz		no penalty

CSHB 88

Anywhere	> 8 oz	A misdemeanor	\$5,000/1 yr
Anywhere	>4 <8 oz	B misdemeanor	\$1,000/90 days
Anywhere	>1 <4 oz	B misdemeanor	\$1,000/no jail first offense*
Anywhere	<1 oz	7th degree vio	\$300/citation

CSHB 88 combines a criminal provision for possession of 1 to 4 oz's (class B misdemeanor) with a non-criminal provision for possession of less than 1 oz (a violation), and eliminates the public/private distinction.

\*

Subsequent offenses may result in jail time up to 90 days, drug treatment/community work service at the discretion of the court.

AS CHAIR OF THE HOUSE STATE AFFAIRS COMMITTEE I HAVE SPENT CONSIDERABLE TIME LISTENING TO THE VIEWS OF MY COLLEAGUES AND THE PUBLIC ABOUT MARIJUANA - THOSE VIEWS GENERALLY HAVE CENTERED ON THESE QUESTIONS:

- SHOULD THE POSSESSION OF SMALL QUANTITIES OF MARIJUANA BE MADE ILLEGAL?
- IF WE MAKE SMALL QUANTITIES ILLEGAL, WHAT IS THE APPROPRIATE PENALTY?
- DOES ALASKA'S CONSTITUTION PRECLUDE PROHIBITION OF SMALL QUANTITIES OF MARIJUANA?

THE OPINIONS/VIEWS RANGE FROM MAKING MARIJUANA POSSESSION A CRIMINAL OFFENSE RESULTING IN JAIL TIME AND A LARGE FINE TO MAKING POSSESSION A VIOLATION WITH A SMALL FINE. OTHERS FEEL THAT WE SHOULD DO NOTHING - THAT A PERSONS RIGHT TO PRIVACY OUTWEIGHED THE NEED TO CHANGE THE LAW - THEY ARGUE IT HAS NOT BEEN SHOWN MARIJUANA USE IS MORE HARMFUL THAN ALCOHOL OR TOBACCO SO WHY CRIMINALIZE IT?

HOWEVER MUCH I WOULD LIKE TO TRY, I CANNOT RECONCILE THESE DIFFERING VIEWS - I CAN ONLY TELL YOU THAT MANY PEOPLE INCLUDING PROFESSIONALS WORKING IN INTERVENTION/PREVENTION PROGRAMS AND IN LAW ENFORCEMENT, ALL SEEM TO AGREE THAT WE MUST SEND A MESSAGE THAT WE DO NOT CONDONE MARIJUANA'S USE, BUT THAT SOLE MESSAGE IS NOT JUST JAIL TIME AND LARGE FINES; RATHER, WE MUST ALSO EDUCATE OUR YOUTH AND CHILDREN ABOUT THE

POTENTIAL HEALTH AND EMOTIONAL RISKS THEY TAKE WHEN THEY USE MARIJUANA.

THE BILL WHICH THE HOUSE STATE AFFAIRS COMMITTEE FINALLY AGREED ON AND PASSED OUT - CS FOR HB88(SA) - CAN BE VIEWED AS A COMPROMISE BETWEEN THOSE WHO WISH TO CRIMINALIZE THE POSSESSION OF MARIJUANA AND THOSE WHO WISH TO TREAT POSSESSION OF SMALL QUANTITIES AS A VIOLATION.

CS FOR HB88(SA) TREATS POSSESSION OF LESS THAN 1 OZ A VIOLATION WITH A MAXIMUM FINE OF \$300. POSSESSION OF 1 TO 4 OZ'S IS TREATED AS A MISDEMEANOR B WITH NO JAIL TIME FOR THE FIRST OFFENSE - THE COURT MAY REQUIRE A DRUG TREATMENT PROGRAM AND/OR COMMUNITY SERVICE. IN SUMMARY, THIS APPROACH COMBINES A CRIMINAL PROVISION FOR POSSESSION OF 1 TO 4 OZ'S WITH A NON-CRIMINAL PROVISION FOR POSSESSION OF LESS THAN 1 OZ AND ELIMINATES THE PUBLIC/PRIVATE DISTINCTION.

OBVIOUSLY THIS APPROACH IS NOT A COMPROMISE FOR THOSE WHO WOULD PREFER TO KEEP THE STATUS QUO - I CAN ONLY SAY TO THESE INDIVIDUALS, I HAVE HEARD EVIDENCE AND TESTIMONY WHICH CONVINCES ME WE NEED TO SEND A MESSAGE TO OUR CHILDREN AND YOUTH THAT WE DO NOT CONDONE THE USE OF MARIJUANA IN THE HOME OR ANYWHERE - CS FOR HB88(SA) REPRESENTS THAT MESSAGE BUT ACKNOWLEDGES THAT JAIL TIME FOR SMALL QUANTITIES - LESS THAN 1 OZ - IS NOT THE ANSWER. YOU SHOULD NOTE THAT THE STATE

AFFAIRS COMMITTEE PASSED OUT HB88 WITH A STRONG LETTER OF INTENT AND THAT INTENT IS THAT IN CONSIDERING THE PASSAGE OF LEGISLATION TO CRIMINALIZE THE USE AND POSSESSION OF MARIJUANA, THE LEGISLATURE ADEQUATELY FUND DRUG ENFORCEMENT AGENCIES, DRUG RESEARCH ACTIVITIES, AND STATE PROGRAMS PROVIDING DRUG PREVENTION/INTERVENTION TO FAMILIES AND YOUTH VICTIMIZED BY DRUG ABUSE.

THE CS FOR HB 88(SA) DOES NOT INCLUDE A COMPREHENSIVE SET OF MEDICAL FINDINGS AS ARE FOUND IN SB 18 AND HB 22. IT IS MY UNDERSTANDING THAT WE MUST DEMONSTRATE A NEED TO CHANGE THE LAW REGARDING THE USE OF MARIJUANA IN THE HOME BASED ON PROOF THAT THE PUBLIC HEALTH OR WELFARE WILL SUFFER IF CONTROLS ARE NOT APPLIED TO ITS USE. WHILE I PERSONALLY BELIEVE THERE ARE SUFFICIENT SOCIAL AND MEDICAL/HEALTH REASONS, IT IS NOT CLEAR WE ARE YET AT A POINT WHERE "FINDINGS" COULD WITHSTAND A COURT TEST - FINDINGS SUCH AS THOSE PRESENTED IN SB 18 AND HB 22.

YOU WILL NOTE THAT THERE IS ANOTHER BILL SPONSORED BY THE HOUSE STATE AFFAIRS COMMITTEE - HJR 42. THIS RESOLUTION PROPOSES TO AMEND ARTICLE I, SECTION 22 OF THE ALASKA CONSTITUTION TO EXCLUDE FROM THE RIGHT TO PRIVACY A PERSON'S POSSESSION OR USE OF MARIJUANA. BY PASSAGE OF THIS RESOLUTION, THE LEGISLATURE COULD REGULATE THE USE OF MARIJUANA WITHOUT CONCERN FOR A VIOLATION OF THE

CONSTITUTIONAL RIGHT TO PRIVACY. ULTIMATELY IT MAY HAVE TO BE THE PEOPLE WHO DECIDE WHETHER THEY ARE WILLING TO CHANGE THE RIGHT TO PRIVACY PROVISION IN THE STATE CONSTITUTION TO PRECLUDE THE USE OF CONTROLLED SUBSTANCES SUCH AS MARIJUANA.

WE SHOULD KEEP IN MIND THAT THE LEGISLATURE HAS THE OPPORTUNITY TO PASS A LAW WHICH SENDS A MESSAGE THAT WE DO NOT CONDONE THE USE OF MARIJUANA BUT DOES NOT APPLY PENALTIES WHICH SIMPLY PUT PEOPLE IN JAIL - IF WE DON'T PASS THIS LAW, THE INITIATIVE THAT IS PRESENTLY CIRCULATING THROUGHOUT ALASKA WOULD, IF ADOPTED, PLACE ON THE BALLOT IN THE 1990 GENERAL ELECTION A MEASURE WHICH WOULD MAKE THE USE OR DISPLAY OF LESS THAN ONE-HALF POUND OF MARIJUANA ANYWHERE A MISDEMEANOR B RESULTING IN 90 DAYS OF JAIL AND A \$1,000 FINE - THE LEGISLATURE HAS THE OPPORTUNITY TO ADDRESS THIS ISSUE NOW AND IN A REASONABLE MANNER THROUGH CSHB 88.

I ENCOURAGE YOUR SUPPORT OF CSHB 88 THANK YOU.

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2

HOUSE JOINT RESOLUTION NO. 42

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Proposing an amendment to the Constitu-

6

tion of the State of Alaska providing

7

that an individual's right of privacy

8

does not include the possession or use

9

of controlled substances.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. Article I, sec. 22, Constitution of the State of Alaska,

12 is amended to read:

13

SECTION 22. RIGHT OF PRIVACY. The right of the people to pri-

14

vacy is recognized and shall not be infringed. The right of privacy

15

does not include the right to possess or use controlled substances.

16

The legislature shall implement this section.

17

\* Sec. 2. The amendment proposed by this resolution shall be placcd

18

before the voters of the state at the next general election in conformity

19

with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-

20

tion laws of the state.

Original sponsor: State Affairs Committee

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 88 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act amending the definitions of the offenses of  
7 misconduct involving a controlled substance in the  
8 sixth degree to make the use, display, or possession  
9 of one to four ounces of marijuana illegal as a class  
10 B misdemeanor and to make the use or display of less  
11 than four ounces of marijuana by a minor, and the use  
12 or display of any amount of marijuana within the im-  
13 mediate control of the operator of a propelled vehi-  
14 cle, illegal as a class B misdemeanor, and of miscon-  
15 duct involving a controlled substance in the seventh  
16 degree to make the use, display, or possession of  
17 less than one ounce of marijuana illegal as a viola-  
18 tion; and relating to disposition of offenses of  
19 misconduct involving a controlled substance in the  
20 sixth and seventh degrees."  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
22 \* Section 1. PURPOSE. (a) Alaska's criminal code classifies marijuana  
23 as a schedule VIA controlled substance. Section 2 of this Act makes the  
24 possession of one ounce or more but less than four ounces of marijuana  
25 illegal as the offense of misconduct involving a controlled substance in  
26 the sixth degree. Section 4 of this Act makes the possession of less than  
27 one ounce of marijuana illegal as the offense of misconduct involving a  
28 controlled substance in the seventh degree.  
29 (b) Misconduct involving a controlled substance in the seventh degree

1                   (4) [(5)] refuses entry into a premises for an inspection  
2 authorized under AS 17.30.

3 \* Sec. 3. AS 11.71.060 is amended by adding a new subsection to read:

4                   (c) A court

5                   (1) may impose a sentence of imprisonment on a person  
6 convicted of an offense under (a)(3) or (a)(4) of this section only if  
7 the person has previously been convicted of an offense

8                   (A) described in (a) of this section; or

9                   (B) under a law or ordinance in another jurisdiction  
10 with elements substantially similar to an offense described in  
11 (a) of this section;

12                   (2) may require the defendant to participate in a program  
13 under AS 12.55.015(d);

14                   (3) may require the defendant to engage in community work  
15 under AS 12.55.015(a) and 12.55.055.

16 \* Sec. 4. AS 11.71.070(a) is amended to read:

17                   (a) Except as authorized in AS 17.30, a person commits the  
18 offense of misconduct involving a controlled substance in the seventh  
19 degree if the person

20                   (1) manufactures or delivers, or possesses with the intent  
21 to manufacture or deliver, one or more preparations, compounds, mix-  
22 tures, or substances of an aggregate weight of less than one-half  
23 ounce of a schedule VIA controlled substance; or

24                   (2) uses, displays, or possesses one or more preparations,  
25 compounds, mixtures, or substances of an aggregate weight of less than  
26 one ounce containing a schedule VIA controlled substance [ON A PUBLIC  
27 STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC CARRIER OR BUSINESS  
28 ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE].

29 \* Sec. 5. AS 11.71.070(b) is amended to read:

1 section.

2 \* Sec. 7. AS 12.25.190(c) is amended to read:

3 (c) The person cited for the crime shall give a written promise  
4 to appear in court by signing at least one copy of the written cita-  
5 tion prepared by the peace officer and the officer shall deliver a  
6 copy of the citation to the person. The written promise requirement  
7 of this subsection does not apply to

8 (1) motor vehicle and traffic citations for which a bail or  
9 fine schedule has been established under AS 28.05.151;

10 (2) [,] fish and game citations for which a bail schedule  
11 has been established under AS 16.05.165;

12 (3) [,] citations issued under AS 18.35.341;

13 (4) [,] citations issued in state park and recreational  
14 facilities under AS 41.21.960;

15 (5) [, OR] littering citations issued under AS 46.06.080;

16 or

17 (6) citations issued under AS 11.71.075.

18 \* Sec. 8. AS 12.45.155(a) is amended to read:

19 (a) In a prosecution under AS 11.71.010 - 11.71.075 [AS 11.71.-  
20 010 - 11.71.070], a complete copy of an official laboratory report  
21 from the Department of Public Safety or a laboratory operated by  
22 another law enforcement agency is prima facie evidence of the content,  
23 identity, and weight of a controlled substance. The report must be  
24 signed by the person performing the analysis and must state that the  
25 substance which is the basis of the alleged offense has been weighed  
26 and analyzed. In the report, the author shall state with specificity  
27 findings as to the content, weight, and identity of the substance.

28 \* Sec. 9. AS 17.30.080(b) is amended to read:

29 (b) A person who violates (a) of this section, or who otherwise

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

Original sponsor: State Affairs Committee

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 88 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act amending the definitions of the offenses of  
7 misconduct involving a controlled substance in the  
8 sixth degree to make the use, display, or possession  
9 of one to four ounces of marijuana illegal as a class  
10 B misdemeanor and to make the use or display of less  
11 than four ounces of marijuana by a minor, and the use  
12 or display of any amount of marijuana within the im-  
13 mediate control of the operator of a propelled vehi-  
14 cle, illegal as a class B misdemeanor, and of miscon-  
15 duct involving a controlled substance in the seventh  
16 degree to make the use, display, or possession of  
17 less than one ounce of marijuana illegal as a viola-  
18 tion; and relating to disposition of offenses of  
19 misconduct involving a controlled substance in the  
20 sixth and seventh degrees."  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
22 \* Section 1. PURPOSE. (a) Alaska's criminal code classifies marijuana  
23 as a schedule VIA controlled substance. Section 2 of this Act makes the  
24 possession of one ounce or more but less than four ounces of marijuana  
25 illegal as the offense of misconduct involving a controlled substance in  
26 the sixth degree. Section 4 of this Act makes the possession of less than  
27 one ounce of marijuana illegal as the offense of misconduct involving a  
28 controlled substance in the seventh degree.  
29 (b) Misconduct involving a controlled substance in the seventh degree

1 is, under current Alaska law, a violation, that is, an offense punishable  
2 by a fine of not more than \$100. The amendment made by sec. 5 of this Act  
3 increases the fine that may be imposed to \$300.

4 (c) It is the purpose of secs. 6 and 7 of this Act to amend applica-  
5 ble law so that a law enforcement officer who stops or contacts a person  
6 for possession of a small amount of marijuana may issue a citation for that  
7 offense, and the person who receives the citation may waive a court appear-  
8 ance and remit a payment as satisfaction of the offense.

9 \* Sec. 2. AS 11.71.060(a) is amended to read:

10 (a) Except as authorized in AS 17.30, a person commits the crime  
11 of misconduct involving a controlled substance in the sixth degree if  
12 the person

13 (1) [USES OR DISPLAYS ANY AMOUNT OF A SCHEDULE VIA CON-  
14 TROLLED SUBSTANCE OR POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS,  
15 MIXTURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF ONE OUNCE OR MORE  
16 CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE ON A PUBLIC STREET OR  
17 SIDEWALK OR ON THE PREMISES OF A PUBLIC CARRIER OR BUSINESS ESTABLISH-  
18 MENT OR IN ANY OTHER PUBLIC PLACE;

19 (2)] knowingly uses, displays, or possesses any amount of a  
20 schedule VIA controlled substance within the immediate control of that  
21 person while operating a propelled vehicle;

22 (2) [(3)] being under 19 years of age, uses, displays, or  
23 possesses one or more preparations, compounds, mixtures, or substances  
24 of an aggregate weight of less than four ounces containing a schedule  
25 VIA controlled substance;

26 (3) uses, displays, or [(4)] possesses one or more prepara-  
27 tions, compounds, mixtures, or substances of an aggregate weight of  
28 one ounce [FOUR OUNCES] or more containing a schedule VIA controlled  
29 substance; or

1           (4) [(5)] refuses entry into a premises for an inspection  
2 authorized under AS 17.30.

3 \* Sec. 3. AS 11.71.060 is amended by adding a new subsection to read:

4           (c) A court

5                 (1) may impose a sentence of imprisonment on a person  
6 convicted of an offense under (a)(3) or (a)(4) of this section only if  
7 the person has previously been convicted of an offense

8                         (A) described in (a) of this section; or

9                         (B) under a law or ordinance in another jurisdiction  
10 with elements substantially similar to an offense described in  
11 (a) of this section;

12                 (2) may require the defendant to participate in a program  
13 under AS 12.55.015(d);

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15 under AS 12.55.015(a) and 12.55.055.

16 \* Sec. 4. AS 11.71.070(a) is amended to read:

17           (a) Except as authorized in AS 17.30, a person commits the  
18 offense of misconduct involving a controlled substance in the seventh  
19 degree if the person

20                 (1) manufactures or delivers, or possesses with the intent  
21 to manufacture or deliver, one or more preparations, compounds, mix-  
22 tures, or substances of an aggregate weight of less than one-half  
23 ounce of a schedule VIA controlled substance; or

24                 (2) uses, displays, or possesses one or more preparations,  
25 compounds, mixtures, or substances of an aggregate weight of less than  
26 one ounce containing a schedule VIA controlled substance [ON A PUBLIC  
27 STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC CARRIER OR BUSINESS  
28 ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE].

29 \* Sec. 5. AS 11.71.070(b) is amended to read:

1 (b) Misconduct involving a controlled substance in the seventh  
2 degree is a violation and is punishable as authorized in AS 12.55 [,  
3 EXCEPT THAT IF A FINE IS IMPOSED IT SHALL NOT BE MORE THAN \$100].

4 \* Sec. 6. AS 11.71 is amended by adding a new section to read:

5 Sec. 11.71.075. CITATION FOR VIOLATION. (a) The provisions of  
6 AS 12.25.180(b) and 12.25.190 - 12.25.230 apply to a person arrested  
7 or cited for the commission of an offense under AS 11.71.070.

8 (b) An offense under AS 11.71.070 for which a citation is issued  
9 may be disposed of without court appearance. For each offense under  
10 AS 11.71.070, the supreme court shall establish a schedule of bail  
11 amounts, not to exceed the amount of a fine prescribed by law. The  
12 citing officer shall write on the citation the amount of bail appli-  
13 cable to the cited offense.

14 (c) A person cited under (a) of this section may, within five  
15 days after the date of the citation, mail or personally deliver to the  
16 clerk of the court having jurisdiction over the place where the of-  
17 fense occurred

18 (1) the amount of bail indicated on the citation for that  
19 offense; and

20 (2) a copy of the citation signed by the person on an  
21 appropriate blank on the citation indicating the person's waiver of  
22 appearance, plea of no contest, and direction to forfeit the bail.

23 (d) When bail has been forfeited under this section, a judgment  
24 of conviction shall be entered. Bail forfeited under this section is  
25 a complete satisfaction for the offense, and the offender shall be  
26 given a receipt stating that fact.

27 (e) The maximum penalty that may be imposed for the offense may  
28 not exceed the bail amount for that offense set out in the schedule of  
29 bail amounts as determined by the supreme court under (b) of this

1 section.

2 \* Sec. 7. AS 12.25.190(c) is amended to read:

3 (c) The person cited for the crime shall give a written promise  
4 to appear in court by signing at least one copy of the written cita-  
5 tion prepared by the peace officer and the officer shall deliver a  
6 copy of the citation to the person. The written promise requirement  
7 of this subsection does not apply to

8 (1) motor vehicle and traffic citations for which a bail or  
9 fine schedule has been established under AS 28.05.151;

10 (2) [,] fish and game citations for which a bail schedule  
11 has been established under AS 16.05.165;

12 (3) [,] citations issued under AS 18.35.341;

13 (4) [,] citations issued in state park and recreational  
14 facilities under AS 41.21.960;

15 (5) [, OR] littering citations issued under AS 46.06.080;

16 or

17 (6) citations issued under AS 11.71.075.

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19 (a) In a prosecution under AS 11.71.010 - 11.71.075 [AS 11.71.-  
20 010 - 11.71.070], a complete copy of an official laboratory report  
21 from the Department of Public Safety or a laboratory operated by  
22 another law enforcement agency is prima facie evidence of the content,  
23 identity, and weight of a controlled substance. The report must be  
24 signed by the person performing the analysis and must state that the  
25 substance which is the basis of the alleged offense has been weighed  
26 and analyzed. In the report, the author shall state with specificity  
27 findings as to the content, weight, and identity of the substance.

28 \* Sec. 9. AS 17.30.080(b) is amended to read:

29 (b) A person who violates (a) of this section, or who otherwise

1 manufactures, distributes, dispenses, or conducts research with a  
2 controlled substance in the state without fully complying with 21  
3 U.S.C. 811 - 830 (Controlled Substances Act), and regulations adopted  
4 under those sections, is guilty of misconduct involving a controlled  
5 substance under AS 11.71.010 - 11.71.075 [AS 11.71.010 - 11.71.070] in  
6 the degree appropriate to the circumstances as described in those  
7 sections.

FISCAL NOTE

REQUEST:

Revision Date: April 3, 1989  
 Title: "AN ACT AMENDING... OFFENSES...  
 involving a controlled substance..."  
 Sponsor: House State Affairs  
 Requestor: House State Affairs

Agency Affected: Department of Law  
 BRU: Prosecution  
 Components: Third District, Fourth  
 District, Crim. Appeals & Spl. Prosc.,  
 Criminal Justice Litigation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		133.6	137.6	141.7	146.0	150.4
TRAVEL		3.6	3.7	3.8	3.9	4.0
CONTRACTUAL		72.7	74.9	44.3	45.6	47.0
SUPPLIES		10.8	7.4	7.6	7.8	8.0
EQUIPMENT		12.5	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	233.2	233.6	197.4	203.3	209.4

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	233.2	233.6	197.4	203.3	209.4
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	2	2	2	2	2
PART-TIME	-0-	1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

*Richard L. Pegues*

Prepared by: Richard L. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Date: April 3, 1989

*Richard L. Pegues / FAR*  
 Approved by Commissioner: Douglas B. Bailly Attorney General Date: April 3, 1989  
 Agency: Department of Law

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

# CONTINUATION of FISCAL NOTE ANALYSIS

No. 1  
CSHB 88 (SA)  
HOUSE 4/6/89

For Bill/Resolution No. CSHB 88

The committee substitute for HB 88 recriminalizes the possession and use of small amounts of marijuana. The bill would make possession of one ounce or more but less than four ounces of marijuana a class B misdemeanor, and the bill would make possession of less than one ounce of marijuana a violation. The maximum penalty for such a violation would be raised from \$100 to \$300. The legislature is also considering a joint resolution proposing a constitutional amendment at the next general election in November of 1990, which would provide that an individual's right to privacy does not extend to the possession or use of controlled substances. The bill would be effective 90 days after it becomes law, or sometime during the summer of 1989, if it is approved.

The passage of CSHB 88 will have a fiscal impact on the Department of law in three general areas: (1) the cost of processing additional new criminal cases; (2) the cost of educating the public about the new law; (3) approval of the proposed constitutional amendment will have the effect of repealing the Alaska Supreme Court's decision in Ravin. However, because the bill would be effective about 18 months before the constitutional amendment would become effective, it is anticipated that the bill will come under a vigorous constitutional challenge.

## 1. New Criminal Cases

Much of the behavior that the bill would classify as either a class B misdemeanor or a violation is not now an offense of any kind. In the past, some law enforcement officers who work primarily in the drug enforcement area indicated that recriminalizing marijuana could potentially result in "thousands" of new criminal cases a year. The police now doubt this but, nonetheless, a large number of the new cases would arise from situations where law enforcement officers now commonly discover small amounts of marijuana (as when an officer responds to a domestic disturbance call and sees some marijuana plants in a person's home, or when a person is arrested for a minor offense and a routine search for weapons reveals some marijuana cigarettes in the person's pocket, for example). Incidents of this sort occur frequently now, but do not generally result in any criminal prosecution for the marijuana possession. Many of these cases are likely to be referred for criminal prosecution if CSHB 88 becomes law because police officers will not ignore evidence of wrongdoing that is in plain view. Many of these defendants are middle-class people who can be expected to vigorously resist having a criminal record. Class B misdemeanors entitle a defendant to a jury trial and court-appointed counsel. Although the bill provides that possession of less than one ounce of marijuana will be handled as a violation, some unknown yet substantial number of these lesser offenses can be expected to be disputed, requiring attorney time to prosecute.

## CONTINUATION of FISCAL NOTE ANALYSIS

No. 1  
CSHB 88 (SA)  
HOUSE 4/6/89For Bill/Resolution No. CSHB 88

Prosecutors generally predict a substantially lesser number of new potential criminal cases under CSHB 88 than the "thousands" that were once predicted. Once the public becomes aware of the new law, some people are likely to become more careful about not allowing marijuana or smoking paraphernalia to be exposed in plain view in their homes; for example. Judging from the number of minor marijuana offenses prosecuted prior to the Ravin decision in 1975, prosecutors still expect at least a "few hundred" new criminal cases a year. Possession of small amounts of marijuana for personal use has been legal since the Ravin decision in 1975. Consequently, there is no accurate way to predict the number of new offenses that will occur when this current behavior is outlawed. Nor is there any accurate means to determine, in advance, the number of new offenses that will constitute class B misdemeanors, as opposed to violations. All of the department's prosecution offices are working at maximum capacity. Past budget cuts have left little time available to handle minor offenses, and the department has had to focus its remaining resources on major offenses, particularly crimes of violence. Prosecution of a whole new block of crime, although relatively minor, simply cannot be undertaken without some additional resources. The department's current estimate of a "few hundred" offenses is very conservative. The actual number of new cases may be significantly higher. It certainly will not be less.

Class B misdemeanor cases and disputed violations which are accepted for prosecution will require attorney time both at trial and in preparation for trial (i.e., preparation of search warrants, response to defense motions, evaluation of results of laboratory analysis, pretrial witness preparation, etc.). To handle screening of the expected case referrals, and to prosecute the additional misdemeanors and disputed violations, the criminal division will require the addition of at least one Attorney III position and one Legal Secretary I position in Anchorage. It is anticipated that a half-time attorney will also be needed in the Fairbanks District Attorney's office.

## 2. Public Education

In order to inform the public of the changes in the law, the Department of Law will develop and disseminate public notices explaining the new law. These notices will include newspaper ads and brochures, and will be modeled upon the public education notices which were distributed statewide in connection with the new drug law in 1982 and the new DWI and drinking age laws in 1983. Based upon experience with these earlier notices, approximately \$25,000 will be needed to cover the costs of writing, layout, typesetting, publication, and distribution.

In addition to the costs explained above, it is anticipated that the passage of this bill will result in increased costs to other components of the criminal justice system, including law enforcement, the courts, the public defender agency, the Office of Public Advocacy, and corrections.

# CONTINUATION of FISCAL NOTE ANALYSIS

No. 1  
CSHB 88 (SA)  
HOUSE 4/6/89

For Bill/Resolution No. CSHB 88

### 3. Defending the New Law

In 1975 the Alaska Supreme Court in the case of Ravin v. State, 537 P.2d 497 (Alaska 1975), ruled that under Art. I, Sec. 22 of the Alaska Constitution the state could not prohibit possession of marijuana by adults in their own homes for personal use. The court held that the state had not demonstrated the existence of a legitimate state interest which was strong enough to justify the regulation of this conduct.

Since passage of CSHB 88 would make it a crime for an adult to possess any amount of marijuana anywhere, including in his or her own home, the constitutionality of the new law is certain to be challenged. An appellate court will have to decide whether the state has proved that there is a "compelling state interest" in the prohibition of the use of marijuana which is sufficient to outweigh an individual's right to privacy under the state constitution. It is extremely important, therefore, that the legislature's consideration of this bill include extensive public hearings, debate on the social policy merits of the proposal, and the collection of the results of the most recent scientific, medical, and pharmacological studies regarding the physical, emotional, and social effects of marijuana usage.

In addition to the necessary legislative hearings, evidentiary hearings at the trial court level can be expected when a challenge to the new law is filed. Challenges to the new law will most likely arise in the context of a defendant's pretrial motion to dismiss a criminal prosecution. When responding to such a defense motion, the prosecutor would, in essence, have to convince a court to reverse the ruling in the Ravin case. In order to demonstrate that the result in Ravin is no longer correct, the prosecutor would have to present convincing, scientifically accurate, evidence that the effects of marijuana usage are so injurious to a person's mental and physical health as to justify the legislative decision to totally prohibit use of marijuana by anyone at any time (as opposed to use by minors or use by a person who is operating a motor vehicle--both of which are already prohibited under current law).

The presentation of this convincing evidence will require the prosecution to present expert testimony from authorities who have conducted recent research in this area. Out-of-state witnesses in medical and scientific fields charge a fee for their services. These fees will vary from individual to individual, but are expected to average at least \$150 per hour. This would include services for consultation, witness preparation and actual testimony. Costs will be incurred for expert witness transportation, food and lodging, and other incidental expenses. Additionally, there will be some costs for preparation of exhibits and written reports. To the extent possible, the Department of Law would attempt to present written testimony in situations where it is not feasible to fly a person to Alaska to testify

# CONTINUATION of FISCAL NOTE ANALYSIS

No. 1  
CSHB 88 (SA)  
HOUSE 4/6/89

For Bill/Resolution No. CSHB 88

Fiscal Analysis - (cont'd)

Fourth Judicial District - Fairbanks

	Atty. III <u>(PPT)</u>	<u>Total</u>
Personal Services	36.9	36.9
Travel - Witness travel subsistence, Atty. travel	1.8	1.8
Contractual Services		
office commo., equip. repair	2.4	2.4
copy - postage	1.2	<u>1.2</u>
		3.6
Commodities - Ongoing		
office consumables	1.8	1.8
Law library	1.2	1.2
Commodities - one time		
New position materials	1.2	<u>1.2</u>
		4.2
Equipment - one time		
New position equipment	2.0	2.0
		<hr style="width: 10%; margin: 0 auto;"/>
		48.5

CONTINUATION of FISCAL NOTE ANALYSIS

No. 1  
CSHB 88 (SA)  
HOUSE 4/6/89

For Bill/Resolution No. CSHB 88

Fiscal Analysis - (cont'd)

2. Public Education

Criminal Justice Litigation Component/Prosc. BRU

<u>Object</u>	<u>Total</u>
Contractual Services - one time writing, layout, typesetting, publication and distribution of public notices and information brochures describing the changes in the law.	25.0
	-----
	25.0

3. Defending the New Law

Criminal Appeals & Special Prosecution Component/Prosc. - BRU

<u>Object</u>	<u>Total</u>
Contractual Services - Professional fees scientific experts 120 hrs. X \$150 =	\$18,000
Experts' staff support, preparation of exhibits, written testimony 50 hrs. X \$60 =	3,000
Experts' travel to attend hearings and offer testimony 6 trips X 4 days X \$80 = \$1,920 subsistence	1,920
6 trips X \$1,500 = \$9,000 travel	9,000
	-----
	\$31,920

This amount will be required for both FY 90 and FY 91, to cover both trials and appeals.

# CONTINUATION of FISCAL NOTE ANALYSIS

No. 1  
CSHB 88 (SA)  
HOUSE 4/6/89

For Bill/Resolution No. CSHB 88

in person. We estimate that a minimum of six expert witnesses will be required to attempt to successfully defend the new law at the trial court level.

Hearings at the trial court level can reasonably be expected to take several days. A substantial commitment of attorney time will be required for scientific and legal research in preparation for the hearings, actual court time, legal briefing, and the preparation of proposed findings of fact. Since prosecutions under the new law will occur statewide, defense challenges may be raised at the same time in different parts of the state. The extensive hearings described above may have to be held in more than one judicial district in the state.

Regardless of which side prevails at the trial court level, the lower court ruling would almost certainly be followed by an appeal. At a minimum, such an appeal (or appeals) would require additional legal research, a thorough review of the record, the drafting of briefs, and oral argument before the appellate court and the Supreme Court.

CONTINUATION of FISCAL NOTE ANALYSIS

No. 1  
CSHB 88 (SA)  
HOUSE 4/6/89

For Bill/Resolution No. CSHB 88

Fiscal Analysis - (cont'd)

1. New Criminal Cases

Third Judicial District - Anchorage

<u>Total</u>	<u>Atty III</u> <u>(PFT)</u>	<u>Legal Sec I</u> <u>(PFT)</u>	<u>Total</u>
Personal Services	63.8	32.9	96.7
Travel - Witness travel subsistence, atty. travel	1.8	-0-	1.8
Contractual Services			
office commo. equip. repair	2.4	1.2	3.6
copy - postage	1.2	1.2	2.4
Office Space rent/lease	4.0	2.2	<u>6.2</u>
			12.2
Commodities - Ongoing			
office consumables	1.8	1.2	3.0
Law library	1.2	-0-	1.2
Commodities - one time			
New position materials	1.2	1.2	<u>2.4</u>
			6.6
Equipment - one time			
New position equipment	2.0	8.5	10.5
	<hr/>	<hr/>	<hr/>
	79.4	48.4	71.1

Costs beyond FY 90 include a 3% inflation factor, less one-time items.

CONTINUATION of FISCAL NOTE ANALYSIS

No. 1  
CSHB 88 (SA)  
HOUSE 4/6/89

For Bill/Resolution No. CSHB 88

Summary of Expenses (All Components)

	<u>Defending the new Law</u>	<u>New Criminal Cases</u>	<u>Public Education</u>	<u>Total</u>
Personal Services		133.6		133.6
Travel		3.6		3.6
Contractual	31.9	15.8	25.0	72.7
Commodities		10.8		10.8
Equipment		12.5		12.5
	<u>31.9</u>	<u>176.3</u>	<u>25.0</u>	<u>233.2</u>

Position Title <b>Attorney III</b>		No. of Positions <b>1</b>	Range/Step <b>22A</b>	Barg. Unit <b>PX</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>EBA - Anchorage</b>		Election District <b>8</b>
<b>Justification</b>				
This full-time attorney position is required at Anchorage to handle the influx of new cases that will result when marijuana possession or use is recriminalized. Prosecutors expect that at least a few hundred such offenses will occur each year as a result of the enactment of this bill. This position will be responsible for prosecuting those new cases that are brought in the Third Judicial District and handling appellate briefs and appeals hearings. Because these new cases will be classed as misdemeanor offenses and violations, allocation of the position to the Attorney III level is appropriate.				
<b>Type of Expenditure</b>		<b>Amount</b>		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	49,140			
Benefits	14,657			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>63,797</b>		
Travel		<b>1,800</b>		
Contractual		<b>7,600</b>		
Commodities		<b>4,200</b>		
Equipment		<b>2,000</b>		
Other				
<b>Total Cost</b>		<b>79,397</b>		
<b>Funding Source for Total Cost</b>				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>79,397</b>		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For  
New Position**

Agency Department of Law  
 DRU Prosecution  
 Component Third Judicial District.

Revised Date

**FY 90**

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>10B</b>	Org. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>8</b>
<b>Justification</b>				
This Legal Secretary I position will be needed to handle the paperwork and scheduling requirements for the influx of new trials that will occur when the possession or use of small amounts of marijuana is outlawed. At the least a "few hundred" new offenses are expected. This estimate is very conservative, and the actual number of new cases may be somewhat higher. It certainly will not be any less. The support staff in the Anchorage District Attorney's Office was cut severely in FY 87, and any additional caseload will require an increase in support staff. Allocation to the Legal Secretary I level is appropriate because of the legal and trial documentation necessary to try these cases.				
<b>Type of Expenditure</b>		<b>Amount</b>		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	22,716			
Benefits	10,220			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>32,936</b>		
Travel		<b>-0-</b>		
Contractual		<b>4,600</b>		
Commodities		<b>2,400</b>		
Equipment		<b>8,500</b>		
Other				
<b>Total Cost</b>		<b>48,436</b>		
<b>Funding Source for Total Cost</b>				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>48,436</b>		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District.

Revised Date

**FY 90**

Position Title <b>Attorney III</b>		No. of Positions ;	Range/Step 22A	Barg. Unit PX	
Time Status PPT	Staff Months 12	Location JBA - Fairbanks		Election District 16	
Type of Expenditure		Justification			
		<p>This permanent part-time position at Fairbanks is required to handle the influx of new cases that will result when the use or possession of small amounts of marijuana is recriminalized. Prosecutors expect that at least a few hundred offenses will occur each year as a result of the enactment of this bill. This position will be responsible for prosecuting those new cases that are brought in the Fourth Judicial District. Because these new cases will be classed as misdemeanor and violation offenses, allocation of the position to the Attorney III level is appropriate.</p>			
Amount					
1	2				3
Salary	28,122				
Benefits	8,826				
Premium Pay					
Other					
Total Personal Services					36,948
Travel					1,800
Contractual					3,600
Commodities					4,200
Equipment					2,000
Other					
Total Cost		48,548			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	48,548			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

page 12 of 12

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Fourth Judicial District

Revised Date

**FY 90**

No. 1  
 CSHB 88 (SA)  
 HOUSE 4/6/89

*Item 7*



# CITY OF HOMER

## CITY HALL

491 EAST PIONEER AVENUE

HOMER, AK., 99603-7624

FAX 235-3140  
(907)235-8121

DATE:

*11/25/89*

TIME:

*11:55 521*

FAX TRANSMISSION

*4/6 5 30 4/1*

TO:

*C.E. Seavek Hammer*

ATTENTION:

FROM:

*Chief Deputy*

DEPARTMENT:

NUMBER OF PAGES TRANSMITTED (including cover sheet)

2

Confirm transmission received?

1471384 P.02

## RECRIMINALIZATION OF MARIJUANA

*of Marijuana*

The three law enforcement organizations acknowledge the diversity of opinion held by the public regarding the issue of recriminalization. Perhaps because of the long, and unsuccessful, attempts to have Marijuana recriminalized, many police officers and chiefs no longer see the issue as a top priority.

Nonetheless, there is general agreement about the desirability of recriminalizing Marijuana for several reasons:

\* Alaska, alone among all the states, continues to have legalized small amounts for use in the home. No other state has determined that one's privacy in the home extends to the use of what is illegal everywhere else.

\* Legal use of small amounts in the home, in effect stimulates the importation of Marijuana from other states (where it is illegal) and the trafficking and sale in Alaska, which remain illegal.

\* Alaska's legal use of Marijuana is in direct violation of federal law. The State Supreme Court's decision to legalize small amounts of Marijuana, in effect, encourages violating federal law. This conflict between state and federal law sends a message of confusion and doubt to youngsters whose values are being molded by society.

\* The Peace Officer's position is supported by two recent samples of public opinion in Alaska. Dittman and Associates Public Attitudes Survey in Anchorage in November 1988 revealed that "well over half of all respondents feel possession of any amount of Marijuana by adults should be illegal." (Page 3)

The results of Senator Frank Murkowski's drug opinion survey, released in December 1988, involving some 10,000 Alaskans, showed that 63.9% want state law to be changed to be consistent with federal law.

We would also support enactment of a state tax on illegal drugs, which would require drug dealers to buy tax stamps and affix them to drug packages. Little, if any, income is expected from sale of the stamps, but the tax would provide another legal weapon against dealers. Several states with such a tax have collected several millions of dollars in fines assessed the dealers who have not purchased the tax stamps.

*been apprehended, and have.*

JAN 17 RECD

JAN 17 RECD  
JAN 17 RECD

Leonard J. Karpinski  
810 E. 42nd Pl. #16  
Anchorage, Alaska 99503  
12 January 1989

Rep. Red Boucher  
Pouch V  
Juneau, Alaska 99811

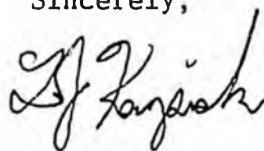
Greetings:

It worries me that again this year there are those who would take away my right as an adult to have marijuana in my home. I wish that these people would respect my privacy and let bills such as SB32 and the stupid back-door tax idea die rather than rely on so-called "findings" and polls weighted in favor of those bothered enough by the subject to respond.

It also worries me that I may someday have to resign my job rather than take a urine drug test. HB283B was a bill that should have received unanimous support from those interested in workers' rights, yet no real action was taken on it. I'd like to see this bill re-introduced.

Thanks for taking the time to read this.

Sincerely,



Leonard J. Karpinski

January 24, 1989

Representative H.A. "Red" Boucher  
Alaska House of Representatives  
Pouch 7  
Juneau, AK 99811

Dear Red:

I understand that legislation has been introduced that would recriminalize the possession for personal use of marijuana. I believe that there may be differing versions, i.e. different penalties, but all have generally the same intent.

Let me state that I am unequivocally opposed to any change in existing law which would infringe on the constitutionally guaranteed rights to privacy and that I consider the proposed changes to be just that.

I served as an expert witness in State v Raven. At that time I worked for the Anchorage Health Department, responsible for the mental health, alcoholism, and drug abuse education, prevention, and treatment programs throughout the city. My testimony at that time was generally that the treatment community had no plans to develop programs for adult marijuana users as it was not considered a problem.

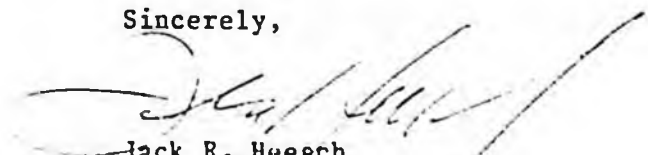
Further, in terms of priorities, there are a host of legal drugs, not the least of which is alcohol, that provided us with much greater cause for concern in terms of addiction, social maladjustments, violence, physical debilitations, and deaths.

More recently, the U.S. Surgeon General has determined nicotine is in fact the most addictive drug available. Recent research has demonstrated a significant link between nicotine and death. There can be no question that nicotine consumption poses far greater societal risks than does any other drug, particularly marijuana.

The point is, there are problems caused by readily available drugs that should be of much, much greater concern to the state than are posed by marijuana. While constitutional protections may apply to those more noxious drugs as well, the state has a far greater case in suggesting that drugs which are unquestionably killing people are ones with which the state should be concerned.

The criminalizing of the possession of marijuana for personal use by adults will do nothing to begin to deal with the serious social problems that exist as a result of drug use in Alaska. Such criminalization of marijuana will, however, undermine the constitutionally guaranteed rights of Alaska's citizens and will provide some small segment of the population with the mistaken notion that they have done something substantial in dealing with serious social problems, when in fact they have only created more.

Sincerely,



Jack R. Heesch  
P.O. Box 201608  
Anchorage, AK 99520

# TELECOPY COVER SHEET

## Ketchikan Legislative Information Office

Office - (907) 225-9675

Fax - (907) 225-8546

TO: Sen. Fairs  
Rep. Bauer, Rep. Ellis FAX: 465-3700 PHONE: \_\_\_\_\_

FROM: Alaskans For a Drug Free Youth PHONE: \_\_\_\_\_

INSTRUCTIONS: Please Distribute

RECEIVED: Date \_\_\_\_\_ Time \_\_\_\_\_

SENT: Date 1/29/89 Time 2:30

DISPOSAL OF ORIGINAL: Discard  Hold for Pickup \_\_\_\_\_

NUMBER OF PAGES: 1 (Not counting cover sheet)

SENT BY: [Signature]



# Alaskans for Drug-Free Youth

*Marc, How  
we go - you  
thought on this  
RD*

An Affiliate Member of the National Federation of Parents for Drug-Free Youth.

FOR IMMEDIATE RELEASE  
JANUARY 20, 1989

CONTACT: NANCY URICK  
907-247-2273

## ADFY WILL NOT SUPPORT HB 88

Alaskans for Drug-Free Youth announced January 20, 1989 that they will not support HB 88. The bill does not address marijuana use as a health hazard nor does it recriminalize marijuana! More adequate penalties must be attached to show Alaskan youth and others that our society does not condone the use of marijuana because of the health and social problems associated with it.

Alaskans for Drug-Free Youth will instead support SB 18 and HB 22, identical bills that address the health and social consequences of marijuana.

\*\*\*

MAR 15 '89 15:04 LIO - ANCH 277-6112

P.1/15

**TELECOPY COVER SHEET**  
**Anchorage Legislative Information Office**

Office - (907) 581-7007

Fax - (907) 582-4378

TO: H. STATE AFFAIRS FAX: \_\_\_\_\_ PHONE: \_\_\_\_\_

FROM: George Gilchrist - Trinity Presb. PHONE: \_\_\_\_\_

INSTRUCTIONS: ~~Pls. call Rep. on arrival~~

From: G. Gilchrist - Trinity Presbyterian Church  
12310 Lorraine St, ANCHORAGE 99516

RECEIVED: Date \_\_\_\_\_ Time \_\_\_\_\_

SENT: Date 3/15/89 Time 3:06

DISPOSAL OF ORIGINAL: Discard \_\_\_\_\_ Hold for Pickup \_\_\_\_\_

NUMBER OF PAGES: 15 (counting cover sheet)

SENT BY: DJ

Page 1 of 13

"Shall Alaska Statute 11.71.060(a) be amended to classify the use, display, or possession of any amount of marijuana up to one-half pound as a class B misdemeanor?"

WE, the undersigned, have read and support the above stated initiative. We are all qualified voters residing in the State of Alaska, and as sponsors, are committed to circulate the petition throughout the State in person and collect sufficient signatures to place the initiative on the next statewide election ballot.

	<u>Voter I.D. #</u>	<u>Printed Name</u>	<u>Signature</u>
1.	1949113	Docey Ann Wright	<i>Docey Ann Wright</i>
		306 Deerfield Dr Anchorage	349-4962
		Address	Telephone
2.		Kathleen Knowles	<i>Kathleen Knowles</i>
		PO Box 90211 99509	
		Address	Telephone
3.		Sharon M. Kudo	<i>Sharon M. Kudo</i>
		13421 Wimmerush Cir.	343-2857
		Address	Telephone
4.		Loretta Foster	<i>Loretta Foster</i>
		4620 Golden Spring Cir 99507	346-1565
		Address	Telephone
5.		LANA TRUVILLO	<i>Lana Truvillo</i>
		1701 Elcadre #3 99507	344-1438
		Address	Telephone
6.		Carol Fuller	<i>Carol Fuller</i>
		12810 Troy St, Anch	345-3411
		Address	Telephone
7.		ROBERT E. WEIMER	<i>Robert E. Weimer</i>
		1620 WINTERSSET DR ANCH	562-5647
		Address	Telephone

\*This page may be duplicated for additional sponsors.

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	<u>Voter I.D. #</u>	<u>Printed Name</u>	<u>Signature</u>
1.	729353	Nancy J. Beardsley	Nancy J. Beardsley
	13201 Reef Pt.	Anch, AK 99515	345-4764
	<u>Address</u>		<u>Telephone</u>
2.	1409276	Linda K. Yost	Linda K. Yost
	13621 Venus Way	Anch, AK 99515	345-5329
	<u>Address</u>		<u>Telephone</u>
3.	1442815	Marcia K. Hastings	Marcia K. Hastings
	7136 Candace Cir	99516	346-2524
	<u>Address</u>		<u>Telephone</u>
4.		Maria D. Hamilton	Maria D. Hamilton
	P.O. Box 11915	99511	346-2524
	<u>Address</u>		<u>Telephone</u>
5.		Judy A. Houlihan	Judy A. Houlihan
	3431 Spinnaker Dr.	99516	345-0562
	<u>Address</u>		<u>Telephone</u>
6.		Leslie Lee Kirtia	Leslie Lee Kirtia
	12831 Monterey Cir	99510	345-5616
	<u>Address</u>		<u>Telephone</u>
7.		Kevin Lee Turabley	Kevin Lee Turabley
	750 Water Dr.	99516	345-0720
	<u>Address</u>		<u>Telephone</u>

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Page 3 of 15

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- |    | <u>Voter I.D. #</u> | <u>Printed Name</u> | <u>Signature</u>            |
|----|---------------------|---------------------|-----------------------------|
| 1. |                     | Dean E Nelson       | <i>Dean E Nelson</i>        |
|    | 2621 W 69th         | ANCH, AK 99502      | 248-1814                    |
|    | Address             |                     | Telephone                   |
| 2. | 262103              | DAVID ONEILSON      | <i>David Oneilson</i>       |
|    | 2621 W 69th         | ANCHORAGE AK 99502  | 248-1814                    |
|    | Address             |                     | Telephone                   |
| 3. | 311377              | Lee Ann Crumbley    | <i>Lee Ann Crumbley</i>     |
|    | 630 Cedar Pk. Cir.  | ANCHORAGE, AK 99515 | 907-344-5175                |
|    | Address             |                     | Telephone                   |
| 4. | 367257              | ALICE RICHARDSON    | <i>May Alice Richardson</i> |
|    | 1521 Sunrise Dr.    | ANCHORAGE, 99508    | 277-5770                    |
|    | Address             |                     | Telephone                   |
| 5. |                     | Emmap A Shipman     | <i>Emmap A Shipman</i>      |
|    | 2740 Chisney        | ANCHORAGE, AK 99502 | 248-4418                    |
|    | Address             |                     | Telephone                   |
| 6. | 850883              | Rhonda J. Senter    | <i>Rhonda Senter</i>        |
|    | 2711 Cutwater Cir.  | ANCH 99516          | 345-7363                    |
|    | Address             |                     | Telephone                   |
| 7. |                     | MARY CAROL WRIGHT   | <i>Mary Carol Wright</i>    |
|    | 1565 Southpark Loop | ANCHORAGE           | 345-6432                    |
|    | Address             | 99516               | Telephone                   |

\*This page may be duplicated for additional sponsors.

Pg 4 of 13

"Shall Alaska Statute 11.71.060(a) be amended to classify the use, display, or possession of any amount of marijuana up to one-half pound as a class B misdemeanor?"

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Voter I.D. #	Printed Name	Signature
1.	ANETTE C. SHOWALTER	<i>Anette C. Showalter</i>
	2300 TASHA DR., ANCHORAGE, 99502	348-3153
	Address	Telephone
2.	Patricia A. Jackson	<i>Patricia A. Jackson</i>
	15210 Pollock Dr. Anchorage, 99516	345-1434
	Address	Telephone
3.	Leslie Wiederholt	<i>Leslie W. Wiederholt</i>
	12831 Trent Circle	345-5979
	Address	Telephone
4.		
	Address	Telephone
5.		
	Address	Telephone
6.		
	Address	Telephone
7.		
	Address	Telephone

\*This page may be duplicated for additional sponsors.

Page 5 of 13

"Shall Alaska Statute 11.71.060(a) be amended to classify the use, display, or possession of any amount of marijuana up to one-half pound as a class B misdemeanor?"

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- |    | <u>Voter I.D. #</u>                     | <u>Printed Name</u>        | <u>Signature</u>         |
|----|---|----------------------------|--------------------------|
| 1. | 36770F                                  | Glenn H. Lundell           | <i>Glenn H. Lundell</i>  |
|    | 3011 Brittany Place, Anchorage AK 99504 |                            | 333-0054                 |
|    | <u>Address</u>                          |                            | <u>Telephone</u>         |
| 2. | 378268                                  | Christine Lundell          | <i>Christine Lundell</i> |
|    | 3011 Brittany Pl. Anchorage, AK 99504   |                            | 333-0054                 |
|    | <u>Address</u>                          |                            | <u>Telephone</u>         |
| 3. | 413369                                  | JOHN J BENTZ               | <i>John Bentz</i>        |
|    | P.O. Box 112663 Anchorage AK 99511      |                            | 345-6557                 |
|    | <u>Address</u>                          |                            | <u>Telephone</u>         |
| 4. | 156255                                  | DOROTHY TONEY              | <i>Dorothy Toney</i>     |
|    | 2502 Greenwood Dr 99517                 |                            | 243-8402                 |
|    | <u>Address</u>                          |                            | <u>Telephone</u>         |
| 5. |   | MARTHA M. NELSON           | <i>Martha M. Nelson</i>  |
|    | 12870 BEN CT ANCH. AK. 99515            |                            | 345-0007                 |
|    | <u>Address</u>                          |                            | <u>Telephone</u>         |
| 6. |   | <del>DAVID F. NELSON</del> | <del>345-0007</del>      |
|    | <u>Address</u>                          |                            | <u>Telephone</u>         |
| 7. |   | Sheilah Silva              | <i>Sheilah Silva</i>     |
|    | 3407 Dorbrandt St. Anch. AK.            |                            | 567 3194                 |
|    | <u>Address</u>                          |                            | <u>Telephone</u>         |

\*This page may be duplicated for additional sponsors.

Page 6 of 13

"Shall Alaska Statute 11.71.060(a) be amended to classify the use, display, or possession of any amount of marijuana up to one-half pound as a class B misdemeanor?"

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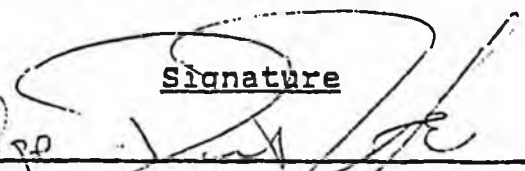
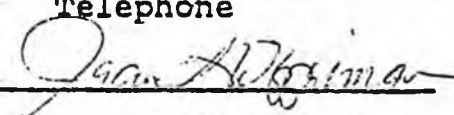
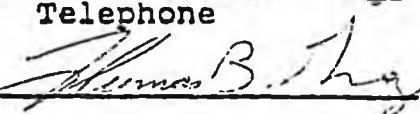
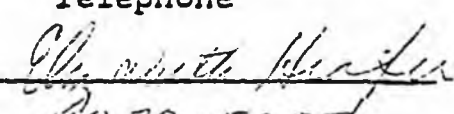
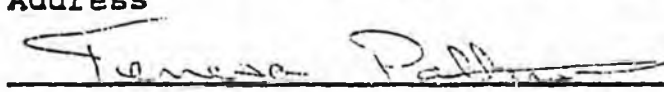
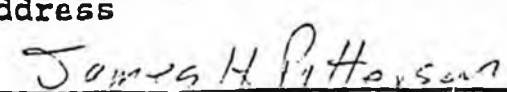
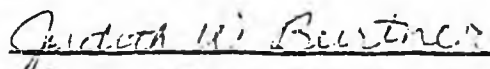
<u>Voter I.D. #</u>	<u>Printed Name</u>	<u>Signature</u>
1. 113751	EVA J REESE	<i>Eva Reese</i>
	3602 12th St. Anch AK 99517	248-5998
	Address	Telephone
2. 2166659		<i>Lidia Stambur</i>
	P.O. Box 110412 / 4901 Hillandale Dr.	345-0671
	Address	Telephone
3. 2166989		<i>[Signature]</i>
	P.O. Box 110412 / 4901 Hillandale Dr.	345-0671
	Address	Telephone
4. 04551586	DARLENE NELSON	<i>Darlene Nelson</i>
	2621 W 69th Ave. Anch 99502	248-1814
	Address	Telephone
5. 183964	Paul Rohwer	<i>Paul Rohwer</i>
	10845 OUR RD Anch. AK	907 346 1655
	Address	Telephone
6. 183953	Ellen Rohwer	<i>Ellen Rohwer</i>
	10845 OUR RD Anch AK	907 346 1655
	Address	Telephone
7. 1987	Jerry W Kitzley	<i>Jerry W Kitzley</i>
	1987 Olympic Way Anch AK 99515	907-344-5850
	Address	Telephone

\*This page may be duplicated for additional sponsors.

Page 7 of 13

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- |    | <u>Voter I.D. #</u>                      | <u>Printed Name</u> | <u>Signature</u>  |
|----|--|---------------------|---|
| 1. | 1951994                                  | Rick Davidson       |    |
|    | 3501 Admiralty Bay Anch AK               |                     | 349-7329  |
|    | <u>Address</u>                           | 99515               | <u>Telephone</u>  |
| 2. | 4197259                                  | Jean Wappaman       |    |
|    | 12541 Silver Spruce Dr Anch 99516        |                     | 345-2455  |
|    | <u>Address</u>                           |                     | <u>Telephone</u>  |
| 3. | 4766771                                  | Thomas Gray         |   |
|    | 13131 BISCAYNE CIRCLE ANCHORAGE AK 99516 |                     | 345-1356  |
|    | <u>Address</u>                           |                     | <u>Telephone</u>  |
| 4. |  | Elizabeth Heffer    |  |
|    | 1143 E. H. Woodhouse AK                  |                     | 342-5257  |
|    | <u>Address</u>                           |                     | <u>Telephone</u>  |
| 5. |  | Teresa Patten       |   |
|    | 3500 La Touche # 260                     | 99508               | 562-2969  |
|    | <u>Address</u>                           |                     | <u>Telephone</u>  |
| 6. |  | James H. Pitterson  |    |
|    | 3500 La Touche St                        |                     | 345-3215  |
|    | <u>Address</u>                           |                     | <u>Telephone</u>  |
| 7. |  | Carole M. Burtner   |    |
|    | Green Alps PO Box 11041                  |                     | 345-1598  |
|    | <u>Address</u>                           |                     | <u>Telephone</u>  |

\*This page may be duplicated for additional sponsors.

Page 8 of 13

"Shall Alaska Statute 11.71.060(a) be amended to classify the use, display, or possession of any amount of marijuana up to one-half pound as a class B misdemeanor?"

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- |    | <u>Voter I.D. #</u>                        | <u>Printed Name</u>     | <u>Signature</u>           |
|----|--|-------------------------|----------------------------|
| 1. | <u>246312</u>                              | <u>Alice S Green</u>    | <u>Alice S. Green</u>      |
|    | <u>2205 Boniface Pkwy #33</u>              |                         | <u>337-3084</u>            |
|    | <u>Address</u>                             |                         | <u>Telephone</u>           |
| 2. | <u>771320</u>                              | <u>Ernest Schlereth</u> | <u>Ernest Schlereth</u>    |
|    | <u>Address</u>                             |                         | <u>Telephone</u>           |
| 3. | <u>3267011</u>                             | <u>Margie Gilchrist</u> | <u>Margie L. Gilchrist</u> |
|    | <u>4931 Omega Cir</u>                      |                         | <u>345-0640</u>            |
|    | <u>Address</u>                             |                         | <u>Telephone</u>           |
| 4. | <u>JOHN L. TORREY</u>                      | <u>JOHN L. TORREY</u>   | <u>JOHN L. TORREY</u>      |
|    | <u>1802 PREEZE DODD DR.</u>                |                         | <u>249-8402</u>            |
|    | <u>Address</u>                             |                         | <u>Telephone</u>           |
| 5. | <u>4708759</u>                             | <u>DENISE WRIGHT</u>    | <u>Denise Wright</u>       |
|    | <u>12102 Lilac Circle, Anch., AK 99516</u> |                         | <u>(907)345-8568</u>       |
|    | <u>Address</u>                             |                         | <u>Telephone</u>           |
| 6. | <u>1152701</u>                             | <u>ROBERT A. WHITE</u>  | <u>Robert Allen White</u>  |
|    | <u>Box 11219 Anchorage AK 99517</u>        |                         | <u>345-3922</u>            |
|    | <u>Address</u>                             |                         | <u>Telephone</u>           |
| 7. | <u>MARINA M. MILL</u>                      | <u>MARINA M. MILL</u>   | <u>MARINA M. MILL</u>      |
|    | <u>2300 Indian St Anchorage 99507</u>      |                         | <u>344-2424</u>            |
|    | <u>Address</u>                             |                         | <u>Telephone</u>           |

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Page 9 of 13

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	<u>Voter I.D. #</u>	<u>Printed Name</u>	<u>Signature</u>
1.	1216996	Joan Higgins	<i>Joan Higgins</i>

	<u>Address</u>	<u>Telephone</u>
2.	DAVID J. LORAN	<i>David J. Loran</i>

	12431 CLIPPERSHIP DR ANCHORAGE	345-3920
--	--------------------------------	----------

3.	780 Upper DeArmon	Elizabeth B. Hudson	345-6731
----	-------------------	---------------------	----------

	Joseph S. CALNARERA	349-1561
--	---------------------	----------

4.	5301 COUNTRY CLUB, ANCH. AK.	
----	------------------------------	--

	<u>Address</u>	<u>Telephone</u>
5.		

	<u>Address</u>	<u>Telephone</u>
6.		

	<u>Address</u>	<u>Telephone</u>
7.		

	<u>Address</u>	<u>Telephone</u>

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Page 10 of 13

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	<u>Voter I.D. #</u>	<u>Printed Name</u>	<u>Signature</u>
1.	2935416	M. Barbara Wolflick	<i>M. Barbara Wolflick</i>
	<u>06 Box 118502, Anch. Alaska 99511</u>		<u>346-1481</u>
	<u>Address</u>		<u>Telephone</u>
2.	639617	Karleen K. Jackson	<i>Karleen K. Jackson</i>
	<u>12021 Forelands Circle, Anchorage, AK 99515</u>		<u>522-15201</u>
	<u>Address</u>		<u>Telephone</u>
3.	115346	Lois E. KENNY	<i>Lois E. Kenny</i>
	<u>3304 Greenland AA Anch. AK 99517</u>		<u>277-7352</u>
	<u>Address</u>		<u>Telephone</u>
4.	293046	Jacqueline F. Jones	<i>Jacqueline F. Jones</i>
	<u>P.O. Box 112604, Anchorage, AK 99511</u>		<u>345-1221</u>
	<u>Address</u>		<u>Telephone</u>
5.	682825	Sandra M. Peck	<i>Sandra M. Peck</i>
	<u>12305 Wilderness Anchorage Ak 99516</u>		<u>345-3207</u>
	<u>Address</u>		<u>Telephone</u>
6.	4121538	Gerald K. VanKortzen	<i>Gerald K. VanKortzen</i>
	<u>4551 E 135<sup>th</sup> Anch Ak 99516</u>		<u>345-7900</u>
	<u>Address</u>		<u>Telephone</u>
7.	7735 Port Anford	Marlene Taus	<i>Marlene Taus</i> 346 2403
	<u>Address</u>		<u>Telephone</u>

\*This page may be duplicated for additional sponsors.

Page 117 B

"Shall Alaska Statute 11.71.060(a) be amended to classify the use, display, or possession of any amount of marijuana up to one-half pound as a class B misdemeanor?"

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	<u>Voter I.D. #</u>	<u>Printed Name</u>	<u>Signature</u>
1.	1779866	NORA L. BRYANT	<i>Nora Bryant</i>
	1539	HARRIET CT. ANCH. AK. 99515	907-345-4344
		Address	Telephone
2.	55913	Jay B. Melville	<i>Jay B. Melville</i>
	6641	Teshlar Dr Anch 99509	907-349-1167
		Address	Telephone
3.		Judith L. Melville	<i>Judith L. Melville</i>
	6641	Teshlar Dr Anch 99509	907-349-1167
		Address	Telephone
4.		ROBERT L. RICHMOND	<i>Robert L. Richmond</i>
	11200	Snowline Drive	276-5727
		Address	Telephone
5.	571956	CAROL V. RICHMOND	<i>Carol V. Richmond</i>
	11200	Snowline Dr. Anch 99516	346-1246
		Address	Telephone
6.	421520	Sue A. Wise	<i>Sue A. Wise</i>
	3140	Meridian Anch. 99516	349-1544
		Address	Telephone
7.			
		Address	Telephone

\*This page may be duplicated for additional sponsors.

Page 12 of 13

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- |    | <u>Voter I.D. #</u>         | <u>Printed Name</u>                | <u>Signature</u>            |
|----|-----------------------------|------------------------------------|-----------------------------|
| 1. | 596949                      | Carolyn Craft Ludwig               | <i>Carolyn Craft Ludwig</i> |
|    |                             | 10510 Lone Tree Drive 99516        | 346 3115                    |
|    |                             | Address                            | Telephone                   |
| 2. | FRANCES M. O'Meara (930358) | Frances M. O'Meara                 | <i>Frances M. O'Meara</i>   |
|    |                             | 12440 Bainbridge Rd. 99516         | 345-4794                    |
|    |                             | Address                            | Telephone                   |
| 3. | CAROL A. FARMER (152768)    | Carol A. Farmer                    | <i>Carol A. Farmer</i>      |
|    |                             | 12800 Ridgewood Rd Andin Ave 99516 | 345-0786                    |
|    |                             | Address                            | Telephone                   |
| 4. |                             |                                    |                             |
|    |                             | Address                            | Telephone                   |
| 5. |                             |                                    |                             |
|    |                             | Address                            | Telephone                   |
| 6. |                             |                                    |                             |
|    |                             | Address                            | Telephone                   |
| 7. |                             |                                    |                             |
|    |                             | Address                            | Telephone                   |

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	<u>Voter I.D. #</u>	<u>Printed Name</u>	<u>Signature</u>
1.	3-3044217	Brian E. Houlahan	Brian E. Houlahan

~~3-195~~

Address

Telephone

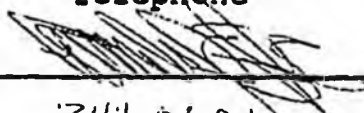
2.	3-957956	Cathleen T. Miller	Cathleen T. Miller
----	----------	--------------------	--------------------

925 Coral Ln Anchorage 99515

345-1844

Address

Telephone

3.	01782663	Pamela D. Engle	
----	----------	-----------------	--

Box 110152 Fairbanks, AK 99511

344-0601

Address

Telephone

4.		Steven D Gordon	Steven Gordon
----	--	-----------------	---------------

3820 Robin St Anchorage AK 99504

333-9541

Address

Telephone

5.			
----	--	--	--

Address

Telephone

6.			
----	--	--	--

Address

Telephone

7.			
----	--	--	--

Address

Telephone

\*This page may be duplicated for additional sponsors.

THE NATIONAL FOOTBALL LEAGUE



FOREST S. TENNANT, JR., M.D., DR. P.H.  
DRUG ADVISOR

February 28, 1989

H. A. "Red" Boucher, Chairman  
House State Affairs  
P.O. Box V  
Anchorage, Alaska 99511

Dear Chairman Boucher,

It was a pleasure to meet you a few days ago. Your interest in dealing with the drug problem and the NFL Drug Education video series is very much appreciated.

Under separate cover I am forwarding to Sandy Spargo and Bobbi Trani in Juneau a set of NFL video tapes which I made two years ago. One of these tapes ("Don't Drop the Ball Again") shows the effects of marijuana on the eyes. It is found that this video tape has been very effective with athletes since it shows them that their eye-hand coordination will be markedly impaired if they use drugs. I am forwarding a copy of this letter, plus another letter, to Bobbi and Sandy in Juneau to have them set up an appointment with you and your staff to view these videos.

I wish you and I had had some time to visit for a while. It sounds like you have spent a good deal of your life dealing with young people and athletes. Furthermore, some of your comments tell me that you know how to discipline them and how to motivate them.

Please count of me for any continued help.

Best regards,

A handwritten signature in cursive script that reads "Forest".

Forest Tennant, M.D., Dr.P.H.

FT/pb

cc: Bobbi Trani  
Sandy Spargo

RECEIVED

MAR 1 1989

28 March 1989

Dear Representative Boucher:

RECEIVED  
MAR 30 1989

The recriminalization issue before the legislature is, in reality, a camouflage for the subversion of our civil liberties. In order to send a message to our young, we would relinquish another basic, constitutional right?

This legislation would infringe on our right to privacy. It is not the legislature's responsibility to institute more government control into our homes. We elect our government to protect our rights not to take them away.

This legislation would also increase police state activities. There are a lot of things that people do in our society that are not good for us, but we don't classify people as criminals for them. More police control is not the answer to our social problems. This type of legislation taxes an already overburdened court system and asks our overburdened police force to enforce the unenforceable. They are not the solution to the problem.

Perhaps, if you legislators are seeking a way to send a message to our young, you could institute substance abuse testing for yourselves.

Sincerely,

*H. Kaye Pullen*

H. Kaye Pullen  
P.O. Box 770961,  
Eagle River, Alaska 99577

CON ST  
X#688

RECEIVED

MAR 29 1989

March 22, 1989

Chairman Boucher & members of the House State Affairs Committee,

I see that the personal use of marijuana in the privacy of one's home is once again being debated in the Alaskan legislature.

There are few points I would to make on this issue and I will try to be brief as I can.

I feel that I am as qualified as anyone & probably more so than most to comment on this issue. I teach the very students who are supposed to benefit from recriminal-izing possession of small amounts of marijuana(mj). I also belong to the Alaska Council for the Prevention of Alcohol & Drug Abuse & have received training from the Alaska Council as well as drug abuse counseling as part of my advanced degree in Counseling & Guidance. This training & my concern about the issue of drug abuse has led to my involvement in leading groups of teenagers who are interested in staying straight. We even started a group at Palmer High School called PHOLK (Palmer High on Life Krowd) that promotes drug free behavior. I also teach about the dangers and symptoms of drug abuse in my high school Psychology classes.

What I'm saying is that I know something about drug abuse from formal education as well as from direct contact with high school students.

I have also experimented with many drugs including mj & alcohol. I no longer use any illegal drugs or alcohol and although I don't believe that I abused these drugs over time, I have used mj & alcohol to a degree that would constitute abuse on occasion. I have to watch out here since "denial" is always one of the first defenses of drug abusers. Anyway, my point is that I also have personal knowledge of drug use as well as drug abuse. An important note here is that there is a big difference between use & abuse and while abstinence is obviously better than either use or abuse it isn't a very realistic option for many adolescents.

...So much for establishing my credibility.

COMMENTS

1. In my opinion marijuana is not as dangerous a drug as the legal drug alcohol. If "sending mixed messages" is such a concern, what about the students who see the results of alcohol abuse every where around them? What about the

violence, the anger, the relaxation of inhibitions, the hangovers, the drunken stupors, the injuries & deaths because of drunk drivers and the diseases associated with long term alcohol abuse? Of course, marijuana is a mind altering drug, that's why people use it but it does<sup>not</sup> cause any of the above problems even when abused! I'm not saying that mj can't be abused or that its abuse doesn't cause problems but mj abuse problems compared to abuse of other illegal drugs or alcohol are less severe.

If you don't think that students see hypocrisy here, take some time out & ask them.

2. I find it ironic that while the major drug abuse problem in Alaska & the USA is alcohol, we don't ban its use because "we tried prohibition & it didn't work". I don't agree with this logic but for the sake of making my point lets say it does make sense. How is prohibiting the use of marijuana by adults in their home going to stop its use? It didn't stop alcohol!

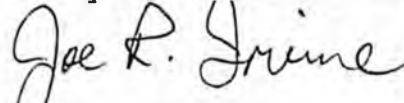
3. Both these drugs, marijuana & alcohol, are already restricted with regard to possession & use by minors.

4. It is politically expedient to oppose drug use & not get labeled as soft on drugs but risks need to be taken by our leaders when their analysis of a situation shows that misconceptions exist. To me, this issue about mj use in a private home is such a case which calls for your advocating personal freedom & reasonableness.

5. Please consider the following as a guideline with regard to restricting marijuana use:

Substitute the word "alcohol" for "marijuana"; if you are willing to propose the same restrictions on alcohol say, "OK" if not then say, "NO WAY".

For your consideration,



Joe R. Irvine  
P.O. BOX 139  
Palmer, Ak. 99645

(105)  
NB88

Fred L. Garvin  
1538 Orca St.  
Anchorage, AK 99501  
March 23, 1989

Hon. H.A. "Red" Boucher  
House of Representatives  
Box V  
Juneau, Alaska 99811

RECEIVED

MAR 27 1989

Dear Representative Boucher:

I am writing to express my opposition to legislation recriminalizing small amounts of marijuana in a private home. While I share the concern of many people over the excessive use of drugs by some individuals, I do not believe that making criminals of a great many law-abiding Alaskans will make any headway in solving that problem.

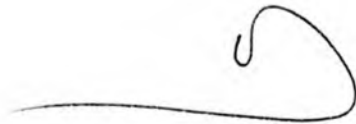
As the Alaska Supreme Court stated in the Ravin decision, no compelling reasons justify criminalizing marijuana use in the home so as to overcome the privacy rights guaranteed in the Alaska Constitution. Use of marijuana in the home poses no greater health risk than the use of alcohol. New information on the health risks of marijuana use are no more startling than the recent medical findings on the risks of alcohol and tobacco. The fact that some strains of marijuana may be more potent than those available at the time of the Ravin decision does not logically lead to the conclusion that use of marijuana in the home is so much more dangerous as to justify its illegalization. The use of marijuana as opposed to the use of alcohol is a matter of personal choice protected by our state constitution.

Public safety concerns such as use of marijuana in public or driving under its influence are already addressed in our criminal laws. As we learned during Prohibition of the 1920s, illegalizing a recreational drug is not an effective way to deal with its misuse. Education and counseling as to the risks of more addictive drugs is a far more effective response. Directing law enforcement efforts at recreational use of marijuana in the home would divert limited resources from more pressing problems. In dealing with current public concern over drug abuse, we must not confuse use of marijuana with the serious problems posed by heroin, crack, pop and other addictive drugs.

There are many people who came to Alaska because of the freedoms available in this State. While people argue that we are out of step with the rest of the country because of our marijuana laws, I would contend that, given this State's unique history and situation, our current marijuana laws are appropriate and do not need changing. The New York Times in an editorial last year recognized that decriminalization marijuana use would focus law enforcement efforts on more serious drug problems. I urge you to

A -

Has this been distributed  
in packets?



resist the hysteria of the war on drugs and vote against  
recriminalization legislation. Making law-abiding Alaskans  
criminals will not solve our substance abuse problems.

Sincerely,

*Fred L. Garvin*

Fred L. Garvin

803  
XNK 88 ?

# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846



March 14, 1989

RECEIVED  
MARCH 17 1989

Representative H.A. Boucher  
House of Representatives  
Box V  
Juneau, AK 99811-3100

Dear Representative Boucher:

Attached please find a resolution which the Kenai Peninsula Borough School District Board of Education recently passed regarding the recriminalization of marijuana. I believe this resolution accurately reflects our views on this very important issue.

Sincerely,

Fred Pomeroy  
Superintendent

bj

enc.

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

RESOLUTION 88-89-8

RECRIMINALIZATION OF MARIJUANA

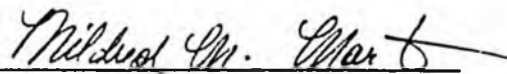
WHEREAS, the physiological, psychological and sociological effects of marijuana use are well documented; and

WHEREAS, the use of this substance by some elements of the school age population continues to be a disruptive force; and

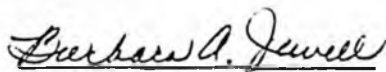
WHEREAS, current state statute permits possession of marijuana for adult private use which makes this substance more accessible to the school age population;

NOW THEREFORE BE IT RESOLVED, that the Kenai Peninsula Borough School District Board of Education supports the recriminalization of marijuana and the appropriate provisions for enforcement.

ADOPTED BY THE BOARD OF EDUCATION OF THE KENAI PENINSULA THIS  
13<sup>th</sup> DAY OF MARCH, 1989.

  
Mildred Martin, President  
Kenai Peninsula Borough Board of  
Education

ATTEST:

  
Barbara A. Jewell  
Notary Public

ALASKANS FOR DRUG-FREE YOUTH/JUNEAU

Contact: Officer Shirley Warner  
President  
Alaska Officers' Assoc.  
376-5481k (b)

Prepared by:  
Sandy Spargo  
Alaskans for Drug-  
Free Youth  
586-6122 (h)  
or 1-800-478-CARE

FOR IMMEDIATE RELEASE ON MARCH 22, 1989

**ALASKA PEACE OFFICERS ASSOCIATION  
SUPPORTS MARIJUANA POSSESSION  
AS A MISDEMEANOR**

RECEIVED

MAR 30 1989

The Alaska Peace Officers Association officially changed its stance on the penalty of marijuana possession from a violation to a misdemeanor. A Class B misdemeanor's penalty is 0-90 days in jail and a maximum of a \$1,000 fine.

Attached is a letter of February 25, 1989, from Officer Shirley Warner to Representative Alyce Hanley. Quoting Officer Warner, "A violation would do very little to persuade anyone that we are serious about our fight against drugs." A violation does not recriminalize marijuana, because a violation is not a criminal act.

Copies of the letter were sent to Representatives Fran Ulmer, C. E. Swackhammer, and Ann Sponholz.

House Bill 88 treats marijuana possession of four ounces or less as a violation. In contrast, House Bill 22 and Senate Bill 18 ask for any amount of marijuana to carry the misdemeanor penalty.

Alaskans for Drug-Free Youth supports House Bill 22 and Senate Bill 18.

*Louise*  
*For your information.*  
*Steve*  
**ALASKA PEACE OFFICERS ASSOCIATION**

State APOA Office • P.O. Box 240106 • Anchorage, AK 99524-0106 • (907) 376-5481

February 25, 1989

Representative Alyce Hanley  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Hanley,

Thank you for the opportunity to serve on your subcommittee regarding the recriminalization of marijuana. I found it to be an interesting and enlightening experience, both during, and after the fact.

Even though there was no formal vote in relation to the violation vs. B misdemeanor I left with the distinct impression that the subcommittee was going to go with the violation of 1 oz. or less.

I naturally wanted to work with the committee in drafting this bill and considering the different angles. I now find it critical that I make our position as clear as possible.

Last year we supported the violation as there was concern from some of the Legislators that law enforcement would have a heyday with this law; they would form task forces and bust peoples' doors down to arrest. This simply was not the case.

We were concerned with the message it sent our youth, the drug activity the law spawned, the now known danger of the drug, and the confusion with contrary federal and state laws. That, more or less, backfired on us. Our membership beat us up and the Legislators said "law enforcement is not serious about criminalizing marijuana".

The Alaska Peace Officers Association is in support of criminalizing the possession of marijuana. As I cannot be available for all of the hearings regarding your bill and the other marijuana bills I must rely on you to resolve the language.



**EXECUTIVE DIRECTOR**  
M. James Messick

**BOARD OF DIRECTORS**

Shirley Warner, President  
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Dale Florian, Vice Pres.  
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Bethel  
Simon Brown  
Craig  
James See  
Fairbanks  
Dale Florian  
Kenai  
Greg Russell  
Juneau  
Donald Olls  
Kotzebue  
Carlos Salazar  
Eristol Bay  
Terry Rodgers  
Palmer  
Greg Carpenter  
Seward  
Mike Chapman  
Valdez  
John Nealon  
Ketchikan  
LeRoy Mostas  
Petersburg  
Scott Eddy



ALASKA MANAGEMENT TECHNOLOGIES, INC.  
240 MAIN STREET - SUITE 701  
JUNEAU, ALASKA 99801 • 907-586-4404

March 9, 1989

Representative Red Boucher  
House of Representatives  
P.O. Box V  
Juneau, AK 99811

Dear Representative Boucher:

Per your request, enclosed please find the names and addresses of all CloseUp participants from this past session.

If you have any questions, please call me at 586-4404.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heidi Bohi".

HEIDI BOHI  
CloseUp Program

enc.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

Louise  
For your Information.  
Steve

# ALASKA PEACE OFFICERS ASSOCIATION

State APOA Office • P.O. Box 240106 • Anchorage, AK 99524-0106 • (907) 376-5481

February 25, 1989

Representative Alyce Hanley  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Hanley,

Thank you for the opportunity to serve on your subcommittee regarding the recriminalization of marijuana. I found it to be an interesting and enlightening experience, both during, and after the fact.

Even though there was no formal vote in relation to the violation vs. B misdemeanor I left with the distinct impression that the subcommittee was going to go with the violation of 1 oz. or less.

I naturally wanted to work with the committee in drafting this bill and considering the different angles. I now find it critical that I make our position as clear as possible.

Last year we supported the violation as there was concern from some of the Legislators that law enforcement would have a heyday with this law; they would form task forces and bust peoples' doors down to arrest. This simply was not the case.

We were concerned with the message it sent our youth, the drug activity the law spawned, the now known danger of the drug, and the confusion with contrary federal and state laws. That, more or less, backfired on us. Our membership beat us up and the Legislators said "law enforcement is not serious about criminalizing marijuana".

The Alaska Peace Officers Association is in support of criminalizing the possession of marijuana. As I cannot be available for all of the hearings regarding your bill and the other marijuana bills I must rely on you to resolve the language.



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M. James Messick

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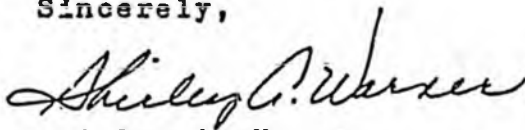
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Petersburg  
Scott Eddy

Please keep in mind the testimony of the young people at your meeting who said the violation would not affect the marijuana drug activity. I would also like to reiterate on my testimony during the teleconference. A violation would do very little to persuade anyone that we are serious about our fight against drugs.

If there is any more I can do from here to help pass this legislation please call.

Sincerely,



Shirley A. Warner  
President

cc: Representative Fran Ulmer  
Representative Swackhammer  
Representative Ann Sponholz  
Board Members



ALASKA MANAGEMENT TECHNOLOGIES, INC.  
240 MAIN STREET - SUITE 701  
JUNEAU, ALASKA 99801 • 907-586-4404

March 9, 1989

Representative Red Boucher  
House of Representatives  
P.O. Box V  
Juneau, AK 99811

Dear Representative Boucher:

Per your request, enclosed please find the names and addresses of all CloseUp participants from this past session.

If you have any questions, please call me at 586-4404.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heidi Bohn".

HEIDI BOHN  
CloseUp Program

enc.

SESSION III

BAKUN, Fred  
P.O. Box 194  
Naknek, AK 99633  
Bristol Bay Borough High School

BOYKIN, Tony  
4829 E. 6th  
Anchorage, AK 99508  
East High School

CONRAD, John (teacher)  
P.O. Box 115  
Tanana, AK 99777  
Tanana High School

CROWSON, David  
Box 231  
Delta Junction, AK 99737  
Delta Junction High School

CRUGER, LEDA  
P.O. Box 72  
Galena, AK 99741  
Galena High School

DANIELS, Lisa  
P.O. Box 31  
Angoon, AK 99820  
Angoon High School

DEAL, Annette  
2910 W. 35th  
Anchorage, AK 99517  
West High School

DETZEL, Jack (teacher)  
Pouch 1  
Delta Junction, AK 99737  
Delta Junction High School

FRONTERHOUSE, Lea  
Box 397  
Healy, AK 99743  
Tri-Valley High School

GEAGAN, Valita (teacher)  
Box 3037  
Anderson, AK 99744  
Anderson Elementary

GLAVINOVICH, Mikel  
2840 Seafarer Loop  
Anchorage, AK 99516  
Service High School

GREGORY, Annie  
P.O. Box 566  
Delta Junction, AK 99737  
Delta Junction High School

GROAT, Marcia  
P.O. Box 29  
Naknek, AK 99633  
Bristol Bay Borough High School

HAMILTON, Jason  
P.O. Box 9  
Eagle, AK 99738  
Eagle Community School

HAMILTON, Joel  
P.O. Box 9  
Eagle, AK 99738  
Eagle Community School

HOGAN, Jennifer  
8821 Tempest Circle  
Anchorage, AK 99507  
Service High School

JANSEN, Teresa  
17907 Tonsina Court  
Eagle River, AK 99577  
Chugiak High School

JAEHNING, Kurt (teacher)  
P.O. Box 30  
Naknek, AK 99633  
Bristol Bay Borough High School

JORDAN, Terry  
P.O. Box 203  
Tanana, AK 99777  
Tanana High School

KNITTEL, Joan (teacher)  
P.O. Box 261  
Galena, AK 99741  
Galena High School

KOLESKY, Marne  
7810 Ascot  
Anchorage, AK 99502  
Dimond High School

MIKESELL, Tim  
Box 156  
Delta Junction, AK 99737  
Delta Junction High School

MILLER, Robert  
4334 Butte Circle  
Anchorage, AK 99504  
Bartlett High School

MAYO, Trent  
General Delivery  
Tanana, Ak 99777  
Tanana High School

PATRAWKE, Erna  
3530 Perenosa  
Anchorage, AK 99515  
Service High School

PIPER, Stephan  
11347 Terrace Hills Drive  
Eagle River, AK 99577  
Chugiak High School

PCLK, Stephen (teacher)  
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Anchorage, AK 99504  
Service High School

PREWITT, Brandi  
24-367 B Pansy Court  
Elmendorf A.F.B., AK 99506  
Bartlett High School

RIVERA, Javier  
8601 Flamingo Drive  
Anchorage, AK 99502  
Dimond High School

SALAZAR, Royce  
7910 Ascot St.  
Anchorage, AK 99502  
West High School

SIMMONS, Tiffany  
P.O. Box 317  
Galena, AK 99741  
Galena High School

SMITH, Jeffrey  
Box 58  
Eagle, AK 99756  
Eagle Community School

SWENSON, Stephanie  
Box 82  
Tanana, AK 99777  
Tanana High School

TAYLOR, Tawni  
Box 3005  
Anderson, AK 99744  
Anderson High School

THOMPSON, Rhonda  
P.O. Box 183  
Naknek, AK 99633  
Bristol Bay Borough High School

WAKEFIELD, Cristine  
8820 Solar Drive.  
Anchorage, AK 99507  
Steller Secondary School

CLOSEUP  
240 Main Street, Suite 701  
Juneau, AK 99801

Sara Hannan  
Heidi Bohi  
Melinda Gruening

Dear Mr. Boucher:

I feel that mari Juana should be legalized forever, or until we find some way to stop it for good. If they do legalize it I fear people may go to a more potent drug. I personally know that a lot of people smoke the drug regularly. If you do legalize it drug pushers will higher the price so that people will resort to stealing. I think you should take a vote from the people.

Sincerely  

---

Terry Jordan

Representative Boucher.

This afternoon you asked us to think about how the laws made by our state government affect us. I ask what has making drugs illegal done to our country and state?

I say our laws have turned a health problem concerning substance abuse into a huge international crime problem. Just as prohibition gave organized crime its first big foothold in the cities of our country; our drug laws made possible a new a larger kind of organized crime and drug empire. - we need to take the profit out of crime. Tuff drug laws have only aggravated a bad situation.

Let focus on education and other form of drug control. - our drug law have failed we don't need more of the same.

John Conrad

Box 31

Angoon, AK 99820

March 6, 1989

H. A. "Red" Boucher

Box V

Juneau, AK. 99811

Dear Representative Boucher,

Thank you for taking time to talk with the students that attended Close-Up.

With the Marijuana problem, my personal opinion it is that it should be decriminalized. To me, I think it is very encouraging for young adults in Alaska.

Sincerely a Close-Up Student,

Lisa M. Daniels

2-6-89

DEAR RED,

I'D LIKE TO THANK YOU FOR SPENDING TIME WITH THE CLOSE-UP STUDENTS AND MYSELF (I'M AN ANCHORAGE HIGH SCHOOL SOCIAL STUDIES TEACHER) TODAY & DISCUSSING IN PLAIN LANGUAGE THE ISSUE OF ~~THE~~ MARIJUANA. WHEN I WAS IN HIGH SCHOOL (I'M 35 NOW) THE ISSUE OF DRUG USE WAS NOT MUCH DIFFERENT THAN THEY ARE TODAY. I EXPERIMENTED, AS MOST STUDENTS DID & DO, WITH ALCOHOL, MARIJUANA & HASH. OTHER PEOPLE I KNEW TRIED SPEED, PSYCHEDELICS etc. DRUGS WILL ALWAYS BE AVAILABLE - SO THE ISSUE IS NOT "MAKE IT ILLEGAL AND SO WIPE OUT DRUG USE/ABUSE."

THE ISSUE TO ME IS - "ARE THERE SUBSTANCES THAT HARM SOCIETY, AND SINCE THERE ARE, SOCIETY MUST PROTECT ITSELF AND MAKE A MORAL STATEMENT ABOUT DRUGS & THEIR USE & ABUSE." IN OTHER WORDS, EVEN THOUGH PEOPLE WILL USE DRUGS - WE AS A SOCIETY ~~AT~~ SHOULD NOT CONDONE THEIR USE TO PROTECT ALL OF US. A MORAL SOCIETAL STATEMENT AGAINST DRUG USE IS POWERFUL AND IS IMPORTANT.

Dear Rep. Boucher,

Thank you for asking us in to discuss the marijuana resolution. I enjoyed that extensively.

I believe that marijuana should be outlawed with harsh penalties. What is the difference between it and any other dangerous drugs that are outlawed?

As for Europe and its laws, I spent all summer there in 1988. They have an extensive drug and alcohol problem but it is not well known because they don't broadcast it. On the other side of the coin is Israel, with about the lowest drug problem in the world, that they outlawed drugs and have an instant death penalty for drugs. I don't think we should be that extreme though. Maybe we should look at Russia, anyone can get alcohol and, most, until recently, could legally get drugs, they are one of the drunkest, most storied nations on earth, worse by far than the U.S.

Maybe we should ask the federal government to declare war on drug dealers. If a country ~~declares~~ kills so that many people

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**