

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7802 HOUSE HEALTH EDUCATION & SOCIAL SERVICES



SPONSOR STATEMENT

HB 336

“An Act relating to violations of laws by juveniles.”

This state is experiencing a rise in juvenile crime. Many crimes are committed by youngsters not more than 13 years old who have armed themselves with knives and guns. The escalation of juvenile crime is not acceptable. Those juveniles who wish to violate the law must also take full responsibility for their actions and pay the consequences.

This proposed legislation would have minors ages 13 and older tried as adults if they commit a crime using a gun or a knife. To date, the privacy of a juvenile is protected when a crime is committed. The records of the case are not made public. By bringing a juvenile to adult court all records become public. Juveniles would no longer be able to hide a criminal history.

Juveniles committing adult crimes with adult weapons should be just as accountable as adults that commit crimes with weapons. HB 336 would create this accountability. I urge your favorable consideration for HB 336.

SPONSOR STATEMENT

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105


MEMORANDUM

January 10, 1994

SUBJECT: House Bill 336 -- sectional analysis (Work Order No. 8-LS1372\J)

TO: Representative Con Bunde
ATTN: Patti Swenson

FROM: Jack Chenoweth
Legislative Counsel



The measure proposes to amend the manner of handling minors 13 years of age or older who commit an offense while in possession of a firearm or knife.

Bill section 1: The bill section proposes to add a new subsection, AS 47.10.010(e), to the statute enumerating the jurisdiction of the court over certain minors who commit offenses and as to whom a petition seeking adjudication of the minor as a delinquent could be filed. The change proposed by this bill section is direct toward minors at least 13 years of age at the time of commission of the offense who, in the commission of the offense possessed a firearm or knife and used or threatened to use the firearm or knife during the commission of the offense. As to those minors, the statutory provisions applicable to filing petition seeking adjudications of delinquency would be inapplicable. Instead, the minor would be charged, prosecuted, and sentenced as an adult. The procedure would be applicable to the offense as to which the minor was arraigned and to any additional offenses joinable to it under applicable court rule.

Bill section 2: This uncodified section specifies that the change in bill section 1 is applicable to offenses that are committed by minors who are to be prosecuted as adults if the offense was committed after the bill's effective date.

JBC:gc
94-010.glc

**DEPARTMENT OF HEALTH AND
SOCIAL SERVICES**

DIVISION OF FAMILY AND YOUTH SERVICES

P.O. BOX 110630
JUNEAU, ALASKA 99811-0630
PHONE: (907) 465-3170

December 16, 1993

The Honorable Con Bunde
Alaska State Legislator
716 W. 4th. Suite 340
Anchorage, Alaska 99501-2133

Dear Representative Bunde:

Ms. Zantek, from your Anchorage office, requested information on statewide juvenile referrals to DFYS. Our research analyst has compiled information on the frequency of weapons and weapons related referrals to DFYS. Enclosed are a set of graphics, a data table and the list of referral offense types that are identified as weapons or weapons related. It is important to note that the alleged offense types chosen are inferred to be crimes committed with a weapon, but may not truly involve the use of a weapon in all cases. Also, weapons is a broadly defined term that can include a variety of devices and/or objects that were involved in the commission of a crime.

The information provided represents an alleged offense and does not describe the outcome of the juvenile intake process. These referrals are the initial charges which can then be changed based on the examination of the available evidence.

The data extracted from the division's information system, PROBER[®], covers January 1991 through September 1993 and is presented in calendar quarters. The age of the juvenile is calculated as a function of the referral date and only juveniles 13 or older at referral are included. The frequency counts and statistics include the occurrence of multiple referrals on a juvenile. There were a total of 640 referrals on 593 individuals in this study.

Quarterly data provides a better measure of trend, and with the addition of a simple regression line, the existence of a trend can be illustrated. Also included is an illustration of all referrals during this time period as a comparison between weapons and weapons related referrals versus all referrals. Please see attached graphs.

As mentioned above, there were 640 referrals to DFYS for weapons and weapons related type offenses. This group of referral types grew at an average quarterly rate of approximately 3% over this time period. Referrals for all types grew at an average quarterly rate of approximately 2%. The average age juveniles referred for weapons and weapons related offenses is 15.5 and remains consistent across quarters. There does not appear to be any change in the

ethnicity mix nor the male to female ratio across the quarters studied. Demographics for the 640 referrals are described below.

AGE	Total	640	
	13	49	8%
	14	119	19%
	15	136	21%
	16	153	24%
	17	178	28%
	18+	5	1%

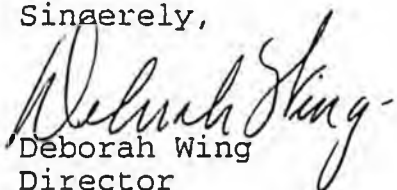
ETHNICITY	Total	640	
	AK Nat/Am I	121	19%
	Afro/Am	68	11%
	Caucasian	384	60%
	Hispanic	12	2%
	Asian	10	2%
	Other	19	3%
	Unknown	26	4%

GENDER	Total	640	
	Male	572	89%
	Female	68	11%

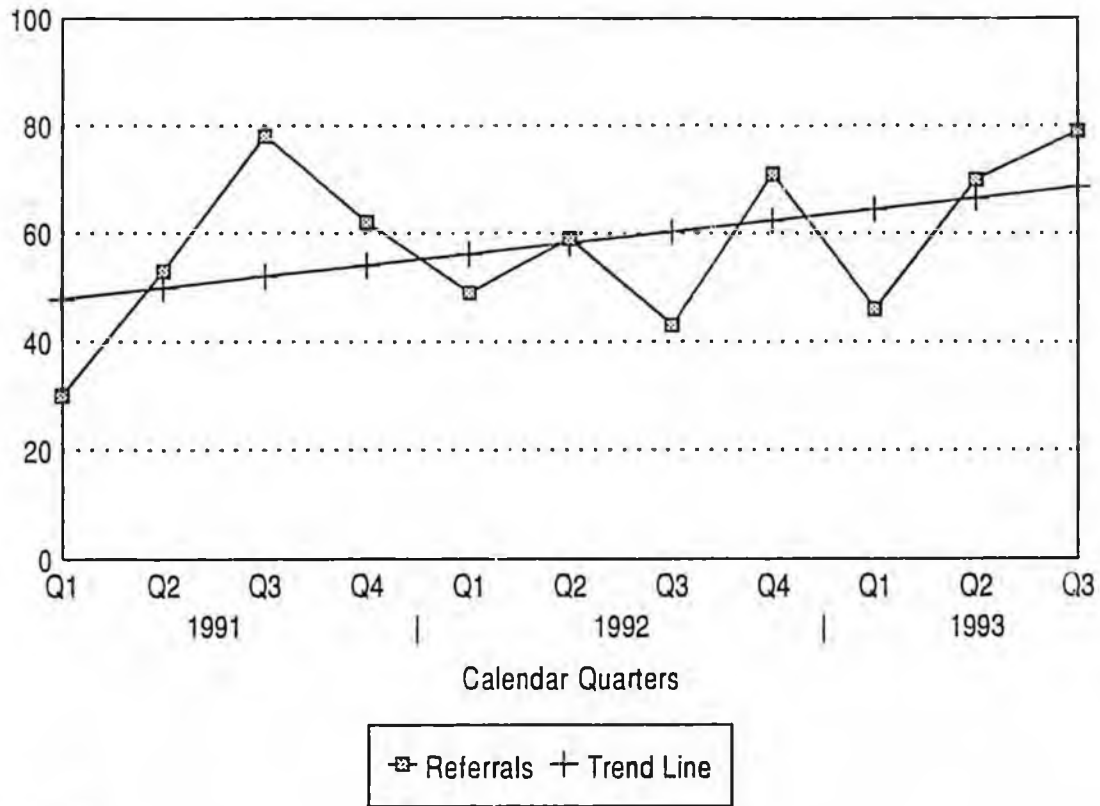
Note that although a slight increase has occurred in weapons and weapons related referrals compared to all referral types, the increase appears to be consistent with the growth in the juvenile population. It is possible to conclude, from this data, that the same percentage of juveniles are committing crimes and with an increasing juvenile population at about 5% per year, overall referrals to DFYS are increasing proportionally.

Please let me know if you need clarification or additional information.

Sincerely,

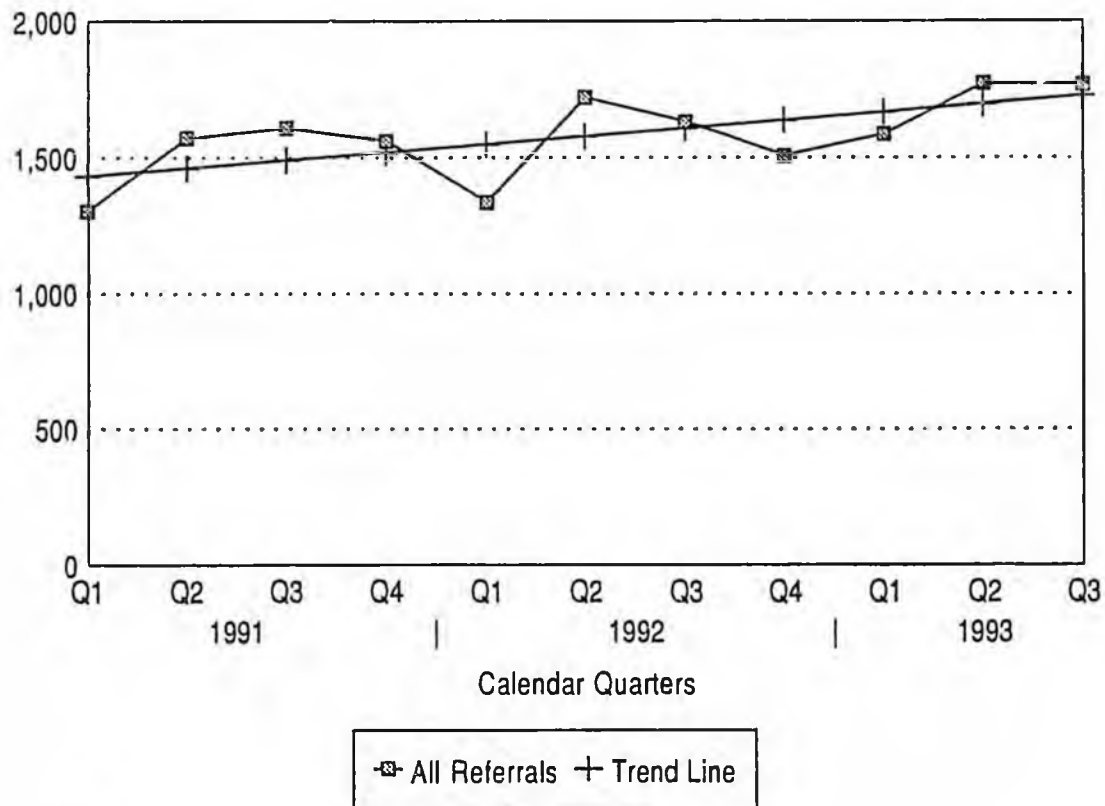

Deborah Wing
Director

WEAPONS & WEAPONS RELATED REFERRALS
Statewide Frequency by Quarter



DFYS/December 1993

ALL REFERRALS REFERRED TO DFYS
Statewide Frequency by Quarter



DFYS/December 1993

WEAPONS AND WEAPONS RELATED REFERRALS BY QUARTER
(Referrals to Youth Services)

STATEWIDE FREQUENCY BY REFERRAL TYPE

	Calendar				Quarter				Totals			
	Q1CY91	Q2CY91	Q3CY91	Q4CY91	Q1CY92	Q2CY92	Q3CY92	Q4CY92		Q1CY93	Q2CY93	Q3CY93
Offense												
Assault 1st	0	4	0	4	3	8	1	1	1	4	3	29
Assault 2nd	6	1	4	4	6	10	2	7	3	18	6	67
Manslaughter	0	0	1	0	0	0	0	0	0	0	0	1
Murder 1st	1	1	1	3	4	1	0	0	0	1	3	15
Murder 2nd	0	0	1	0	0	0	1	0	0	1	0	3
Negligent Homicide	0	0	0	0	0	0	0	2	0	0	1	3
Reckless Endangermt	2	7	19	8	9	0	10	17	7	3	14	96
Robbery 1st	2	5	3	7	2	4	8	0	3	4	5	43
Misconduc Weapon 1st	5	4	4	6	2	2	0	3	2	0	0	28
Misconduc Weapon 2nd	0	2	7	5	1	3	2	7	2	3	5	37
Misconduc Weapon 3rd	14	29	37	25	22	31	19	34	28	36	42	317
Posses Explos/A Misd	0	0	1	0	0	0	0	0	0	0	0	1
Totals	30	53	78	52	49	59	43	71	46	70	79	640

NOTE Results Include Multiple Referrals on an Individual
Data Source: PROBER

Weapons and Weapons Related Referrals

Referral Types Included

<u>Code</u>	<u>Offense Description</u>
A01	Assault 1st
A02	Assault 2nd
A70	Manslaughter
A71	Murder 1st
A72	Murder 2nd
A73	Negligent Homicide
A74	Reckless Endangermnt
A80	Robbery 1st
E01	Furnish Explosives
E10	Misconduc Weapon 1st
E11	Misconduc Weapon 2nd
E12	Misconduc Weapon 3rd
E20	Posse Explos/Murder
E21	Poss Explos A Fel
E22	Posses Explos/B Fel
E23	Posses Explos/C Fel
E24	Posses Explos/A Misd

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4322
FAX: (907) 465-4362

January 11, 1994

The Honorable Con Bunde
Alaska State Legislature
State Capitol, Room 112
Juneau, AK 99801-1182

Dear Representative Bunde:

As you review your copy of the 1992 Report on Crime in Alaska, I am sure that you too will be alarmed at the increased crimes of violence that are occurring in our state.

What is even more alarming are the numbers of young people involved in committing serious criminal offenses. Of those arrested, youths 18 years and under accounted for:

16% of murders;
16% of rapes;
29% of robberies;
16% of aggravated assaults; and
43% of larceny arrests.

Serious consideration must be given to passing a juvenile waiver statute and removing some of the restrictions which do nothing more than make it easy for young criminals to beat the system by being treated as misunderstood victims instead of the criminals many of them really are.

Boot camp legislation and a young offenders facility is badly needed to augment and give additional space to DFYS and those agencies who must deal with juveniles who need commitment. McLaughlin Youth Center is totally inadequate to serve today's needs.

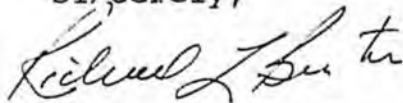
The state is long overdue for at least one, if not more, additional correctional facilities, especially in areas other than the main population centers. There is a serious need for regional minimum-to-medium security facilities in the North Slope Borough, the Alaska Peninsula, and in Kodiak.

I hope we can stop talking about crime this year and really do something about it before it is too late.

The Honorable Con Bunde
January 11, 1994
Page 2

I look forward to working with you, please call for any assistance we may be able to give during the upcoming year.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard L. Burton".

Richard L. Burton
Commissioner

Enclosure



House of Representatibes

Cabbie shot by 13-year-old

WEST PALM BEACH, Fla. — A 13-year-old girl shot a cab driver to death to avoid paying a \$6 fare, police said. The sixth-grader was dry-eyed during questioning Monday in the slaying of 39-year-old Yves Quettant, who was shot in the back of the head, police said. "No tears. Just cold. We're talking about coldblooded, premeditated murder committed by a 13-year-old girl who shows no remorse," Sgt. John English said. "It's frightening." Quettant was slain after picking up the girl and two of her friends at a mall Saturday night. The girl's mother said her daughter hadn't mentioned the shooting. "She acted like a 40-year-old, like nothing happened," the mother said. "There was nothing, not one tear. She didn't care at all."

Daily News wire services

1
2 An act relating to weapons and firearms;
3 authorizing a law enforcement agency to release
4 the name and address of a minor who has been
5 adjudicated guilty of an offense involving
6 possession or use of a firearm; amending s.
7 790.17, F.S.; prohibiting certain transfer to a
8 minor of a weapon, or electric weapon or
9 device; prohibiting sale or transfer to a minor
10 of a firearm and providing that a violation
11 constitutes a third-degree felony; amending s.
12 790.175, F.S.; redefining the term "minor";
13 requiring that the purchaser of a firearm be
14 informed that it is unlawful to store or leave
15 a firearm within access of a minor or to
16 knowingly sell or transfer a firearm to a minor
17 or a person of unsound mind; amending s.
18 790.18, F.S.; prohibiting an arms dealer from
19 selling or transferring a firearm or certain
20 other weapons to a minor; increasing the
21 penalty for a violation from a misdemeanor to a
22 felony; amending s. 790.22, F.S.; prohibiting a
23 minor from possessing a firearm; providing
24 certain exceptions; prohibiting adults
25 responsible for a minor from knowingly and
26 willfully permitting the minor to unlawfully
27 possess a firearm; providing penalties for a
28 violation by an adult; authorizing the court to
29 require that a parent participate in classes on
30 parenting education; authorizing community
31 service hours in certain circumstances and

1 requiring the establishment of circuit
2 community service programs; providing penalties
3 for a violation by a minor; requiring that a
4 minor charged with certain offenses involving
5 the use or possession of a firearm be detained
6 in secure detention unless the state attorney
7 authorizes the minor's release; providing for a
8 hearing within a specified period; providing
9 circumstances under which the court may order
10 that the minor continue to be held in secure
11 detention; requiring the Department of Health
12 and Rehabilitative Services to collect certain
13 data and submit it to the Division of Economic
14 and Demographic Research; requiring the court
15 to order a minimum mandatory period of secure
16 detention in addition to other punishments
17 provided by law if the minor is found to have
18 committed certain offenses involving the use or
19 possession of a firearm and is not committed to
20 a residential commitment program of the
21 Department of Health and Rehabilitative
22 Services; providing for mandatory revocation or
23 suspension of the driving privilege if a minor
24 is found to have committed certain offenses
25 involving the use or possession of a firearm;
26 providing for enhanced penalties; providing for
27 the seizure and disposal of a firearm used or
28 possessed unlawfully by a minor; providing that
29 such provisions are supplemental to certain
30 other criminal sanctions; providing for the
31 secure detention of a minor charged with a

1 violation of certain provisions of ch. 790,
 2 F.S., pending a court hearing; amending s.
 3 790.23, F.S.; prohibiting felons, and juveniles
 4 found to have committed a delinquent act that
 5 would be a felony if committed by an adult,
 6 from using or possessing a firearm under
 7 certain conditions; providing exceptions;
 8 providing penalties; amending s. 790.25, F.S.;
 9 limiting authorization for possession in
 10 private conveyance to persons over 18;
 11 directing the Department of Health and
 12 Rehabilitative Services to prepare and
 13 disseminate public service announcements;
 14 requiring the state attorney to request adult
 15 prosecution of minors in certain circumstances;
 16 providing appropriations; providing effective
 17 dates.

18

19 WHEREAS, the love affair between juveniles and firearms
 20 has reached an all-time high here in Florida, and
 21 WHEREAS, the courts, the Legislature, and law
 22 enforcement cannot be the sole solution to stem our rising
 23 juvenile crime statistics, and
 24 WHEREAS, it is the will of the Legislature and all
 25 Floridians that parental involvement, accountability, and
 26 responsibility become the key to solving our existing broken
 27 juvenile criminal justice system, and
 28 WHEREAS, it is the will of Floridians all across this
 29 great state of ours that juveniles who violate laws pertaining
 30 to the illegal use of firearms be dealt with in a swift and
 31 certain and severe manner, and

1 WHEREAS, it is time for the Governor, the President of
 2 the Senate, and the Speaker of the House of Representatives,
 3 along with the Republican leaders of the Senate and House of
 4 Representatives, to seek relief from our counterparts in the
 5 United States Congress by cutting the federally mandated ties
 6 that bind us from curing our juvenile crime problems here at
 7 home, as said laws prevent us from using stricter, harsher,
 8 and more certain penalties in detaining Florida's juveniles,
 9 NOW, THEREFORE,
 10
 11 Be It Enacted by the Legislature of the State of Florida:
 12
 13 Section 1. A law enforcement agency may release for
 14 publication the name and address of a child who has been
 15 convicted of any offense involving possession or use of a
 16 firearm.

17 Section 2. Section 790.17, Florida Statutes, is
 18 amended to read:
 19 790.17 Furnishing weapons to minors under 18 years of
 20 age or persons of unsound mind and furnishing firearms to
 21 minors under 18 years of age prohibited;--etc.--

22 (1) A person who whoever sells, hires, barter, lends,
 23 ~~transfers~~, or gives any minor under 18 years of age any
 24 ~~pistol~~, ^{gun} ~~dirk~~, ^{knife} ~~electric weapon or device~~, or other arm or
 25 weapon, other than an ordinary pocketknife, without permission
 26 of the minor's parent or guardian of such minor, or the person
 27 having charge of such minor, or sells, hires, barter, lends,
 28 ~~transfers~~, or gives to any person of unsound mind an electric
 29 weapon or device or any dangerous weapon, other than an
 30 ordinary pocketknife, commits is-guilty-of a misdemeanor of
 31

1 the first degree, punishable as provided in s. 775.082 or s.
2 775.083.

3 (2)(a) A person may not knowingly or willfully sell or
4 transfer a firearm to a minor under 18 years of age, except
5 that a person may transfer ownership of a firearm to a minor
6 with permission of the parent or guardian. A person who
7 violates this paragraph commits a felony of the third degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084.

10 (b) The parent or guardian must maintain possession of
11 the firearm except pursuant to s. 790.22.

12 Section 3. Section 790.175, Florida Statutes, is
13 amended to read:

14 790.175 Transfer or sale of firearms; required
15 warnings; penalties.--

16 (1) Upon the retail commercial sale or retail transfer
17 of any firearm, the seller or transferor shall deliver a
18 written warning to the purchaser or transferee, which warning
19 states, in block letters not less than 1/4 inch in height:

20
21 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT
22 AND FINE, FOR ANY ADULT TO STORE OR LEAVE A
23 FIREARM IN ANY PLACE WITHIN THE REACH OR EASY
24 ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO
25 KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP
26 OR POSSESSION OF A FIREARM TO A MINOR OR A
27 PERSON OF UNSOUND MIND."

28
29 (2) Any retail or wholesale store, shop, or sales
30 outlet which sells firearms must conspicuously post at each
31

1 purchase counter the following warning in block letters not
2 less than 1 inch in height:

3
4 "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN
5 ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A
6 MINOR UNDER 18 YEARS OF AGE OR TO KNOWINGLY
7 SELL OR OTHERWISE TRANSFER OWNERSHIP OR
8 POSSESSION OF A FIREARM TO A MINOR OR A PERSON
9 OF UNSOUND MIND."

10
11 (3) Any person or business knowingly violating a
12 requirement to provide warning under this section commits a
13 misdemeanor of the second degree, punishable as provided in s.
14 775.082 or s. 775.083.

15 ~~(4)--As used in this act, the term "minor" means any~~
16 ~~person under the age of 16:~~

17 Section 4. Section 790.18, Florida Statutes, is
18 amended to read:

19 790.18 Sale or transfer of Selling arms to minors by
20 dealers.--It is unlawful for any dealer in arms to sell or
21 transfer to a minor minors any firearm, pistol, Springfield
22 rifle or other repeating rifle, bowie knife or dirk knife,
23 brass knuckles, slungshot, or electric weapon or device. A
24 and every person who violate violating this section commits
25 shall be guilty of a felony misdemeanor of the second first
26 degree, punishable as provided in s. 775.082, or s. 775.083,
27 or 775.084.

28 Section 5. Section 790.22, Florida Statutes, is
29 amended to read:

30 790.22 Use of BB guns, air or gas-operated guns, or
31 electric weapons or devices; or firearms by minor child under

1 16; limitation; possession of firearms by minor under 18
 2 prohibited; penalties.--

3 (1) The use for any purpose whatsoever of BB guns, air
 4 or gas-operated guns, or electric weapons or devices, or
 5 firearms-as-defined-in-s.-790-081 by any minor child under the
 6 age of 16 years is prohibited unless such use is under the
 7 supervision and in the presence of an adult who is acting with
 8 the consent of the minor's parent.

9 (2) Any adult responsible for the welfare of any child
 10 under the age of 16 years who knowingly permits such child to
 11 use or have in his possession any BB gun, air or gas-operated
 12 gun, electric weapon or device, or firearm in violation of the
 13 provisions of subsection (1) of this section commits is-guilty
 14 of a misdemeanor of the second degree, punishable as provided
 15 in s. 775.082 or s. 775.083.

16 (3) A minor under 18 years of age may not possess a
 17 firearm, other than an unloaded firearm at his home, unless:

18 (a) The minor is engaged in a lawful hunting activity
 19 and is:

- 20 1. At least 16 years of age; or
- 21 2. Under 16 years of age and supervised by an adult.

22 (b) The minor is engaged in a lawful marksmanship
 23 competition or practice or other lawful recreational shooting
 24 activity and is:

- 25 1. At least 16 years of age; or
- 26 2. Under 16 years of age and supervised by adult who
 27 is acting with the consent of the minor's parent or guardian.

28 (c) The firearm is unloaded and is being transported
 29 by the minor directly to or from an event authorized in
 30 paragraph (a) or paragraph (b).

31

1 (4)(a) Any parent or guardian of a minor, or other
 2 adult responsible for the welfare of a minor, who knowingly
 3 and willfully permits the minor to possess a firearm in
 4 violation of subsection (3) commits a felony of the third
 5 degree, punishable as provided in s. 775.082, s. 775.083, or
 6 s. 775.084.

7 (b) Any natural parent or adoptive parent, whether
 8 custodial or noncustodial, or any legal guardian or legal
 9 custodian of a minor, if that minor possesses a firearm in
 10 violation of subsection (3) ~~may~~, if the court finds it
 11 appropriate, be required to participate in classes on
 12 parenting education which are approved by the Department of
 13 Health and Rehabilitative Services, upon the first conviction
 14 of the minor. Upon any subsequent conviction of the minor,
 15 the court may, if the court finds it appropriate, require the
 16 parent to attend further parent education classes or render
 17 community service hours together with the child.

18 (c) At any time after this act becomes law, but no
 19 later than July 1, 1994, the district juvenile justice boards
 20 or county juvenile justice councils or the Department of
 21 Health and Rehabilitative Services shall establish appropriate
 22 community service programs to be available to circuit courts
 23 in implementing this subsection. The boards or councils or
 24 department shall propose the implementation of a community
 25 service program in each circuit, and may submit a circuit
 26 plan, to be implemented upon approval of the court, at any
 27 time after this act becomes law.

28 (d) For the purposes of this section, community
 29 service may be provided on public property as well as on
 30 private property with the expressed permission of the property
 31 owner. Any community service provided on private property is

1 limited to such things as removal of graffiti and restoration
 2 of vandalized property.

3 (5)(a) A minor who violates subsection (3) commits a
 4 misdemeanor of the first degree, and, in addition to any other
 5 penalty provided by law, shall be required to perform 100
 6 hours of community service, and:

7 1. If the minor is eligible by reason of age for a
 8 driver license or driving privilege, the court shall direct
 9 the Department of Highway Safety and Motor Vehicles to revoke
 10 or to withhold issuance of the minor's driver license or
 11 driving privilege for up to 1 year.

12 2. If the minor's driver license or driving privilege
 13 is under suspension or revocation for any reason, the court
 14 shall direct the Department of Highway Safety and Motor
 15 Vehicles to extend the period of suspension or revocation by
 16 an additional period of up to 1 year.

17 3. If the minor is ineligible by reason of age for a
 18 driver license or driving privilege, the court shall direct
 19 the Department of Highway Safety and Motor Vehicles to
 20 withhold issuance of the minor's driver license or driving
 21 privilege for up to 1 year after the date on which the minor
 22 would otherwise have become eligible.

23 (b) For a second or subsequent offense, the minor
 24 shall be required to perform not less than 100 nor more than
 25 250 hours of community service, and:

26 1. If the minor is eligible by reason of age for a
 27 driver license or driving privilege, the court shall direct
 28 the Department of Highway Safety and Motor Vehicles to revoke
 29 or to withhold issuance of the minor's driver license or
 30 driving privilege for up to 2 years.

31

1 2. If the minor's driver license or driving privilege
 2 is under suspension or revocation for any reason, the court
 3 shall direct the Department of Highway Safety and Motor
 4 Vehicles to extend the period of suspension or revocation by
 5 an additional period of up to 2 years.

6 3. If the minor is ineligible by reason of age for a
 7 driver license or driving privilege, the court shall direct
 8 the Department of Highway Safety and Motor Vehicles to
 9 withhold issuance of the minor's driver license or driving
 10 privilege for up to 2 years after the date on which the minor
 11 would otherwise have become eligible.

12 (6) Any firearm that is possessed or used by a minor
 13 in violation of this section shall be promptly seized by a law
 14 enforcement officer and disposed of in accordance with s.
 15 790.0B(1)-(6).

16 (7) The provisions of this section are supplemental to
 17 all other provisions of law relating to the possession, use,
 18 exhibition of a firearm.

19 (8) Notwithstanding s. 39.042 or s. 39.044(1), if a
 20 minor under 18 years of age is charged with an offense that
 21 involves the use or possession of a firearm, as defined in s.
 22 790.001, other than a violation of subsection (3), or is
 23 charged for any offense during the commission of which the
 24 minor possessed a firearm, the minor shall be detained in
 25 secure detention, unless the state attorney authorizes the
 26 release of the minor, and shall be given a hearing within 24
 27 hours after being taken into custody. Effective April 15,
 28 1994, at the hearing, the court may order that the minor
 29 continue to be held in secure detention in accordance with the
 30 applicable time periods specified in s. 39.044(5), if the
 31 court finds that the minor meets the criteria specified in s.

1 39.044(2), or if the court finds by clear and convincing
 2 evidence that the minor is a clear and present danger to
 3 himself or the community. The Department of Health and
 4 Rehabilitative Services shall prepare a form for all minors
 5 charged under this subsection that states the period of
 6 detention and the relevant demographic information, including,
 7 but not limited to, the sex, age, and race of the minor,
 8 whether or not the minor was represented by private counsel or
 9 a public defender, the current offense, and the minor's
 10 complete prior record, including any pending cases. The form
 11 shall be provided to the judge to be considered when
 12 determining whether the minor should be continued in secure
 13 detention under this subsection. An order placing a minor in
 14 secure detention because the minor is a clear and present
 15 danger to himself or the community must be in writing, must
 16 specify the need for detention and the benefits derived by the
 17 minor or the community by placing the minor in secure
 18 detention, and must include a copy of the form provided by the
 19 department. The Department of Health and Rehabilitative
 20 Services must send the form, including a copy of any order,
 21 without client identifying information, to the Division of
 22 Economic and Demographic Research of the Joint Legislative
 23 Management Committee.
 24 (9) Notwithstanding s. 39.043, if the minor is found
 25 to have committed an offense that involves the use or
 26 possession of a firearm, as defined in s. 790.001, other than
 27 a violation of subsection (3), or an offense during the
 28 commission of which the minor possessed a firearm, and the
 29 minor is not committed to a residential commitment program of
 30 the Department of Health and Rehabilitative Services, in
 31

1 addition to any other punishment provided by law, the court
 2 shall order:
 3 (a) For a first offense, that the minor serve a
 4 mandatory period of detention of 5 days in a secure detention
 5 facility and perform 100 hours of community service,
 6 (b) For a second or subsequent offense, that the minor
 7 serve a mandatory period of detention of 10 days in a secure
 8 detention facility and perform not less than 100 nor more than
 9 250 hours of community service.
 10
 11 The minor shall receive credit for time served before
 12 adjudication.
 13 (10) If a minor is found to have committed an offense
 14 under subsection (9), the court shall impose the following
 15 penalties in addition to any penalty imposed under paragraph
 16 (9)(a) or paragraph (9)(b):
 17 (a) For a first offense:
 18 1. If the minor is eligible by reason of age for a
 19 driver license or driving privilege, the court shall direct
 20 the Department of Highway Safety and Motor Vehicles to revoke
 21 or to withhold issuance of the minor's driver license or
 22 driving privilege for up to 1 year.
 23 2. If the minor's driver license or driving privilege
 24 is under suspension or revocation for any reason, the court
 25 shall direct the Department of Highway Safety and Motor
 26 Vehicles to extend the period of suspension or revocation by
 27 an additional period for up to 1 year.
 28 3. If the minor is ineligible by reason of age for a
 29 driver license or driving privilege, the court shall direct
 30 the Department of Highway Safety and Motor Vehicles to
 31 withhold issuance of the minor's driver license or driving

1 privilege for up to 1 year after the date on which the minor
 2 would otherwise have become eligible.
 3 (b) For a second or subsequent offense:
 4 1. If the minor is eligible by reason of age for a
 5 driver license or driving privilege, the court shall direct
 6 the Department of Highway Safety and Motor Vehicles to revoke
 7 or to withhold issuance of the minor's driver license or
 8 driving privilege for up to 2 years.
 9 2. If the minor's driver license or driving privilege
 10 is under suspension or revocation for any reason, the court
 11 shall direct the Department of Highway Safety and Motor
 12 Vehicles to extend the period of suspension or revocation by
 13 an additional period for up to 2 years.
 14 3. If the minor is ineligible by reason of age for a
 15 driver license or driving privilege, the court shall direct
 16 the Department of Highway Safety and Motor Vehicles to
 17 withhold issuance of the minor's driver license or driving
 18 privilege for up to 2 years after the date on which the minor
 19 would otherwise have become eligible.

20 Section 6. Section 790.23, Florida Statutes, is
 21 amended to read:

22 (Substantial rewording of section. See
 23 s. 790.23, F.S., for present text.)
 24 790.23 Felons and delinquents; possession of firearms
 25 or electric weapons or devices unlawful.--

26 (1) It is unlawful for any person to own or to have in
 27 his or her care, custody, possession, or control any firearm
 28 or electric weapon or device, or to carry a concealed weapon,
 29 including a tear gas gun or chemical weapon or device, if that
 30 person has been:

31

1 (a) Convicted of a felony or found to have committed a
 2 delinquent act that would be a felony if committed by an adult
 3 in the courts of this state;
 4 (b) Convicted of or found to have committed a crime
 5 against the United States which is designated as a felony;
 6 (c) Found to have committed a delinquent act in
 7 another state, territory, or country that would be a felony if
 8 committed by an adult and which was punishable by imprisonment
 9 for a term exceeding 1 year; or
 10 (d) Found guilty of an offense that is a felony in
 11 another state, territory, or country and which was punishable
 12 by imprisonment for a term exceeding 1 year.
 13 (2) This section shall not apply to a person convicted
 14 of a felony whose civil rights and firearm authority have been
 15 restored, or to a person found to have committed a delinquent
 16 act that would be a felony if committed by an adult with
 17 respect to which the jurisdiction of the court pursuant to
 18 chapter 39 has expired.
 19 (3) Any person who violates this section commits a
 20 felony of the second degree, punishable as provided in s.
 21 775.082, s. 775.083, or s. 775.084.
 22 Section 7. Subsection (5) of section 790.25, Florida
 23 Statutes, is amended to read:
 24 790.25 Lawful ownership, possession, and use of
 25 firearms and other weapons.--
 26 (5) POSSESSION IN PRIVATE CONVEYANCE.--Notwithstanding
 27 subsection (2), it is lawful and is not a violation of s.
 28 790.01 for a person 18 years of age or older to possess a
 29 concealed firearm or other weapon for self-defense or other
 30 lawful purpose within the interior of a private conveyance,
 31 without a license, if the firearm or other weapon is securely

1 encased or is otherwise not readily accessible for immediate
 2 use. Nothing herein contained prohibits the carrying of a
 3 legal firearm other than a handgun anywhere in a private
 4 conveyance when such firearm is being carried for a lawful
 5 use. Nothing herein contained shall be construed to authorize
 6 the carrying of a concealed firearm or other weapon on the
 7 person. This subsection shall be liberally construed in favor
 8 of the lawful use, ownership, and possession of firearms and
 9 other weapons, including lawful self-defense as provided in s.
 10 776.012.

11 Section 8. Effective July 1, 1994, if the child was 14
 12 or more years of age at the time of commission of a fourth or
 13 subsequent alleged felony offense and the child was previously
 14 adjudicated delinquent or had adjudication withheld for or was
 15 found to have committed, or to have attempted or conspired to
 16 commit, three offenses that are felony offenses if committed
 17 by an adult, and one or more of such felony offenses involved
 18 the use or possession of a firearm, the state attorney shall
 19 request the court to transfer and certify the child for
 20 prosecution as an adult or shall provide written reasons for
 21 not making such request, and the court, upon the state
 22 attorney's request, shall issue the order to so transfer and
 23 certify the child or provide written reasons for nonissuance.

24 Section 9. The Department of Health and Rehabilitative
 25 Services shall prepare public service announcements for
 26 dissemination to parents throughout the state, of the
 27 provisions of this act.

28 Section 10. There is hereby appropriated a lump sum of
 29 \$2,197,810 from the General Revenue Fund and 94 additional
 30 full-time positions are authorized for the Juvenile Justice
 31 Program in the Department of Health and Rehabilitative

1 Services. This shall be used for operational funding for the
 2 secure detention, case management for community service, and
 3 commitment programs for delinquent youth. Further, \$4,600,000
 4 is hereby transferred from current surplus funds in the
 5 General Revenue Fund previously appropriated for AFDC, to be
 6 used for additional commitment resources for the Juvenile
 7 Justice Program in the Department of Health and Rehabilitative
 8 Services.

9 Section 11. Except as otherwise expressly provided in
 10 this act, this act shall take effect January 1, 1994.

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HOUSE COMMITTEE REPORT

(9) Date Referred: January 10, 1994 FURTHER REFERRALS: Judiciary

Date of Committee Action: 3/3/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 337

HOUSE BILL NO. 337 DRUG FREE RECREATION AND YOUTH CENTERS

"An Act relating to the possession of controlled substances within 500 feet of recreation and youth centers."

RECOMMENDATIONS:
 be replaced with CS HB 337 (HESS) the same title
 a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
 fiscal impact _____ fiscal note(s) _____
 zero fiscal note Law, Public Safety, Corrections zero fiscal note(s) _____

SIGNATURE	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>		x	
<i>[Signature]</i>	✓	<i>[Signature]</i>		x	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	

[Signature]
 CHAIRMAN'S SIGNATURE



Alaska State Legislature

House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: 3/3/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 * HB 506: STUDENT LOAN PROGRAM
 * HB 356: LIVING WILLS AND MEDICAL CARE DECISIONS
 BILLS HELD OVER FROM PREVIOUS CALENDARS
 * HB 357: DRUG FREE RECREATION AND YOUTH CENTERS
 * HB 52: INCREASE IN FEDERAL MESAID FUNDED

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
MARK JOHNSON	DSS, EMS	P.O. BOX 110616 Juneau	99811-0616	463-5817	465-3027	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 356
Verna Hall	AARP	23590 Glenview Highway	99801	780-4089	780-4089	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 356
Rupe Andrews	AARP	9416 Long Run, Seward	99801		789-7122	<input type="radio"/> Y <input checked="" type="radio"/> N	HB 356
Kim Burch	DHSS				465-3235	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 52
Stacie Han						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

LN#100-R01
03/11/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
11:45:58

TCN: 40411 DATE & TIME: 03/03/94 15:00 TO 17:00 STATUS: 7 STATS: IN

**** ORDER SUMMARY ****

SPONSOR: HHS HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHAY
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE BURDE
CONTACT: LYNNE SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAPITOL

SPONSOR REMARKS(PUB): TESTIMONY: Y ALLOWED 5 MINUTE LIMIT
HB 356 WILL NOT BE THE FIRST BILL ON THE CALENDAR.
TESTIMONY WILL BE TAKEN WITH A 5 MINUTE LIMIT.
TCN REQUESTED ON 03/03/94 AND HAS 7 UPDATES

**** AGENDA ****

- 1 HB 356 LIVING WILLS AND MEDICAL CARE ORDERS
- 2 HB 506 STUDENT LOAN PROGRAM

**** PARTICIPATING LTOS ****

COR CORDOVA	705 2ND STREET	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
HOM HOMER LTC	126 W PIONEER 44	LOCATION STAFF
* JNU JUNEAU	CAPITOL	LOCATION STAFF
NAT NATSU	165 E PARKS HWY.	LOCATION STAFF
PSG PETERSBURG	101 GJOA STREET	LOCATION STAFF
SEW SEWARD	2001 SEWARD HWY	LOCATION STAFF
SIT SITKA	210 LAKE STREET	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF

**** VOLUNTEER & OFFNET SITES ****

222 OF1 OFFNET 1 FAIRBANKS CRAIG LEWIS (907)456-3970

PARTICIPANTS IN: FAIRBANKS FBX

1 MR.	BRIAN BRUBAKER	COAL.STUD.LEADER TSYF. HB 506
	PO BOX 84791	FAIRBANKS AK 99708 (907)474-9052
2 MR.	NICHOLAS ABRAMCZYK	ASUAF TSYF. HB 506
	PO BOX 99775	FAIRBANKS AK 99775 (907)474-5156

PARTICIPANTS IN: HOMER LTC HOM

1 MRS.	MILDRED MARTIN	OBSV. HB 356
	PO BOX 2652	HOMER AK 99603 (907)235-6652
2 MS.	BRENDA STEENBLOK	SENIOR CITIZENS OBSV. HB 356
	3935 SVEDLUND ST	HOMER AK 99603 (907)235-7675

PARTICIPANTS IN: JUNEAU JNU

1	TO	OBSERVE	OBSV. ALL ITEMS
2	TO	OBSERVE	OBSV. ALL ITEMS
3	TO	OBSERVE	OBSV. ALL ITEMS
4	TO	OBSERVE	OBSV. ALL ITEMS
5	TO	OBSERVE	OBSV. ALL ITEMS
6	TO	OBSERVE	OBSV. ALL ITEMS
7	TO	OBSERVE	OBSV. ALL ITEMS
8	TO	OBSERVE	OBSV. ALL ITEMS
9	TO	TESTIFY	TSFY. ALL ITEMS
10	TO	TESTIFY	TSFY. ALL ITEMS
11	TO	TESTIFY	TSFY. ALL ITEMS

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03/11/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 02
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ICN: 40411 DATE & TIME: 03/03/94 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN: JUNEAU

JNU

13	TO	TESTIFY	TSFY. ALL ITEMS
14	TO	TESTIFY	TSFY. ALL ITEMS
15	TO	TESTIFY	TSFY. ALL ITEMS
16	TO	TESTIFY	TSFY. ALL ITEMS
17	TO	TESTIFY	TSFY. ALL ITEMS
18	TO	TESTIFY	TSFY. ALL ITEMS
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23	TO	TESTIFY	TSFY. ALL ITEMS
24	TO	TESTIFY	TSFY. ALL ITEMS
25	TO	TESTIFY	TSFY. ALL ITEMS
26	TO	TESTIFY	TSFY. ALL ITEMS
27	TO	TESTIFY	TSFY. ALL ITEMS
28	TO	TESTIFY	TSFY. ALL ITEMS

PARTICIPANTS IN: NAISU

HAT

1 MR	ERNEST	LINE	TSFY. HB 356
	2654 WHISPERING WOODS DR	WASILLA	AK 99645 (907)376-6709

PARTICIPANTS IN: PETERSBURG

PSG

1 MS	SANDY	TACKETT	PSG GEN HOSPITAL	TSFY. HB 356
	P.O. BOX 589		PETERSBURG	AK 99833 (907)772-4291
2 MRS.	FLORENCE	LEROY		OBSV. HB 356
	P.O. BOX 313		PETERSBURG	AK 99833 (907)772-3200

PARTICIPANTS IN: SEWARD

SEW

1 MS.	JULIE	RENWICK	WESLEY REHAB	TSFY. HB 356
	PO BOX 1066		SEWARD	AK 99664 (907)224-5241
2 MS.	BARBARA	BLACKWELL	R.N. WESLEY REHAB	OBSV. HB 356
	PO BOX 1541		SEWARD	AK 99664 (907)224-8613
3 MS.	JOAN	CLEMENS	R.N. WESLEY REHAB	OBSV. HB 356
	PO BOX 1345		SEWARD	AK 99664 (907)224-3674
4	MARJORIE	MCLEOD	DOWNNEY R.N. SEWARD HOSPITAL	OBSV. HB 356
	PO BOX 365		SEWARD	AK 99664 (907)224-5205
5	DOREEN	BOOTH	SEWARD HOSPITAL	OBSV. HB 356
	PO BOX 365		SEWARD	AK 99664 (907)224-5205
6	LINDA	SWENSON	RN SEWARD HOSPITAL	TSFY. HB 356
	PO BOX 365		SEWARD	AK 99664 (907)224-5205
7 MS.	ELLF.	O'BRIEN	SEWARD HOSPITAL	OBSV. HB 356
	PO BOX 365		SEWARD	AK 99664 (907)224-5205
8 MS.	DITA	DEBOER	RBHC	OBSV. HB 356
	PO BOX 1526		SEWARD	AK 99664 (907)224-3181
9 MR.	RICHARD	JONES	(DIRECTOR) SGH RBHC WR&CC	TSFY. HB 356
	PO BOX 361		SEWARD	AK 99664 (907)224-5241
10	DOROTHY	LOCKE	SPRING CREEK CC	OBSV. HB 356
	BOX 2109		SEWARD	AK 99664 (907)224-8200
11	ANN	WHITMORE	-PAINTER WRCC	OBSV. HB 356
	PO BOX 516		MOOSE PASS	AK 99631 (907)288-3143

PARTICIPANTS IN: SITKA

SIT

1	NANCY	ILSTER	SEARHC	TSFY. HB 356
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03/11/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 03
11:45:58

TEN: 40411 DATE & TIME: 03/03/94 15:00 TO 17:00 STATUS: 7 STATE: IN

PARTICIPANTS IN: SITKA
2 322 TONGASS SITKA AK 99835 (907)966-8413
ANDREA PAIGE ADAMS UAS/SITKA TSFY, HB 506
6-B LIFESAVER DRIVE SITKA AK 99835 (907)966-7244

PARTICIPANTS IN: KEN/SOL
1 MS. LINDA KRISTENSEN SOL CPC-FORGETMENDT OBSV, HB 35A
905 COOK AVE, STE. 9 KENAI AK 99611 (907)283-7294

PARTICIPANTS IN: OFFNET 1
1 CRAIG LEWIS IZZ OF1 TSFY, HB 356
FAIRBANKS AK (907)456-3478



Alaska State Legislature

House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE: 3/2/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:
* HB 340: NO FOREIGNERS FOR LEAD & SEX OFFENDERS
* HB 337: DRUG FREE RECREATION AND YOUTH CENTERS
* HJR 52: INCREASE IN FEDERAL MEDICARE FUNDING
* INDIANAS FIRST PUBLIC HEARING

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Audene Ewing ✓	SELF	203 W 3rd B Juneau AK	99801	586-2231	465-3205	(Y)	N	HB 340
Gerald W. Bailey ✓	GHS	5597 A. sek Juneau, AK	99801	780-4338	780-4338	(Y)	N	HB 340
Cindy Smith ✓	NETWORK on Am. Violence	#130 Seward H 501	99801	4633350	5863250	(Y)	N	340
Diane Schenker ✓	DOC	2200 E. 42nd Ave. Anch. AK	99508		561-4424 465-4643	(Y)	N	HB 340
Caren Thomson ✓		PO Box 33702 Juneau, AK 99803		586-1101	Summe	(Y)	N	HB 340
Kim Burch ✓	DHSS	AOB Juneau		465-3355	→	(Y)	N	HJR 52
Jayne Anderson ✓	CDVSA	Box 117200 Juneau	99811		465-4356	(Y)	N	HB 340
						Y	N	
						Y	N	
						Y	N	
						Y	N	



Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

SUBJECT OF MEETING:

DATE: 3-2-94

PLACE: Capito! Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
SHERIE GOLL	Alaska Womens Lobby	P.O. box 22156 Juneau	99802		463-6744	<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 340
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	

8-LS1373E
Luckhaupt
1/25/94

CS FOR HOUSE BILL NO. 337()

IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES NORDLUND, Porter, Finkelstein, Martin, Brown, Ulmer, Brice, Hudson, Menard, Sitton, Navarre, Davies, Phillips, B.Davis, Green, Nicholia

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the possession of controlled substances within 500 feet of
2 recreation and youth centers; and permitting municipalities to install drug-free
3 recreation and youth center zone signs."

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

5 * Section 1. AS 11.71.030(a) is amended to read:

6 (a) Except as authorized in AS 17.30, a person commits the crime of
7 misconduct involving a controlled substance in the third degree if the person

8 (1) manufactures or delivers any amount of a schedule IIA or IIIA
9 controlled substance or possesses any amount of a schedule IIA or IIIA controlled
10 substance with intent to manufacture or deliver;

11 (2) delivers any amount of a schedule IVA, VA, or VIA controlled
12 substance to a person under 19 years of age who is at least three years younger than
13 the person delivering the substance; or

14 (3) possesses any amount of a schedule IA or IIA controlled substance

1 (A) with reckless disregard that the possession occurs
 2 (i) on or within 500 feet of school grounds; or
 3 (ii) at or within 500 feet of a recreation or youth
 4 center; or

5 (B) on a school bus.

6 * Sec. 2. AS 11.71.030(b) is amended to read:

7 (b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section
 8 that the prohibited conduct took place entirely within a private residence located within
 9 500 feet of the school grounds or recreation or youth center, and that the prohibited
 10 conduct did not involve distributing, dispensing, or possessing with the intent to
 11 distribute or dispense a controlled substance for profit. Nothing in this subsection
 12 precludes a prosecution under any other provision of this section or any other section
 13 of this chapter.

14 * Sec. 3. AS 11.71.040(a) is amended to read:

15 (a) Except as authorized in AS 17.30, a person commits the crime of
 16 misconduct involving a controlled substance in the fourth degree if the person

17 (1) manufactures or delivers any amount of a schedule IVA or VA
 18 controlled substance or possesses any amount of a schedule IVA or VA controlled
 19 substance with intent to manufacture or deliver;

20 (2) manufactures or delivers, or possesses with the intent to
 21 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
 22 of an aggregate weight of one ounce or more containing a schedule VIA controlled
 23 substance;

24 (3) possesses

25 (A) any amount of a schedule IA or IIA controlled substance;

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

28 (C) one or more preparations, compounds, mixtures, or
 29 substances of an aggregate weight of three grams or more containing a
 30 schedule IIIA or IVA controlled substance;

31 (D) 50 or more tablets, ampules, or syrettes containing a

1 schedule VA controlled substance;

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

5 (F) one or more preparations, compounds, mixtures, or
6 substances of an aggregate weight of one pound or more containing a schedule
7 VIA controlled substance;

8 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

9 (A) with reckless disregard that the possession occurs

10 (i) on or within 500 feet of school grounds; or

11 (ii) at or within 500 feet of a recreation or youth

12 center; or

13 (B) on a school bus;

14 (5) knowingly keeps or maintains any store, shop, warehouse, dwelling,
15 building, vehicle, boat, aircraft, or other structure or place which is used for keeping
16 or distributing controlled substances in violation of a felony offense under this chapter
17 or AS 17.30;

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

22 (7) knowingly uses in the course of the manufacture or distribution of
23 a controlled substance a registration number which is fictitious, revoked, suspended,
24 or issued to another person;

25 (8) knowingly furnishes false or fraudulent information in or omits
26 material information from any application, report, record, or other document required
27 to be kept or filed under AS 17.30;

28 (9) obtains possession of a controlled substance by misrepresentation,
29 fraud, forgery, deception or subterfuge; or

30 (10) affixes a false or forged label to a package or other container
31 containing any controlled substance.

1 * Sec. 4. AS 11.71.040(b) is amended to read:

2 (b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section
3 that the prohibited conduct took place entirely within a private residence located within
4 500 feet of the school grounds or recreation or youth center. Nothing in this
5 subsection precludes a prosecution under any other provision of this section or any
6 other section of this chapter.

7 * Sec. 5. AS 11.71.900 is amended by adding a new paragraph to read:

8 (30) "recreation or youth center" means a building, structure, athletic
9 playing field, or playground operated by a municipality or the state to provide athletic,
10 recreational, or leisure activities for minors.

11 * Sec. 6. AS 28.01.010(d) is amended to read:

12 (d) A municipality shall erect necessary official traffic control devices on
13 streets and highways within its jurisdiction that as far as practicable conform to the
14 current edition of the Alaska Traffic Manual prepared by the Department of
15 Transportation and Public Facilities. The municipality

16 (1) shall post a sign indicating that the school is a "drug-free school
17 zone" at each location in which it has installed a sign identifying the location of a
18 school;

19 (2) may post a sign at each recreation or youth center indicating
20 that the center is a "drug-free recreation or youth center zone"; in this
21 paragraph, "recreation or youth center" has the meaning given in AS 11.71.900.

716 W. FOURTH AVE.
ANCHORAGE, ALASKA 99501-2133
258-8191

WHILE IN SESSION:
ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
465-4968

Alaska State Legislature
House of Representatives



DISTRICT 11:
SAND LAKE
SPENARD
TAKU-CAMPBELL

Representative Jim Nordlund

SECTIONAL ANALYSIS

CSHB 337

- Section 1. Amends AS 11.71.030(a)(3) by providing that it is illegal to possess any amount of a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center.
- Section 2. Amends AS 11.71.030(b) to provide that it is an affirmative defense to a prosecution for possessing a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center and that the possession did not involve distributing, dispensing, or possessing with the intent to sell.
- Section 3. Amends AS 11.71.040(a)(4) to make it illegal to possess a schedule IIIA, IVA, VA, VIA controlled substance at or within 500 feet of a recreation or youth center.
- Section 4. Amends AS 11.71.040(b) to make it an affirmative defense to a prosecution for possessing a schedule IIIA, IVA, VA, or VIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center.
- Section 5. Defines "recreation or youth center."
- Section 6. Amends AS 28.01.010(d) by providing a new paragraph that allows municipalities to post "drug-free recreation and youth center zone" signs.

FISCAL NOTE

Work Draft

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 337 ()

Dated 1/25/94

Revision Date: January 27, 1994
Title: "... relating to the possession of controlled substances within 500 feet of recreation and youth centers."
Sponsor: Representative Nordlund
Requestor: Representative Nordlund

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE						
---------------------	--	--	--	--	--	--

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services Division

Phone: 465-3672

Date: January 27, 1994

Approved by Commissioner: Bruce M. Borelho, Attorney General

Agency: Department of Law

Date: January 27, 1994

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Work Draft
BILL NO. CSHB 337 ()
Dated 1/25/94

ANALYSIS CONTINUATION:

The work draft CS for HB 337 adds a definition for "recreation or youth center" to mean a building, structure, athletic playing field, or playground operated by a municipality on the state to provide athletic, recreational, or leisure activities for minors. As previously stated, the bill amends AS 11.71 to increase the penalty for possession of a controlled substance within 500 feet of a recreation or youth center. This increased penalty provision is already the law for possession within 500 feet of school grounds. We do not believe the bill will have a fiscal impact because the number of cases involving possession of a controlled substance under current law is not significant and, extension of "Drug Free" zones to include recreation and youth centers, will not add any new significant workload.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 337

Revision Date: January 14, 1994

Department Affected: Department of Law

Title: "...relating to the possession of controlled substances within 500 feet of recreation and youth centers."

BRU: Prosecution

Sponsor: Representative Nordlund

Component: All

Requestor: Representative Nordlund

COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	****	****	****	****	****	****

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	****	****	****	****	****	****

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services Division

Phone: 465-3672
Date: January 14, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Date: January 14, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 337

ANALYSIS CONTINUATION:

This bill amends AS 11.71 to extend the current prohibitions and penalties for possession of a controlled substance within 500 feet of school grounds to also include prohibiting possession of a controlled substance within 500 feet of a recreation or youth center. These latter terms have not been defined in the bill and could be interpreted somewhat broadly unless their meaning is clearly spelled out. For this reason, we are unable to determine whether there will be a fiscal impact. Department of Law staff is available to help clarify this issue.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 337

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the possession BRU: All
of controlled substances... Component: All
 Sponsor: Rep. Nordlund
 Requestor: House HESS COMPONENT SERIAL NO. 694-1884

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004-GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of net current year (FY94) cost: \$ 0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant *D. Sch* Phone: 65-4643/786-2147
 Division: Office of the Commissioner Date: 2/8/94
 Approved by Commissioner: J. Frank Prewitt, Jr. *J. Prewitt* Date: 2/8/94
 Agency: Department of Corrections

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The bill would increase the severity, and thus length of sentence, for certain drug crimes if committed in proximity to recreation and youth centers. A class C felony (MICS IV) would become a class B felony (MICS III), and a class A misdemeanor (MICS V) would become a class C felony (MICS IV) if certain controlled substances were possessed within 500 feet of a youth or recreational center.

Assumptions

1. It is assumed that the effect of this measure might be similar to the effect of increasing the severity of MICS offenses which are committed in the proximity of schools, as provided under current law. The department was unable to locate any meaningful data on the frequency with which these offenses occur or their impact on the incarcerated or probation/parole populations. Only data on the actual offense category is available, which does not include the specific elements of the offense, such as proximity to a school. Therefore, the department contacted several law enforcement agencies/personnel and one prosecutor and asked how frequently such offenses occur. A district attorney informed the department that one such case occurred in the two years he was in that position. Three police officers stated such offenses occur "almost never." One police agency reported an average of 5.5 arrests near schools within the past four years. The department does not have the research resources needed to find out how this would correlate with actual convictions and sentences, so no conclusion could be drawn. Based upon this small amount of information, the department assumes that the behaviors described in the bill will "almost never" result in raising the severity of an offense from one category to another, and thus will not impact incarcerated or probation/parole populations.
2. In a profile of the incarcerated population on June 30, 1993, there were 41 inmates incarcerated for MICS IV and 75 incarcerated for MICS III. There were 96 inmates actually sentenced for MICS IV during 1992, and 119 sentenced for MICS III. In the June profile, there were 211 offenders under probation or parole supervision for MICS IV and 346 offenders being supervised for MICS III. Any increase in sentence length, or movement from misdemeanor to felony level which might result from this bill would seriously impact the department, given the number of cases involved. (Misdemeanor cases are not supervised by the department when placed on probation.)
3. If the department obtains any information contradicting the "almost never" incidence rate assumed above, the fiscal note will be revised to reflect an increase in prisoner-days (\$113/day) and probation/parole-days (\$6/day), as well as any capital funds necessary to expand correctional bedspace, based upon the numbers of current MICS III and IV cases under the department's custody on June 30, 1993.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: HB 337

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to possession of controlled substances within five hundred feet of youth centers" BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Nordlund
 Requestor: Representative Nordlund COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

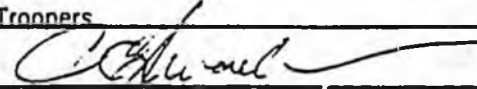
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact upon the Alaska State Troopers anticipated.

Prepared By: Francis C. Allan Phone: (907) 269-5691
 Division: Alaska State Troopers Date: 01/12/94
 Approved by Commissioner:  Date: 01/24/94
 Agency: Richard L. Burton, Dept. of Public Safety

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PUBLIC SAFETY - TROOPERS - ZERO FISCAL NOTE

716 W. FOURTH AVE.
ANCHORAGE, ALASKA 99501-2133
258-8191

WHILE IN SESSION:
ALASKA STATE CAPITOL
JUNE 11, 1980-1182
5-4968

Alaska State Legislature
House of Representatives



DISTRICT 11:
SAND LAKE
SPENARD
TAKU-CAMPBELL

Representative Jim Nordlund

SPONSOR STATEMENT

House Bill 337 takes the idea of "Drug-Free School Zones" and expands it to include the areas around "recreation and youth centers." This includes buildings, structures, playgrounds and athletic playing fields. The legislation stiffens the penalties on people who possess drugs where children go to play.

Criminal justice, education and substance abuse prevention leaders agree that the best resolution to the current drug epidemic lies in reducing the demand for illegal drugs, particularly among youth. The reason we create neighborhood playgrounds and recreation centers is to provide healthy alternatives for our citizens. Children and adults should not be intimidated by people who push or possess illegal substances in these areas.

Under HB 337, if a person is caught with drugs within 500 feet of a recreation or youth center, they will be charged with either misconduct involving a controlled substance in the third degree or the fourth degree, depending on the nature of the drug. Both of these are felony charges. Current statutes provide for only misconduct involving a controlled substance in the fourth degree or fifth degree (a misdemeanor). The proposed penalties are the same as current statutes for "Drug-Free School Zones."

Anchorage Police Chief Kevin O'Leary says the area around recreation and youth centers are a fertile ground for those who promote and sell drugs to our children. Officer Patrick O'Brien, a police/school liaison officer, says the parking lot of the Fairview Recreation Center is the site of a huge drug trade. The director of Spenard Recreation Center says the local drug dealer lives across the street. We must give law enforcement officials additional weapons to stop this illegal activity.

716 W. FOURTH AVE.
ANCHORAGE, ALASKA 99501-2133
258-8191

WHILE IN SESSION:
ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
465-4968

Alaska State Legislature
House of Representatives



DISTRICT 11:
SAND LAKE
SPENARD
TAKU-CAMPBELL

Representative Jim Nordlund

SECTIONAL ANALYSIS

- Section 1. Amends AS 11.71.030(a)(3) by providing that it is illegal to possess any amount of a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center.
- Section 2. Amends AS 11.71.030(b) to provide that it is an affirmative defense to a prosecution for possessing a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center and that the possession did not involve distributing, dispensing, or possessing with the intent to sell.
- Section 3. Amends AS 11.71.040(a)(4) to make it illegal to possess a schedule IIIA, IVA, VA, VIA controlled substance at or within 500 feet of a recreation or youth center.
- Section 4. Amends AS 11.71.040(b) to make it an affirmative defense to a prosecution for possessing a schedule IIIA, IVA, VA, or VIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center.
- Section 5. Defines "recreation or youth center."

BILL NO: HB 337

DATE: January 24, 1994

TITLE: "An Act relating to the possession of controlled substance within 500 ft. of a recreation or youth center"


CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

HB 337 includes recreation centers and youth center in the controlled substance statutes that currently outline violations of controlled substances when they take place within five hundred feet of a school grounds.

This bill adequately and logically places these locations, recreation centers and youth centers, within the same category as schools for being drug free zones.

This bill has low impact on the Alaska State Troopers as it is consistent with current enforcement policies and creates no additional work but does create potentially an additional charge for persons caught with controlled substances near these locations.

The Department of Public Safety supports this legislation as it is consistent with a strong enforcement attitude and the Division's goals of controlling distribution of controlled substances.



Richard L. Burton
Commissioner

POSITION PAPER - Department of Public Safety



Tom Fink, Mayor

ANCHORAGE POLICE DEPARTMENT

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



Service since 1921

1/18/94

Representative Jim Nordlund
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Nordlund:

I have received a copy of your proposed legislation, House Bill 337, which widens the scope of areas designated as drug-free zones. As you have already found through your meeting with Officer O'Brien, the areas around recreation and youth centers are indeed fertile ground for those who promote and sell drugs to our children. The fact that you have included buildings, playgrounds and athletic fields in the bill enhances the effectiveness of this important legislation.

The Anchorage Police Department, in cooperation with the School District, does its very best to protect our youth from drugs by education, counseling, and by vigilance in and near schools. However, it is time to attack the drug problem on as many fronts as possible. We enthusiastically support HB 337 and its goals to eradicate drugs from any area where children may be present, and to severely punish those who would possess, use, promote or sell controlled substances near our children.

Sincerely,

Kevin M. O'Leary
Chief of Police

Alaska Recreation and Park Association

P.O. Box 102664
Anchorage, Alaska 99510-2664

February 17, 1994

Representative Jim Nordlund
Alaska State Capitol
Juneau, Alaska 99801-1182

Rep. Nordlund:

Thank you for your sponsorship of House Bill No. 337 and for sharing a copy of this proposed legislation with me. After studying the bill this week, asking for opinions from my membership and then sharing it with my own city Police Chief for his comment, I believe HB337 will greatly benefit communities throughout our state and will assist the goals of the Alaska Recreation and Park Association (ARPA).

Not only does HB337 clear up current law and make it more enforceable, but it extends stiffer penalties for possession of controlled substances to include zones where young people play and recreate, as well as where they attend school. It is an unfortunate fact of life that drugs are available and readily accessible throughout our state, but we should not tolerate this condition and should take steps like HB337 to "say no to drugs" and to drug dealers.

ARPA believes recreation and play should be a positive experience. We support HB337 and other efforts like it that would help say "NO!" to those who would enter our parks, play areas and recreation centers to ruin that positive experience and to potentially ruin the lives of those we serve.

Please feel free to contact me at any time regarding this issue or any other involving recreation and parks, and I thank you for your fine efforts.

Sincerely,



William J. Musson, President
Alaska Recreation and Park Association

cc: ARPA Board of Directors



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

Founded 1962

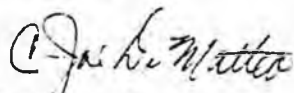
February 14, 1994

Representative Jim Nordlund
House of Representatives
State Capitol, Room 426
Juneau, AK 99801-1182

Dear Representative Nordlund:

This letter is in support of House Bill 337. It seems logical to me that any area where young people gather we have a responsibility as a community to protect them as much as possible. This bill sends that kind of message. It also gives the police the authority to take action if these violations occur. Substance use and abuse have been on the decline for the past few years, however when it comes to young people that's still the area where most problems are occurring. So anything that can continue to assist this problem from rising again we should support. These areas where young people gather are most vulnerable for this kind of activity. We have to let the young people know that we are working in their best interest. I am very grateful for this legislation it proves to me that you and your colleagues are very concerned about the teenagers of our communities. Prevention is the only hope we have for the future. Best of luck with this bill.

Sincerely,



Joseph DiMatteo
Executive Director

/JDM

Municipality of Anchorage



PARKS AND RECREATION

P. O. BOX 196650
ANCHORAGE, ALASKA 99519-6650

TOM FINK
MAYOR

Representative Jim Nordlund
Alaska State Capitol
Juneau, AK 99801
February 18, 1994

Letter of Support for House Bill No. 337

As Director of the Spenard Community Recreation Center and speaking from a youth oriented perspective, I support House Bill No. 337. Having read the bill I believe that setting up drug free zones for youth and recreation centers will greatly benefit not only the Spenard Community Recreation Center, but similar areas across the state. The bill will benefit the youth of the community and hopefully prevent any problems with controlled substances.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Perrin". The signature is written in dark ink and is positioned above the typed name.

Sharon Perrin, Director
Spenard Community Recreation Center

CORRECTION

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

Municipality of Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650

TOM FINK
MAYOR

PARKS AND RECREATION

Representative Jim Nordlund
Alaska State Capitol
Juneau, AK 99801
February 18, 1994

Letter of Support for House Bill No 337

As Director of the Spenard Community Recreation Center and speaking from a youth oriented perspective, I support House Bill No. 337. Having read the bill I believe that setting up drug free zones for youth and recreation centers will greatly benefit not only the Spenard Community Recreation Center, but similar areas across the state. The bill will benefit the youth of the community and hopefully prevent any problems with controlled substances.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Perrin". The signature is written in dark ink and is positioned above the printed name.

Sharon Perrin, Director
Spenard Community Recreation Center

ANCHORAGE POLICE DEPARTMENT EMPLOYEES ASSOCIATION

4501 South Bragaw Street

Anchorage, Alaska 99507-1599

Representative Jim Nordlund
Alaska State Legislature
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

February 3, 1994

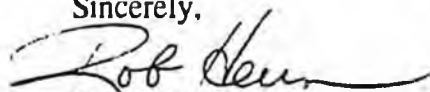
Dear Representative Nordlund:

The Anchorage Police Department Employees Association strongly endorses House Bill 337. The Association feels that youth and recreation centers should be drug free zones that offer families and children recreational opportunities free of infringements from street predators.

Recognizing that the expanded wording in this statute is the first step toward aggressive, proactive enforcement, the A.P.D.E.A. encourages all legislators to support HB 337. This will send a clear message throughout the state's criminal justice system that this legislature means business by targeting specific elements of the criminal community who have blatantly and deviously infringed on areas which should be oases of childhood innocence and strongholds of wholesome family activities.

The represented employees of the A.P.D.E.A. stand firm in our support of HB 337 and commend your efforts pertaining to this issue.

Sincerely,



Sgt. Rob Heun
President, A.P.D.E.A.

Municipality
of
Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650

TOM FINK
MAYOR

DEPARTMENT OF CULTURAL AND RECREATIONAL SERVICES

February 21, 1994

Representative Jim Nordlund
Alaska State Legislature
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Nordlund:

I am writing to support the bill you have introduced which relates to the possession of controlled substances within 500 feet of recreation and youth centers. We agree with your move to add recreation and youth centers to the list of locations in which such activity will be considered a criminal offense.

As with schools and school buses, recreation centers are gathering places for our youth. We are concerned that the recreation centers operated by this department remain places that youth can use without fear of encountering drug use or sales. I am also aware that this legislation will cover other athletic fields and playgrounds under our supervision and I certainly support this inclusion as well.

I hope the legislation is successful and I applaud your efforts in bringing it forward.

Sincerely,

A handwritten signature in cursive script that reads "Connie Jones".

Connie Jones, Director
Cultural and Recreational Services

CRJ/csj

H B

3 3 9

HOUSE COMMITTEE REPORT

(9)

Date Referred: January 10, 1994

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 2/16/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 339

HOUSE BILL NO. 339

NO CENSORSHIP: AMERICAN HISTORY DOCUMENTS

"An Act relating to the use in public schools of historical documents without alteration or removal of religious or secular references when the references are a part of the text of the document; providing that the use of historical documents does not constitute the advocacy of partisan, sectarian, or denominational doctrine; and providing that public school teachers and administrators may not be disciplined or otherwise acted against for using historical documents; requiring the Department of Education to distribute copies of the law; and providing for an effective date."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[X] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

[] fiscal impact _____

[] fiscal note(s) _____

[X] zero fiscal note DOE

[] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>		<i>[Signature]</i>	X		
<i>[Signature]</i>		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	

[Signature]
 CHAIRMAN'S SIGNATURE

BILL HB 339 DATE 2/16/94
 TAPE 94-16, SIDE A NUMBER 053
 SUBJECT OF VOTE PASS HB 339 OUT OF COMMITTEE

MEMBER	YEA	NAY	ABS
Rep. Pete Kott	X	—	—
Rep. Harley Olberg	—	—	—
Rep. Bettye Davis	—	—	—
Rep. Irene Nicholia	—	—	—
Rep. Tom Brice	X	—	—
Rep. Cynthia Toohey	—	X	—
Rep. Con Bunde	X	—	—
Rep. Gary Davis	X	—	—
Rep. Al Vezey	X	—	—
TOTAL	5	1	—

+++++

BILL _____ DATE _____
 TAPE 94- _____ NUMBER _____
 SUBJECT OF VOTE _____

MEMBER	YEA	NAY	ABS
Rep. Harley Olberg	—	—	—
Rep. Bettye Davis	—	—	—
Rep. Irene Nicholia	—	—	—
Rep. Tom Brice	—	—	—
Rep. Cynthia Toohey	—	—	—
Rep. Con Bunde	—	—	—
Rep. Gary Davis	—	—	—
Rep. Al Vezey	—	—	—
Rep. Pete Kott	—	—	—
TOTAL	—	—	—

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 339

1994 LEGISLATIVE SESSION

Revision Date: January 13, 1994

Department Affected: Department of Education

Title: An Act relating to the use in public schools of

BRU: Education Program Support

historical documents

Component: Basic Education and Instructional

Sponsor: Representative Kott

Improvement

Requestor: Representative Kott

COMPONENT SERIAL NO. 171

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

The required distribution of this Act can be accomplished through the department's regular mailings to school district superintendents.

Prepared by: Sheila Peterson

Phone: 465-2803

Division: Commissioner's Office

Date: January 13, 1994

Approved by Commissioner: *Paul Mahan*

Jerry Covey

Agency: Education

Date: January 13, 1994

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Alaska State Legislature
House of Representatives

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9843 CHICHAGOF LOOP
EAGLE RIVER, AK 99577
PHONE (907) 694-7943

DURING SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

SPONSOR STATEMENT

HB 339 – Relating to the Use of Historical Documents

The proposed bill relating to the use of historical documents in public schools is enabling legislation. It is best described as an academic freedom measure. It clarifies that original source documents of American history may be used to teach children about American history in our schools regardless of their content—even though that content may, at times, be explicitly religious.

The establishment clause in both the federal and Alaska constitutions was not intended to hinder children's knowledge of the role of religion in the life of our state and nation. The Supreme Court of the United States affirmed this in *Abington v. Schempp* and other decisions. Yet the history textbooks now used in our schools often omit religious references in relating the history of our country. Also, teachers and administrators are sometimes hesitant to use documents such as the Mayflower Compact for fear of violating the constitutional and statutory prohibitions against advocating religious belief.

The legislature has a duty to ensure that an atmosphere of academic freedom prevails in our public schools and that an anti-religious bias does not develop to hinder school children's understanding of their regional and national heritage. HB 339 will protect teachers who supplement their history classes with primary source documents. HB 339 will allow students to be exposed more broadly to the primary source material for United States history.



HB 339
SECTIONAL ANALYSIS

"An Act relating to the use in public schools of historical documents without alteration or removal of religious or secular references when the references are a part of the text of the document; providing that the use of historical documents does not constitute the advocacy of partisan, sectarian, or denominational doctrine; and providing that public school teachers and administrators may not be disciplined or otherwise acted against for using historical documents; requiring the Department of Education to distribute copies of the law; and providing for an effective date."

Section 1.

Adds new section to AS 14.03 as follows:

AS 14.03.095

(a) Affirms that a school teacher or administrator may use a historical document of a state or the United States as a part of the school curriculum. Further provides that such a document may not be altered to censure the religious or secular content of the document.

(b) Provides that the use of a historical document may not be grounds for an alleged violation of AS 14.03.090 which prohibits the advocacy of a partisan, sectarian, or denominational doctrine.

(c) Prohibits disciplinary action against a teacher or administrator who uses a historical document as provided in subsection (a).

(d) Provides a partial, exemplary listing of historical documents.

Section 2.

Provides that the Department of Education shall distribute copies of the law to schools, school districts and REAAs.

Section 3.

Provides that the Act takes effect on July 4, 1994.

Sec. 14.03.090. Sectarian or denominational doctrines prohibited. Partisan, sectarian, or denominational doctrines may not be advocated in a public school during the hours the school is in session. A teacher or school board violating this section may not receive public money. (§ 1 ch 98 SLA 1966)

Opinions of attorney general. — Although public school teachers may teach about various religions as part of the curriculum in public schools, they may not advocate a particular religious view or teach that a particular religious view is true or false. The Professional Training Practices Commission has jurisdiction to hear complaints about the inappropriate advocacy of personal religious views in

the classroom, and to take appropriate disciplinary action if the complaints are justified. Sept. 15, 1988 Op. Att'y Gen.

Collateral references. — What constitutes "prayer" under federal constitutional prohibition of prayer in public schools. 30 ALR3d 1352.

Constitutionality of teaching or otherwise promoting secular humanism in public schools. 103 ALR Fed 538.

Background Paper
HB 339 NO CENSORSHIP:
AMERICAN HISTORY DOCUMENTS

The establishment clause in the First Amendment to the United States constitution which provided the model for Article I, section 4 of Alaska's constitution, was not intended to hinder children's knowledge of the role of religion in the life of our state and nation. The Supreme Court of the United States affirmed this in *Abington v. Schempp*, 374 US 203.

Justice Clark, in the opinion of the Court, wrote:

We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe" (374 US at 225).

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect is to oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment (374 US at 226).

Justice Brennan, in a separate concurring opinion, wrote:

The holding of the Court today plainly does not foreclose teaching *about* the Holy Scriptures or about the differences between religious sects in classes in literature or history. Indeed, whether or not the Bible is involved, it would be impossible to teach meaningfully many subjects in the social sciences or the humanities without some mention of religion. . . . Any attempt to impose rigid limits upon the mention of God or references to the Bible in the classroom would be fraught with dangers (374 US at 300).

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THE MAYFLOWER COMPACT

(1620)

[From the History of Plymouth Plantation by William Bradford (1590-1657),
second governor of Plymouth.]

IN the name of God, Amen. We, whose names are underwritten, the loyal subjects of our dread sovereigne Lord, King James, by the grace of God, of Great Britaine, France, and Ireland king, defender of the faith, etc., having undertaken, for the glory of God, and advancement of the Christian faith, and honour of our king and country, a voyage to plant the first colony in the Northerne parts of Virginia, doe, by these presents, solemnly and mutually in the presence of God, and one of another, covenant and combine ourselves together into a civill body politick, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enacte, constitute, and frame such just and equall laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meete and convenient for the generall good of the Colonie unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names at Cap-Codd the 11. of November, in the year of the raigne of our sovereigne lord, King James, of England, France, and Ireland, the eighteenth, and of Scotland the fiftie-fourth. Anno. Dom. 1620.

THIS, THEN, is the condition of the world and the nation the last two weeks of April, 1789. Imagine yourself, if you will, as a thoughtful Washington, sitting down in your quiet study at Mount Vernon to prepare an address you must deliver April 30th in New York City. Although you have been almost as adept with the pen as with the sword, still it comes hard, this address, and during the trip from Mount Vernon to New York with wildly cheering crowds along the way you cannot help but feel uneasy over its reception. Indeed, when you reach New York you discard your original address, and with the aid of James Madison prepare a much shorter message. After the oath of office has been administered to you by Chancellor Robert R. Livingston of New York on the balcony of Federal Hall you listen to the thirteen-gun salute from the harbor as the Stars and Stripes are raised, acknowledge the adulation of the crowd, and retire to the Senate Chamber, where you take your seat until the Chamber has settled down. Now the entire Chamber looks toward you as you stand, settle your dark brown coat on your shoulders, adjust your spectacles nervously, and begin to speak in a low voice the words you have so painstakingly rewritten . . .

George Washington

[1789-1793]

FIRST INAUGURAL ADDRESS, APRIL 30, 1789

Federal Hall, New York, N.Y.

Fellow-Citizens of the Senate and of the House of Representatives:

Among the vicissitudes incident to life no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years—a retreat which was rendered every day more necessary as well as more dear to me by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who (inheriting inferior endowments from nature and unpracticed in the duties of civil administration) ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions all I dare aver is that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which mislead me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe,

Washington was 6'2" tall and weighed 200 pounds. Now, however, at 57 the strain of long years at war was beginning to tell on him—as he briefly mentioned in his opening remarks.

Washington foresaw the young nation's difficulties. He didn't feel quite so much at home in a statesman's role as president. He felt better as commander in chief. But he evidently believed that by appealing to his colleagues, he could eliminate a good deal of the internal friction that was even then becoming evident. This friction was eventually to cause the dissolution of the Federalist party, of which Washington was a member.

The thought in this passage would occur repeatedly throughout the addresses of Washington's successors, but would seldom be expressed with the eloquence commanded by Washington.

The "future blessings" to which Washington referred were soon lost sight of in the storm of party bickering that began as the new government was seated—a development of which Washington was evidently not insensible, judging by the appeal in the next segment of his address.

Washington here reverted the meat of his message: "party animosities." His was a blunt request to the members of Congress who would be directing affairs of government under his leadership. But this appeal was soon to be forgotten, as it became plain that the young government was stronger than even its creators suspected. Political office was found to offer unforeseen rewards besides those of "public prospect and felicity"—rewards for which no sacrifice was apparently too great for the ambitious.

In this passage, which begins with the words "the sacred fire of liberty," Washington's eloquence reached its peak.

who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united government the tranquil deliberations and voluntary consent of so many distinct communities from which the event has resulted can not be compared with the means by which most governments have been established without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject further than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications I behold the surest pledges that as on one side no local prejudices or attachments, no separate views nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests, so, on another, that the foundation of our national policy will be laid in the pure and immutable principles of private morality, and the preeminence of free government be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire, since there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained; and since the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as

deeply, as finally, staked on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that whilst you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen and a regard for the public harmony will sufficiently influence your deliberations on the question how far the former can be impregably fortified or the latter be safely and advantageously promoted.

To the foregoing observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed; and being still under the impressions which produced it, I must decline as inapplicable to myself any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department, and must accordingly pray that the pecuniary estimates for the station in which I am placed may during my continuance in it be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the Human Race in humble supplication that, since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so His divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this Government must depend.

In his reference to the fifth article of the Constitution, which provides for proposal of Constitutional amendments, Washington was attempting to divert rash action on the part of party hateras, to whom the Constitution was still an imperfect instrument. Federalist party leaders had stated their desire for Constitutional changes, and Washington was plainly displeased.

Here again Washington made an indirect yet nonetheless frank appeal to those who would make political office a means of excessive "personal emoluments."

At the close of his address Washington once more stressed a desire for "enlarged views . . . temperate consultations, and . . . wise measures" instead of acts of personal aggrandizement. A noble appeal, it fell on deaf ears—as Washington was soon to discover when ideals run headlong into reality.

ALASKA CONSTITUTIONAL CONVENTION

November 8, 1955

FIRST DAY

Processional

Presentation of the Colors

GOVERNOR B. FRANK HEINTZLEMAN: The hour appointed by the Alaska Territorial Legislature having arrived for the convening of the Alaska Constitutional Convention, I do accordingly, as Governor of this Territory, call the Convention to order. It is appropriate that those to whom so much has been entrusted by our voters call upon God for the guidance at the outset of their task. It is my privilege at this time to present the Reverend Roy Ahmoagak of Wainwright, Alaska, who will offer an invocatory prayer.

THE REVEREND ROY AHMOAGAK: Let us unite in prayer. Almighty and Everlasting God, who by Thy providence didst lead our forefathers to this good land wherein they found liberty and freedom to worship Thee, we beseech Thee ever to guide our nation in the way of Thy truth and peace so that we may never fail in the blessing which Thou has promised to that people whose God is the Lord. Grant, we beseech Thee, unto our Governor, and to those men who sit with him in authority, Thy gracious presence and blessing. Enlighten them with wisdom from above and especially in establishing our Constitution. May we ever seek to comply with Thy requirements, and what does the Lord require of you but "to do justice, and to love kindness, and to walk humbly with Thy God." Deliver us, our Father from error, pride and prejudice, and so order all these doings here that Thy kingdom may be advanced. Hear this our prayer, O God, and may what is accomplished in these meetings be in accordance with Thy Holy will. For we ask these things in the name of our Lord and Saviour Jesus Christ.

MCNEALY: I move, "RESOLVED that the reading of the certificate of election of the respective delegates be dispensed with and that the certificate of the Secretary of Alaska as to their election be accepted in lieu thereof.

FURTHER RESOLVED, that each delegate who has answered the roll call and whose name appears on the certificate of the Secretary of Alaska take and subscribe an oath or affirmation of office to be administered by the Honorable Vernon D. Forbes, Judge of the United States District Court of Alaska, Fourth Division, and that each delegate so sworn shall be deemed to have been duly seated." I ask unanimous consent.

GOVERNOR HEINTZLEMAN: I thank you. Without objection it is so ordered. Pursuant to the authority invested to me as Governor of the Territory, I would now like to appoint Mr. John B. Hall, Clerk of the Court, Fourth Division, to act as the

ALASKA CONSTITUTIONAL CONVENTION

November 9, 1955

SECOND DAY

PRESIDENT PRO-TEM, MILDRED HERMANN: The second session of the Alaska Constitutional Convention will come to order. We will have the roll call by the Secretary.

(Mr. John Hall called the roll.)

MR. HALL: Madam President, all fifty-five delegates are present excepting Frank Peratrovich who did not answer to his name.

MRS. HERMANN: This is the time and place set for a special order of business to hear an address by the keynote speaker for the Convention. I would like to appoint Mr. Hellenthal, Mr. Sundborg and Mrs. Nordale who will escort the speaker to the rostrum.

(Dr. Gruening was escorted to the rostrum at this time.)
(applause)

MRS. HERMANN: Before we proceed with the address, I shall ask the Reverend Londborg to give the invocation.

LONDBORG: Let us pray. Almighty God, for whom we move and have our being, we stand before you this moment with bowed heads and humble hearts, realizing the responsibility that is ours as citizens and servants of this great potential State of Alaska. As Delegates to this Constitutional Convention we are aware of the need for divine guidance and wisdom. It is our prayer that this document we have been delegated to prepare will be one that will provide for equal liberty and justice for all peoples of Alaska, one that will stand the test of time and posterity and above all one that will bring honor to Thy holy name. We pray for Thy guidance in all of our business, that it may be conducted in a true spirit of brotherly love as taught by Christ, in order that we may make the most of the opportunity and challenge that is ours. We would pray as Solomon of old, "O Lord God, give us now wisdom and knowledge to do the task we have been called to do, for who can do this task that is so great." In Thy Holy Name we pray. Amen.

MRS. HERMANN: Yesterday when I was elected to be your temporary president, I felt both proud and humble. I am a little bit afraid I might not know how to say the right thing at the right time, but very proud that the Convention itself had thought that I could. It was not until later in the afternoon that it penetrated my befuddled intelligence, which had been jolted into something of a coma by my unexpected election, that I had still another reason to be proud to be your temporary chairman. It gave me the opportunity to introduce the keynote

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ALASKA CONSTITUTIONAL CONVENTION

November 10, 1955

THIRD DAY

PRESIDENT EGAN: The Convention will come to order and the Secretary will call the roll. (10 a.m.)

(Mr. John Hall called the roll at this time.)

MR. JOHN HALL: Mr. President, I find that all delegates are present excepting Frank Peratrovich who has not yet appeared, sir.

PRESIDENT EGAN: A quorum is present. The Convention will please stand while Reverend Armstrong comes forward to give the daily invocation.

ARMSTRONG: Let us bow in prayer. Almighty Father, who hath placed in our hands the lives of our fellow Alaskans, bring us to this Convention as delegates in their behalf. Continue to bring Thy spirit of wisdom upon us. Thou dost know that we will differ from one another as we search for true precepts for the great land. Thou dost know how our voices will rise as champions of ideals we hold eternal. Father, keep the good pace of brotherhood within us as we have started on this journey, and impose Thy will when we fail to surrender. Depose wrong when it is bred in selfishness, anger and sectionalism, and O God, our Father, we pray Thee of all to be our constant guide. In Jesus' holy name, amen.

PRESIDENT EGAN: The Secretary will read the minutes of yesterday's meeting. Mr. Johnson?

JOHNSON: Mr. President, in order to expedite the proceedings, I move the reading of minutes of yesterday's session be dispensed with. I ask unanimous consent.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the minutes of yesterday's meeting be dispensed with. Is there objection? Hearing no objection, it is so ordered. Mr. McNealy?

MCNEALY: In view of the developments since yesterday's nominations for Secretary of this Convention, and at the request of Mrs. Alexander, I wish to withdraw her name which was placed in nomination by me.

PRESIDENT EGAN: Do you put that in the form of a motion, Mr. McNealy?

MCNEALY: I so move Mr. President and ask unanimous consent of the body.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 3, 1994

SUBJECT: Freedom of religion - (HB 339)

TO: Representative Cynthia Toohey

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have asked if HB 339 presents any constitutional problems. As explained in this memo, HB 339 does not appear to violate either the state or federal constitutions.

The constitution of the State of Alaska, in Article 1, section 4, and the United States constitution under the first amendment both prohibit the "establishment of religion" or the prohibition of the "free exercise" of religion by the government. The application of these two provisions is often difficult, partly because the two concepts are in conflict. Sometimes a command not to establish religion cannot be met without inhibiting religion in some manner. The general result that the courts have attempted to achieve is one of neutrality. Whether a particular law is neutral to the extent required by the state and federal constitutions requires that the law meet a three part test. First, the law must have a secular purpose, second, the principle effect of the law must not advance or inhibit religion, and third, the law must not give rise to excessive entanglement between the government and religion. Lemon v. Kurtzman, 403 U.S. 602 (1971).

Applying this test to HB 339, it appears that the first or second parts of the test are satisfied. The bill is limited to american historical documents, and requires only that documents not be altered to remove religious or secular references that are a part of the historical document. The last part of the test is not as easily met by HB 339, but given that the bill only applies to a public school curriculum there should not be government entanglement of the degree that would cause constitutional problems.

The primary effect of HB 339 appears to be that a school district could not modify a curriculum for religious purposes. Assuming this is the purpose of the bill, then there is a court decision that directly addresses this issue. The United States supreme court has ruled that a state may not eliminate the teaching of certain ideas related to normal classroom subjects because they conflict with religious beliefs. Epperson

Representative Cynthia Toohey

February 3, 1994

Page 2

v. Arkansas, 393 U.S. 97 (1968). In Epperson the court struck down a statute that made it unlawful to teach a theory of human biological evolution. The statute had a religious purpose, therefore it violated the establishment clause of the U.S. constitution. Again, the primary requirement of the courts has been to achieve neutrality. Prohibiting alteration of historical documents would seem a clear expression of this neutrality requirement.

Please contact me if you have further questions.

MFF:gc:mi

94-087.glc

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HOUSE COMMITTEE REPORT

(9)
Date Referred: January 10, 1994

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3/2/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 340

HOUSE BILL NO. 340

NO FURLOUGHS FOR CERTAIN SEX OFFENDERS

"An Act prohibiting the furlough of sex offenders."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____
 fiscal impact Corrections
 zero fiscal note Admin, Public Safety

APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____
 zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Don Bunde</i>	✓	<i>[Signature]</i>			X
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	

Don Bunde
 CHAIRMAN'S SIGNATURE



Alaska State Legislature

House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: 3/2/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 * HB 340: NO FORGIVENESS FOR CERTAIN SEX OFFENDERS
 * HB 337: DRUG FREE RECREATION AND YOUTH CENTERS
 * HJR 52: INCREASE IN FEDERAL MEDICARE FUNDING
 * INNOVATIVE FIRST PUBLIC HEARINGS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Margene Ewing ✓	SELF	203 W 3rd B Juneau AK	99804	586-2231	465-3205	(Y) N	HB 340
Gerald W. Bailey ✓	GHS	5597 Aisek Juneau, AK	99801	780-4338	780-4338	(Y) N	HB 340
Cindy Smith ✓	NETWORK on Am. Violence	#130 Seward # 501	99801	4633350	5863850	(Y) N	340
Diane Schenker ✓	DOC	2200 E. 42nd Ave. Anch. AK	99508		561-4424 465-4643	IF QS (Y) N	HB 340
Caren Robinson ✓		P.O. Box 33702 Juneau, AK 99803		5861101	same	(Y) N	HB 340
Kim Burch ✓	DHSS	AOD Juneau		465-3355 →		(Y) N	HJR 52
Jayne Andersen ✓	CDVSA	Box 11700 Juneau	99811		465-4356	(Y) N	HB 340
						Y N	
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						Y N	



Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

SUBJECT OF MEETING:

DATE: 3-2-94

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
SHERIE GOLL ✓	Alaska Women's Lobby	P.O. Box 22156 Juneau	99802		463-6744	<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 340
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
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March 2, 1994

For the past fifteen years we Alaskans have been asking ourselves, and each other, to comprehend the grim truths of sexual assault. We have all had to cast aside many of our fundamental assumptions of safety to be able to acknowledge that these crimes exist. We, as a society, have sent increasingly loud messages to sexual assault victims: that we believe they deserve advocacy and support services, that we believe they ARE victims of serious crime, and that there be consistent punitive measures placed upon the offenders of these crimes. Our statutes reflect these beliefs.

More and more adult and child sexual assault victims trust these messages, are overcoming great personal and social inhibitions, and are reporting the crimes. We continue to encouraged them to do so.

How can we afford any consideration of early release for sexual assault offenders? This could greatly compromise victims' safety. This could be broadly interpreted as a fundamental shift of our state's position of the gravity of these crimes. This message will ring loudly and clearly to offenders. Many will be delighted to interpret early release as a message of "no big deal".

I urge support for HB 340, which would enhance, rather than discredit, Alaska's maturing position regarding crimes of this type.

Hollis A. B. Hamel 
P.O. Box 1184
Bethel, Alaska 99559



STATE OF ALASKA

LEGISLATIVE AFFAIRS AGENCY

DIVISION OF PUBLIC SERVICES

DATE: 3-2-94

Please accept the enclosed original(s) of written testimony for the HB 340 teleconference hearing that was scheduled on 3-2-94.

A copy of this testimony was transmitted to your committee via fax on 3-2-94.

Thank you,

Debra R. Rasmussen

LTN1100-R01
03/03/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
09:18:25

TCF 40405 DATE & TIME: 03/02/94 15:00 TO 17:00 STATUS:7 STATS. IN

**** ORDER SUMMARY ****

SPONSOR: HHS HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE BUNDE
CONTACT: LYNNE SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106

TESTIMONY WILL BE TAKEN WITH A 5 MINUTE LIMIT.

HB409 IS LISTEN ONLY

TCN REQUESTED ON 03/02/94 AND HAS 3 UPDATES

**** AGENDA ****

- 1 HB 340 NO FURLOUGHS FOR CERTAIN SEX OFFENDERS
- 2 HB 409 AFDC DEMO PROJECT AND DECREASE
- 3 HB409 IS LISTEN ONLY

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	716 W 4TH. #200	LOCATION STAFF
BET BETHEL	301 WILLOW ST.	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
* JNU JUNEAU	CAPITOL	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF

**** VOLUNTEER & OFFNET SITES ****

227 OF1 OFFNET 1	ANCHORAGE	BOB WEINAR	(907)276-3180
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PARTICIPANTS IN: ANCHORAGE

1	BEVERLY CHURCHILL	STAR	UNABL HB 340
	360 W BENSON, STE 201	ANCHORAGE	AK 99503 (907)563-9981

PARTICIPANTS IN: BETHEL

1	FAUL SMITH	BETHEL	TSFY. HB 340
	BOX 1114	BETHEL	AK 99559 (907)543-3415
2	LAUREE HUGONIN	TWC	TSFY. HB 340
	BOX 1537	BETHEL	AK 99559 (907)543-3455
3	HOLLIS HAMEL	TWC	TSFY. HB 340
	BOX 1537	BETHEL	AK 99559 (907)543-3444
4	MARIANNE SHARP	TWC	OBSV. HB 340
	BOX 1537	BETHEL	AK 99559 (907)543-3455
5	MEGHAN SULLIVAN	TWC	OBSV. HB 340
	BOX 1537	BETHEL	AK 99559 (907)543-3455
6	MARY PETE	BETHEL	OBSV. HB 340
	BOX 2071	BETHEL	AK 99559 (907)543-3074

PARTICIPANTS IN: FAIRBANKS

1 MR	BILL ALLEN	NORTH STAR RES	TSFY. HB 340
	P.O. BOX 73765	FAIRBANKS	AK 99707 (907)451-8448
2 MS.	TANYA MERDES	FAIRBANKS	TSFY. HB 340
	1331 GREAT VIEW LANE	FAIRBANKS	AK 99701 (907)457-1019
3 MRS.	MARJORIE HOWARD	FAIRBANKS	TSFY. HB 340
	153 DOME ROAD	FAIRBANKS	AK 99709 (907)479-2603
4 MR.	ROBERT HOWARD	FAIRBANKS	TSFY. HB 340
	153 DOME ROAD	FAIRBANKS	AK 99709 (907)479-2603

PARTICIPANTS IN: JUNEAU

JNU

LTN1100-R01
03/03/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 02
09:18:25

TCN: 40405 DATE & TIME: 03/02/94 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN: JUNEAU

JNU

1 MS	CHRISTINE EWING	JNU	TSFY. HB 340
		JNU	AK (907)000-0000
2 MS	KAREN ROBINSON	JNU	TSFY. HB 340
		JNU	AK (907)000-0000
3 MS	SHERRI GALL	JNU	TSFY. HB 340
		JNU	AK (907)000-0000

Rates of Reported Forcible Sexual Assault

	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
Alaska					
State Population	531,300	540,522	550,040	570,300	586,900
Number of Rapes	328	277	413	530	566
Alaska rapes per 100,000	61.7	51.2	75.1	92.9	96.4

-United States

Number of Rapes	92,486	94,504	102,555	106,593	109,062
U.S. rapes per 100,000	37.6	38.1	41.2	42.8	42.3

**Rates of Reported Forcible Rapes per 100,000
Alaska vs. National Average**

