

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 86/2

9592 SENATE JUDICIARY

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Polydrug traffickers increasingly are smuggling the drug into the country and distributing it through their established illicit channels. The DEA will continue to monitor this emerging threat and to work to reduce the availability of flunitrazepam in the United States.

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EMERGENCYNET NEWS

FOR IMMEDIATE RELEASE: 15:00CST-01/06/96

'Roofies', The New "Date Rape" Drug of Choice

By Clark Staten, ERRI Executive Director

Chicago, IL., January 6, 1995 (ENN) --Like the Quaaludes of the 60's and 70's, there is a new "love drug" being abused in several parts of the country. The drug is Rohypnol, or "Roofies" as it being is called on the street. It is also called "ruffies", "roche", "R-2", "rib" and "rope" and reportedly is quickly becoming the "date rape drug of choice."

Rohypnol is a brand name for flunitrazepam (a benzodiazepine), a very potent tranquilizer similar in nature to valium (diazepam), but many times stronger. The drug produces a sedative effect, amnesia, muscle relaxation, and a slowing of psychomotor responses. Sedation occurs 20-30 minutes after administration and lasts for several hours. The drug is often distributed on the street in it's original "bubble packaging" which adds an air of legitimacy and makes it appear to be legal. The drug is not commonly used by physicians in the United States and is not even listed in the commonly used Physician's Desk Reference.

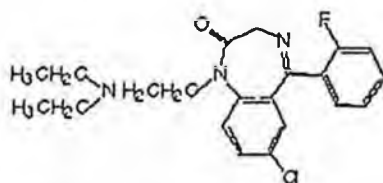
Illicit use of Rohypnol was originally reported in Europe in the late 1970's and world-wide use of it has continually increased since then. According to police sources in both Florida and Texas, "roofies" were first seen in the United States in the early 1990's; they quickly gained acceptance and use by both high school and college students. According to the U.S. Drug Enforcement Administration (DEA) more than 1,000 cases of illegal Rohypnol possession have been reported recently, in thirteen states. Reports have also been received of it being popular in "gay bars" in selected locations on both the East and West coasts. In fact, Rohypnol is now being reported as being one of the "in" drugs on high school and college campuses and particularly in college fraternities. And to make matters worse, "Roofies" are inexpensive and reportedly being sold for as little as \$2.00-\$4.00 per tablet in several locations.

According to a University of Florida drug hotline, "Roofies" are often combined with alcohol, marijuana, or cocaine to produce a rapid and very dramatic "high". Even when used by itself, users can appear extremely intoxicated, with slurred speech, no coordination, swaying, and blood-shot eyes...with no odor of alcohol. The drug has been added to punch and other drinks at fraternity parties and college social gatherings, where it is reportedly given to female party participants in hopes of lowered inhibitions and facilitating potential sexual conquest. Police departments in several parts of the country say that after ingestion of "Roofies" that several young women have reported waking up in frat houses with no clothes on, finding themselves in unfamiliar surroundings with unfamiliar people, or having actually been sexually assaulted while under the influence of the drug.

As insidious, disgusting and perilous as this may sound, the dangers don't stop there. Besides the worries of unprotected sex, Rohypnol, particularly when mixed with alcohol or other drugs may lead to respiratory depression, aspiration, and even death. When taken repeatedly, it can lead to physical and psychic dependence, which is thought to increase with both dose and duration of use. An amnesia producing effect of "Roofies" may prevent users from remembering how or why they took the drug or even that they were given it by others. This makes investigation of sexually related or other offenses very difficult and may account for repeated reports of "date rapes" involving the use of the drug.

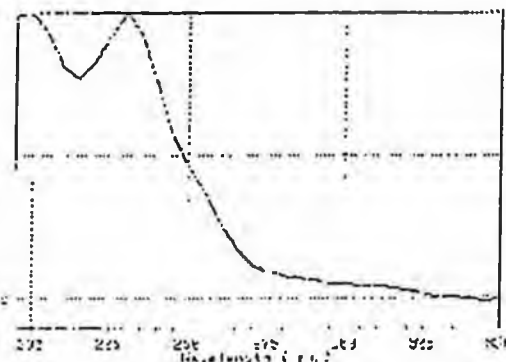
Both law enforcement and drug counseling services caution that the use of Rohypnol is increasing and that additional quantities of it are being imported across the Mexican border, where it can be obtained by

flurazepam



UV spectrum	Physical Properties	
Japanese version	Alphabetical Order	Drug Activity Classification
Drug Data Base	Research	Home

UV spectrum



- Retention time : 13.61 min
- Optimum wavelength : 230nm
- Sensitiveness : 11.84ng
- Absorbance / 100ng : 0.2206 ab°.sec

Apparatus and Analysis conditions

- Mobile phase : (10mM HClO₄ + 10mM NaClO₄:70%) + (CH₃CN30%)
- Flow-rate : 1.0mL/min.
- Column : FineSIL C18T (25cm x 4.0mm i.d.)
(monomericODS, particle size 5 x 10⁻⁶ m) (Shiseido).
- Wavelength : 210-350nm.
- Column temperature : 50c
- 880 PU LC pump (Jasco, Hachioji, Japan)
- System controller 801-SC
- Gradient device 880-02
- Detector MULTI-320
- Data processing system DP-L320/98(Jasco, Hachioji, Japan)
(Time Accumulation 0.8sec.)

Physical Properties

- Molecular Formula : C₂₁H₂₃ClFN₃O
- Molecular weight : 387.89
- log P : 4.45 (Calculated value)
- Ionization Constant pK_a : 1.9•G8.2

- Oral administration / lday : 10-30mg
- Drug Activity Classification : Hypnotic

References

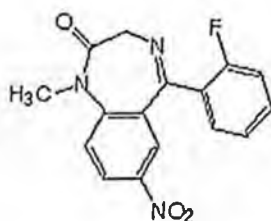
- COMPREHENSIVE MEDICAL CHEMISTRY
The Rationary Design, Mechanistic Study & Therapeutic Application of Chemical Compounds Volume 6 (PERGAMON PRESS)

Head of This Page	Alphabetical Order	Drug Activitv Classification
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Most recent update: Mar/1/1996.

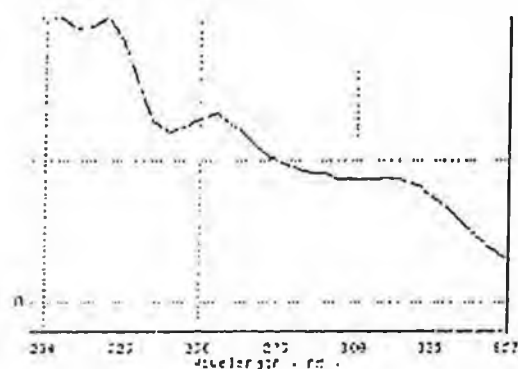
e-mail: w3master@chrom.tutms.tut.ac.jp

flunitrazepam



UV spectrum	Physical Properties	
Japanese version	Alphabetical Order	Drug Activity Classification
Drug Data Base	Research	Home

UV spectrum



- Retention time : 14.88min
- Optimum wavelength : 220nm
- Sensitiveness : 11.54ng
- Absorbance / 100ng : 0.2242 abs.sec

Apparatus and Analysis conditions

- Mobile phase : (10mM HClO₄ + 10mM NaClO₄:70%) + (CH₃CN30%)
- Flow-rate : 1.0mL/min.
- Columnn : FineSIL C18T (25cm x 4.0mm i.d.)
(monomericODS, particle size 5 x 10⁻⁶ m) (Shiseido).
- Wavelength : 210-350nm.
- Column temperature : 50c
- S80 PU LC pump (Jasco, Hachioji, Japan)
- System controller 801-SC
- Gradient device 880-02
- Detector MULTI-320
- Data processing system DP-L320/98(Jasco, Hachioji, Japan)
(Time Accumulation 0.8sec.)

Physical Properties

- Molecular Formula : C₁₆H₁₂FN₃O₃
- Molecular weight : 313.29
- Chemical name : 5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one
- properties : White, Light yellow crystalline powder. Non smell.
- melting point : 168-172c

- log P : 2.06 (Experimentally determined value) 2.35 (Calculated value)
- Ionization Constant pKa : 1.8
- Solubility
 - Chloroform , Glacial acetic acid : easily soluble
 - Methanol , Anhydrous ethanol : hardly soluble
 - Water , Hexane : almost insoluble

-
- Oral administration / 1day : 0.5-2mg
 - Drug Activity Classification : Hypnotic

References

- COMPREHENSIVE MEDICAL CHEMISTRY
The Rationary Design, Mechanistic Study & Therapeutic Application of Chemical Compounds Volume 6 (PERGAMON PRESS)

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Drug Data Base	Research	Home

Most recent update: Mar/1/1996.

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Harsher penalties for "rape drug" users

By Devin Wilson
Of the Observer Staff

Rapists who drug their victims to reduce their resistance to sexual assault could face up to 20 years in jail if a bill passed last week by the House of Representatives is signed into law.

The Drug-Induced Rape Prevention and Punishment Act, proposed by Gerald Solomon, toughens penalties for users and distributors of Rohypnol, a sleeping pill manufactured by Hoffman-LaRoche Inc. Rohypnol is banned in the United States, but is still manufactured in Mexico, South America, Europe and Asia.

People under the influence of Rohypnol are known to experience black-outs lasting up to 12 hours. When combined with alcohol, a person could be molested or raped without knowing who the attacker was or where and when the incident occurred.

Potential attackers dissolve the drug into a victim's drink when they aren't paying attention. Within an hour or two the victim is completely under Rohypnol's spell.

The DC Rape Crisis Center has had six reports of rape involving Rohypnol since the bill was introduced. The bill would help control the drug's use in rape cases, said Christine McClimens, a rape educator for the clinic.

McClimens provides sex-education seminars for kids in kindergarten through grade 12. She also talks to resident advisers in local college dorms and gives seminars to groups learning about rape and personal safety.

College students usually bring up Rohypnol because they are scared and aware of the "date-rape" drug situation, McClimens said. If they don't ask about the drug, she says, they are in trouble.



McClimens tells students to be aware of Rohypnol and its growing use on college campuses. She makes sure students know it dissolves without color, taste or odor in a drink, and to not accept drinks from strangers or leave a beverage and go back to it.

The effects of Rohypnol are said to be ten times stronger than Valium. Known on campus as "rope," "roofies," "circles" and "rib," the drug is popular among heroin and cocaine users because it enhances the effect of low-grade heroin, and calms the urge to binge use cocaine.

In the bill passed by the House, Rohypnol would remain a Schedule IV substance, but would carry a Schedule I penalty usually reserved for cases involving heroin.

A 20-year mandatory minimum sentence could be given to anyone who manufactures, distributes or dispenses Rohypnol. The bill also provides for a prison term of up to 15 years for anyone who gives a controlled substance to a victim to reduce the victim's resistance to sexual assault. In cases in which the victim is 14 or younger, the sentence could be up to 20 years.

The Drug Enforcement Agency is required by the bill to study whether Rohypnol should be reclassified as a Schedule I controlled substance. A Schedule I drug, such as cocaine or LSD, is considered to have a high potential for abuse, to have no accepted medical use, and to lack any currently accepted medical use in the United States.

treatment and to lack accepted levels of safety for use under medical supervision for six months to prepare a report that will be presented to Congress.

The House bill was passed amid some controversy about what would be the best act controlling the rising abuse of Rohypnol. Some believe the drug should remain a controlled substance, with increased penalties for abuse and wrongful distribution. Hoffman-LaRoche doesn't want to see the drug reclassified.

Hoffman-LaRoche was proactive in its efforts to stop the growing abuse of Rohypnol in the United States, said Dr. Robert B. Armstrong, vice president of Medical Affairs at Hoffman-LaRoche Laboratories.

Hoffman-LaRoche has reduced its number of Rohypnol customers from 200 to 16 national distributors, and has eliminated all direct sales to pharmacies, Armstrong said before the Florida Senate Criminal Justice Committee in April.

According to the Drug Enforcement Agency, as of Jan. 21, 1996, 562 law enforcement reports involving Rohypnol had been reported in Florida.

"We believe strongly that efforts to reschedule Rohypnol from schedule IV to an inappropriate schedule," Armstrong said. Though the drug can not be sold legally in the United States, reclassifying the drug with harsher possession and distribution penalties could have a significant effect on sales of Rohypnol.

Attempts have been made to persuade LaRoche to make Rohypnol more detectable.

"That would be nice, but it's not really realistic. It would have to smell pretty strong, like a fluorescent light or something," McClimens said.

Some people involved in the Rohypnol debate said they believe the drug must be reclassified to give law enforcement agents and judges more power in controlling the growing use of the drug in planned rape and sexual assault.

Scott Ehlers of the Drug Policy Foundation, a non-profit organization that advocates a more rational approach to the current war on drugs, said he believed the government is overly concerned about the drug. He said the recent legislative moves are part of a federal government panic about the drug. Ehlers said this is not a federal issue, it is a problem that should be handled by the states.

"It certainly doesn't require Schedule I penalties," he said. Ehlers also said the recent bill is "shady" and open to interpretation.

"I can see someone having Rohypnol for themselves, say at a club or party, and then using it for intent to use the drug in a sexual assault," he said. Ehlers said the drug is not a sexual assault crime.

"Rape is rape, and I don't see why using Rohypnol should make a difference," he said.

Ehlers also said there may be situations where a woman takes the drug voluntarily in a dangerous situation. "Who is to blame there?," he asked.

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This Fact Sheet Prepared by:

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David E. Smith, M.D. Donald R. Wesson, M.D. Sarah R. Calhoun, M.P.H.

ROHYPNOL (FLUNITRAZEPAM) FACT SHEET

Rohypnol is the brand name of a sleeping pill marketed in Mexico, South America, Europe and Asia by Roche Pharmaceuticals, Inc. It is not marketed in the United States. Rohypnol belongs to the family of medications called benzodiazepines which includes Valium (diazepam), Librium (chlorodiazepoxide) and Xanax (alprazolam). During the past few years, there has been increasing abuse of Rohypnol, initially reported in Florida and Texas, but now becoming more widespread. Much of the Rohypnol that is abused in the United States is obtained by prescription in Mexico and transported across the border. There is also some larger scale smuggling of Rohypnol from Columbia, primarily through Miami.

Rohypnol is an effective sleeping pill available in 1 and 2 mg tablets. The therapeutic dose varies from 0.5 mg to a maximum of 2 mg. The effects of flunitrazepam are fairly long-acting. With a 1 mg dose, blood levels of flunitrazepam peak 1-2 hours after ingestion, and fall to one-half their peak after 16 to 35 hours. A less potent metabolite of flunitrazepam lasts even longer.

Like other benzodiazepines, flunitrazepam taken alone is unlikely to produce death, even if an overdose is taken. Combining flunitrazepam with alcohol reduces the safety margin, however, and is more likely to be lethal due to enhanced central nervous system depression. Rohypnol intoxication is generally associated with impaired judgment and impaired motor skills, and the combination of alcohol and flunitrazepam is also particularly hazardous because together, their effects on memory and judgment are greater than the effects resulting from either taken alone. It is commonly reported that persons who become intoxicated on a combination of alcohol and flunitrazepam have "blackouts" lasting 8 to 24 hours following ingestion. Disinhibition is another widely reported effect of Rohypnol, when taken either alone or in combination with alcohol.

ABUSE PATTERNS

Rohypnol is known by various street names: Roachies, La Roche, Rope, Rib, Roche, Rophies, Roofies, Ruffies. In an unconfirmed report out of Australia, it was referred to as "Stupefi," and it has also been designated "the Quaalude of the '90s" in some media reports.

Several abuse patterns have evolved in the United States. Flunitrazepam is occasionally taken alone as a primary intoxicant. During the past five years there have been reports of Rohypnol abuse among schoolchildren as young as 8-10 years old, as well as in high schools and on college campuses. It has been used by heroin addicts as an enhancer for low-quality heroin, and in combination with cocaine to moderate the effects of a binge. In some areas it is associated with gang activity; in others, it is becoming known as a "club drug." The most common pattern

is episodic use by teenagers and young adults as an "alcohol extender" and disinhibitory agent, most often in combination with beer. There are some reports of snorting of Rohypnol, although this mode of ingestion has not been described in the United States. Addiction and withdrawal are growing concerns among treatment professionals and user populations.

PHYSICAL DEPENDENCE

Like other sedative-hypnotics, flunitrazepam can produce physical dependence, and abrupt cessation may cause signs and symptoms such as anxiety, insomnia, intense dreaming, parenthesis, increased sensitivity to light and sounds, and grand mal seizure. From the pharmacological profile of flunitrazepam, withdrawal intensity from flunitrazepam alone would be expected to peak three to five days after cessation of use. Since flunitrazepam is commonly taken in combination with alcohol, and since patients may be physically dependent on both alcohol and flunitrazepam, concurrent alcohol withdrawal may occur during the first two days of abstinence.

Patients who have been taking more than 6 mg/day of flunitrazepam for a month will have significant sedative-hypnotic tolerance and should be presumed to have a medically significant level of physical dependence on flunitrazepam. Patients who have also been using alcohol daily may be dually dependent. Patients who are physically dependent on either alcohol or flunitrazepam or both should not be abruptly withdrawn or withdrawn without medical supervision because unmanaged withdrawal signs and symptoms may be life-endangering.

Patients who are episodically using flunitrazepam, and who are abstinent from both flunitrazepam and alcohol for 3-5 days between use episodes, would not be expected to be physically dependent, but should be observed for signs of withdrawal and treated if they appear.

MANAGEMENT OF WITHDRAWAL

A patient who is physically dependent but taking only flunitrazepam could be withdrawn using Phenobarbital. Thirty milligrams of Phenobarbital can be substituted for each 1 mg of flunitrazepam the patient is taking each day. Thus, a person taking 6 mg/day of flunitrazepam would be administered 180 mg of Phenobarbital per day as the beginning withdrawal dose. The dose of Phenobarbital can be reduced at the rate of 30 mg/day.

If a patient is vomiting and cannot reliably absorb oral medication, Phenobarbital may be administered intramuscularly. Patients who combine alcohol and flunitrazepam may need additional medication for their alcohol withdrawal. After patients have received their initial Phenobarbital doses, a benzodiazepine, such as chlordiazepoxide or diazepam, can be administered as needed to alleviate emerging alcohol withdrawal signs and symptoms (e.g., rising pulse and blood pressure, tremulousness, diaphoresis) and prevent withdrawal seizures. If an intramuscular benzodiazepine is required for alcohol withdrawal, Ativan (lorazepam) should be used.

OVERDOSE

Following overdose with oral benzodiazepines, vomiting should be induced (within one hour) if the patient is conscious, or gastric lavage undertaken with the airway protected if the patient

is unconscious. Beyond one hour, activated charcoal should be given to reduce absorption. Respiratory and cardiovascular function should be monitored as they may evidence depression. Central nervous system depression may manifest in degrees ranging from drowsiness, mental confusion, lethargy, to coma and death. Flunitrazepam overdose alone is unlikely to be lethal, but in combination with alcohol, death is considerably more likely.

The specific benzodiazepine antagonist Romazicon (flumazenil; formerly known as Mazicon) can be used for reversing the severe effects of overdose. The recommended dosage is 3 to 5 mg administered at 0.5 mg/minute; however, for patients who are physically dependent or at high risk of withdrawal, a slower dosage schedule (0.2 mg/minute over 5-10 minutes) may be more appropriate if possible, with careful observation for withdrawal symptoms (confusion, agitation, emotional lability, perceptual distortion) or seizures. Romazicon reverses only benzodiazepine sedation, and if 3 to 5 mg have been administered with no clinical response, continued administration is unlikely to be effective. Resedation may be treated with repeated doses at 20 minute intervals, with a maximum of an additional 1 mg (at 0.2 mg/min at any one time, up to an additional 3 mg in any one hour.

If you suspect a problem with Rohypnol and/or other drug use, please contact the National Drug Information Treatment and Referral Hotline at (800) 662-HELP(4357). They can supply you with:

- printed materials
- treatment services in your state
- referrals for treatment
- alcohol treatment services
- adolescent and family services in your state

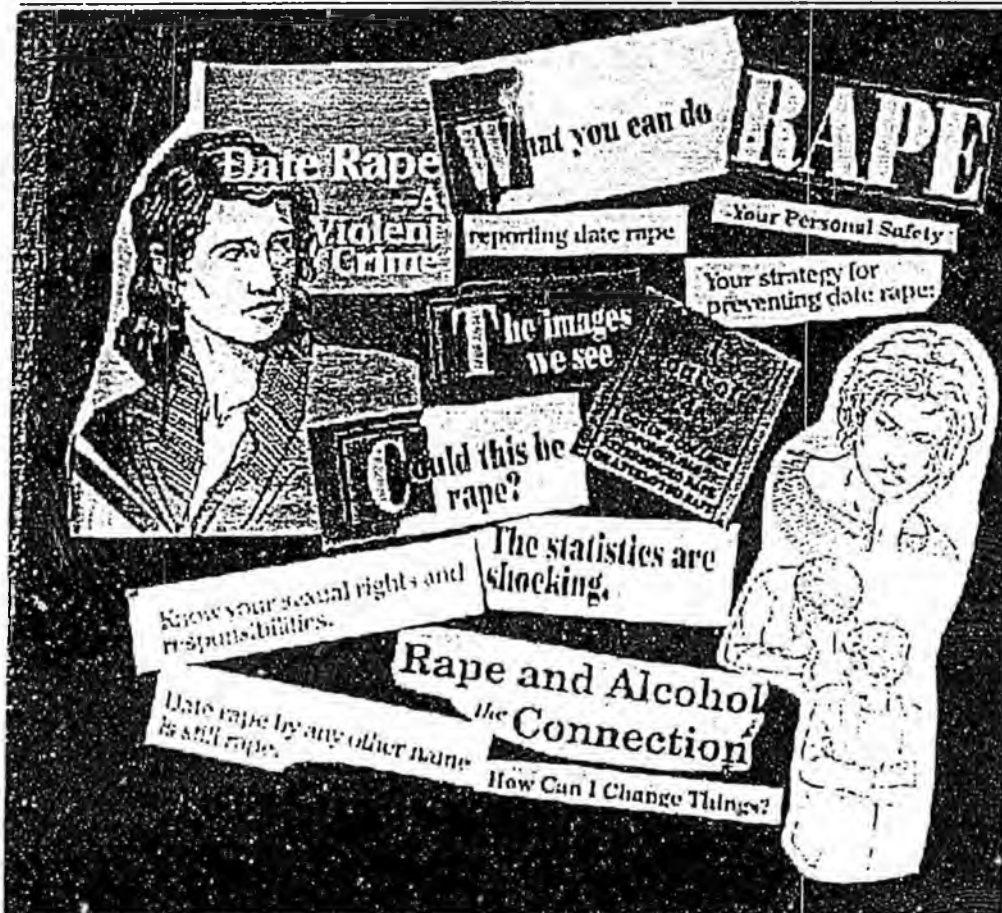


photo by Suzanne Goltz

Date Rape: Prevention and Prosecution

An Interview With Barbara Thomas of the Counseling Center Emphasizes Education

Emily Henrich

Foghorn Staff Writer

What is rape? After a dinner date, a couple returns to his place where he begins to take off her clothes. She pushes him back saying "no." Despite her protests, he pulls her firmly against him, saying "yes" and continues to undress her. They have intercourse. The couple has been going out for a while and has had sex before. Is this rape?

Acquaintance rape is when someone you know forces you to have sexual intercourse against your will. It does not matter if you are passed out, too drunk to refuse, or too scared to argue. Acquaintance rape and date rape are forms of sexual assault, a spectrum of unlawful behaviors.

It victimizes women and men, whether straight, gay, lesbian, or bisexual.

Rape is about power and anger. Often a man rapes a woman to overpower or to get back at her. A man sometimes justifies raping a woman by the way she dresses or acts. At times men get the idea that women want sex, according to the American College Health Association. Are these valid excuses? Shouldn't a woman have the right to wear whatever she wants and change her mind at any time?

Alcohol can also inhibit clear thinking and decision making. Many states recognize that when someone is drunk they are unable to give a true consent. It is never an excuse for raping someone, according to the American College Health Association.

Dr. Barbara J. Thomas, the director of the Counseling Center on campus gives some advice on reporting an incident and recommendations on prevention. The official policy is printed in the Fogcutter and there is an annual review of the policies.

According to Dr. Thomas, "If a student lives in the resident halls, the floor resident advisor will report to the hall director of any sexually offensive incidents. The accused party can be expelled from the residence halls and can also be banned from visiting the halls. If the victim is satisfied with this agreement, any action taken can stop here."

If the victim is not happy with this solution, a more serious investigation can continue. Student affairs and public safety can now become involved and may investigate aggressively.

USF Public Safety must report the incident to the San Francisco Police Department. The SFPD will close the file, unless the victim wants a follow-up investigation.

The victim also has several other people to go to for help, such as a priest or other clergy members, a counselor, an attorney, or Dr. Thomas.

According to the Fogcutter, there are three basic ways to resolve a sexual offense incident on campus.

First, there can be a disciplinary hearing. A committee made of students and faculty hear the case and make a decision based on what was said at the hearing. The committee is designed to see what the victim and accused can settle on, in terms of an agreement.

In some cases, nothing will happen. In other cases a satisfactory agreement is construed between the victim and her alleged rapist. For example, the offending party will pay for therapy of the victim, move out of the residence halls and sometimes expulsion is a measure taken. The committee is not there to find "guilt or innocence," just to mediate an agreement.

A second solution is to go to the outside courts. The victim can give the case to the district attorney's office. The case then becomes the case of the district attorney, and the legal responsibilities are no longer the victim's concern. The district attorney's office will collect evidence and determine whether or not there is a strong enough case to press charges against the accused.

If the victim does not want to go through the courts and does not like the idea of a formal

hearing on campus, she might agree to an informal mediation.

An informal mediation consists of both the victim, the accused and a neutral party (usually a counselor). The three sit down and try to come up with an agreement made by the victim and accused. Everything agreed upon on-campus is not legal; it is an agreement made by the two parties.

Dr. Thomas also recommends several things to do to prevent acquaintance or date rape. These recommendations are for men and women.

Thomas said to monitor your alcohol and drug intake.

Second, become good friends with men and women. Men can help other men watch their intake and also warn each other if they are becoming too aggressive.

Women need to watch and make sure that their friends taken are care of and to stay in a group. Don't leave a friend with someone who is drunk, or in a threatening situation.

Men and women also need to become friends so they learn how to learn from one another. Women need to learn how to talk openly about their sexual expectations and wishes. Men have to respect women's wishes and not set a separate agenda and to realize that rape is not just a "women's issue." Men and women should work together to communicate and to understand each other. The key to preventing date rape lies in education, not in blaming.

For more information visit the Counseling Center in lower level of Gillson Hall or call X6352.

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Alaska State Legislature

House of Representatives

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Session Address:
Room 13

State Capitol
Juneau, AK 99801-1182

Official Business

Representative Al Vezey

HB 69

CLASSIFYING FLUNITRAZEPAM AS A CONTROLLED SUBSTANCE

Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffies, Ropes, and Rib. The drug induces deep sleep and causes amnesia. Illegal use of this drug is on the increase in the United States and its illegal use has been suspected in Alaska. Rohypnol is a drug that is not readily detectable in urine by using a standard urine test.

The most heinous illegal use of this drug is to slip it into the drink of a female as a prelude to rape. Typically the victim does not remember what happened for several hours after ingesting the drug.

Victims of drug induced rape can not identify their victims and conviction are difficult and rare. This bill would make the mere possession of this drug a serious crime in the same class as sexual assault in the first degree. HB 69 sends a clear message that we will not tolerate in our society those who would perpetrate sexual abuse.

Flunitrazepam is the generic name for a drug in the class of prescription medicines known as benzodiazepines. It is manufactured in Europe and Latin American by Hoffman-La Roche under the trade name Rohypnol.

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 69

HISTORY IN THE HOUSE

1997
1/15 Read first time and referred to:
Jud FIN

2/7 SS intro: Jud FIN

2/13 Jud RPT CS() New Title
6 DP 0 DNP 1 NR 0 AM
FN 2 OFN Previous FN

2/25 FIN RPT CS() New Title
10 DP 0 DNP 0 NR 0 AM
FN OFN 2 Previous FN 0

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

3/7 Read second time
CS() Adopted

Amended

3/7 Advanced

3/7 Read third time

Return to second for specific amendment

3/7 PASSED EFD Same or
Yeas 36 Yeas
Nays 0 Nays
Excused 2 Excused
Absent 2 Absent

Intent adopted

Reconsideration
Reconsideration not taken up

PASSED ON RECON. EFD Same or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Intent adopted

3/7 Reported correctly engrossed
Signed by Speaker, to the Senate
Suzi Lowrey
Chief Clerk of the House

HISTORY IN THE SENATE

1997
3/10 Read first time and referred to:
HESS, JUD
3/12 HESS waived to go

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

Rules Calendar() CS AM Other
New Title Same Title Previous
FN OFN

Read second time

CS Adopted () New Title
Amended Advanced

Read third time

Letter of Intent adopted
Return to second for specific amendment

PASSED EFD Same or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reconsideration
Reconsideration not taken up

PASSED EFD Same or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reported correctly engrossed
Signed by President, to the House
Secretary of the Senate

House OKs bill outlawing date-rape drug

■ *Bill is sponsored by Fairbanks Republican Rep. Al Vezey*

By MARK SABBATINI

THE JUNEAU EMPIRE

Making possession of the so-called "date-rape" drug a felony was unanimously approved today by the state House.

The drug Flunitrazepam, which induces sleep and amnesia, has been used against women who did not remember being raped for several hours afterward, said Rep. Al Vezey, a Fairbanks Republican who sponsored House Bill 69. He said identifying and convicting assailants is difficult as a result.

Vezey said the drug has circulated in the Lower 48 for the past few years and now appears to be trickling into Alaska.

"There's usually a two- to

There's usually a two- to three-year lag between when drugs appear on the crime scene and their reaching Alaska.

Rep. Al Vezey

three-year lag between when drugs appear on the crime scene and their reaching Alaska," he said in an interview today.

A person arrested in Anchorage in February possessed the drug and there have been rumors of other in-state incidents involving Flunitrazepam, Vezey said.

"That person cannot be charged under Alaskan law, but they had other drugs on them at the time, so I'm sure there will be charges," he said.

Proof is difficult to obtain because its presence is not detected by standard urine tests.

There have been no seizures of the drug by Juneau Police Department officials, said Officer Paul Hatch. Karen Sturnick, women's program director for the AWARE shelter, said she has not heard women complain about the drug being used against them during the past year she has worked there.

"That doesn't mean that it

hasn't been used," she said. "I think sometimes we believe we here only touch a fraction of what's out there."

Sturnick said her agency supports the bill.

Federal law already prohibits the drug, which goes under the trade name Rohypnol and street names such as Roaches and Rib. Vezey said federal officials seldom have the resources to enforce small-scale possession cases, which is why many states have enacted or are considering similar measures.

The drug is an anti-depressant that is legal in 64 foreign countries, he said. He said it is abused by drug users - especially youths - who combine it with other substances and prolong the effects of alcohol or lessen the let-down effect of cocaine.

Alaska State Legislature

News From The House Majority

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Freeman
Juneau, AK 99801
Secretary
Actuality line: 1-800-478-6540

Ken
Press
(907) 465-3804

House Passes Measure To Classify Possession of Date Rape Drug As Felony

For Immediate Release: March 7, 1997
465-3719

Contact: Rep. Al Vezey (907)

JUNEAU - The House of Representatives Friday unanimously passed legislation to classify Flunitrazepam, the date rape drug, as a controlled substance. The bill, introduced by Rep. Al Vezey, (R - Fairbanks) classified the drug as a Schedule IV(A) controlled substance and makes possession a felony.

Rep. Vezey said that Alaska already has laws against sexual assault and those involving the induced use of drugs is a more serious crime and carries a heavier penalty.

"By making Rohypnol a controlled substance, we are attempting to intercept the perpetrators before they have a chance to commit a heinous crime," said Vezey. "We are trying to get out ahead of criminals who would utilize this drug in Alaska."

Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffles, Ropes and Ribs.

Rep. Vezey introduced HB 69 because he said Rohypnol is becoming a growing threat to females, teenagers and young adults. Vezey said that middle and high school students, college students, and street gangs use Rohypnol to boost and prolong the intoxicating effects of alcohol, while heroin addicts use the drug to increase the high produced by heroin and cocaine addicts use Rohypnol to moderate the effects of a cocaine binge.

"The most heinous use of this drug is to slip it into the drink of unsuspecting female as a prelude to rape," said Vezey.

The Alaska Scientific Crime Detection Laboratory is in the process of analyzing what is believed to be the first evidence of Rohypnol's presence in Alaska.

George Taft, Director of the Alaska State Crime Laboratory testified via teleconference to the House Finance Committee on February 24th. He emphasized that there is a case pending for possession of 272 Rohypnol tablets that was submitted to the lab along with some heroin.

Broadcast Note: An audio actuality is available by calling 1-800-478-6540.

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ALASKA STATE LEGISLATURE

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Ken Freeman
Press Secretary

(907) 465-3804

Use of Date Rape Drug To Become Felony

For Immediate Release: February 18, 1997

Contact: Rep. Al Vezey (907) 465-3719

JUNEAU - Legislation introduced in the House of Representatives February 7th by Representative Al Vezey (R-Fairbanks) classifies Flunitrazepam, the "date rape" drug, as a controlled substance. The bill would classify the drug as a Schedule IV(A) controlled substance and makes possession of the drug a felony.

HB 69 has been passed out of the House Judiciary Committee and is awaiting action by the House Finance Committee. Currently the use of Rohypnol is covered under federal law. Alaska does not have any state law governing its use.

Rep. Vezey said that Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffies, Ropes and Ribs. The Alaska Scientific Crime Detection Laboratory is in the process of verifying evidence believed to be the first evidence of Rohypnol's presence in Alaska from the first arrest involving the possession of Rohypnol.

According to Everett Clary, controlled substance supervisor with the State Crime Lab, Rohypnol is making its way to Alaska.

"Within the last few weeks we do have what looks to be our first drug possession case of a large quantity of Rohypnol," said Clary.

Clary noted that in his personal view, Alaska falls three or four years behind other states when it comes to drug use.

"Rohypnol is currently a big problem in the U.S. The use in Alaska has just begun and I think it is time for us to have this legislation in place to be ready for its potential use in our state," said Clary.

Rep. Vezey introduced HB 69 because he said Rohypnol is becoming a growing threat to teenagers and young adults. Vezey said that middle and high school students, college students, and street gangs use Rohypnol to boost and prolong the intoxicating effects of alcohol, while heroin addicts use the drug to increase the high produced by heroin and cocaine addicts use Rohypnol to moderate the effects of a cocaine binge.

"The most heinous illegal use of this drug is to slip it into the drink of a female as a prelude to rape. The drug induces deep sleep and causes amnesia. Victims of drug induced rape can not identify their victims and convictions are difficult and rare. HB 69 sends a clear message that we will not tolerate those who would perpetrate sexual abuse in our society," said Vezey.

Vezey noted that one way to make safer communities is to make sure that the illegal use of drugs like Rohypnol are classified as controlled substances and the offenders are punished as felons.

Broadcast Note: An audio actuality is available by calling 1-800-478-6540.

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ACROSS THE USA

Alabama

Birmingham — New postings on Internet sites for Auburn University and the University of Alabama ask alumni and faculty to lobby state lawmakers to increase school funding. ... Anniston — Under the state's no-pass, no-play policy, 62% of the students in Anniston's middle and high schools remain unable to play team sports and must sit out other extracurricular activities. They earned at least one D on their report cards.

Alaska

Juneau — The state Senate is expected to review a House-OK'd bill that makes it a crime to possess Rohypnol, the so-called date-rape drug. Federal law bans the drug, but legislators say they want a state law because federal officials seldom prosecute small-scale cases.

Arizona

Phoenix — Some 500 Arizonans will be sent a court summons this week that could land them a place on the jury in Gov. Symington's criminal trial. Symington's trial on a 23-count federal indictment, including charges of fraud and attempted extortion, is set for May 13. ... State Corrections officials are pushing a plan to build and operate a private prison in Mexico. Officials say it would save taxpayers money because the state could move nearly 1,600 Mexican inmates now in state prisons.

Arkansas

North Little Rock — In an effort to skirt bureaucracy, Crystal Hill Elementary Magnet School parents are being asked for cash in lieu of fund-raising drives. A new state law bans elementary school students from selling door to door unless accompanied by someone 16 or older.

California

San Francisco — The city's Human Rights Commission reprimanded The Cafe, a Market Street gay bar, for a policy that bars heterosexual couples from dining. The Cafe violated non-discrimination laws by ejecting a man and woman last August, the panel said. ... Los Angeles — About 1,000 people marched through downtown to protest welfare laws they said will harm thousands of elderly immigrants. The march was sponsored by about 50 civil rights and immigrant help groups.

Colorado

Denver — State senators this

bill was OK'd in the House, but "it's going to be a battle royale" in the Senate, said Bartley Clark of the Colorado Psychiatric Society.

Connecticut

Hartford — Lawmakers and city officials agreed to create an independent panel to manage all but the curriculum and instruction in Hartford schools, which suffer low test scores and mismanagement. Next: General Assembly.

Delaware

Newark — An exhibit of 20 pictures depicting lesbian and gay family life is set to go on display Friday at the Newark Public Library. The Diamond Edge Foundation Inc., a nonprofit educational group, is sponsoring the exhibit.

D.C.

City Councilman Jack Evans questioned Mayor Marion Barry's decision to hire a public safety director, especially when Barry's authority over the Police Dept. has been reduced by the city's federal control board. Evans also says the city can find better use for the \$80,000 annual salary Thurman Hampton is being paid. ... The federal EPA has asked city health officials to perform blood tests on children who may have been exposed to toxic levels of lead.

Florida

Ocala National Forest — The forest is under attack by an invasion of tree-eating Southern pine beetles for the first time in 50 years, the state Dept. of Agriculture said. The loss of habitat could be "catastrophic," said entomologist John Foltz.

Georgia

Lafayette — Former Atlanta lawyer Fred Tokars, 43, convicted of malice murder in the '78 shotgun slaying of his wife, now faces a death penalty hearing. Sara Tokars, 38, was kidnapped and slain in front of her two young children.

Hawaii

Foster Village — Crime here has dropped since the community hired Royal Guard Security to protect 900 homes from break-ins. Burglaries, which had been running 10 a month, dropped to three each in December and January.

Idaho

Boise — The Idaho Migrant Council has been given a \$100,000 federal grant to combat domestic violence and child abuse in

Illinois

Chicago — Thomas Hynes, whose Democratic straight-ticket voting drive played a large part in ousting state House Republicans, said he is resigning as Cook County supervisor. Hynes, 54, says he wants to spend time with his family.

Indiana

Muncie — State officials are looking for ways to halt the trend of losing farms to urban sprawl. Cited: 675,437 acres of farmland were lost to development, according to '92 U.S. Census figures.

Iowa

LeMars — Jazz enthusiasts have started an effort to rescue the Clark Terry Jazz Institute at Westmar University. The school announced last week it will phase out the jazz studies major, eliminating the acclaimed jazz institute for financial reasons.

Kansas

Topeka — The Statehouse this week will see its share of congressional measures, including three abortion bills and one concerning concealed handguns.

Kentucky

Lexington — The state is investigating complaints from juvenile female residents involving possibly physical abuse at the Bluegrass Treatment Center, which has shut down after two years. A former employee has been charged with two counts of rape.

Louisiana

Lafayette — Drug testing of welfare recipients could be a boon for children whose parents are addicts, Gov. Foster said. Parents could lose their children to foster care if they continue drug use, he said. He also wants state employees and elected officials tested.

Maine

Augusta — The number of households getting Aid to Families with Dependent Children is at an eight-year low — 18,017 families in January, compared to 22,268 in '91. The decline due to welfare reform has slashed state spending on the program by half in three years, to \$23 million, officials said.

Maryland

Annapolis — Legislators today begin their 10th week of the '97 session. High on the agenda is Ansh-

Mass

Boston rates arr

Michig

Marqu missionar hiding aft attacked and Kevin the Voice

Minnes

Minnea are too l crossed by school ye Minnesota: selma. Ra

Mississ

Oxford - first black : ty of Missis pers to the Meredith's 114 years school. His c play at the

Missour

Jeffers audit of Lin mmanagement ry payment Personnel c ty's largest e. computer sy: out seeking t

Montana

Billings — commission: gin trimming place Janet) the peace. E: for 18 years moved for 20

Nebraska

Omaha — chairman of Gaming Comr law firm that toe Sioux in the gambling oper ordered the Si says he will no Sioux casino n

Nevada

Alaska State Legislature

House of Representatives

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Juneau, AK. 99801-1182

PENALTIES AND FINES IMPOSED BY HB 69

AS 11.71.030(a)(2). Delivering any amount of Schedule IV(A) to a person under 19 years of age.

Class B Felony

AS 12.55.125(d) imprisonment
AS 12.55.035 fine

AS 12.55.125(d) A defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of **not more than 10 years**, and shall be in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, four years;
- (2) if the offense is a third felony conviction, six years.
- (3) [Repealed, § 6 ch 6 SLA 1996.]

12.55.035(b)(2) (Fines) Class A, B, or C felony \$50,000

AS 11.71.040(a)(1). A defendant manufactures or delivers, or possesses with intent to manufacture or deliver, any schedule IV(A) controlled substance.

Class C Felony

AS 12.55.125(e) imprisonment
AS 12.55.035(b)(2) Fines

Fine

AAS 12.55.125(e)(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of **not more than five years**, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, two years;

- (2) if the offense is a third felony conviction, three years.
- (3) [Repealed, § 6 ch 6 SLA 1996.]
- (4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one year.

12.55.035(b)(2) (Fines) Class A, B, or C felony \$50,000

11.71.050(a)(4). A defendant possesses a schedule IV(A) controlled substance on or within 500 feet of school grounds, or a recreation or youth center or on a school bus.

Class C Felony	AS 12.55.125(e)	imprisonment Fine
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(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of **not more than five years**, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, two years;
- (2) if the offense is a third felony conviction, three years.
- (3) [Repealed, § 6 ch 6 SLA 1996.]
- (4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one year.

AS12.55.035(b)(2) (Fines) Class A, B, or C felony \$50,000

AS 11.71.050(a) A defendant possesses less than 25 tablets (or less than three grams) of a schedule IV(A) controlled substance.

Class A Misdemeanor	AS 12.55.145 AS 12.55.035(b)(3)	imprisonment fine
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AS 12.55.135. Sentences of imprisonment for misdemeanors. (a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of **not more than one year**.

AS12.55.035(b)(3) (Fines) Class A Misdemeanor \$5,000
Existing penalties and fines for sexual assault in the first degree are:

AS 12.55.125(3)(b). Sentences of imprisonment for felonies. A defendant convicted of misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of **at least five years but not more than 99 years.****

AS 12.55.035(b)(1) (Fines)

\$75,000

** Currently, Rohypnol is not a controlled substance. Defendants convicting of first degree sexual assault not involving a controlled substance can be sentenced to not more than 30 years of imprisonment.

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Documented Federal (DEA and U.S. Customs) plus State and Local Law Enforcement Cases Involving Flunitrazepam Collected as of December 24, 1996. (Information was collected by Dr. James M. Tolliver, Drug and Chemical Evaluation Section, Office of Diversion Control, DEA)

STATE AND LOCAL CASES 3230

DEA CASES 136

1987 to December 1996
(Arizona, California, Florida, Georgia,
Illinois, Kansas, Maryland, New Mexico, New York,
Oklahoma, Rhode Island, Puerto Rico,
South Carolina, Tennessee, Texas, Virginia, Alabama)

CUSTOMS CASES (Mail Seizures)

January 1990 To December 1995 68
Violator Residence: Connecticut, Colorado,
Florida, Hawaii, Massachusetts, New Jersey,
New York, North Carolina, Texas

January 1996 To October 1996 37
Violator Residence: California, Florida
Hawaii, Illinois, Massachusetts, Minnesota
New Jersey, New York, Texas, Washington

CUSTOMS CASES (Non-Mail Seizures)

January 1990 To January 1996 196
Violator Residence: Alabama, Arkansas,
Arizona, California, Florida, Georgia,
Indiana, Kansas, Louisiana, Mexico,
Mississippi, New York, Ohio, Oklahoma,
South Carolina, Tennessee, Texas, Virginia

January 1996 to October 1996 105
Violator Residence: Alabama, Arizona,
California, Colorado, Florida, Hawaii,
Illinois, Louisiana, Maryland, Massachusetts,

New Jersey, New York, Oklahoma, Pennsylvania,
Texas, Washington

TOTAL LAW ENFORCEMENT CASE

3773

Numbers of State and Local Law Enforcement Cases Involving Flunitrazepam Documented As Of December 24, 1996. (Information was collected by Dr. James M. Tolliver, Drug and Chemical Evaluation Section, Office of Diversion Control, within the Drug Enforcement Administration).

Alabama	21
Arizona	97
Arkansas	2
California	38
Connecticut	1
Florida	1159
Georgia	14
Hawaii	2
Illinois	2
Indiana	3
Kansas	7
Louisiana	193
Maryland	3
Michigan	1
Minnesota	2
Mississippi	31
Missouri	1
Montana	1
Nevada	1
New Jersey	3
New Mexico	3
New York	10
North Carolina	10
North Dakota	1
Ohio	3
Oklahoma	86
Oregon	1
Pennsylvania	1
Rhode Island	1
South Carolina	1
Tennessee	2
Texas	1538
Virginia	3
Washington	1
TOTAL	3230

Alaska State Legislature

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Juneau AK
99801-1182

Representative Al Vezey

HOUSE FINANCE COMMITTEE MINUTES FOR HB 69

**February 24, 1997
FINANCE at 1:37 PM
CAPITOL RM 519**

TAPE HFC 97-38, Side 1, #000 - end.
TAPE HFC 97-38, Side 2, #000 - end.
TAPE HFC 97-39, Side 1, #000 - #624.

CALL TO ORDER

Co-Chair Therriault called the House Finance Committee meeting to order at 1:37 p.m.

PRESENT

Co-Chair Hanley	Representative Kelly
Co-Chair Therriault	Representative Kohring
Representative Davies	Representative Martin
Representative Foster	Representative Moses
Representative Grussendorf	Representative Mulder

Representative Davis was absent from the meeting.

ALSO PRESENT

Representative Al Vezey; Representative Con Bunde; Tom Wright, Staff, Representative Ivan; Bill Rolfzen, Department of Community and Regional Affairs; Lamar Cotten, Deputy Commissioner, Department of Community and Regional Affairs; Robert Bartholomew, Assistant Director, Income and Excise Audit Division, Department of Revenue; Pat Carr, Division of Public Health, Department of Health & Social Services; Elmer Lindstrom, Special Assistant, Department of Health and Social Services; George Taft, Crime Lab, Department of Public Safety; Rod Stamler, Forensic Investigative Associates.

HB 69 "An Act relating to designating flunitrazepam as a schedule IA controlled substance; and providing for an effective date."

1

SSHB 69 was reported out of Committee with a "do pass" recommendation and with two zero fiscal notes; one by the Department of Law (dated 2/13/97), and one by the Department of Public Safety (dated 2/13/97).

HOUSE BILL NO. 69

"An Act relating to designating flunitrazepam as a schedule IA controlled substance; and providing for an effective date."

REPRESENTATIVE AL VEZEY testified in support of HB 69. He stated that HB 69 would add the benzodiazepine, Rohypnol, to the list of controlled substances. The generic name of Rohypnol is flunitrazepam. He observed that there is a case pending which involves the extradition of a person from Portland to Alaska on charges of drug induced rape. There have been 1,800 arrests in Florida over the past two and one-half years involving Rohypnol.

Representative Vezey discussed current statutes regarding sexual assault penalties. He emphasized that Alaska already has laws against sexual assault. Sexual assault involving the induced use of drugs is a more serious crime and carries a heavier penalty. Alaskan sexual assault laws are not being amended. He explained that by making Rohypnol a controlled substance an attempt is being made to intercept perpetrators before they have a chance to commit a crime.

Representative Vezey explained that Rohypnol is not the only benzodiazepine drug used for sleeping disorders. All other benzodiazepines except Rohypnol are listed as Class A controlled substances. He noted that Rohypnol is similar to Valium but ten times as strong. Rohypnol is classified by HB 69 as a Class A substance to be consistent with other similar controlled substances. While Rohypnol can be screened it is not part of the current screening process. An additional test would be required.

Representative Vezey observed that a person was recently arrested in Anchorage with 272 tablets of Rohypnol. This person cannot be prosecuted under state law. Rohypnol is too complicated for a street laboratory to make. Although

2

Rohypnol is not for sale in the United States, it is available over-the-counter in Mexico and Latin America. There have been several deaths where Rohypnol was used in connection

with heroin or cocaine. He reiterated that the intent is to intercept the drug before a crime can occur.

In response to a question by Co-Chair Therriault, Representative Vezey stressed that rape is a crime where the victim is victimized by the enforcement process.

Representative Grussendorf spoke in support of the legislation.

Representative Kohring spoke in support of the legislation. He MOVED to report SSHB 69 out of Committee with individual recommendations and with the accompanying fiscal notes. Co-Chair Therriault OBJECTED for purposes of further discussion.

GEORGE TAFT, DIRECTOR, CRIME LABORATORY, DEPARTMENT OF PUBLIC SAFETY, ANCHORAGE testified via the teleconference network in support of HB 69. He reiterated that there is a case pending for possession of 272 tablets that was submitted with heroin.

Representative Davies asked what penalties are associated with possession. Representative Vezey explained that possession of more than 25 tablets would be a Class C felony, attempting to contribute to a minor would be a Class B felony, use without consent would be an Unclassified felony, and possession of less than 25 tablets would be a misdemeanor. He observed that the drug is not legal for sale in the United States.

Representative Davies asked if there are other classes of drugs that have the same street utility. Mr. Taft replied that there is another drug, gamma-Hydroxybutyrate, that is causing problems. Representative Vezey noted that gamma-Hydroxybutyrate is a street drug. He observed that there are lots of chemical variations. He noted that this drug is the subject of discussions for additional legislation.

Representative Kohring restated his motion to MOVE the legislation. There being NO OBJECTION, it was so ordered.

SSHB 69 was reported out of Committee with a "do pass" recommendation and with two zero fiscal notes; one by the Department of Law (dated 2/13/97), and one by the Department of Public Safety (dated 2/13/97).

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Representative Al Vezey

**JUDICIARY COMMITTEE MINUTES FOR HB 69
FEBRUARY 12, 1997
JUDICIARY at 1:00 PM
CAPITOL RM 120**

MEMBERS PRESENT

Representative Joe Green, Chairman
Representative Con Bunde, Vice Chairman
Representative Brian Porter
Representative Jeannette James
Representative Norman Rokeberg
Representative Eric Croft
Representative Ethan Berkowitz

MEMBERS ABSENT

All members present

*** SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 69**

"An Act relating to designating flunitrazepam as a schedule IVA controlled substance; and providing for an effective date."

- MOVED SSHB 69 OUT OF COMMITTEE

SSHB 69 - ROHYPNOL AS SCHEDULE IV-A DRUG

The next order of business to come before the House Judiciary Standing Committee was SSHB 69, "An Act relating to designating flunitrazepam as a schedule IVA controlled substance; and providing for an effective date."

CHAIRMAN GREEN called upon Representative Vezey to present the bill.

REPRESENTATIVE AL VEZEY, sponsor, explained that the proposed legislation would amend the state's controlled substance statutes under Title 11. He noted there was a Governor's Council on Controlled Substances; however, they had not met in 15 years when the statute was enacted in its present form in 1982, and major amendments in 1990.

REPRESENTATIVE VEZEY advised members that during a vacation in Florida he was made aware that there had been 1,800 arrests involving the illegal use of flunitrazepam. The most common use of the drug was as an intoxicant to augment the effects of alcohol, heroin or cocaine.

REPRESENTATIVE VEZEY advised members the drug was not legal to manufacture, distribute or possess in the United States under federal law, but was not illegal to possess or distribute under state law. He pointed out that the drug was a member of the family of drugs known as benzodiazepines which are the antidepressant, hypnotic drugs, of which all but flunitrazepam are listed in the state's schedule IVA controlled substances.

Representative Vezey explained that possession with the intent to manufacture or distribute would be a class C felony. He noted that the drug was not known to be manufactured by street chemists because it was too complicated a drug to manufacture.

Number 1278

REPRESENTATIVE BUNDE moved to adopt SSHB 69. There being no objection, SSHB 69 was adopted.

REPRESENTATIVE VEZEY advised members that the drug was not detectable in a normal urinalysis, so the state of Alaska did not have the capability of testing for the drug. He advised members that the manufacturer of the drug had a very aggressive program in working with law enforcement agencies and if use of the drug is suspected, they have a means to detect its presence.

REPRESENTATIVE PORTER advised members he had attempted, for a number of years, to arrive at a structure for the state's drug laws that would allow the ability to adopt, by reference, the federal substance abuse prescriptive list.

REPRESENTATIVE VEZEY explained that the state of Alaska lists drugs under two different schedules for two different purposes. The sponsor substitute dealt with Title 11, which was the criminal code. He noted that Title 17 addressed the medical use of controlled substances and the state had adopted the federal regulations for those types of drugs.

GEORGE TAFT, Director, Alaska Crime Lab, advised members he had received a large packet of information on the drug from Texas and most of what he had read about the drug was not good.

REPRESENTATIVE ROKEBERG asked how the state would be able to prosecute under the statute if the drug is undetectable.

EVERETT CLEARY, Chief Toxicologist, Alaska Crime Lab, advised members that currently the screens that are used to detect different categories of drugs did not react to the presence of flunitrazepam, although if the drug were suspected to have been used, the lab had alternate means to detect the presence of the drug.

TAPE 97-16, SIDE A
Number 000

DON DAPCEVICH, Executive Director, Advisory Board on Alcoholism and Drug Abuse, advised members they were in support of SSHB 69. He noted that the proposed legislation supported the statewide planning efforts for alcoholism and drug abuse by decreasing accessibility to drugs, and by increasing the available penalties for misuse of drugs.

MR. DAPCEVICH noted that flunitrazepam first came to the board's attention approximately two and a half years ago where there was extensive misuse of the drug in the state of Florida which had spread to California some time later. He pointed out that one of the side effects of the drug was memory loss which was one of the reasons it had become known as the date rape drug. To his knowledge, the drug had not yet appeared in the state of Alaska, although felt it would only be a matter of time before it did.

REPRESENTATIVE CROFT asked if there was any action necessary from the Controlled Substance Advisory Committee to make the drug illegal.

JERRY LUCKHAUPT, Attorney, Legislative Legal and Research Services, Legislative Affairs Agency, advised members they would not need action by that committee. He explained that the legislature established a method for having changes in the schedules brought to their attention in order that they could enact legislation that would change the schedules. Mr. Luckhaupt advised members that committee had not met for at least 12 years, if it ever met. He noted that AS 11.71.120 talked about the authority of the committee to recommend changes to the legislature which requires the Governor to introduce legislation through the Rules committee upon their recommendations to add, delete or reschedule a drug. Mr. Luckhaupt noted that a provision could be included in the proposed legislation that said notwithstanding AS 11.71.120; add a separate bill section, or amend the entire thing out.

MR. LUCKHAUPT addressed the suggestion made by Representative Porter of adopting, by reference, the federal government's list of drugs. He stated that the problem with Alaska taking that approach was a decision of the Alaska Supreme Court in a case that dealt with the legislature's adoption of a plumbing or electrical code a number of years ago in which the court said the state could not adopt a body of regulations changed by someone else, through time, and allow the changing body to govern that conduct in Alaska.

Number 1556

REPRESENTATIVE ROKEBERG moved that SSHB 69 move out of the committee with the attached zero fiscal notes and individual recommendations. Representative Berkowitz objected for the purpose of discussion.

REPRESENTATIVE BERKOWITZ explained that his concern was with the attached zero fiscal notes, which to him presumed there would never be a prosecution.

CHAIRMAN GREEN explained that through the budget process there was an amount of money allocated for passed legislation.

REPRESENTATIVE JAMES pointed out that many times a fiscal note would not be necessary because some costs could be absorbed within the existing budgets.

REPRESENTATIVE BERKOWITZ withdrew his objection. There being no objection, SSHB 69 was moved out of the House Judiciary Standing Committee with the attached zero fiscal notes.

ADJOURNMENT

Number 1675

CHAIRMAN GREEN adjourned the House Judiciary Committee meeting at 3:10 p.m.

Alaska Women's Lobby

P.O. Box 210685 Anchorage 99521
211 Fourth Street Suite 108 Juneau 99801

phone: 907-586-1107
fax: 907-586-1097

POSITION STATEMENT

HB69: Criminalization of the "date rape" drug

Alaska has the dubious distinction of having one of the highest rates of reported rapes in the nation. Statistics indicate that the majority of sexual assaults - both in Alaska and in the nation - are committed by persons known to the victim. Among these most common types of sexual assault is "date rape."

Instances of "date rape" in which the drug Rohypnol is used in commission of the crime are increasingly common. The drug has the ability to completely incapacitate a victim and cause blackouts. The results are that women are unable to protect themselves and unable to remember the assault. Consequently, perpetrators that use this drug are virtually assured that the victim will offer no resistance and the crime will go unreported.

Possession of the drug Rohypnol is currently legal in Alaska. SB 94 and HB 69 would make possession of the drug a Class C felony, and would significantly increase penalties if the drug were used in the commission of a sexual assault. The Alaska Women's Lobby supports passage of a measure to criminalize this drug in an effort to prevent sexual assaults and protect women from increasingly dangerous attacks.

HB

91

SENATE COMMITTEE REPORT

DATE: 2/13/97

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 2/21/97

Judiciary Committee considered HOUSE BILL NO. 91

"An Act extending the termination date of the Board of Parole; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Miller</i>	✓	<i>George</i>	✓		
		<i>Stan Kamell</i>	✓		
CHAIR:		CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Corrections</i>	<i>2/7/97</i>		✓

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 1
 Bill Version: HB 91
 (H) Publish Date: 2/7/97

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act extending the termination date of the BRU: Administration & Support
Board of Parole; and providing for an effective date." Component: Parole Board
 Sponsor: Representative Porter
 Requester: Representative Porter (H) JUD COMPONENT SERIAL NO. 695

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	321.8	321.8	321.8	321.8	321.8	321.8
TRAVEL	66.4	66.4	66.4	66.4	66.4	66.4
CONTRACTUAL	99.0	99.0	99.0	99.0	99.0	99.0
SUPPLIES	4.7	4.7	4.7	4.7	4.7	4.7
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	491.9	491.9	491.9	491.9	491.9	491.9

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	491.9	491.9	491.9	491.9	491.9	491.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	491.9	491.9	491.9	491.9	491.9	491.9

Estimate of any current year (FY97) cost: \$ 488.2

POSITIONS

FULL-TIME	5	5	5	5	5	5
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Although this is presented as a fiscal note, the above numbers represent the Parole Board's FY98 Operating Budget Request.

Prepared by: Bruce Richards *[Signature]* Phone: 465-3307
 Division: Office of the Commissioner Date: 1/30/97
 Approved by Commissioner: Margaret Pugh *[Signature]* Date: 1/30/97
 Agency: Department of Corrections

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STATE OF ALASKA
BOARD OF PAROLE



**1996 ANNUAL REPORT TO THE GOVERNOR
AND THE ALASKA LEGISLATURE**

January 1997

STATE OF ALASKA /

TONY KNOWLES, GOVERNOR

DEPARTMENT OF CORRECTIONS

ALASKA BOARD OF PAROLE
P.O. Box 112000
Juneau, Alaska 99811-2000
PHONE: (907) 465-3384
FAX: (907) 465-3110

Alonzo B. Patterson Jr., Chairman
David F. Cooper, Vice-Chairman
Elsabeth F. Demeksa, Member
Jana Varrati, Member
Mary Ann Eininger, Member

January 31, 1997

To: The Honorable Tony Knowles, Governor
The Honorable Members of the Alaska State Legislature
The Citizens of the State of Alaska

Ladies and Gentlemen:

It is my pleasure to offer the Annual Report of the Alaska Board of Parole for the calendar year 1996. I believe you will find the information contained in this report to be both interesting and informative.

The Board has continued, over the last year, to approach decision making in a professional and informed manner with the knowledge that we as a Board are first and foremost accountable to the citizens of the State of Alaska. Our recidivism statistics, included in this report, are an excellent indicator that a properly administered parole system can be an asset. As a future goal, the Board would like to see the state remove misdemeanor from parole supervision by changing the law so a prisoner is on supervision with a minimum sentence of two years or more rather than the current practice of supervising them with any combination of sentences of two years or more.

The Board takes a great deal of pride in the dedication of our staff and the Department's employees during the last year. In light of declining resources and a growing prison population the State of Alaska and the Department of Corrections are facing some very difficult challenges.

Sincerely,



Alonzo B. Patterson, Jr.
Chairman

ALASKA BOARD OF PAROLE 1996 ANNUAL REPORT

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MISSION STATEMENT

Alaska Board of Parole

To protect the public by focusing on risk and by making careful, just, and equitable parole decisions.

To maintain a current written policy and numerical guidelines to allow the public, offenders, and criminal justice components to easily understand discretionary parole release decisions.

To represent the ethnic, racial, gender, and cultural populations of the state.

To use Department and community resources as a bridge to help parolees become contributing members of society.

To set relevant parole conditions and return to prison those who fail to follow their parole conditions.

STATUTORY OBLIGATIONS

AS 33.16.100(a) The Board may authorize the release of a prisoner on discretionary parole if it determines that a reasonable probability exists that:

- (1) the prisoner will live and remain at liberty without violating any laws or conditions imposed by the Board;
- (2) the prisoner's rehabilitation and reintegration into society will be furthered by release on parole;
- (3) the prisoner will not pose a threat of harm to the public if released on parole; and
- (4) release of the prisoner on parole would not diminish the seriousness of the crime.

AS 33.16.010(d) A prisoner released on discretionary or mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.

AS 33.16.220 The Board may revoke parole for conduct in violation of AS 33.16.150(a) or (b).

THE PAROLE BOARD'S RESPONSIBILITIES

- **To Alaska Citizens**

To continually refine our ability to select persons for parole who will succeed as law-abiding citizens. To assist parolees in becoming productive citizens for the benefit of society, themselves, and their families. And, to use our revocation authority wisely, promptly returning to prison those parolees who present a danger to the community.

- **To Victims**

To welcome and consider views and information from crime victims and their families and to respond positively to their requests for information and notification.

- **To Corrections Employees**

To provide leadership, training, and resources to enable them to perform their jobs effectively and efficiently.

- **To Offenders**

To consider each offender as an individual, using one set of standards in fair, unbiased hearings; providing realistic parole conditions and helpful positive supervision.

- **To Justice**

To uphold appropriate punishment; advance equal treatment to offenders serving sentences for similar offenses with similar histories and needs; and work with other justice components to reduce criminality.

THE BOARD MEMBERS

Chairman Alonzo B. Patterson, Jr. was appointed to the Board in February 1984 by Governor Sheffield. He was reappointed by Governor Sheffield in 1986, Governor Hickel in 1991, and Governor Knowles in 1996. Reverend Patterson is the pastor of Shiloh Missionary Baptist Church in Anchorage. He has a Bachelor of Arts Degree in Psychology from the University of Alaska/Anchorage, and a Doctor of Divinity Degree from the American Bible Institute. Reverend Patterson is a resident of Anchorage.

Vice Chairman David Cooper was appointed by Governor Sheffield in February 1984, reappointed by Governor Sheffield in 1986, Governor Cowper in 1990, and Governor Knowles in 1995. He has an Associate of Arts Degree in Behavioral Science from the University of Alaska/Anchorage. Mr. Cooper is retired from the position of Assistant Superintendent at Palmer Correctional Center after 19 years of exemplary service. He was born and raised near Ninilchik. He and his family operate a commercial fishing business in Cook Inlet. Mr. Cooper is a resident of Palmer.

Member Elisabeth Demeksa was appointed by Governor Hickel in 1992. She has a Bachelor of Arts Degree in English Literature from New York State University. Ms. Demeksa is the owner/manager of a women's apparel store. From 1980 to 1991 she was an Aide to the Alaska Legislature, the last two years as Chief of Staff to the House Minority Leader. She is active in numerous women's and family organizations, and in 1984 was honored as one of the Outstanding Young Women of America. Ms. Demeksa is a resident of Juneau.

Member Mary Ann Eininger was appointed by Governor Knowles in 1995. She has a Bachelor of Science Degree in Psychology from the University of Chicago; a Masters of Science Degree from the Institute of Child Development, University of Minnesota; and an Education Specialist Degree in School Psychology from the University of Minnesota. Ms. Eininger has worked as a school psychologist in Minnesota and Alaska; for NEA-Alaska advocating for teachers, children, and schools. She currently owns a conflict resolution business, Resolution Now. Ms. Eininger is a community activist in Fairbanks.

Member Jana Varrati was appointed by Governor Knowles in 1995. She has a Bachelor of Science degree from the University of Iowa. Ms. Varrati has been a resident of Alaska since 1967 and has worked in both urban and rural Alaska. She was a lobbyist for 10 years, served as Special Assistant to the Commissioner of the Alaska Department of Corrections for six years, and until recently, was the Deputy Director of the Alaska Democratic Party. Ms. Varrati is a resident of Anchorage.

THE PAROLE BOARD STAFF

The Parole Board office is located at 802 Third St., Douglas, Alaska. Our mailing address and telephone numbers are:

Alaska Board of Parole
P.O. Box 112000
Juneau, Alaska 99811-2000
Phone: (907) 465-3384 ● Fax: (907) 465-3110

Executive Director

Donna E. White (acting)

The Executive Director is appointed by, and serves at the pleasure of the Board. The Executive Director is responsible for the day-to-day operations. The Executive Director attends parole release hearings and parole revocation hearings as well as providing technical assistance to the Board.

Parole Administrator

Donna E. White

The Parole Administrator assists the Executive Director in agency administration and staff supervision. The Parole Administrator is a resource for parole officers to use in daily caseload management, and parole related time accounting. The Parole Administrator is also responsible for monitoring parole eligible inmates at the Federal Bureau of Prisons (FBP) and contract facilities outside of Alaska. The Parole Administrator is required to provide training to probation and parole officers on parole related matters at the department's training academy.

PAROLE BOARD OFFICER

Daniel L. Stroeing

The Parole Board Officer assists the Parole Administrator. He is responsible for preparing conditions of mandatory parole, extraditions, and executive clemency investigations.

Secretary I

Rebecca R. Alt

Administrative Clerk III

Jean Erickson

INTRODUCTION

Society, through legislation, has determined that some people convicted of crimes will be incarcerated in correctional institutions. Incarceration is intended to act as a deterrent to others, punishment for the crime, public protection, and reformation. The optimum period of time that will meet these criteria for any given crime is unknown and, consequently, sentence length varies considerably across the United States. We know from experience that a number of offenders can be released to community supervision prior to the expiration of their sentences without jeopardizing the public and at a tremendous cost savings.

The Alaska Board of Parole was created by the legislature at Statehood to fulfill the State's constitutional requirement for a parole system. Originally, the Board was comprised of three gubernatorially appointed volunteer members. Support staff was provided by the Division of Corrections. In the mid 1960s, the Board increased to five members. In 1972, a separate parole office was created within the Department of Health and Social Services to make the Board independent of the Division of Corrections and provide Board Members with their own administrative staff. In 1984, when the Department of Corrections was created, the Board's Budget Request Unit was moved from Health and Social Services to the newly formed department.

Prior to 1986, Board members were appointed to four year terms. Beginning January 1, 1986 the appointed terms were extended to five year staggered terms, terminating every year on December 31. The staff presently includes an Executive Director, Parole Administrator, Parole Board Officer, a Secretary, and an Administrative Clerk III.

In addition to holding discretionary parole release hearings, the Board holds parole revocation hearings on both mandatory and discretionary parolees. The Board also sets parole conditions, conducts preliminary revocation and rescission hearings, and issues arrest warrants and subpoenas. During the years 1984 to 1986, the Board reviewed cases in accordance with the Prisoner Overcrowding Emergency Conditional Commutation Plan.

The Board meets quarterly in Anchorage, Eagle River, Fairbanks, Juneau, Seward, and Palmer. In November 1995, because of increased work load, the Board began meeting monthly in Anchorage to conduct final parole revocation hearings. Occasionally, the Board travels outside Alaska to the Federal Bureau of Prison Facilities and contract institutions to hold parole hearings. The Board members are paid per diem plus travel expenses and \$150 compensation for each day of hearings and administrative meetings.

In 1981, the Board adopted a parole guidelines model in which a prisoner's social and criminal history are rated to determine a risk score. The risk score and the severity of the crime are measured to determine a guideline range. The guideline range is a time of incarceration a prisoner must serve before the Board will grant discretionary parole. The guidelines were revised in 1983 based on criminal code revisions. In 1989, following research into the validity of risk factors, the guidelines were again changed.

THE HISTORY OF PAROLE ELIGIBILITY

Eligibility for discretionary and mandatory parole has changed considerably over the last three decades since Statehood. Parole eligibility has become extremely technical. This report provides an historical overview of changes to Alaska Statutes and higher court rulings that affect parole eligibility.

In 1960, the Alaska legislature determined, with passage of the criminal code, that a prisoner sentenced to a term of at least 181 days would be eligible for discretionary parole. Former AS 33.15.180. Although there was no statutory minimum term a prisoner had to serve before release on parole, the court had the discretion to set a minimum term, not to exceed one-third of the total sentence. Former AS 33.15.230(a)(1). No other restrictions or guidelines applied.

Effective May 16, 1974, the Alaska Legislature amended former AS 33.15.080 requiring a prisoner to serve one-third of the period of confinement before being eligible for discretionary parole. In the case of a prisoner serving a life sentence, the mandatory minimum was set at fifteen years. In addition, former AS 33.15.230(a)(1) was amended allowing the court to further restrict parole eligibility up to the maximum term of incarceration.

In 1980, as part of the revised criminal code and with the inception of presumptive sentencing, parole eligibility was again altered significantly. Crimes were grouped according to the severity of the offense. Murder I, Murder II, and Kidnapping were unclassified felonies. Murder I and II and Kidnapping were changed from a maximum term of life to a maximum term of 99 years. The mandatory minimum for discretionary parole eligibility for Murder I was increased to 20 years [AS 12.55.125(a)] or one-third of the period of confinement (former AS 33.15.080), whichever was greater. The mandatory minimum term for Murder II and Kidnapping was set at five years [AS 12.55.125(b)] or one-third of the period of confinement, whichever was greater.

All other felony offenses were classified as A, B, or C felonies. First time felony offenders and all misdemeanor offenders with a sentence of 181 days or longer were eligible for discretionary parole after serving one-third of the period of confinement. The remaining felony offenders (those with one or more prior felony convictions) were to be given a non-parole eligible presumptive term. [AS 12.55.125] As in the past, the court could further restrict parole eligibility beyond the statutory minimums [AS 12.55.115].

The 1980 revised criminal code also provided for a Three-Judge Sentencing Panel, AS 12.55.175, to review cases with extraordinary circumstances [AS 12.55.165]. The three-judge panel may impose a sentence under AS 12.55.015. The three-judge panel may also order a defendant previously ineligible for discretionary parole, parole eligible.

Effective October 1, 1982, Sexual Assault I and Sexual Abuse of a Minor I, previously class A felonies, were placed in a new category of "unclassified presumptives" [AS 12.55.125(l)], first time sex offenders were no longer eligible for parole. In addition, Class A first time sex offenders were now subject to presumptive terms and were not eligible for parole [AS 12.55.125(c)].

Effective January 1, 1983, drug offenses were included in the revised criminal code and Misconduct Involving a Controlled Substance in the First Degree became an unclassified felony with a five year mandatory minimum [AS 12.55.125(b)].

Effective January 1, 1986, class A, B, and C felony offenders eligible for parole, had their parole eligibility reduced from one-third of the period of confinement to one-quarter [AS 33.16.100 (c)]. In addition, enhanced or aggravated presumptives were declared eligible for discretionary parole upon completion of the initial presumptive term plus the minimum (one-third or one-quarter) applicable to the enhanced portion of the term [AS 33.16.090(c)].

In order to correct what they believed to be a previous oversight, the Alaska legislature made Class A offenders parole eligible after serving one-third of the period of confinement. The revised law became effective September 12, 1987. Eligibility of these offenders had been mistakenly reduced the previous year to one-quarter along with class B and C offenders [AS 33.16.100(d)].

In 1988, the court ruled an offender sentenced prior to 1986 to an enhanced (aggravated) presumptive sentence [AS 12.55.155(c)] was eligible for parole after serving the presumptive term, less good time, and at least one-third of the composite term. Merry v. State, 752 P.2d 475 (Alaska App. 1988). In 1990, it was determined an offender sentenced to a consecutive presumptive sentence prior to 1986 was eligible for parole after completion of the initial presumptive sentence, less good time, and after serving the applicable minimum (one-third or one-quarter) of the consecutive presumptive term.

It is a well established fact that good time does not reduce the minimum term for parole eligibility. Attorney General Opinion, 01/30/74, Mills v. State, 592 P.2d 1247 (Alaska 1979). Good time does, however, reduce the term of a presumptive sentence, thus, affecting in a parole eligibility on both enhanced presumptive sentences and consecutive presumptive sentences [AS 33.16.090(c)].

Effective September 14, 1992, "three judge panel sentencing based on a finding of an exceptional potential for rehabilitation" became more restrictive. After that date, the statute required the panel to sentence the defendant to the presumptive term and order the defendant to participate in appropriate rehabilitation programs. It also provided that the defendant may become eligible for discretionary parole during the second half of the sentence imposed if the defendant successfully completed all court ordered rehabilitation programs [AS 12.55.175(e), AS 33.16.090(e)].

Effective September 3, 1995, the Board was given the authority to consider individuals for special medical parole. The statute disallows individuals serving presumptive, mandatory, or mandatory minimum terms. The statute clearly defines qualifying medical conditions that must be present in order for a person to be considered eligible for special medical parole. [AS 33.16.085]

ELIGIBILITY FOR DISCRETIONARY PAROLE: An Overview

As previously indicated, parole eligibility laws have become extremely complicated. In order for a prisoner to be eligible for discretionary parole, the prisoner must be sentenced to a term of 181 days or more. In the case of classified felonies, first time class B and C offenders are eligible after serving one-quarter of their term. All other classified felonies and unclassified sex offenses fall under presumptive sentencing and are eligible for parole after serving the initial presumptive terms. Prisoners convicted of unclassified felonies must serve mandatory minimums (20 years for Murder in the first Degree, five years for all others) or one-third of the total term, whichever is greater, before being eligible for discretionary parole. A prisoner may not be released to discretionary parole before s/he signs the parole conditions.

ELIGIBILITY FOR MANDATORY PAROLE: An Overview

A prisoner who is ineligible for or has not been granted discretionary parole will be released to mandatory parole supervision providing the composite sentence is two years or more. The term of mandatory parole is equal to the period of time the prisoner's sentence was reduced for good behavior, in most cases this is one-third of the total sentence.

Mandatory parole can be rescinded prior to a prisoner's release to supervision if the prisoner does not comply with court ordered treatment while incarcerated. Once released from the institution, the Parole Board can revoke a mandatory parolee for violating their mandatory parole conditions previously set by the Board. A prisoner cannot refuse to be released to mandatory parole supervision, and may be released without signing parole conditions.

Board Case Management

The workload for the Alaska Board of Parole increased significantly during the 1980s, a time when prisoner population mushroomed. As an example, the 1980 criminal code revision did not begin to show an impact until about 1983. In 1982, the Board's total workload including parole hearings, parole revocation hearings, warrants and preliminary hearings was under 400 cases. From 1982 to 1995, the Board's workload increased four fold. The increase was substantially related to the enforcement of the 1980 presumptive sentence and mandatory parole laws. Each year, as a higher percentage of prisoners entering the system were sentenced under the presumptive sentence law, the number of prisoners eligible for discretionary parole and the number of prisoners released on discretionary parole decreased. In November, 1995, the Board began meeting monthly at the Cook Inlet Pretrial facility in Anchorage to conduct final revocation hearings. This came as a result of an ever increasing number of mandatory parole releases.

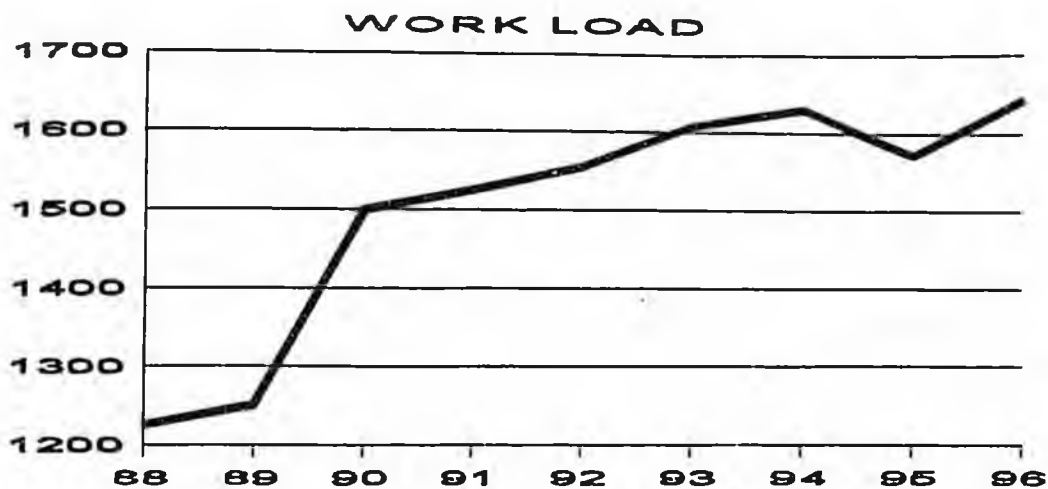


figure #1

During calendar year 1996, the Board held a total of 1644 hearings, a record level and an increase from 1995's figure of 1571. This increase is in spite of moving to a monthly meeting schedule in 1995, which has reduced the number of preliminary revocation hearings in the Anchorage bowl. (figure #1).

Discretionary Parole

During calendar years 1994-1996 the Board held a total of 695 discretionary parole release hearings. Of that total, 283 prisoners were granted discretionary parole for a parole rate of 41% (figure #2). In addition, during that three year period, the Board reparaoled another 226 prisoners following revocation of their mandatory parole.

The Board has completed a recidivism study every year since the mid 1970s. This was traditionally a one year follow-up of prisoners released to discretionary parole. In 1988, the study was expanded to follow the parolee for more than one year. Success is measured by the parolee's ability to complete the follow-up period on supervision without having been revoked by the Board.

PAROLE RATES 1994-1996

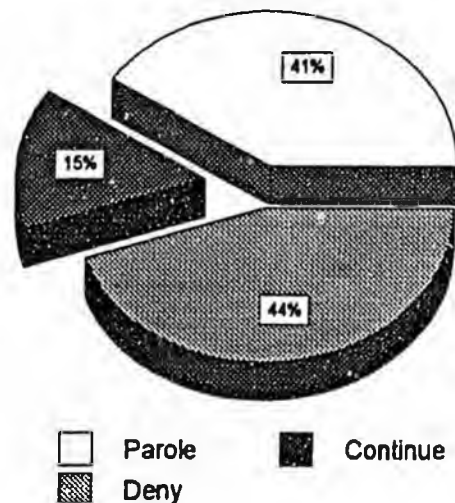


figure #2

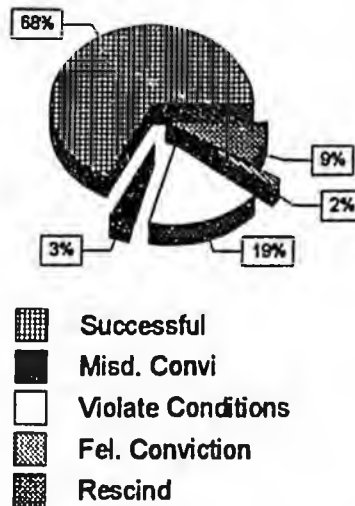
Failure is also divided into five categories, including *rescissions* due to the prisoners behavior prior to release on parole or refusal to accept the conditions of parole. If, following release, the violation was for a condition of parole that was not a violation of a law or local ordinance, such as consuming alcohol or failing to report a change of residence, the violation is considered to be a *technical* or *conditions* violation. If parole is revoked as a result of a conviction for a *misdemeanor* or *felony* while on supervision, the violation is noted accordingly. A parolee who does not report to the parole office as instructed and is unable to be located by the parole officer is coded as an *absconder*. If multiple violations occur, the most serious one is the one coded.

The Board is very proud of its consistently low felony revocation rate. A felony revocation rate of 10% is acceptable and expected in many jurisdictions across the United States. The Alaska Board of Parole has consistently had a felony violation rate of 5% or less. A follow-up of the prisoners released to discretionary parole during the years 1991-1995 indicates a felony violation rate of 2% and a misdemeanor violation rate of 3%. (figure #3). This low felony and misdemeanor revocation rate is an indication the field parole officer is doing a good job monitoring cases to assure the parolee is removed from the community at the first sign of serious supervision violations and before a new crime is committed.

The combined violation rate for discretionary parolees during that period of time is 24%. An additional 9% of prisoners had their parole rescinded prior to release due to their behavior or due to their refusal to agree to the conditions of parole. In addition many of the prisoners revoked were returned to prison for only a short period of time and then released to supervision again at a later date.

Figure #3

RECIDIVISM 1991-1995
DISCRETIONARY PAROLE

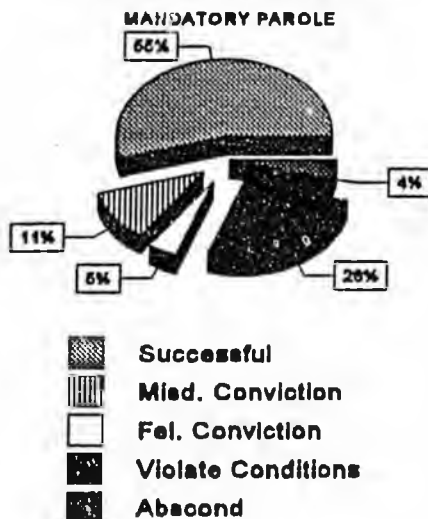


Mandatory Parole

The Department of Corrections currently releases over 450 prisoners each year on mandatory parole supervision. Mandatory parole is defined as that portion of a sentence reduced for good behavior while incarcerated. This number continues to increase as the prison population continues to increase.

figure #4

RECIDIVISM 1991-1995



During the years 1991-1995, 2254 prisoners were released to mandatory parole supervision. As figure #4 indicates, 45% of them violated their conditions of mandatory parole. This violation rate is nearly twenty percentage points higher than prisoners released to discretionary parole. In addition, on the average these prisoners were not as closely supervised as discretionary parolees who are often required to participate in residential programs, halfway houses, or the Intensive Supervision Program. This revocation rate for mandatory parolees could increase considerably if they were supervised as closely as discretionary parolees. Once a mandatory parolee has violated parole conditions, s/he will come back before the Board for a revocation hearing. It is at this point that the parolee is subject to closer supervision identical to that of a discretionary parolee, providing the Board votes to reparole the individual.

Risk Factors

The parole guideline model developed in 1981 and the subsequent revisions to that model have always included a risk score sheet. The current risk factors were adopted in 1989 and provide for a scoring range of 0 to 49. The lower the score, the lower the risk to reoffend. Risk scores are divided into four categories as follows:

A = 0-6 B = 7-14 C = 15-29 D = 30-49

During the years 1992 to 1996, the parole rate for prisoners in category A was 62%; the parole rate for category B was 50%; the parole rate for category C was 37%; and the parole rate for category D was 26%. (figure #5). This is a good indication the Board is paying a great deal of attention to an applicant's risk to the community at the time parole is granted.

PAROLE RATE BY RISK SCORE
1992-1996

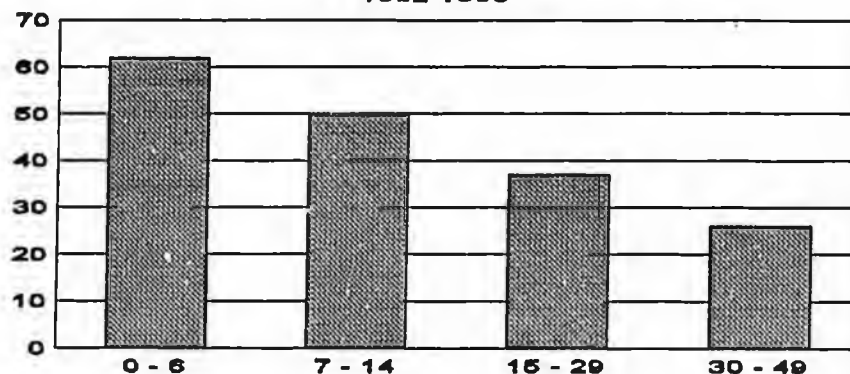
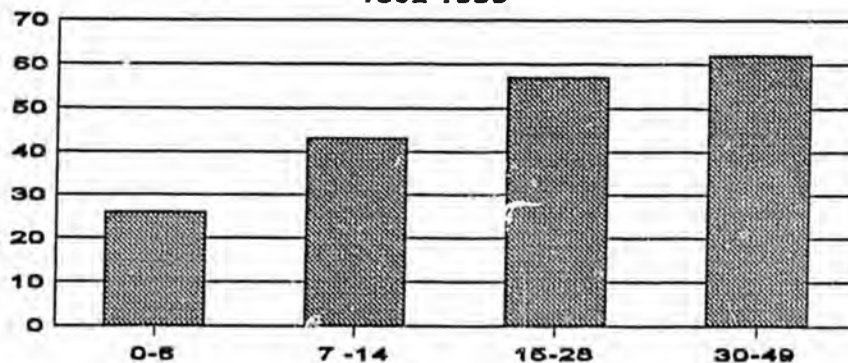


figure #5

Information obtained from risk scores for prisoners appearing in a parole hearing and later appearing in a revocation hearing during the years from 1992 to 1996 further support the validity of the risk scores and the Board's reliance on these scores. Of the 275 prisoners revoked during this five year period, only 7% were in the two best risk categories (A & B). (figure #6). Nearly all of the parolees violated during those years (93%) had a risk score of 15 or higher.

figure #6

RISK SCORES AT REVOCATION HEARINGS
1992-1996



Parole Guidelines

The Board has utilized numerical guidelines for releasing prisoners since 1981. See 22 AAC 20.142. The guidelines are designed for non-presumptive offenders eligible for discretionary parole. Many other states have guideline models, including the U.S. Parole Commission. In some cases the Board will release a prisoner below the minimum range by making a formal finding of mitigating factors; or the Board will deny parole and thus require a prisoner to serve a term above the guidelines by making a formal finding of aggravating factors. During 1996, the Alaska Board of Parole found mitigating factors to make a decision below the suggested guidelines range in 9% of the cases appearing before them. They found aggravating factors and made a decision above the suggested guidelines range in 10% of the cases appearing before them.

AGGRAVATION AND MITIGATION

1987-1996

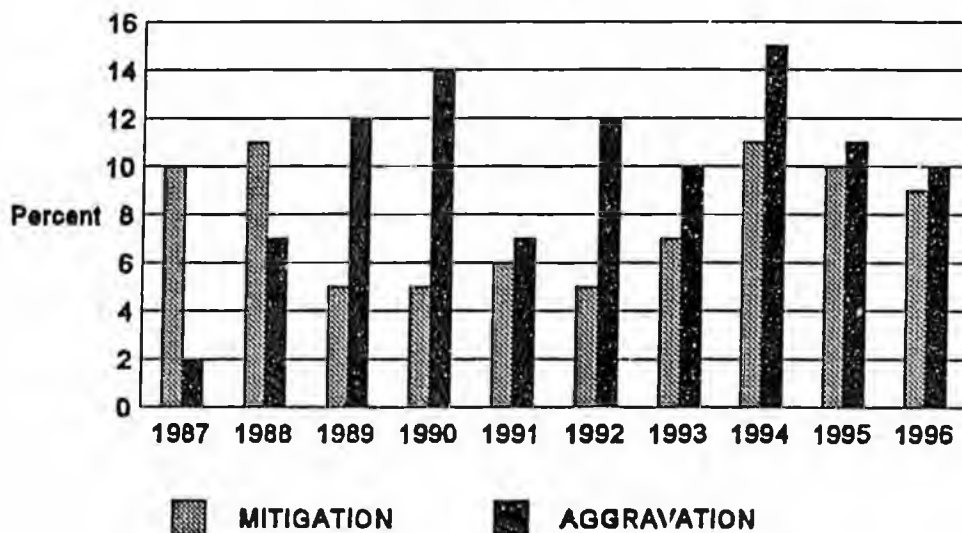


figure #7

Eighty-one percent of discretionary paroles granted are granted within the guideline range. This high percentage of conformity to the guidelines is an indication the Board is making a conscious effort to apply the discretion they have, in a fair and equitable manner.

Alaska State Legislature

Representative Brian S. Porter

HOUSE MAJORITY LEADER

MEMBER
HOUSE JUDICIARY COMMITTEE
HOUSE RULES COMMITTEE
HEALTH, EDUC. & SOCIAL SERVICES COMMITTEE
LEGISLATIVE COUNCIL JOINT COMMITTEE



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SPONSOR STATEMENT
FOR
HB 91 EXTENDING THE TERMINATION DATE OF THE
BOARD OF PAROLE

This bill extends the life of the Board of Parole from June 30, 1997, until June 30, 2001, as set out in Sec 44.66.010

Audit Report



DEPARTMENT OF CORRECTIONS
BOARD OF PAROLE

July 15, 1996



Audit Control Number:

20-1446-96

Division of Legislative Audit
P.O. Box 113300, Juneau, Alaska 99811-3300

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347

May 20, 1996

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF CORRECTIONS
BOARD OF PAROLE

July 15, 1996

Audit Control Number

20-1446-97

This audit evaluates whether the Board of Parole should be extended in statute. Currently, under AS 44.66.010(a)(3) the board scheduled to terminate on June 30, 1997. The board would have one year from that date to administratively conclude operations.

In our opinion, the Board of Parole should be reestablished. The provision of a parole supervision system in the State is necessary to the protection of the public's welfare. We recommend that the legislature extend the board's termination date to June 30, 2003.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section on page one of this report.



Randy S. Welker, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Parole (board) to determine whether it was operating in the best interest of the public and if it should be statutorily continued in operation. As required by AS 44.66.050(a), the committee of reference shall consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, under AS 44.66.010(a)(3) the board will terminate on June 30, 1997, and will have one year from that date to conclude its affairs.

Objectives

There are two central, interrelated, objectives of our report. They are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest. The assessment of the operations and performance of the board, was based on AS 44.66.050(c). This statute sets out criteria that is to be used in determining a demonstrated public need for the board.

Scope and Methodology

During the course of our examination, we reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Calendar books on parole hearings.
3. Parole files from 1993 through 1995.
4. Interviews with parole board staff.
5. Minutes of board meetings.
6. Administrative policies and procedures.
7. Board members' compensation files from 1993 through 1996.
8. Office of the Ombudsman closed case file.
9. Budget documents containing goals and objectives of the board and other documents considered relevant.

ORGANIZATION AND FUNCTION

The Board of Parole was created as the parole authority for the State under AS 33.16, The Parole Administration Act. The board consists of five part-time members appointed by the governor to serve staggered terms of five years. The statute directs that board members be selected for their ability to make decisions that are "*compatible with the welfare of the community and of individual offenders.*"¹

Board of Parole Members

Alonzo Patterson, Jr., Chairman
David Cooper
Elsa Demeksa
Mary Ann Eininger
Jana Varrati

Board members are compensated for participating in board business at \$75 for each half day and \$150 for each full day. The compensation amount is set by the governor. Travel costs and per diem are also provided. The board has an administrative staff which currently consists of an executive director, parole administrator, parole board officer, and two support staff.

The State of Alaska has two forms of parole: discretionary and mandatory. The board is responsible for decisions under discretionary parole. By statute, an inmate may be considered for discretionary parole release only after a statutory minimum time in prison has been served. Upon application, an eligible inmate may appear before the board and be considered for discretionary parole. A discretionary parole decision will either release an inmate on parole, continue the case for future consideration, or deny parole. In contrast, mandatory parole is not voluntary and release is not contingent upon the board's approval. An inmate will be released to mandatory parole providing their composite sentence is two years or more. The term of mandatory parole is equal to the good time deduction credited to the prisoner's sentence which is generally one-third of the total sentence.

The board is also responsible for setting parole conditions and holding parole revocation hearings for both discretionary and mandatory parolees. Revocation hearings are held when it has been determined that a parolee has violated a law or condition of parole. The board has three options under revocation hearings: revoke the violator's parole and return the parolee to prison, revoke parole and reparole without time credited against the sentence for prior time on parole; or take no action.

Board operations are funded by General Fund appropriations as a component of the Department of Corrections. Personal services for administrative staff account for the majority of expenditures. As shown on the table on the following page, the board's annual appropriations have decreased while expenditures have fluctuated slightly from fiscal year 1992 through fiscal year 1995.

¹ AS 33.16.030(a)

REPORT CONCLUSIONS

Under Alaska Statute 33.16, the Board of Parole serves as the parole authority for the State which fulfills the Alaska Constitution requirement for a parole system. Among the board's primary responsibilities is the determination of a prisoner's suitability for discretionary parole. The board also conducts revocation hearings, sets parole conditions, investigates clemency requests for the governor and performs additional parole matters as necessary. Currently, there is no other entity in the State that provides these services.

The board conducts its business in a professional manner, although deficiencies have been noted in operations of the administrative functions (see Recommendations Nos. 1 through 4).

Currently, AS 44.66.010 has the board scheduled for termination on June 30, 1997 and provides the board with a year in which to conclude its affairs. We recommend that the legislature extend the board's termination date to June 30, 2007.

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The administrative staff at the board should improve controls over the system used to maintain information on parole applicants and board decisions.

In the late 1980's, the Board of Parole developed an internal management information system (MIS) to monitor its caseload. Staff of the board felt it was necessary to develop their own MIS to supplement the insufficient data provided by the Department of Corrections on parolees. Essentially, the MIS is a data-base system which records a variety of information related to individuals that have had a hearing before the Board of Parole. An important aspect of the MIS system is that it provides statistical data which allows the board to analyze the consistency and appropriateness of its parole decisions over time.

The MIS maintained by the administrative staff at board of parole is incomplete. Problems with the data entered into the MIS are particularly acute for 1995 information. As a result, the accuracy of the MIS has been compromised, and this in turn hampers the development of accurate parole statistics. As cited above, these statistics are necessary to evaluate the overall consistency and appropriateness of parole activity.

We found instances where 1995 parole applicants were not included in the MIS by the administrative office. Also key fields used to query for parole information were incorrect or blank. We attribute this lack of consistent data entry to weak internal controls over how parole information was processed. The main control deficiencies involve a lack of established, written procedures for data entry and no secondary review of the information once it has been entered into the MIS.²

In order to produce reliable information on caseload and parole decisions the MIS data should be reviewed and corrected. The staff must develop procedures to ensure data entered is accurate and reflects the parole applicant's case file. At least one staff member should be trained in the data base used to record parole information to ensure data and statistical information is readily available for the board's needs.

² This lack of controls was partly a result of the retirement in June 1995 of the former executive director. This individual had 20 years experience with the Board of Parole, developed the MIS data base, and oversaw, in detail, all data entered into the system since its inception. In addition to the loss of this historical knowledge, a secretary position was vacant for a large period of time in 1995 which caused the administrative section to be understaffed.

Since September 1995, the 20 to 30 minute credit has been broken down in dollars to reflect a portion of an hourly rate which was determined by dividing the \$150 full day rate by 7.5 hours per work day to obtain an hourly rate of \$20 per hour. Previously the 20 to 30-minute reading file credit was accumulated and rounded to the nearest half-day or full day amount when submitted by the board member for reimbursement.

We found evidence that previously the compensation rate was manipulated to allow a board member to receive reimbursement over the \$150 per day limit. Historically, a board member would not be entitled to compensation for reading parole files in the evening if he/she had already performed a full day of parole duties during that day. However, we found support which indicates the date used to account for when files were read was modified in some cases to allow board members to receive payment in excess of the \$150 limit for reading files.

In our view, given the demands on their time, the compensation of board members at a general rate of \$150 a day is reasonable. We do not question the rates or the methodology established by the board as a basis for compensation. We also recognize that the \$150 per day payment should not necessarily serve as an upper limit — that there may be times when the workload circumstances merit more pay. However, such exceptions and circumstances should be clearly documented in the gubernatorial authorization, rather than misrepresenting circumstances to justify or make compensation fit under the existing authorization. It is time for the governor to have an opportunity to review the varied interpretations and applications that have grown out of the original, minimally worded, 12-year old authorization.

To that end, we encourage the board to review compensation policies, and consider formally restructuring the compensation approval documentation to include both specific tasks and the day and half-day rates. We would suggest the board seek a revised, more extensively worded, compensation authorization document. We recommend that the board of parole, in consultation with the Office of the Governor, adopt compensation guidelines and develop written policies for compensating board members.

Recommendation No. 3

The statute regarding rights of victims to comment on prisoner parole should be changed to reflect the responsibilities of both the Department of Corrections and the Board of Parole.

Under the AS 33.16.120 the board is responsible for victim notification when a prisoner is considered for discretionary parole. Yet, in practice this function is largely performed by Department of Corrections institutional parole officers. The board has very little involvement in notifying victims that have requested notice of a discretionary parole hearing. Currently, the board only informs victims that have requested notification for those inmates housed outside the State of Alaska or at a federal prison who are applying for discretionary parole. We found the statutes silent on victim notification of parole hearings related to revocations.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of Board of Parole activities relate to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

The extent to which the board, commission, or program has operated in the public interest.

The Board of Parole has established objective, quantitative criteria for use in evaluating individuals eligible for parole.

The criteria applied by the board is designed to assess the risk posed to the public by an individual under consideration for parole.

For more discussion on these risk factors and how they are used see discussion in inset to the right. In the 1994 annual report the board analyzed their parole actions in the context of these risk factors. Further, the board confirmed that these risk factors were relevant, by analyzing the parole violation rates compared to risk scores.

In the report, this statistical analysis indicated that the board did appropriately consider risk to the general public when granting discretionary parole. From the analysis presented in the 1994 report, the board granted discretionary parole at a higher rate to applicants assessed at a lower risk than to higher risk individuals. Further, when evaluated in the context of parole violations, these risk factors appeared to be appropriate and relevant. Individuals with higher risk scores had a higher parole violation rate than individuals with lower risk scores.

Parole Guidelines

The Board of Parole has developed guidelines which are used in exercising parole discretion. The guidelines suggest the amount of time an individual should serve before being released on discretionary parole. Guidelines are based on the nature of the crime and individual risk factors such as prior criminal and social history. An example of the guidelines used by the board is shown in Appendix A of this report.

On occasion, discretionary parole hearings are granted to applicants that fall either above or below the guidelines. The board considers these cases if there are specific aggravating or mitigating circumstances. An important aspect of the guidelines is the risk assessment score. Risk scores range between 0 to 49.

As shown on "worksheet" present in Appendix B of this report, points are assigned for such factors as: (1) age of the applicant at the time of the first offense and current age; (2) employment history prior to incarceration; (3) history of drug and/or alcohol abuse; and, (4) prior criminal record. When used with the guidelines (see Appendix A) the applicants are sorted into one of four categories based on their risk assessment score. The four categories, labeled A through D, are as follows:

A = 0-6 pts.
B = 7-14 pts.

C = 15-29 pts.
D = 30-49 pts.

The top graph on the following page illustrates that for the 90 cases from 1995 selected and reviewed, lower risk applicants have a larger discretionary parole rate than individuals with higher risk scores. As stated in our analysis discussion, this trend indicates the board is appropriately considering risk when granting discretionary parole.

The bottom graph illustrates the rate at which individuals with various risk scores reoffend. The gradually increasing rate of parole violation compared to risk scores, gives some indication that the risk score criteria used by the board is relevant and does correlate with risk to the general public.

During 1995, the Board of Parole had one vacant position for most of the year. Additionally, the former Executive Director, with more than 20 years experience with corrections and parole, retired. This significantly reduced the historical knowledge of program operations. The former executive director developed and performed numerous tasks without benefit of any documented policy and procedures. As a result of this departure, many internal control weaknesses developed since remaining staff did not have the hands-on experience or written procedures to follow in carrying out day-to-day data base maintenance duties. As discussed in Recommendation No. 1, the board should improve controls over the management information system used to maintain various information on parole applicants and board decisions.

The current statutes require the Board of Parole to be responsible for victim notification under AS 33.16.120, yet in practice the Department of Corrections performs the function with little oversight or follow-up by the Board of Parole. The current statutes should be amended to reflect the policies and procedures in place (see Recommendation No. 3).

The methodology in place to provide compensation to the board members is inconsistently applied and appears to be based on changing, but undocumented board interpretations. Guidelines need to be established for each task for which a board member may be compensated for during the year (see Recommendation No. 2). Due to the weak internal control structure in the administrative office, errors occur in determining the amount to compensate each board member. Also per diem reimbursements have been made to one board member inconsistent with the requirements of the State's administrative manual (see Recommendation No. 4).

The extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.

Over the past three years the board has initiated statutory changes which allow for special medical parole for severely ill inmates. Under the statute, severely ill inmates which pose minimal threat to the public, can be discharged to minimize health care costs incurred by the state required to be provided to the individual during incarceration. At the present time, no statutory changes are pending that were proposed by the board.

The extent to which the board or commission which regulated entry into an occupation or profession has presented qualified applicants to serve the public.

Not applicable to the Board of Parole.

The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

No complaints against the board were identified.

The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

See the Findings and Recommendation section of this report.

APPENDIX B

Parole Risk Assessment

- 1. Age at date of first offense for which convicted (adult or juvenile) _____
 - 25 or over = 0
 - 20 - 24 = 2
 - 19 or under = 4
 - 2. Felony adjudications/convictions (adult or juvenile) _____
 - none = 0
 - 1 = 2
 - 2 or more = 4
 - 3. Misdemeanant adjudications/convictions (adult or juvenile) _____
 - none = 0
 - 1 to 3 = 2
 - 4 or more = 4
 - 4. Adjudications/convictions for Burglary, Criminal Trespass, or Forgery/Worthless checks/Credit cards (adult or juvenile) _____
 - none = 0
 - 1 or more = 4
 - 5. Probation or parole revocations/rescissions (adult or juvenile) _____
 - none = 0
 - 1 = 2
 - 2 or more = 4
 - 6. Prior Employment, year before incarceration _____
 - F-T (includes Subsistence, Homemakers, Students) = 0
 - P-T or Seasonal = 1
 - Sporadic or none = 2
 - 7. Alcohol Abuse--Problem drinking/alcoholism/any impaired functioning _____
 - No = 0
 - Yes = 4
 - 8. Drug Abuse--use of any other drugs except marijuana _____
 - No = 0
 - Yes = 4
 - 9. Disciplinary Adjudications (low moderate or higher, last three years) _____
 - none = 0
 - 1 or 2 = 2
 - 3 or more = 4
- SUBTOTAL _____
- 10. If current age now is 35 or older, = -2 _____
 - 11. If conviction for Sexual Assault (adult/juvenile, any degree) = +15 _____
 - 12. If successful completion of approved Sex Offender Program, = -9 _____
- GRAND TOTAL _____

RISK SCORES

0 - 6 = Risk A 15 - 29 = Risk C
 7 - 14 = Risk B 30 - 49 = Risk D

TONY KNOWLES, GOVERNOR

DEPARTMENT OF CORRECTIONS

Alonzo B. Patterson Jr., Chairman
David F. Cooper, Vice-Chairman
Elsabeth F. Demeksa, Member
Jana Varrati, Member
Mary Ann Eininger, Member

BOARD OF PAROLE

ALASKA BOARD OF PAROLE
P.O. BOX 112000
JUNEAU, ALASKA 99811-2000
PHONE: (907) 465-3384
FAX: (907) 465-3110

Mr. Randy Welker
Legislative Auditor
P.O. Box 113300
Juneau, AK 99811-3300

RECEIVED
NOV 29 1996

LEGISLATIVE AUDIT

November 29, 1996

Dear Mr. Welker:

The Alaska Board of Parole appreciates the opportunity to respond to the issues raised in the Preliminary Audit Report dated July 15, 1996. This is the Board's response to the findings and recommendations in the preliminary audit report.

- Recommendation No. 1 The administrative staff of the board should improve controls over the system used to maintain information on parole applicants and board decisions.

The Board has purchased a new software program titled "Access" and has contracted for the program design and staff training. The program will include screen forms to reduce the error margin. In addition, the staff has established a procedure to validate the information and will verify the accuracy at the end of every quarter. This procedure includes cross checking the schedule of hearings with the data entry and the file material. Although this process can be time consuming for the limited staff, it will ensure that the data presented and collected is accurate and up to date.

The Board is in the process of contracting with the previous executive director and the designer of the current d-base system, to complete the statistical report and annual report for 1996. All further reports will be completed using the new Access program.

The Board will be providing input to the Department of Corrections for inclusion in their Management Information System to enhance coordination with all components of the criminal justice system.

- Recommendation No. 2 The executive director, after consulting with the board, should contact the Office of the Governor and obtain new compensation rates and procedures that more accurately reflect the varied tasks performed by the board.

The Board appreciates the recognition in this report of the numerous duties performed by Board members in addition to conducting formal Board hearings. The Board would like to bring to your attention the actual requirements involved when signing a warrant or conducting a preliminary revocation hearing.

When you consider a Board Member often puts in ten and twelve hour days, not to mention the time it takes to read files for a hearing, one can easily conclude the current compensation doesn't begin to adequately reflect the level of work the Board conducts.

As noted in these draft reports, the Board has been grappling for some time to develop a policy under the general wording of AS 33.16.040 to adequately and fairly compensate members. The Board's compensation rate was set 12 years ago and has not been adjusted since then even though demands on members' time has increased substantially. (Appendix A) In 1984, the Parole Board was handling approximately 800 cases a year; by 1995, the caseload had increased to over 1500 cases, nearly doubled. In 1984, the Board met for 49 days in formal hearings; in 1996, the Board met for 69 days in formal hearings, plus at least one day monthly for administrative meetings in addition to their other duties.

The rise in inmate populations necessitates commensurate increases in Board time and activity as do changes in statute and DOC policy regarding placement of prisoners in Community Release Centers and development of other intermediate sanctions available to the Board to enhance rehabilitation opportunities for parolees.

The Board recognizes its role in keeping state expenditures down and has continued to strive to maximize use of funds available to it. In light of that, the Board appreciates the auditor's recognition that \$150 per day payment should not necessarily serve as an upper limit for compensation.

Most states have adopted a yearly compensation rate for Parole Board members which eliminates the need for duty/time lists. (Appendix B) The Alaska Board of Parole has been studying the compensation policies of those boards and comparing them to our own. We are in the process of working with the Governor and his staff on a new compensation plan.

The Board disagrees that compensation is "inconsistently applied." In September, 1995, the Board adopted a policy to continue the current compensation set by the Governor in 1984 of \$150.00 for a full day of Parole Board work, \$75.00 for a half day and \$10.00 for each file read. While we agree the board needs to have a written policy, the current form of compensation is indeed quite consistent and straight forward.

- Recommendation No. 3 The statute regarding rights of victims to comment on prisoner parole needs to be changed to reflect the responsibilities of both the Department of Corrections and the Board of Parole.

The Board agrees that practice should reflect statutory requirements but, historically, the Board has relegated the task of parole report preparation and victim notification to the probation/parole officer pursuant to AS 33.16.190.

STATE OF ALASKA
BOARD OF PAROLE



1995 ANNUAL REPORT TO THE GOVERNOR
AND THE ALASKA LEGISLATURE

JUNE 1996

This report is available from the Board of Parole

State	Chairmans Salary	Members Salary	Use Video Conference?	# of Members
Missouri	\$63,380	\$59,430	Yes	5
Nebraska	\$62,000	\$47,301	No	5
Nevada			No	6
New Hampshire			No	7
New Jersey	\$86,000	\$83,500	No	9
New York	\$90,832	\$76,421	No	18
New Mexico	\$56,000	\$50,000	No	4
North Carolina	\$70,643	\$65,220	No	5
Ohio	\$70,408	\$60,000	No	12
Oklahoma			No	5
Oregon	\$69,180	\$56,904	Yes(in future)	3
Pennsylvania	\$81,449	\$78,450	No	5
Puerto Rico	\$55,000	\$45,000	No	5
Rhode Island	\$65,000	\$65,000	No	7
South Carolina			No	7
South Dakota			No	6
Tennessee	\$60,000	\$58,000	No	7
Texas	\$65,000	\$62,000	No	18
Us Army	\$95,000	\$95,000	No	14
Us Govt	\$115,700	\$108,200	No	4
Vermont			No	5
Washington	\$72,000	\$69,000	No	3
West Virginia	\$40,000	\$40,000	No	5
Wisconsin	\$65,000	\$55,787	No	5
Wyoming			No	7
Average Total	\$69,315	\$60,007		Average Members 7

HEB

101

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 101(L&C)

Revision Date: _____
Title: Trusts and Property Transfers in Trust

Department: Commerce and Economic Development
BRU: Banking, Securities & Corporations
Component: Banking, Securities & Corporations

Sponsor: Rep. Vezey
Requestor: Senate Judiciary Committee

COMPONENT SERIAL NO. _____ 1233

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
---------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ _____

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Willis F. Kirkpatrick, Director
Division: Banking, Securities and Corporations
Approved by Commissioner: William L. Hensley
Agency: Commerce and Economic Development

Phone: 465-2521
Date: _____
Date: 2-21-97

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Revision Date: _____ Dept. Affected: Revenue
 Title: Trusts & Property Transfers in trust BRU: Child Support Enforcement
 Component: Child Support Enforcement
 Sponsor: Representative Vezey
 Requestor: (H) L&C COMPONENT SERIAL NO. 111

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match					0.0	
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Glenda Straube Phone: 269-6801
 Division: Child Support Enforcement Date: January 7, 1997
 Approved by Commissioner: Wilson L. Condon Date: January 7, 1997
 Agency: Revenue

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FISCAL NOTE

No. 2
 Bill Version: CSHB 101(L&C)
 (H) Publish Date: 2/12/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...relating to certain irrevocable transfers in trust... BRU: Civil Division
transfers of certain trust interests...an effective date Component: General Legal Services
 Sponsor: Representative Vezey
 Requester: House Labor and Commerce Committee COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact for the Department of Law.

Prepared by: Fred Fisher Phone: 465-3672
 Division: Administrative Services Division *Fred Fisher for* Date: 2/7/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/7/97
 Agency: Department of Law

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FISCAL NOTE

No. 1
 Bill Version: CSHB 101(L&C)
 (H) Publish Date: 2/12/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Trusts and Property Transfers in Trust

Department: Commerce and Economic Development
 BRU: Banking, Securities & Corporations
 Component: Banking, Securities & Corporations

Sponsor: Rep. Vezey
 Requestor: (H) L&C

COMPONENT SERIAL NO. _____ 1233

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ _____

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Willis F. Kirkpatrick, Director
 Division: Banking, Securities and Corporations
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2521
 Date: 2-5-97
 Date: 2-5-97

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ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Administrative
 COMMITTEE NAME
 COMMITTEE ON House Bill 101 DATED 3-7-97
 BILL/SUBJECT

I am in support of House bill 101.

SIGNED *Heaven Smith*
 TESTIFIER

Self
 REPRESENTING (OPTIONAL)

P.O. Box 10595 457-8250
 ADDRESS/PHONE NUMBER



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Senate Judiciary
COMMITTEE NAME

COMMITTEE ON House Bill 101 DATED 3/7/97
BILL/SUBJECT

I am support of this bill
 because of the economical
 development that it will
 provide Alaska.

SIGNED Andy Urelette
TESTIFIER

REPRESENTING (OPTIONAL)
3053 Great St. North Pole, AK 99705
ADDRESS/PHONE NUMBER



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE

Senate Judiciary
COMMITTEE NAME

COMMITTEE ON

HB 101
BILL/SUBJECT

DATED

7 Mar 97

*I hereby give my support
to the above.*

SIGNED

TESTIFIER

REPRESENTING (OPTIONAL)

ADDRESS/PHONE NUMBER



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE State Judiciary
 COMMITTEE NAME
 COMMITTEE ON CS for HB 101 DATED 3-17-97
 BILL/SUBJECT

Sr. Taylor and committee member,

I urge you to support and recommend
 do passage of HB 101. This bill will
 bring a large amount of investments to ~~our~~ our
 state w/o hurting our natural resources.
 HB 101 will make Alaska the "Estate
 Planning Capitol" of the nation. It will
 increase business in the areas of investments,
 financial planning and trusts.
 Thank you for your work on this bill.

SIGNED

TESTIFIER

Jo A. Kuchle (JO A. Kuchle)
Self

REPRESENTING (OPTIONAL)

P O Box 13784 Fairbanks, AK 99707
 ADDRESS/PHONE NUMBER

(907) 488-1657