

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9595 SENATE JUDICIARY

232

(side 1)

Guide Dogs of the Desert
Palm Springs, California
Volunteer Training Identification Card

This is to certify that LINDA ATHONS is an official Volunteer Area ~~Coordinator~~ puppy trainer. Socialization and familiarization training are an important part of the Guide Dog training process.

Dogs Name PUPPYS IN TRAINING Sex M & F

Breed LABS, GOLDEN RETRIEVERS and SHEPHERDS

Expires 12/2000 Exec. Dir. James O. Hyatt

(side 2)



Puppy Raiser

PO Box 1592
Palm Springs
California 92263
760-329-6257
Fax 760-329-2127

RECEIVED
MAR 12 1997
Hand delivered
GOVERNOR'S OFFICE

To: Representative Tom Brice
State of Alaska
Legislative Office

From: Suzanne Price
P. O. Box 84951
Fairbanks, Alaska
99708

March 12, 1997

Re: House Bill 170

Dear Representative Brice,
I've been raising Guide Dog Puppies for the Blind for over ten years now. I'm a 4-H Club Leader and each dog in training is a 4-H project. The 4-H Club provides insurance that raisers obtain each year with their membership. The dog is expected to learn basic obedience and socialization in the 14 months they spend with their 4-H family. It is imperative that these service dogs are introduced to the sights, sounds and smells of normal life including public buildings, traffic, a variety of transportation modes, events, crowds, etc. Puppy raisers are supervised by designated leaders and the guide dog school sponsoring the project. It is also expected that raisers will give educational presentations and participate in guide dog trainings. The Guide dog Project teaches our youth leadership and the value of Community Service. As a volunteer I receive no monetary compensation; my reward is the knowledge that I have given the gift of independence and companionship.

I have encountered the following problems because Alaska has no ordinance pertaining to service dogs in training:

1. The Fifth Avenue Mall in Anchorage has the only glass elevator in Alaska. They have refused to allow guide dog training.
2. The Alaska State Ferry system has refused to allow training on board.
3. The Alaska State Fair (Palmer) refuses to allow training during the Fair. They have allowed an event but raisers were not allowed to walk dogs in or near the public.
4. A visit to the State Courthouse requires a number of phone calls and possible rejection (twice) by security personnel.

The reason for rejection from public places is always the same:

Security personnel ask: "Are you blind?"

We answer "No we're training the dog."

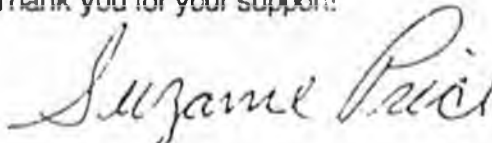
Security personnel: "If you're not blind you can't bring that dog in here."

We explain: "The dog needs to be trained before the blind person receives him."

Security personnel: "If you're not blind you can't come in here."

I sincerely hope that House Bill 170 is enacted by the legislature.

Thank you for your support!



Suzanne Price

To: Tom Brice

State of Alaska
Fairbanks Legislative Office
Fax # 465-2973 (Attention Tracy Ashe)

Re: House Bill 170

The undersigned support this bill relating to interference with the rights of physically and mentally challenged persons; and relating to service animals during their training.

| Name | Address | Phone # |
|--|---|----------------------|
| <i>[Signature]</i> HANELLE P. CASAVANT | P.O. 2X 60513 FBKS 99706 | 451-3169 |
| PUCHA TAYLOR Dollene Fletcher Dollene Fletcher | 102 ALLEGHENY WAY FBKS, AK 99709 PO BOX 72062 FBKS AK 99707 | 451-5909 455-4515 |
| KATHY VAUPEL Kathy E Vaupel | PO Box 72913, FAIRBANKS 99707-2913 | 456-1144 |
| SULI NEE SULI NEE | PO BOX 72045 FBKS 79707 | 479-2552 |
| KAREN KOWALSKI Karen Kowalski | 2085 LUCE & MCGEE LCP FAIRBANKS 99705 | 451-2191 |
| <i>[Signature]</i> SHERIDAN HALL | P.O. Box 74642 FBKS, AK 99709 | 451-2975 |
| <i>[Signature]</i> STEPHANIE ALLEN | 3010 DAVIS ROAD P.O. FAIRBANKS, AK 99709 | 455-8321 |
| <i>[Signature]</i> G. A. HENDRICK | 611 Bartley Dr, FBKS, AK 99701 | 458-2853 |
| CAROL DENI Carol Deni | PO Box 55355 NP AK 99705 | 451-3160 |
| Katherine Gerlinger Katherine Gerlinger | P.O. Box 71593 FBK. AK. 99707 | 451-3159 |
| KATHALINE B. MARSHALL KATHALINE B. MARSHALL | 815 McCreath #865 FBK AK 99712 | 457-4249 |
| <i>[Signature]</i> | 1271 Fiddlers Hill FAIRBANKS, AK | 479-5409 |

HEB

189

Revision Date: February 2, 1998 Dept. Affected: Revenue
 Title: Restrict Tobacco Sales/Possession BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: Representative Cowdory
 Requestor: (S) HES COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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 | | | | | | |
| 1004 GF | | | | | | |
| 1001 CBRF | | | | | | |
| 1048 University of AK receipts | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year cost \$ 0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The proposed legislation addresses restricting access to retail cigarettes. It is not anticipated that the cost of administering the tobacco tax program will be affected by this legislation.

Prepared by: Larry Meyers, Director
 Division: Income and Excise Audit
 Approved by Commissioner: Wilson L. Condon
 Agency: Revenue

Phone: 269-6620
 Date: February 2, 1998
 Date: February 2, 1998

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Revision Date: _____ Dept. Affected: Revenue
 Title: Restrict Tobacco Sales/Possession BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: Representative Cowdery
 Requestor: (S) HES COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

| | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 03 |
|-------------------------------|------------|------------|------------|------------|------------|------------|
| OPERATING EXPENDITURES | | | | | | |
| 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 | | | | | | |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF Program Receipts | | | | | | |
| 10 GF Mental Health | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY98) cost \$ 0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The proposed legislation lowers the standard under Title 11 upon which the Department of Revenue would follow for suspending or revoking a businesses tobacco license. When revocation or suspension takes place the business has the right to utilize the administrative appeal process to challenge the departments action. It is hard to determine what effect this will have on the department's administrative hearing resources. No increased budgetary resources are requested at this time.

Prepared by: Larry Meyers, Director
 Division: Income and Excise Audit
 Approved by Commissioner: Wilson L. Condon
 Agency: Revenue

Phone: 269-6620
 Date: January 13, 1998
 Date: January 13, 1998

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FISCAL NOTE

STATE OF ALASKA

BILL NO: HB 189

1997 LEGISLATIVE SESSION

Revision Date: January 12, 1998 Dept. Affected: Public Safety
 Title: Restrict tobacco sales/possession BRU: DPS Statewide Support
 Component: Commissioner's Office
 Sponsor: Representative Cowdery
 Requestor: Senate HESS COMPONENT SERIAL NO. 0523

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

| OPERATING | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|-------------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |
| CAPITAL EXPENDITURES | -0- | -0- | -0- | -0- | -0- | -0- |
| CHANGE IN REVENUES () | | | | | | |
| Revenue Code | | | | | | |

FUNDING: (Thousands of Dollars)

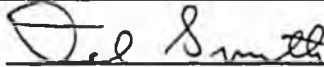
| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0-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

Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: January 12, 1998
 Approved by Commissioner:  Date: January 12, 1998
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SCS CSSH B 189(HES)

Revision Date: _____ Department: Commerce and Economic Development
 Title: An Act relating to sale, gift, exchange, or distribution BRU: Occupational Licensing
of tobacco products. Component: Operations
 Sponsor: Reps. Cowdery, Austerman, Ryan
 Requestor: Senate HESS COMPONENT SERIAL NO. 1844

(Thousands of Dollars)

| Expenditures/Revenues | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|-------------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING EXPENDITURES | | | | | | |
| 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 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|---------------------------|-----|-----|-----|-----|-----|-----|

(Thousands of Dollars)

| FUND SOURCE | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 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 98) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The bill creates penalties for sale of tobacco to persons under 19 years of age and establishes conditions under which tobacco and tobacco products can be sold. No fiscal impact is anticipated by this bill.

Prepared by: Jennifer Strickler, Administrative Manager Phone: 465-2144
 Division: Occupational Licensing Date: 1/30/98
 Approved by Commissioner: Deborah B. Sedwick Date: 1/30/98
 Agency: Commerce and Economic Development

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SENATE COMMITTEE REPORT

DATE: 2/2/98

FURTHER:

DATE TURNED
IN TO OFFICE: 5-5-98

Judiciary Committee considered CS FOR SPONSOR SUBSTITUTE FOR HB 189(JUD) am
"An Act relating to sale, gift, exchange, or distribution of tobacco and tobacco products."

and recommends:

- be replaced with § CS CS SS HB 189 (JUD)
- 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 title
 - new; SCR# _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | NR | DNP | AM |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|-----|----|
| <i>Sean Russell</i> | <input checked="" type="checkbox"/> | <i>Mike Miller</i> | <input checked="" type="checkbox"/> | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| CHAIR: | | CHAIR: <i>John L. Taylor</i> | <input checked="" type="checkbox"/> | | |

NEW FISCAL NOTE(S):

| Department | Date | Zero | Fiscal |
|-------------------|---------------|-------------------------------------|--------------------------|
| <i>AMMID, PDA</i> | <i>2/5/98</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTE(S):*

| Department | Date | Zero | Fiscal |
|-------------------------|-------------|-------------------------------------|--------------------------|
| <i>DOR - Rev Opp</i> | <i>2/2</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>DCED - Occup Lic</i> | <i>1/13</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | | |
| | | | |
| | | | |

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

From the office of . . . **Representative John J.
Cowdery**

State Capitol Building, Room 416
Juneau, AK 99801
907-465-3879 phone
907-465-2069 fax

MEMORANDUM

TO: Senate Judiciary Committee

FROM: Rep. John J. Cowdery *J.C.*

DATE: Feb 12, 1998

RE: SCS CSSSHB 189 (HES)

SCS CSSSHB 189 (HES) SPONSOR STATEMENT

The purpose of HB 189 is to restrict access by minors to tobacco products. Restricted access is accomplished by banning self-service displays in retail establishments. The operative language in the bill is:

“... a person may not sell cigarettes, cigars, tobacco ... unless the sale occurs in a manner that allows only the sales clerk to control access to the ... tobacco...”

However, the bill provides an exemption for retail stores that sell primarily tobacco products and restrict access to persons 19 years of age and older. This provision will allow “tobacco boutiques” who specialize in tobacco products and accoutrements, to the near exclusion of other merchandize, to have public access to the tobacco products.

Self-service displays are notoriously susceptible to shop lifting and impulse buying by minors. Their elimination has proven to be a popular means of removing access by minors to cigarettes. More than 180 cities throughout the U.S. have already implemented prohibitions on self service displays. Three months ago, the Municipality of Anchorage passed an ordinance modeled after HB189.

Additionally, new language is added to the statute which requires that signs be posted near vending machines in employee break rooms where employees under the age of 19 may be present indicating that:

“possession of tobacco by a person under 19 years of age is prohibited under A.S. 11.76.105.”

Finally, another important provision in HB 189, is that it extends the offense of “selling tobacco to a minor,” to persons who are minors. Under current law, it is unprosecutable if an 18 year old sells to a minor. HB 189 closes that loophole.

Thank you for your consideration of this legislation.

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

January 28, 1998

Bob Bartholomew, Deputy Director
Income and Excise Audit Division
Department of Revenue
P.O. Box 110420
Juneau, Alaska 99811

Dear Mr. Bartholomew:

¹⁰⁶You have asked us to address the question of how the reenactment of AS 11.76.107 contained in HB 189 would affect a business having a distributor's or manufacturer's license, but that also engages in retail sales of tobacco products. The section provides that sales of cigarettes, cigars, or other products containing tobacco may only occur in one of two ways: either the tobacco products must be maintained in a manner that allows only the sales clerks to control access, or the products must be the subject of a wholesale transaction and the seller must be licensed as a manufacturer or distributor.

We understand this to require that a business having a manufacturer's or distributor's license that engages also in retail sales must maintain those tobacco products that are intended for retail sale in a manner that only allows a sales clerk access to the products. The business may make tobacco products available for sale in wholesale transactions as well, however, these products may not be available for sale in retail transactions unless the products are maintained under restricted access as required in subsection (1) of the statute.

We hope this is of assistance to you. If you have any questions, please contact the undersigned at your convenience.

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

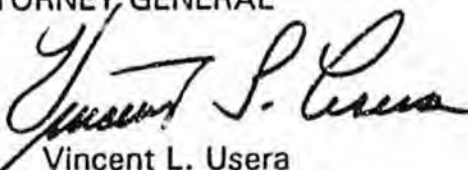
- 1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1953
PHONE: (907) 269-5100
FAX: (907) 276-3697
- KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 451-2811
FAX: (907) 451-2846
- P.O. BOX 110300-DIMOND COURT HOU
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-6735

Bob Bartholomew
Department of Revenue

January 28, 1998
Page 2

Very truly yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Vincent L. Usera
Assistant Attorney General

VLU:ps

Citizens To Protect Kids from Tobacco

1057 W. Fireweed Lane, Suite 204 • Anchorage, Alaska 99503 • (907) 277-8696 • Fax: (907) 263-2073

POSITION PAPER

CS 55 HB 189 (JUD) am REDUCING YOUTH ACCESS TO TOBACCO

January 12, 1998

The Need for Youth Access Restrictions

Citizens To Protect Kids from Tobacco is a statewide coalition of health organizations committed to reducing the addiction, disease, and death from tobacco use in Alaska.

Almost all new tobacco users are kids. Ninety percent of smokers start before age 19; the average age is 14.5 (1994 Surgeon General's Report). Therefore, any effective tobacco control program must include laws that address youth access to tobacco. In addition, studies have shown that such laws must be actively enforced to have significant impact.

The 1995 Youth Risk Behavior Survey administered by the Alaska Department of Health and Social Services found:

- 36.5% of high school students in Alaska are current smokers;
- 24.8% of middle school students (grades 7 and 8), are current smokers; the most common sources of cigarettes for youth who smoke is purchasing them, "borrowing" them, and stealing them; and
- 18.6% of smokers in middle school reported that their usual source of cigarette is to steal them, for 37.2% "borrowing" was the most common source of the smokers, while 2.8% said they purchase their own cigarettes.

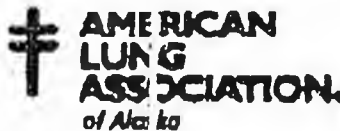
The figures for high school students reflect the greater ease with which this age group is able to purchase cigarettes:

- 26.3% of high school smokers said their usual source of cigarettes was to buy them, 28% said they borrowed them, and 5.1% said they stole them.

Banning Self-Service Tobacco Displays

Almost 200 local governments, including Anchorage, have enacted laws to ban self-service tobacco displays.

A self-service display ban eliminates shoplifting of cigarettes. Research shows that it also increases the likelihood that a young customer will be "carded" (asked for



ID) when tobacco products are requested. Additionally, a ban is important because self-service displays are designed to attract young people and glamorize the use of tobacco products.

The Institute of Medicine's Committee on Preventing Nicotine Addiction in Children and Youths stated that "a youth access plan should include a statewide ban on self-service displays to prevent purchasing and shoplifting of tobacco products by youth" (*Growing Up Tobacco Free*, 1994).

CS SS HB 189 (IUD) am

Citizens To Protect Kids from Tobacco is pleased to see the interest in reducing nicotine addiction among youth reflected in H.B. 189, and we commend the bill's sponsors for proposing this legislation that seeks to reduce youth access to tobacco by requiring all retail tobacco sales to be clerk-assisted.

However, while the intent of the bill is excellent, CPKT is concerned that some of the provisions, as presently written, will inadvertently make it more difficult to keep tobacco products out of the hands of minors. We have two specific concerns and one additional suggestion:

1. *Enforcement and the Standard of Proof:* As currently proposed, the legislation would amend current law to both increase the penalty for a merchant selling tobacco as well as change the standard of proof required to convict a merchant from a "criminal negligence" standard to a "knowing" standard.

Citizens to Protect Kids from Tobacco does not support changing either because the practical effect will be to reduce and/or frustrate enforcement efforts. The current penalties (a fine and suspension of a tobacco sale license endorsement) are just, reasonable, and effective. A substantial increase in the penalties would likely make enforcement agencies less willing to undertake enforcement activities. More importantly, changing the required standard of proof for a conviction would have the unintended effect of making any enforcement efforts essentially impossible. (As a practical matter, it is virtually impossible to prove that a clerk knew that they sold to a minor short of a voluntary confession on the part of the vendor. Moreover, changing the standard to "knowingly" may discourage clerks from checking ID at all—that way, they can claim they didn't know the customer's age.)

The standard of proof was changed to "knowingly" in the House Judiciary Committee as a result of increasing the penalty from a violation to a class A misdemeanor. CPKT does not believe a stronger penalty is necessary to reduce illegal sales to minors. What is needed is continuous, vigorous enforcement of the law. Merchants who sell tobacco to kids need to be caught, convicted, and punished with a fine and suspension of their license to sell tobacco. Such penalties are provided for by existing law.

The new Anchorage ordinance referred to earlier, which retains the "negligence" standard and commensurate penalties in existing state law provides a good model for legislation that is both practical and effective.

2. *Repeal of Tobacco Vending Machines Restrictions:* Another unintended effect of CS SS HB 189 (UD) as presently drafted would be to repeal current law restricting the placement of cigarette vending machines. In the bill, language in AS 11.76.100 regarding tobacco vending machines has been deleted, with no substitute language provided. The effect would be to remove restrictions that currently limit cigarette vending machines to "adult only" locations and employee break rooms. Studies have shown that young people commonly buy cigarettes from vending machines if the machines are not restricted to "adult only" locations.

If there is any change in existing law, it should only be to remove the exception currently allowed for placement of vending machines in "an employee break room or other controlled area of a private work place that is not generally considered a public place" from existing statute. The recent Anchorage ordinance banning self-service tobacco displays provides a good model, as it allows tobacco vending machines only in locations licensed by the state to sell liquor. Such an amendment in state law would remove vending machines from workplaces where young people are employed.

3. *Current Loophole Allowing Underaged Youth to Sell Tobacco:* Current state statutes are drafted in such a way as to inadvertently permit underaged youth to sell cigarettes (as vendors or clerks) to other underaged youth and not be subject to a violation. The legislation should be amended to address this concern as well.



Alaska Native Health Board

4201 Tudor Centre Dr., Suite 105
Anchorage, Alaska 99508

Phone: (907) 562-6006
FAX: (907) 563-2001

4/26/97 465-2069

Dear Rep. Cowdery:

I am writing this note to apologize for any misconception that might have arisen from the story that was published in this week's *Alaska Star*. In a story about HB 159 (sponsored by Pete Kott and co-sponsored by you and several others), I am quoted as saying that "the bill is co-sponsored by legislators who have in the past supported the tobacco industry." What I really said is that while some of the bill's sponsors might not be aware that this is a bad bill (supported by the tobacco industry), Eldon Mulder is not that naive. (Those of us on the other side are well aware of Eldon's ties to the tobacco industry.)

At the time I was interviewed I wasn't even aware that you are a co-sponsor of HB 159. I know from talking to you before the elections that you definitely are not sympathetic to the tobacco industry. I truly am sorry for any flak you might get from the *Alaska Star* article. (At least your name is not mentioned in the story.)

By the way, your proposal to prohibit self-service tobacco displays is excellent. If the tobacco industry feels it has any real chance of passing, they will fight it. I am hoping we can get the tobacco tax passed this year, then come back and advocate for further measures that really could help, such as the ban on self-service displays in your bill and the provision in Con Bunde's bill to allow kids to work with enforcement officials to identify those merchants who sell to minors.

Best wishes,
Anne Marie Holen

3. WUTIANAN N. ISLANDS ASSOCIATION
5. RISTIAH AREA HEALTH CORPORATION
6. UGASHMIL
7. COOKS INVERNMENT ASSOCIATION
8. EASTERN ALUTIAN TRIBES
9. KODIAK AREA NATIVE ASSOCIATION
10. KAGAD ASSOCIATION

11. METANATL AND AN COMMUNITY
12. MIT SANFOOTRIBAL CONSORTIUM
13. N. E. VILLAGE OF EKULTIA
14. NATIVE VILLAGE OF TUPAK
15. NINILIKH INDIAN COUNCIL
16. NORTH SHORE BOROUGH

17. NORTH SOUND HEALTH CORPORATION
18. SOUTHWEST ALASKA TRIBES
19. SOUTHERN ALASKA FOUNDATION
20. SOUTH EAST ALASKA REGIONAL HEALTH CONSORTIUM
21. ALASKA CHINIKSIAN HEALTH BOARD
22. KILIKPILIKIYAK HEALTH CORPORATION
23. SOUTHWEST ALASKA TRIBES

Americans for Nonsmokers' Rights

Helping you breathe a little easier

YOUTH ACCESS TO TOBACCO

April 23, 1996

THE PROBLEM

Tobacco addiction typically begins during childhood or adolescence. Approximately 75 percent of cigarette smokers tried their first cigarette before their 18th birthday (CDC, 1991). Initiation of daily smoking generally occurs during sixth through ninth grade (Johnston et al, 1992). Contrary to popular belief, youth tobacco use is on the rise. Although the daily smoking rate for high school seniors decreased from 29 percent to 20 percent between 1977 and 1981, the smoking rate decreased only an additional 1.8 percent through 1991 (Johnston et al, 1992; US DHHS, 1994). Recent studies indicate an end to the decline, 31.2 percent of seniors reported smoking in the last thirty days, a 12 percent increase since 1991 (Johnston, 1995).

These young tobacco users underestimate the addictive nature of nicotine. In a 1986 survey, only five percent of high school seniors believed they would be smoking 5 years later; in fact, an estimated 75 percent were smoking 7 to 9 years later (Johnston et al, 1992).

Despite the fact that almost all states prohibit the sale and distribution of tobacco products to minors, tobacco is easily accessible to youth. Studies indicate that underage youth can purchase tobacco products 70 to 100 percent of the time from merchants and through vending machines (Altman et al, 1993). Youth themselves report that it is easy for them to purchase tobacco; the majority buy their own cigarettes (Cummings et al, 1992).

The tobacco industry, including manufacturers and retailers, profit from these illegal sales. Researchers estimate that 947 million packs of cigarettes are sold annually to underage youth in the United States; representing total sales worth \$1.23 billion and a net profit of \$221 million (DiFranza and Tye, 1990).

Youth access policies are based on the hope that reducing access will lead to a reduction in youth consumption and addiction. The effectiveness of these policies cannot be measured simply in terms of reducing observed tobacco sales to minors. The ultimate measure is whether these policies reduce youth consumption of tobacco products. Before taking action, it is important to recognize that initiation into adulthood is one of the main reasons children start using tobacco. Because advertising portrays smoking as a mature, adult activity, children and youth draw the conclusion that one way to appear adult is to begin using tobacco. *Care should be taken to avoid strategies to reduce youth access which reinforce the image that smoking is a forbidden, and therefore, desirable activity.*

2530 San Pablo Avenue, Suite J • Berkeley, California 94702 • (510) 841-3032 / FAX (510) 841-3071

YOUTH ACCESS POLICIES

Passing a minimum age law which simply prohibits the sale and distribution of tobacco products to minors will not decrease youth access to tobacco. Policies must also address the locations and manner in which tobacco is sold or otherwise made available (Reynolds and Woodward, 1993). In addition, policies must include clear enforcement mechanisms and be actively enforced if they are to achieve their potential to reduce youth access.

The majority of state youth access laws focus on establishing a minimum age for purchase of tobacco products. State legislation has been largely unenforced and ineffective in reducing youth access (US OIG, 1992). The passage of an amendment to federal law, the Synar Amendment, may change this situation. This law requires states to adopt and enforce laws prohibiting tobacco sales and distribution to youth less than 18 years of age. States which fail to achieve specified reductions in youth sales rates risk losing a percentage of their federal funding for drug and alcohol prevention and treatment.

To date, the greatest successes in reducing youth access have been achieved at the local level (US DHHS, 1993b). Provisions that have been enacted at the local level include:

- licensing tobacco retailers
- banning or restricting tobacco vending machines
- banning self-service displays of tobacco products
- banning distribution of free samples or coupons for free samples of tobacco
- banning sale of single cigarettes

LICENSING TOBACCO RETAILERS

Licensing legislation requires merchants to buy a license to sell tobacco products *which can be suspended or revoked* if the merchant sells tobacco to minors. This creates a financial incentive for retailers to avoid illegal sales to minors. The profits lost by forfeiting the right to sell tobacco to adults exceed the typical \$100 to \$500 fine exacted for violations under most youth access legislation. License fees should be earmarked to fund enforcement activities.

Licensing ordinances should include strong enforcement provisions. Ordinances in Woodridge (IL) and King County (WA) have used underage "inspectors" who, under adult supervision, spot check retailer compliance. License fees cover the cost of enforcement efforts. Unfortunately, the King County ordinance was recently superseded by preemptive state legislation passed to satisfy the Synar Amendment, and the local enforcement activities have been dismantled.

Most licensing ordinances contain a graduated schedule of fines and penalties; suspension or revocation of a license is the last resort, after the retailer has continued to sell to minors. All tobacco products should be pulled from the shelves during the suspension or revocation period. Some ordinances allow the retailer to appeal license suspensions or revocations. To avoid frivolous appeals, the retailer should bear the costs of the appeal process.

Options

- Require a license for the retail sale of tobacco products. Earmark fees to fund enforcement efforts.
- Establish a graduated penalty system which culminates in suspension or revocation of the tobacco retail license for repeated sales to minors. Require tobacco products to be pulled from shelves during the suspension/revocation period.
- Establish a public appeal process for suspension or revocation of license. The retailer may be required to pay the costs of the appeals process.

TOBACCO VENDING MACHINES

A study commissioned by the vending machine industry found that 23 percent of youth that smoke use vending machines "often" or "occasionally" (NAMA, 1989). A recent study found an even higher percentage (37.8 percent) of youth that smoke who reported using vending machines "often" or "sometimes" (Cummings et al, 1992). Younger children rely more heavily on vending machines as a source of cigarettes (US DHHS, 1989). The NAMA study found that 13 year olds reported using a vending machine "often" 11 times more frequently than did 17 year olds (NAMA, 1989).

Option One: Total Ban on Tobacco Vending Machines

Both former Secretary of Health and Human Services Louis Sullivan and former Surgeon General C. Everett Koop have called for a total ban on cigarette vending machines. Unlike over-the-counter sales, vending machine sales to minors don't respond to merchant education programs (Altman et al, 1989) or to increased penalties and fines for sales to minors (Forster et al, 1992a).

Complete bans are relatively easy to enforce; the simple presence of a tobacco vending machine indicates a violation. A study of two cities with tobacco vending machines bans found complete compliance two years after the bans were enacted (Forster et al, 1992a).

Option Two: Partial Ban on Tobacco Vending Machines

A partial ban provides an exemption for tobacco vending machines placed in bars or other "adult only" locations, such as employee cafeterias or adult social clubs. These policies are less effective than total bans in preventing illegal sales to minors. Researchers from the University of Minnesota have demonstrated that underage youth experience high rates of success (78 percent) in purchasing cigarettes from vending machines placed in establishments characterized as adult locations (Forster et al, 1992b).

Requiring the machines to be placed at least 25 feet from any entrance may improve the effectiveness of a partial ban. This prevents placement of the machines in unattended lobbies and entrances. Define adult only locations carefully. For instance, exempting the bar area of a restaurant may fail to prevent sales to minors; 47 percent of youth using tobacco vending machines report that the machine was placed in a restaurant (NAMA, 1989).

Most states prohibit the distribution of tobacco samples to underage youth. In addition, the tobacco industry has a voluntary code addressing product sampling which prohibits the distribution of tobacco products to "any person whom they know to be under 21 years of age or who, without reasonable identification to the contrary, appears to be less than 21 years of age" (Tobacco Institute).

Despite these state laws, and the industry's voluntary code, free sampling of tobacco products in public areas and through the mail is a source of tobacco products for underage youth. A survey of underage youth found that 50 percent reported witnessing other people their age receiving free samples (Davis and Jason, 1988). The same study found that 20 percent of high school students and four percent of elementary students surveyed reported that they themselves had received free samples of tobacco products.

Options

- Ban distribution of free tobacco samples or coupons for free samples in publicly and privately owned property accessible to the general public.
- Ban the distribution of free tobacco samples through the mail.

SINGLE CIGARETTES

Although the Federal Cigarette Labeling and Advertising Act prohibits the sale or distribution of cigarettes without the mandated warning label, some stores sell single cigarettes which are taken out of their packages and stored in cups and trays. This practice is illegal, unless the cigarettes are removed from their packages by the customer or in the presence of the customer (Manfreda, 1994). A study of street vendors in California found that almost half sold single cigarettes, and that youth were able to purchase them almost twice as often as adults (Leary, 1993). This occurred despite the fact that California prohibits all sales of single cigarettes.

Options

- Prohibit the sale or distribution of one or more cigarettes, other than in a sealed package which conforms to the federal labeling requirements, including the federal warning label.

POSTING WARNING SIGNS

Requiring warning signs stating that sales to minors are illegal does not lead to a reduction in sales to minors. A merchant education project in New York found that posting signs had no effect on the rate of sales. Although the intervention led to an increase in the number of stores posting warning signs (40 percent), those stores showed no significant reduction in sales to minors when compared to control stores which did not receive the intervention (Skretny et al, 1990). Studies conducted in Missouri and Texas also found that the likelihood of success was not significantly different for stores with and without warning signs (CDC, 1993).

Options

- Ban the sale of tobacco products through vending machines in all locations.
- Ban the sale of tobacco products through vending machines, providing an exemption for adult-only locations.
- Require that tobacco vending machines be placed at least 25 feet away from any entrance in an exempted location.

To derail strong vending machine policies, vending machine trade associations and the tobacco industry promote installing locking devices as an alternative to full or partial bans. This is an ineffective means of curtailing illegal sales to minors.

The state of Utah, which required their use until 1988, found that locking devices were rarely installed, and, where installed, seldom operating. In St. Paul, Minnesota, one year after a locking device ordinance was passed, 30 percent of the machines were not equipped with a locking device. Of those machines with a locking device, compliance deteriorated during the first year after the law was passed: from 30 percent sales to minors at three months, to 48 percent at one year (Forster et al, 1992a).

Locking device requirements entail a greater enforcement burden than complete bans (Forster et al, 1992a). Even when installed and operating, attendants may continue to sell cigarettes to underage youth.

SELF-SERVICE DISPLAYS

Self-service displays allow customers to acquire tobacco products without the intervention of a store employee. Tobacco companies offer retailers "slotting fees" for favorable placement of their products in the store, including placement of self-service displays.

Banning self-service displays may reduce youth access in two ways: (1) youth may be less likely to attempt purchase when they must request tobacco from a store employee, rather than handing the product to the sales clerk for checkout, and; (2) the absence of displays makes it more difficult to shoplift tobacco products.

Options

- Prohibit open displays of tobacco products which can be reached without the assistance of a store employee.

FREE SAMPLING

Distribution of free tobacco samples is a popular form of promotion for both cigarette and chewing tobacco manufacturers. Free tobacco samples frequently are distributed in locations where underage youth are likely to congregate: music festivals, rock concerts, sports events, zoos and fairs (Davis and Jason, 1988; Chudy et al, 1993).

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

January 28, 1998

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

- 1031 WEST JTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907)269-5100
FAX: (907)276-3697
- KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907)451-2811
FAX: (907)451-2846
- P.O. BOX 110300-DIMOND COURT HOU
JUNEAU, ALASKA 99811-0300
PHONE: (907)465-3600
FAX: (907)465-6735

Bob Bartholomew, Deputy Director
Income and Excise Audit Division
Department of Revenue
P.O. Box 110420
Juneau, Alaska 99811

Dear Mr. Bartholomew:

¹⁰⁶You have asked us to address the question of how the reenactment of AS 11.76.107 contained in HB 189 would affect a business having a distributor's or manufacturer's license, but that also engages in retail sales of tobacco products. The section provides that sales of cigarettes, cigars, or other products containing tobacco may only occur in one of two ways: either the tobacco products must be maintained in a manner that allows only the sales clerks to control access, or the products must be the subject of a wholesale transaction and the seller must be licensed as a manufacturer or distributor.

We understand this to require that a business having a manufacturer's or distributor's license that engages also in retail sales must maintain those tobacco products that are intended for retail sale in a manner that only allows a sales clerk access to the products. The business may make tobacco products available for sale in wholesale transactions as well, however, these products may not be available for sale in retail transactions unless the products are maintained under restricted access as required in subsection (1) of the statute.

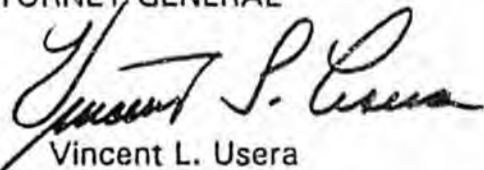
We hope this is of assistance to you. If you have any questions, please contact the undersigned at your convenience.

Bob Bartholomew
Department of Revenue

January 28, 1998
Page 2

Very truly yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Vincent L. Usera
Assistant Attorney General

VLU:ps



WESTERN PACIFIC DIVISION, ALASKA AREA OFFICE

RECEIVED
APR 23 1998
Ans'd.....

April 17, 1998

Senator Robin Taylor
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1132

Dear Senator Taylor:

The American Cancer Society supports House Bill 189, a bill banning self-service displays. This bill has been in the Senate Judiciary Committee since early this session and we believe it is a good bill and worthy of your consideration.

During the tobacco tax campaign, we learned that while there were individuals who did not support a tobacco tax increase, many of those same people did support alternative methods of reducing youth access to tobacco products. House Bill 189 proposes several of those methods.

This bill will practically eliminate shoplifting and make it more difficult for underage youth to purchase tobacco. Not only does it prohibit self-service tobacco displays, which often are placed at eye level, near the candy and gum, it also encourages more interaction between the young customer and the clerk. If a youth asks for tobacco from a clerk, (as opposed to placing the tobacco on the counter themselves) this direct interaction increases the chance that the clerk will notice the customer is underage and refuse to sell.

Last Fall we supported the passage of an Anchorage ordinance similar to HB 189. This ordinance went into effect in early March and we are proud to say that the anecdotal evidence suggests the ordinance already has been a success. Shoplifting has plummeted and thereby eliminating one of the favorite ways for youths to obtain tobacco.

House Bill 189 is a proactive step in the right direction. After two years of consideration and review by several committees, the time has come for the Legislature to pass it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diana Kuhns".

Diana Kuhns, C.O.O.
American Cancer Society,
Western Pacific Division

RECEIVED
APR 23 1998

Ans'd.....

P.O. Box 22970
Juneau , AK 99802
April 21, 1998

Senator Robin Taylor
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Chairman Taylor:

I am writing to express support for HB 189 and to ask that you will allow this bill to go to the Senate floor for a vote. HB 189 is a good bill which will help to reduce youth access to tobacco products, a goal that we can all agree on. Thank you for caring about the health and future of our youth.

Sincerely,


Susan Mason-Bouterse

Alaska State Legislature

SENATE DISTRICT 1

| | |
|-------------------|-------------------|
| Bayshore | Abbott Loop |
| Campbell | Bear Valley |
| Dimond | Bird Creek/Indian |
| Independence Park | Girdwood |
| Klatt | Glen Alps |
| Old Seward | Hillside |
| Southport | Huffman/O'Malley |
| Taku | Portage |
| | Rabbit Creek |



SENATOR SEAN PARNELL

716 WEST 4TH AVENUE, SUITE 530
ANCHORAGE, ALASKA 99501
(907) 258-8194

While in Session:
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-2995 1-800-365-2995

April 21, 1998

Anne Marie Holen
4201 Tudor Centre Dr. Suite 105
Anchorage, AK 99508

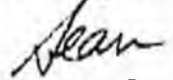
Dear Anne:

Thank you for your letter supporting HB 189, a bill relating to sale, gift, exchange, or distribution of tobacco and tobacco products.

HB 189 is currently in the Senate Judiciary Committee and has not yet been scheduled for a hearing. As you know, I have supported anti-tobacco legislation in the past and I plan on continuing to do so. When HB 189 comes up for a hearing I would have no trouble moving the bill from committee. However, whether to bring the bill up for a vote in Judiciary is the chairman's prerogative. By copying this letter to Senator Taylor, I am requesting a hearing on HB 189.

Thanks, again, for your letter. I appreciate hearing from you.

Best regards,


Senator Sean Parnell

cc. Senator Taylor

*Anne Marie:
Thanks for sending two letters.
I have responded to the
other letter under separate cover.
Best regards,
Sean*

HEB

1999

**National
Bank of Alaska**

February 24, 1998

Corporate Headquarters
P.O. Box 100600
Anchorage, AK 99510-0600
Phone (907) 522-8888

Senator Robin Taylor
State Capitol

Via Fax (907) 465-3922

Re: House Bill 199 - Alaska Community Property Bill

Dear Robin:

Just a note to let you know how enthusiastic I am about the potential passage of the referenced Bill. I hope it can receive your Committee's priority for action.

Having lived and worked in the trust business in two community property states, I am familiar with the advantages community property can afford the residences in those states. I believe Alaska will offer the best of all the states with its optional community property ownership.

Thanks for your support.

Regards,

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

David L. Dobbs
Vice President &
Trust Officer

HB

201

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 201

Revision Date (Note if correction) _____ Dept. Affected Law
 Title An Act relating to prohibiting recovery of damages BRU Civil Division
and prohibiting a remedy to a person in a civil action. Component Special Litigation
 Sponsor Senator Taylor
 Requester Senate Judiciary Committee Component Serial No. 2213

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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 | | | | | | |
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|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY98) cost: _____

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

SB 201 prohibits an individual from collecting damages or requesting a civil remedy if the damages or remedy results in the person receiving a benefit from their own wrongdoing.

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

Prepared by Joan M. Kasson *Joan M. Kasson*
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date 3/2/98
 Date 3/2/98

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HB

203

SENATE COMMITTEE REPORT

DATE: 5/6/98

FURTHER:

DATE TURNED
IN TO OFFICE: 5-8-98

Judiciary Committee considered CS FOR HOUSE BILL NO. 203(JUD)

"An Act relating to actions for unlawful trade practices."

and recommends:

- be replaced with SEN CS FOR HB HB 203 (JUD)
- 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 title
 new: SCR# _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | NR | DNP | AM |
|----------------------------------|-------------------------------------|-----------------------|-------------------------------------|-----|----|
| <i>[Signature]</i> | <input checked="" type="checkbox"/> | <i>[Signature]</i> | <input checked="" type="checkbox"/> | | |
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| | | | | | |
| CHAIR: <i>[Signature]</i> | <input checked="" type="checkbox"/> | CHAIR: | | | |

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

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PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

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|-------------------------|----------------|-------------------------------------|--|
| <i>Law - CIVIL DIV.</i> | <i>1-28-98</i> | <input checked="" type="checkbox"/> | |
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| | | | |

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

CORRECTION

Discard CS HB 203 (J4D)

and retain this corrected version.

CS FOR HOUSE BILL NO. 203(JUD)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/20/98

Referred: Rules

Sponsor(s): REPRESENTATIVES DYSON, Cowdery, Porter, James, Rokeberg, Hudson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to actions for unlawful trade practices."

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

3 * Section 1. AS 09.60.015 is amended by adding a new subsection to read:

4 (c) This section is subject to AS 45.50.537.

5 * Sec. 2. AS 45.50.473(c) is amended to read:

6 (c) A violation of this section constitutes an unfair or deceptive act or practice
 7 under AS 45.50.471. It [NOTWITHSTANDING AS 45.50.531(a), IT] is presumed
 8 that actual damages to the consumer under AS 45.50.531(a) are equal to the cost of
 9 the service provided plus \$200. Additional damages must be proved.

10 * Sec. 3. AS 45.50.531(a) is amended to read:

11 (a) A person who suffers an ascertainable loss of money or property as a result
 12 of another person's act or practice declared unlawful by AS 45.50.471 may bring a
 13 civil action to recover for each unlawful act or practice three times the actual
 14 damages or \$500 [\$200], whichever is greater. [THE COURT MAY, IN CASES OF
 15 WILFUL VIOLATION, AWARD UP TO THREE TIMES THE ACTUAL DAMAGES

1 SUSTAINED.] The court may provide other relief it considers necessary and proper.
2 Nothing in this subsection prevents a person who brings an action under this
3 subsection from pursuing other remedies available under other law, including
4 common law.

5 * Sec. 4. AS 45.50.531 is amended by adding new subsections to read:

6 (i) If a person receives an award of punitive damages under (a) of this section,
7 the court shall require that 50 percent of the award be deposited into the general fund
8 of the state under AS 09.17.020(j). This subsection does not grant the state the right
9 to file or join a civil action to recover punitive damages.

10 (j) The commissioner of administration shall separately account for money
11 received under (i) of this section that is deposited in the general fund. The annual
12 estimated balance in the account may be appropriated by the legislature for the
13 expenses of the fair business practices section of the Department of Law.

14 * Sec. 5. AS 45.50 is amended by adding new sections to read:

15 **Sec. 45.50.535. Private injunctive relief.** (a) Subject to (b) of this section
16 and in addition to any right to bring an action under AS 45.50.531 or other law, any
17 person who was the victim of the unlawful act, whether or not the person suffered
18 actual damages, may bring an action to obtain an injunction prohibiting a seller or
19 lessor from continuing to engage in an act or practice declared unlawful under
20 AS 45.50.471.

21 (b) A person may not bring an action under (a) of this section unless

22 (1) the person first provides written notice to the seller or lessor who
23 engaged in the unlawful act or practice that the person will seek an injunction against
24 the seller or lessor if the seller or lessor fails to promptly stop the unlawful act or
25 practice; and

26 (2) the seller or lessor fails to promptly stop the unlawful act or
27 practice after receiving the notice.

28 **Sec. 45.50.536. Mediation.** Notwithstanding the other provisions of
29 AS 45.50.471 - 45.50.561, a civil action under AS 45.50.531 or 45.50.535 may be
30 submitted to mediation under the Alaska Rules of Civil Procedure. The mediation
31 must begin within 30 days after the court's order for mediation. During mediation, the

1 court may, if it is determined appropriate by the court, enjoin the defendant from
2 engaging in the act or practice that is the subject of the civil action.

3 **Sec. 45.50.537. Attorney fees, costs, and damages.** (a) In an action brought
4 by a private person under AS 45.50.471 - 45.50.561, a prevailing plaintiff shall be
5 awarded costs as provided by court rule and full reasonable attorney fees at the
6 prevailing reasonable rate.

7 (b) Unless the action is found to be frivolous, in an action brought by a private
8 person under AS 45.50.471 - 45.50.561, a prevailing defendant shall be awarded
9 attorney fees and costs as provided by court rule. If the action is found to be
10 frivolous, the attorney fees to be awarded to the defendant shall be full reasonable
11 attorney fees at the prevailing reasonable rate.

12 (c) Notwithstanding the other provisions of this section, in an action brought
13 by a private person under AS 45.50.471 - 45.50.561, if the plaintiff is not the
14 prevailing party and if the court finds that the action was brought by the plaintiff to
15 obtain a competitive business advantage, the court shall award a prevailing defendant
16 costs as provided by court rule, full reasonable attorney fees at the prevailing
17 reasonable rate, and any damages suffered by the prevailing defendant as a result of
18 the plaintiff's allegations.

19 (d) In this section, "frivolous" means

20 (1) not reasonably based on evidence or on existing law or a reasonable
21 extension, modification, or reversal of existing law; or

22 (2) brought to harass the defendant or to cause unnecessary delay or
23 needless expense.

24 * Sec. 6. AS 45.50.531(g) is repealed.

25 * Sec. 7. AS 45.50.536, enacted by sec. 5 of this Act, only applies to causes of action that
26 accrue on or after the effective date of this Act.



Alaska State Legislature

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Juneau, Alaska 99801-1182
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REPRESENTATIVE FRED DYSON

CSHB 203

Sponsor Statement

Consumer Protection from Unlawful Trade Practices

"An Act relating to actions for unlawful trade practices."

Alaskan consumers have grown increasingly vulnerable to fraud since the Dept. of Law's Consumer Protection Section was eliminated in the late 1980s.

Knowing that our state's fraud enforcement efforts are weak, swindlers prey heavily on our citizens, giving us a dubious reputation as easy targets, and costing us an estimated \$10 million a year in telemarketing fraud alone. We continue to lag far behind other states in providing protection to our consumers--especially elderly Alaskans, who are particularly vulnerable.

Though Alaska's state government consumer protection apparatus is inadequate to protect our citizens, we can empower ordinary Alaskans to fight back against consumer fraud. CSHB203 gives Alaskan's their own "teeth."

CSHB203 provides for a dispute resolution procedure for consumer disputes. First a consumer may not bring court action unless they first provide written notice. A mediation option is also provided for in this bill as a dispute resolution option.

The bill provides for full and reasonable attorney and costs for a consumer, plus the ability of the court to grant injunctive relief. An individual does not have to have suffered actual damages to be granted injunctive relief. The injunctive relief provision of this bill is intended to be a deterrent to the scam artist who prey on our elderly citizens.

To protect the honest business this bill defines frivolous and provides for the defendant to receive full reasonable attorneys fees and costs if the action is found to be frivolous. If the actions is not frivolous and the defendant prevails then Attorney fees and costs are provided for by court rules. This bill seeks to protect the consumer and provides for a fair process to resolve disputes.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

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<http://www.akrepublicans.org>

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Juneau, Alaska 99801-2105

MEMORANDUM

April 22, 1998

SUBJECT: Sectional Summary of CSHB 203(JUD) (Work Order No. 20-LS0553\R)

TO: Representative Fred Dyson
Attn: Patrick Harman

FROM: *TB*
Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Amends the section dealing with attorney fees in certain small claims actions to conform the section to other changes in the bill.

Section 2. Amends the subsection that provides a remedy for violating AS 45.50.473, which requires that certain disclosures be made for the costs of certain telephone services. The amendment shows how the subsection relates to AS 45.50.531(a).

Section 3. Amends AS 45.50.531(a). AS 45.50.531 relates to private and class actions for unlawful acts and practices identified under AS 45.50.471. Allows a person who has lost money or property because of an unlawful act or practice to bring an action to recover damages. Allows the person to recover for each unlawful act or practice the greater of three times the actual damages or \$500. Removes the requirement that the violation be willful in order to receive triple damages. Allows a court to award other necessary and proper relief. States that the section does not prevent a person from pursuing other available remedies as well as bringing an action under this section.

Section 4. In (i) amends the section on private and class actions to require a court to require that 50 percent of a punitive damages award under (a) of the section be deposited in the general fund.

In (j) directs the commissioner of administration to separately account for money received under (i). States that the annual estimated balance in the account may be appropriated by the legislature for the expenses of the fair business practices section of the Department of Law.

Representative Fred Dyson
April 22, 1998
Page 2

Section 5. Adds three new sections to the article on unfair trade practices and consumer protection.

AS 45.50.535. Allows any victim of an act or practice unlawful under AS 45.50.471, whether or not the person suffered actual damages, to bring an action in court to stop a seller or lessor from continuing to engage in the unlawful act or practice. States that an action under this section is in addition to any other right to bring an action under other law.

Establishes conditions for bringing the action. First, the person must give the seller or lessor written notice that the person will bring the action unless the seller or lessor promptly stops the unlawful act or practice. Second, the seller or lessor must promptly stop the unlawful act or practice after the notice.

AS 45.50.536. Allows a civil action under AS 45.50.531 or 45.50.535 to be submitted to mediation. Requires the mediation to begin within 30 days after the court's order for mediation. Allows the court to enjoin the defendant during mediation from the act or practice that is the subject of the action.

AS 45.50.537. Establishes the rules for awarding attorney fees and costs and certain damages in an action brought by a private plaintiff under AS 45.50.471 - 45.50.561.

In (a), unless another part of the section provides differently, directs a court to award a prevailing plaintiff (the person who brings the action and wins) costs as allowed by court rule and full reasonable attorney fees at the prevailing reasonable rate.

In (b), unless the action is frivolous, directs the court to award a prevailing defendant attorney fees and costs as provided by court rule. If frivolous, the defendant receives full reasonable attorney fees at the prevailing reasonable rate.

In (c), if the plaintiff does not prevail and the action was brought to obtain a competitive business advantage, directs the court to award the prevailing defendant costs as provided by court rule, full reasonable attorney fees at the prevailing reasonable rate, and any damages suffered.

In (d), defines "frivolous."

Section 6. Repeals AS 45.50.531(g). This is the current subsection on attorney fees and costs for private actions under AS 45.50.531.

Section 7. This section is an applicability section for sec. 45.50.536.

If I may be of further assistance, please advise.

TLB:jdr.pl
98-263.jdr

FISCAL NOTE

Version: CSHB 203 (JUD)

(H) Publish Date: 4/20/98

STATE OF ALASKA 1998 LEGISLATIVE SESSION

Revision Date (Note if correction) _____ Dept. Affected Law
 Title "An Act relating to unlawful trade practices." BRU Civil Division
 Component Commercial
 Sponsor Representative Dyson
 Requester House Judiciary Committee Component Serial No. 2211

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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 | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY98) cost: 0.0

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: *(Attach a separate page if necessary)*
 HB 203 amends Alaska's Unfair Trade Practices and Consumer Protection Act to enhance a private litigant's right, under AS 45.50.531, to bring an action in Alaska Superior Court.

 Passage of this legislation would cause no new costs for the Department of Law. Section 5 may have the effect of increasing revenues, however, as it would require a court to award full attorney's fees and all allowable costs to a prevailing plaintiff (whether the state or a private plaintiff). Under current law, the prevailing plaintiff can only receive Rule 82 attorney's fees, set at approximately 20 percent. The amount of revenue that might accrue to the state is very speculative, depending on the level of effort expended by the state in pursuing actions brought under the Unfair Trade Practices and Consumer Protection Act.

Prepared by Joan M. Kasson *Joan M. Kasson* Phone 465-5370
 Division Attorney General's Office Date 1/28/98
 Approved by Commissioner Bruce M. Botelho, Attorney General Date 1/28/98
 Agency Department of Law

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HB

252

SENATE COMMITTEE REPORT

DATE: 4/21/98

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5-5-98

Judiciary Committee considered CS FOR HOUSE BILL NO. 252(FIN)

"An Act relating to criminal records; relating to notice about and registration of sex offenders and child kidnapers; and amending Rules 11(c) and 32(c), Alaska Rules of Criminal Procedure; 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 title
 - new: SCR# _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | NR | DNP | AM |
|-----------------------------|----|-----------------------|----|-----|----|
| <i>Mt. Miller</i> | ✓ | | | | |
| <i>Sean Starnell</i> | ✗ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| CHAIR: <i>Adrian Taylor</i> | | CHAIR: | ✓ | | |

NEW FISCAL NOTE(S):

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTE(S):*

| Department | Date | Zero | Fiscal |
|------------------------------|----------------|------|--------|
| <i>PUB. SAFETY - AG DIR.</i> | <i>4-3-98</i> | | ✓ |
| <i>" " INFO SYSTEMS</i> | <i>4-3-98</i> | | ✓ |
| <i>COURTS - TRIAL CTS</i> | <i>4-3-98</i> | | ✓ |
| <i>CORRECTIONS - AEO</i> | <i>4-3-98</i> | | ✓ |
| <i>LAW, CRIM. DIV.</i> | <i>4-3-98</i> | ✓ | |
| <i>ADMIN. PDR</i> | <i>2-18-98</i> | | ✓ |

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

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Juneau, Alaska 99801-2105

MEMORANDUM

April 1, 1998

SUBJECT: Sectional Summary of CSHB 252(FIN). (W.O.20-LS0818\C)

TO: Representative Joe Ryan
Attn: David Pree

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 creates a new crime of failure to register as a sex offender or child kidnapper in the first degree.

Section 2 makes changes to the crime of failure to register as a sex offender or child kidnapper in the second degree.

Section 3 of the bill makes a conforming change to the new minimum sentence provided in sec. 4 for persons convicted on the second degree failure to register.

Section 4 requires that persons convicted of the second degree failure to register be sentenced to a minimum term of imprisonment of 35 days.

Section 5 makes a conforming change to the addition of child kidnapping as a requirement for registration under AS 12.63.

Section 6 amends the definition of "serious offense" for purposes of criminal history records.

Section 7 specifies when a sex offender or child kidnapper has to register under AS 12.63.

Section 8 increases the amount of information sex offenders and child kidnappers must supply when registering under AS 12.63 and makes other changes related to registration.

Section 9 reduces the amount of time sex offenders and child kidnappers have before they must notify the state of a change of residence.

Section 10 requires annual or quarterly verifications of the addresses of sex offenders and child kidnappers.

Section 11 requires that registrations and verifications under AS 12.63 be sworn to by sex offenders and child kidnappers thereby subjecting them to prosecution for perjury.

Section 12 adjusts the length of time sex offenders and child kidnappers must register under AS 12.63 to meet the requirements of 42 U.S.C. 14071.

Section 13 requires DPS to notify (1) the FBI if an offender or kidnapper fails to register or cannot be found, and (2) the FBI and another state if an offender or kidnapper provides notice that they are moving to the other state. This section also requires the Alaska court system to supply a list of persons convicted of sex offenses and child kidnapping to DPS.

Section 14 provides a definition.

Section 15 adds additional crimes to the definition of sex offense.

Section 16 provides definitions.

Section 17 adds a reference to child kidnappers and specifies the information that DPS may enter and maintain in the central registry of sex offenders.

Section 18 adds a reference to child kidnappers and expands upon the information in the central registry that is available to the public.

Section 19 adds to the list of regulations that DPS must promulgate.

Section 20 provides that the identity of a person making a request for information from the registry is not a public record, requires DPS to make reasonable efforts to verify the addresses of persons registering under AS 12.63 and requires DPS to post on the Internet a list of persons who have failed to register or who cannot be located.

Section 21 requires the commissioner of corrections to complete the registration of a sex offender or child kidnapper before release of the person; adds to the information that must be obtained from the offender or kidnapper.

Section 22 adds to the duties of the commissioner of corrections vis-a-vis sex offenders and child kidnappers.

Section 23 provides definitions.

Section 24 provides notice that bill sec. 5 amends court rules.

Section 25 provides an applicability section.

Representative Joe Ryan

April 1, 1998

Page 3

Section 26 provides an effective date.

GPL:jdr

98-224.jdr

FISCAL NOTE

No: 9

Version: CSHB 252 (FIN)

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: (H) Publish Date: 4/3/98

Revision Date: 02/20/98 Dept. Affected: Public Safety
 Title: Sex Offender Registration BRU: Alaska State Troopers
 Component: AST Director's Office
 Sponsor: Rep. Ryan
 Requestor: (H) Finance COMPONENT SERIAL NO. 0508

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

| OPERATING | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 14.0 | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |
| TRAVEL | | | | | | |
| CONTRACTUAL | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 |
| SUPPLIES | 2.3 | .3 | .3 | 2.3 | .3 | .3 |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 18.8 | 11.8 | 11.8 | 13.8 | 11.8 | 11.8 |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| CHANGE IN REVENUES () Revenue Code | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-----------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 18.8 | 11.8 | 11.8 | 13.8 | 11.8 | 11.8 |
| 1005 GF/Program | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 18.8 | 11.8 | 11.8 | 13.8 | 11.8 | 11.8 |

Estimate of current year (FY 98) impact: \$ _____

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 2 | 2 | 2 | 2 | 2 | 2 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary.)

This bill would require quarterly verification (via postcard) of an estimated 500 sex offenders who are obligated to register for their lifetimes. The figures are based on the approximate 230 new sex offenders per year subject to registration and a 10% rate of certified letters (Section 17 of Bill) returned unsigned by the new registrants. The regulation project will be required in the first year only.

Prepared By: F/Sgt. Don Bowman Phone: 269-5084
 Division: Alaska State Troopers Date: 02/20/98
 Approved by Commissioner: Ronald L. Otte *R. L. Otte* Date: 2/23/98
 Agency: Department of Public Safety

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FISCAL NOTE(S)

FISCAL NOTE

No: 8

Bill Version: CSHB 252 (FIN)

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: (H) Publish Date: 4/3/98

Revision Date: 3/18/98 Dept. Affected: Public Safety
 Title: Criminal records and sex offender/child BRU: Statewide Support
kidnapper registration Component: Information Systems
 Sponsor: Rep. Ryan
 Requester: House Judiciary COMPONENT SERIAL NO. 0528

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

| OPERATING | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|-------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | 30.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 30.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
| Revenue Code | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | 30.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 30.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of current year (FY 98) impact: \$ 0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

DPS will contract for computer programming services to modify APSIN and the sex offender registry application, including: adding fields for anticipated change of address, vehicle information, and treatment status; tolling the 15 year registration period, and tracking annual and 90-day address verification/notification. DPS estimates this work will require:

400 hours at \$75 per hour = \$30,000

DPS is applying for a federal grant to accomplish those tasks.

Prepared By: Kenneth Bischoff, Director Phone: (907) 465-4336
 Division: Administrative Services Date: _____
 Approved by Commissioner: Ronald L. Otte Date: 3/18/98
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No: 7

Version: CSHB 252 (FIN)

(H) Publish Date: 4/3/98

STATE OF ALASKA 1998 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Sex Offender Registration BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Ryan
 Requestor: _____ COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 98 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 5.8 | 5.8 | 5.8 | 5.8 | 5.8 | 5.8 |
| TRAVEL | | | | | | |
| CONTRACTUAL | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 | 6.5 |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS & CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 12.3 | 12.3 | 12.3 | 12.3 | 12.3 | 12.3 |

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
| CHANGE IN REVENUES () | | | | | | |

Fund Source (Thousands of Dollars)

| | | | | | | |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 12.3 | 12.3 | 12.3 | 12.3 | 12.3 | 12.3 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other | | | | | | |
| TOTAL | 12.3 | 12.3 | 12.3 | 12.3 | 12.3 | 12.3 |

Estimate of any current year (FY 98) cost: \$ None

Positions

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-Time | | | | | | |
| Part-Time | 1 | 1 | 1 | 1 | 1 | 1 |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Doug Wooliver, Administrative Attorney
 Agency: Alaska Court System
 Approved by: Stephanie J. Cole, Administrative Director
 Agency: Alaska Court System

Phone: 264-8265
 Date: 02/23/98
 Date: 02/23/98

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Page 1 of 3

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**Alaska Court System
Fiscal Analysis
CSHB 252(JUD)**

HB 252 makes several changes to the sex offender registration laws to bring them into compliance with recent changes in federal law. Additionally, it increases the penalties for failure to register as a sex offender in this state. It is this aspect of the bill that will most directly impact the court system.

Section 1 of this bill adds AS 11.56.835 to the statutes and creates the crime of "failure to register as a sex offender or child kidnapper in the first degree" (a class C felony). Section 2 amends AS 11.56.840 by redesignating the crime of "failure to register as a sex offender" as "failure to register as a sex offender or child kidnapper in the second degree" (a class A misdemeanor). Offenders who fail to register will generally be subject to a second degree offense if it is their first failure to register offense. Failure to register in the first degree will be charged against those who have previously been convicted of failure to register or if they have intentionally failed to register in order to escape detection or identification.

The Department of Law's fiscal note states that last year 127 sex offenders were prosecuted under AS 11.56.840 for failure to register as a sex offender; this note is based on that figure. This note assumes that roughly one half of that number will be felony charges brought under new section AS 11.56.835 and that 10% of those will go to trial. The felony trials are anticipated to last 3 days, including jury selection and judicial time outside the courtroom.

This note does not reflect the additional caseload that is likely to result from the increase in the number of crimes that will be subject to registration requirements. Although such an increase will impact the court system, the extent of the that impact is too speculative to estimate.

The note is offset by the amount of time and jury costs the district court would have spent on those cases that will now be heard in superior court.

Committee testimony on this bill alleges a growing frustration with the problem of sex offenders failing to register. If this frustration is widely felt, it is anticipated that the number of persons charged with failure to register will increase. This note does not reflect that increase because of the difficulty in speculating the extent of its impact. However, if the increase is significant, the court system may return to the legislature for additional funding.

Alaska Court System
Fiscal Analysis
CSHB 252 (JUD)

Personal Services

| | <u>Salary</u> | <u>Benefits</u> | <u>Total</u> |
|--|---------------|-----------------|----------------|
| Pro Tem Superior Court Judge, Anchorage, PPT, 1 month <i>(additional judicial resources needed for increased trial rate for felonies)</i> | \$ 4,875 | \$ 1,925 | \$ 6,800 |
| Offset: judicial time currently expended at district court level | | | <u>(1,000)</u> |
| Net personal services | | | 5,800 |

Contractual

| | |
|---|--------------|
| Jury fees for an estimated 7 superior court felony trials: 13 jurors at \$25 a day for 3 days | 6,825 |
| Offset: assuming a 2% trial rate for misdemeanors or 1 trial: 7 jurors at \$25 a day for 2 days | <u>(350)</u> |
| Net jury fees | <u>6,475</u> |

Estimated total cost \$ 12,275

FISCAL NOTE

No: 6

Bill Version: CSHB 252 (FIN)

(H) Publish Date: 4/3/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

| | |
|--|--|
| Revision Date (Note if correction) <u>04/01/98</u> | Dept. Affected <u>Corrections</u> |
| Title <u>An Act relating to criminal records; relating to</u> | BRU <u>Administration and Operations</u> |
| <u>notice about and registration of sex offenders and child...</u> | Component <u>ALL</u> |
| Sponsor <u>Representative Ryan</u> | |
| Requester <u>(H) FIN</u> | Component Serial No. <u>#0694</u> |

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|-------------|--------------|--------------|--------------|--------------|--------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | 31.6 | 104.3 | 104.3 | 104.3 | 104.3 | 104.3 |
| TOTAL OPERATING | 31.6 | 104.3 | 104.3 | 104.3 | 104.3 | 104.3 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

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

FUND SOURCE (Thousands of Dollars)

| FUND SOURCE | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|--------------------------|-------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 31.6 | 104.3 | 104.3 | 104.3 | 104.3 | 104.3 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 31.6 | 104.3 | 104.3 | 104.3 | 104.3 | 104.3 |

Estimate of any current year (FY98) cost: 0.0

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Please see attached.

Prepared by Bruce Richards
 Division Commissioner's Office
 Approved by Commissioner Margaret M. Pugh
 Agency Department of Corrections

Phone 465-3307
 Date 4/1/98
 Date 4/1/98

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COMMITTEE COPY

CS HB 252(FIN) will put in place a two tier penalty system for failure to register as a sex offender or child kidnapper. Failure to register in the first degree will result in a presumptive 2 year class C felony sentence. Failure to register in the second degree is a class A misdemeanor with a mandatory minimum sentence of 35 days in jail.

Assumptions:

Based on current data the Dept. of Corrections is assuming that 25 people will be convicted of second degree failure to register, and 2 people will be convicted of first degree failure to register.

Those convicted of failure to register in the second degree will be sentenced to a mandatory minimum sentence of 35 days in jail. The Dept. of Corrections believes those who are convicted of failure to register in the second degree are already serving the mandatory minimum sentence.

Failure to register in the first degree:

2 felons X 464 days X 100.07 per day - cost for 25 days under current law

Felonies require a pre-sentence investigation (PSI) report. The cost per PSI report is \$450

| Year | Prisoners | Cost Per Day | Days | Cost Per Yr | PSI Report | Subtract Current Incarceration Costs | Total |
|--------------------|-----------|--------------|-----------------------------------|-------------|------------|--------------------------------------|---------------------|
| FY 99 | | | (half year due to effective date) | | | (subtract 25 days) | |
| Felons | 2 | 100.07 | 183 | 36,625.6 | 0.9 | (5,003.0) | 31,623.5 |
| FY 99 Total | | | | | | | \$31,623.52 |
| FY 00 | | | | | | | |
| New Felons | 2 | 100.07 | 365 | 73,051.1 | 0.9 | (5,003.0) | 68,049.0 |
| Residual Felons | 2 | 100.07 | 181 | 36,225.3 | 0.0 | 0.0 | 36,225.3 |
| FY 00 Total | | | | | | | \$104,274.34 |

FISCAL NOTE

Bill Version: CSHB 252 (FIN)

(H) Publish Date: 4/3/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) _____ Dept. Affected Law
 Title An Act relating to criminal records; ... to notice... BRU Criminal Division
registration of sex offenders and child kidnappers; ... Rules 11(c)... Component 1st-4th Jud Dist: OSPA
 Sponsor Representative Ryan
 Requester House Finance Committee Component Serial No 2198-99/2261/79/01/03

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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)

| FUND SOURCE | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY98) cost: _____

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

CSHB 252 (JUD) increases the charge for the second offense of failure to register as a sex offender from a class A misdemeanor to a class C felony, and adds child kidnappers as individuals who must register. The bill also requires quarterly written verification of the sex offender's or child kidnapper's address and the other information required.

The department does not anticipate that there will be a large number of new felony cases for failure to register as a result of this bill. Any new cases will also be spread among the many district attorneys offices around the state, and should not create an undue burden on any particular office. We do not anticipate any fiscal impact at this time. However, if significant numbers of such cases are referred for prosecution, it could have a fiscal impact on the department and we would seek to reassess our budget position at that time.

Prepared by Jean M. Kasson
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date 2/26/98
 Date 2/26/98

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STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date: _____
Title: " An Act relating to criminal records"
Sponsor: Representative Ryan
Requestor: (H) JUD

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 36.5 | 36.5 | 36.5 | 36.5 | 36.5 | 36.5 |
| TRAVEL | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 |
| CONTRACTUAL | 8.3 | 8.3 | 8.3 | 8.3 | 8.3 | 8.3 |
| SUPPLIES | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 |
| EQUIPMENT | 6.5 | .2 | .2 | .2 | .2 | .2 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 54.9 | 48.6 | 48.6 | 48.6 | 48.6 | 48.6 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

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

FUND SOURCE: (Thousands of Dollars)

| | | | | | | |
|--------------------------|------|------|------|------|------|------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 54.9 | 48.6 | 48.6 | 48.6 | 48.6 | 48.6 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| OTHER | | | | | | |
| TOTAL | 54.9 | 48.6 | 48.6 | 48.6 | 48.6 | 48.6 |

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill amends sex offender registration laws in a number of ways. It changes the failure to register from a class A misdemeanor to a class C felony. It greatly adds to the offenses that give rise to the requirement to register upon conviction, including child kidnapping, promoting prostitution, and solicitation and conspiracy to commit the included offenses. It makes the registration requirements more difficult to satisfy by requiring quarterly verification, reducing the time period to comply, and requiring additional information about motor vehicles, treatment and unconditional discharge. Additionally it provides for statewide newspaper publication of the names and addresses of each person that registers. Each of these changes will greatly increase the numbers of people who fail to comply and will thereby be committing a felony offense. Fiscal impact is certain. There are currently 1573 registered offenders under the existing law. Estimates are that this is only about 50% compliance. In FY 97 the Department of Law prosecuted 127 cases as misdemeanors. Felony cases are the most time consuming and labor intensive of the agency's workload. Because many of the current cases are in Anchorage, a half time Attorney III will be added. This is a very conservative estimate.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2/4/98

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HB

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Federal Probation

Volume 61 Number 1, March 1997

Home Confinement: A '90s Approach to Community Supervision

by Robert N. Altman
Robert E. Murray

Presented as a courtesy by:

BI Incorporated
6400 Lookout Road
Boulder, CO 80301
(303) 530-2911



BACKGROUND
INFORMATION

Probation officers are always anxious to hear the explanations from these types of offenders. If offenders cannot explain the discrepancies to their probation officer, they may get the opportunity to explain it to the judge at a violation hearing.

If the role of probation officers has changed in recent years, so has the type of offender being investigated and supervised. U.S. probation officers are coming in contact with more and more white-collar criminals who are involved in telemarketing scams, bank and securities fraud, medicare and medicaid fraud, money laundering and anti-trust violations. These sophisticated offenders are often college educated and may be doctors, lawyers, accountants, or bank executives. They are hardly the stereotypical offenders (with personal and family problems) who motivated some probation officers to study social work in hopes of rehabilitating them.

The 1991 amendments to the federal sentencing guidelines increased the number of offenders who are not "individuals." Investigating and supervising the "corporate" offender has created for probation officers unique challenges that they never contemplated encountering earlier in their careers. The sentencing guidelines for corporate offenders call for huge fines when corporations and other organizational offenders commit federal crimes. The new Anti-terrorism and Death Penalty Act actually requires mandatory restitution in certain cases for both individual and corporate offenders. However, Congress' intentions in passing these laws will not be achieved if the probation officer's investigation cannot identify the assets needed to pay these fines and restitution.

The U.S. probation office's response to these challenges has been training, training, and more training. Those officers who demonstrate an interest and a level of expertise in the area of financial investigation, especially when working with complex cases, often become the "financial investigation specialists" of their districts. These specialists investigate and supervise the most complex cases and often are skilled in cash-flow analysis and the indirect methods of investigation that are employed by agents of the Internal Revenue Service. These specialists are able to analyze complex individual and corporate financial information and determine income and other financial benefits which are often passed through a business to an individual. They are able to use their investigative skills when they suspect that offenders are not being truthful or may be living beyond their reported means. These officers also become an important resource to other officers in their district.

Yes, we are still probation officers, and, no, we have not become accountants. However, these days U.S. probation officers come in contact with accountants, tax attorneys, and other financial professionals. And we hold our own quite well, thank you.

Home Confinement: A '90s Approach to Community Supervision

BY ROBERT N. ALTMAN

Probation Administrator, Administrative Office of the United States Courts, Washington, DC

AND

ROBERT E. MURRAY

*Senior Probation Officer (Retired)
Western District of Washington*

It's three o'clock in the morning and an officer's pager is beeping. After several beeps the officer rolls over in bed and looks at the clock. Bleary eyed, she reads the screen on the little black box that has totally changed her life. She already knows without looking that it's an alert for one of the offenders on her caseload. Someone left home without permission or tampered with the ankle bracelet with transmitter that he or she is wearing. "This better be something really serious," the officer mutters to herself as she dials the monitoring center, trying not to wake her husband. But he's gotten so used to these calls that he doesn't even stir when the pager begins to beep.

The alert could be caused by something as simple as a power failure from a disconnected power cord or a telephone outage from a storm. At three in the morning the officer hopes it is something simple so she can get back to sleep. As the telephone rings in the monitoring center, for some unimaginable reason the officer remembers the movie *It's a Wonderful Life*, where Clarence the angel tells Jimmy Stewart that every time a bell rings an angel gets his wings. In her sleep-deprived daze the officer thinks that in her case every time the pager beeps another offender has tried his wings and "flown the coop!"

If you don't know why this officer was called in the middle of the night, you have missed the newest "innovation" in community corrections, home confinement. In a profession that has few avenues for creativity and where so-called innovations seem to be recycled every 10 or 20 years, developing technology has recently paved the way for a cost-saving alternative to detention and incarceration. In growing numbers courts are imposing terms of home confinement where a person is ordered to remain in his or her residence for any portion of the day. Home confinement may range from a simple nighttime curfew to actual "lock-down" home incarceration. The preferred approach is to use electronic equipment to monitor home confinement although other methods also are used.

Although many states use home confinement primarily as a method to reduce jail and prison overcrowding, federal courts use home confinement as a sentencing alternative to punish offenders without in-

carceration. For pretrial defendants home confinement is not a punishment, but a method to assure that they will make future court appearances and to reduce the risk that these individuals may pose to the community. It is an alternative to detention for those defendants who would otherwise be detained if home confinement were not available as a release alternative.

The federal courts use a single contractor who provides electronic monitoring equipment to more than 300 sites across the country including Hawaii, Guam, the Virgin Islands, and Puerto Rico. The contractor maintains a national monitoring center that receives signals from the monitoring equipment in each participant's residence. Officers are contacted each time one of the following "key events" occurs: unauthorized absences from the residence; failure to return to the residence from a scheduled absence; late arrivals; early departures from the residence; equipment malfunctions; tampering with the monitoring equipment; loss of electrical power or telephone service; location verification failure (where a participant moves the monitoring equipment from the residence without permission); and when the monitoring equipment misses a randomly scheduled call to the monitoring center.

The home confinement officer's field work centers on three main activities: selecting participants for the program, physically placing participants in home confinement ("hooking up" or installing the electronic equipment), and supervising participants following the hookup. Officers conduct selection investigations, visiting each potential participant at home to determine if the person qualifies for home confinement. They hook up participants and conduct frequent home visits to interview household members and physically check the equipment for signs of tampering. The hooking up process is an important time for educating participants and any other household members about how home confinement works. The officer explains the rules and structure of the program in detail and addresses any questions and hypothetical situations the participant raises. The officer may discuss how the electronic equipment works and its range of operation. The officer also discusses the participant's weekly schedule of activities, what the participant needs to do to comply with the program, and what is expected of the participant as far as his or her performance on home confinement.

Once the electronic equipment is installed, the next stage in home confinement supervision begins. To ensure that the participant complies with the terms of his or her release, officers must make field contacts to verify the participant's whereabouts. For every participant on the officer's caseload, there are a multitude of reasons to be away from the residence, each of which is subject to verification by the officer. Working, treatment sessions, religious services, medical appointments, urine testing, school, or meeting with attorneys constitute the

majority of allowable out-of-residence activities.

To verify a participant's location away from the residence, officers often use a small, portable monitoring unit to pick up the radio signals generated by the participant's ankle bracelet. The officer merely drives to where the participant is scheduled to be and waits for the receiver to pick up the transmitter's signal. A code number appears on the receiver's screen and identifies the participant. Officers have picked up transmitter signals in high-rise buildings from as far away as 41 floors. They can verify that participants are at the job-site, at the doctor's office, or in school without leaving their cars, entering buildings, or meeting participants. This small piece of technology protects the officer from entering dangerous areas, allows the participant to work without the intrusion of the officer's visit, and enables the officer to verify more offenders in one day than if face-to-face contact were required in each instance. Sometimes, however, meeting with the participant—or being observed by that person—is the most effective means of verification. Face-to-face encounters let participants know that their activities are being watched and that they should remain on their schedule in approved locations.

Home confinement is a demanding sentence for the participant as well as the home confinement officer. Home confinement affects not only the participant but household members as well. For some participants it is the first time that they have scheduled any portion of their lives. They must have permission to go to the doctor, see their attorney, or even go to the grocery store. Many must ask others to do their shopping, pick up the laundry, or take the children to school. Some participants are unable to attend family events or even leave their residence to pick up the mail or wash the car.

Home confinement officers' responsibilities are different than those of their colleagues. Home confinement supervision is labor intensive. In essence, officers are "on call" 24 hours a day, 7 days a week because they must respond anytime there is a potential violation. The work is demanding: alerts average 10 per officer per day in the federal program, many after normal work hours. Nationally, this is an average of nearly 34,000 alerts per month. Officers also process an average of 12,500 routine schedule changes and install or remove an average of 1,500 monitoring units each month.

Sometimes it is not even the participant who is the cause for the middle-of-the-night phone call. Electrical storms in the southeast, wind storms in the northwest, snow storms in the winter all can wreak havoc on the electrical power system. If a participant loses electricity, the officer who supervises that individual can expect two telephone calls from the contractor's monitoring center—one call to let the officer know the power is out and another to let the officer know that it has been restored. Multiply that event times the number of par-

ticipants on the officer's caseload, and the night's sleep may shorten considerably. Moreover, the officer's spouse loses sleep because of the calls.

Home confinement officers also must know more detail about the persons they supervise. While most officers have a broad knowledge of offender and defendant activities, home confinement officers must know specifically where the participant is supposed to be and when. For instance, they must know where the participant's work-site is hour by hour, the exact time and place of the participant's Alcoholics Anonymous meeting, and the route that the participant will take to and from work. They are "gatekeepers" of a sort, supervising participants who are only allowed to leave their homes to pursue activities narrowly defined by the court. Another important difference is that home confinement officers must deal with events immediately. They must investigate and resolve any deviation from the program set for the participant since the participant is, in effect, "incarcerated" at home. A good support person—one who is a stickler for details—can be an enormous help to the home confinement officer in gathering and relaying information, handling offender inquiries, contacting the monitoring center, and making the many phone calls required to keep track of offenders. Having help with these tasks allows officers to focus on verifying offender whereabouts and activities.

Home confinement is a cost-effective alternative to jail and prison for many defendants and offenders who do not need to be locked up. While it is a new tool for officers to use to control and guide behavior, it is not the solution for criminal activity. Even though preliminary statistics about the federal home confinement program from the Administrative Office of the United States Courts indicate that less than 10 percent of the persons placed in the program are terminated unsuccessfully and that less than 2 percent commit new crimes while in home confinement, home confinement will not stop someone who wants to commit a crime from doing so. Home confinement will provide the court with more information with which to tailor a sentence for the needs of the person and the community and additional supervision tools for officers.

Home confinement also provides a significant cost savings for the government. In fiscal year 1996 (according to the Administrative Office), if home confinement did not exist, more than 8,000 offenders would have been in prison or halfway houses and more than 5,000 defendants would have been detained in detention centers or halfway houses. The resulting annualized cost to the government and the savings from the use of home confinement would have been at least:

| | |
|----------------------------------|--|
| <i>Cost of Incarceration:</i> | \$42 to \$61 million (depending on the level of incarceration) |
| <i>Cost of Home Confinement:</i> | \$19 million |
| <i>Cost Savings:</i> | \$23 to \$42 million |

| | |
|----------------------------------|--|
| <i>Cost of Detention:</i> | \$27 to \$41 million (depending on the type of detention facility) |
| <i>Cost of Home Confinement:</i> | \$12 million |
| <i>Cost Savings:</i> | \$15 to \$29 million |
| <i>Total Cost Savings:</i> | \$38 to \$70 million (depending on the level of incarceration or the type of detention facility) |

The officer who was awakened in the middle of the night was able to go back to sleep. After an hour of calls to the participant's residence, she learned that he had been unable to sleep so he wandered out into the back yard and did not hear the monitoring center's telephone call. He wandered back in as the officer's call came in. He won't wander so far the next time.

The 3 a.m. calls almost seem worthwhile when an officer hears good things about the home confinement program. For example, one officer who was visiting a school to verify a participant's presence in class was thanked by the school administrator. The administrator said she was surprised that anyone actually cared where the participant might be after he was sentenced and allowed to remain in the community. To the officer, this was validation that home confinement, with the proper level of accountability, can satisfy the public's sense of justice. It is a program that promotes participant accountability, enhances public safety, builds tax burdens into taxpayers, and offers an alternative to costly prison confinement.

Firearms Instruction

United States probation and pretrial services officers are authorized by federal law and Judicial Conference policy to carry firearms in performance of their official duties. Most chief probation and pretrial services officers—with the approval of their chief judges—have implemented firearms programs in their districts and have selected officers to serve as firearms instructors. These officers are trained and certified at instructor schools conducted by the Federal Corrections and Supervision Division of the Administrative Office of the United States Courts. Once trained and certified, they teach their fellow officers to carry firearms, and they conduct periodic training and retesting.

Before carrying a firearm, officers are required to participate in a 3-day initial training course which consists of intense classroom and range instruction. They must pass a written exam and two separate courses of fire with 80 percent proficiency to meet the minimum standards for qualification and are requalified at least annually.

Officers are instructed to use firearms only for self-defense or to protect a fellow officer from death or serious harm. They are taught to retreat whenever they can do so safely if a dangerous situation arises. Many districts train officers in crisis intervention skills, self-defense tactics, and the use of pepper spray as options for responding in hostile situations.

EVERY B. WOOTEN
U.S. Probation Officer
Middle District of North Carolina

ELECTRONIC MONITORING SELF PAY PROGRAM

Electronic monitoring services are generally utilized to enhance the Probation/Community Supervision and Corrections Departments capability of providing intensive supervision of those individuals determined to require daily surveillance of their curfew adherence. Based on that premise, the total costs associated with electronic monitoring are paid by the entity mandating the monitoring. Ongoing reductions in budget allocations along with an increased number of offenders placed on probation warrants investigation of establishing a house arrest program requiring the participant to assume partial or total financial responsibility for the costs associated with the program.

A self pay electronic monitoring program affords the Judiciary an additional option or alternative, either during pre-trial or at the time of sentencing, to place an individual on electronic monitoring in lieu of the present options of jail time or probation. Additionally, by establishing a sliding fee scale, those who can afford more than the minimum fee will provide revenues for the indigent participants who cannot afford to pay.

A self pay program can assist in accomplishing the following objectives:

- * Retain jail space for the most appropriate defendants
- * Reduce the number of persons placed on Probation who could be diverted to a house arrest program
- * Provide the most cost effective, restrictive means of punishment in lieu of incarceration
- * Provide a mechanism for defendants to continue employment and support their nuclear family
- * Reduce the numbers of persons for which the County assumes medical liability (while incarcerated)
- * Reduce the numbers of families requiring County, State and Federal assistance due to the main caretakers inability to continue supporting their family while incarcerated

To establish an effective program the following activities must be undertaken:

- * Develop a participant contract detailing the requirements of the program including all of his/her responsibilities.
- * Develop a sliding fee schedule based on hourly wage. Establish a minimum fee, hookup fee including mileage to and from their home, and fees for damaged or lost equipment.
- * Develop policies regarding initial payment requirements, as well as monthly or weekly fee collections. Determine the amount of payment required in advance by a percentage and with a minimum. Incorporate full payment requirements

- as a mandate for successful completion of the program.
- * Develop program policies and procedures regarding weekday and weekend curfews. Establish punishment and reward system for curfew violations or lack of.
 - * Develop criteria to be used in qualifying offenders eligible for the program.
 - * Establish an indigent payment policy as it relates to the use of the moneys collected above the minimum fee.
 - * The goals and objectives of the house arrest program must be documented and understood by all parties involved in the program.

Potential Eligible Defendants: Any defendant charged with a misdemeanor, forgery, possession of a controlled substance or any felon who does not present a threat to society or whom is deemed appropriate. STATE LAWS VARY THEREFORE, PERSONS ELIGIBLE IN ONE STATE MAY NOT BE ELIGIBLE IN ANOTHER.

Additional information will be made available on request.

The Cost Effectiveness of Using House Arrest With Electronic Monitoring for Drunk Drivers

BY KEVIN E. COURTRIGHT, PH.D., BRUCE L. BERG, PH.D., AND ROBERT J. MUTCHNICK, PH.D.*

Introduction

THIS ARTICLE describes a county house arrest with electronic monitoring (EM) program and its cost effectiveness during its first full year of operation (October 1, 1992, through October 1, 1993). Since the county under examination is located in Western Pennsylvania, we will refer to it as "Western County." Similarly, we will refer to the probation department located within Western County as the "Western County Probation Department." This will be done to ensure anonymity. Since the majority of house arrest with EM participants in this county were arrested for the crime of driving under the influence (DUI), only those arrested for DUI were included in the study ($N = 57$). Although intermediate sanctions such as house arrest and EM are increasingly popular due to the bridge they form between standard probation and incarceration, what is perhaps most important to those presently operating or considering implementing intermediate punishment (IP) programs is whether officials can avoid incarceration costs, i.e., jail days, by diverting sufficient numbers of jail-bound offenders into these new programs.

Some studies have found house arrest with EM programs to be cost effective (Armstrong et al., 1987; Forgach, 1992; Flynn, 1986; Lilly et al., 1992; Lilly et al., 1993) while some have found that such programs were too expensive or did not seriously relieve jail overcrowding (Ball et al., 1988; Petersilia, 1986). Other reports (Forgach, 1992; Palumbo et al., 1992) also have been negative, finding instances of net widening, an occurrence where offenders not bound for jail are given a more intrusive and more expensive sanction than what they normally would have received had the new program not existed. In other words, if offenders who would have normally been sentenced to standard probation are now being sentenced to an IP program, e.g., house arrest, intensive supervision, or EM, simply because it is now available, then net widening would have occurred. To summarize, research regarding the cost effectiveness of house arrest with EM programs has been mixed. Meanwhile, these programs continue to grow at a rapid rate (Klein-Saffran, 1992).

*Dr. Courtright is an assistant professor of criminal justice at Hilbert College. Dr. Berg is an associate professor of criminal justice at California State University-Long Beach. Dr. Mutchnick is a professor of criminology at Indiana University of Pennsylvania.

The Development of IP Programs Within Pennsylvania

In 1990, the General Assembly passed the County Intermediate Punishment Act (1990), which resulted in certain cells within the state's sentencing grid being dedicated to non-confinement sentencing options. Counties were urged to submit their own intermediate punishment plans and were given financial incentive, in the form of grants, to develop and maintain IP programs that hopefully would eliminate the overcrowding crisis that earlier sentencing guidelines had helped to create.

Present Pennsylvania law mandates certain periods of confinement for DUI offenses, the categories of which are all second-degree misdemeanors. For a first offense within 7 years, the legislative penalty specifies a mandatory minimum confinement period of 48 hours (Vehicles Law of Pennsylvania, 1994). A second DUI conviction within 7 years yields 30 days of confinement, and a third translates into a minimum of 90 days in confinement. Lastly, a fourth conviction within 7 years is automatic confinement for a minimum of 1 year in state prison. In addition, offenders must usually pay a fine, attend an Alcohol Highway Safety Program (safe driving school), surrender their license for a period of 1 year, and be committed to a drug and alcohol treatment program for evaluation and treatment (if recommended) purposes. All offenders must serve a minimum of 48 hours in confinement, after which time it is possible for an offender to be accepted into an IP program. The Intermediate Punishment Sentencing Act (1990), however, mandates that a defendant convicted under 75 Pa C.S. 3731(e) (relating to DUI) may only be sentenced to IP: 1) in a residential inpatient program or in a residential rehabilitative center or 2) by house arrest or electronic surveillance combined with drug and alcohol treatment.

Participating offenders enter an IP program in lieu of going to jail, and 1 day of EM or inpatient is equal to 1 day of confinement, representing true jail diversions and assumed cost savings. An example will more clearly illustrate the sentencing possibilities. If an offender was sentenced to 30 days for a third DUI conviction, it would be possible for him to serve 2 days in confinement, with the remainder of the confinement sentence (28 days) being served under house arrest with EM, or 28 days of inpatient treatment. Offenders remain under active parole supervision once their jail terms or IPs have expired. Once an offender completes safe driving school, successfully completes drug/alcohol

counseling, and pays all fines and costs in full, the offender will receive a valid driver's license once again. We now will look at Western County's house arrest with EM program specifically.

Western County's House Arrest With EM Program

In 1991 Western County submitted an intermediate punishment plan that was subsequently approved. According to probation department officials, the vast majority of the cases being placed on EM are DUI offenders; thus, the plan was hypothesized to have its biggest impact upon the DUI population. A previous study by the present author (based upon data collection of the first 70 EM cases) revealed that approximately 72 percent of this population was convicted for the crime of DUI, followed by those convicted of a parole revocation (6 percent).

The Western County Probation Department has approximately 600 clients under active supervision, and approximately 40 percent of its overall caseload is convicted DUI offenders. Western County's house arrest with EM program officially commenced operation in October 1992 although a few offenders participated as early as July of that same year. Largely because of its infancy, EM has been utilized only on a limited basis by the Western County courts although its use is increasing at a steady pace (Chief Probation Officer, personal communication, December 3, 1993). The program uses an active monitoring system and occasionally employs tracking technology via an autolog monitoring system. One officer oversees the house arrest with EM program and is responsible for supervising those under the sanction. Once offenders complete their EM component, they may be transferred to another officer within the department. For the most part, these offenders remain under regular, instead of intensive, supervision. Those who participate remain under probation supervision although they are no longer on EM.

The jail in Western County was experiencing the same overcrowding problem that was afflicting both jails and prisons across the state. The primary goal of the intermediate punishment program of Western County was to divert "sufficient" numbers of eligible offenders from incarceration in the county jail, thus avoiding overcrowding and increasing the sentencing options available to the court (Chief Probation Officer, personal communication, 1991). A specific objective of the plan was to divert 80 DUI offenders from the county jail in 1992 in an attempt to save an average of 1,000 jail days.

Selection Criteria

According to the County Intermediate Punishment Act (1990), only the following types of cases can be sentenced to house arrest with EM: DUI, bad checks, retail theft, simple assault, and second-degree burglary.

Additionally, the act also mandates that offenders who participate in an intermediate punishment program do not "demonstrate a past or present pattern of violent behavior." The offenders participating in the EM program are all adults, and, according to officials at the Western County Probation Department, offenders are not excluded from participation because of their sex, indigence, or age (as long as the offender is an adult). The EM offenders are selected for participation based upon the above sentencing limitations plus additional criteria for selection, which include such factors as a willingness to 1) undergo drug/alcohol treatment and/or counseling; 2) be placed on EM and the subsequent rules and restrictions of the program; and 3) pay a fee of \$8 per day to cover the cost of the monitoring although offenders are not excluded from participating in the program because of indigence. Once EM participants complete their EM component, they are to pay a \$25 per month supervision fee for "regular" supervision, unless the court waives the requirement. Additionally, the prospective offender must have a residence and a telephone compatible with the EM equipment with no call forwarding or call waiting features. Lastly, employment is preferred, but not mandatory, for program participation. Now that the reader has been introduced to the history of the program and its operation, we will turn our attention to cost effectiveness.

Costs Versus Benefits

One of the main reasons for the development of the EM program in Western County was the fact that the jail was experiencing severe overcrowding. To house one inmate in the Western County Jail costs approximately \$42 per day (Deputy Warden, Western County Jail, personal communication, February 1, 1995). The majority of this expense is the result of wages and benefits for correctional officers. From October 1, 1992, to October 1 1993 (the study period), the EM offenders (DUIs only) spent a total of 1,742 days under EM. This translates into a cost savings of \$73,164. The costs and benefits of the program during the study period are listed in table 1. This cost savings is valid only if it can be demonstrated that net widening was not occurring. In other words, were offenders who normally would have not gone to jail sentenced to house arrest with EM? As mentioned earlier, in Western County, 1 day of EM is directly equivalent to 1 day in jail, unlike some programs that use the one to three ratio where 1 day in jail is equal to 3 days under EM (see, for instance, Lilly et al., 1993). The mandatory jail sentences of the Vehicles Law of Pennsylvania (1994) stipulate that jail is the first and perhaps only alternative.

As noted earlier, EM offenders are charged \$8 per day while under EM. This fee is used to pay for the technol-

TABLE 1. COSTS VERSUS BENEFITS DURING STUDY PERIOD

| Costs | Benefits |
|--|---|
| 1. Lease of EM Technology (Total of 1,742 days @ \$5.75 per diem) \$10,016.50 | 1. Collection of EM Supervision Fees @ \$8 per diem \$13,512.00 |
| 2. Miscellaneous Equipment (2 Autolog drive-by monitors, portable Breathalyzer units, camera, briefcase, etc.) \$ 3,581.50 | 2. Jail Days Saved (Total of 1,742 days @ \$42 per diem) \$73,164.00 |
| 3. One-Half Salary for Probation Officer Plus Benefits \$11,160.12 | 3. Monthly Supervision Fees (Post EM) \$12,806.00 |
| TOTAL COSTS \$24,758.12 | TOTAL BENEFITS \$99,481.00 |
| | TOTAL SAVINGS \$74,722.88 |

ogy, which is presently leased by the Probation Department. The per diem fee of leasing the technology is approximately \$5.75. The difference is used to compensate for the non-payment by indigent offenders. During the study period, EM offenders paid a total of \$13,512 toward their EM supervision. This figure is drastically close to the amount of \$13,936, which is the amount tallied when 1,742 days under EM is multiplied by the per diem fee of \$8. According to these data, the department was very successful in collecting these fees.

Another indicator of the success of EM fee collection is the frequency in which individual offenders were considered delinquent in paying their EM supervision fee. Offenders were considered delinquent if and when they reached the second step of a two-step process. The process was as follows: If offenders were delinquent in paying the EM fee, they would receive a warning letter from the Department, giving them 10 days to make payment or contact the agency. If the first step was not successful, then a second letter was mailed 2 months after the first. This letter specified a court date for the offender. According to probation officials, this process was usually successful in recovering delinquent fees. As evidence of this success, the vast majority of offenders (84 percent) were not delinquent in paying their EM supervision fee.

In addition to the EM fee, the Department collected \$12,806 in supervision fees and \$21,650 in fines during the study period. According to the chief probation officer, once they are collected, fines go to the state although some of the money is returned to the county. One hundred percent of the supervision fees, however, are eventually returned to the county of origin; thus, these fees can be counted as revenue for the county. Officers were largely successful in collecting supervision fees and fines from these offenders as compliance rates were 78 percent and 84 percent respectively.

Cost estimates of new programs must always address the issue of staffing. With the advent of new programs comes the hiring of new and additional staff. Western County did hire one additional probation officer to man

the house arrest program. According to the chief probation officer, funds for this position have come mainly from a federal grant and subsequent state match secured by the director. Since many counties will not be able to secure grants for their personnel, cost estimates will be calculated without taking such grant funding into consideration. The reader should remember, however, that because of this, actual cost savings estimates will be conservative. In addition to the house arrest with EM program, the additional officer does supervise other (non-EM) offenders, so one-half of the new salary, plus benefits (\$11,160.12), was used in the cost calculation. In addition to the salary, the county did purchase miscellaneous equipment for the EM program. This is also detailed in table 1.

It is readily apparent that the benefits outweigh the costs involved. However, if the program returns a large proportion of offenders to jail for technical (rules) violations, then cost savings estimates may be invalid (Palumbo et al., 1992). To test this, recidivism statistics were analyzed. The authors found that only one EM offender was arrested while participating in the program and that was for a summary offense (a violation). Similarly, only one EM participant tested positive for drugs and/or alcohol, and this misbehavior was the basis for a revocation proceeding and subsequent incarceration. If success is measured in revocation terms, then the EM program was 98.2 percent successful. This program certainly did not place the community at risk. Since the program did not return a large percentage of offenders for technical violations, positive cost savings estimates remain.

Discussion

This article has demonstrated that house arrest with EM can be a cost-effective alternative to incarceration when planned and operated appropriately. The "avoidance" of jail days was responsible for the majority of "benefits" reaped by the EM program. The reader should note, however, that even when "jail days saved"

is not factored into the analysis, the county still managed to come out \$1558.88 ahead.

There are several factors that had direct impact on the program's success. First, the selection criteria for program participation was somewhat stringent as they should be when placing offenders back into the community. Second, the county's house arrest with EM program was a *true* alternative to incarceration. These offenders had three basic options—go to jail, participate in inpatient counseling if so recommended, or be placed on EM. Here, the reader should note that the most costly treatment, inpatient, was utilized much more frequently *before* house arrest with EM existed as an alternative. This, most likely, was done in an effort to avoid jail by those offenders unwilling to participate in EM or not eligible for it. Third, true cost savings were realized (and easily calculated) due to the direct equivalency of jail versus EM days. Such equivalency also protects against net widening as every day of EM was a jail day saved. Fourth, Western County benefited from the passage of legislation allowing for grant monies to be spent on additional personnel needed to operate the program. Lastly, members of the Department were committed to achieving the goals that were set out by the director when the county's intermediate punishment plan was authored and subsequently approved.

To summarize, the Department was able to achieve its goals without 1) widening the net of social control and 2) unduly jeopardizing the safety of the community. Other states and jurisdictions could learn from what the Commonwealth of Pennsylvania has done.

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Electronic Home Confinement: Judicial and Legislative Perspectives

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Introduction

As corrections populations and costs skyrocket, policymakers will look to the development of more cost efficient ways of managing offender populations. The key to successful implementation of correctional options is the acceptance and support of key stakeholders, especially judges, state legislators, and city/county governing officials, as well as a "buy in" by the practitioners themselves. Good communication among the actors and agencies about the capabilities and limitations of sentencing options is essential (McGarry, 1993). Throughout the process consensus within the criminal justice system and a broad level of support from external constituencies is needed. Educating the public and building links to these external constituencies are necessary aspects of that process (Krauth, 1993).

Electronic home confinement has surfaced as one correctional option that is receiving increased attention. On January 1, 1995, the Criminal Justice Institute, Inc., reported 28,292 probationers on electronic supervision in the United States (Camp & Camp, 1995), an increase of 20,614 (368%) since January 1, 1993 (Camp & Camp, 1993). While these numbers tend to support the viability of this option, there are questions as to whether electronic home confinement has achieved its full potential as a correctional option. Limited stakeholder support and understanding is perceived as one barrier to its effective implementation. This article provides a summary of the results from a recent study of the perceptions of judges and policymakers about the viability of electronic home confinement.

Statement of the Problem

Since 1980 the total estimated correctional population has risen 179% from 1.8 million in 1980 to 5.1 million in 1994 (BJS, 1995). The trend includes a 213% increase in the prison population, a 213% increase in the parole population, and a 165% increase in the probation population. The dramatic increase in the offender population has left prisons operating beyond capacity (Maguire & Pastore, 1995). Day reporting centers, intensive supervision, house arrest, boot camps, specialized caseloads, and electronic monitoring programs have been developed to supervise the increasing numbers of offenders diverted from prison/jail. These have enjoyed varying degrees of support from stakeholders.

If one believed the political rhetoric, it would be safe to assume that the American public wants tougher penalties for convicted criminals including increased use of prison sentences. However, in a 1992 national public opinion poll, Tilow (1992) found that four out of five Americans favored community corrections over prison for non-dangerous criminal offenders. Similar results were obtained from studies in Pennsylvania, Delaware, and Alabama where, after learning about the availability of alternative punishments, a clear majority in all three states favored non-prison sanctions for nonviolent offenders (DiMasco, 1995). A more recent study by Doble Research Associates in which 92% of Oregonians were found to favor alternative punishments for nonviolent offenders demonstrates the stability of this public support (DiMasco, 1995).

"Not only is there evidence that the public holds rather favorable attitudes

toward alternatives to incarceration for some offenders, there is also research that indicates policymakers are not always attuned to public attitudes toward punishment in general and alternatives to incarceration in particular" (Brown & Elrod, 1995, p.337). Since this perception is often translated into public policy, it is critical that the attitudes of key stakeholders are assessed, understood, and used as the basis for educating them on the attributes of various correctional options.

The only study to date that attempts to determine attitudes about electronic home confinement was conducted by Brown and Elrod (1995) in their 1993 study of 1000 households in Oneida County, New York. They found the following:

- Ninety-two percent of the respondents were in favor of using electronic house arrest as a criminal sanction.
- Only 15% believed "serious" offenders could be placed on electronic house arrest. (A "serious" crime was defined as stealing or damaging property worth more than \$1000 or committing a personal crime requiring medical attention.)
- Fifty-four percent indicated electronic house arrest could be used after an offender has served time in jail or prison, however, only 31% felt electronic house arrest should be used in lieu of incarceration.
- Nearly 94% of the respondents did not believe that electronic house arrest violated an offender's privacy.

Thus the authors concluded that the public supported electronic home arrest, with certain contingencies attached regarding the categories of offenders for whom it will be used (Brown & Elrod, 1995).

Questions Under Study

The purpose of this national study was to gather baseline information on the opinions of judges and policymakers on practices and issues relating to electronic home confinement. Policymakers included state legislators, city/county governing officials, and state attorneys general. Judges included federal and state court judges, both adult and juvenile, who preside over bail hearings and criminal sentencing.

For the purpose of the study, the following research questions were posed:

1. How familiar are key stakeholders with electronic home confinement?

2. In the opinion of key stakeholders, do local statutes favor or restrict the use of electronic home confinement?

3. How do key stakeholders rate electronic home confinement on: rehabilitation, punishment, public safety, cost effectiveness, and reliability?

4. In the opinion of key stakeholders, what offenses and offender populations are appropriate for electronic home confinement?

5. What are the main reasons key stakeholders gave for supporting or opposing electronic home confinement?

6. In the opinion of key stakeholders, what parties should influence the decision as to whether or not to sentence an offender to electronic home confinement?

7. In the opinion of key stakeholders, what should be the primary goal of electronic home confinement?

8. How do key stakeholders view the future of electronic home confinement?

In addition, the study allowed the comparison of judges' and policymakers' opinions of key issues relating to electronic home confinement. A final area of study involved an examination of differences in how judges and policymakers view electronic home confinement as their level of familiarity varies.

Methodology

Identification and Selection of Population

The target population was sub-

divided into the following categories: state legislators, state judiciary committee chairpersons, state attorneys general, members of county governing boards, circuit/district judges, juvenile and family court judges, federal magistrates, and federal judges. The following sources were used to obtain mailing lists: The Council of State Governments, National Association of Counties, The National Directory of Children, Youth, and Family Service, and the United States Court Directory. A stratified random sample of 2800 individuals was selected from more than 22,000 individuals in the target population. The randomly selected lists were reviewed for duplications (between groups), and correct, complete addresses. As a result, 32 of the original 2,800 individuals were removed from the sample. An additional twenty-three surveys were returned by the U.S. Postal Service. This left a sample of 2,745 individuals.

Contact Procedures

A cover letter, questionnaire, and a self-addressed stamped envelope were sent to each member of the sample population. The cover letter stressed the importance of each survey being returned to maximize the representativeness of the study. A deadline was identified for the return of the questionnaire. Non-respondents to the first mailing were sent a second cover letter, questionnaire, and self-addressed stamped envelope. A final completion deadline was established.

Eight hundred and forty-nine useable responses were received for an overall survey response rate of 31%. Response rates for each stakeholder group are reported in Figure 1.

Findings

Familiarity with Electronic Home Confinement

Survey respondents were asked to rate their familiarity with electronic home confinement on a scale of 1 to 5 with 1 representing "never heard of it" and 5 representing "very familiar." The

Figure 1

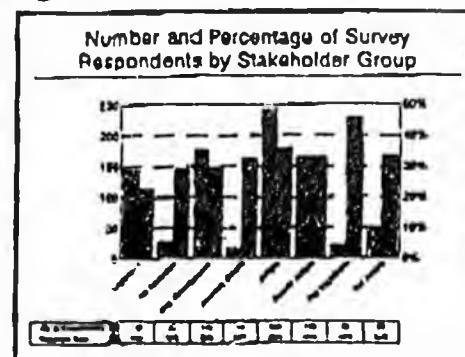
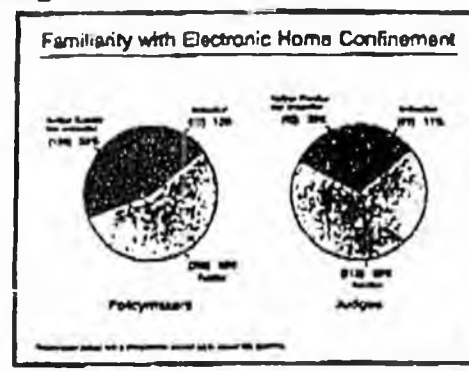


Figure 2



average response was 3.93 for all survey respondents, 3.65 for the policymakers, and 4.15 for the judges. The difference in the means for the two groups were statistically significant at an alpha level of .05.

The responses were grouped in the following manner for the next data analysis process: 1 or 2 — not familiar, 3 — neither familiar nor unfamiliar, and 4 or 5 — familiar. Fifty-five percent of the policymakers and 69% of the judges indicated they were familiar with electronic home confinement (see Figure 2). Only 12% of the policymakers and 11% of the judges indicated they were not familiar with it.

Statutes Favor/Restrict Use of Electronic Home Confinement

Survey respondents were asked if statutes in their jurisdictions favored or restricted the use of electronic home confinement. The responses were

Figure 3

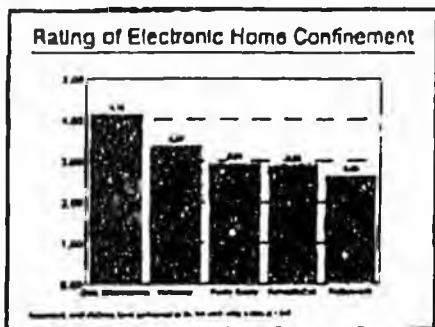


Figure 4

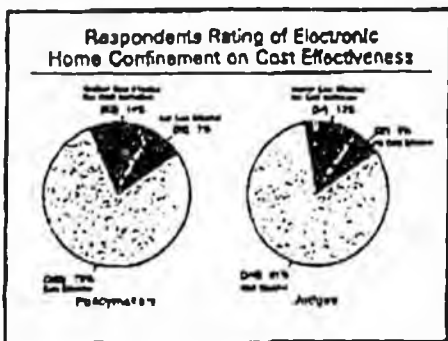


Figure 5

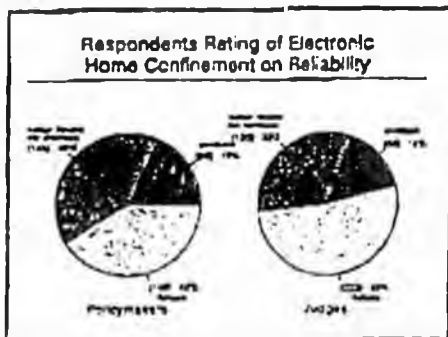
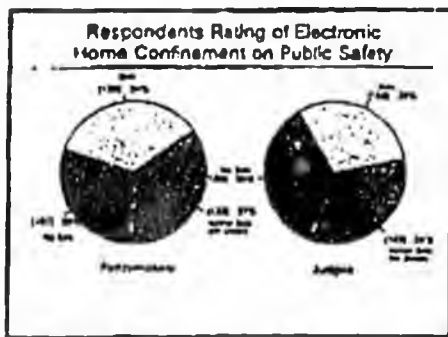


Figure 6



grouped in the following manner: 1 or 2 — restrictive, 3 — neither favorable nor restrictive, 4 or 5 — favorable. Fifty-six percent of the respondents indicated statutes were favorable toward the use of electronic home confinement. Only 7% of the respondents felt their statutes were restrictive. Policymakers (10%) were more likely than judges (4%) to indicate that electronic home confinement statutes were restrictive.

Rating of Electronic Home Confinement on Key Factors

Survey respondents were asked to rate electronic home confinement on: rehabilitation, punishment, public safety, cost effectiveness, and reliability.

- On a scale of 1 to 5 with 1 being "not cost effective" and 5 being "very cost effective," the average rating for the cost effectiveness of electronic home confinement was 4.15.

- On a scale of 1 to 5 with 1 being "not reliable" and 5 being "very reliable," the average rating for the reliability of electronic home confinement was 3.37.

- On a scale of 1 to 5 with 1 being "not safe" and 5 being "very safe," the average rating for the safety of electronic home confinement was 2.95.

- On a scale of 1 to 5 with 1 being "not effective" and 5 being "very effective," the average rating for the effectiveness of electronic home confinement was 2.90.

- On a scale of 1 to 5 with 1 being "lenient" and 5 being "severe," the average rating for the degree of punishment of electronic home confinement was 2.63 (see figure 3).

Responses for cost effectiveness were grouped in the following manner: 1 and 2 — not cost effective, 3 — neither cost effective nor cost ineffective, 4 or 5 — cost effective. Seventy-eight percent of the policymakers and 81% of the judges rated electronic home confinement as cost effective (see figure 4).

Responses for reliability were grouped in the following manner: 1 and 2 — not reliable, 3 — neither reliable nor unreliable, 4 or 5 — reliable. Forty-two

percent of the policymakers and 52% of the judges rated electronic home confinement as reliable (see figure 5).

Responses for public safety were grouped in the following manner: 1 and 2 — not safe, 3 — neither safe nor unsafe, 4 or 5 — safe. Thirty-four percent of the policymakers and 30% of the judges rated electronic home confinement as safe (see figure 6).

Responses for rehabilitation were grouped in the following manner: 1 and 2 — not effective, 3 — neither effective or ineffective, 4 or 5 — effective. Thirty-two percent of the policymakers and 26% of the judges rated electronic home confinement as effective at rehabilitation (see figure 7).

Responses for punishment were grouped in the following manner: 1 and 2 — lenient, 3 — neither lenient nor severe, 4 or 5 — severe. Twenty percent of the policymakers and 21% of the judges rated electronic home confinement as severe punishment (see figure 8).

Appropriate Crimes for Electronic Home Confinement

Respondents were asked to rate the appropriateness of electronic home confinement for nine general offense categories. A scale of 1 to 3 with 1 representing "never," 2 representing "sometimes," and 3 representing "always" was used. The average responses ranged from 2.14 for traffic offenses to 1.24 for violent offenses (see figure 9).

Many respondents indicated that offenders convicted of violent offenses (81%), sex crimes (57%), domestic violence (39%), and drug offenses (27%) should never be considered for electronic home confinement.

Many respondents indicated that offenders convicted of traffic offenses (28%), misdemeanors (19%), property crimes (15%), and DUI (12%) should always be considered for electronic home confinement (see figure 10).

Reasons to Support/Oppose Electronic Home Confinement

Respondents were asked to select the

Figure 11

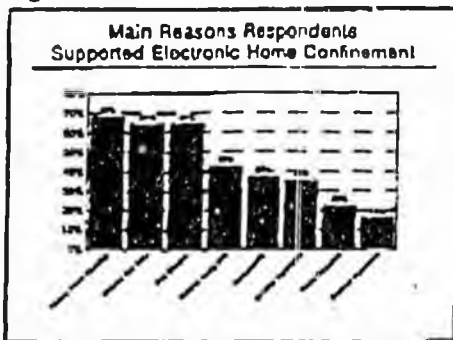


Figure 12

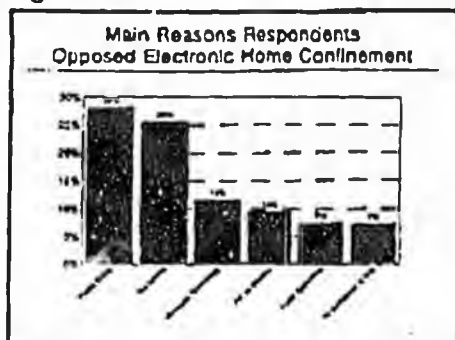
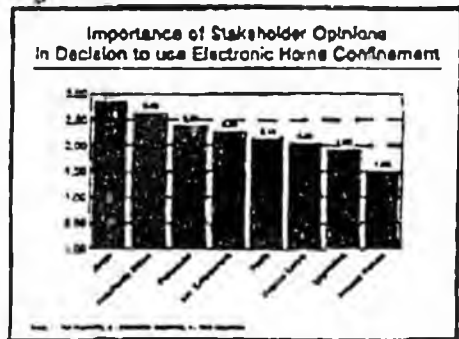


Figure 13



Conclusions

1. The majority of judges and policymakers were familiar with electronic home confinement. Fifty-five percent of the policymakers and 69% of the judges were familiar with electronic home confinement.

2. Judges and policymakers did not feel electronic home confinement statutes were too restrictive. Only seven percent of the respondents indicated electronic home confinement statutes were too restrictive.

finement statutes were too restrictive.

3. The majority of judges and policymakers indicated that electronic home confinement was cost effective and reliable. The average response for cost effectiveness of electronic home confinement was 4.15 on a scale of 1 to 5 with 5 representing very cost effective. The average response for reliability of electronic home confinement was 3.37 on a scale of 1 to 5 with 5 representing very reliable.

4. Judges and policymakers indicated electronic home confinement should not be used for offenders convicted of violent, sex, domestic violence, and drug offenses. A majority of respondents indicated that electronic home confinement should never be used for offenders convicted of violent (81%) and sex (57%) offenses. Many of the respondents felt that electronic home confinement should never be used for offenders convicted of domestic violence (39%) and drug (27%) offenses.

5. Judges and policymakers supported electronic home confinement because they felt it reduced jail/prison crowding, it allowed offenders to work, and was cost effective. Judges and policymakers opposed electronic home confinement because they felt it did not provide for public safety and was too lenient. Sixty-eight percent of the respondents identified reducing jail/prison crowding as the top reason to support electronic home confinement. Other reasons to support electronic home confinement included that the offender can work (64%) and cost effectiveness (64%). Twenty-eight percent of the respondents felt public safety was the major reason to oppose electronic home confinement. Twenty-six percent of the respondents felt it was too lenient.

6. Respondents rated the opinions of judges and probation/parole officers as the most important in deciding whether or not to sentence an offender to electronic home confinement. Eighty-six per-

cent of the respondents felt the opinion of the judge was very important in deciding whether or not to sentence an offender to electronic home confinement. Sixty-five percent of the respondents felt the opinions of probation/parole officers were very important.

7. Judges and policymakers ranked protection of the public as the number one goal of electronic home confinement. Forty-one percent of the respondents ranked protection of the public as the number one goal of electronic home confinement.

8. The more familiar respondents were with electronic home confinement, the more likely they were to indicate that electronic home confinement was not restricted by statutes in the jurisdiction, was effective at rehabilitation of offenders, was a severe punishment, increased public safety, and was a cost effective and reliable correctional option. As the level of familiarity with electronic home confinement increased, the ratings of electronic home confinement on rehabilitation, punishment, public safety, cost effectiveness, and reliability also increased.

9. Judges and policymakers felt electronic monitoring was here to stay and would grow in the future. Sixty-three percent of the respondents indicated electronic home confinement would grow in the future, 29% felt electronic home confinement was here to stay. Only 8% felt it had no future.

Discussion

Examination of survey results highlights two important issues. First, when asked to rank the primary goals of electronic home confinement, public safety was most frequently ranked as the most important goal. However, a concern for public safety was cited most frequently as a reason to oppose electronic home confinement. When compared to other alternative sanctions, this suggests a lack of confidence by judges and policymakers in the ability of electronic home confinement to provide for pub-

lic safety. For electronic home confinement to grow and prosper stakeholders must be convinced that electronic home confinement can provide the required level of public safety. How can this challenge be met? First, key stakeholders should be informed about how electronic home confinement works. Second, the effectiveness of electronic home confinement must be documented through research/evaluation results. Research/evaluation studies should compare electronic home confinement to other alternative sanctions including traditional probation/parole supervision and incarceration.

In the introduction to this article, the point was made that educating the public and building links to external constituencies were necessary aspects of developing and implementing correctional options (Krauth, 1993). Community corrections professionals have the continuous task of informing stakeholders about the goals, features, practices, and evaluation results from correctional options. A stakeholder familiar with the features of a program such as electronic home confinement is more likely to support the practice.

One way to inform stakeholders about a correctional option, such as electronic home confinement, is to involve them in a policy group or policy team. McGarry (1993) recommends the development of a policy group or policy team made up of high-level policymakers from the criminal justice system; the county, city, or state legislature; and the general public to guide the process of developing and/or implementing the correctional option process.

Another critical step in building stakeholder confidence in electronic home confinement is to document its effectiveness. Previous research results are unclear about the effectiveness of electronic home confinement in reducing recidivism. This is because very few studies have been done that compare electronic home confinement with options such as traditional probation and parole, intensive supervision, and incarceration. The studies that have been

done indicate that offenders under electronic home confinement fared no worse than those sentenced to other options suggesting that electronic home confinement does not threaten public safety (Cullen, Wright, & Applegate, 1995). Many of the studies that have been conducted on electronic home confinement were limited by one or more of the following factors: the low-risk nature of the samples; absence of an experimental research design; and the confounding effects of inadequate program integrity (Cullen, Wright, & Applegate, 1995). These are the same problems that plague other research on alternative sanctions.

The level of research on electronic home confinement programs should be increased. Research studies must be rigorous and carefully controlled. This includes the use of experimental research designs with random assignment and control groups. Electronic home confinement should be compared to other options such as traditional probation/parole, intensive supervision programs, and incarceration. In addition, research efforts should examine which conditions or combinations of conditions are the most effective. For example, Jolin and Stipak (1992) found that offenders who completed a program combining electronic monitoring and drug treatment had lower recidivism rates; and Renzema (1992) found that drug testing was an integral feature of most electronic home confinement programs.

A recent ruling by the New York State Court of Appeals states that conditions of probation, such as electronic monitoring, must be "fundamentally rehabilitative" (*People vs McNair*, April 4, 1996). In other words, electronic monitoring could only be used to advance the defendant's rehabilitation (hence public safety). While controversial, the court's ruling is consistent with Jolin and Stipak's (1992) findings that electronic monitoring is most effective when it is used in combination with other rehabilitative options, such as drug treatment.

Manufacturers and community cor-

Figure 14

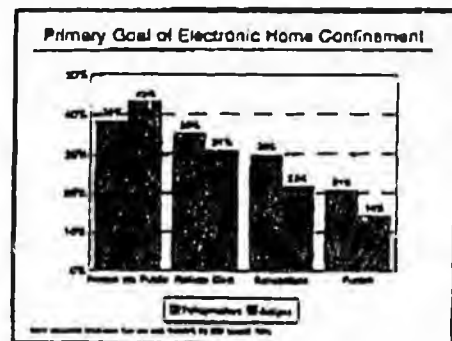
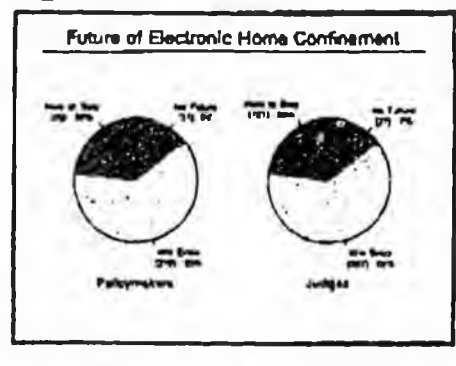


Figure 15



rections agencies should encourage and participate in research efforts. All research studies should follow sound evaluation practices and monitor the electronic home confinement process to insure that all protocols consistent with good probation and parole practices are followed.

The second issue concerns the ranking of cost effectiveness as the second most important goal for electronic home confinement and responses regarding the appropriateness of electronic home confinement for certain offenders and offenses. If used appropriately electronic home confinement can be a cost-effective sentencing option. In addition to costs associated with jail/prison diversion, savings are made because the offender can work and support themselves and their families and thus they are less dependent on the public welfare system and tax revenues are increased as a result of the offender's employment.

However, using electronic home confinement with low risk offenders who are likely to be placed on probation were it not for electronic home confinement undermines its ability to save money, as well as its contribution to public safety

Community corrections professionals must play an active role in informing stakeholders about the goals, features, and practices of electronic home confinement.

When more violent offenders are not permitted in the program. Stakeholders' preference for using electronic home confinement for traffic, misdemeanor, property, and DUI offenses leads to net widening and increased costs. Furthermore, matching intensive services, such as electronic home confinement, to low-risk offenders has been found to increase recidivism rates for these offenders, further inflating costs (Bonta, 1995 and Clear & Hardyman, 1992). Electronic home confinement is only cost effective when it is used on high risk offenders who, without electronic home confinement, would otherwise be sentenced to jail or prison, commit new crimes because of a lack of supervision, and/or violate the conditions of their probation.

Many stakeholders are reluctant to recommend electronic home confinement for violent offenses because they feel these offenders should be incarcerated. But the reality of the situation is that many violent offenders are already being placed under some form of community supervision. On any given day in the U.S. in 1991, there were an estimated 435,000 probationers and 155,000 parolees residing in local communities who have been convicted of violent crimes — or over a half million offenders (Petersilia, 1995). To facilitate the matching of offenders with appropriate correctional options based upon their risks and needs, Harland (1993) recommends the development of a continuum of correctional options.

With such continuums, the severity of electronic home confinement is generally ranked just below a jail or prison sentence and well above standard and intensive supervision probation programs (DiMascio, 1995). Using electronic home confinement with high risk offenders enhances its cost savings potential and the likelihood of achieving public safety objectives.

The benefits of educating stakeholders on the use of electronic home confinement are clear. The survey results reveal that informed stakeholders are more likely to use electronic home confinement in general and more likely to support its use with appropriate offense categories. Community corrections professionals must play an active role in informing stakeholders about the goals, features, and practices of electronic home confinement. Finally, community corrections professionals and the electronic home confinement industry must work together with the academic community to research the effectiveness of all aspects of electronic home confinement.

Recommendations

1. Community corrections professionals must continue to educate key stakeholder groups of the advantages, disadvantages, and goals of electronic home confinement.

2. Community corrections must develop sound policies and procedures for electronic home confinement programs. Written policies and procedures will increase the judicial and legislative confidence in the practice, as well as, ensure its proper use.

3. The use of electronic home confinement should be restricted to diverting offenders who would otherwise be sentenced to jail or prison, commit new crimes because of a lack of supervision, and/or violate the conditions of their probation.

4. Representatives from stakeholder groups must be involved at key decision points in the implementation and operation of electronic home confinement programs. Involvement in the

program creates a buy-in and will result in support of the program.

5. Respondents ranked protection of the public as the number one goal of electronic home confinement. Electronic home confinement programs should be evaluated using scientific methodology to demonstrate to key stakeholders the extent to which electronic home confinement is meeting public safety objectives.

6. To ensure the future of electronic home confinement, community corrections professionals, as well as other stakeholders, should play an active role in the development of technology for electronic home confinement programs. Progressive companies are interested in providing exactly what the profession wants. It is the profession's role to make their needs known.

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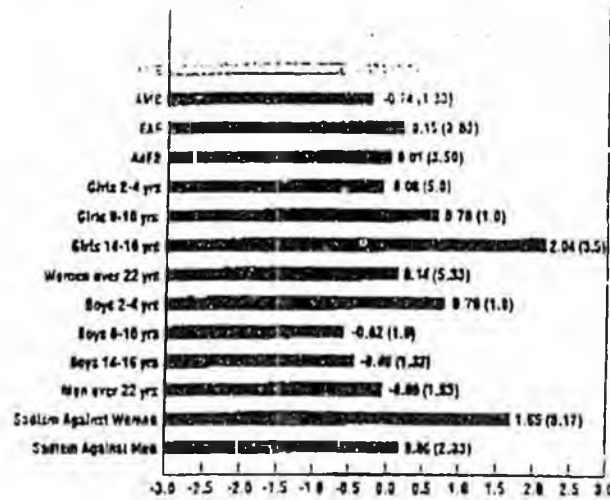
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DEVELOPMENT
ALASKA COURT SYSTEM

Representative Joe Green
District 10

Sponsor Statement

HB 272 - Electronic Monitoring

HB 272 establishes the parameters for an electronic monitoring program in Alaska.

Electronic monitoring (EM) is a system where around-the-clock surveillance is provided for certain convicted offenders as an alternative to incarceration. The transmitter emits a signal to a field monitoring device, which receives and records various types of information about the offender, from location to monitoring alcohol consumption, depending on the degree of sophistication.

As the number of criminal convictions in Alaska continues to rise, we are faced with only three alternatives: build more prisons to incarcerate offenders, exacerbate already overcrowded prisons in violation of the Cleary decree, or allow more offenders to avoid incarceration. Current estimates for new prison construction exceed \$100,000 per bed, which make construction of new prisons an oppressively expensive proposition; especially now, when financial resources are so strapped. At the same time, the public is calling for tougher treatment of criminals.

I believe we must look to alternatives such as EM to help resolve our dilemma. EM is used widely throughout the United States, Canada, and Europe. Here in the US, EM equipment became commercially available in 1984, and its use has grown rapidly since. In 1988 the Nat'l Institute of Justice recorded 826 offenders being observed through EM. By the following year, this number had skyrocketed to 2,277. According to a survey in 1993, there were 66,650 EM units in use. This rapid escalation attests to the effectiveness and economies of EM as an alternative correction measure to imprisonment.

Through an EM program, judges can sentence certain, non-violent, offenders to house arrest, or other restrictive sanctions, which leaves more room in our correction facilities for violent criminals.

HB 272 **does not require** that judges sentence offenders to wear electronic monitoring equipment, it simply grants statutory authority to the judiciary to consider EM in sentencing.

CS FOR HOUSE BILL NO. 272(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/14/98

Referred: Rules

Sponsor(s): REPRESENTATIVE GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to allowing the commissioner of corrections to allow a prisoner
2 to serve a term of imprisonment or period of temporary commitment by electronic
3 monitoring; and relating to the crime of escape."

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

5 * Section 1. AS 11.56.310(a) is amended to read:

6 (a) One commits the crime of escape in the second degree if, without lawful
7 authority, one

8 (1) removes oneself from

9 (A) a correctional facility while under official detention;

10 (B) official detention for a felony or for extradition; or

11 (C) official detention and, during the escape [,] or at any time

12 before being restored to official detention, one possesses on or about oneself
13 a firearm; [OR]

14 (2) violates AS 11.56.340 and, during the time of the unlawful evasion

1 [.] or at any time before being restored to official detention, one possesses on or about
2 oneself a firearm; or

3 (3) removes, tampers with, or disables the electronic monitoring
4 equipment, or leaves one's residence or other place designated by the
5 commissioner of corrections for the service by electronic monitoring of official
6 detention for a felony.

7 * Sec. 2. AS 11.56.330(a) is amended to read:

8 (a) One commits the crime of escape in the fourth degree if, without lawful
9 authority, one

10 (1) removes oneself from official detention for a misdemeanor; [OR]

11 (2) having been placed under actual restraint by a peace officer before
12 arrest, removes oneself from the restraint; or

13 (3) removes, tampers with, or disables the electronic monitoring
14 equipment, or leaves one's residence or other place designated by the
15 commissioner of corrections for the service by electronic monitoring of official
16 detention for a misdemeanor.

17 * Sec. 3. AS 12.55.015(e) is amended to read:

18 (e) If the defendant is ordered to serve a definite term of imprisonment, the
19 court may recommend that the defendant serve all or part of the term

20 (1) in a correctional restitution center;

21 (2) by electronic monitoring.

22 * Sec. 4. AS 33.30.061 is amended by adding a new subsection to read:

23 (c) The commissioner may, under AS 33.30.065, designate a prisoner to serve
24 the prisoner's term of imprisonment or period of temporary commitment, or a part of
25 the term or period, by electronic monitoring. A prisoner serving a term of
26 imprisonment, or a period of temporary commitment, for a crime involving domestic
27 violence is not eligible for electronic monitoring.

28 * Sec. 5. AS 33.30 is amended by adding a new section to read:

29 **Sec. 33.30.065. Service of sentence by electronic monitoring.** (a) If the
30 commissioner designates a prisoner to serve the prisoner's term of imprisonment or
31 period of temporary commitment, or a part of the term or period, by electronic

1 monitoring, the commissioner shall direct the prisoner to serve the term or period at
2 the prisoner's residence or other place selected by the commissioner. The electronic
3 monitoring shall be administered by the department and shall be designed so that any
4 attempt to remove, tamper with, or disable the monitoring equipment or to leave the
5 place selected for the service of the term or period will result in a report or notice to
6 the department.

7 (b) In determining whether to designate a prisoner to serve a term of
8 imprisonment or period of temporary commitment by electronic monitoring, the
9 commissioner shall consider

- 10 (1) safeguards to the public;
11 (2) the prospects for the prisoner's rehabilitation;
12 (3) the availability of program and facility space;
13 (4) the nature and circumstances of the offense for which the prisoner
14 was sentenced or for which the prisoner is serving a period of temporary commitment;
15 (5) the needs of the prisoner as determined by a classification
16 committee and any recommendations made by the sentencing court;
17 (6) the record of convictions of the prisoner, with particular emphasis
18 on crimes specified in AS 11.41 or crimes involving domestic violence;
19 (7) the use of drugs or alcohol by the prisoner; and
20 (8) other criteria considered appropriate by the commissioner.

21 (c) A decision by the commissioner to designate a prisoner to serve a term of
22 imprisonment or a period of temporary confinement, or a part of the term or period,
23 by electronic monitoring does not create a liberty interest in that status for the prisoner.
24 The prisoner may be returned to a correctional facility at the discretion of the
25 commissioner.

26 (d) The commissioner may require a prisoner designated to serve a term of
27 imprisonment or a period of temporary confinement by electronic monitoring to pay
28 all or a portion of the costs of the electronic monitoring, but only if the prisoner has
29 sufficient financial resources to pay the costs or a portion of the costs.

FISCAL NOTE

No: 3

Bill Version: CSHB 272 (FIN)

(H) Publish Date: 4/14/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to allowing the commissioner of
Corrections to allow a prisoner to serve a term of...
 Sponsor: Representative Green
 Requestor: _____

Dept. Affected: Corrections
 BRU: Administration and Operations
 Component: Community Corrections Dir. Office

Component Serial No. 1382

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Personal Services | 30.0 | 60.0 | 60.0 | 60.0 | 60.0 | 60.0 |
| Travel | | | | | | |
| Contractual | 91.6 | 183.2 | 183.2 | 183.2 | 183.2 | 183.2 |
| Supplies | 6.2 | 12.4 | 12.4 | 12.4 | 12.4 | 12.4 |
| Equipment | 2.5 | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 130.3 | 255.6 | 255.6 | 255.6 | 255.6 | 255.6 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

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

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 30.0 | 60.0 | 60.0 | 60.0 | 60.0 | 60.0 |
| 1005 GF/Program Receipts | 100.3 | 195.6 | 195.6 | 195.6 | 195.6 | 195.6 |
| 1037 GF/Mental Health | | | | | | |
| 1091 Designated Program Receipts | | | | | | |
| TOTAL | 130.3 | 255.6 | 255.6 | 255.6 | 255.6 | 255.6 |

Estimate of any current year (FY97) cost: _____

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS:

(Attach a separate page if necessary)

See Attachment:

Prepared by

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Gene Theriault
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Date 4/8/98