

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10601 SENATE • JUDICIARY •

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complaint personally to a member of such partnership, or to a managing or general agent of the partnership, or to any other agent authorized by appointment or by law to receive service of process, or to a person having control of the business of the partnership; or if service cannot be made upon any of them, then as provided by order of the court.

(6) *Unincorporated Associations.* Upon an unincorporated association, by delivering a copy of the summons and the complaint personally to an officer, a managing or general agent, or to any other person authorized by appointment or by law to receive service of process; or if service cannot be made upon any of them, then as provided by order of the court.

(7) *State of Alaska.* Upon the state, by sending a copy of the summons and the complaint by registered or certified mail to the Attorney General of Alaska, Juneau, Alaska, and

[a] to the chief of the attorney general's office in Anchorage, Alaska, when the matter is filed in the Third Judicial District; or

[b] to the chief of the attorney general's office in Fairbanks, Alaska, when the matter is filed in the Fourth Judicial District.

(8) *Officer or Agency of State.* Upon an officer or agency of the state, by serving the State of Alaska as provided in the preceding paragraph of this rule, and by delivering a copy of the summons and of the complaint to such officer or agency. If the agency is a corporation, the copies shall be delivered as provided in paragraph (4) of this subdivision of this rule.

(9) *Public Corporations.* Upon a borough or incorporated city, town, school district, public utility district, or other public corporation in the state, by delivering a copy of the summons and of the complaint to the chief executive officer or chief clerk or secretary thereof.

(10) *Unknown Parties.* Upon unknown persons who may be made parties in accordance with statute and these rules, by publication as provided in subdivision (e) of this rule.

(11) *Officer or Agency of State as Agent for Non-governmental Defendant.* Whenever, pursuant to statute, an officer or an agency of the State of Alaska has been appointed as agent to receive service for a non-governmental defendant, or whenever, pursuant to statute, an officer or agency of the State of Alaska, has been deemed, considered or construed to be appointed as agent for a non-governmental defendant by virtue of some act, conduct or transaction of such defendant, service of process shall be made in the manner provided by statute.

(12) *Personal Service Outside State.* Upon a party outside the state in the same manner as if service were made within the state, except that service shall be made by a sheriff, constable, bailiff, peace officer or other officer having like authority in the jurisdiction where service is made, or by a person specifically appointed by the court to make service, or by service as provided in subsection (h) of this rule. In an action to enforce any lien upon or claim to, or to remove any encumbrance or lien or cloud upon the title to, real or personal property within the state, such service shall also be made upon the person or persons in possession or in charge of such property, if any. Proof of service shall be in accordance with (f) of this rule.

(e) **Other Service.** When it shall appear by affidavit of a person having knowledge of the

facts filed with the clerk that after diligent inquiry a party cannot be served with process under (d) of this rule, service may be made by publication or as otherwise directed by the court as provided in this subdivision. Service by publication will be allowed in adoption cases only if ordered by the court for compelling reasons.

(1) *Diligent Inquiry.* Inquiry as to the absent party's whereabouts shall be made by the party who seeks to have service made, or by the party's attorney actually entrusted with the conduct of the action, or by the agent of the attorney. It shall be made of any person who the inquirer has reason to believe possesses knowledge or information as to the absent party's residence or address or the matter inquired of. The inquiry shall be undertaken in person or by letter, and the inquirer shall state that an action has been or is about to be commenced against the party inquired for, that the object of the inquiry is to give such party notice of the action in order that such party may appear and defend it. When the inquiry is made by letter, postage shall be enclosed sufficient for the return of an answer. The affidavit of inquiry shall be made by the inquirer. It shall fully specify the inquiry made and of what persons and in what manner so that by the facts stated therein it may appear that diligent inquiry has been made for the purpose of effecting actual notice.

(2) *Service by Publication.* A notice shall be published four times during four consecutive calendar weeks, once in each week, in a newspaper published in the district in which the action is pending, or if none be published therein, then in a newspaper published in this state circulating in such district. Prior to the last publication a copy of the notice and the complaint or the pleading shall be sent by registered or certified mail, with return receipt requested, with postage prepaid, to the absent party, addressed in care of such party's residence or the place where such party usually receives mail, unless it shall appear by affidavit that such residence or place is unknown or cannot be ascertained after inquiry.

(3) *Other Service.* In its discretion the court may allow service of process to be made upon an absent party in any other manner which is reasonably calculated to give the party actual notice of the proceedings and an opportunity to be heard, if an order permitting such service is entered before service of process is made.

(4) *Form and Contents of Notice -- Time.* The notice referred to in paragraph (2) of this subdivision shall be in the form of a summons. It shall state briefly the nature of the action, the relief demanded, and why the party to whom it is addressed is made a party to the action. Where the action concerns real property or where real property of a party has been attached, the notice shall set forth a legal description of the property, shall state the municipality or district in which it is located, and the street or road on which the property is situated, if the property is improved, it shall state the street number of the same. Where personal property of a party has been attached, the notice shall generally describe the property. If a mortgage is to be foreclosed, the notice shall state the names of all parties thereto and the dates that the mortgage was executed. The notice shall specify the time within which the absent party has to appear or answer or plead, which shall not be less than 20 days after personal service or, if service is made by publication, not less than 30 days after the last date of publication, and shall state the effect of a failure to appear or answer or plead. If the absent party does not appear or answer or plead within the time specified within the notice, the court may proceed as if such party had been served with process within the state.

(5) *Proof of Service.* If service is made by publication, proof of publication shall be made by

the affidavit of the newspaper's publisher, printer, manager, foreman, or principal clerk, or by the certificate of the attorney for the party at whose instance the service was made, to which affidavit or certificate shall be attached a printed copy of the published notice with the name and the dates of the newspaper marked therein. Proof of mailing shall be made by affidavit of a deposit in a post office of the copies of the notice and the complaint or other pleadings.

**(f) Proof of Service.** Proof of service of all papers required or permitted to be served, other than those for which a particular method of proof is prescribed in these rules, must state the name of each person who has been served, must show the day and manner of service, and may be by written acknowledgment of service, by certificate of an attorney, an authorized agent of the attorney, or a pro se litigant, by affidavit of the person who served the papers, or by any other proof satisfactory to the court. Proof of service must be made promptly and in any event before action is to be taken on the paper served by the court or the parties. Failure to make the proof of service required by this subdivision does not affect the validity of service; and the court may at any time allow the proof of service to be amended or supplied unless it clearly appears that to do so would result in material prejudice to the substantial rights of any party.

**(g) Amendment.** At any time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the parties against whom the process issued.

**(h) Service of Process by Mail.** In addition to other methods of service provided for by this rule, process may also be served within this state or the United States or any of its possessions by registered or certified mail, with return receipt requested, upon an individual other than an infant or an incompetent person and upon a corporation, partnership, and unincorporated association. In such case, copies of the summons and complaint or other process shall be mailed for restricted delivery only to the party to whom the summons or other process is directed or to the person authorized under federal regulation to receive the party's restricted delivery mail. All receipts shall be so addressed that they are returned to the party serving the summons or process or the party's attorney. Service of process by mail under this paragraph is complete when the return receipt is signed.

**(i) Service on Custody Investigator and Guardian Ad Litem.** In all cases involving the custody or visitation of a minor in which a custody investigator or a guardian ad litem has been appointed, the parties shall serve the custody investigator and the guardian ad litem with all pleadings involving the care, custody, or control of the minor.

**(j) Summons -- Time Limit for Service.** The clerk shall review each pending case 120 days after filing of the complaint to determine whether all defendants have been served. If any defendant has not been served, the clerk shall send notice to the plaintiff to show good cause in writing why service on that defendant is not complete. If good cause is not shown within 30 days after distribution of the notice, the court shall dismiss without prejudice the action as to that defendant. The clerk may enter the dismissal if the plaintiff has not opposed dismissal. If the court finds good cause why service has not been made, the court shall establish a new deadline by which plaintiff must file proof of service or proof that plaintiff has made diligent efforts to serve.

(Adopted by SCO 5 October 9, 1959; amended by SCO 49 effective January 1, 1963; by SCO 66 effective July 1, 1964; by SCO 90 effective July 24, 1967; by SCO 168 dated June 25, 1973; by SCO 215 effective May 23, 1975; by SCO 266 effective March 31, 1977; by SCO 282 effective November 15, 1977; by SCO 306 effective April 11, 1978; by SCO 357 effective June 30, 1978; by SCO 373 effective August 15, 1979; by SCO 465 effective June 1, 1981; by SCO 591 effective July 1, 1984; by SCO 679 effective June 15, 1986; by SCO 697 effective September 15, 1986; by SCO 714 effective September 15, 1986; by SCO 788 effective March 15, 1987; by SCO 815 effective August 1, 1987; by SCO 836 effective August 1, 1987; by SCO 1025 effective July 15, 1990; by SCO 1128 effective July 15, 1993; by SCO 1153 effective July 15, 1994; by SCO 1269 effective July 15, 1997; by SCO 1295 effective January 15, 1998; and by SCO 1445 effective October 15, 2001)

**Note:** In 1996, the legislature enacted AS 18.66.160, which relates to service of process in a proceeding to obtain a domestic violence protective order. According to § 77 ch. 64 SLA 1996, this statute has the effect of amending Civil Rule 4.

**Note:** AS 10.06.580(b), as enacted by ch. 166, § 1, SLA 1988, amended Civil Rule 4 by allowing a corporation in an action brought under AS 10.06.580 to serve non-resident dissenting shareholders by certified mail and publication without satisfying the conditions under which certified mail and publication can be used under Civil Rule 4. AS 10.06.638, as enacted by ch. 166, § 1, SLA 1988, amended Civil Rule 4 by changing (1) the requirements for service by publication, and (2) how long a corporation has to respond to a complaint in an involuntary dissolution proceeding before the Commissioner of Commerce and Economic Development may take a default judgment against the corporation.

**Note:** Section 132 of ch. 87 SLA 1997 adds AS 25.27.265(c) which authorizes the court to allow CSED to serve a party by mailing documents to the last known address on file with the agency. This is permitted only if the court finds that CSED has made diligent efforts to serve documents in the appropriate manner. According to § 153 of the Act, § 132 has the effect of amending Civil Rules 4 and 5 by allowing service at the opposing party's last known address on file with the child support enforcement agency in certain circumstances.

### Cross References

(d) **CROSS REFERENCE:** AS 09.05.010

(e)(5) **CROSS REFERENCE:** AS 09.25.070

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### Rule 5. Service and Filing of Pleadings and Other Papers.

(a) **Service -- When Required.** Every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties but no service need be made on parties in

shareholders or class or classes of shareholders whose interests will be affected. If the court directs notice to be given, it shall determine which of the parties to the action shall bear the expense of giving the notice in an amount the court determines to be reasonable in the circumstances. The amount shall be awarded as special costs of the action.

(j) If the derivative action is successful, in whole or in part, or if anything is received as a result of the judgment, compromise, or settlement of that action, the court may award to the plaintiff or plaintiffs reasonable expenses, including reasonable attorney fees, and shall direct an accounting to the corporation for the remainder of the proceeds. This subsection does not apply to a judgment rendered only for the benefit of injured shareholders and limited to a recovery of the loss or damage sustained by them.

(Added by SCO 258 effective November 15, 1976; amended by Chief Justice Special Order No. 2052a effective July 1, 1989)

**Note:** Civil Rule 23.1 in its entirety was adopted by the Alaska Legislature in ch. 166, §§ 1, 17, SLA 1988, rather than by the Alaska Supreme Court.

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#### Rule 23.2. Actions Relating to Unincorporated Associations.

An action brought by or against the members of an unincorporated association as a class by naming certain members as representative parties may be maintained only if it appears that the representative parties will fairly and adequately protect the interest of the association and its members. In the conduct of the action the court may make appropriate orders corresponding with those described in Rule 23 (d), and the procedure for dismissal or compromise of the action shall correspond with that provided in Rule 23(e).

(Added by SCO 258 effective November 15, 1976)

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#### Rule 24. Intervention.

(a) **Intervention of Right.** Upon timely application anyone shall be permitted to intervene in an action when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

(b) **Permissive Intervention.** Upon timely application anyone may be permitted to intervene in an action when an applicant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirement, or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the

rights of the original parties.

(c) **Procedure.** A person desiring to intervene shall serve a motion to intervene upon the parties as provided in Rule 5. The motion shall state the ground therefor and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought. When the constitutionality of a state statute affecting the public interest is drawn in question in any action to which the state or an officer, agency, or employee thereof is not a party, the court shall notify the Attorney General of Alaska of such fact, and the state shall be permitted to intervene in the action.

(Adopted by SCO 5 October 9, 1959; amended by SCO 258 effective November 15, 1976; corrected January, 1993; amended by SCO 1153 effective July 15, 1994; and by SCO 1342 effective September 15, 1998)

**Note:** AS 10.06.628, as enacted by ch. 166, § 1, SLA 1988, amended Civil Rule 24 by allowing a shareholder or creditor of a corporation to intervene in an action for involuntary dissolution of the corporation under AS 10.06.628.

**Note:** Chapter 105 SLA 1998 adopts AS 13.36.175 pertaining to contract actions against a trustee. According to section 23 of the act, subsection (c) of this statute amends Civil Rule 24 by allowing a beneficiary, or the attorney general and certain corporations under certain circumstances, to intervene in a contract action against a trustee without satisfying the criteria in the court rule. The act also adopts AS 13.36.185 pertaining to the tort liability of a trust. According to section 23 of the act, subsection (d) of this statute also amends Civil Rule 24 by allowing a beneficiary to intervene in a tort action against a trust without satisfying the criteria in the court rule.

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## Rule 25. Substitution of Parties.

### (a) Death.

(1) If a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties. The motion for substitution may be made by the successors or representatives of the deceased party or by any party and, together with the notice of hearing, shall be served on the parties as provided in Rule 5 and upon persons not parties in the manner provided in Rule 4 for the service of a summons. Unless the motion for substitution is made not later than 90 days after the death is suggested upon the record by service of a statement of the fact of the death as provided herein for the service of the motion, the action shall be dismissed as to the deceased party.

(b) **Incompetency.** If a party becomes incompetent, the court upon motion served as provided in subdivision (a) of this rule may allow the action to be continued by or against the party's representative.

(c) **Transfer of Interest.** In case of any transfer of interest, the action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party. Service

**HEB**

**102**

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 102(JUD)  
 (H) Publish Date: 2/23/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act relating to the theft of propelled vehicles. BRU: 271  
 Component: All  
 Sponsor: Representative Kott  
 Requester: House Judiciary Committee Component Number: 694

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill adds a provision making it a C felony (vehicle theft in the 1st degree) if the owner is deprived of the use of the vehicle for seven days or more. It also adds snow machines and four wheelers to the Vehicle Theft 1 statute. It is unclear how many new felony offenders will result from this legislation. The Department of Corrections does think that this will have an impact, but we are submitting an indeterminate fiscal note because we don't know the figures.

Prepared by: Candace Browe Phone 456-4652  
 Division: Commissioner's Office Date/Time: 02/16/01 5:30 p.m.  
 Approved by: Margaret Pugh, Commissioner Date: 02/16/01 5:30 p.m.  
 Agency: Dept. of Corrections

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 102(JUD)  
 (H) Publish Date: 2/23/01

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Theft of Propelled Vehicles BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Rep. Pete Kott  
 Requester Rep. Pete Kott Component No. 768

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

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

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 The court system does not anticipate any fiscal impact from the passage of HB 102.

Prepared by: Douglas Wooliver Phone 463-4750  
 Division: Alaska Court System Date/Time 2/06/01 2:30 p.m.  
 Approved by: Stephanie Cole Date 2/6/01  
 Agency: Alaska Court System

For distribution information, call the Governor's Legislative Office

# Alaska State Legislature

## House of Representatives

RULES COMMITTEE, CHAIR  
COMMITTEE ON COMMITTEES  
LABOR & COMMERCE COMMITTEE  
MILITARY & VETERANS AFFAIRS  
LEGISLATIVE COUNCIL



INTERIM:  
10928 EAGLE RIVER RD., SUITE 141  
EAGLE RIVER, AK 99577

SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801

### Sponsor Statement

#### HB 102

This legislation focuses on the crime of vehicle theft and equal penalties associated with the taking of propelled vehicles without the owners' permission.

All terrain vehicles and snow machines are used in many parts of Alaska as the sole means of transportation for some Alaskans, and therefore, are more than merely recreational vehicles for those owners. Equal protection under the law demands that the theft of such vehicles be accorded the same treatment as provided for the principle transportation vehicles of other Alaskans.

HB 102 provides a new element in the commission of taking the propelled vehicle of another when the owner is deprived of the use of the vehicle for a specific period of time and incurs expenses as a result of the loss of use of the vehicle. It amends the definition for "all terrain vehicles", as well as, the definition for "watercraft".

I urge your support.



### Representative Pete Kott

JUNEAU OFFICE (907) 465-3777 TOLL FREE 1 800 854 KOTT(5688) FAX (907) 465-2819  
EAGLE RIVER OFFICE (907) 694-8944 representative\_pete\_kott@legis.state.ak.us  
SPONSOR STATEMENT



# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 5, 2001

**SUBJECT:** Sectional Summary of HB 102

**TO:** Representative Pete Kott  
Attn: Roger

**FROM:** Gerald P. Luckhaupt *JPL*  
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 - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.46.360(a) by adding a new element for the commission of this crime. Currently a person commits auto theft in the first degree if a person takes

- the car, truck, motorcycle, motor home, bus, aircraft, or watercraft of another;
- a police or emergency vehicle;
- the propelled vehicle of another when the offender has a previous conviction for theft of an auto or joyriding; or
- the propelled vehicle of another and the vehicle or other property is damaged in the amount of ~~\$500~~<sup>\$1,000</sup> or more or the owner of the vehicle incurs expenses as a result of loss of use of the vehicle in the amount of ~~\$500~~<sup>\$1,000</sup> or more.

This section adds that a person commits by taking the propelled vehicle of another and the owner is deprived of the use of the vehicle for seven days.

Sections 2 of the bill amends the definition of "all-terrain vehicle" for the purpose of this section. Even though "all-terrain vehicle" is not explicitly found in this section the term is a part of this section through the definition of "propelled vehicle" found in AS 11.81.900(b)(49).

Section 3 of the bill amends the definition of "watercraft" to exclude "personal water craft" such as jet skis, ski-doods, and the like from that definition. This will place these propelled vehicles on the same footing as snow machines and all-terrain vehicles with regard to the vehicle theft laws. In that the theft of a personal water craft, snow machine, or all-terrain vehicle is only a felony if there is ~~\$500~~<sup>\$1,000</sup> damage to the vehicle or other property, the vehicle is a police or emergency vehicle, the owner incurs ~~\$500~~<sup>\$1,000</sup> or more in expenses for loss of use, or the owner is deprived of the use of the vehicle for seven days or more.

GPL:glc  
01-098.glc

*Dollar figures reflect  
figures in CS. DLW  
3/22/2001*

**HB**

**115**



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Judiciary Committee  
 Committee on HB 115 Committee Name  
Bill / Subject Dated May-6-01 Dated

I am against HB 115.

Even with the mental health portions removed (if they are removed)

Less than qualified people will still be able to commit someone.

I feel that is a possible infringement on peoples rights, and could result in lawsuits.

The bill is much too general and not focused, even to the problem it was meant to handle.

SIGNED:

Tom Widemeyer  
Testifier

Self  
Representing

307 Minnie St Fairbanks AK 99701  
Address / Phone Number



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the SENATE JUDICIARY Committee

Committee on H.B. 115 Committee Name  
Dated MAY 6/2001

Bill / Subject

I Am VERY MUCH opposed to THIS B.II. EVEN IN ITS AMENDED FORM IT IS FAR TOO GENERALLY worded AND GIVES THE POWER OF INVOLUNTARY COMMITMENT TO PEOPLE NOT HIGHLY TRAINED ENOUGH. (IN EFFECT)

IF THIS Bill WAS introduced TO SOLVE A PROBLEM IN REMOTE AREAS, THAT IS HOW IT SHOULD BE worded. THERE ARE OVER 2,000 PHYSICIANS IN ALASKA - THERE CERTAINLY IS NO SHORTAGE IN ANCHORAGE OR FAIRBANKS. THE LARGER URBAN AREAS ARE ALSO WHERE MOST PAs AND ADVANCED NURSE PRACTITIONERS ARE - INCREASING THE POOL OF PEOPLE WHO COMMIT. IN THE AREAS LEAST NEEDED.

SIGNED:

Testifier  
KATHLEEN WEDEMEYER - REPRESENTING SELF  
Representing  
307 MINNIE ST, FAIRBANKS, AK 99701  
Address / Phone Number 456-6762

FINALLY, A PA OR NURSE PRACTITIONER SHOULD NEVER BE ALLOWED TO SIGN OFF ON SO MANY COMMITMENTS EVER!

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 115(HES)  
 ( H ) Publish Date: 3/26/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: Certifications for alcohol commitments BRU: Alcoholism and Drug Abuse Svcs  
 Component: Alcohol and Drug Abuse Grants  
 Sponsor: Representative Kapsner  
 Requester: House (HES) Component Number: 1239

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will allow physicians assistants and advanced nurse practitioners to sign Certificates of Necessity and to perform other alcohol and drug abuse commitment functions under Title 47.

There will be no additional costs incurred by the Division of Alcoholism and Drug Abuse.

Prepared by: Ernest Turner Phone 465-5810  
 Division: Alcoholism and Drug Abuse Date/Time 1/26/01 12:55PM  
 Approved by: Elmer A. Lindstrom, Special Assistant Date 3/17/01 3:03 PM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

**HB**

**120**

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SSHB 120  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Dept. of Public Safety  
Title: National Crime Prevention & Privacy Compact BRU: Statewide Support  
Component: Criminal Records & ID  
Sponsor: Representative Coahill  
Requester: House Judiciary Component Number: 1190

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**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)

DPS will amend regulations governing criminal record dissemination. This will be done with existing resources.

Prepared by: Kenneth Bischoff Phone 465-4336  
Division: Administrative Services Date/Time 4/3/01 12:00 AM  
Approved by: Commissioner Glenn G. Godfrey Date 4/3/01  
Agency: Department of Public Safety

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## REPRESENTATIVE JOHN COGHILL

### SSHB 120 National Crime Prevention and Privacy Act SPONSOR STATEMENT

SSHB 120 is introduced to have Alaska be one of the signers of a compact between states and the federal government that facilitates the exchange of criminal history records information for non-criminal purposes.

Exchange of criminal information is not new but this compact establishes links between compact states that is more complete and clearly defined.

In recent years, the legislature has enacted statutes requiring a criminal background check for the protection of children in occupations such as schoolteachers, daycare workers, and school bus drivers. Background checks are also required for assisted living facilities in an effort to protect vulnerable adults. Title 12 Chapter 62 Criminal Justice Information System Security and Privacy is the primary statute governing state law regarding the release of criminal history record information,

This change is needed because the information provided at the national level currently lacks a significant amount of information at the state level. In his testimony last year about national criminal checks, Ken Bischoff, Director, Division of Administrative Services, Department of Public Safety in an example said that 40 percent of Oregon's criminal records were not indexed at the national level until they signed onto the compact. Adopting the compact would give Alaska faster and better access to more comprehensive background records

The Federal Bureau of Investigation estimates that one in five criminals has a record in more than one state. Alaska could have access to more than 55 million criminal records nationally by linking the criminal history repositories of the fifty states to the national repository.

The safeguard to abuse of this system is that in order to conduct a criminal background for the purposes of employment and/or licensing, the employer or licensor would have to obtain permission from the applicant by means of getting fingerprints.

## HB 120 SECTIONAL ANALYSIS - APPENDIX 1

### NATIONAL CRIME PREVENTION AND PRIVACY COMPACT AND SECTION-BY-SECTION ANALYSIS

Senate Bill 2022, which includes the Compact, was passed by Congress and signed into law by the president in October 1998. (Title II of Pub. L. 105-251)

The section-by-section analysis of the Compact is a statement of Sen. Mike DeWine (R-OH), which was read into the October 16, 1998, edition of the Congressional Record. Sections 211-217 refer to background material included in the U.S. Senate bill. Following Section 217 there are sectional analyses of the Articles of the Compact to be adopted into state law in HB 120.

**Section 211.**-This section provides the short title of the Act.

**Section 212.**-This section sets forth the congressional findings upon which the Act is predicated. The section reflects congressional determinations that both the FBI and the states maintain fingerprint-based criminal history records and exchange them for criminal justice purposes and also, to the extent authorized by federal law and the laws of the various states, use the information contained in these records for certain noncriminal justice purposes. Although this system has operated for years on a reciprocal, voluntary basis, the exchange of records for noncriminal justice purposes has been hampered by the fact that the laws and policies of the states governing the noncriminal justice use of criminal history records and the procedures by which they are exchanged vary widely.

A compact will establish a uniform standard for the interstate and federal-state exchange of criminal history records for noncriminal justice purposes, while permitting each state to continue to enforce its own record dissemination laws within its own borders. A compact will also facilitate the interstate and federal-state exchange of information by clarifying the obligations and responsibilities of the respective parties, streamlining the processing of background search applications and eliminating record maintenance duplication at the federal and state levels. Finally, the compact will provide a mechanism for establishing and enforcing uniform standards governing record accuracy and protecting the confidentiality and privacy interests of record subjects.

**Section 213.**-This section sets out definitions of key terms used in this subtitle. Definitions of key terms used in the compact are set out in Article I of the compact.

**Section 214.**-This section formally enacts the compact into federal law, makes the United States a party, and consents to entry into the Compact by the States.

**Section 215.**-This section outlines the effect of the Compact's enactment on certain other laws. First, subsection (a) provides that the Compact is deemed to have no effect on the

FBI's obligations and responsibilities under the Privacy Act. The Privacy Act became effective in 1975, and can generally be characterized as a federal code of fair information practices regarding individuals. The Privacy Act regulates the collection, maintenance, use, and dissemination of personal information by the federal government.

This Section makes clear that the Compact will neither expand nor diminish the obligations imposed on the FBI by the Privacy Act. All requirements relating to collection, disclosure and administrative matters remain in effect, including standards relating to notice, accuracy and security measures. Second, enactment of the Compact will neither expand nor diminish the responsibility of the FBI and the state criminal history record repositories to permit access, direct or otherwise, to criminal history records under the authority of certain other federal laws (enumerated in subsection (b)(1)). These laws include the following: The Security Clearance Information Act (Section 9101 of Title 5, United States Code) requires state and local criminal justice agencies to release criminal history record information to certain federal agencies for national security background checks.

The Brady Handgun Violence Prevention Act prescribes a waiting period before the purchase of a handgun may be consummated in order for a criminal history records check on the purchaser to be completed, and also establishes a national instant background check system to facilitate criminal history checks of firearms purchasers. Under this system, licensed firearms dealers are authorized access to the national instant background check system for purposes of complying with the background check requirement. The National Child Protection Act of 1993 (42 U.S.C. § 5119a) authorizes states with appropriate state statutes to access and review state and federal criminal history records through the national criminal history background check system for the purpose of determining whether care providers for children, the elderly and the disabled have criminal histories bearing upon their fitness to assume such responsibilities.

The Violent Crime Control and Law Enforcement Act of 1994 authorizes federal and state civil courts to have access to FBI databases containing criminal history records, missing person records and court protection orders for use in connection with stalking and domestic violence cases. The United States Housing Act of 1937, as amended by the Housing Opportunity Program Extension Act of 1996, authorizes public housing authorities to obtain federal and state criminal conviction records relating to public housing applicants or tenants for purposes of applicant screening, lease enforcement and eviction. The Native American Housing Assistance and Self-Determination Act authorizes Indian tribes or tribally designated housing entities to obtain federal and state conviction records relating to applicants for or tenants of federally assisted housing for purposes of applicant screening, lease enforcement and eviction.

Nothing in the Compact would alter any rights of access provided under these laws. Subsection (b)(2) provides that the compact shall not affect any direct access to federal criminal history records authorized by law. Under existing legal authority, the FBI has provided direct terminal access to certain federal agencies, including the Office of

Management and Budget and the Immigration and Naturalization Service, to facilitate the processing of large numbers of background search requests by these agencies for such purposes as federal employment, immigration and naturalization matters, and the issuance of security clearances. This access will not be affected by the compact.

Subsection (c) provides that the Compact's enactment will not affect the FBI's authority to use its criminal history records for noncriminal justice purposes under Public Law 92-544-the State, Justice, Commerce Appropriations Act of 1973. This law restored the Bureau's authority to exchange its identification records with the states and certain other organizations or entities, such as federally chartered or insured banking institutions, for employment and licensing purposes, after a federal district court had declared the FBI's practice of doing so to be without foundation. (See *Menard v. Mitchell*, 328 F. Supp. 718 (D.D.C. 1971)).

Subsection (d) provides that the Council created by the Compact to facilitate its administration is deemed not to be a federal advisory committee as defined under the Federal Advisory Committee Act. This provision is necessary since nonfederal employees will sit on the Compact Council together with federal personnel and the Council may from time to time be called upon to provide the Director of the FBI or the Attorney General with collective advice on the administration of the Compact. Without this stipulation, such features might cause the Council to be considered an advisory committee within the meaning of the Federal Advisory Committee Act. Even though the Council will not be considered an advisory committee for purposes of the Act, it will hold public meetings.

Similarly, to avoid any question on the subject, Subsection (e) provides that members of the Compact Council will not be deemed to be federal employees or officers by virtue of their Council membership for any purpose other than to effect the Compact. Thus, state officials and other nonfederal personnel who are appointed to the Council will be considered federal officials only to the extent of their roles as Council members. They will not be entitled to compensation or benefits accruing to federal employees or officers, but they could receive reimbursement from federal funds for travel and subsistence expenses incurred in attending council meetings.

**Section 216.**-This Section admonishes all federal personnel to enforce the Compact and to cooperate in its implementation. It also directs the U.S. Attorney General to take such action as may be necessary to implement the Compact within the federal government, including the promulgation of regulations.

**Section 217.**-This is the core of the subtitle and sets forth the text of the Compact:

**Overview.** This briefly describes what the Compact is and how it is meant to work. Under the Compact, the FBI and the states agree to maintain their respective databases of criminal history records and to make them available to Compact parties for authorized

purposes by means of an electronic information sharing system established cooperatively by the federal government and the states.

**Article I-Definitions.** This article sets out definitions for key terms used in the Compact. Most of the definitions are substantially identical to definitions commonly used in federal and state laws and regulations relating to criminal history records and need no explanation. However, the following definitions merit comment:

*(20) Positive Identification.* This term refers, in brief, to association of a person with his or her criminal history record through a comparison of fingerprints or other equally reliable biometric identification techniques. Such techniques eliminate or substantially reduce the risks of associating a person with someone else's record or failing to find a record of a person who uses a false name. At present, the method of establishing positive identification in use in criminal justice agencies throughout the United States is based upon comparison of fingerprint patterns, which are essentially unique and unchanging and thus provide a highly reliable basis for identification. It is anticipated that this method of positive identification will remain in use for many years to come, particularly since federal and state agencies are investing substantial amounts of money to acquire automated fingerprint identification equipment and related devices which facilitate the capturing and transmission of fingerprint images and provide searching and matching methods that are efficient and highly accurate. However, there are other biometric identification techniques, including retinal scanning, voice-print analysis and DNA typing, which might be adapted for criminal record identification purposes. The wording of the definition contemplates that at some future time the Compact Council might authorize the use of one or more of these techniques for establishing positive identification, if it determines that the reliability of such technique(s) is at least equal to the reliability of fingerprint comparison.

*(21) Sealed Record Information.* Article IV, paragraph (b), permits the FBI and state criminal history record repositories to delete sealed record information when responding to an interstate record request pursuant to the Compact. Thus, the definition of "sealed" becomes important, particularly since state sealing laws vary considerably, ranging from laws that are quite restrictive in their application to others that are very broad. The definition set out here is intended to be a narrow one in keeping with a basic tenet of the Compact-that state repositories shall release as much information as possible for interstate exchange purposes, with issues concerning the use of particular information for particular purposes to be decided under the laws of the receiving states. Consistent with the definition, an adult record, or a portion of it, may be considered sealed only if its release for noncriminal justice purposes has been prohibited by a court order or by action of a designated official or board, such as a State Attorney General or a Criminal Record Privacy Board, acting pursuant to a federal or state law. Further, to qualify under the definition, a court order, whether issued in response to a petition or on the court's own motion, must apply only to a particular record subject or subjects referred to by name in the order. So-called "blanket" court orders applicable to multiple unnamed record subjects who fall into particular classifications or circumstances, such as first-time non-serious drug offenders, do not fit the definition. Similarly, sealing orders issued by

designated officials or boards acting pursuant to statutory authority meet the definition only if such orders are issued in response to petitions filed by individual record subjects who are referred to by name in the orders.

So-called "automatic" sealing laws, which restrict the noncriminal justice use of the records of certain defined classes of individuals, such as first-time offenders who successfully complete probation terms, do not satisfy the definition, because they do not require the filing of individual petitions and the issuance of individualized sealing orders.

Concerning juvenile records, each state is free to adopt whatever definition of sealing it prefers.

**Article II-Purposes.** Five purposes are listed: creation of a legal framework for establishment of the Compact; delineation of the FBI's obligations under the Compact; delineation of the obligations of party states; creation of a Compact Council to monitor system operations and promulgate necessary rules and procedures; and, establishment of an obligation by the parties to adhere to the Compact and its related rules and standards.

**Article III-Responsibilities of Compact Parties.** This article details FBI and state responsibilities under the Compact and provides for the appointment of Compact Officers by the FBI and by party states. Compact officers shall have primary responsibility for ensuring the proper administration of the Compact within their jurisdictions. The FBI is required to provide criminal history records maintained in its automated database for noncriminal justice purposes described in Article IV of the Compact. These responses will include federal criminal history records and, to the extent that the FBI has such data in its files, information from non-Compact States and information from Compact States relating to records which such states cannot provide through the III System. The FBI is also responsible for providing and maintaining the centralized system and equipment necessary for the Compact's success and ensuring that requests made for criminal justice purposes will have priority over requests made for noncriminal justice purposes.

State responsibilities are similar. Each Party State must grant other states access to its III system-indexed criminal history records for authorized noncriminal justice purposes and must submit to the FBI fingerprint records and subject identification information that are necessary to maintain the national indices. Each state must comply with duly established system rules, procedures, and standards. Finally, each state is responsible for providing and maintaining the telecommunications links and equipment necessary to support system operations within that state.

Administration of Compact provisions will not be permitted to reduce the level of service available to authorized criminal justice and noncriminal justice users on the effective date of the Compact.

**Article IV-Authorized Record Disclosures.** This article requires the FBI, to the extent authorized by the Privacy Act, and the state criminal history record repositories to provide criminal history records to one another for use by governmental or

nongovernmental agencies for noncriminal justice purposes that are authorized by federal statute, by federal executive order, or by a state statute that has been approved by the U.S. Attorney General. Compact parties will be required to provide criminal history records to other

compact parties for noncriminal justice uses that are authorized by law in the requesting jurisdiction even though the law of the responding jurisdiction does not authorize such uses within its borders. Further, the responding party must provide all of the criminal history record information it holds on the individual who is the subject of the request (deleting only sealed record information) and the law of the requesting jurisdiction will determine how much of the information will actually be released to the noncriminal justice

agency on behalf of which the request was made. This approach provides a uniform dissemination standard for interstate exchanges, while permitting each compact party to enforce its own record dissemination laws within its borders.

To provide uniformity of interpretation, state laws authorizing noncriminal justice uses of criminal history records under this article must be reviewed by the U.S. Attorney General to ensure that the laws explicitly authorize searches of the national indices.

Records provided through the III System pursuant to the Compact may be used only by authorized officials for authorized purposes. Compact officers must establish procedures to ensure compliance with this limitation as well as procedures to ensure that criminal history record information provided for noncriminal justice purposes is current and accurate and is protected from unauthorized release. Further, procedures must be established to ensure that records received from other compact parties are screened to ensure that

only legally authorized information is released. For example, if the law of the receiving jurisdiction provides that only conviction records may be released for a particular noncriminal justice purpose, all other entries, such as acquittal or dismissal notations or arrest notations with no accompanying disposition notation, must be deleted.

**Article V-Record Request Procedures.** This article provides that direct access to the National Identification Index and the National Fingerprint File for purposes of conducting criminal history record searches for noncriminal justice purposes shall be limited to the FBI and the state criminal history record repositories. A noncriminal justice agency authorized to obtain national searches pursuant to an approved state statute must submit the search application through the state repository in the state in which the agency is located. A state repository receiving a search application directly from a noncriminal justice agency in another state may process the application through its own criminal history record system, if it has legal authority to do so, but it may not conduct a search of the national indices on behalf of such an out-of-state agency nor may it obtain out-of-state or federal records for such an agency through the III System.

Noncriminal justice agencies authorized to obtain national record checks under federal law or federal executive order, including federal agencies, federally chartered or insured

financial institutions and certain securities and commodities establishments, must submit search applications through the FBI or, if the repository consents to process the application, through the state repository in the state in which the agency is located.

All noncriminal justice search applications submitted to the FBI or to the state repositories must be accompanied by fingerprints or some other approved form of positive identification. If a state repository positively identifies the subject of such a search application as having a III System-indexed record maintained by another state repository or the FBI, the state repository shall be entitled to obtain such records from such other state repositories or the FBI. If a state repository cannot positively identify the subject of a noncriminal justice search application, the repository shall forward the application, together with fingerprints or other approved identifying information, to the FBI. If the FBI positively identifies the search application subject as having a III System-indexed record or records, it shall notify the state repository which submitted the application and that repository shall be entitled to obtain any III System-indexed record or records relating to the search subject maintained by any other state repository or the FBI.

The FBI and state repositories may charge fees for processing noncriminal justice search applications, but may not charge fees for providing criminal history records by electronic means in response to authorized III System record requests.

**Article VI-Establishment of Compact Council.** This article establishes a Compact Council to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes. Such rules cannot conflict with the FBI's administration of the III System for criminal justice purposes. Issues concerning whether particular rules or procedures promulgated by the Council conflict with FBI authority under this article shall be adjudicated pursuant to Article XI.

The Council shall consist of 15 members from compact states and federal and local criminal justice and noncriminal justice agencies. All members shall be appointed by the U.S. Attorney General. Council members shall elect a Council Chairman and Vice Chairman, both of whom shall be compact officers unless there are no compact officers on the Council who are willing to serve, in which case at-large members may be elected to these offices.

The 15 Council members include nine members who must be state compact officers or state repository administrators, four at-large members representing federal, state and local criminal justice and noncriminal justice interests, one member from the FBI's advisory policy board on criminal justice information services and one member who is an FBI employee. Although, as noted, all members will be appointed by the U.S. Attorney General, they will be nominated by other persons, as specified in the Compact. If the Attorney General declines to appoint any person so nominated, the Attorney General shall request another nomination from the person or persons who nominated the rejected person. Similarly, if a Council membership vacancy occurs, for any reason, the Attorney General

shall request a replacement nomination from the person or persons who made the original nomination.

Persons who are appointed to the Council who are not already federal officials or employees shall, by virtue of their appointment by the Attorney General, become federal officials to the extent of their duties and responsibilities as Council members. They shall, therefore, have authority to participate in the development and issuance of rules and procedures, and to participate in other actions within the scope of their duties as Council members, which may be binding upon federal officers and employees or otherwise affect federal interests.

The Council shall be located for administrative purposes within the FBI and shall have authority to request relevant assistance and information from the FBI. Although the Council will not be considered a Federal Advisory Committee (see Section 215(d)), it will hold public meetings and will publish its rules and procedures in the Federal Register and make them available for public inspection and copying at a Council office within the FBI.

**Article VII-Ratification of Compact.** This article states that the Compact will become effective immediately upon its execution by two or more states and the United States Government and will have the full force and effect of law within the ratifying jurisdictions. Each state will follow its own laws in effecting ratification.

**Article VIII-Miscellaneous Provisions.** This article makes clear that administration of the Compact shall not interfere with the authority of the FBI Director over the management and control of the FBI's collection and dissemination of criminal history records for any purpose other than noncriminal justice. Similarly, nothing in the Compact diminishes a state's obligations and authority under Public Law 92-544 regarding the dissemination or use of criminal history record information (see analysis of Section 214, above). The Compact does not require the FBI to obligate or expend funds beyond its appropriations.

**Article IX-Renunciation.** This article provides that a state wishing to end its obligations by renouncing the Compact shall do so in the same manner by which it ratified the Compact and shall provide six months' advance notice to other compact parties.

**Article X-Severability.** This article provides that the remaining provisions of the Compact shall not be affected if a particular provision is found to be in violation of the Federal Constitution or the constitution of a party state. Similarly, a finding in one state that a portion of the Compact is legally objectionable will have no effect on the viability of the Compact in other Party States.

**Article XI-Adjudication of Disputes.** This article vests initial authority in the Compact Council to interpret its own rules and standards and to resolve disputes among parties to the Compact. Decisions are to be rendered upon majority vote of Council members after a hearing on the issue. Any Compact party may appeal any such Council decision to the

U.S. Attorney General and thereafter may file suit in the appropriate United States district court. Any suit concerning the compact filed in any state court shall be removed to the appropriate federal district court.

**"Serious Offenses" as defined in AS 12.62.900**

<b>"Serious Offense" as defined in AS 12.62.900</b>		<b>OffenseDescription</b>		<b>Misdemeanor Severity (A, B or "None")</b>	
		a felony offense			
		a crime involving domestic violence			
AS11.41.427		Sexual Assault 4		M	A
AS11.41.427(a)(1)		Sex Assault 4- DOC empl cont w/ prisoner		M	A
AS11.41.427(a)(2)		Sex Assault 4- cont 18-19 in juv custdy		M	A
AS11.41.440		Sexual Abuse of Minor 4		M	A
AS11.41.440(a)(1)		Sex Abuse Minor 4 - ofndr < 16, vic <13		M	A
AS11.41.440(a)(2)		Sex Abuse Minor 4-auth fig contact 16-17		M	A
AS11.41.460		Indecent Exposure 2		M	N
AS11.41.460(<16)		Indecent Exposure 2 - victim <16		M	A
AS11.41.460(16+)		Indecent Exposure 2 - victim 16+		M	B
AS11.41.460(b)(<16)		Indecent Exposure 2 - victim <16		M	A
AS11.41.460(b)(16+)		Indecent Exposure 2 - victim 16+		M	B
AS11.51.130		Contributing to Delinquency of Minor		M	A
AS11.51.130(a)(1)		Contrib Delinq Minor- <18 to violate law		M	A
AS11.51.130(a)(2)		Contrib Delinq Minor- <18 near drugs		M	A
AS11.51.130(a)(3)		Contrib Delinq Minor- <16 truancy		M	A
AS11.51.130(a)(4)		Contrib Delinq Minor- <18 runaway		M	A
AS11.61.110(a)(7)		Disord Conduct-expose buttocks		M	B
AS11.66.100		Prostitution		M	B
AS11.66.130		Promote Prostitution 3		M	A
AS11.66.130(a)(1)		Promote Prost 3-run house of prost		M	A
AS11.66.130(a)(2)		Promote Prost 3-induce person age 16+		M	A
AS11.66.130(a)(3)		Promote Prost 3-accept proceeds of prost		M	A
AS11.66.130(a)(4)		Promote Prost 3-facilitate prostitution		M	A
also some former (repealed) laws involving sex offenses, minors, etc.					

HB 120 Sectional Analysis - Appendix 2  
 Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

"Nonserious" Offenses	OffenseDescription	Misdemeanor Severity (A, B or "None")	
AS02.20.060	Violate Airplane Regis, Flight Plans	M	N
AS02.30.030	Reckless Operation of Aircraft	M	N
AS02.30.030(a)	Reckless Operation of Aircraft - unsafe	M	N
AS02.30.030(b)	Reckless Op Aircraft - intox crew/psngr	M	N
AS02.30.030(c)	Reckless Op Aircraft - wrong altitude	M	N
AS02.30.030(d)	Reckless Op Aircraft - ice on wings	M	N
AS02.35.130	Not Carry Air License, Emerg Equip	M	N
AS02.40.010	Air Carrier Financial Responsibility	M	A
AS02.40.020	Air Carrier - Certif of Compliance	M	B
AS04.11.010(a)(wet)	Sell Alcohol w/o License - wet area	M	A
AS04.11.010(b)(wet)	No Alcohol License - orders, wet area	M	A
AS04.11.060	Sell Alcohol w/o License - nonresident	M	A
AS04.11.499(sm)	Import Alcohol -Dry Area - small amt	M	A
AS04.11.630	Alcohol License Violation	M	A
AS04.11.630(a)	Alcohol Premises Not Avail for Inspect	M	A
AS04.11.630(b)	Fail to Display Alcohol Permit	M	A
AS04.16.010	Alcohol-Prohibited Hours of Sale	M	A
AS04.16.010(a)	Sell Alcohol After Hours	M	A
AS04.16.010(b)	Allow Alcohol Consumption After Hours	M	A
AS04.16.010(c)	Allow Entry Alcohol Premises After Hours	M	A
AS04.16.015	Alcohol-Pricing/Marketing	M	A
AS04.16.015(a)(1)	Licensee Offer Free Alcohol	M	A
AS04.16.015(a)(2)	Licensee Deliver >2 Drinks At Once	M	A
AS04.16.015(a)(3)	Licensee Offer Underprice Alcohol- Week	M	A
AS04.16.015(a)(4)	Licensee Sell Unltd Alcohol- Fixed Price	M	A
AS04.16.015(a)(5)	Licensee Offer Underprice Alcohol - Day	M	A
AS04.16.015(a)(6)	Drinking Contests Prohibited	M	A
AS04.16.015(b)	Advertise Prohibited Alcohol Sales	M	A
AS04.16.020	Prohibited Solicitation of Alcohol	M	A
AS04.16.020(a)	Solicit Purchase of Alcohol	M	A
AS04.16.020(b)	Allow to Solicit Alcohol on Lic Premises	M	A
AS04.16.030	Prohibited Acts re Drunk Persons	M	A
AS04.16.030(a)(1)	Sell/Give Alcohol To Drunk Person	M	A
AS04.16.030(a)(2)	Allow Sale of Alcohol To Drunk Person	M	A
AS04.16.030(a)(3)	Allow Drunk Person to Remain on Premises	M	A
AS04.16.030(a)(4)	Allow Drunk Person to Sell/Serve Alcohol	M	A
AS04.16.030(b)	Transport Alcohol To Drunk Person	M	A
AS04.16.040	Drunk Person On Licensed Premises	M	A
AS04.16.045	Restrictions on Licensed Premises	M	A
AS04.16.049	Allow Minor on Alcohol Premises	M	A
AS04.16.049(a)	Persons Under 21 On Alcohol Premises	M	A
AS04.16.049(c)	Persons 16-19 Work in Alcohol Premises	M	A
AS04.16.049(d)	Persons 19-21 Work in Alcohol Premises	M	A
AS04.16.051(a)	Furnish Alcohol To Minor	M	A
AS04.16.052	Licensee-Furnish Alcohol to Minor	M	A
AS04.16.052(1)	Licensee Sell Alcohol To Minor	M	A
AS04.16.052(2)	Licensee Allow Minor on Alcohol Premises	M	A
AS04.16.052(3)	Licensee Allow Minor Drink on Premises	M	A
AS04.16.052(4)	Licensee Allow Minor to Serve Alcohol	M	A

HB 120 Sectional Analysis - Appendix 2  
 Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS04.16.055	<b>Rent Room to Give Alcohol to Minor</b>	M	A
AS04.16.060	Alcohol - Underage Purchase/Delivery	M	A
AS04.16.060(a)	Minor Purchase or Solicit Alcohol	M	A
AS04.16.060(b)	Minor Misrep Age to Purchase Alcohol	M	A
<b>AS04.16.060(c)</b>	<b>Order Alcohol for Minor</b>	M	A
AS04.16.060(d)	Minor on Lic Alcohol Premises- False ID	M	A
AS04.16.060(e)	Minor Misrep Parental Consent to Drink	M	A
AS04.16.070	Sell Alc before Polls Close, Elec Day	M	A
AS04.16.080	Sell/Consume Alcohol at School Events	M	A
AS04.16.090	Alcohol Bottle Clubs Prohibited	M	A
AS04.16.100	Restriction- Size of Alcohol Containers	M	A
AS04.16.110	Prohibited Sale of Certain Alcohol	M	A
AS04.16.110(a)	Sale of Powdered Alcohol Prohibited	M	A
AS04.16.110(b)	Sale of >76% Alcohol Prohibited	M	A
AS04.16.120	Alcohol- Bring or Take on Lic Premises	M	A
AS04.16.120(a)	Remove Alcohol from Lic Premises	M	A
AS04.16.120(b)	Bring Alcohol onto Lic Premises	M	A
AS04.16.125	Trans Alcohol by Carrier to Dry Area	M	A
AS04.16.130	Alcohol Stored Off Licensed Premises	M	A
AS04.16.140	Sell/Consume Alcohol in Warehouse	M	A
AS04.16.150	Licensee Respons for Alcohol Violations	M	A
AS04.16.170	Alcohol-Prohibited Sales	M	A
AS04.16.170(a)	Resale of Alcohol by Nonlicensee	M	A
AS04.16.170(b)	Alcohol Sale-Transporter to Nonlicensee	M	A
AS04.16.172	Alcohol Sale- Violate Lic Restrictions	M	A
AS04.16.175	Furnish Alcohol to Gambling Enterprise	M	A
AS04.16.200(a)	Manuf/Sell Alcohol w/o License	M	A
AS04.16.200(e)(1)	Send/Bring Alcohol to dry area - sm amt	M	A
AS04.21.040	Alcohol Sale on Federal Reservation	M	A
AS04.21.050	Alcohol Licensee To Require Proof of Age	M	A
AS05.25.030(a)	Boat Accident - Fail to Render Aid	M	N
AS05.25.060(1)	Reckless Boating - Endanger Life/Prop	M	N
AS05.30.010	Operate Unregistered Snow Vehicle	M	N
AS05.30.040	Display Snow Vehicle Regis Decal	M	N
AS05.30.080	Snow Vehicle Equip Required	M	N
AS05.30.100	Snow Veh Operator To Report Accidents	M	N
AS08.01.104	Prof Licensing-Fail to Obey Citation	M	B
AS08.13.190	Unlicensed Barber/Hairdresser	M	B
AS08.18.011	Unregistered Contractor/Subcontractor	M	B
AS08.18.011(a)	Unregistered Contractor	M	B
AS08.18.011(b)	Unregistered Subcontractor	M	B
AS08.18.025	Residential Contractor Requirements	M	B
AS08.18.119	Contractor Fail to Obey Citation	M	B
AS08.36.100	Practice Dentistry w/o License	M	B
AS08.54.720(a)(1)	Guide-Fail to Report Violation	M	A
AS08.54.720(a)(10)	Guide or Advertise w/o Master License	M	A
AS08.54.720(a)(11)	Outfit or Ad Big Game Hunt w/o License	M	A
AS08.54.720(a)(12)	Transport Big Game Hunt w/o License	M	A
AS08.54.720(a)(13)	Advertise as Transporter w/o License	M	A
AS08.54.720(a)(14)	Asst. Contracts to Outfit or Guide Hunt	M	A

**HB 120 Sectional Analysis - Appendix 2**  
**Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)**

Offenses most potentially relevant are shown in boldface type.)

AS08.54.720(a)(15)(1st)	Waste or Hunt Same Day in Air - 1st off	M	A
AS08.54.720(a)(2)	Guide-Hinder Lawful Hunting	M	A
AS08.54.720(a)(3)	Asst. Guides Hunt w/o Supervision	M	A
AS08.54.720(a)(4)	Guide - Hunt on Private Land	M	A
AS08.54.720(a)(5)	Guide - Hunt Outside Approved Area	M	A
AS08.54.720(a)(6)	Guide - w/o License in Possession	M	A
AS08.54.720(a)(7)	Guide - Not Physically Present for Hunt	M	A
AS08.54.720(a)(8)	Guide - Commit, Aid, or Allow Violation	M	A
AS08.54.720(a)(9)	Guide or Advertise w/o License	M	A
<b>AS08.64.360</b>	<b>Practice Medicine w/o License</b>	<b>M</b>	<b>A</b>
AS08.66.010	Mtr Vehic Dlr - Knowingly Fail to Regstr	M	A
AS08.66.015	Mtr Vehic Dlr - Knowingly Viol Sales Req	M	A
AS08.66.030	Mtr Vehic Dlr - Knowingly Viol Appl Req	M	A
AS08.66.050	Mtr Vehic Dlr - Knowingly Fail Renewal	M	A
AS08.66.060	Mtr Vehic Dlr - Knowingly Fail to Bond	M	A
AS03.88.401	Real Estate Violations	M	A
AS09.50.010	Misd Contempt of Court	M	N
AS09.50.010(1)	Misd Contempt-disorderly behavior in ct	M	N
AS09.50.010(10)	Misd Contempt-subpoena,refuse testify	M	N
AS09.50.010(11)	Misd Contempt-misconduct by juror	M	N
AS09.50.010(12)	Misd Contempt-disobey higher court	M	N
AS09.50.010(13)	Misd Contempt-custodian fail to rpt viol	M	N
AS09.50.010(2)	Misd Contempt-breach peace during trial	M	N
AS09.50.010(3)	Misd Contempt-misbehav by ct personnel	M	N
AS09.50.010(4)	Misd Contempt-deceive or abuse process	M	N
AS09.50.010(5)	Misd Contempt-disobey lawful court order	M	N
AS09.50.010(6)	Misd Contempt-pretend to act under auth	M	N
AS09.50.010(7)	Misd Contempt-take pers/prop frm custody	M	N
AS09.50.010(8)	Misd Contempt-detain party, witness	M	N
AS09.50.010(9)	Misd Contempt-unlawful interference	M	N
AS11.41.230	Assault 4	M	A
AS11.41.230(a)(1)	Assault 4- recklessly injure	M	A
AS11.41.230(a)(2)	Assault 4- negligently injure w/ weapon	M	A
AS11.41.230(a)(3)	Assault 4-cause fear of imminent injury	M	A
AS11.41.250	Reckless Endangerment	M	A
AS11.41.270	Stalking 2- fear for self or family	M	A
AS11.41.330	Custodial Interference 2 - in state	M	A
AS11.46.140	Theft 3	M	A
AS11.46.140(a)(1)	Theft 3- value \$50-\$499	M	A
AS11.46.140(a)(2)	Theft 3- access device	M	A
AS11.46.140(a)(3)	Theft 3- value <\$50, prior convictions	M	A
AS11.46.150	Theft 4- value <\$50	M	B
AS11.46.220(c)(2)	Conceal Merch- \$50-\$499 or priors	M	A
AS11.46.220(c)(2)(A)	Conceal Merch- value \$50-\$499	M	A
AS11.46.220(c)(2)(B)	Conceal Merch- <\$50, prior convictions	M	A
AS11.46.220(c)(3)	Conceal Merch - <\$50	M	B
AS11.46.260(b)(2)	Removal Of ID Marks -value \$50-\$499	M	A
AS11.46.260(b)(3)	Removal Of ID Marks -value<\$50	M	B
AS11.46.270(b)(2)	Unlawful Possession - value \$50-\$499	M	A
AS11.46.270(b)(3)	Unlawful Possession- value <\$50	M	B

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 Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS11.46.280(d)(3)	Issuing Bad Check- value \$50-\$499	M	A
AS11.46.280(d)(4)	Issuing Bad Check- value <\$50	M	B
AS11.46.285(b)(3)	Fraud Use Access Device- \$50 - \$499	M	A
AS11.46.285(b)(3)	Fraud Use Credit Card -value <\$50	M	B
AS11.46.285(b)(4)	Fraud Use Access Device- <\$50	M	B
AS11.46.290	Obtain Access Device or ID by Fraud	M	A
AS11.46.290(a)(1)	Access Device/ ID Fraud - buy or sell	M	A
AS11.46.290(a)(2)	Access Device/ ID Fraud- intend defraud	M	A
AS11.46.290(a)(3)	Access Device/ ID Fraud - lie on applic	M	A
AS11.46.315	Possess Burglary Tools	M	A
AS11.46.315(a)(1)	Poss Burglary Tools- intend burglary	M	A
AS11.46.315(a)(2)	Poss Burglary Tools- intend pickpocket	M	A
AS11.46.315(a)(3)	Poss Burglary Tools- intend theft serv	M	A
AS11.46.320	Criminal Trespass 1	M	A
AS11.46.320(a)(1)	Crim Trespass 1- on land, intend crime	M	A
AS11.46.320(a)(2)	Crim Trespass 1- in a dwelling	M	A
AS11.46.330	Criminal Trespass 2	M	B
AS11.46.330(a)(1)	Crim Trespass 2- upon premises	M	B
AS11.46.330(a)(2)	Crim Trespass 2- vehicle	M	B
AS11.46.365	Vehicle Theft 2	M	A
AS11.46.365(a)(1)	Vehicle Theft 2-take propelled vehicle	M	A
AS11.46.365(a)(2)	Vehicle Theft 2-fail to return vehicle	M	A
AS11.46.430	Criminally Negligent Burning	M	A
AS11.46.450	Fail to Control or Report Dangerous Fire	M	A
AS11.46.450(a)(1)	Fail to Control/Report Fire- legal duty	M	A
AS11.46.450(a)(2)	Fail to Control/Report Fire-started fire	M	A
AS11.46.460	Disregard Hwy Obstruction	M	B
AS11.46.460(a)(1)	Disregard Hwy Obstruction-drive around	M	B
AS11.46.460(a)(2)	Disregard Hwy Obstruction-open up	M	B
AS11.46.484(a)	Criminal Mischief 3	M	A
AS11.46.484(a)(1)	Crim Mischief 3-prop dam \$50-\$499	M	A
AS11.46.484(a)(4)	Crim Mischief 3-tamper fire protec dev	M	A
AS11.46.484(a)(5)	Crim Mischief 3-unauth computer access	M	A
AS11.46.484(a)(6)	Crim Mischief 3-descramble signal	M	A
AS11.46.484(a)(7)	Crim Mischief 3-tamper traff contr dev	M	A
AS11.46.486	Criminal Mischief 4	M	B
AS11.46.486(a)(1)	Crim Mischief 4- tamper w/ property	M	B
AS11.46.486(a)(2)	Crim Mischief 4- prop damage <\$50	M	B
AS11.46.486(a)(3)	Crim Mischief 4-ride in stolen veh	M	B
AS11.46.510	Forgery 3	M	A
AS11.46.510(a)(1)	Forgery 3- make false written instrument	M	A
AS11.46.510(a)(2)	Forgery 3-possess false written instrmnt	M	A
AS11.46.510(a)(3)	Forgery 3- utter forged instrument	M	A
AS11.46.530(b)(2)	Criminal Simulation- value \$50-\$499	M	A
AS11.46.530(b)(3)	Criminal Simulation- value <\$50	M	B
AS11.46.540	Obtain Signature By Deception	M	A
AS11.46.560	Offer False Instrmnt For Recording 2	M	A
AS11.46.560(a)(1)	Offering False Instrmnt For Recording 2	M	A
AS11.46.560(a)(2)	Offering False Instrmnt For Recording 2	M	A
AS11.46.570	Criminal Impersonation 2	M	A

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 Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS11.46.570(a)(1)	<b>Crim Impers 2 - commit act w false ID</b>	M	A
AS11.46.570(a)(2)	<b>Crim Impers 2 - pretend to rep pers/org</b>	M	A
AS11.46.620(d)(2)	<b>Misapply Property- value &lt;\$500</b>	M	A
AS11.46.710(c)	Deceptive Business Practices	M	A
AS11.46.720	Misrep Use Of Vehicle-reset odometer	M	A
AS11.46.730(c)	Defraud Creditors- value <\$500+	M	A
AS11.51.100(d)(3)	<b>Endngr Wlfr Minr 1- lv w abuser, injury</b>	M	A
AS11.51.120	Criminal Nonsupport	M	A
AS11.51.122	Aid Nonpayment of Child Support	M	A
AS11.51.122(a)(2)(A)	Aid Nonpayment Child Supp-withhold info	M	A
AS11.51.122(a)(2)(B)	Aid Nonpayment Child Supp-decep transac	M	A
AS11.51.140	Unlawful Marrying	M	A
AS11.51.140(a)(1)	Unlawful Marrying-one already married	M	A
AS11.51.140(a)(2)	Unlawful Marrying- >1 simultaneously	M	A
AS11.51.140(a)(3)	Unlawful Marrying- to one marrying anoth	M	A
AS11.51.210	<b>Endanger Vulnerable Adult 2</b>	M	A
AS11.51.210(a)(1)	<b>Endang Vuln Adult 2- by legal caretkr</b>	M	A
AS11.51.210(a)(2)	<b>Endang Vuln Adult 2- licensed facility</b>	M	A
AS11.56.120	Receive Unlawful Gratuity	M	A
AS11.56.120(a)(1)	Receive Unlawf Gratuity-solicit benefit	M	A
AS11.56.120(a)(2)	Receive Unlawf Gratuity-accept \$50+	M	A
AS11.56.210	<b>Unsworn Falsification</b>	M	A
AS11.56.210(a)(1)	<b>Unsworn Falsific- apply for benefit</b>	M	A
AS11.56.210(a)(2)	<b>Unsworn Falsific- form states punishable</b>	M	A
AS11.56.330	<b>Escape 4</b>	M	A
AS11.56.330(a)(1)	<b>Escape 4-off deten for mis' ,meanor</b>	M	A
AS11.56.330(a)(2)	<b>Escape 4-remove from police restraint</b>	M	A
AS11.56.330(a)(3)	<b>Escape 4- on elctronic monitor for misd</b>	M	A
AS11.56.340	<b>Unlawful Evasion</b>	M	A
AS11.56.340(a)(1)	<b>Unlwl Evasion - temp lv, fail to return</b>	M	A
AS11.56.340(a)(2)	<b>Unlwl Evasion -furlough, fail to return</b>	M	A
AS11.56.380	<b>Promoting Contraband 2</b>	M	A
AS11.56.380(a)(1)	<b>Promote Contraband 2-take into jail/pris</b>	M	A
AS11.56.380(a)(2)	<b>Promote Contraband 2- poss in jail/pris</b>	M	A
AS11.56.545	<b>Tamper Witness 2-absent official proc</b>	M	A
AS11.56.620	Simulate Legal Process	M	A
AS11.56.620(a)(1)	Simulate Legal Process-req for payment	M	A
AS11.56.620(a)(2)	Simulate Legal Process-summons, subp	M	A
AS11.56.700	Resist/Interfere with Arrest	M	A
AS11.56.700(a)(1)	Resist/Interfere Arrest-by force	M	A
AS11.56.700(a)(2)	Resist/Interfere Arrest- by crim misch	M	A
AS11.56.700(a)(3)	Resist/Interfere Arrest- risk of injury	M	A
AS11.56.710	Harm Police Dog 2- injure, torment	M	A
AS11.56.750	Unlawful Contact 1	M	A
AS11.56.755(b)(1)	Unlawful Contact 2-in felony/A misd case	M	B
AS11.56.757(b)(1)	Violate Condition of Release for Felony	M	A
AS11.56.757(b)(2)	Violate Condition of Release for Misd	M	B
AS11.56.760	Violate Order to Submit to DNA Testing	M	A
AS11.56.765	<b>Fail to Report Violent Crime Agnst Child</b>	M	A
AS11.56.780	Hindering Prosecution 2 - of misdemeanor	M	B

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Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS11.56.780(a)(1)	Hinder Prosecution 2- var acts re misd	M	B
AS11.56.780(a)(2)	Hinder Prosecution 2-help profit	M	B
AS11.56.790	Compounding	M	A
AS11.56.790(a)(1)	Compounding-bribe to conceal crime	M	A
AS11.56.790(a)(2)	Compounding-accept bribe to conceal	M	A
AS11.56.800	False Info/Report	M	A
AS11.56.800(a)(1)	False Info/Report-false info to pc ofcr	M	A
AS11.56.800(a)(1)(A)	False Info/Report-implic othr in offense	M	A
AS11.56.800(a)(1)(B)	False Info/Report-at arrest/cit/incarc	M	A
AS11.56.800(a)(1)(B)(i)	False Info/Rpt- ID at arrst/invst/incarc	M	A
AS11.56.800(a)(1)(B)(ii)	False Info/Rpt- ID when cited, srvd wrnt	M	A
AS11.56.800(a)(2)	False Info/Report - of crime occurring	M	A
AS11.56.800(a)(3)	False Info/Report - fire alarm, emergncy	M	A
AS11.56.800(a)(4)	False Info/Report - re dam/reservoir	M	A
AS11.56.805	False Accusation-legislative ethics	M	A
AS11.56.820	Tampering w/ Public Records 2	M	A
AS11.56.820(a)(1)	Tamper Publ Recrds 2- false entry,alter	M	A
AS11.56.820(a)(2)	Tamper Publ Recrds 2-destroy/remove	M	A
AS11.56.820(a)(3)	Tamper Publ Recrds 2-certif false claim	M	A
AS11.56.830	Impersonate Public Servant	M	B
AS11.56.840	Failure to Register as Sex Offender 2	M	A
AS11.56.840(a)(1)	Fail to Reg as Sex Ofndr 2-fail to reg	M	A
AS11.56.840(a)(2)	Fail to Reg as Sex Ofndr 2-no addrss chg	M	A
AS11.56.840(a)(3)	Fail to Reg as Sex Ofndr 2-no renewal	M	A
AS11.56.840(a)(4)	Fail to Reg as Sex Ofndr 2-incompl info	M	A
AS11.56.850	Official Misconduct	M	A
AS11.56.850(a)(1)	Official Misconduct-unauth act	M	A
AS11.56.850(a)(2)	Official Misconduct-refrain from duty	M	A
AS11.56.860	Misuse Of Confidential Information	M	A
AS11.61.110	Disorderly Conduct	M	B
AS11.61.110(a)(1)	Disord Conduct-loud noise disturb neighb	M	B
AS11.61.110(a)(2)	Disord Conduct-loud noise, publ/priv	M	B
AS11.61.110(a)(3)	Disord Conduct-refuse to disperse	M	B
AS11.61.110(a)(4)	Disord Conduct-refuse leave premises	M	B
AS11.61.110(a)(5)	Disord Conduct-challenge to fight	M	B
AS11.61.110(a)(6)	Disord Conduct- create hazard condition	M	B
AS11.61.120	Harassment	M	B
AS11.61.120(a)(1)	Harassment-likely to provoke violence	M	B
AS11.61.120(a)(2)	Harassment-tie up phone line	M	B
AS11.61.120(a)(3)	Harassment-repeated phone calls	M	B
AS11.61.120(a)(4)	Harassment-anon, obscene, threat call	M	B
AS11.61.120(a)(5)	Harassment-offensive phys contact	M	B
AS11.61.123(f)(2)	Indecent View/Photo w/o Consent-of adult	M	A
AS11.61.130	Misconduct With Corpse	M	A
AS11.61.130(a)(1)	Misconduct With Corpse-mutilate/remove	M	A
AS11.61.130(a)(2)	Misconduct With Corpse-sex penetration	M	A
AS11.61.130(a)(3)	Misconduct With Corpse-hold for debt	M	A
AS11.61.140	Cruelty To Animals	M	A
AS11.61.140(a)(1)	Cruelty To Animals-inflict severe pain	M	A
AS11.61.140(a)(2)	Cruelty To Animals- fail to care	M	A

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 Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

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AS11.61.145(a)(3)	<b>Fighting animals-attend fight-priors</b>	M	B
AS11.61.150	Obstruct Highways	M	B
AS11.61.150(a)(1)	Obstruct Highways-drop substance	M	B
AS11.61.150(a)(2)	Obstruct Highways-render impassable	M	B
AS11.61.165	<b>Recruiting Gang Member 2</b>	M	A
AS11.61.210	<b>Misconduct w/ Weapons 4</b>	M	A
AS11.61.210(a)(1)	Misc/Weapons 4- possess while intox	M	A
AS11.61.210(a)(2)	Misc/Weapons 4- fire gun by highway	M	A
AS11.61.210(a)(3)	Misc/Weapons 4- firing recklessly	M	A
AS11.61.210(a)(4)	Misc/Weapons 4-have/sell metal knuckles	M	A
AS11.61.210(a)(5)	Misc/Weapons 4-sell swtchbld, grav knife	M	A
AS11.61.210(a)(6)	Misc/Weapons 4-sale to minor	M	A
AS11.61.210(a)(7)	Misc/Weapons 4-adult possess at school	M	A
AS11.61.210(a)(8)	Misc/Weapons 4-student possess at school	M	A
AS11.61.220	<b>Misconduct w/ Weapons 5</b>	M	B
AS11.61.220(a)(1)	Misc/Weapons 5 - carry concealed weapon	M	B
AS11.61.220(a)(2)	Misc/Weapons 5 - loaded firearm in bar	M	B
AS11.61.220(a)(3)	Misc/Weapons 5 - <16 poss w/o parent OK	M	B
AS11.61.220(a)(4)	Misc/Weapons 5 - poss at daycare center	M	B
AS11.61.220(a)(5)	Misc/Weapons 5-poss swtchbld, grav knife	M	B
AS11.61.240(b)(4)	<b>Possess Explosives-intend class C felony</b>	M	A
AS11.61.240(b)(5)	<b>Possess Explosives-intend misdemeanor</b>	M	B
AS11.66.200	Gambling - repeat offense	M	B
AS11.66.220	Promote Gambling 2	M	A
AS11.66.240	Possess Gambling Records 2	M	A
AS11.66.260	Possession Of Gambling Device	M	A
AS11.66.300	Adult Entertainment - allow minor in	M	A
AS11.71.050	<b>Misconduct- Controlled Substance 5</b>	M	A
AS11.71.050(a)(1)	MICS 5-deliver/poss w/intent >1/2 oz VIA	M	A
AS11.71.050(a)(2)	MICS 5-deliver <1/2 oz. VIA for profit	M	A
AS11.71.050(a)(3)(A)	MICS 5-possess <25 tablets IIIA,IVA	M	A
AS11.71.050(a)(3)(B)	MICS 5-possess <3 grams IIIA,IVA	M	A
AS11.71.050(a)(3)(C)	MICS 5-possess <50 tablets VA	M	A
AS11.71.050(a)(3)(D)	MICS 5-possess <6 grams VA	M	A
AS11.71.050(a)(3)(E)	MICS 5-possess >1/2 pound VIA	M	A
AS11.71.050(a)(4)	MICS 5-fail to keep required record	M	A
AS11.71.060	<b>Misconduct- Controlled Substance 6</b>	M	B
AS11.71.060(a)(1)	MICS 6-display, poss <1/2 pound VIA	M	B
AS11.71.060(a)(2)	MICS 6-refuse entry for auth inspection	M	B
AS11.76.110	<b>Interference w/ Constitutional Rights</b>	M	A
AS11.76.110(a)(1)	Interfere Const Right-deprive of right	M	A
AS11.76.110(a)(2)	Interfere Const Right-retaliate for use	M	A
AS11.76.110(a)(3)	Interfere Const Right-under color of law	M	A
AS11.76.120	<b>Open/Publish Sealed Letter</b>	M	A
AS11.76.130	<b>Interfere w/ Rights of Disabled Person</b>	M	B
AS11.76.130(a)(1)	Interfere Rights Disabled- hwy/walkway	M	B
AS11.76.130(a)(2)	Interfere Rights Disabled-service animal	M	B
AS11.76.140	<b>Avoid Ignition Interlock Device</b>	M	B
AS11.76.140(a)(1)	Avoid Ignition Interlock-probationer	M	B
AS11.76.140(a)(2)	Avoid Interlock-rent/lend to probationer	M	B

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 Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

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AS12.25.150	Officer Violate Rights of Arrestee	M	B
AS12.25.230	Fail to Obey Citation/Appear in Court	M	N
AS12.25.230(a)	Fail to Obey Citation/Appear in Court	M	N
AS12.30.060(2)	Fail to Appear- on bail for misdemeanor	M	A
AS12.30.060(3)	Fail to Appear as Material Witness	M	A
AS12.35.060	Malicious Procurement of Search Warrant	M	N
AS12.60.210	Officer Failure to Quell Riot	M	N
AS12.70.100	Noncompliance w/ Rights for Extradition	M	A
AS14.25.210	Teacher Retirement -False Stmt	M	N
AS15.07.180	Accept Fee for Voter Registration	M	A
AS15.13.040	State Election Campaign Offense	M	A
AS15.13.070	State Election Campaign Offense	M	A
AS15.13.072	State Election Campaign Offense	M	A
AS15.13.090	State Election Campaign Offense	M	A
AS15.13.100	State Election Campaign Offense	M	A
AS15.13.112	State Election Campaign Offense	M	A
AS15.13.155	State Election Campaign Offense	M	A
AS15.56.012	Campaign Misconduct 1	M	A
AS15.56.014	Campaign Misconduct 2	M	B
AS15.56.025	Telephone Campaign Misconduct	M	A
AS15.56.035	Unlawful Interference w/ Voting 2	M	A
AS15.56.050	Voter Misconduct 2	M	A
AS15.56.080	Election Official Misconduct 2	M	A
AS15.56.090	Improper Subscription to Petition	M	B
AS16.05.165	Violate Fish/Game Law	M	N
AS16.05.210	Receive Bounty to Kill Predator	M	N
AS16.05.330	Fish/Game License/Permit/Tag Violation	M	N
AS16.05.330(a)(1)	Sport Fish w/o Lic In Possession	M	N
AS16.05.330(a)(2)	Hunt/Trap/Deal Fur w/o Lic in Possession	M	N
AS16.05.330(a)(3)	Farm Fish/Fur/Game w/o License	M	N
AS16.05.330(a)(4)	Engage in Taxidermy w/o License	M	N
AS16.05.330(d)	License Revoked in Another State	M	N
AS16.05.340	Fish/Game License/Permit/Tag Fee	M	N
AS16.05.340(a)(17)(A)	Hunt Waterfowl w/o Tag in Possession	M	N
AS16.05.340(a)(20)	Nonresident Alien Big Game Tag	M	N
AS16.05.340(a)(23)	Resident Anadromous King Salmon Tag	M	N
AS16.05.340(a)(24)	Nonresident Anadromous King Salmon Tag	M	N
AS16.05.370	Fish/Game Licensee Report Required	M	N
AS16.05.407	Nonresident Hunting w/o Resident/Guide	M	N
AS16.05.407(a)	Nonresident Hunting w/o Resident/Guide	M	N
AS16.05.407(b)	Affidavit of Accompaniment Required	M	N
AS16.05.408	Nonresident Alien Hunting w/o Guide	M	N
AS16.05.420	License, Tag, Permit Violations	M	N
AS16.05.475	Comm Fish Vessel Not Regis - negligent	M	N
AS16.05.480	Comm Fish License Req- negligent	M	N
AS16.05.510	Unlicensed Comm Fish Vessel	M	N
AS16.05.632	ID Shellfish Pots/Buoys Req	M	N
AS16.05.665	Comm Fish - Falsify License Application	M	N
AS16.05.675	Comm Fish - No Landing Permit	M	N
AS16.05.680	Comm Fish - Unlawful Practices	M	N

**HB 120 Sectional Analysis - Appendix 2**  
**Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)**

Offenses most potentially relevant are shown in boldface type.)

AS16.05.685	Comm Fish - Crab Processing Vessel Req	M	N
AS16.05.690	Comm Fish - Record Purchase	M	N
AS16.05.723	Commercial Fishing Violation	M	N
AS16.05.782	Take Brn Bear Near Solid Waste Disp Fac	M	A
AS16.05.789	Hunt w/ Firearm Near Haul Road	M	A
AS16.05.790	Obstruct Lawful Hunt/Fish/Trap	M	N
AS16.05.831	Waste of Salmon	M	N
AS16.05.835	Max Length of Salmon, Crab Vessels	M	N
AS16.05.840	Fishway Req if Stream Obstructed	M	N
AS16.05.850	Hatchery Req if Fishway Obstructed	M	N
AS16.05.860	Violate Fishway/Hatchery Requirements	M	N
AS16.05.880	Construction Affecting Fish w/o Approval	M	A
AS16.05.895	Damage Fish Spawning Bed	M	N
AS16.05.900	Violate Fish/Game Protection Law	M	A
AS16.05.905	Comm Fishing by Aliens	M	N
AS16.05.920	Fish & Game - Prohibited Conduct	M	A
AS16.05.920(a)	Taking/Trafficking Fish/Game/Plants	M	A
AS16.05.920(b)	Destroy Dept of Fish/Game Equip	M	A
AS16.05.921	Import/Possess Venomous Reptiles	M	A
AS16.10.010	Interfere w/ Salmon Spawning Grounds	M	N
AS16.10.055	Interfere/ Damage Fishing Gear	M	N
AS16.10.070	Fish Traps Prohibited	M	N
AS16.10.100	Fish Traps on State Land Prohibited	M	N
AS16.10.120	Purse Seine - use of drum or reel	M	N
AS16.10.125	Termination Device Req-Shellfish pots	M	N
AS16.10.165	Waste of Pollock-roestripping prohibited	M	A
AS16.10.173	Waste of Herring-roestripping prohibited	M	A
AS16.10.175	Take Herring from State w/o Processing	M	N
AS16.10.200	Unlawful Taking-Migratory Fish/Shellfish	M	N
AS16.10.210	Unlawful Sale-Migratory Fish/Shellfish	M	N
AS16.10.240	Improper Interstate Crab Shipment	M	N
AS16.10.265(a)	Purchase Fish From Nonpermit Holder-gen	M	N
AS16.10.265(b)(1)	Purchase Fish Nonpermit Holder-1st off	M	B
AS16.10.265(b)(2)	Purchase Fish Nonpermit Holder-2nd off	M	A
AS16.10.265(b)(3)	Purchase Fish Nonpermit Holder-3+ off	M	A
AS16.10.267	Possess Fish w/o permit or ID	M	B
AS16.10.270	Fish -Weighing Commercial Purchase	M	N
AS16.10.290	Bond Req for Fish Buyer/Processor	M	N
AS16.10.780	Assist High Seas Interception of Salmon	M	A
AS16.20.195	Permit Required for Endangered Species	M	N
AS16.30.010	Wanton Waste of Big Game and Wild Fowl	M	A
AS16.30.010(a)	Wanton Waste of Big Game and Wild Fowl	M	A
AS16.30.010(b)	Fail to Salvage Hindquarters	M	A
AS16.30.012	Possession of Antlers or Horns w/o Meat	M	A
AS16.40.100	Operate Hatchery/Aquatic Farm w/o Permit	M	B
AS16.43.140	Commercial Fishing Permit Required	M	N
AS16.43.970(a)	Commercial Fishing -Misdemeanor	M	B
AS16.43.970(g)(1)	Commercial Fish Permit Violation-1st	M	B
AS16.43.970(g)(2)	Commercial Fish Permit Violation-2nd	M	A
AS16.43.970(g)(3)	Commercial Fish Permit Violation - 3rd+	M	A

HB 120 Sectional Analysis - Appendix 2  
 Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS17.20.290	Food&Drugs-Prohibited Acts	M	A
AS17.20.290(a)(1)	Food&Drugs-Sell Adulterated, Misbranded	M	A
AS17.20.290(a)(10)	Food&Drugs-Forge Mark or Label	M	A
AS17.20.290(a)(11)	Drugs-Misrepresent Effectiveness	M	A
AS17.20.290(a)(12)	Food-Sell Frozen Fish as Fresh	M	A
AS17.20.290(a)(13)	Drugs-Improper Labeling by Pharmacist	M	A
AS17.20.290(a)(2)	Food&Drugs-Adulterate, Misbrand	M	A
AS17.20.290(a)(3)	Food&Drugs-Deliv Adulterated, Misbranded	M	A
AS17.20.290(a)(4)	Food&Drugs-Sale in Viol of Statute	M	A
AS17.20.290(a)(5)	Food&Drugs-False Advertisement	M	A
AS17.20.290(a)(6)	Food&Drugs-Refuse Inspection	M	A
AS17.20.290(a)(7)	Food&Drugs-False Guaranty	M	A
AS17.20.290(a)(8)	Food&Drugs-Dispose of Detained Article	M	A
AS17.20.290(a)(9)	Food&Drugs-Alter/Remove Label	M	A
AS18.35.060	Unlawful Disposal Of Wastes/Garbage	M	N
AS18.40.050	Damage State-Owned Shelter Cabin	M	A
AS18.50.900	Vital Statistics Violations	M	N
AS18.50.900(a)(1)	Alter Birth Certif to Deceive	M	N
AS18.50.900(a)(2)	Use Altered Birth Certif to Deceive	M	N
AS18.50.900(a)(3)	Use Birth Certif Issued on False Record	M	N
AS18.50.900(a)(4)	Furnish Birth Certif for Misuse by Other	M	N
AS18.50.900(b)(1)	Birth Certif - Make False Stmt	M	N
AS18.50.900(b)(2)	Vital Stat Record - Make False Stmt	M	N
AS18.50.900(c)(2)	Vital Stats - Refuse or Give False Info	M	N
AS18.50.900(c)(3)	Violate or Refuse Duty re Vital Stats	M	N
AS18.60.095(e)	OSHA Violations Resulting in Death	M	N
AS18.60.160	Fail to Report Mysterious Disappearance	M	N
AS18.65.310	State ID Card Fraud/Misuse	M	N
AS18.65.310(c)	Fraudulent Applic for State ID Card	M	N
AS18.65.310(d)	Possess or Use Fraudulent State ID Card	M	N
AS18.65.310(e)	Lend State ID Card to Another	M	N
AS18.65.480	Security Guard License Violation	M	B
AS18.65.750(b)	Fail to Inform Officer of Concealed Gun	M	A
AS18.65.750(c)	Fail to Secure Concealed Gun per Officer	M	A
AS18.65.755	Poss Concealed Handgun Where Prohibited	M	B
AS18.65.755(a)(1)	Poss Conceal Gun- in home w/o permission	M	B
AS18.65.755(a)(2)	Poss Conceal Gun - state/fed law prohib	M	B
AS18.65.760(a)	Concealed Handgun Permit Misuse	M	A
AS18.65.760(a)(1)	Concealed Handgun Perm- Alter	M	A
AS18.65.760(a)(2)	Concealed Handgun Perm-Let Other Use	M	A
AS18.65.760(a)(3)	Concealed Handgun Perm- Susp/Revoked	M	A
AS18.70.075	Refuse to Obey Order of Fire Official	M	A
AS18.70.100	Fire Protection/Investigation Violation	M	B
AS18.72.040	Fireworks Sales/License Violation	M	B
AS19.10.300	CMV Financial Responsibility	M	B
AS19.10.310	CMV Safety Inspections	M	B
AS19.10.340	CMV Certificate of Inspection	M	B
AS19.25.130	Unlawful Outdoor Advertising	M	N
AS21.36.360(b)(sm)	Fraudulent Insurance Act- <\$500	M	A
AS21.36.360(i)	Insurance- not auth in this state	M	A

HB 120 Sectional Analysis - Appendix 2  
Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS21.36.360(j)	Insurance-Unlicensed/Unregistered	M	A
AS21.36.360(k)	Insurance-Procuring Applications	M	A
AS21.36.360(l)	Insurance-Refuse to Produce Records	M	A
AS21.36.360(m)	Insurance-Unauth Dividend	M	A
AS21.36.360(n)	Insurance-Fail to Report Premiums	M	A
AS21.36.360(o)	Insurance-False Statement on Application	M	B
AS21.36.360(p)(1)	Insurance-Violate Title or Regulation	M	B
AS23.05.280	Labor Law Violation	M	A
AS23.10.040	Fail to Pay Wages	M	N
AS23.10.140	Wage & Hour Act Violation	M	B
AS23.10.350(a)	<b>Child Labor Laws- &gt;6 days/wk or hazard</b>	M	B
AS23.10.350(c)	<b>Child Labor Laws- breaks required</b>	M	B
AS23.10.350(f)(1st)	<b>Child Labor Laws-adult shows 1st offense</b>	M	A
AS23.10.370	<b>Child Labor Laws</b>	M	B
AS23.10.415	Underground Mining Labor Laws	M	N
AS23.20.485	Unemployment Benefits-False Stmt	M	B
AS23.20.490	Employment Benefits-Viols by Employer	M	A
AS23.20.500	Employment Security Regs Viol	M	N
AS23.30.075	Employer-Inadeq Workers Comp Coverage	M	N
AS23.30.245	Employer Deduct Workers Comp from Pay	M	N
AS23.30.250	False Workers Comp Claim	M	N
AS23.30.260	Prohibited Solicit/Fee for Workers Comp	M	A
AS24.25.080	Disobey Legislative Subpoena	M	N
AS24.55.290	Hinder Ombudsman Investigation	M	N
AS28.05.098	Child Safety Device-sell substandard	M	N
AS28.05.106	Custom Collector Vehicle Equip Required	M	N
AS28.10.451	Fail To Comply w/ Veh Title/Registr Req	M	N
AS28.10.461	Drive Vehic w/o Evidence of Registration	M	N
AS28.10.471	Drive w/ Regis Susp/Revoked/Expired	M	N
AS28.10.481	Improper Use of Regis/Title/Plates	M	N
AS28.10.491(a)(9)(ins)	False Stmt re Vehic Insurance, negligent	M	A
AS28.10.493	Illegal Transfer Of Veh	M	B
AS28.10.493(a)	Illegal Transfer Of Veh by Owner	M	B
AS28.10.493(b)	Illegal Transfer Of Veh by Dealer	M	B
AS28.15.011	Drive w/o Valid Operator's License	M	N
AS28.15.021	Drive w/o In-State License After 90 Days	M	N
AS28.15.046	School Bus Driver License Required	M	N
AS28.15.051(a)	Drive In Viol Of Instruction Permit	M	N
AS28.15.051(b)	Drive In Viol Of Restricted Permit	M	N
AS28.15.051(c)	Drive In Viol Of Temporary License	M	N
AS28.15.051(d)	Drive In Viol Of Motorcycle Permit	M	N
AS28.15.121(d)	Drive In Viol Of Restricted License	M	N
AS28.15.131	License Carried/ Exhibited On Demand	M	N
AS28.15.281(a)(1)	Unlawful Use of Lic: revoked/altered	M	N
AS28.15.281(a)(2)	Unlawful Use of Lic: use lic of another	M	N
AS28.15.281(a)(3)	Unlawful Use Of Lic: out-of-state driver	M	N
AS28.15.281(a)(4)	Unlawful Use Of Lic: lend to another	M	N
AS28.15.281(b)	Unlawful Use of Lic: lend to unlicensed	M	N
AS28.15.291(a)(1)	Drive w/ License Canc/Susp/Revoked/Lim	M	N
AS28.15.291(a)(2)	Drive in Violation of License Limitation	M	N

**HB 120 Sectional Analysis - Appendix 2**  
**Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)**

Offenses most potentially relevant are shown in boldface type.)

AS28.17.011	Dept Lic Required for CMV Instructor	M	N
AS28.17.051	Fail to Surrender CMV License	M	N
AS28.20.560(a)	Driver's Lic/Reg: Fail to Surrender	M	N
AS28.20.560(b)	Driver's Lic/Reg - False Affidavit	M	N
AS28.20.570	Forge Proof of Financial Responsibility	M	N
AS28.22.011	No Motor Vehicle Liability Insurance	M	N
AS28.22.051	False Insurance Information	M	A
AS28.33.030	CMV - DWI	M	A
AS28.33.031	CMV/Refuse To Submit Prelim Breath Test	M	B
AS28.33.120	Responsibilities of CMV Employers	M	N
AS28.33.130	CMV- Out of Service Orders	M	N
AS28.33.130(a)(1)	CMV-drive w/in 4 hours alc/contr subst	M	N
AS28.33.130(a)(2)	CMV-drive in possession alc/contr subst	M	N
AS28.33.130(a)(3)	CMV-drive after placed out of service	M	N
AS28.33.130(a)(4)	CMV-drive with invalid license	M	N
AS28.33.150	CMV- Drive w/o License	M	A
AS28.33.150(a)(1)	CMV-drive w/o CMV license	M	A
AS28.33.150(a)(2)	CMV-drive w/license canc/susp/revoked	M	A
AS28.33.150(a)(3)	CMV-drive in viol of limitation	M	A
AS28.33.150(a)(4)	CMV-drive if disqual by court or admin	M	A
AS28.33.150(a)(5)	CMV-drive in viol out-of-service order	M	A
AS28.35.015	Tamper With Or Damage Vehicle	M	N
AS28.35.024	Violate Requirements for Renting Vehicle	M	N
AS28.35.030(a)	DWI	M	A
AS28.35.030(a)(1)	DWI- alcohol or contr subst	M	A
AS28.35.030(a)(2)	DWI- BAC .10% or more	M	A
AS28.35.030(a)(3)	DWI- combined alcohol/contr subst	M	A
AS28.35.032(a)	Refuse To Submit To Chemical Test	M	A
AS28.35.040	Reckless Driving	M	N
AS28.35.050	Leave Scene of Accident	M	N
AS28.35.050(a)	Lv Scene of Accid - involve injury/death	M	N
AS28.35.050(b)	Lv Scene of Accid - vehic dmg	M	N
AS28.35.050(c)	Lv Scene of Accid - unattended vehic dmg	M	N
AS28.35.060(b)	Leave Accident w/o Providing Info	M	A
AS28.35.080	Immediate Notice of Accident Required	M	N
AS28.35.110(a)	Accident Report - Provide False Info	M	A
AS28.35.110(b)	Accident - Fail to Report	M	B
AS28.35.130	Destroy Evidence of Auto Accident	M	N
AS28.35.135(b)	Vehic Rcrd - No Notice of Chng Name/Addr	M	N
AS28.35.140	Obstruct/Block Traffic	M	N
AS28.35.145(a)	Fail to Stop for Schoolbus	M	B
AS28.35.145(b)	Fail to Yield for Schoolbus Passenger	M	B
AS28.35.155	Studded Tires, Chains Out of Season	M	N
AS28.35.175	RV Propane Gas Detector Required	M	N
AS28.35.180	Disobey Officer Directing Traffic	M	N
AS28.35.182(b)	Fail To Stop At Direction Of Officer 2	M	A
AS36.10.100	State Employment Preference Violation	M	N
AS36.30.315	Procurement Code-fraud by state ofc	M	A
AS39.25.900	Violate State Personnel Act	M	N
AS39.35.670	PERS-False Statement	M	N

**HB 120 Sectional Analysis - Appendix 2**  
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AS39.50.060	Public Officer - Fail Financial Stmt Req	M	N
AS39.52.340	Ethics Investigation Confidentiality	M	A
AS39.90.010	Obstruct Access to Public Information	M	N
AS41.15.060	Burning permit req in state forest	M	N
AS41.15.070	Throw burning material in state forest	M	N
AS41.15.080	Burning w/o notice, proper equip	M	N
AS41.15.090	Burning w/o clearing area	M	N
AS41.15.100	Set fire w/o landowner consent	M	N
AS41.15.110	Allow spread of fire/leave unattended	M	N
AS41.15.120	State forest:Fail to assist firefighter	M	N
AS41.17.131	Criminally Negligent Logging	M	A
AS41.21.950	Violation of State Parks Stats/Regs	M	N
AS41.35.200	Historic/Archeological Resources	M	A
AS42.20.050	Alter Telegraph	M	A
AS42.20.060	Send/Deliver False/Forged Telegraph	M	A
AS42.20.070	Misuse of Telegraph	M	A
AS42.20.080	Delay/Refuse to Send/Deliver Telegraph	M	A
AS42.20.085	Refuse/Falsify Official Telegraph	M	A
AS42.20.090	Open Telegraph Addressed to Another	M	A
AS42.20.100	Bribe to Disclose Private Telegraph	M	A
AS42.20.120	Refuse to Yield Phone Line in Emergency	M	B
AS42.20.130	Pretext of Emergency for Phone Line	M	B
AS42.20.300	Unauth Publication/Use of Commu.ications	M	A
AS42.20.310	Eavesdropping	M	A
AS42.20.325	Wiretap - Fail to Report	M	A
AS42.30.080	Explosives on Passenger Vessel/Vehicle	M	N
AS43.05.290(c)	Wilfully Fail to Pay Tax	M	A
AS43.05.290(f)	Wilfully Disclose False Tax Document	M	A
AS44.09.015	Use State Seal w/o Permission	M	N
AS44.25.040	Fail to Obtain Required Bond	M	A
AS45.50.562	Combination Restraint of Trade Unlawful	M	N
AS45.50.564	Monopolies Unlawful	M	N
AS45.63.030	Telephone Solic-Refund Required	M	A
AS45.63.040	Telephone Solic-Prohib Representations	M	A
AS45.63.050	Telephone Solic-No Waiver of Rights	M	A
AS45.68.010	Charitable Solicitation Regis Required	M	A
AS46.03.100	Waste Disposal Permit Violation	M	A
AS46.03.260	Release Radioactive Materials	M	A
AS46.03.302	Haz Waste Storage/Treatment/Disposal	M	A
AS46.03.305	Hazardous Waste Manifests/Records	M	A
AS46.03.308	Transport Haz Waste w/o Manifest	M	A
AS46.03.380-405	Underground Storage Tanks	M	A
AS46.03.710	Pollution of Land/Air/Water	M	A
AS46.03.715	Sale/Use of Prohibited Paint	M	A
AS46.03.720	Sewage/Water Treatment Construction	M	A
AS46.03.730	Pesticide Pollution	M	A
AS46.03.740	Oil Pollution	M	A
AS46.03.743	Negl Operation of Tank Vessel	M	A
AS46.03.745	Hazardous Substance Release	M	A
AS46.03.750	Ballast Water Discharge	M	A

HB 120 Sectional Analysis - Appendix 2  
 Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

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AS46.03.755	Fail to Report Haz Substance Discharge	M	A
AS46.03.790(a)(1)	Violate Environmental Statutes/Regs	M	A
AS46.03.790(a)(2)	DEC-Provide False Info/Fail Provide Info	M	A
AS46.03.790(a)(3)	False Haz Waste Applic, Report	M	A
AS46.03.790(a)(4)	False Air Quality Applic, Report	M	A
AS46.03.790(a)(5)	Tamper w/ Monitoring Device	M	A
AS46.03.790(d)(2)	Oil Discharge <10,000 Barrels	M	A
AS46.03.800	Create/Maintain Water Nuisance	M	A
AS46.03.810	Air or Land Nuisance	M	A
AS46.03.830	Haz Waste - Fail to Prove Fin. Resp.	M	A
AS46.09.010	Fail to Report Haz Substance Discharge	M	A
AS46.09.020	Haz Substance Cleanup/Containment	M	A
AS46.14.010-990	Air Quality Violation	M	A
AS46.15.180	Prohibited Water Appropriation	M	A
AS46.17.150	Water Dam Violation	M	A
AS46.30.120	Illegal Water Supply/Wastewater System	M	A
AS47.10.092	Disclosure of Confidential Juvenile Info	M	N
AS47.10.093	Disclosure of Agency Juvenile Records	M	B
AS47.17.020	Persons Req To Report Child Abuse	M	B
AS47.17.023	Film Processors Report Child Pornography	M	B
AS47.17.027	School Offic. Disclose Confid. Info	M	B
AS47.17.040	Disclose Confid. Child Abuse Record	M	B
AS47.25.290	Violate Public Assistance Laws	M	A
AS47.25.985	Misuse of Food Stamps	M	N
AS47.30.972	Mental Health Care - fraud	M	A

**HB**

**121**

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 121(L&C)  
(H) Publish Date: 3/26/01

Revision Date/Time(Note if Correction) 03/09/2001 2:30p.m. Dept. Affected: DCED  
Title: An Act relating to the issuance of qualified BRU: Insurance Operations  
charitable gift annuities. Component: Insurance  
Sponsor: Representative Murkowski  
Requester: House Labor & Commerce Component Number: 354

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill has no fiscal impact on this component.

Prepared by: Robert A. Lohr Phone 907-269-7900  
Division: Insurance Date/Time 03/09/2001 2:30p.m.  
Approved by: Commissioner Deborah B. Sedwick Date 3/9/2001  
Agency: Department of Community & Economic Development

For distribution information, call the Governor's Legislative Office

# ALASKA STATE LEGISLATURE

*Chair:*  
LABOR AND COMMERCE

*Member:*  
MILITARY AND VETERANS AFFAIRS  
COMMUNITY AND REGIONAL AFFAIRS  
LEGISLATIVE COUNCIL  
JOINT ARMED SERVICES



**REPRESENTATIVE LISA MURKOWSKI**  
Government Hill • Elmendorf • East Anchorage

*Session:*  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801-1182  
PHONE: (907) 465-3783  
FAX: (907) 465-2293  
Representative\_Lisa\_Murkowski@legis.state.ak.us

*Interim:*  
716 WEST 4TH AVENUE  
ANCHORAGE, AK 99501-2133  
PHONE: (907) 269-0174  
FAX: (907) 269-0177

## Sponsor Statement House Bill 121 Charitable Gift Annuities

Charitable gift annuities can be an important way for charities to raise funds. If a donor wishes to make a charitable gift but also wants to reserve income for the future, gift annuities provide a legal contract between charity and donor (so in exchange for a donor making a gift, the charity provides an annuity to the donor).

Based on model legislation developed by the National Association of Insurance Commissioners, House Bill 121 defines and clarifies a charitable gift annuity, states that gift annuities are not insurance, provides minimum unrestricted cash requirements, and sets out specific requirements for the issuance of gift annuities. The Act protects both donors and charities by providing that notice be given to donors and provides that organizations notify the Division of Insurance when entering into their first qualified charitable gift annuity.

The model legislation has been successfully passed in over 30 states and has been approved by the American Council of Gift Annuities and the National Council of Planned Giving. I urge your considered and favorable support.

Last Updated March 30, 2001  
Staff Contact: Army Erickson 465-4954

Sponsor  
Statement/Sectional

320C Providence Drive  
P.O. Box 196604  
Anchorage, Alaska  
99519-6604

Tel 907.562.2211



September 25, 2000

Honorable Brian S. Porter  
Speaker of the House  
Alaska State legislature  
3430 Fordham Drive  
Anchorage, AK 99508

Dear Speaker of the House;

On behalf of Providence Alaska Foundation, I am submitting this letter in support of the Charitable Gift Annuities Exemption Model Act. Providence supports this legislative bill for the benefit of Alaskan charities and their donors. The Model Act which defines charitable gift annuities has been successfully passed in over than 30 states. The Exemption Act has also been approved by the National Association of Insurance Commissioners (NAIC) and has the approval of the American Council of Gift Annuities.

This legislative bill simply defines charitable gift annuities and states that gift annuities are not insurance and that the issuance of a charitable gift annuity does not constitute engaging in the business of insurance in this state. The Model Act requires notice to donors and would require charities that issues gift annuities to notify the commissioner when it enters into the organization's first qualified charitable gift annuity. It would thereby benefit the state in tracking such data. Passing the Model Act protects both charities and donors alike.

The Model Act serves to define charitable gift annuities, provides minimum unrestricted cash requirements and sets out specific requirements for the issuance of charitable gift annuities. Providence feels privileged in promoting such legislation in protecting charitable gift annuities in our state.

Sincerely,

Douglas Bruce  
Chief Executive  
Providence Health System in Alaska



President  
*Douglas M. North*

# Alaska Pacific University

November 13, 2000

Honorable Brian S. Porter  
Speaker of the House  
Alaska State Legislature  
3430 Fordham Drive  
Anchorage, AK 99508

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Donald Willson

Phoebe Wood

Dear Speaker of the House;

On behalf of Alaska Pacific University, I am submitting this letter in support of the Charitable Gift Annuities Exemption Model Act. The University supports this legislative bill for the benefit of Alaskan charities and their donors. The Model Act defines charitable gift annuities and has successfully passed in over 30 states. The Exemption Act has also been approved by the National Association of Insurance Commissioners (NAIC) and has the approval of the American Council of Gift Annuities.

This simple legislative bill simply defines charitable gift annuities and states that gift annuities are not insurance and that the issuance of a charitable gift annuity does not constitute engaging in the business of insurance in this state. The Model Act requires notice be given to donors and would require charities that issues gift annuities to notify the commissioner when it enters into the organization's first qualified charitable gift annuity. It would thereby benefit the state in tracking such data. Passing the Model Act protects both charities and donors alike.

The Model Act serves to define charitable gift annuities, provides minimum unrestricted cash requirements and sets out specific requirements for the issuance of charitable gift annuities. Alaska Pacific University feels privileged in promoting such legislation and would appreciate your help in protecting charitable gift annuities in our state. Thank you for your support.

Sincerely,

Douglas M. North, President  
Alaska Pacific University



**The Salvation Army**  
**Alaska Divisional Headquarters**

Mailing Address: P.O. Box 101459  
 143 E. Ninth Avenue • Anchorage, Alaska 99510-1459  
 (907) 276-2516 • FAX (907) 276-1424

Founded in 1865  
 By William Booth  
 John Gowans  
 General  
 David Edwards  
 Territorial Commander  
 Terry W. Griffin  
 Divisional Commander

November 27, 2000

Honorable Brian Porter  
 Speaker of the House


Dear Speaker of the House,

On behalf of The Salvation Army, I am submitting this letter in support of the Charitable Gift Annuities Exemption Model Act. The Salvation Army supports this legislative bill for the benefit of Alaskan charities and their donors. The Model Act, which defines charitable gift annuities, has been successfully passed in over 30 states. The Exemption Act has also been approved by the National Association of Insurance Commissioners (NAIC) and has the approval of the American Council of Gift Annuities.

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The Model Act serves to define charitable gift annuities, provides minimum unrestricted cash requirements and sets out specific requirements for the issuance of charitable gift annuities. The Salvation Army feels privileged in promoting such legislation and would appreciate your help in protecting charitable gift annuities in our state. Thank you for your support.

Sincerely,

  
 Terry W. Griffin, Lt. Colonel  
 DIVISIONAL COMMANDER

cc: Douglas Bruce, Chief Executive  
 Providence Health Care System, Alaska



*Into a Second Century of Service*

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THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services  
Department of Education & Early Development  
State of Alaska



# The Salvation Army

## Alaska Divisional Headquarters

Mailing Address: P.O. Box 101459  
 143 E. Ninth Avenue • Anchorage, Alaska 99510-1459  
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November 27, 2000

Honorable Brian Porter  
 Speaker of the House


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This simple legislative bill defines charitable gift annuities and states that gift annuities are not insurance and that the issuance of a charitable gift annuity does not constitute engaging in the business of insurance in this state. The Model Act requires notice be given to donors and would require charities that issue gift annuities to notify the commissioner when it enters into the organization's first qualified charitable gift annuity. It would thereby benefit the state in tracking such data. Passing the Model Act protects both charities and donors alike.

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Sincerely,

  
 Terry W. Griffin, Lt. Colonel  
 DIVISIONAL COMMANDER

cc: Douglas Bruce, Chief Executive  
 Providence Health Care System, Alaska

**100**  
 1865-1965

*Into a Second Century of Service*



# Check the rate of appreciation on your next gift.

## Gift Annuities through Providence Health Systems

Families young and old benefit when you give to the Sisters of Providence. You receive guaranteed income from your gift and your gift helps us save lives, limbs, and livelihoods - all outcomes of the good work we do with your support. Payments you receive from a Providence Gift Annuity supplement your income for life, and allows you a charitable income tax deduction at the time the gift is made.

**Example for a \$10,000 Gift Annuity**

Age	Annuity Rate	Tax Deduction
70	7.5%	4,080
75	8.2%	4,480
80	9.2%	4,884
85	10.5%	5,334
90	12.0%	5,807

\*approximate deduction, actual may vary slightly

To learn what your benefits from a gift annuity might be, please return the form below. Or call Jon Calder at 907-261-4943.

*Yes, I would like more information about Providence Gift Annuities.*

NAME \_\_\_\_\_ AGE(S) \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

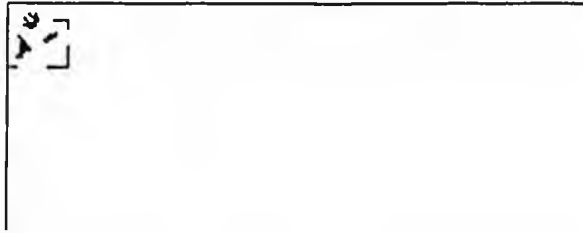
PHONE (\_\_\_\_) \_\_\_\_\_ E-MAIL \_\_\_\_\_

Please contact Jon Calder, Annual & Planned Giving Director  
(907) 261-4943 • fax 261-3048 • jcalder@provak.org  
P.O. Box 186604 • Anchorage, AK 99519



**INFORMATION  
STATEMENT**

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## Charitable Gift Annuity

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### A Charitable Gift Annuity . . . A Wise Investment!

It allows you to make a charitable contribution to The National Heritage Foundation or to one of our many foundations, while providing a fixed and guaranteed lifetime income for you and/or a loved one. In addition, you will receive certain tax advantages which make your gift even more valuable.

You may specify that your gift be used for the greatest needs of The National Heritage Foundation at that time. Or, as a supporter of a particular work of one or more foundations at NHF, you may direct that your gift be used for future needs of one or more specific programs.

It is not necessary for you to have a foundation at The National Heritage Foundation in order to obtain the benefits of your own Charitable Gift Annuity, although many of the donor/advisors with their own foundation accounts find that the Gift Annuity is a valuable personal benefit.

There are some who've left a name so that tomorrow will see their light . . .  
and some who will perish as though they never lived.

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Continue



## The Tangible Benefits are Numerous

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Among the many benefits you will receive are:

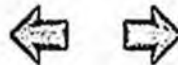
- ◇ Guaranteed income with your annual payment backed by all the assets of The National Heritage Foundation, plus your gift is set aside in a separate reserve account for your lifetime to back up the annuity payments to you and/or your loved one.
- ◇ An immediate charitable deduction of a portion of your gift.
- ◇ A tax savings on capital gains if your gift is funded with appreciated property such as stocks, bonds or mutual funds.
- ◇ Tax free income on a portion of your annual income payments for a number of years.
- ◇ Deferred income if you wish to begin receiving payments at a later date, such as at the start of retirement, which will earn higher interest.
- ◇ Your choice of income recipients with payments to the donor only, the donor and a surviving beneficiary, or a person other than the donor.

You Receive Long Term, Intangible Benefits as Well!

In addition to many real benefits, your Charitable Gift Annuity investment in the National Heritage Foundation or one of its foundations will result in significant intangible and long-term benefits.

The beneficiaries and supporters of The National Heritage Foundation become partners with us as we go forth to promote the Heritage of our Nation. You walk with us in our effort to undertake a piece of the grand task of restoring, maintaining and extending our precious heritage of people making life more meaningful for each other, and helping you live a life of love and good works.

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## How does the Charitable Gift Annuity Work?

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First, the donor of the gift and the secondary beneficiary, if any, must be at least 35 years old. The minimum single gift is \$5,000, and annual gifts may start with as little as \$2,000. The gifts may be in the form of cash or stocks, bonds or mutual funds. Many annuitants roll over a matured certificate of deposit into a charitable gift annuity, or they provide a gift of stock and avoid taxes on part of the capital gain.

As an example, Mr. and Mrs. Jones invested a matured certificate of deposit earning 5.5% annual interest into a gift annuity paying them 7.5%. About half of this income will not be taxable to them over their life expectancies.

They made a significant contribution to The National Heritage Foundation, or perhaps to their own foundation, while at the same time, earning a greater rate of return. In addition, they earned certain charitable deductions which a certificate of deposit does not offer. The earned interest rate of a charitable gift annuity is based on the annuitant's age at the time of the gift along with other considerations.

### Examples at Various Ages:

Single Life		Two Lives	
Age on Gift Date	Annuity Rate	Ages on Gift Date	Annuity Rate
55	6.7%	55/55	6.5%
60	6.9%	60/60	6.6%
65	7.2%	65/65	6.8%
70	7.7%	75/75	7.1%
75	8.4%	75/75	7.5%
80	9.4%	80/80	8.2%
85	10.5%	85/85	9.2%
90	12.0%	90/90	10.8%



[FAQ on Charitable Gift Annuities](#)

## Frequently Asked Questions:

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**Q: What is a Charitable Gift Annuity?**

**A: The charitable gift annuity is a simple contract between you and The National Heritage Foundation. In exchange for your irrevocable gift of cash, securities, or other assets, NHF agrees to pay one or two annuitants, which the donor names, a fixed sum each year for life. Payments are usually made in annual, semiannual, or quarterly installments. The payments are guaranteed by the general resources of NHF, and are backed by separate reserve accounts in which the original gift amounts are held, less any expenses and/or income payouts.**

**Q: How is the payout rate determined?**

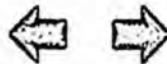
**A: The payout rate is determined by the age(s) of the annuitant(s) at the time of the gift. The older the age(s) of the annuitant(s) the more income the NHF can agree to pay.**

**Q: Is the donor entitled to a current charitable income tax deduction?**

**A: The donor can claim an income tax deduction for the portion of the Gift Annuity that represents the charitable gift. The tax deduction is claimed in the year the gift is made, however, if income is insufficient to use the entire deduction in one year, the unused portion can be carried forward for an additional five years.**

**Q: Are there any other tax benefits?**

**A: In most cases, part of each payment is tax free, increasing each payment's after-tax value. The tax-free portion is greatest when the annuity is funded with cash. If you give appreciated property, some of the income you receive will be treated as a partial capital gain.**



Example

## Charitable Gift Annuities

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### EXAMPLE:

Mary Sharp is 82 years old and has been investing primarily in fixed income investments to supplement her pension and social security income. With interest rates dropping the last several years, investments that used to pay her 8% to 9% are now only paying her 6%.

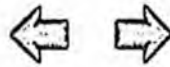
As a supporter of The National Heritage Foundation, Mary saw some information about income producing gift plans, but never associated the idea with her situation. When her last \$20,000 Certificate of Deposit came due and she was offered a reinvestment rate of 6%, Mary decided to give her Philanthropic Development Officer at NHF a call.

At Mary's age, The NHF was able to create a gift annuity that will pay her 9.8% annually on her \$20,000.

Mary received the following benefits for creating her NHF Charitable Gift Annuity:

Annuity Income:	\$1,960
Tax Free Portion:	1,190*
Taxable Portion:	770
Income Tax Deduction:	10,660
Tax Savings at 28% Bracket:	2,968 (This reduced the cost of her gift to \$17,032) (The effective after-tax yield is therefore 11.5%) (The effective pre-tax yield is 14.2% @ 28% bracket)
Estate Tax Savings:	up to 55% of the \$20,000 gift
Probate Savings:	up to 6% to 8% of the \$20,000 gift
Lifetime Support of the NHF:	Mary named her son to work for her own foundation

\*After 8.5 years the entire annuity becomes ordinary income



The Benefits

## The Charitable Gift Annuity:

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### **BENEFITS INCLUDE:**

**You will qualify for a federal income tax deduction.**

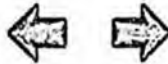
**The annuitants you name will receive fixed annual income for life, guaranteed by the general resources of the National Heritage Foundation.**

**If you fund the annuity with an appreciated asset, you will incur tax on only part of the gain. If you name yourself as an annuitant, this tax will be spread out over many years. Your estate may enjoy reduced probate and estate taxes.**

**You will provide generous support of the National Heritage Foundation to help us continue our efforts to extend our precious heritage.**

**You can pass on to your heirs, through your own foundation at NHF, a rich and rewarding philanthropic vocation which will provide them with the resources to achieve their own charitable objectives.**

---



**How we can help**

**How we can help:**

The National Heritage Foundation can provide you with a personalized confidential illustration you can share with your financial advisor. NHF will draft the contract and prepare the 1099R form for you. For further information and a special illustration, please contact the NHF Charitable Gift Annuity Administrator at 1-800-822-6711 or write to the gift administrator at the address below.

You should consult your attorney and/or tax advisor about the applicability to your own situation of the legal and tax principles contained herein.

NHF Gift Annuity Administrator  
P. O. Box 605  
Colmar, PA 18915  
1-800-822-6711  
215-822-6601

email: [advisor@pobox.com](mailto:advisor@pobox.com)



There are some who've left a name so that tomorrow will see their light...  
and some who will perish as though they never lived.



**HB**

**132**

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. CSHB 132 (2nd RLS) am

Revision Date/Time (Note if correction) <u>Amended 5/01/2001</u>	Dept. Affected _____
Title <u>Possession and distribution of alcohol</u>	BRU <u>Alaska Court System</u>
Sponsor <u>Representative Rokeberg</u>	Component <u>Trial Courts</u>
Requester <u>House Rules Committee</u>	Component No. <u>768</u>

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	75.5	81.6	89.2	95.3	102.8	102.8
Travel						
Contractual	16.6	24.8	35.1	43.4	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>92.1</b>	<b>106.4</b>	<b>124.3</b>	<b>138.7</b>	<b>156.6</b>	<b>156.6</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	92.1	106.4	124.3	138.7	156.6	156.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>92.1</b>	<b>106.4</b>	<b>124.3</b>	<b>138.7</b>	<b>156.6</b>	<b>156.6</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary	2	2	2	2	2	2

**ANALYSIS:** (Attach a separate page if necessary)

Two provisions in CSHB 132(RLS) am will have an impact on the court system. Section 10 amends AS 28.35.030(a) so that a person commits the crime of driving while intoxicated if that person has a BAC of .08 or higher. National studies suggest that other states that have made this reduction have seen a 10% increase in the number of cases brought before the court. This would mean an additional 500 misdemeanor filings a year and an additional 28 felony filings a year. This note reflects five months of district court judge and clerk time for the additional misdemeanors and the superior court judge and clerk time and jury costs for three three-day jury trials for the felony cases.

Sections 11 and 14 impose a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate.

Prepared by: <u>Douglas Wooliver, Administrative Attorney</u>	Phone <u>463-4750</u>
Division: <u>Alaska Court System</u>	Date/Time <u>5/01/2001 2:30 p.m.</u>
Approved by: <u>Stephanie Cole, Administrative Director</u>	Date _____
Agency: <u>Alaska Court System</u>	

For distribution information, call the Governor's Legislative Office

# Alaska Court System

## Fiscal Note Calculations for CSHB 132 (2nd RLS) AM

5/1/01

	FY02	FY03	FY04	FY05	FY06
<b><u>Superior Court Lookback Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	5	9	14	18	23
Est. Jury Cost of Superior Court Trials	10,340	18,612	28,952	37,224	47,564
Superior Court Judge (Pro Tems)	5,760	10,368	16,128	20,736	26,496
In-Court Clerk (NFP)	1,831	3,296	5,127	6,592	8,424
Est. Personal Services	7,591	13,664	21,255	27,328	34,920
<b>Subtotal Lookback Provision</b>	<b>17,931</b>	<b>32,276</b>	<b>50,207</b>	<b>64,552</b>	<b>82,484</b>
<b><u>Superior Court .08 Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	3	3	3	3	3
Est. Jury Cost of Superior Court Trials	6,204	6,204	6,204	6,204	6,204
District Court Judge (5 months PFT)	50,419	50,419	50,419	50,419	50,419
In-Court Clerk (5 months PFT)	17,499	17,499	17,499	17,499	17,499
	67,918	67,918	67,918	67,918	67,918
<b>Subtotal .08 Provision</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>
HB132 Personal Services Costs	75,509	81,582	89,173	95,246	102,837
HB132 Contractual Services Costs	16,544	24,816	35,156	43,428	53,768
Total Estimated Costs	<u>92,053</u>	<u>106,398</u>	<u>124,329</u>	<u>138,674</u>	<u>156,605</u>

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 132(2nd Rules)efd am  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An act relating to the possession of BRU: Legal & Advocacy Svc.  
alcohol in a restricted area...and operating a vehicle..." Component: Public Defender Agency  
 Sponsor: House Judiciary  
 Requester: Senate Judiciary Component Number: 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	202.3	307.1	348.9	396.5	396.5	396.5
Travel	7.3	10.9	12.6	14.4	14.4	14.4
Contractual	54.0	81.0	93.9	107.1	107.1	107.1
Supplies	4.2	6.3	7.2	8.2	8.2	8.2
Equipment	18.3	5.0	5.0	5.0	2.6	2.6
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>286.1</b>	<b>410.3</b>	<b>467.6</b>	<b>531.2</b>	<b>528.8</b>	<b>528.8</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	286.1	410.3	467.6	531.2	528.8	528.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>286.1</b>	<b>410.3</b>	<b>467.6</b>	<b>531.2</b>	<b>528.8</b>	<b>528.8</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	2	3	3	4	4	4
Part-time	1	1	1	1	1	1
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See Page 2 for Analysis

Prepared by: Barbara Brink, Director Phone 907-334-4414  
 Division: Public Defender Agency Date/Time 05/01/01  
 Approved by: Jim Duncan, Commissioner Date 5/1/01  
 Agency: Department of Administration

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CASHB 132 (2<sup>nd</sup> Rules) cfd am ANALYSIS: (continued)

This bill contains three major components:

The first is an increased effort at enforcement of anti-bootlegging and drug laws in rural Alaska. The Department of Public Safety (DPS) has recently received a \$1.4 million Federal appropriation for these enforcement efforts. DPS will make an interagency transfer of some of these funds to the Department of Law (DOL) to hire additional prosecutors. The prosecutors will be based in Anchorage and in Bethel. A paralegal will be added in Bethel. Legal secretaries will be added in Bethel and Anchorage.

Investigating and prosecuting bootlegging and drug delivery offenses usually involves undercover operations. Obviously, DPS and DOL will not be revealing their plans, but it can be expected that there will be extensive undercover operations. DPS and DOL will also be investigating shipments originating in Anchorage. Shipment by the U.S. Mail will be targeted in cooperation with the U.S. Postal Service.

The Public Defender Agency will need additional funding to respond to these increased enforcement efforts. Most, if not all, of the cases that will result from this effort will be prosecuted under state bootlegging and drug distribution statutes. Without adequate Public Defender Agency staff, cases coming out of this increased interdiction effort may encounter significant delays and difficulties in their process through the courts.

Based on our experience in responding to undercover operations in rural Alaska, we know that we can expect 15-25 new additional felony bootlegging and drug delivery cases to be filed per operation. (An example of an undercover operation of the type we expect to respond to occurred in Kotzebue in 1995. There were about 25 cases filed at the conclusion of the operation. See e.g. State v. Viverious, No. 2KB-95-312 CR (Alaska Sup. Sept. 8, 1995). For purposes of this fiscal note, we will estimate that there will be 20 cases per operation.

These cases will not be filed immediately. For obvious reasons, the standard practice is to complete the whole undercover operation and then file all the court cases at one time. However, we expect that the enforcement efforts in Anchorage will start immediately.

Obviously, we can only guess at the number of undercover operations that will be initiated. But given the amount of Federal funds that are available, the most conservative estimate we can arrive at is that at least seven operations will be completed by the end of FY 2002. This will result in an additional 140 cases being filed. The Public Defender Agency is usually appointed in 90% of total cases. 90% of the cases is 126 new cases.

As far as the Anchorage enforcement operations are concerned, we estimate that at least 25 new additional felony cases will be filed in FY 2002. We predict we will be appointed in 80% of these cases, resulting in 20 new cases.

Therefore, the total of new additional cases will be about 146. According to national standards, a public defender attorney should be assigned to no more than 150 new felony cases per year. Therefore, we are requesting one additional attorney to be based in Bethel. Because we do not expect the rural Alaska cases to be filed until six months have passed, we are requesting only half of the funding in FY 2002. The funding includes one-time equipment costs and clerical support. The cost in Fiscal Year 2002 is \$84.7, and in succeeding years \$156.8.

The second component of the bill would lower the threshold blood alcohol level for Driving While Intoxicated (DWI) from .10 to .08. It also lowers the threshold presumptive level for impaired driving from .05 to .04. This bill would result in an increase in the number of new criminal cases the Public Defender Agency is appointed to handle.

CSHB132(Rules) ANALYSIS: (continued)

The Department of Law, in its fiscal note, estimated the number of new prosecutions at 322 additional misdemeanor and 21 additional felony cases. The Public Defender Agency accepts the Department of Law's estimates. The Department of Law based its estimate on a 10 percent increase in prosecutions. This is a conservative estimate. As the Department of Law points out, experience in other states varies. But in Maine, a state similar to Alaska in many respects (smaller population, Northern climate), there was about a 20 percent increase in prosecutions. The Public Defender Agency will be appointed in about 75% of the cases. Using Department of Law's estimate, the Agency will be appointed to 242 additional misdemeanor cases and 16 additional felony cases.

We will need one additional full-time attorney to handle this increased caseload. Because our Palmer office handles a significant number of DWI cases and has the largest caseload growth in recent years, we will place the attorney at that office. The attorney costs include clerical support and one-time equipment costs in the first year. FY 2002 costs are \$140.6, with succeeding years' cost at \$132.9.

The third component is phasing in a 10-year "look-back" period for prior convictions for felony DUI.

This section would phase in a 10-year "look-back" for prior convictions. Again, the Public Defender Agency accepts the Department of Law's estimate of the number of new cases that would result from this change in the law. As above, we estimate that we will be appointed in about 75% of these cases. The end result is that by FY06, the Public Defender Agency will have an increased caseload of 182 felony DUIs. We will eventually need two additional attorneys to handle this caseload. Because the effect of this provision will be felt beginning in FY02 and, we will add a half-time attorney in Anchorage in FY02, add a half-time attorney in Palmer in FY03, make the half-time attorney in Anchorage full time in FY04, and add a half-time attorney in Fairbanks in FY05. Fiscal Year 2002 cost is 60.8, 2003 is 120.4, 2004 is 177.9, 2005 is 241.5, 2006 is 239.1, and 2007 is 239.1

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 132 (2nd RLS) (EFD AM)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "...the possession, distribution,...of alcohol in BRU Criminal Division; Civil Division  
a local option area; . . .operating a motor vehicle...intoxicated..." Component Third Jud District; Anchorage; 4th  
 Sponsor House Judiciary Committee by Request Jud District; Collections & Support  
 Requester Senate Judiciary Committee Component No. 2201; 2261; 2210

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	138.5	259.6	259.6	380.7	380.7	380.7
Travel	0.4	0.8	0.8	1.2	1.2	1.2
Contractual	25.7	44.4	44.4	63.1	63.1	63.1
Supplies	2.6	4.2	4.2	5.8	5.8	5.8
Equipment	13.0	6.5	0.0	6.5	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>180.2</b>	<b>315.5</b>	<b>309.0</b>	<b>457.3</b>	<b>450.8</b>	<b>450.8</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	148.3	290.1	283.6	431.9	425.4	425.4
1005 GF/Program Receipts	31.9	25.4	25.4	25.4	25.4	25.4
1037 GF/Mental Health						
1007 Interagency Receipts						
<b>TOTAL</b>	<b>180.2</b>	<b>315.5</b>	<b>309.0</b>	<b>457.3</b>	<b>450.8</b>	<b>450.8</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	1	2	2	3	3	3
Part-time	1	1	1	1	1	1
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CSHB 132 (2nd RLS) (EFD AM) strengthens enforcement laws for importation of alcoholic beverages in municipalities and villages that have elected to restrict the sale, importation, or possession of alcohol in their communities. First, it reduces by half the amount of distilled spirits that a person may possess in a restricted community for the application of the presumption that the person possesses the alcohol with intent to sell it. The bill also reduces by half the amount of distilled spirits a package store may send in a calendar month to a person in a restricted community, and changes the penalty for the illegal sale or transportation of alcohol to a restricted community by reducing by half the amount of alcohol illegally sent to the community that qualifies for a C felony. The bill also allows the state, municipality, or established village to designate a delivery site for alcoholic beverages in municipalities or villages that have adopted a local option that permits importation.

Reducing the amount of alcohol sold or transported that qualifies as a C felony will increase felony prosecutions, which are more complicated and time consuming than misdemeanors, often involving jury trials. We have no way to estimate what the

Prepared by: Joan M. Kasson  
 Division: Attorney General's Office  
 Approved by: Kathryn Daughettee for Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone 465-5370  
 Date/Time 5/1/01 12:05 PM  
 Date 5/1/01

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## FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. CSHB 132 (2nd RLS) (EFD AM)

### ANALYSIS CONTINUATION

increase in workload might be; however, any increase in costs in state FY02 will be covered by part of a recent federal appropriation to Alaska for law enforcement and prosecution relating to alcohol offenses.

For FY 02, the costs of operating state delivery sites will come from non-GF funds.

The bill also amends AS 28.35.030(a) by lowering the blood alcohol limit from 0.10 to 0.08 percent by weight of alcohol in a person's blood (and a corresponding change in the limit for alcohol in a person's breath) for the offense of driving while intoxicated (DWI), a class A misdemeanor. The bill also changes the presumptions in AS 28.35.033(a) in a civil or criminal action from 0.05 - 0.10 to 0.04 - 0.08 percent by weight of alcohol in the person's blood (and a similar change for breath alcohol), as the area where there is no presumption about the person being under the influence of alcohol. Under this bill, a person who measures 0.04 and below is presumed not under the influence, and a person who measures 0.08 and above is presumed to be under the influence of intoxicating liquor. The bill will result in an increased number of DWI cases being prosecuted by the Department of Law.

In FY00, the Criminal Division accepted for prosecution 3,250 misdemeanor and 213 felony DWI cases throughout the state. Experience has varied in other states that have reduced from 0.10 to 0.08 the limit for driving while intoxicated. Although some states have experienced a 20-40% increase in DWI cases upon adoption of the 0.08% standard, this fiscal note is based on a more conservative estimate of 10% increase. Recently received statistics from around the state indicate that, even if present enforcement practices do not change at all, there are an additional 6 percent of DWI cases that fall between 0.08 and 0.099%, which are not now being considered as DWI cases. In addition, there are many cases right now with blood-alcohol levels of 0.10 to 0.11% that are reduced to reckless driving or some other non-DWI offense because juries are often reluctant to convict with those blood-alcohol levels. We assume these cases will now result in DWI convictions, thus adding another 2 percent of cases. Finally, we believe that it is inevitable that the new blood-alcohol level will cause some increase in arrests, conservatively estimated at another 2 percent. Thus we believe that the 10% increase used in this fiscal note (6%+2%+2%) is reasonable. This would result in 325 additional misdemeanor and 21 felony DWI cases, which are much more time-consuming to prosecute than misdemeanors. The Department of Law assumes that municipalities which presently prosecute misdemeanor DWI will amend their ordinances to mirror the change in state law. If this does not occur, the estimated number of misdemeanor prosecutions is understated.

Much of the anticipated increase in prosecutions will occur in southcentral Alaska. Because Anchorage is the hub from which prosecutors are sent to assist other offices in times of overload, it will be necessary to add one new attorney position to the Anchorage District Attorney's Office.

The Collections unit in the Civil Division's Collections and Support section collects judgments for criminal fines, cost of incarceration for DWI offenders, and cost of court appointed counsel. The change to 0.08 as the threshold for DWI offenses will increase the number of judgments the unit is required to collect annually. Assuming an 80-85 percent conviction rate, the unit anticipates receiving 280 judgments for criminal fines as a result of this change, and 280 judgments for the cost of incarceration. In addition, approximately 80 percent of the offenders are expected to have judgments for the cost of court appointed counsel, 220 in all.

In order to process and collect the estimated 780 new judgments each year, Collections unit personnel must enter the judgment data into the collections data base, post payments received, prepare PFD attachment packets for the court system and Department of Revenue, enter adjustments and process refunds when necessary, respond to phone calls from defendants, court personnel, prosecutors, and other state agencies, prepare satisfactions of judgments, and prepare quarterly or annual reporting of collections data. Much of this work can be handled by existing staff. However, the additional data entry and phone calls will require an additional half-time Administrative Clerk II.

The bill also amends the felony DWI statute. Under current law, for the purposes of charging an offender with felony DWI, the state can only "look back" 5-years for the first two offenses. If any of the prior offenses are older than 5-years, the charge remains a misdemeanor. CSHB 132 (2nd RLS) (EFD AM) will phase in a 10-year look back period for felony DWI, one year at a time, over the next five years.

Based on Division of Motor Vehicle (DMV) data, it is estimated that increasing the limit to 10-years for how old prior convictions must be in order for the third offense to be charged as felony DWI will result in approximately 240 new felony DWI referrals per year when fully phased in. The Criminal Division estimates approximately 95 percent of these will be accepted for prosecution, based on acceptance rates for current felony DWI prosecutions. This would mean approximately 225 new felony prosecutions in all. For the purposes of this fiscal note, the Department of Law assumes the new felonies will phase in evenly over the 5-year phase in period: 45 new felony prosecutions in FY02, 90 in FY03, 135 in FY04, 180 in FY05, and 225 in FY06.

Felony prosecutions are much more resource intensive than misdemeanor prosecutions. Because the penalties are so much higher, defendants are more likely to vigorously challenge the charge, and less likely to settle prior to trial. The Criminal Division anticipates it would need two new FTE attorney positions to handle these new felony cases, to both screen the referrals and prosecute those that are accepted. These positions would phase in as the number of new felony referrals increase. We anticipate that one new FTE attorney for the Anchorage DAO would be necessary in FY03, and one new FTE attorney for the Fairbanks DAO in FY 05.

**FISCAL NOTE**

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

**BILL NO. CSHB 132 (2nd RLS) (EFD AM)**

**ANALYSIS CONTINUATION**

All position costs except the Collections unit position are based on the department's FY02 cost allocation plan, and include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Collections unit positions are specialized, and are not recovered through the cost allocation plan, so are included separately. The standard cost does not include one-time new equipment purchases, and \$8,500 per position is added for this purpose. A summary of line-item costs by position for each section of CSHB 132 (2nd RLS) (EFD AM) narrated above follows.

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
<b><u>Felony Importation</u></b>							
Criminal Division							
	Total Unknown	.....	.....	.....	.....	.....	.....
<b><u>0.08 BAC</u></b>							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Attorney	121.1	121.1	121.1	121.1	121.1	121.1
	200	0.4	0.4	0.4	0.4	0.4	0.4
	300	18.7	18.7	18.7	18.7	18.7	18.7
	400	1.6	1.6	1.6	1.6	1.6	1.6
	500	6.5					
	Total 1004 General Fund	148.3	141.8	141.8	141.8	141.8	141.8
Civil Division: Collections & Support (2210)							
	100 1 PPT Admin Clerk II	17.4	17.4	17.4	17.4	17.4	17.4
	200	0.0	0.0	0.0	0.0	0.0	0.0
	300	7.0	7.0	7.0	7.0	7.0	7.0
	400	1.0	1.0	1.0	1.0	1.0	1.0
	500	6.5					
	Total 1005 GF/Program Receipts	31.9	25.4	25.4	25.4	25.4	25.4
	<b>0.08 BAC Total</b>	<b>180.2</b>	<b>167.2</b>	<b>167.2</b>	<b>167.2</b>	<b>167.2</b>	<b>167.2</b>
<b><u>Phase In 10-year Look Back</u></b>							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Attorney		121.1	121.1	121.1	121.1	121.1
	200		0.4	0.4	0.4	0.4	0.4
	300		18.7	18.7	18.7	18.7	18.7
	400		1.6	1.6	1.6	1.6	1.6
	500		6.5				
	Total 1004 General Fund	0.0	148.3	141.8	141.8	141.8	141.8
Criminal Division: 4rd Judicial District (2201)							
	100 1 FTE Attorney				121.1	121.1	121.1
	200				0.4	0.4	0.4
	300				18.7	18.7	18.7
	400				1.6	1.6	1.6
	500				6.5		
	Total 1004 General Fund	0.0	0.0	0.0	148.3	141.8	141.8
	<b>Felony Look Back Total</b>	<b>0.0</b>	<b>148.3</b>	<b>141.8</b>	<b>290.1</b>	<b>283.6</b>	<b>283.6</b>

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CS HB 132 (2d RLS) (efd am)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
Title: Reducing blood alcohol to .08 BRU: Alcohol & Drug Abuse Svcs  
Component: Alcohol Safety Action Program  
Sponsor: House (JUD) by Request  
Requester: Senate (JUD) Component Number: 305

## Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	60.0	60.0	60.0	60.0	60.0	60.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	52.4	52.4	52.4	52.4	52.4	52.4
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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## FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	112.4	112.4	112.4	112.4	112.4	112.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

## POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
CS HB 132 (2d RLS) (efd am) lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs (ASAP) and subsequently for treatment. Of these additional cases DHSS estimates that 100% would be referred to an ASAP. The costs to handle these additional cases is \$112.4. We estimate that 65-70% of these cases will be handled by the ASAP office in Anchorage, which is operated by employees of the Division of Alcoholism and Drug Abuse.

Prepared by: Ernie Turner Phone 465-2071  
Division: Alcoholism & Drug Abuse Date/Time: \_\_\_\_\_  
Approved by: Elmer A. Lindstrom, Special Assistant Date 5/1/01 12:56 PM  
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 132 (2d RLS) (efd am)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: Reducing blood alcohol to .08 BRU: Alcohol & Drug Abuse Svcs  
 Component: Alcohol/Drug Abuse Grants  
 Sponsor: House (JUD) by Request  
 Requester: Senate (JUD) Component Number: 1239

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	582.2	582.2	582.2	582.2	582.2	582.2
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	582.2	582.2	582.2	582.2	582.2	582.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CS HB 132 (2d RLS) (efd am) lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs and subsequently for treatment. Of these additional cases DHSS estimates that 75% would be treated in a public program. Due to existing wait capacity and waitlist an additional \$582.2 is required to fund the capacity required to provide the mandated treatment required.

Prepared by: Ernie Turner Phone 465-2071  
 Division: Alcoholism & Drug Abuse Date/Time: \_\_\_\_\_  
 Approved by: Elmer A. Lindstrom, Special Assistant Date 5/1/01 12:52 PM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB132(2nd RLS)(EFC  
 () Publish Date: \_\_\_\_\_

Revision Date/Time: 05/01/01 8:00 am  
 Title: An Act relating to the possession or distribution  
of alcohol in a local option area; requiring liquor license...  
 Sponsor: House Judiciary Committee  
 Requester: Senate Judiciary Committee

Dept. Affected: Corrections  
 BRU: Administration & Operations  
 Component: Commissioner's Office  
 Component Number: 694

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	96.8	96.8	96.8	96.8	96.8	96.8
Travel	2.0	2.0	2.0	2.0	2.0	2.0
Contractual	7.0	7.0	7.0	7.0	7.0	7.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment	6.0					
Land & Structures						
Grants & Claims						
Miscellaneous	1,478.6	1,645.9	2,020.2	2,324.8	2,592.3	2,592.3
<b>TOTAL OPERATING</b>	<b>1,591.4</b>	<b>1,752.7</b>	<b>2,127.0</b>	<b>2,431.6</b>	<b>2,699.1</b>	<b>2,699.1</b>

CAPITAL EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
<b>CHANGE IN REVENUES ( )</b>	<b>164.8</b>	<b>164.8</b>	<b>164.8</b>	<b>164.8</b>	<b>164.8</b>	<b>164.8</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,426.6	1,587.9	1,962.2	2,266.8	2,534.3	2,534.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	164.8	164.8	164.8	164.8	164.8	164.8
<b>TOTAL</b>	<b>1,591.4</b>	<b>1,752.7</b>	<b>2,127.0</b>	<b>2,431.6</b>	<b>2,699.1</b>	<b>2,699.1</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will improve interdiction in bootlegging operations in the State. It reduces by half the amount of distilled spirits that a person may possess in a restricted community for the application of the presumption of intent to sell. It also reduces by half the amount of distilled spirits a package store is allowed to send in a calendar month to a person in a restricted community. The change in amount of distilled spirits also effectively changes the penalty by lowering the requirement that qualifies for a C felony. Additionally, it changes the penalties for possession in dry communities by reducing the amounts required for felony conviction. This bill also seeks to change attempted offenses to the same level as offenses themselves, thus resulting in the same penalty for an attempt to import as an actual importation.

This legislation would also allow for delivery sites in cities such as Kotzebue and Bethel where the local option exists to allow possession but not sales of alcohol. It would require all transportation of alcohol to go through the delivery sites for distribution.

Prepared by: Candace Brower  
 Division: Commissioner's Office  
 Approved by: Margaret Pugh  
 Agency: Department of Corrections

Phone 465-4652  
 Date/Time 05/01/01/8:00 am  
 Date 5/1/01

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The Department of Law anticipates these changes, along with the increased efforts of State Troopers and the federal authorities will increase the number of felony prosecutions for these offenses. They have anticipated the need for an additional prosecutor as well as a paralegal to pick up the increased workload. The Dept. of Corrections will certainly feel the effect of these increased efforts. Although we may be able to absorb this amount in our facilities, we do not have the workforce in the field to absorb these additional cases. We are requesting an additional Probation Officer and Criminal Justice Technician to write the Pre-sentence investigations required in felony cases as well as to manage the increased caseload for supervision purposes. The new staff will need a one-time computer equipment purchase. Additionally, they will need funding for a vehicle, supplies and travel.

am)

The Department of Law anticipates they will need their staff in Anchorage. We will assume the same thing. If it turns out that the workload is in the rural areas, we would transfer the PCN to the appropriate area.

In addition, this legislation would reduce the threshold for presumption of DWI from .10 to .08 effective July 1, 2001. It is estimated by the Department of Law that although this may not increase arrests by a large amount, it will increase convictions by 10%. In FY00 there were 4118 statewide misdemeanor convictions for DWI and 200 felony convictions.

If we multiply 413 misdemeanants (10% of the total) by the percentages reflected in DMV's 2000 statistics for 1st, 2nd, 3rd, 4th and 5th time offenders, we come up with an estimate of how many of those offenders might be newly convicted under a .08 law. All 1st and 2nd time offenders go to the CRC (if there is one in their community) so the CRC cost of care is utilized for our calculations. Utilizing a snapshot done on 10/25/00 of our DWI population, we averaged the sentenced being served for 3rd, 4th and 5th time offenders and estimated proportions of time served in CRCs and hard beds to come up with a total cost.

Assuming 20 new felons convicted under this threshold, and utilizing the average sentence for DWI felons, we estimated 20 X 352 days X \$88/day = \$619,520. The total for misdemeanants and felons then is \$1,211,134.

Felony DWI offenders are usually given an average of 3 years probation. Probation costs will not be incurred until after completion of sentence so the impact will not be felt until the 2nd and subsequent years. The daily cost for probationers is \$5.17/day. If 18 of the 20 felons were on probation the second year, the cost would be \$33,967. It would be necessary to add \$67,934 the third year and \$101,901 the fourth year. After that it would level off as the first probationers drop off.

The Department of Corrections expects a 15% decrease in the incarceration rate for manslaughter/negligent homicides as a result of this legislation, beginning the second year. It will take time for the public to become aware of lowered BAC and to change behaviors. That would result in an annual savings, beginning in FY03, of \$61,320 (or 1.5 persons incarcerated @ \$112/day per year).

Misdemeanant DWI offenders are required to pay the cost of their incarceration up to \$1,000. The Department of Corrections receives approximately 80% of that amount which is collected by the Department of Law. This would net approximately \$164,768 in revenues against the total costs.

FY02	FY03	FY04	FY05	FY06	FY07		
1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	Cost of Incarceration	
0	33,967	67,934	101,901	101,901	101,901	Probation Costs	
1,211,134	1,245,101	1,279,068	1,313,035	1,313,035	1,313,035	Subtotal	
0	-61,320	-61,320	-61,320	-61,320	-61,320	Less savings for homicide.	
-164,768	-164,768	-164,768	-164,678	-164,678	-164,678	Costs paid by inmates	
1,046,366	1,019,013	1,052,980	1,087,037	1,087,037	1,087,037		

This legislation also increases the 5-year look-back to a 10-year look-back, phasing it in over a 5-year period. Previously, in order to become a felon, an offender had to have two prior DWI convictions within the preceding 5 years. This will gradually expand the look-back to 10 years, one year at a time over the next five years. This will reduce the fiscal impact that would have been felt if the system had to absorb what would be (by DMV and DOL figures) an estimated 190 new convicted felons in the first year. Utilizing Department of Law's logic, by the end of the five-year period, when the full ten-year look-back is achieved, the system will be adding the full 190 additional felons each year. These will be first time felony offenders. If they receive the 120 day minimum sentence proposed in this legislation, and presuming they receive their good time, they would each serve 80 days of incarceration. This would total \$267,520 for the first year phase-in. We will then assume that each new year of the phase-in will add an additional 38 new felons until the 10 year look-back is satisfied. In FY03 the number of new felons will be 76 at a cost of \$462,080. In FY04 there will be 114 for a cost of \$802,560, FY05 will include 152 new felons for a cost of \$1,070,080 and FY06 reaches full look-back for 190 new felons at a cost of \$1,337,600.

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. CSHB 132 (2nd RLS) am

Revision Date/Time (Note if correction) Amended 5/01/2001 Dept. Affected \_\_\_\_\_  
 Title Possession and distribution of alcohol BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Rokeberg  
 Requester House Rules Committee Component No. 768

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	75.5	81.6	89.2	95.3	102.8	102.8
Travel						
Contractual	16.6	24.8	35.1	43.4	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>92.1</b>	<b>106.4</b>	<b>124.3</b>	<b>138.7</b>	<b>156.6</b>	<b>156.6</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	92.1	106.4	124.3	138.7	156.6	156.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>92.1</b>	<b>106.4</b>	<b>124.3</b>	<b>138.7</b>	<b>156.6</b>	<b>156.6</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary	2	2	2	2	2	2

**ANALYSIS:** (Attach a separate page if necessary)

Two provisions in CSHB 132(RLS) am will have an impact on the court system. Section 10 amends AS 28.35.030(a) so that a person commits the crime of driving while intoxicated if that person has a BAC of .08 or higher. National studies suggest that other states that have made this reduction have seen a 10% increase in the number of cases brought before the court. This would mean an additional 500 misdemeanor filings a year and an additional 28 felony filings a year. This note reflects five months of district court judge and clerk time for the additional misdemeanors and the superior court judge and clerk time and jury costs for three three-day jury trials for the felony cases.

Sections 11 and 14 impose a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 5/01/2001 2:30 p.m.  
 Approved by: Stephanie Cole, Administrative Director Date \_\_\_\_\_  
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

Alaska Court System

Fiscal Note Calculations for CSHB 132 (2nd RLS) AM

5/1/01

	FY02	FY03	FY04	FY05	FY06
<b><u>Superior Court Lookback Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	5	9	14	18	23
Est. Jury Cost of Superior Court Trials	10,340	18,612	28,952	37,224	47,564
Superior Court Judge (Pro Tems)	5,760	10,368	16,128	20,736	26,496
In-Court Clerk (NPP)	1,831	3,296	5,127	6,592	8,424
Est. Personal Services	7,591	13,664	21,255	27,328	34,920
<b>Subtotal Lookback Provision</b>	<b>17,931</b>	<b>32,276</b>	<b>50,207</b>	<b>64,552</b>	<b>82,484</b>
<b><u>Superior Court .08 Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	3	3	3	3	3
Est. Jury Cost of Superior Court Trials	6,204	6,204	6,204	6,204	6,204
District Court Judge (5 months PFT)	50,419	50,419	50,419	50,419	50,419
In-Court Clerk (5 months PFT)	17,499	17,499	17,499	17,499	17,499
	67,918	67,918	67,918	67,918	67,918
<b>Subtotal .08 Provision</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>
HB132 Personal Services Costs	75,509	81,582	89,173	95,246	102,837
HB132 Contractual Services Costs	16,544	24,816	35,156	43,428	53,768
Total Estimated Costs	<u>92,053</u>	<u>106,398</u>	<u>124,329</u>	<u>138,674</u>	<u>156,605</u>

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. CSHB 132 (2nd RLS) am

Revision Date/Time (Note if correction) 4/30/01 Dept. Affected \_\_\_\_\_  
 Title Possession and distribution of alcohol BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Rokeberg  
 Requester House Rules Committee Component No. 768

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	81.7	87.8	95.4	101.5	109.0	109.0
Travel						
Contractual	16.6	24.8	35.1	43.4	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>98.3</b>	<b>112.6</b>	<b>130.5</b>	<b>144.9</b>	<b>162.8</b>	<b>162.8</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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1003 GF Match						
1004 GF	98.3	112.6	130.5	144.9	162.8	162.8
1005 GF/Program Receipts						
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Other (Specify Type)						
<b>TOTAL</b>	<b>98.3</b>	<b>112.6</b>	<b>130.5</b>	<b>144.9</b>	<b>162.8</b>	<b>162.8</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
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**ANALYSIS:** (Attach a separate page if necessary)

Two provisions in CSHB 132(RLS) will have an impact on the court system. Section 10 amends AS 28.35.030(a) so that a person commits the crime of driving while intoxicated if that person has a BAC of .08 or higher. National studies suggest that other states that have made this reduction have seen a 10% increase in the number of cases brought before the court. This would mean an additional 500 misdemeanor filings a year and an additional 28 felony filings a year. This note reflects five months of district court judge and clerk time for the additional misdemeanors and the superior court judge and clerk time and jury costs for three three-day jury trials for the felony cases.

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Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 4/30/2001 1:30 p.m.  
 Approved by: Stephanie Cole, Administrative Director Date \_\_\_\_\_  
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

# Alaska Court System

## Fiscal Note Calculations for CSHB 132 (2nd RLS) AM

4/30/01

	FY02	FY03	FY04	FY05	FY06
<b><u>Superior Court Lookback Provision:</u></b>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
<b>Total per Superior Court Trial</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>
<b>Proposed # Superior Court Trials</b>	<b>5</b>	<b>9</b>	<b>14</b>	<b>18</b>	<b>23</b>
<b>Est. Jury Cost of Superior Court Trials</b>	<b>10,340</b>	<b>18,612</b>	<b>28,952</b>	<b>37,224</b>	<b>47,564</b>
Superior Court Judge (Pro Terns)	5,760	10,368	16,128	20,736	26,496
In-Court Clerk (NF/P)	1,831	3,296	5,127	6,592	8,424
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<b>Subtotal Lookback Provision</b>	<b>17,931</b>	<b>32,276</b>	<b>50,207</b>	<b>64,552</b>	<b>82,484</b>
<b><u>Superior Court .08 Provision:</u></b>					
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12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
<b>Total per Superior Court Trial</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>	<b>2,068</b>
<b>Proposed # Superior Court Trials</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
<b>Est. Jury Cost of Superior Court Trials</b>	<b>6,204</b>	<b>6,204</b>	<b>6,204</b>	<b>6,204</b>	<b>6,204</b>
District Court Judge (5 months PFT)	50,419	50,419	50,419	50,419	50,419
In-Court Clerk (5 months PFT)	17,499	17,499	17,499	17,499	17,499
	67,918	67,918	67,918	67,918	67,918
<b>Subtotal .08 Provision</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>	<b>74,122</b>
HB132 Personal Services Costs	81,713	87,786	95,377	101,450	109,041
HB132 Contractual Services Costs	16,544	24,816	35,156	43,428	53,768
<b>Total Estimated Costs</b>	<b>98,257</b>	<b>112,602</b>	<b>130,533</b>	<b>144,878</b>	<b>162,809</b>

# ALASKA STATE LEGISLATURE

## HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman  
Representative Scott Ogan, Vice-Chairman  
Representative John Coghill  
Representative Jeannette James  
Representative Kevin Meyer  
Representative Ethan Berkowitz  
Representative Albert Kookesh



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Heather M. Nobrega  
Counsel to Committee

### Sponsor Statement for CSHB 132 (2d RLS) (EFD am)

The House Judiciary Committee was requested to introduce this bill to address some problems in the area of bootlegging alcohol, and the issuance of liquor licenses to persons with criminal records outside the state of Alaska. Bootlegging is a prevalent problem in "dry" areas, and is a large contributor to crime in those areas. In addition, by requiring applicants for liquor licenses to give their fingerprints, we can thoroughly investigate the criminal backgrounds of these individuals so that only responsible individuals may obtain a liquor license.

#### Bootlegging

The Alaska Criminal Justice Assessment Commission has found that in rural and Bush communities, the amount of violent crime is directly proportional to the amount of alcohol consumed by the residents. The majority of villages in four rural regions (those surrounding Bethel, Nome, Kotzebue, and Point Barrow) have responded by prohibiting the sale and importation of alcohol, but the hub communities in these four regions remain either "damp" or "wet."

This bill creates measures designed to restrict the availability of illegally-imported alcohol in the dry areas of Alaska to help reduce violent crime in those areas. Specifically, it cuts in half the allowable amount of hard liquor. It also defines "bring," "send" and "transport" to include attempts or solicitations to import alcohol illegally into the local option communities. By including attempt and solicitation in the definition of these acts, the State is able to prosecute these actions on the same level as if they had completed the crime. This will subject the defendants to higher levels of penalties.

In addition, this bill allows the state to set up delivery sites in "damp" communities. Even though current law limits how much liquor can be shipped from a package store to one person, bootleggers merely place orders from multiple stores. Or, they get their friends to ship them excess liquor that they then sell for huge profit. Designating a central site where imported liquor is checked, and then delivered to the owner can prevent this. The site will deliver up to the monthly maximum amount allowed by law, and if there are no court orders, such as conditions of probation, that would prevent the person from having alcohol.

#### Fingerprinting

This portion of the bill has been created in cooperation with, and at the request of, the Alcohol Beverage Control Board (ABC Board). This bill allows the ABC Board, through the Department of Public Safety, to submit fingerprint cards of prospective

ED5: 05/01/01

liquor licensees to the FBI's national criminal history record check. An agency needs specific legislative authorization for the use of the national database for licensing purposes.

Currently, a criminal record check will only produce convictions from Alaska. By chance, the ABC Board has discovered prior to issuing licenses, serious criminal convictions of an applicant that was convicted in another state. It is possible that liquor licenses have been issued to others that have serious criminal records, but due to the present system their convictions could not be brought to the attention of the ABC Board.

Members of our society are increasingly mobile making national background checks more necessary. Many of the licensees are not residents of Alaska and some are multi-national corporations. Prevention of future problems, by requiring a national background check for liquor licensees, is sound public protection policy.

#### **Additions to the Bill**

The House Rules Committee made several additions to the bill. The first addition was the inclusion of lowering the legal limit to .08 BAC from .10 BAC. The second addition changes the current five-year look back to a phased in 10-year look back for the purposes of defining felony driving while intoxicated, and felony refusal to submit to a chemical test. The last addition lowers the BAC amount that leads to certain presumptions applicable to civil or criminal actions involving a person alleged to have driven while intoxicated.

The Committee urges your support of this bill.

# ALASKA STATE LEGISLATURE

## HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman  
Representative Scott Ogan, Vice-Chairman  
Representative John Coghill  
Representative Jeannette James  
Representative Kevin Meyer  
Representative Ethan Berkowitz  
Representative Albert Kookesh



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Juneau, AK 99801-1182  
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Heather M. Nobrega  
Counsel to Committee

### Sectional Analysis for CSHB 132 (2d RLS) (EFD am)

- Section 1:** Decreases the amount of distilled spirits that creates a presumption that the person possessed the alcoholic beverages for purposes of sale.
- Section 2:** Decreases the amount of distilled spirits that a package store may send to a purchaser, located in an area that has restricted the sale of alcohol, within a calendar month.
- Section 3:** Requires an applicant for a liquor license to submit his or her fingerprints and fees for criminal justice information and a national criminal history record check.
- Section 4:** Allows the state, municipality or established village to designate and operate a delivery site for alcoholic beverages in certain local option communities, so called "damp" communities.
- Section 5:** This section will be effective on July 1, 2004 (see Sec. 14), and will put the statute back to its original language before the passage of this bill.
- Section 6:** Sets forth the rules regarding the operation of a delivery site, once a site has been designated.
- Section 7:** Defines "bring," "send" and "transport" to also include an attempt, or solicitation, to bring, send or transport alcohol illegally into a local option community.
- Section 8:** Inserts a cross-reference to the newly defined term "transport."
- Section 9:** Decreases the amounts of distilled spirits that lead to a class A misdemeanor or class C felony for a person who sends, transports, or brings alcoholic beverages into a local option community.
- Section 10:** Reduces the legal limit for being intoxicated from 0.10 to 0.08 percent of alcohol in a person's blood.

- Section 11:** Eliminates 5-year look back and phases in a 10-year look back period and establishes that a person is guilty of a class C felony if convicted a third time since January 1, 1996, and within 10 years preceding the date of the offense.
- Section 12:** Deletes language within the definition of "previously convicted" to conform with the new look back provisions.
- Section 13:** Adds new section providing that the implied consent statute is not intended to prevent police search warrants.
- Section 14:** Changes refusal section on felony charges to mirror DUI section. Phases in a 10-year look back period, and establishes that a person is guilty of a class C felony if convicted a third time since January 1, 1996, and within 10 years, preceding the date of the offense.
- Section 15:** Changes certain presumptions applicable to civil or criminal actions involving a person alleged to have driven while under the influence of an alcoholic beverage or controlled substance.
- Section 16:** Creates a sunset date of July 1, 2004 for Section 6.
- Section 17:** Allows the Alcoholic Beverage Control Board to process pending applications without a national criminal history record check.
- Section 18:** Intervening amendments to AS 04.11.491(f) are not to be carried forward on the effective date of Section 5 of this Act.
- Section 19:** The act applies to offenses that occur on or after the effective date of this Act.
- Section 20:** Section 5 of this Act takes effect July 1, 2004.
- Section 21:** Section 10 - 15 of this Act take effect July 1, 2001.
- Section 22:** Except as provided in Sections 20 and 21, this Act is to take effect immediately.