

11843

SENATE

JUDICIARY

FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

BILL NO. \_\_\_\_\_

**ANALYSIS CONTINUATION**

Under the bill convicted violators of the sales log and other requirements would be guilty of a Class A misdemeanor and punished with a fine not to exceed \$10,000. Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.



ALASKA STATE LEGISLATURE  
SENATOR GRETCHEN GUESS

**Memorandum**

Date: March 16, 2005

To: Senator Ralph Seekins, Chairman  
Senate Judiciary Committee

From: Senator Gretchen Guess

Re: Background Information and Supporting Documentation

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The following is a list of the supporting documentation and background information I am submitting along with my request for hearing of Senate Bill 106.

1. A letter in support of SB 106 from Paul Carr, Chief of Police for the North Slope Borough Police Department.
2. A letter in support of the enactment of legislation regulating the sale of pseudoephedrine from Cindy Bueler, Chair of the Alaska Board of Pharmacy.
3. A February 15, 2005 Anchorage Daily News Article citing a survey indicating Alaska has the highest rate of drug abuse in the nation.
4. A February 20, 2005 Anchorage Daily News Article citing the success of Oklahoma's 2004 law regulating the sale of pseudoephedrine in curbing meth production in that state.
5. The very first result yielded by searching the term "how to make meth," at the online search engine [www.yahoo.com](http://www.yahoo.com).
6. A brief from the National Conference of State Legislatures discussing the restriction of pseudoephedrine to prevent meth production.
7. A definition of Pseudoephedrine from [www.drugfree.org](http://www.drugfree.org).
8. A definition of methamphetamine from [www.drugfree.org](http://www.drugfree.org).

# NORTH SLOPE BOROUGH

## POLICE DEPARTMENT

P.O.Box 470  
Barrow, Alaska 99723  
Phone: 907-852-0311  
Fax: 907-852-0318



February 22, 2005

Senator Gretchen Guess  
Alaska State Legislature  
State Capitol, Room 423  
Juneau, AK 99801-1182

Re: Senate Bill 106 "An Act relating to sale, possession, and delivery of certain substances and precursors used in the unlawful manufacture of methamphetamine."

Dear Senator Guess:

I am writing in support of your efforts to control and/or reduce access to compounds and chemicals used in the illicit manufacture of methamphetamine, specifically products containing pseudoephedrine.

The use of methamphetamine among youth and young adults in Barrow is epidemic. As a result, the community has experienced a dramatic increase in crime. In order to obtain money to buy more methamphetamine, users have burglarized and robbed businesses and public facilities. Recently, a taxi driver was murdered during a robbery we believe was motivated by a users need to purchase more methamphetamine.

Information we have received during the course of our investigations disclosed that individuals are manufacturing methamphetamine here in Barrow. The methods described to us by users indicate that a pseudoephedrine reduction process is being used. Anecdotal information from the community indicates that manufacture is widespread.

When methamphetamine first became an issue in Barrow, I was surprised at the amount of information on its manufacture available on the Internet. Recipes for making methamphetamine and methods for obtaining the chemicals and precursors needed were abundant. Many of the recipes and procedures for reducing pseudoephedrine for use in the manufacture of methamphetamine are inherently dangerous. Some processes include practices such as dissolving pseudoephedrine-containing products in different solvents and evaporating the solvents over an open flame or in a microwave oven. As you can imagine, the potential for a fire or explosion is high.

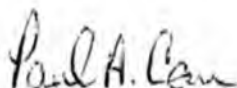
I believe that reducing access to over the counter compounds containing pseudoephedrine is an important first step in combating the illicit manufacture of methamphetamine in Alaska. Iowa, Missouri, Montana, North Dakota, Oregon, Tennessee, Texas, Virginia, and Washington have already taken steps to curtail the sale of common household products that can be used in the manufacture of methamphetamine. Oklahoma made tablets containing pseudoephedrine a schedule V controlled substance meaning only pharmacies can sell them and customers must present ID and sign a log. Oklahoma reports that this has cut their number of methamphetamine labs in half.

The amount of pseudoephedrine a person may possess, as you propose in your bill, is reasonable. Six grams of pseudoephedrine is almost double the amount a person would use if a person took the recommended daily amount every day for a month. A responsible adult could easily purchase the amount of a pseudoephedrine product a family could reasonably be expected to use in 30 days. A person needing more than 6 grams of pseudoephedrine a month should be under the care of a physician and the pseudoephedrine issued under prescription.

The record keeping and reporting requirements you propose would allow for the identification of people purchasing pseudoephedrine from multiple locations and make it easier to identify persons who may be involved in the manufacture of methamphetamine. Making sure that the information collected is available to local law enforcement either from the merchant or from the collecting state agency is important. Local law enforcement is in a better position to understand what the collected information means and to identify trends.

If there is anything I can do to help you in this effort, please do not hesitate to let me know. I believe that the legislation you are proposing is an important step in reducing the number of illicit drug labs and the availability of methamphetamine in Alaska.

Sincerely,

  
Paul A. Carr  
Chief of Police

FEB-10-2005 THU 11:03 AM

FAX NO.

P. 02



RECEIVED  
FEB 07 2005  
DIVISION OF  
OCCUPATIONAL LICENSING  
JUNEAU

DIVISION OF OCCUPATIONAL LICENSING

Frank H. Markovitch, Governor

February 3, 2005

The Honorable Peggy Wilson  
Chair, House HBSS Committee  
State Capitol Room 108  
Juneau, Alaska 99801-1182

Dear Representative Wilson:

As Chair of the Alaska State Board of Pharmacy and a practicing pharmacist, I am writing in support of the enactment of legislation to regulate the sale of "pseudoephedrine" which has become a common source of misuse in the production of methamphetamine in illegal "meth labs" in Alaska as well as elsewhere. As you may know, pseudoephedrine is the name of the decongestant in non-prescription (and some prescription) cold and sinus medicines (e.g. *Sudafed*). It is sold in pharmacies, grocery stores, convenience stores, etc.

A recent Associated Press news article from the *Arizona Republic* dated January 20, 2005 described Oklahoma's success in decreasing meth lab seizures by 80 percent from April to November of 2004 after laws to "lock up" the pseudoephedrine were enacted. An article in the *Anchorage Daily News* (excerpted from *The New York Times*) of Sunday, January 30, 2005 also addresses the subject. It appears that this approach is being considered and acted upon by states across the nation.

Pseudoephedrine is a safe and effective decongestant that needs to be available to the public, so a total ban of the substance is definitely NOT in order. What is being suggested is legislation to restrict sales exclusively to pharmacies. The product would be kept "behind the counter". It would not require a prescription, but personal identification and a signature would be required of the consumer; also there would be a limit on quantity purchased.

At the Board of Pharmacy's January 27-28, 2005 meeting, the board determined to encourage such an approach as a public safety measure. The Board of Pharmacy believes that any potential inconvenience to consumers or pharmacists would be heavily outweighed by the potential safety it would provide by shutting off the supply of a major ingredient for the illegal production of methamphetamine.

The Board of Pharmacy supports this approach and hopes that such legislation could be enacted expeditiously.

Thank you for your consideration of this matter.

*Oakley*

Sincerely,

*Cindy Bueler*

Cindy Bueler, Chair  
Alaska Board of Pharmacy

Citations: "One State's Effort to Curb Meth Labs May Spur Others", *Arizona Republic*, Jan 20, 2005, p.A4.  
"States Try to Fight Illegal Drug by Limiting Its Legal Source", *Anchorage Daily News*, Jan 30, 2005, p.A3.

P.O. Box 110806, Juneau, Alaska 99811-0806

Telephone: (907) 465-2534 Fax: (907) 465-2974 Text Telephone: (907) 465-5437

Email: [license@commerce.state.ak.us](mailto:license@commerce.state.ak.us) Website: <http://www.commerce.state.ak.us/occ/>



ALASKA STATE LEGISLATURE  
SENATOR GRETCHEN GUESS

Anchorage Daily News

**D-4** Tuesday, February 15, 2005

## Health updates

### Alaska tops survey of illegal drug use

The results of a national survey released Monday showed that Alaska residents reported the highest rate of illegal drug use. The survey was conducted in 2002 and 2003 by the federal Substance Abuse and Mental Health Services Administration.

Utah reported the lowest rate of illicit drug use during the month prior to questioning as well as the lowest rate for binge drinking, said a news release. North Dakota had the highest rate of alcohol abuse.

The survey showed Alaska had the highest rate of marijuana use (16.7 percent) among those 12 and older during the year prior to questioning. The national rate for marijuana use during the past year was 10.8 percent.

To review the survey results, go to [www.oas.samhsa.gov](http://www.oas.samhsa.gov).

# Law puts medicine behind the counter and meth labs fade

■ **SUDAFED:** Oklahoma sees 80 percent drop.

By **LOIS ROMANO**  
The Washington Post

**TULSA, Oklahoma** — In the 10 months since Oklahoma pharmacies became the first in the nation to keep popular cold medications behind the counter and require identification to buy them, seizures of illegal methamphetamine labs have fallen by 80 percent, state law enforcement officials say.

Now more than 25 states — impressed with Oklahoma's success in thwarting small-scale meth production — are considering similar legislation, in the face of opposition from the pharmaceutical and retail industries. Oregon recently passed a bill, and other states are close behind.

The law classifies pseudoephedrine — an ingredient in decongestants such as Sudafed, and a vital ingredient in meth production — as a controlled substance. That takes it out of convenience stores and grocery stores and limits the amount consumers can buy at pharmacies.

"We saw the seizures of clandestine meth labs increase month after month in the state until the law was enacted in April," said Democratic Gov. Brad Henry. "The only explanation is that the law had an impact."

Methamphetamine — a powerful stimulant that impairs the central nervous system — is the latest drug scourge to capture the nation's attention. In a small Indianap... town last month, a 10-year-old girl was abducted and killed to keep her from revealing that methamphetamine was being cooked in an apartment near her home.

Known as the poor man's cocaine because of its cheap price

and lengthy high, meth has long been a drug of choice among low-income addicts. But what used to be an isolated problem in pockets of the West and in rural areas has become a top priority for law enforcement officials across the Southwest and Midwest, where meth production and use has moved from biker gangs to mainstream.

According to a 2002 National Survey on Drug Use and Health report, 12.4 million Americans ages 12 and older had tried methamphetamine at least once, with most users between 18 and 34. Last year, more than 3,000 children were rescued during seizures of more than 15,000 meth labs nationwide, according to the federal Office of National Drug Control Policy.

Similar federal laws to classify pseudoephedrine as a restricted drug have been introduced in Congress to further stem the production and distribution of the drug. Many of the proposed laws would prohibit certain cold medicine tablets from being sold anywhere but in pharmacies, would require they be kept behind the counter, and would require customers to show identification. Sales of gel and liquid pseudoephedrine are not yet restricted because there is less evidence these products are being cooked for meth.

"We hear quite a bit how inconvenient this is for the consumer, but if we can save one life from being destroyed, one child from being exposed, then what's a little inconvenience?" said Scott Rowland, general counsel for the Oklahoma Bureau of Narcotics and Dangerous Drugs.

"We're just trying to get a breather — trying to stop the mom-and-pop labs from springing up on every corner, so we can hit the larger problem with traditional law enforcement techniques."

ALASKA STATE LEGISLATURE  
SENATOR GRETCHEN GUESS



January-May: State Capitol • Juneau, AK 99801-1182 • (907) 465-2435 • Fax (907) 465-6615  
June-December: 716 W. 4th Avenue • Anchorage, AK 99501 • (907) 269-0120 • Fax (907) 269-0122  
Email: Senator.Gretchen.Guess@legis.state.ak.us  
Website: www.GretchenGuess.com

 **How to make Meth** **Index:**

Materials: listed for the lava reaction only

Pre Reaction: very basic review on cleaning you ingredients for more info see wicked rains write up on E/I/RP how to get it!

The Reaction: The lava lamp reaction itself

Post Reaction: Info on what to do after the reaction

FAQ's: Its Recommended you read the all the FAQs before starting the reaction.

Why it takes time: very detailed explanation why long wet rxns work

Final thoughts: self explanatory

**Materials:**

- Lava lamp
- (pseudo)ephedrine
- Red Phosphorus
- Iodine
- D-H2O (Distilled Water)

**Pre Reaction:**

get some 25mg ephedrine pills that are easily cleaned with a TCE pull and cold dry acetone wash (be sure all the TCE is gone before adding acetone cause they react with each other, the acetone wash isn't essential, but you can never get the ephedrine clean enough).

shake the strikers in hot water, shake off the red in acetone, then muriatic acid boils on the red while outside, then wash with lots of water, wrap paper towels around the filter and squeeze dry, empty out on some paper and chop and dry well.

add 1 pint 7% tincture to 2 cups water and 2 shot glasses of muriatic acid then 1 pint hydrogen peroxide, mix well while adding, cover and let sit in closet 12 hours, then filter with double filter and wash with lots of water, wrap paper towels around it and squeeze completely dry, then wrap in dry towels and put in a jar and pour damp rid over it and let it sit a day.

**The Reaction:**

It's recommended you read all the FAQs before starting the lava lamp reaction.

Buy a 25 watt lava lamp (flea markets have the cheapest) with a bottle top

that can be popped or screwed off. It seems there are tops that are attached, screw off, and pop off. The screw off type is preferred, then the pop off, the attached kinds should be avoided as there is no way to take off the top without chipping the glass□.

If using homemade RP + I then...

10mL distilled water + 10g (pseudo)ephedrine (extracted well) + 7.5g red phosphorus (extracted fresh from matchbook strikers) + 15g iodine (extracted from 7% iodine tincture and dried well)

If lab grade use equal mass of iodine as ephedrine, and half the mass of red phosphorus as ephedrine. If using iodine and red phosphorus from tincture and matchbook strikers then use 50% more than if it were lab grade. Use equal mass of distilled water as ephedrine regardless.

There are 3 kinds of lava lamps there is a 40 watt, a 30 watt, and a 25 watt lamp.

As a rule of thumb, the ideal size cook is half the wattage as grams of ephedrine (40 watt is good for 20g cook, 30 watt for 15g, 25 watt for 10g-12g) and let it go 36 hours, some cooks (especially smaller than ideal) can be done in 24 hours (just check it and make sure the RP sinks to the bottom like bricks, and all the other signs of the reaction being done). The size of cook can be increased slightly but will need to increase time of cook as well. It's recommended to just get more lamps though than try bigger cooks.

Tape a punch balloon to the top of the lava lamp.

After 48 hours check it and make sure if it is ready, then work it up as usual

Gassing, washing, and recrystallization is a very good idea

Yields vary, but expect 5g minimum, more like 6g

unsure what the inside temperature of the lava lamp will be, and sure to vary from lamp to lamp, but if you want to be sure the reaction will take place then you will need to check the temp inside the bottle.

Measure the temp after an hour (when it usually is going good as a lava lamp), and go from there

I would suggest that you try it first with just some water in your lava lamp, and a thermometer suspended with a string or something, so you can find out what temperature a 25w bulb will produce. You might have to wait a few hours before you take a reading. That way you'll know, and won't have to waste precursors.

90 Celsius is sufficient however you want a temp of slightly over 100 Celsius inside flask, anywhere from 90-120 is fine though, lower the temp the longer the cook time needed.

When first tried there was doubt the 25 watt gave off enough heat, but it does, however it is barely enough get the job done.

#### Optional\*

[It is a really good idea to cover the bottom of the bottle with aluminum foil, this increases the temperature as well as blocks the photo energy which can cause free radicals from the iodine (not good).]

After all this is in place simply turn on your lava lamp and check back 48 hours later. \* See the FAQs on how to mix your starting reactants.

#### Post Reaction

Here is an improved post reaction

after the reaction is done, turn off the lamp and let it cool so you can hold it. Add equal volume hot water and shake well, then immediately pour into funnel with 3 prewet filters and a few cotton balls stuffed in the neck. Pour a small amount of hot water in the bottle again and get the last of the red out. Collect the filtered liquid and pour over the filters and red until it comes out with no tiny red particles in suspension (shine flashlight in it if it helps). Pour half the volume of collected liquid through the filters and collect it in the jar, save the filters to clean and reuse the red on it.

Now you should have 3-5 times the volume of the original post reaction solution in the jar. Add equal volume of hot VM&P naphtha (or whatever non-polar solvent you are going to use to pull the freebase) and mix well and let sit 15 minutes, siphon off the top layer and throw away. Repeat the wash until it comes out clean, once or twice more. these naphtha washes get out all the naphtha soluble trash so when you pull the freebase there is no naphtha soluble trash you need to clean up later

while that shit is separating into layers, mix up a 25% lye solution, 1g lye per 4mL water, it will heat up when mixed, so mix slow, and let cool to room temperature before using

add 10mL naphtha per gram of ephedrine used. Add the lye solution a few mL at a time, it should turn milky white where it hits, then go back to the yellowish color. Keep adding the lye solution every 30 seconds or so until it stays milky white and you get that fish smell, then it is ready (no pH strips needed!) no matter what the pH reads. be sure when adding the lye solution that it doesn't get too hot or yields will suffer, just give it time and it will cool

let the solution sit 15 minutes to separate into 2 layers, siphon up the top layer and save it. Repeat the adding naphtha and lye solution again and pull off the top layer again after waiting an hour or two. Add more lye and non-polar and let it sit a whole day before siphoning to get the last of it. Each naphtha pull should make the bottom layer less and less yellow. While it is sitting though go on with the procedure and go back to this afterward

now just gas the top layers with sulfuric acid and salt and filter out the product, then do an ice cold dry acetone wash and dry alcohol/acetone crystallization and you are left with some nice crystals. The crystallization is not really needed since you naphtha washed the post reaction solution and there isn't much trash in the gassed out product. The acetone wash alone is enough to clean it up nicely. However crystallization makes it look nicer and

the crystals are big and clear.

go back to the saved solution and pull off the top layer and gas, then clean it up and that should be all of it. If your yield is too low (under 40% is considered low, 50% is fine, 60% and higher is great), might want to go back to the bottom layer with the water/lye/trash to see if a hot naphtha pull will get anymore, but it is doubtful. Also, might want to check the acetone and alcohol used to clean up the final product, any water still in them will eat up some product, so just evaporate it, although there is sure to be all the trash in there too. It is a good idea to save everything until the final product is obtained and the yields considered satisfactory. This way you will not throw out perfectly good product, "waste not want not"

#### FAQs

Question: Could SWIM do this same rxn, but for only 2-2.5 hours. What might the results look like then?

Answer: You wouldn't get full conversion, which is the whole point of the long wet reduction. You would need to decrease the amount of water by half.

Question: What order should the E,RP and I2 be mixed in and how should they be mixed?

Answer: Add water, then (pseudo)ephedrine then RP. Let it mix well make sure you grind them up to a fine powder (use a fine sieve as a indicator that there grinded up properly) then add them in, and stir and swirl it around so it all dissolves. Do that for maybe 10 minutes before adding the iodine. When adding the I2(iodine) swirl it in until it kicks off then let it sit and turn on the lava lamp. It should bubble and kind of stirs itself in a way although manual occasional swirling doesn't hurt anything. Use a glass stir rod when mixing and/or swirling and not a metal one because anything metal reactions. Make sure it's a long glass stir rod because of the long tall walls of the lava lamp

Question: Can you overcook this reaction? is it bad? ..ect

Answer: If you let it go too long it will convert back from meth to ephedrine usually after around 7 days. As a rule of thumb don't let your maximum cooking time extend 3days and 2 days is the normal maximum.

Question: at what temp do things start to get too hot and I get these red RP smoke fires?

Answer: well you mostly get these on short dry cooks. This is a long wet cook and hence doesn't smoke up nearly as much and don't even come close to a red phosphorus fire. Its mostly because of the 10ml of water mixed in there is at least double of what a short dry cook has. To put it another way it dilutes the HI acid, slowing the rate of reaction of ephedrine into the intermediates and then into meth. For newbies what that means is more water slows the reaction and allows a full conversion of ephedrine into meth

Question: How does one go about cleaning the lava lamp after the reaction?

Answer: I think the materials inside are wax and alcohol, by the feel and

smell of it, just turn it on so the wax is gooey, then pop the top off, pour it out, and let cool (important to cool to room temp first), then just rinse out 3 times or so with water. Do not attempt to get the wax off when its dry unless you want to known as one of "America's Dumbest Cooks" □

Question: So all I need is a flask and the basic materials in the materials section?

Answer: yeah, that is why it is so great because good flasks are hard to find for most that is and you don't need a separate heat element. It's a flask/heater all in one.

Question: What is the rate at which the reaction goes very sudden like after 48 hours it's done?

Answer: Well it isn't a sudden change, it is very gradual.

Question: How do I know when the reaction is done?

Answer: when it is done like there is that smell, the RP sinks to the bottom quickly if disturbed, balloon/condom barely inflated( It would have at one time been inflated fully from the reaction but the pull on the 2nd part of the reaction causes it to suck back in that HI gas causing the balloon condom to inflate) but it wont go all the way down and the color of the liquid too, you want clear to yellowish, not orange or red.

Question: What happens if I use too much water?

Answer: Well the first time ever doing a long wet reduction I did 20mL for a 10 grammar and I thought it was done after 36 hours and it was no where near close heck my condom never even inflated. I learned that too much water and it won't react.

Question: the balloon on the top does it matter what kind?

Answer: buy a inch diameter braided hose about 1-2 feet long and tape over the opening of the glass, then tape a balloon or condom or the like to the end of the tube. I personally use a extra long condom it works just as well.

Question: So does that mean that all the other folks that do 2 hour rxns are not converting the full product, or are they doing things a little different than SWIJ is?

Answer: Using Rp/I2 you need to cook at least 12 hours, the masters like Geezmeister say at least 24 hours.....BUT DAMN SURE MORE THAN 2 HOURS! If you want to fuck your health up and do a product laden with impurities and side effects then cook the shit for 2 hours and that's what you will end up with. If you want to do meth then cook the shit for 24 hours and get the real thing! More is explained in Why it Takes Time Section just after the FAQs.

#### WHY IT TAKES TIME!

It's kind of fun to read all that poetic waxing about "potency" and stuff, but

that doesn't explain it clearly enough to the next moron who will read it and start some new urban myths in his area which will without a doubt spread and end up here again.

What we have is a reaction converting A (precursor) and B (HI) into an intermediate C (iodometh) and finally into the desired end product D (meth) and a whole lot of different side products and contaminants(e, f, g, h... etc):



A + C being mentioned on the product side of the equation means there will also be some unconverted precursor and intermediate present. Amounts and distribution patterns of D and (A, C, e, f, g, h...) in your end product depend on a whole lot of factors, mainly reaction conditions, but also on the workup procedure, method of crystallization and method of recrystallization. Needless to say, if A isn't pure and contains other chemicals the product distribution will be even more complicated.

As every chemist knows, chemical reactions take TIME to go to completion. While there are a few incredibly fast reactions which take only milliseconds or less to finish, the HI reduction is unfortunately not among them! And every chemist will tell you, that stoichiometry is also very important. When one of reactants is present in excess then it will be left over afterwards, and the conversion of the reactant which was not in excess will undergo a more complete conversion. This also means that if there is an insufficient amount of a chemical present the reaction CANNOT be completed for the other reactant being present in excess!

A good example for that last case is the 'dry' fast rP/12 reaction. There isn't sufficient H<sub>2</sub>O present to convert all the I<sub>2</sub> into HI, so it is absolutely impossible that this one converts all precursors A into product D. The result will be a wild ass mixture of a little D plus a shitload of unconverted A, intermediate C, and the usual e, f, g, h... crap. Since the purification methods used by garage chemists are usually insufficient to properly separate the components that wild ass ugly mixture is what you will end up with. Proof: ref. on Rhodium's claiming 50 impurities present in such meth. Shitty taste. Peanut butter appearance.

Since it is close to impossible to completely separate desired product mixture containing D (meth) from all the other shit in a garage setting, especially A and C (which happen to have very similar solubility's as D!), the amount of pure D in the end product will be rather low, and the amount of toxic side products rather high.

I guess most of you would call that stuff 'low potency' meth. Some morons will call that 'good' meth, because the taste and toxic action is what they expect meth to be like.

I call it impure, dirty, toxic and lots of unconverted precursor present.

So what to do to get a better end product?

I) make sure that there's enough B (HI) present to convert all the A (precursor) into D (meth)

II) for condition I to be fulfilled, you have to add enough water to the

reaction! Because if there's not enough water around your I2 will not be converted into HI! Also: gaseous HI which is not in solution will not contribute to the reaction. Make sure that the HI has water to dissolve in! Common sense!

III) give the reaction enough time to complete! Fulfilling conditions I and II will still be useless if you don't give A, B and C enough time to complete their reaction to yield D!

IV) Since the cleanup methods available to most bees are rather limited in separation efficiency and since a high yield is desired make sure that the amounts and number of side products (e, f, g, h...) are as small as possible to begin with. Meaning: no flask fires! No excessive reaction conditions!

There is a reason why some of the old timers and bees with a chemical background have always been telling you to do it one way and not the other! It's inevitable that a bunch of wild and reckless youngins will keep challenging the status quo and come up with new ways and 'improvements', that's how progress is made. But not all 'improvements' are really what they claim they are, and all it takes is to start some group dynamics and the whole herd will stampede towards the abyss. Like someone claiming having done a dry reaction in 30 mins and the end product was "way potent dude!" Some wannabees repeating it, failing, and not wanting to admit to themselves and their bee-friends who they bragged about their mad chemist skills that they fucked up the reaction so they confirm the results. Then a bunch of inexperienced bees who read all that, try it out themselves, produce some weak ass mmmeth!, and publicly confirming the result that "this indeed works!!!"

Next comes a charismatic dude who loves to be the center of attention, talks shit about those who know some chemistry backgrounds and publicly claims that "tweakers don't need any of that scientific hoopla to cook some potent chili! Fuck yeah!". Add some easy to follow write-up for the morons and soon everyone is following the new shitty procedure, totally rejecting and forgetting what were once established (and working!) procedures. That's what happened to the A/B at the end of the reaction which once used to be standard procedure, and that's what happened to long reflux.

That's how rumors and urban legends are started. Offer an easy solution and everyone will love you for it. Doesn't matter if the easy solution will not work, it is what the people want to hear and want to believe! Works in politics, and apparently works among bees too. Sad but true.

I say: gently boil that reaction for as long as you can.

Boil for not long enough: you will end up with unconverted precursor and intermediate in your end product. Which you CANNOT separate from your end product easily. And those who manage that will bitch about low yield.

Boil for too long: nothing bad will happen. All precursor is converted. No intermediate is left over. Meth is pretty stable under these conditions and will not decompose. Yield of end product (\*potency\*) is maximized.

### Final Thoughts

Each lamp is sure to vary some, and all of this is a general rule of thumb, guidelines if you will. it may be necessary to do your own experimentation, but if you have had successful reactions in the past this should prove to be no problem to get it right, although you may go through a few lamps, but they are no big deal, cheap as hell if you into the flea market scene, good deals can be found.

better to overkill than under kill, although try to keep it close as possible

You get out of this process what you put into it. You hurry the process and use unclean E then you end up with SHIT!

the universe rewards those who work at it and don't give up

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Primary Author of lava lamp long wet reaction Jack aka actionjack Secondary Author of lava lamp long wet reaction playaveli

Special thanks to Darksky for the FAQ on "Why it takes time" **METHOD 2**

*success rate is extremely low and process is very dangerous.* Chemicals needed.

<.ul>

- **Diluted HCl** - also called Muriatic acid - can be obtained from hardware stores, in the pool section
- **NaOH** - also called lye
- **Ethyl Ether** - aka Diethyl Ether - Et-O-Et - can be obtained from engine starting fluid, usually from a large supermarket. Look for one that says "high ethyl ether content", such as Prestone
- **Ephedrine** The cottons in todays vicks nasle inhalers dont contain ephed or pfed (ephedrin or psuedoephedrin) but there are still lots of easy ways to get good ephed or pfed, pure ephedrin can be extracted out of it's plant matter, from a plant that can be bought at most garden stores. Or you can get pfed from decongestive pills like sudafed. Most people prefer to work with pfed from pills rather than ephed from the plant. The important thing is that you must have pure pfed/ephed as any contaminants will fuck up the molar ratio leaving you with over-reduced shit or under-reduced shit. Or contaminants will jell durring baseifying and gak up your product which will then be very hard to clean. So you want to find a pill that is nearly pure pfed hcl, or as close to pure as you can get. Also check the lable on your pills and see what inactive ingredients they contain. Inactive ingredients are things like binders and flavors. These you dont want and will remove when cleaning your pills. but certain inactive ingredients are harder to remove then others. You dont want pills with a red coating, you dont want pills with alot of cellose in them and you dont want pills with much wax. you also dont want pills that contain povidone. As a rule, if you have a two pills that contain the same amount of pfed hcl then take the smaller sized pill because it obviously has less binders and inactive ingredients, time released pills are usually harder to work with because they have more binders and tend to gel up durring the a/b stage. Also only buy pills that have pfed hcl as the only active ingredient. You first have to make ephedrine (which is sometimes sold as meth by itself): If you are selling it...I would just make ephedrine and say it's meth.

- **Distilled water** - it's really cheap, so you have no reason to use the nasty stuff from the tap. Do things right.

List of equipment :

- A glass eyedropper
- Three small glass bottles with lids (approx. 3 oz., but not important) one should be marked at 1.5oz, use tape on the outside to mark it (you might want to label it as ether). One should be clear (and it can't be the marked one).
- A Pyrex dish (the meatloaf one is suggested)
- A glass quart jar
- Sharp scissors
- Clean rubber gloves
- Coffee filters
- A measuring cup
- Measuring spoons

Preparing your Lab:

Preparing Ethyl Ether:

WARNING: Ethyl Ether is very flammable and is heavier than air. Do not use ethyl ether near flame or non-sparkless motors. It is also an anaesthetic and can cause respiratory collapse if you inhale too much.

Take the unmarked small bottle and spray starter fluid in it until it looks half full. Then fill the rest of the way with water, cap the bottle and shake for 5 minutes. Let it sit for a minute or two, and tap the side to try and separate the clear upper layer. Then, draw off the top (ether) layer with the eyedropper, and throw away the lower (water) and cloudy layer. Place the ether in the marked container. Repeat this until you have about 1.5 oz. of ether. Put the cap on it, and put it in the freezer if you can. Rinse the other bottle and let it stand.

Ethyl ether is very pungent. Even a small evaporated amount is quite noticeable.

Ephedrine & or P-Ephedrine: Please discuss this on the neonjoint **forum**

5. Pour 1/8 teaspoon of the lye crystals into the bottle of ephedrine and agitate. Do this carefully, as the mixture will become hot, and give off hydrogen gas and/or steam. H<sub>2</sub> gas is explosive and lighter than air, avoid any flames as usual. Repeat this step until the mixture remains cloudy. This step neutralizes the HCl in the salt, leaving the insoluble free base (1-desoxyephedrine) again. Why do we do this? So that we can get rid of any water-soluble impurities. For 3 oz. bottles, this should take only 3 repetitions or so.

6. Fill the bottle from step 5 up the rest of the way with ethyl ether. Cap the bottle, and agitate for about 8 minutes. It is very important to expose every molecule of the free-base to the ether for as long as possible. This will cause the free base to dissolve into the ether (it -is- soluble in ether).

7. Let the mixture settle. There will be a middle layer that is very thick. Tap the side of the bottle to get this layer as thin as possible. This is why this bottle should be clear.

8. Remove the top (ether) layer with the eyedropper, being careful not to get any of the middle layer in it. Place the removed ether layer into a third bottle.

9. Add to the third bottle enough water to fill it half-way and about 5 drops of muriatic acid. Cap it. Shake the bottle for 2 minutes. When it settles, remove the top layer and throw it away. The free base has now been bonded to the HCl again, forming a water soluble salt. This time, we're getting rid of ether-soluble impurities. Make sure to get rid of all the ether before going to step 11!

10. If there is anything left from step 3, repeat the procedure with it.

11. Evaporate the solution in the Pyrex dish on low heat. You can do this on the stove or nuke it in the microwave (be careful of splashing), but I have found that if you leave it on top of a hot-water heater (like the one that supplies hot water to your house) for about 2-3 days, the remaining crystals will be ephedrine HCl.

If you microwave it, I suggest no more than 5-10s at one time. If it starts "popping", that means you have too little liquid left to microwave. You can put it under a bright (100W) lamp instead. Microwaving can result in uneven heating, anyway.

First Batch: 120mg ephedrine HCl Estimated: 300mg (100% of theoretical, disregarding HCl)

Now, Making Methamphetamine out of ephedrine by reducing it with Hydroiodic Acid and Red Phosphorus.

Items needed:

- A lot of matchbooks (the kind with the striking pad)
- Coffee filters (or filter paper)
- Something that measures ml and grams
- A flask (a small pot with a lid can be used)
- iodine
- Hydroiodic Acid (I will tell you how to make this)
- Red Phosphorus (I will tell you how to make this)
- Lye
- \*Optional (toluene and HCl gas)

Making Red Phosphorus:

The striking pad on books of matches is about 50% red phosphorus. The determined experimenter could obtain a pile of red phosphorus by scraping off the striking pads of matchbooks with a sharp knife. A typical composition of the striking pad is about 50% red phosphorus, along with about 30% antimony sulfide, and lesser amounts of glue, iron oxide, MnO<sub>2</sub>, and glass powder. I don't think these contaminants will seriously interfere with the reaction. Naturally, it is a tedious process to get large amounts of red

phosphorus by scraping the striking pads off matchbooks, but who cares?

#### Making Hydroiodic Acid:

This is made by mixing iodine and red phosphorus. When making hydroiodic acid from iodine and red phosphorus, the acid is prepared first, and allowed to come to complete reaction for 20 minutes before adding the ephedrine to it. The way around the roadblock here is to just boil off some more of the water from the ephedrine extract, and make the acid mixture in fresh pure water. Since the production of HI from iodine and red phosphorus gives off a good deal of heat, it is wise to chill the mixture in ice, and slowly add the iodine crystals to the red phosphorus-water mixture.

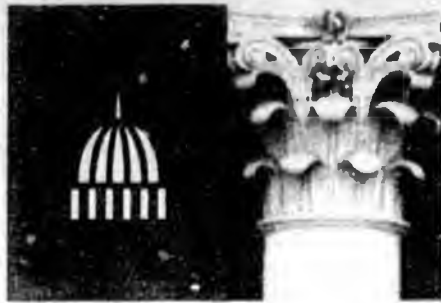
#### Now, Making Methamphetamine:

To do the reaction, a 1000 ml round bottom flask is filled with 150 grams of ephedrine. Also added to the flask are 40 grams of red phosphorus and 340 ml of 47% hydroiodic acid. This same acid and red phosphorus mixture can be prepared from adding 150 grams of iodine crystals to 150 grams of red phosphorus in 300 ml of water. This should produce the strong hydroiodic acid solution needed. Exactly how strong the acid needs to be, I can't say. With the ingredients mixed together in the flask, a condenser is attached to the flask, and the mixture is boiled for one day. This length of time is needed for best yields and highest octane numbers on the product. While it is cooking, the mixture is quite red and messy looking from the red phosphorus floating around in it. When one day of boiling under reflux is up, the flask is allowed to cool, then it is diluted with an equal volume of water. Next, the red phosphorus is filtered out. A series of doubled up coffee filters will work to get out all the red phosphorus, but real filter paper is better. The filtered solution should look a golden color. A red color may indicate that all the red phosphorus is not yet out. If so, it is filtered again. The filtered-out phosphorus can be saved for use in the next batch. If filtering does not remove the red color, there may be iodine floating around the solution. It can be removed by adding a few dashes of sodium bisulfate or sodium thiosulfate. The next step in processing the batch is to neutralize the acid. A strong lye solution is mixed up and added to the batch while shaking until the batch is strongly basic. This brings the meth out as liquid free base floating on top of the water. The strongly basic solution is shaken vigorously to ensure that all the meth has been converted to the free base. You now can sell or use the free base for injection use or with free base meth now obtained, the next step you can do is to form the crystalline hydrochloride salt of meth. To do this, a few hundred mls of toluene is added to the batch, and the meth free base extracted out as usual. If the chemist's cooking has been careful, the color of the toluene extract will be clear to pale yellow. If this is the case, the product is sufficiently pure to make nice white crystals just by bubbling dry HCl gas through the toluene extract. If the toluene extract is darker colored, a distillation is called for to get pure meth free base. The yield of pure methamphetamine hydrochloride should be from 100 to 110 grams.

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National Conference of State Legislatures

# LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

FEBRUARY 2005

VOL. 13, No. 7

## Restricting the Sale of Pseudoephedrine to Prevent Methamphetamine Production

By Allison C. Colker

*Methamphetamine abuse is a growing problem.*

Methamphetamine, a dangerous stimulant similar to cocaine, is easily abused and is a growing problem in the United States. Used in a variety of ways, methamphetamine has devastating short- and long-term effects, such as convulsions, anxiety, violent behavior, insomnia, confusion, hallucinations, paranoia, delusions, mood disturbances and cognitive impairments.

*Methamphetamine labs are dangerous.*

Methamphetamine labs are dangerous, especially for children, because they can explode and because the chemicals linger for years. Along with the issues of prevention and treatment of methamphetamine, state legislators are also dealing with the criminal justice issues surrounding the production of methamphetamine.

*Pseudoephedrine is a drug commonly found in over-the-counter cold medicines.*

**Methamphetamine Precursors.** Methamphetamine precursors, the main ingredients in cooking methamphetamine, are pseudoephedrine (or ephedrine or phenylpropanolamine) and anhydrous ammonia. Pseudoephedrine is a drug commonly found in over-the-counter cold medicines. Anhydrous ammonia is a liquid fertilizer stored in large tanks on farms. Methamphetamine cooks purchase large amounts of cold tablets and steal anhydrous ammonia by siphoning it out of farmers' tanks.

### State Action

Two main types of laws have been proposed in state legislatures:

- Legislation to restrict the sale (or availability, distribution, marketing, advertising, labeling or possession) of pseudoephedrine.
- Legislation to regulate how anhydrous ammonia tanks must be locked.

Almost half the states restrict the sale of pseudoephedrine, but no state has passed legislation regulating how anhydrous ammonia tanks must be locked.

*Many states restrict the sale of pseudoephedrine.*

Most of these states that restrict sales are located in the West or Midwest. Many of these states border states that have not; therefore, methamphetamine cooks will drive into the bordering states to purchase their pseudoephedrine. Provisions restricting the sale of the drug vary greatly, from limits on the amount of over-the-counter pseudoephedrine that can be purchased, to requirements to place it behind or near the counter, to requirements that people purchasing cold tablets sign a registry or show photo identification, to upscheduling pseudoephedrine as a controlled substance that requires a prescription. Specific state restrictions on the sale of pseudoephedrine include:

National Conference  
of State Legislatures

Executive Director  
William T. Pound

Denver  
7700 East First Place  
Denver, Colorado 80230  
Phone (303) 364-7700  
[www.ncsl.org](http://www.ncsl.org)

Washington, D.C.  
444 North Capitol Street, NW, Suite 515  
Washington, D.C. 20001  
Phone (202) 624-5400

- Alabama, Arizona, Colorado, Hawaii, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Nebraska, North Carolina and Oklahoma have made it illegal to sell pseudoephedrine, ephedrine or phenylpropanolamine with knowledge or intent that the substance will be used in the unlawful manufacture of a controlled substance.
- Alabama, Iowa and Missouri require behind-the-counter or close-to-the counter sales.
- States that require sales in blister packs: Alabama, Arkansas (or unit dose packaging), Missouri (or unit dose packets or pouches, or liquid), Nebraska (or liquid) and North Dakota (or unit dose packets or pouches, or liquid).
- States that limit the amount per transaction: Alabama (three packages or 9 grams), Arizona (24 grams), Arkansas (three packages, limits single package to 3 grams or 96 pills), California (three packages or 9 grams), Iowa (two packages), Mississippi (250 dosage units or 15 grams), Missouri (two packages or 6 grams of single ingredient products, three packages or 9 grams of combination products), North Dakota (two packages), Oklahoma (9 grams within 30-day period), Oregon (three packages or 9 grams) and Washington (three packages or 9 grams in 24-hour period).
- Arizona and Hawaii require reporting above threshold sales or suspicious transactions.
- Arkansas and North Dakota restrict sales to people at least 18 years old.
- Arkansas and Oklahoma require the purchaser to produce identification.
- Nebraska and Oklahoma require a prescription (Schedule V status, pharmacy only sale).
- Oklahoma requires the purchaser to sign a log or receipt.

*Eleven states limit the amount per transaction.*

### Federal Action

Congress passed the Methamphetamine Anti-Proliferation Act in July 2000. In addition to strengthening sentencing guidelines, the act provides training for state and federal law enforcement officers on methamphetamine investigations and the handling of the chemicals used in clandestine methamphetamine labs. Furthermore, it controls the distribution of the chemical ingredients used to produce methamphetamine and expands substance abuse prevention efforts.

*Congress passed the Methamphetamine Anti-Proliferation Act in 2000.*

### Selected References

- National Clearinghouse for Alcohol and Drug Information, Substance Abuse and Mental Health Services Administration. *Prevention Alert: METH: What's Cooking In Your Neighborhood?* Rockville, Md.: SAMHSA, March 9, 2001, [www.health.org/govpubs/prevalert/v4/5.htm](http://www.health.org/govpubs/prevalert/v4/5.htm).
- National Institute on Drug Abuse, National Institutes of Health. *Methamphetamine: Community Drug Alert Bulletin*. Bethesda, Md.: NIH, Oct. 1999, [www.drugabuse.gov/MethAlert/MethAlert.html](http://www.drugabuse.gov/MethAlert/MethAlert.html).
- National Institute on Drug Abuse, National Institutes of Health. *National Institute on Drug Abuse Research Report Series: Methamphetamine Abuse and Addiction*. Bethesda, Md.: NIH, Jan. 2002, [www.drugabuse.gov/ResearchReports/methamph/methamph.html](http://www.drugabuse.gov/ResearchReports/methamph/methamph.html).
- Substance Abuse and Mental Health Services Administration. *Treatment Episode Data Set (TEDS) 1994-1999: National Admissions to Substance Abuse Treatment Services*. Rockville, Md.: SAMHSA, 2001.

### Contacts for More Information

Allison Colker  
NCSL—Washington, D.C.  
(202) 624-5400 ext. 3581  
[allison.colker@ncsl.org](mailto:allison.colker@ncsl.org)

Nora Volkow  
National Institute on Drug Abuse  
(301) 443-6480  
[nora.volkow@nih.hhs.gov](mailto:nora.volkow@nih.hhs.gov)

Blake Harrison  
NCSL—Denver  
(303) 364-7700 ext. 1424  
[blake.harrison@ncsl.org](mailto:blake.harrison@ncsl.org)

Westley Clark  
Center for Substance Abuse Treatment  
(240) 276-1651  
[westley.clark@samhsa.hhs.gov](mailto:westley.clark@samhsa.hhs.gov)



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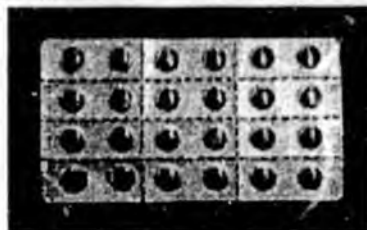
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## PSEUDOEPHEDRINE



### What is Pseudoephedrine?

Pseudoephedrine is a decongestant.

### What does it look like?

Found in over the counter tablets and capsules.

### How is it used?

Medically, it is used to treat congestion associated with allergies, hay fever, sinus irritation, and the common cold. Pseudo-ephedrine is used as a key ingredient needed for the production of the illicit drug [methamphetamine](#).

For more information on methamphetamine, please visit:

[Drug resource page on Meth](#)

### Source

National Institutes of Health

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We would like to gratefully acknowledge the contribution of the Screen Actors Guild and the American Federation of Television and Radio Artists to the ongoing success of this initiative.

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## METHAMPHETAMINE


[More Photos](#)

**What are the street names/slang terms for Methamphetamine?**  
Chalk, Crank, Croak, Crypto, Crystal, Fire, Glass, Meth, Tweek, White

### What Is Methamphetamine?

Methamphetamine is an addictive stimulant that strongly activates cells in the brain.

### What does it look like?

Meth is a crystal-like powdered substance that sometimes comes in large rock-like chunks. When the powder flakes off the rock, the shards look like glass, which is another nickname for meth. Meth is usually white or slightly yellow, depending on the purity.

### How is it used?

Methamphetamine can be taken orally, injected, snorted, or smoked.

### What are its short-term effects?

Immediately after smoking or injection, the user experiences an intense sensation, called a "rush" or "flash," that lasts only a few minutes and is described as extremely pleasurable. Snorting or swallowing meth produces euphoria - a high, but not a rush. After the initial "rush," there is typically a state of high agitation that in some individuals can lead to violent behavior. Other possible immediate effects include increased wakefulness and insomnia, decreased appetite, irritability/aggression, anxiety, nervousness, convulsions and heart attack.

### What are its long-term effects?

Meth is addictive, and users can develop a tolerance quickly, needing larger amounts to get high. In some cases, users forego food and sleep and take more meth every few hours for days, 'binging' until they run out of the drug or become too disorganized to continue. Chronic use can cause paranoia, hallucinations, repetitive behavior (such as compulsively cleaning, grooming or disassembling and assembling objects), and delusions of parasites or insects crawling under the skin. Users can obsessively scratch their skin to get rid of these imagined insects. Long-term use, high dosages, or both can bring on full-blown toxic psychosis (often exhibited as violent, aggressive behavior). This violent, aggressive behavior is usually coupled with extreme paranoia. Meth can also cause strokes and death.

### What is its federal classification?

Schedule II

### Source

National Institute on Drug Abuse (NIDA); Drug Enforcement

**SB**

**109**

## SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/16/05

FURTHER: Finance

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered      SENATE BILL NO. 109

### SB 109 INCREASE FINE FOR SCHOOL ZONE VIOLATIONS

"An Act relating to fines for offenses committed within school zones."

and recommends:

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

**Senate Bill:**  
 Same Title  
 New Title

**House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

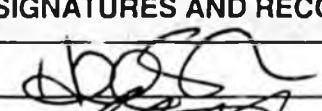
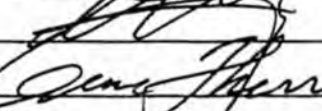
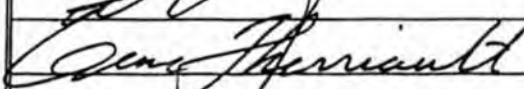
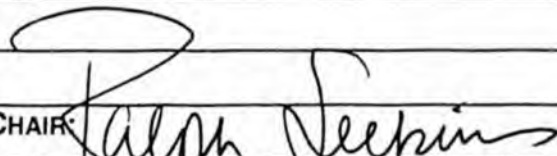
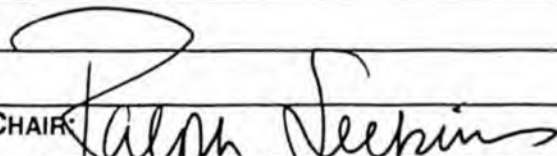
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	X			
	X			
			X	
				
CHAIR: 	X			

## GARY WILKEN

SENATOR  
Fairbanks

Interim:

1851 Fox Ave.  
Fairbanks, Alaska 99701  
Tel: 451-5501 (from Fbks)  
Tel: (907) 465-3709 (outside Fbks)  
Fax: (907) 465-4714



During Session:  
State Capitol Building  
Juneau, Alaska 99801-1182  
Tel: 451-5501 (from Fbks)  
Tel: (907) 465-3709 (outside Fbks)  
Fax: (907) 465-4714  
Website: [www.garywilken.com](http://www.garywilken.com)  
E-Mail: [Senator.Gary.Wilken@legis.state.ak.us](mailto:Senator.Gary.Wilken@legis.state.ak.us)

## SPONSOR STATEMENT

### Senate Bill 109 Increase Fine For School Zone Violations

---

Senate Bill 109 doubles the fine assessed for motor vehicle or traffic offenses committed in a school zone identified with flashing lights. The double fine will only apply when the school zone lights are actually flashing. This bill mirrors the law passed by the Alaska State Legislature in 1998, which doubled the fine for violations committed in a highway work zone. Senate Bill 109 not only to elevates the seriousness of school zones violations, but also reconfirms our commitment to the safety of children.

Because of the high concentration of children walking to and from school, most often in poor visibility conditions, drivers need to be ever vigilant in a school zone. Appropriate Department of Transportation signage will alert drivers of the double fine and will remind them to slow down and be extra cautious.

Please join me in protecting our children by endorsing and passing Senate Bill 109.

**SENATE BILL NO. 109**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR WILKEN

Introduced: 2/16/05  
Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to fines for offenses committed within school zones."

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

3 \* **Section 1.** AS 28.05.151(d) is amended to read:

4 (d) The supreme court, in establishing scheduled amounts of bail under this  
5 section, and each municipality that establishes or has established a fine schedule under  
6 this section shall provide that the scheduled amount of bail or fine, as applicable, for a  
7 motor vehicle or traffic offense that is committed in a highway work or school zone  
8 shall be double the amount of the bail or fine for the offense if it had not been  
9 committed in a highway work zone or school zone.

10 \* **Sec. 2.** AS 28.40.070 is amended to read:

11 **Sec. 28.40.070. Fines for offenses committed within highway work and**  
12 **school zones doubled.** Whenever a person violates a provision of this title or a  
13 regulation adopted under the authority of this title within a highway work or school  
14 zone, notwithstanding the amount of the fine or the maximum fine set under this title,  
15 the fine, or maximum fine, is double the amount provided in this title.

1 \* Sec. 3. AS 28.40.100(a) is amended by adding a new paragraph to read:

2 (27) "school zone" means an area identified by flashing yellow lights  
3 and by signs as being near a school.

clearly  
visible from  
all lanes of  
traffic...

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB109-DPS-ASTD-2-22-05  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title An Act increasing fines for school zone RDU Alaska State Troopers  
violations Component AST Detachments  
 Sponsor Senator Wilken  
 Requester Senate Judiciary Component No. 2325

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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>						
-----------------------------	--	--	--	--	--	--

<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--Do not abbreviate)						
<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 (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill will double the amount of a fine imposed for traffic infractions committed in a school zone.

Modification of the current bail schedule would have to occur since speeding in a school zone already has enhanced penalties. If this bill were to become law, and the current bail amount was not modified, the penalties would be so burdensome as to become impractical. With a doubling of the penalties for speeding in a school zone and a downward modification of the bail schedule, the penalty would still be greater than what currently exists.

No fiscal impact on the Department of Public Safety is anticipated.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223  
 Division: Alaska State Troopers Date/Time 2/22/05 3:38 PM  
 Approved by: Commissioner William Tandeske Date 2/22/2005  
 Agency: Department of Public Safety

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB109-LAW-CDCO-2-22  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to fines for offenses committed RDU CRIMINAL  
within school zones." Component CDCO  
 Sponsor Senator Wilken  
 Requester Senate Judiciary Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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--Do not abbreviate)						
<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 (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill amends AS 28.40.070 by adding motor vehicle or traffic offenses committed in a school zone to motor vehicle and traffic offenses committed in a highway work zone as subject to double fines.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673  
 Division Administrative Services Date/Time 2/22/05 11:21 AM  
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 2/22/2005  
 Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 109  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating to fines for offenses RDU Legal and Advocacy Services  
committed within school zones. Component Public Defender Agency  
 Sponsor Sen. Wilken  
 Requester Senate Judiciary Component No. 1631

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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>						
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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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill amends the motor vehicle statutes to mandate double fines and scheduled bail amounts for traffic offenses and violations committed in school zones, not just highway work zones. This bill, if enacted, is not expected to have a fiscal impact on the operations of the Agency.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-4416  
 Division Public Defender Agency Date/Time 2/22/05 9:55 AM  
 Approved by: Michael Tibbles, Deputy Commissioner Date 2/22/2005  
 Agency Department of Administration

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



**Business Manager**

Joseph Young  
Anchorage

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Wasilla

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Pres. Mat-Su Chapter

Warren Tanner, Member  
Fairbanks  
Pres. Fairbanks North Chapter

Troy Wilson, Member  
Juneau  
Pres. Capital City Chapter

John Japson, Member  
Ketchikan  
Pres. First City Chapter

Lisa Shield, Member  
Unalaska  
Pres. Aleutian Islands Chapter

Thecla LaLonde, Member  
Wrangell  
Pres. Wrangell Chapter

February 21, 2005

Senator Gary Wilken  
Alaska State Senate  
State Capitol  
Juneau AK 99801-1182

Dear Senator Wilken,

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing SB 109, an act relating to fines for offenses committed within school zones.

This proposed bill provides for better protection of Alaska children when in school zones by doubling the applicable traffic offense.

This change will be of benefit for the citizens and law enforcement of the State of Alaska. We thank you for addressing this issue.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

  
Angella Long  
State President

**ORIGINAL  
IN  
MAIL**

State of Alaska  
 Department of Public Safety  
 School Zone Violations  
 FY 2004

School Zone Citations				
Agency	S50	S91	S99	Total
Alaska State Troopers	2	2	22	26
Anchorage Police Department	1	28	1000	1029
Craig Police Department	0	0	1	1
Fairbanks Police Department	0	0	14	14
Juneau Police Department	0	0	4	4
Kenai Police Department	0	0	2	2
Kodiak Police Department	0	0	2	2
Sitka Police Department	0	0	12	12
Skagway	0	0	1	1
U.S. Fish & Wildlife	0	0	2	2
Wasilla Police Department	0	0	1	1
All Agencies Total	3	30	1061	1094

Citation Descriptions
S50 - Speed-School Zone (allows recording of exact speed)
S91 - Speed 41 mph over or more (School Zone)*
S99 - Speed School Zone

\*Note: Per DMV the S91 code is intended to be used for School Zone speeding violations.  
 It appears is has been used to record non-School zone speeding violations in some cases.

These statistics are based on information from the Department of Public Safety, Alaska Public Safety Information Network (APSIN) as of 2/22/2005. The count represents disposed citations in APSIN for the time period 7/1/2003 - 6/30/2004.

REGION

NUMBER OF SCHOOL ZONES

NUMBER OF FLASHING LIGHTS

Central Region	58	119
Southeast Region	28	26
Interior Region	9	20
TOTAL	95	165

\*\*\*Information provided by DOT (Scott Thomas/Central Region, Debora Gardner/Interior Region, and Richard Purves/Southeast Region).



[Printer Friendly Version](#)

**State Information**

**Sanctions for Exceeding the Speed Limit in Either a Construction or School Zone**

Home

Laws

- Aggressive Driving Laws
- Automated Enforcement Laws
- Cell Phone Laws
- Checkpoint Laws
- Child Passenger Safety Laws
- Drug Impaired Driving Laws
- Graduated Licensing Laws
- Helmet Laws
- Impaired Driving Laws
- Low Speed Vehicle Laws
- Older Driver Laws
- Safety Belt Laws
- Sanctions for School and Construction Zones
- Segway Laws
- State Speed Limit Laws

Funding

Grants

Information by State

GHSA  
750 First St. NE, Suite 720  
Washington DC 20002  
202.789.0942

State	Sanctions for Speeding in a Construction Zone	Sanctions for Speeding in a School Zone
Alaska		Six points are assessed on the driving record.
Arizona	The fine is double the usual amount.	
Arkansas	An additional fine, equal to all other fines, is imposed for exceeding the posted limit when construction personnel are present.	First offense is 1-10 days in jail and \$25-50 fine; second offense within one year is 5-25 days in jail and \$50-\$250 fine and license suspension for 6 months (subsequent offense within 1 year is 25 days, 6 months in jail and \$250-\$1000 fine; 3rd offense within one year is license suspension for one year.
* Colorado	If a speeding offense occurs in a construction zone, fines and surcharges are double the usual amount.	If a speeding offense occurs in a school zone, fines and surcharges are double the usual amount.
Connecticut	The fine is double the usual amount.	
* Florida	For exceeding the speed limit in a construction zone (except for speeds less than 5 MPH over the posted limit where only a warning is issued), the fine is double the amount in the fine schedule. Note: if a person decides to adjudicate the speeding offense in a construction zone, the fine is not more than \$1000.	For exceeding the speed limit in a school zone, the fine in the schedule is \$50, if the speed limit was exceeded by less than 5 MPH. Otherwise the fine is double. If a person decides to adjudicate the speeding offense, the fine is not more than \$1000.
Georgia	Jail of not more than 12 months and a fine of \$100-\$2000.	
Illinois	A fine of \$150 (mandatory) to \$1000, and additional fine of \$50 which is used	A fine of \$150 (mandatory) to \$1000, and additional fine of \$50 which is used

Provided by Gary Wilken

[http://www.statehighwaysafety.org/html/state\\_info/laws/sanctions\\_laws.html](http://www.statehighwaysafety.org/html/state_info/laws/sanctions_laws.html)

2/17/2005



		for school safety.	for school safety
Indiana	The court may order a person to pay a fee of \$25 for exceeding a worksite speed limit.		
Iowa	The fine is double the amount in the fine schedule.		
Kansas	The fine is double the usual amount.		
Kentucky	If a speeding offense occurs in a construction zone, the fine is double the usual amount.		
* Maine	Fines are doubled for speeding in construction zone.		The fine is double the amount in the fine schedule.
Maryland	Fines are doubled.		A fine of not more than \$1000.
* Michigan	The fine is double that prescribed by law.		The fine is double that prescribed by law.
Minnesota	A surcharge is assessed that equals the fine, except the surcharge cannot be less than \$25.		A surcharge is assessed which equals the fine, except the surcharge cannot be less than \$25.
Mississippi	For exceeding the posted limit in a "highway work zone" a fine of not more than \$250 is assessed.		
Missouri	A fine of \$35 is assessed if offender is convicted of a moving violation in a construction or work zone; an additional fine of \$250 is assessed if offender is convicted of speeding or passing in a construction or work zone if workers are present and proper signage has been erected.		
Montana	If a speeding offense occurs in a work zone, the fine is double the usual amount.		
* Nebraska	If a speeding offense occurs in a construction zone, the fine is double the usual amount.		If a speeding offense occurs in a school crossing zone, the fine is double the usual amount.
Nevada	There is an additional sanction which is equal to the original sanctions imposed for exceeding such a limit. Imprisonment sanctions for the original and additional sanctions must run consecutively. However, the combined sanctions cannot exceed 6 months of imprisonment, \$1000 or 120 hours of		

	community service.	
New Jersey	The fine is double the usual amount.	
New York	Exceeding the speed limit less than 10 MPH, a fine of \$60-\$100; exceeding the speed limit more than 10 MPH but less than 30 MPH, not more than 30 days in jail and a fine of \$120-\$200; exceeding the speed limit more than 30 MPH, not more than 30 days in jail and a fine of \$240-\$400. For a second offense within 18 months for any of the previous offenses, the fine is increased by \$100. For a subsequent offense within 18 months for any of the previous offenses, the fine is increased by \$250.	Exceeding the speed limit less than 10 MPH, a fine of \$60-\$200; exceeding the speed limit more than 10 MPH but less than 30 MPH, not more than 15 days in jail and a fine of \$120-\$400; exceeding the speed limit more than 30 MPH, not more than 30 days in jail and a fine of \$240-\$800. For a second offense within 18 months for any of the previous offenses, the fine is increased by \$100. For a subsequent offense within 18 months for any of the previous offenses, the fine is increased by \$250.
North Carolina	There is a mandatory \$250 fine.	There is a mandatory \$25 fine and 3 points are assessed against the driving record.
North Dakota	Fee schedule for exceeding the speed limit by 1-10 MPH is \$40; fee schedule for exceeding the speed limit by more than 10 MPH is \$40 plus \$5 for each MPH over 10 MPH.	
Ohio	The fine is double the usual amount.	
Oregon	The fine is 80% of the maximum fine established for the violation.	The fine is 80% of the maximum fine established for the violation.
Pennsylvania	The fine is double the usual amount.	The fine is \$35 plus \$2 for every mile in excess of 5 MPH.
South Carolina	Jail of not more than 30 days and/or a fine of \$75-\$200.	
South Dakota	Fine is double the usual amount.	
Tennessee	Fine of \$250 (mandatory) to \$500. Speeding violations where the vehicle's speed was not noted on the citation, 3 points; exceeding the speed limit 1-5 MPH, 2 points; exceeding the speed limit 6-15 MPH, 6 points; exceeding the speed limit 16-35 MPH, 7 points; exceeding the speed limit by 36 or more MPH, 8 points. For commercial vehicles,	

	speeding where the vehicle's speed was not noted on the citation, 4 points; exceeding the speed limit through 5 MPH, 2 points; exceeding the speed limit 6-14 MPH, 5 points.	
Texas	Minimum and maximum fines are doubled.	
Utah	If convicted of speeding in a construction zone when workers are present, fine is double the amount listed in the fine schedule.	
Virginia	Fine is not more than \$250.	For speeding in a school crossing zone is not more than \$250.
* Washington	Mandatory fine of double the normal amount for exceeding the speed limit in a roadway construction zone.	Mandatory fine of double the normal amount for exceeding the speed limit in a school or playground crosswalk.
West Virginia	A fine of not more than \$200. Jail of not more than 20 days for exceeding the speed limit by 15 or more MPH.	A fine of \$100-\$500. Jail of not more than 6 months for exceeding the school zone limit by 15 or more MPH when one or more children are in the zone.
* Wisconsin	Maximum and minimum fines are doubled.	Maximum and minimum fines are doubled.
Wyoming	Fine of \$100 when operating a motor vehicle with a gross vehicle weight greater than 26,000 pounds and speeding more than 6 MPH (fine appears to be mandatory.)	
Total:	36 States	19 States

Source: NHTSA "Summary of Special Sanctions for Exceeding the Speed Limit in Either a Construction or School Zone" and State Highway Safety Offices. Current as of January 2005.

**Table 7A-101  
Urban School Zone Traffic Control**

Grade Level  (Lowest Grade Taught at School)	Students Required to Cross Road at Grade									Students Not Required to Cross Road At-Grade (Could be grade-separated or just no crossing)  Completely Fenced? (1)	
	Traffic Signal at Crossing		No Traffic Signal at Crossing								
			STOP Controlled Crossing	Crossing Not STOP-Controlled				Grade Separation	Ped. Signal (If warranted) (3)		
	Sufficient Gaps (2)			Insufficient Gaps (2)							
	Speed Limit ≤25	Speed Limit >25		Speed Limit ≤25	Speed Limit >25	Address by re-routing students, busing students, or one of the following: Crossing Guard (If < 4 lanes)					
Speed Limit ≤25	Speed Limit >25	Speed Limit ≤25	Speed Limit >25	Speed Limit ≤25	Speed Limit >25	Yes	No				
9-12	C	G	major streets only	G	G	n/a	n/a	See Students Not Required to Cross Road At-Grade	See Students Required to Cross Road At-Grade/Traffic Signal at Crossing		
5-8	C	C,G?	major streets only, G?	G	C,G?	C,G	C,G				
K-4	C,G?	C,G?	major streets only, G?	C,G?	C,G?	C,G	C,G				

LEGEND	
n/a	Does not apply: Crossing guards should not be used for high school students.
	No School Signs
	Advance School Sign (S1-1) Only
	Advance (S1-1) and Crossing (S1-1 with W16-7p) School Signs: Overhead (S1-1) signs with flasher optional
	Advance (S1-1) and Crossing (S1-1 with W16-7p) School Signs + 20 mph When Flashing (S5-1) Sign and Flasher: Overhead (S1-1) with flasher signs optional (4)
C	Marked crosswalk: Install at nearest intersection, if within 400 feet. If a crosswalk exists within 400 feet, consider using it as the school crosswalk. Use school crosswalk signs at mid-block crosswalks if within a school zone.
G	Crossing Guard
G?	School districts should develop policies that consider crossing guards at these locations (for crossings of major streets).

The following notes pertain to Table 7A-101.

**SB**

**117**

## SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/28/05

FURTHER: Finance

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE BILL NO. 117

### SB 117 RECORDED STATEMENTS OF CHILD VICTIMS

"An Act relating to the admissibility into evidence of the prior recorded statement of a crime victim less than 16 years of age; and adding Rule 413, Alaska Rules of Evidence, and amending Rules 402 and 403, Alaska Rules of Evidence."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to \_\_\_\_\_ Committee

**Senate Bill:**

Same Title

New Title

**House Bill:**

Same Title

Technical Title  
Change

New Title w/  
SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	DO NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
CHAIR: <i>[Signature]</i>	✓			

WORK DRAFT

WORK DRAFT

WORK DRAFT

24-LS05791Y  
Luckhaupt  
4/1/05

**CS FOR SENATE BILL NO. 117( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**

**Referred:**

**Sponsor(s): SENATORS FRENCH, Kookash, Bunde, Dyson, Huggins, Wagoner, Elton, Ellis, Davis, Guess, Stedman, Olson**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the admissibility into evidence of the prior recorded statement of a**  
2 **crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of**  
3 **Evidence."**

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

5 **\* Section 1. The uncodified law of the State of Alaska is amended by adding a new section**  
6 **to read:**

7 **DIRECT COURT RULE AMENDMENT. Rule 801(d), Alaska Rules of**  
8 **Evidence is amended by adding a new paragraph to read:**

9 **(3) Recorded Statement by Child Victims of Crime. The statement is a**  
10 **recorded statement by the victim of a crime who is less than 16 years of age and**

11 **(A) the recording was made before the proceeding;**

12 **(B) the victim is available for cross-examination;**

13 **(C) the prosecutor and any attorney representing the defendant**  
14 **were not present when the statement was taken;**

WORK DRAFT

WORK DRAFT

24-LS0579\Y

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(D) the recording is on videotape or other format that records both the visual and aural components of the statement;

(E) each person who participated in the taking of the statement is identified on the recording;

(F) the taking of the statement as a whole was conducted in a manner that would avoid undue influence of the victim;

(G) the defense has been provided a reasonable opportunity to view the recording before the proceeding; and

(H) the court has had an opportunity to view the recording and determine that it is sufficiently reliable and trustworthy and that the interests of justice are best served by admitting the recording into evidence.

24-LS0579\F  
Luckhaupt  
3/21/05

**CS FOR SENATE BILL NO. 117( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATORS FRENCH, Kookesh, Bunde, Dyson, Huggins, Wagoner, Elton, Ellis, Davis, Guess, Stedman, Olson**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the admissibility into evidence of the prior recorded statement of a**  
2 **crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of**  
3 **Evidence."**

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

5 **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 DIRECT COURT RULE AMENDMENT. Rule 801(d), Alaska Rules of  
8 Evidence is amended by adding a new paragraph to read:

9 (3) Recorded Statement by Child Victims of Crime. The statement is a  
10 recorded statement by the victim of a crime who is less than 16 years of age and

11 (A) the recording was made before the proceeding;

12 (B) the victim is ~~present at the proceeding~~ and available to

13 testify; *for cross examination*

14 (C) the prosecutor and any attorney representing the defendant

#1

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were not present when the statement was taken;

(D) the recording is on videotape or other format that records both the visual and aural components of the statement;

(E) each person who participated in the taking of the statement is identified on the recording;

(F) the taking of the statement as a whole was conducted in a manner that would avoid undue influence of the victim;

(G) the defense has been provided a reasonable opportunity to view the recording before the proceeding; and

(H) the court has <sup>had an opportunity to view</sup> ~~viewed~~ the recording <sup>to</sup> ~~and has determined~~ that it is sufficiently reliable and trustworthy and that the interests of justice are best served by admitting the recording into evidence.

# 3

# ALASKA STATE LEGISLATURE



SENATOR HOLLIS FRENCH

## SB 117- ADMISSIBILITY INTO EVIDENCE OF PRIOR RECORDED STATEMENT OF A CRIME VICTIM YOUNGER THAN 16

### Sponsor Statement

---

SB 117 will make recorded statements of victims under 16 admissible in Alaska's courts if the statements were conducted under certain conditions and if the victim is present at the proceeding and available for testimony. Such statements, or "forensic interviews," are now admissible as evidence only if the child victim contradicts his or her earlier statement or cannot remember the event.

Forensic interviews of sexually or physically abused children are conducted at safe, nurturing, child-friendly environments. The interviewers are specially trained to work with children and work with a multi-disciplinary team focused on the child's welfare. The team may include police officers, social workers, child therapists, medical professionals, and child advocates. By working together to deal with a child's traumatic experiences and by centralizing a child's interaction with adults in positions of authority, child advocacy centers make children feel safer and more confident.

Allowing recorded statements to be introduced as evidence will enhance the law enforcement process to bring child predators to justice. A statement made by a child in an environment that is focused on the child's welfare and comfort is often much more informative about the child's experience with an abuser than testimony the child will give in a formal court setting. Children express things differently and they often need to explain what has happened to them using physical objects rather than words. Children are understandably intimidated by formal questioning by unfamiliar adults in a courtroom setting, and their difficulty in articulating the details of a very painful and very private experience often results in a reduction of the charges.

SB 117 will help make prosecution of child abusers more effective. Please join me in supporting this bill and taking another step to make Alaska a safer place for children.

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB 117  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title An Act relating to the admissibility RDU Legal and Advocacy Services  
into evidence... Component Public Defender Agency  
Sponsor Senators French, Kookesh  
Requester Senate Judiciary Component No. 1631

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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>						
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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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
<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 (FY2005) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)  
This bill is not expected to have a significant fiscal impact on the operations of the Agency. If enacted however, the Agency will be involved in additional motions and hearings required to determine the admissibility of prior recorded statements.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-1416  
Division: Public Defender Agency Date/Time 3/8/05 2:05 PM  
Approved by: Michael Tibbles, Deputy Commissioner Date 3/8/2005  
Agency: Department of Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 117  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Recorded Statements of Victims BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Senator French  
 Requester \_\_\_\_\_ Component No. 768

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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-Do not abbreviate)						
<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 (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**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 SB 117.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 3/7/05 11:01 AM  
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/7/2005  
 Agency Alaska Court System

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB117-DPS-AST-3-9-05  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title An Act relating to the recorded statements of a child RDU Alaska State Troopers  
 Component AST Detachments  
 Sponsor Senator French  
 Requester \_\_\_\_\_ Component No. 2325

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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--Do not abbreviate)						
<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 (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill adds a new criminal rule under the rules of evidence. It will allow recorded statements by child victims (less than 16 yrs. of age) to be relevant and admissible in proceedings. The bill specifies the parameters and types of recordings this rule will allow.

Passage of this bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223  
 Division: Alaska State Troopers Date/Time 3/9/05 3:39 PM  
 Approved by: Commissioner William Tandeske Date 3/9/2005  
 Agency: Department of Public Safety

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB117-LAW-CDCO-3-9-(  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title: "An Act relating to admissibility into evidence  
of the prior recorded statement of a crime victim less than..." RDU CRIMINAL  
 Component Criminal Justice Litigation  
 Sponsor Senator French  
 Requester Senate Judiciary Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill adds a new court rule to the Alaska Rules of Evidence that makes relevant and admissible under certain circumstances the recorded statement of a crime victim who is less than 16 years of age.

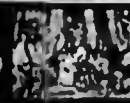
Passage of this bill will have no fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone 465-3673  
 Division: Administrative Services Division Date/Time 3/9/05 4:41 PM  
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 3/9/2005  
 Agency: Department of Law

JuneauMLS

Bartlett  
Regional  
HospitalJuneau Empire  
online

Local News



Web posted Tuesday, April 24, 2001

JUNEAU WEATHER

Select Your City

## SAFE center aims to curb impacts on child victims

By ANN CHANDONNET  
THE JUNEAU EMPIRE

Being hauled all over town and grilled by strangers can be a grueling experience for a child crime victim, adding to his or her trauma.

The new Southeast Alaska Family Evaluations Child Advocacy Center attempts to lessen the emotional pain. The center, SAFE for short, officially opened its doors last week at 2225 Jordan Creek Ave.

"We expect to serve age 2 to 16 or 17, depending on the case and the specific circumstances," said Rosemary Hagevig, executive director of Catholic Community Service.

A forensic interviewer, Carolyn Porter, came on board four months ago and has been working since the first week of January at the Juneau Police Department, Hagevig said. Porter has been averaging 15 child victim interviews a month.

The center provides "a neutral setting for kids who are alleged victims of abuse or neglect," Porter said. "We can bring them here to a child-friendly setting, do one video interview that all the agencies can use, make recommendations for parents it's kind of one-stop shopping."



### Working with kids:

Carolyn Porter sits in an interview room for children who may have experienced either physical or sexual abuse. The room is part of the Southeast Alaska Family Evaluations Child Advocacy Center.

MICHAEL PENN / THE JUNEAU EMPIRE

Porter, working in law enforcement and at a child protection center in Amarillo, Texas, has more than 1,000 interviews under her belt.

"It's very important sometimes to determine that nothing has happened to a child," she said. "If we can get through these cases quicker and minimize the impact, we will come out with stronger kids."

The center is funded by a grant secured through U.S. Sen. Ted Stevens from the federal Department of Health and Human Services, said Hagevig. The \$300,000 grant funded startup costs such as video equipment and will ensure its first 15 months of operation.

The center will work in cooperation with a variety of local agencies, Hagevig said.

Juneau Youth Services, Catholic Community Service, AWARE, the Division of Family and Youth Services, Bartlett Regional Hospital, SEARHC, the state Division of Juvenile Justice, the police department and state troopers are all involved, she said. Local pediatricians and emergency room physicians also will be linked to the center.

"This is a huge collaborative effort in Juneau, a significant effort. I think Juneau can be proud that so many agencies have come together to make this work," she said.

The Child Advocacy Center is part of a national movement to ensure children and families who experience child physical or sexual abuse are less impacted by the system that deals with them after a suspected incident is reported. Anchorage and Wasilla have centers. Other centers are planned for Nome and Fairbanks.

Most of the referrals to Juneau's center originate with DFYS or law enforcement agencies, Hagevig said. The center initially will accept referrals only from Juneau, but eventually will serve the northeast portion of Southeast Alaska.

The facility includes a foyer equipped with toys, a medical exam room, and an interview room with built-in mikes and cameras. DFYS case workers or district attorneys in another room can watch the video feed and supply the interviewer with questions they would like answered. A permanent film of the interview is made for official reference.

"The interviewer establishes a good relationship and no one else comes into the room," Hagevig said. "You don't have to hustle around

town and sit in the waiting room."

The Child Advocacy Center can be reached at 790-4342.

Ann Chandonnet can be reached at [achandonnet@juneauempire.com](mailto:achandonnet@juneauempire.com).



**Alaska State  
Legislature  
Senator Hollis  
French  
Senator Albert  
Kookesh**

**WEB:** <http://www.akdemocrats.org>  
**CONTACT:** Minta Montalbo  
**PHONE:** (907) 465-3892  
**FAX:** (907) 465-6595  
**EMAIL:** [french@akdemocrats.org](mailto:french@akdemocrats.org)  
**ROOM:** #504 State Capitol Bldg.

**FOR IMMEDIATE RELEASE · February 28, 2005**

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***French, Kookesh File Bills to Protect Children  
Legislation outlaws Internet victimization, seeks admissibility of interviews***

JUNEAU – Sens. Hollis French, D-Anchorage, and Albert Kookesh, D-Angoon, introduced a package of bills today to protect children from crime and its effects.

Two of the bills, Senate Bills 118 and 119, make it a crime to entice minors on the Internet and to send them indecent material electronically.

“These bills will help provide a ‘safety Net’ for Alaska’s children,” said Senator French. “No parent should have to live in fear that a child will receive pornography by e-mail or be lured into a dangerous relationship by a predator. SB 118 and SB 119 will help Alaska’s police and prosecutors bring an end to these terrible acts.”

A third bill in the package, Senate Bill 117, makes recorded statements of victims under 16 admissible in court if they were conducted under certain conditions. These “forensic interviews,” which are conducted in child advocacy centers around the state, are now admissible only if the child victim contradicts his or her earlier statement or cannot remember the event.

“Alaska’s rate of child sexual abuse is among the highest in the nation. We know that the Internet is playing an increasing role in child victimization here as well as around the globe,” said Senator Kookesh. “These bills will help protect Alaska’s children and bring swifter justice for them.”

#####

**PRESS ADVISORY:** On Tuesday, March 1, Detective Kevin Vandegriff, Special Assault Unit, Anchorage Police Department, and Michelle Monts, Program Manager, S.A.F.E. Child Advocacy Center in Juneau, will join Senators French and Kookesh at a press availability to discuss the legislation and its impact on child victims. The press availability will be in the Beltz Room at 10:30 a.m.###



**Alaska State  
Legislature  
House and Senate  
Democrats**

WEB: <http://www.akdemocrats.org/>  
CONTACT: Mike Doogan, Press Secretary  
PHONE: (907) 465-3842  
FAX: (907) 465-5125  
EMAIL: [press@akdemocrats.org](mailto:press@akdemocrats.org)

**FOR IMMEDIATE RELEASE · March 1, 2005**

## ***Police Officer, Interviewer Support Child Protection Bills***

### ***Package by French, Kookesh aims at Internet, statements***

JUNEAU -- Detective Kevin Vandegriff of the Anchorage Police Department's crimes against children unit, and Michelle Monts, a forensic interviewer and program manager with Juneau's child advocacy center, appeared Tuesday at a Senate Democrats' press conference to endorse a package of child protection bills sponsored by Sen. Hollis French, D-Anchorage, and Sen. Albert Kookesh, D-Angoon.

Two of the bills, Senate Bills 118 and 119, make it a crime to entice minors on the Internet and to send them indecent material electronically. The third bill in the package, Senate Bill 117, makes recorded statements of victims under 16 admissible in court if they were conducted under certain conditions. These "forensic interviews," which are conducted in child advocacy centers around the state, are now admissible only if the child victim contradicts his or her earlier statement or cannot remember the event.

Vandegriff spoke about sexual predation on the Internet.

MP3 actuality: [http://akdemocrats.org/Audio/030105\\_sexpredator1.mp3](http://akdemocrats.org/Audio/030105_sexpredator1.mp3)

He also described his own experiences posing as a minor in a training class in Seattle.

MP3 actuality: [http://akdemocrats.org/Audio/030105\\_sexpredator2.mp3](http://akdemocrats.org/Audio/030105_sexpredator2.mp3)

He also described the effects of predators sending pornography to minors electronically.

MP3 actuality: [http://akdemocrats.org/Audio/030105\\_sexpredator3.mp3](http://akdemocrats.org/Audio/030105_sexpredator3.mp3)

Monts spoke to the reasons for allowing statements made to forensic interviewers to be introduced into evidence.

MP3 actuality: [http://akdemocrats.org/Audio/030105\\_sexpredator4.mp3](http://akdemocrats.org/Audio/030105_sexpredator4.mp3)



Sen. French's introduction  
3 minutes - Mpeg4 - 5 MBytes



Michelle Monts' statement  
3 minutes - Mpeg4 - 5 MBytes

The bills, introduced Monday, are currently in the Senate Judiciary Committee.

###

***Putting Alaskans First - Moving Alaska Forward 2005***

Sen. Bettie Davis, Sen. Johnny Ellis, Sen. Kim Elton, Sen. Hollis French, Sen. Gretchen Guess, Sen. Lyman Hoffman, Sen. Albert Kookesh, Sen. Donny Olson, Rep. Ethan Berkowitz, Rep. Sharon Cissna, Rep. Harry Crawford, Rep. Eric Croft, Rep. Les Gara, Rep. Berta Gardner, Rep. Max Gruenberg, Rep. David Guttenberg, Rep. Reggie Joule, Rep. Mary Kapsner, Rep. Beth Kertula, Rep. Carl Moses, Rep. Woodie Salmon

**SB**

**118**

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 2/28/05

FURTHER: Finance

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered SENATE BILL NO. 118

**SB 118 ONLINE ENTICEMENT OF MINOR**

"An Act relating to online enticement of minors."

and recommends:

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

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>Ralph Seebins</i>	✓			

# ALASKA STATE LEGISLATURE



SENATOR HOLLIS FRENCH

## SB 118 – OUTLAWING ONLINE ENTICEMENT OF MINORS

### Sponsor Statement

---

SB 118 will make online enticement of minors a felony under Alaska law. Along with SB 119, the measure will help protect Alaska's children from sexual predators and provide a "safety net" for them as they navigate the Internet.

Alaska has the distinction of being the most "wired" state because it has the highest number of computers and Internet connections per capita in the US. Regrettably, Alaska also ranks among the highest in its rate of sexual abuse of children, and unfortunately many of these cases begin through contacts made via Internet chat rooms.

Online victimization, which includes sexual enticement/solicitation, unwanted exposure to sexual material, and harassment, is one of the worst byproducts of the age of the Internet. Research by the University of New Hampshire found that one in five children between the ages of 10 and 17 received a sexual solicitation over the Internet in the last year. One in thirty-three received an aggressive solicitation - a solicitor who asked to meet them somewhere; called them on the telephone; or sent them regular mail, money, or gifts.

While current statutes can be stretched to allow prosecution of online solicitation, the better approach is to recognize that this new form of criminality requires a new statute. Please join me in supporting SB 118 and taking another step in making Alaska a safer place for children.

*March 3, 2005*

AMENDMENT #1

OFFERED IN THE SENATE

BY SENATOR FRENCH

TO: SB 118

1 Page 1, following line 12:

2 Insert a new subsection to read:

3 "(c) In a prosecution under this section, it is not necessary for the prosecution  
4 to show that the act described in AS 11.41.455(a)(1) - (7) was actually committed."

5

6 Reletter the following subsections accordingly.

7

8 Page 1, line 13:

9 Delete "(d)"

10 Insert "(e)"

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 118  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
 Title "An act relating to online enticement of minors." RDU Institutional Facilities  
 Component Institution Director's Office  
 Sponsor Senators: French, Kookesh, Bunde, Dyson, Elton...  
 Requester Judiciary, Finance Component No. 524

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<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>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</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>
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<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 (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 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)

Due to the very small number of potential criminal cases, the Department of Corrections does not anticipate a significant fiscal impact with the passage of this legislation.

Prepared by: Sharleen Griffin, Acting Director Phone 465-4641  
 Division: Administrative Services Date/Time 3/10/05 6:59 AM  
 Approved by: Portia C.K. Parker, Deputy Commissioner Date 3/10/2005  
 Agency: Department of Corrections

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 118  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: An Act relating to online RDU: Legal and Advocacy Services  
enticement of minors. Component: Public Defender Agency  
 Sponsor: Senators French, Kookash  
 Requester: Senate Judiciary Component No.: 1631

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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>						
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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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill should have minimal fiscal impact on the operations of the Public Defender Agency. The Agency does not expect to handle a significant number of these new offenses.

Prepared by: Linda K. Wilson, Deputy Director Phone: (907)334-4416  
 Division: Public Defender Agency Date/Time: 3/8/05 2:05 PM  
 Approved by: Michael Tibbles, Deputy Commissioner Date: 3/8/2005  
 Agency: Department of Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 118  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Online Enticement of Minor BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Senator French  
 Requester \_\_\_\_\_ Component No. 768

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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--Do not abbreviate)						
<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 (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**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 SB 118.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750  
 Division: Alaska Court System Date/Time 3/7/05 11:08 AM  
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/7/2005  
 Agency: Alaska Court System

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB118-DPS-AST-3-9-05  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title "An Act relating to online enticement of minors." RDU Alaska State Troopers  
 Component AST Detachments  
 Sponsor Senator French  
 Requester \_\_\_\_\_ Component No. 2325

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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>						
-----------------------------	--	--	--	--	--	--

<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--Do not abbreviate)						
<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 (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill adds a new section that will prohibit a person (18 years or older) from knowingly using a computer to communicate with another person to entice, solicit, or encourage sexual conduct described in AS 11.41.455, unlawful exploitation of a minor. The bill specifies that the other person is a child under 16 years of age, but allows for a prosecution of a person who believes the other person is a child under 16 years of age when they are not actually a child under 16 years of age. The bill specifies that a violation under this new section is a class C Felony unless the person committing the offense is at the time a person required to be a registered sex offender or child kidnapper, a violation would then be a class B Felony.

Passage of this bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223  
 Division Alaska State Troopers Date/Time 3/9/05 3:47 PM  
 Approved by: Commissioner William Tandeske Date 3/9/2005  
 Agency Department of Public Safety

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 118-LAW-CDCO-3-9-  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to online enticement of minors." RDU CRIMINAL  
 Component CDCO  
 Sponsor Senator French  
 Requester Senate Judiciary Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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>						
-----------------------------	--	--	--	--	--	--

<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--Do not abbreviate)						
<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 (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill amends AS 11.41 by adding a new section makes it a class C Felony for a person 18 years of age or older to use a computer to communicate with another person to entice, solicit, or encourage the person to engage in acts described as unlawful exploitation of a minor as spelled out in AS 11.41.455(a)(1) - (7). The bill defines a minor as a person under 16 years of age, or whom the perpetrator believed was under 16 years of age at the time. The bill raises the offense to a class B felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper.

The Department of Law does not anticipate many cases will be prosecuted as a result of passage of this legislation and estimate no fiscal impact as a result.

Prepared by: Kathryn Daughhete, Director Phone 465-3673  
 Division: Administrative Services Division Date/Time 3/9/05 4:42 PM  
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 3/9/2005  
 Agency: Department of Law



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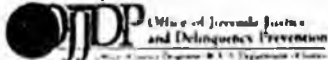
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**What is Online Enticement of Children for Sexual Acts**

Online enticement, the use of the Internet to entice, invite, or persuade a child to meet for sexual acts or to help arrange such a meeting, is a serious offense.<sup>1</sup>

The Internet is exciting new territory for many young people; however, stories from law-enforcement officials, caregivers, and young people themselves suggest that not every online adventure is a happy one. The Internet has a seamier side that young people seem to be encountering with greater frequency.<sup>2</sup>

There are risks for children who use the Internet or online services. Teenagers are particularly at risk because they often use the computer unsupervised and are more likely than younger children to participate in online discussions regarding companionship, relationships, or sexual activity. A child might provide information or arrange an encounter that could risk his or her safety or the safety of other family members.

Predators have used E-mail, instant messages, bulletin boards, and chat areas to gain a child's confidence and then arrange a face-to-face meeting. This sometimes leads to the child traveling to meet the person he or she is chatting with or the person traveling to meet the child. Sometimes the other party is an adult whose intent is to have sex with the child.<sup>3</sup>

Based on a study of 1,501 teens and preteens, approximately one in five received a sexual solicitation or approach over the Internet in 1999. Less than 10 percent of these sexual solicitations were reported to authorities such as a law-enforcement agency, an Internet service provider, or a hotline. Most families do not know where to report Internet offenses.<sup>4</sup>

**What is Being Done About this Problem?**

Law-enforcement officials are tracking down an ever-increasing number of "predators" on the Internet. There is now more specialized training available to law-enforcement regarding this issue.<sup>5</sup> State and local task forces are forming at ever-increasing numbers to combat Internet-related child exploitation. Through funding from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, 39 Internet Crimes Against Children task force units have been set up nationwide and currently focus on child sexual exploitation online. One of the most important tools for law-enforcement personnel and families was the development of NCMEC's [CyberTipline](#). This online reporting mechanism has initiated numerous investigations and arrests of child predators.

**What Can Be Done to Prevent This From Happening?**

The responsibility of preventing and resolving Internet crimes against children is not merely a federal or local issue. Technology has demonstrated it to be a global responsibility, because it can be a borderless crime. By informing communities about the many existing resources available and having caregivers taking a more active role, we can make the journey through cyberspace safer for children.

<sup>1</sup>18 U.S.C. 2425.

<sup>2</sup>David Finkelhor, Kimberly I. Mitchell, and Janis Wolak. *Online Victimization: A Report to the Nation's Youth*. Alexandria, Virginia: National Center for Missing & Exploited Children, 2000, page viii [hereinafter *Online Victimization*].

<sup>3</sup>Lawrence J. Magid. *Child Safety on the Information Highway*. Alexandria, Virginia: National Center for Missing & Exploited Children, 1998, page 3-4.

<sup>4</sup>*Online Victimization*, *supra* note 1, page ix.

<sup>5</sup>*Id.*, page 35.

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**Online Victimization:  
A Report on the Nation's Youth**

BY THE CRIMES AGAINST CHILDREN RESEARCH CENTER

DAVID FINKELHOR  
KIMBERLY J. MITCHELL  
JANIS WOLAK

JUNE 2000

FUNDED BY THE U.S. CONGRESS THROUGH A GRANT TO THE  
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## Report Statistical Highlights

Based on interviews with a nationally representative sample of 1,501 youth ages 10 to 17 who use the Internet regularly

- Approximately one in five received a sexual solicitation or approach over the Internet in the last year.
- One in thirty-three received an **aggressive** sexual solicitation — a solicitor who asked to meet them somewhere; called them on the telephone; sent them regular mail, money, or gifts.
- One in four had an unwanted exposure to pictures of naked people or people having sex in the last year.
- One in seventeen was threatened or harassed.
- Approximately one quarter of young people who reported these incidents were distressed by them.
- Less than 10% of sexual solicitations and only 3% of unwanted exposure episodes were reported to authorities such as a law-enforcement agency, an Internet service provider, or a hotline.
- About one quarter of the youth who encountered a sexual solicitation or approach told a parent. Almost 40% of those reporting an unwanted exposure to sexual material told a parent.
- Only 17% of youth and approximately 10% of parents could name a specific authority (such as the FBI, CyberTipline, or an Internet service provider) to which they could make a report, although more said they had "heard of" such places.
- In households with home Internet access, one third of parents said they had filtering or blocking software on their computer at the time they were interviewed.

The survey suggests that youth encounter a substantial quantity of offensive episodes, some of which are distressing and most of which are unreported. A comprehensive strategy to respond to the problem would aim to reduce the quantity of offensive behavior, better shield young people from its likely occurrence, increase the level of reporting, and provide more help to youth and families to protect them from any consequences.

### What is Online Victimization?

People can be victimized online in many ways. In the *Youth Internet Safety Survey* we asked about three kinds of victimization that have been prominent in discussions of youth and the Internet—sexual solicitation and approaches, unwanted exposure to sexual material, and harassment.

**Sexual solicitations and approaches:** Requests to engage in sexual activities or sexual talk or give personal sexual information that were **unwanted** or, whether wanted or not, **made by an adult**.

**Aggressive sexual solicitation:** Sexual solicitations involving **offline contact** with the perpetrator through regular mail, by telephone, or in person or attempts or requests for offline contact.

**Unwanted exposure to sexual material:** Without seeking or expecting sexual material, being exposed to pictures of naked people or people having sex when doing online searches, surfing the web, opening E-mail or E-mail links.

**Harassment:** Threats or other offensive behavior (not sexual solicitation), sent online to the youth or posted online about the youth for others to see.

Not all such incidents were distressing to the youth who experienced them. **Distressing incidents** were episodes where youth rated themselves as very or extremely upset or afraid as a result of the incident.

### **What is the *Youth Internet Safety Survey*?**

- A telephone survey of a representative national sample of 1,501 young people, ages 10 through 17, who use the Internet regularly
- "Regular Internet use" was defined as using the Internet at least once a month for the past six months at home, school, a library, or some other place
- Parents or guardians were interviewed first for about 10 minutes
- With parental consent, young people were interviewed for about 15 to 30 minutes
- Care was taken to preserve privacy and confidentiality during the youth interview
- Youth participants received \$10 checks and information about Internet safety
- The interviews took place between August 1999 and February 2000
- Topics covered in the interviews included
  - Experiences of sexual solicitation, unwanted exposure to sexual material, and harassment via the Internet and reactions to those experiences
  - The nature of friendships formed over the Internet
  - Knowledge of Internet safety practices among young Internet users and their parents or guardians
  - Assessment of factors that might make some young people more vulnerable than others to sexual solicitation, unwanted exposure to sexual material, and harassment via the Internet
- Youth survey participants were
  - 53% males, 47% females
  - 73% non-Hispanic white, 10% African-American, 3% American Indian or Alaskan native, 3% Asian, 2% Hispanic white, 7% other, 2% did not answer



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Teens recall messages from screen name linked to educator

By AMY JETER AND DEIRDRE FERNANDES
The Virginian-Pilot
July 10, 2004

PORTSMOUTH — Three teenagers said they conversed online and received harassing messages from an Internet screen name linked to a local educator who is accused of using a computer to solicit sex from a child.

The teens said they never met the person behind the screen name HOTLILFLGURL, but they were disturbed to learn that investigators think it was used by a 30-year-old man.

Kelly K. Bowen was arrested last month after authorities searching his home found pornographic electronic images of children — including at least one of him performing a sex act on a child, prosecutors said.

Bowen, a former elementary teacher who has worked for about 10 years in the city's school division, is being held without bond. His house was searched after an undercover officer conversed about sex in an Internet chat room with a person who claimed to be a woman, according to court records. The woman's screen name in that conversation was "HOTLILFLGURL," a name registered to Bowen, records show.



Address

Forensic Operations
PO Box 1211
Wytheville, VA 24382
Phone: 276-920-7895
Fax: 973.215.7510

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The three Portsmouth teenagers said they and some friends received instant messages from that name starting in the spring. They also said that Bowen was never their teacher and that they had never met him. Bowen's attorney, Stan Clark, declined to comment Friday.

According to the teens, HOTLILFLGURL said her name was Jessica and that she was 15. Sometimes the messages sounded like they were from a teenage girl. For instance, she mentioned that she was bored or was going somewhere with her mother. Other times, HOTLILFLGURL talked about sex acts, cursed and pestered the teenagers to meet her in person. The messenger e-mailed one boy a picture of a long-haired, brown-eyed girl wearing white "All American Girl" pajamas.

But the messenger's identity was a mystery until last month, when authorities announced 10 Internet screen names that they thought Bowen had used.

Investigators also said that for years, Bowen had used the Internet to meet children, posing as young girls who wanted to talk to boys.

"I was freaked out," said one 14-year-old boy, who said he conversed online several times with HOTLILFLGURL. "That's scary, like I saw a ghost or something."

Interviews with the boy and two other teenagers, along with their parents, show some of the risks posed by the anonymity of the Internet and its extensive use by children.

The Virginian-Pilot is withholding the names of the teenagers and their parents because the minors may be victims or witnesses in a sex-crime case.

Two said they have reported their experiences to authorities. A member of state Attorney General Jerry W. Kilgore's office confirmed that one of the families had contacted the office. Whether the other student made a report to authorities could not be verified.

The three students, who are rising ninth-graders, know one another. They said they and other friends communicate by computer more often than by phone.

The teenagers subscribe to an Internet provider, which allows them to send e-mail, and they use a service to converse electronically with one person at a time by "instant messaging." They talk to dozens of people online but say they know most of them in person.

Their parents said they supervise their children's computer use in varying degrees, and the teens said they did not learn Internet safety tips at school.

The Portsmouth school division does not have any policy to teach students about the dangers of the Internet, but individual schools may, according to Superintendent David C. Stuckwisch. The 14-year-old boy has had a computer in his room for a few months.

He said that in March he received his first message from HOTLILFLGURL, asking him his age, gender and where he lived. The individual claimed to have recently moved to Portsmouth and listed names of other teenagers, asking if he knew them.

At first, the 14-year-old received instant messages from HOTLILFLGURL every few weeks, but then the messages grew more frequent, he said.

HOTLILFLGURL told the 14-year-old that a boy he knew was gay and asked him

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for the street address of another boy. The messenger claimed to have a naked picture of one of his friends and asked for a picture of him, he said.

The 14-year-old said that the individual asked to meet him and asked him to perform a sex act. When the teen refused, the messenger called him a homosexual, he said.

"I thought it was annoying," the 14-year-old said. "I thought it was just some girl."

He blocked messages from HOTLILFLGURL temporarily but then removed the block because he thought that was mean.

He did not tell his parents, and he said he was still receiving messages from HOTLILFLGURL last month.

While cleaning the teen's room one day, the boy's mother saw the screen name on the computer and remembered it. Later, she recognized it on the news and talked to her son, who gradually told her about his interaction with HOTLILFLGURL.

"I was just hoping he didn't go and meet him," said the boy's mother, a 35-year-old homemaker.

A 15-year-old boy said he started receiving messages from HOTLILFLGURL in early April. He uses a computer in his family's living room.

He said the messenger seemed to know a lot about his life, including where he lived and his girlfriend's name. He said he thought it was someone he knew, playing a prank.

The messages came at all hours. HOTLILFLGURL started getting aggressive and talking about sex, he said. The boy sent back angry messages.

"I got to a point where I got to cursing him out," he said.

The boy said he was still receiving messages from HOTLILFLGURL last month. He told his mother, but they said that neither thought much about it until authorities linked HOTLILFLGURL to Bowen. "It's just creepy," said his mother, a 34-year-old homemaker. "They're just out there."

A 14-year-old girl said she heard about HOTLILFLGURL from her friends before she ever received a message. The girl uses her family's computer, which is in the dining room.

The 14-year-old and her friends argued over whether HOTLILFLGURL was a boy or a girl, even though the messenger had given the name "Jessica" and had sent a picture to one boy.

Once, the 14-year-old saw a message in which HOTLILFLGURL wrote about living on a particular street in Portsmouth. The 14-year-old and her friends went to a house on that street and asked for "Jessica." No one by that name lived there, she said. The 14-year-old also received an instant message from HOTLILFLGURL, asking for the street address of a boy. The 14-year-old asked HOTLILFLGURL to stop harassing another boy, she said.

In response, HOTLILFLGURL called her a "slut," and worse, and told her that her mother had AIDS, she and her mother said.

Table of Contents

The girl's mother said she is healthy and that she watched the instant messaging conversation unfold.

"There's no way a teenaged girl would talk like that," said the 34-year-old mother of four. She said she told her daughter not to message with the individual anymore.

The girl and her mother found out from the newspaper that authorities said the HOTLILFLGURL screen name was registered to Bowen.

"I think it's freaky," the girl said. "I'm really glad no one decided to meet him."

Reach Amy Jeter at 446-2793 or [amy.jeter@pilotonline.com](mailto:amy.jeter@pilotonline.com). Reach Deirdre Fernandes at 222-5121 or [deirdre.fernandes@pilotonline.com](mailto:deirdre.fernandes@pilotonline.com)

Anyone with information about this case is asked to call Portsmouth police at 393-8536, Ext. 7241.

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List of victims in teacher case grows to six

By MELISSA L. JONES and JULIE SULLIVAN
melissajones@news.oregonian.com
The Oregonian
01/14/04

A prosecutor says a Gresham educator, accused of sexual contact with boys, is a predator

A federal judge ordered a Gresham middle school teacher to remain jailed after investigators said Tuesday that the teacher had inappropriate or sexual contact with at least six boys.

John J. McPartlin, 42, of east Portland's Parkrose area is charged with using the Internet to solicit sex from minors. In a transcript of an Internet chat filed as part of a U.S. District Court affidavit, McPartlin wrote that he paid at least \$200 to two boys, ages 17 and 13, to have sex with him simultaneously.

In Tuesday's hearing, Assistant U.S. Attorney Gregory Nyhus did not specify the type of contact McPartlin had with the six boys, but said he considers McPartlin a predator and a danger to the community.

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Forensic Operations
PO Box 1211
Wytheville, VA 24382
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"I'm assigning them 'victim' status for a reason," Nyhus said after the hearing.

The investigation stretches from Beaverton to Vancouver to Gresham, with families contacting multiple police agencies to report allegations.

This week, FBI investigators are arranging interviews with Gresham-area parents and basketball players whom McPartlin has taught or coached since 1995, when he began working at Clear Creek Middle School.

The FBI seized a computer from McPartlin's apartment Friday and went to the middle school with a search warrant Tuesday evening. McPartlin taught sixth-, seventh- and eighth-grade math and has a computer in his classroom.

McPartlin communicated with some students via instant messaging using the same screen name -- "Hotguy4415" -- that prosecutors say he used to attract boys to his apartment.

According to the affidavit, McPartlin posed online as a corporate attorney who lived in downtown Portland and represented companies including Nike.

News of his arrest Friday divided his students and former players, who almost came to blows over the allegations at a basketball game Saturday, parents said.

At least three Clear Creek families have called the FBI to report that McPartlin had inappropriate contact with male students, according to a parent of one student. The parent said her son told investigators that McPartlin offered students \$200 if they would masturbate on video.

Two Gresham mothers who attended the release hearing Tuesday said after the proceedings that they were saddened and disappointed. The women, who declined to give their names to protect their families, said five of their children had either been in McPartlin's classes or played on his basketball teams.

They said they had never heard anything about inappropriate behavior and described him as a popular but demanding math teacher who years later helped former students complete their high school senior projects.

"These boys loved him," one mom said. "They respected him. They thought he was awesome."

Commonly, boys ate lunch in McPartlin's classroom, and some students said they regularly joked around with him.

But two former students, now at Gresham High, told The Oregonian that during lunch in his classroom, McPartlin would give students a candy bar if they could keep a black metal paper clip attached to their nipple for 30 seconds.

Several parents and students said McPartlin hung out only with boys, kept candy reserved for boys in his room, shared a hotel room with boys on at least one off-season basketball trip to Seaside, gave students cash, and chatted with students online late at night. One parent said his son was paid \$200 to help McPartlin around school on a Saturday afternoon.

77% of the top online predator: 14 or older. An were users age

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 you shortly.

Since his arrest, the Gresham-Barlow School District has put McPartlin on leave and hired an attorney to help in its own investigation and to work with the FBI.

Authorities first learned of a local Internet sex solicitor in May, after a 15-year-old boy told Washington County authorities that a man later identified as McPartlin offered him \$200 to have sex and \$100 to make a pornographic video.

Nyhus said the investigation was stalled, however, because the boy reported the wrong screen name for the solicitor.

In October, the same boy's father told Beaverton police that his now 16-year-old son had been communicating via instant messages with "Hotguy4415," who offered money for sex. A Beaverton detective is a member of the Portland Innocent Images National Initiative Undercover Task Force, which investigates online child pornography and abuse.

The FBI then subpoenaed America Online records and on Nov. 7 learned that "Hotguy4415" was registered to McPartlin. On Dec. 4, the FBI had his home address and on Dec. 8 learned that he worked at a Gresham school. On Dec. 9, the 16-year-old who first contacted authorities picked McPartlin out of a lineup of Oregon driver's license photos as the man he'd met in 2002.

In the following weeks, investigators watched McPartlin at Clear Creek. From Dec. 14 to Jan. 6, an FBI agent assumed the identity of a 14-year-old boy and corresponded with "Hotguy4415" in online chat rooms.

The FBI arrested McPartlin on Jan. 9, the same day agents learned that he allegedly paid \$200 for sex with a 17-year-old Vancouver boy in December. Agents were able to make the arrest after the boy's mother used "spy software" to track her son's Internet chats.

McPartlin graduated from Monroe High School in 1979 and has lived his entire adult life in Oregon, according to his attorney, Gerald Needham. McPartlin has a teaching certificate from Concordia University. Before working for Gresham-Barlow, McPartlin coached Monroe High School's basketball team from 1983 to 1994 and was Oregon's Class 2A coach of the year in 1990.

His attorneys asked whether McPartlin, instead of remaining in jail, could stay with his mother in the Benton County community of Alpine. Federal Magistrate Donald Ashmanskas said he needed more information, such as a mental health evaluation, before he would consider letting McPartlin out of jail.

McPartlin is tentatively scheduled to be arraigned on Feb. 12.

The FBI asks that anyone with information about the case call 503-224-4181.

Melissa Jones: 503-294-5938; [melissajones@news.oregonian.com](mailto:melissajones@news.oregonian.com)

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