



**Superior Courts  
Felony Case Dispositions<sup>1</sup>  
FY 02 - FY 04**

Court	FY 02	FY 03	FY 04	Change	
				FY 02 to FY 04	FY 03 to FY 04
Anchorage	1,175	1,058	1,615	N/A	N/A
Barrow	84	60	68	-19%	13%
Bethel	251	332	401	60%	21%
Dillingham	114	115	151	32%	31%
Fairbanks	375	499	484	29%	-3%
Juneau	185	212	173	-8%	-18%
Kenai	265	251	353	33%	41%
Ketchikan	192	204	182	-5%	-11%
Kodiak	85	86	92	8%	7%
Kotzebue	136	150	165	21%	10%
Nome	122	168	157	29%	-7%
Palmer	371	421	464	25%	10%
Petersburg	16	17	19	19%	12%
Sitka	56	47	34	-39%	-28%
Valdez	40	45	51	28%	13%
Wrangell	13	25	6	See note 2	
Total	3,480	3,690	4,415	N/A	N/A
1st District	462	505	414	-10%	-18%
2nd District	342	378	390	14%	3%
3rd District	2,050	1,976	2,726	N/A	N/A
4th District	626	851	885	41%	6%

<sup>1</sup>Includes both felony cases initiated in the superior court and felony cases initiated in the district court.

<sup>2</sup>Numbers 10 or less are not statistically compared

N/A - Comparison to prior years is not possible because Anchorage changed its method of counting felony and misdemeanor cases in FY04. See page 51 for further explanation.

# Alaska State Troopers Alaska Bureau of Alcohol and Drug Enforcement



## 2004 Annual Drug Report



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## Introduction

The Alaska State Troopers, Bureau of Alcohol and Drug Enforcement in authoring this publication, has endeavored to represent the drug situation in Alaska in a manner that provides the broadest, possible picture of the true situation.

There are numerous agencies that conduct drug investigations in Alaska. While some agencies have a less formal relationship, most work closely with the Alaska State Troopers. In order to properly represent the true drug situation in Alaska, statistics from agencies other than those that participate in Alaska Bureau of Alcohol and Drug Enforcement are included in this report. Information provided by all sources should be considered when attempting to measure how drugs are impacting the citizens of this state.

We believe that all of this material is vital when analyzing the needs of the state in the arena of drug enforcement.



## Our Mission

### *Alaska Bureau of Alcohol and Drug Enforcement*

The Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement (ABADE) provides a leadership role in coordinating law enforcement's efforts to reduce the availability of alcohol and controlled substances throughout Alaska. ABAD E recognizes that a successful alcohol and drug program depends upon a unified effort blending traditional law enforcement techniques with demand reduction programs that address educational, social, and community concerns.

### ABADE's mission is to:

- ❖ Interdict and seize alcohol and controlled substances that are illegally distributed throughout Alaska.
- ❖ Identify and arrest distributors of controlled substances and illegal alcohol.
- ❖ Provide training and investigative support to criminal justice agencies.
- ❖ Support and participate in public education programs.



## Staffing and Support

Using a combination of federal and state funding, ABADE consisted of twenty-seven (27) State Trooper investigators and twelve (12) civilian clerical personnel for the majority of 2004. ABADE recognizes that because of Alaska's geographical vastness and ethnic diversity, no single law enforcement agency is capable of handling the drug and alcohol problems alone. ABADE encourages cooperative efforts between federal, state and local law enforcement agencies and has taken a leadership role in fostering and developing many of these cooperative arrangements through multi-jurisdictional and/or multi-agency efforts. The ABADE headquarters office in Anchorage supports six (6) investigative teams throughout the state. These teams are broken down by region as follows:

Alaska Interdiction Task Force (DEA sponsored)

Fairbanks Area-wide Narcotics Team

Mat-Su Drug Narcotics Enforcement Team

Major Offenders Unit

Southeast Alaska Narcotics Enforcement Team

Western Alaska Alcohol and Narcotics Team

The Alaska National Guard Counter Drug Support Program (CDSP) provides additional support in several ABADE units. They provide operational resources, which include, but are not limited to manpower, equipment, and logistical support to federal, state, and local law enforcement throughout Alaska. Financed under a special congressional appropriation, there is no cost to the state of Alaska for the CDSP. This program contributes numerous resources not normally available to law enforcement agencies for assistance specific to drug investigations.

ABADE participates with and receives assistance from several investigative agencies involved in drug enforcement. These agencies include the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), the U.S. Postal Inspection Service, the Internal Revenue Service (IRS), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and U.S. Immigration and Customs Enforcement (ICE) as well as other state and local agencies.



## Nature of the Drug Problem

Members of Alaska's law enforcement community and others who are part of Alaska's criminal justice system have long known that the greatest contributing factor to violent crimes, including domestic violence and sexual assault, is drug and alcohol abuse. It is also widely recognized that many of the accidental deaths that occur in Alaska are related to alcohol use. This is especially true in the western regions of the state.

While there is no question that many aspects of the drug and alcohol problem are unique to Alaska, ABADE strives to provide a continuing and coordinated effort that not only meets the needs of Alaska, but is also dovetailed with the National Drug Control Strategy. The Strategy underscores the social and economic costs to society and was developed to provide general guidance and a framework for federal, state, and local agencies in developing a counter drug effort. The Strategy's established goals are:

- Educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco.
- Increase the safety of America's citizens by substantially reducing drug-related crime and violence.
- Reduce health and social costs to the public of illegal drug use.
- Shield America's air, land and sea frontiers from the drug threat.
- Break foreign and domestic drug sources of supply.

The National Institute of Justice's Arrestee Drug Abuse Monitoring (ADAM) program tracks trends in the prevalence and type of drug use among booked arrestees in urban areas. This data has played an important role in assembling the national picture of drug abuse in the arrestee population and has been a central component in studying the links between drug use and crime.

The last data available for these types of statistics are for calendar year 2003 and were found in an article published by the Alaska Justice Forum. Research conducted by ADAM continues to show several very serious trends. This data represents only males screened at one correctional facility.

There were a total of 943 male arrestees screened for being under the influence of drugs and alcohol at time of booking. Among those screened, 10.4% were under 21, while over 40.3% were 36 years of age or older. These age percentages do not seem to dovetail with the normal expectations since such a large percent of those arrested are over 36 years of age.

When arrested, 25.4% of the 943 arrestees tested positive for cocaine, 52% tested positive for marijuana and 12.1% tested positive for alcohol.

The primary reason that these persons were arrested is not indicated in the ADAM report, but a strong inference can certainly be made that among arrestees, the use of drugs is prevalent. Another interesting statistic reveals that among those interviewed 37.8% admitted to using cocaine in the last 12 months and 62.5% admitted to using marijuana in the last 12 months.

While there are no ADAM type statistics on hand to indicate drug or alcohol use among arrestees in the more rural areas of Alaska, there is certainly strong evidence that alcohol is a very large contributor to the reasons that rural citizens are arrested.



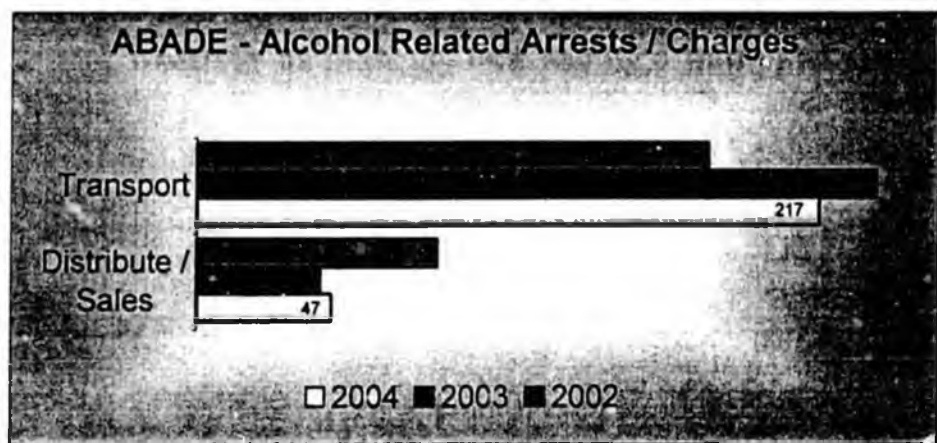
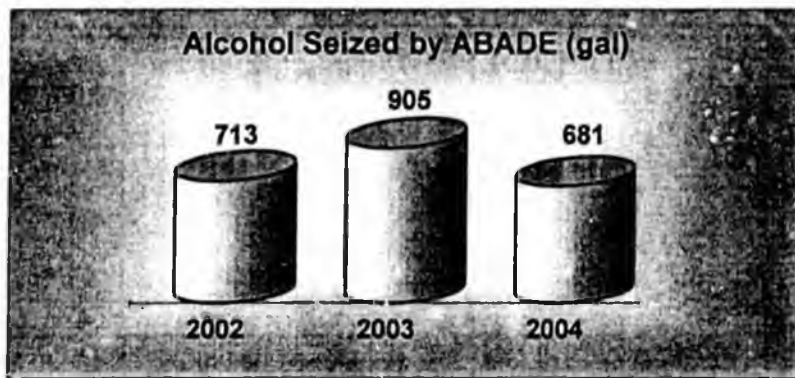
## **Drugs of Choice**

Alcohol, cocaine, methamphetamine, marijuana and pharmaceuticals have been identified as the primary substances of abuse and are the focus of most law enforcement efforts. During 2004, methamphetamine use and manufacturing have increased significantly. Another area of significant increase was the use of prescription drugs, many of which are obtained with fraudulent prescriptions. Other drugs such as LSD, Ecstasy and designer and/or "club" drugs were also cause for concern.

## Alcohol

Alaska's criminal justice professionals recognize that alcohol is the primary substance of abuse in Alaska and is the leading cause of violent, suicidal, and accidental deaths, especially in rural areas. Currently, 122 communities have voted in favor of local option statutes prohibiting the sale, importation, and/or possession of alcohol. Because alcohol remains legal in many areas of Alaska, illegal bootlegging activities continue to be a problem in the local option communities. Alcohol is easily transported to the villages via the U.S. Postal Service, local air carriers, private aircraft, boat, snow machines and express mailing services. Bootlegging alcohol has become a very lucrative business in rural Alaska.

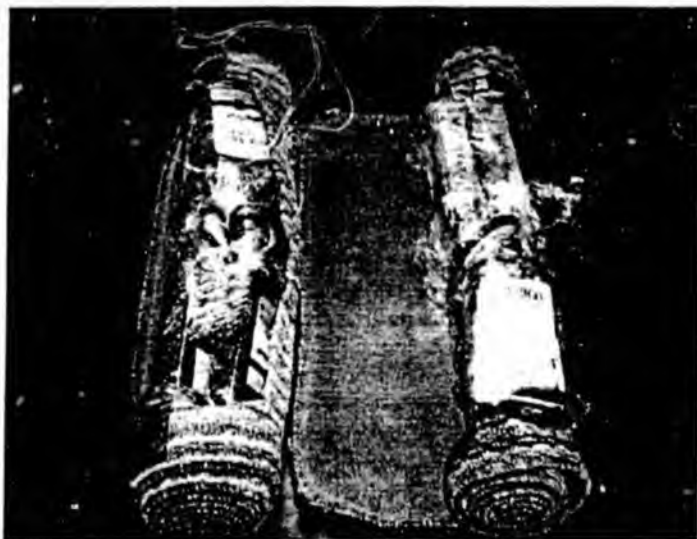
The Alaska State Troopers applied for and received federal funding for five investigators whose function is focused on alcohol issues. During most of 2004, all five investigators dedicated 100% of their time to alcohol investigations.



The economics of the illegal sales of alcohol is staggering. A bootlegger can purchase a 750-milliliter bottle of alcohol legally for \$10 or less in an urban liquor store. The same bottle of alcohol in Bethel, Kotzebue or Barrow may sell for \$50. In the more remote communities, alcohol can easily sell for \$150 to over \$300 per bottle depending on the supply and demand. The initial purchase for the bootlegger involves a minimal cash investment, a maximum cash return with little threat of being caught or criminally charged. A dollar-for-dollar comparison of alcohol and drugs purchased in Anchorage and then sold in many Alaskan villages breaks down as follows:

Substance	Investment	Return *
Cocaine	\$1.00	\$1.50
Marijuana	\$1.00	\$4.00
Alcohol	\$1.00	\$15.00

\* Calculated at \$150 per bottle



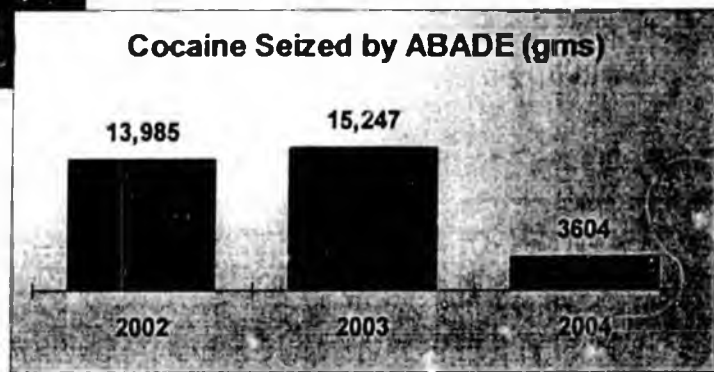
## Cocaine

Cocaine continues to be a lucrative drug for sale and use in Alaska. Cocaine is readily available in most areas of the state and is seen with great frequency in powder form and crack cocaine in the major urban areas such as Anchorage and Fairbanks.

Cocaine is brought into Alaska concealed on passengers or in luggage through ports of entry such as the Ted Stevens Anchorage International Airport, and it is also shipped via the US Post Office or commercial parcel companies such as FedEx or UPS.

The cocaine brought into Alaska is typically packaged in kilogram quantities and later broken down by dealers into smaller quantities for retail sale. In powder form, it is normally sold in gram quantities for \$100-150 and its primary method of ingestion is by snorting.

Crack dealers use a process involving powder cocaine, water, baking soda and heat to produce crack cocaine, which is then sold in small rocks for \$20. The primary method of use for crack is by smoking.



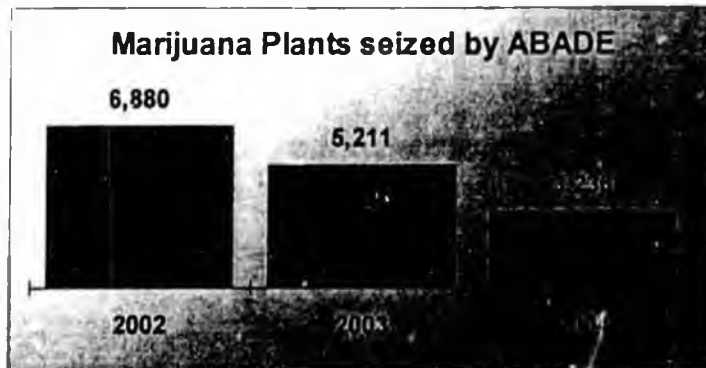
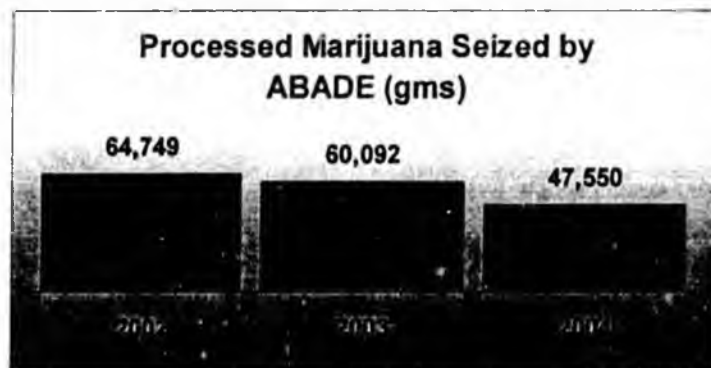
## Marijuana

Marijuana is available throughout the state and is viewed as a gateway drug to other drugs for young adults and teenagers. Demand for Alaskan-grown marijuana continues to be high as a result of its exceptional tetrahydrocannabinol (THC) content. Because Alaskan produced marijuana is extremely high quality; Alaska is considered a marijuana exporting state.

During 2004, the investigation of commercial marijuana cultivations were diminished due to the increased use and manufacturing of methamphetamine. In addition, recent Alaska court decisions, like Noy and Crocker, have diminished the ability of the investigators to obtain search warrants for marijuana cultivations.

However, ABADE teams continue to find extremely sophisticated indoor growing operations. Most commercial marijuana grows take place along the road system in the south central part of Alaska from Anchorage to Fairbanks. The Mat-Su Valley area is the "Marijuana Growing Capital of Alaska", followed by Fairbanks and the Kenai Peninsula. It is not unusual for sites to be located in homes with hidden or underground rooms specifically designed for the cultivation of marijuana. These rooms are often equipped with surveillance cameras and state-of-the-art timers controlling temperature, lighting, water, humidity and air purifiers.

In some parts of the state, the local economy is directly affected by the influx of money from illegally produced marijuana. Proceeds from marijuana production are used for a multitude of purchases including fuel, grow equipment/supplies, utilities, vehicles, ATV's and building materials.



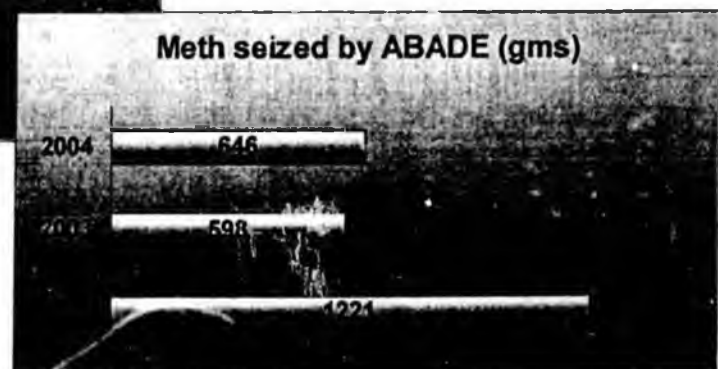
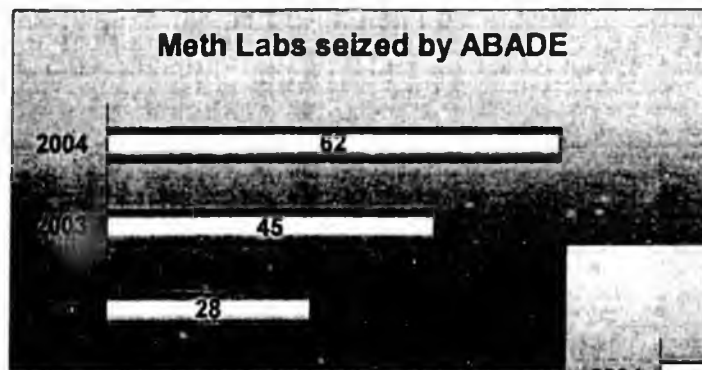
## **Methamphetamine**

Methamphetamine use and manufacturing continues to be on the rise throughout the United States including Alaska. The manufacture and distribution of meth has reached alarming proportions. Methamphetamine, also known as meth, speed, crank, crystal and ice, produces an increase in energy and alertness, and a decrease in appetite. The effects, which also include an intense rush, can last up to 12 hours. It can be smoked, snorted, injected, or taken orally. The most frequent method of use is injection.

The DEA continues to conduct training in Alaska so that police officers will have the skills, knowledge, and tools to safely investigate suspected clandestine laboratories. There is now a sizable cadre of trained officers across the state. These officers are available to assist in the eradication of clandestine laboratories. They consist of federal, state, and local officers. In order to stay compliant with OSHA regulations, these members require annual re-certification as well as constant replacement of one time use equipment. In July 2004, 14 ABADE members were meth lab certified during training sponsored by CDSP.

Additionally, DEA has been extremely helpful in assisting in the cost of gross clean-up at clandestine lab sites. This requires a certified clean-up company to respond to the scene of each location, containerize larger items as well as the containers of chemical. These containers are then transported to a location for safe long-term storage and/or destruction.

Methamphetamine laboratories are being operated increasingly in single and multi-family residences in many neighborhoods. In addition to meth labs producing illegal, often deadly drugs, the clandestine nature of the manufacturing process and the presence of ignitable, corrosive, reactive, and toxic chemicals at the sites, have resulted in explosions, fires, toxic fumes, and irreparable damage to human health and to the environment. On several occasions in 2002, 2003, and again in 2004 labs were also discovered in hotel/motel rooms. Frequently children are found residing within clan lab sites.



Some of the commonly available items used in the manufacturing of meth include, Ephedrine or pseudoephedrine (found in cold/allergy tablets), lithium batteries, starter fluid, rock/table salt, matchbooks, coffee filters, acetone, aluminum foil and assorted kitchen glassware.

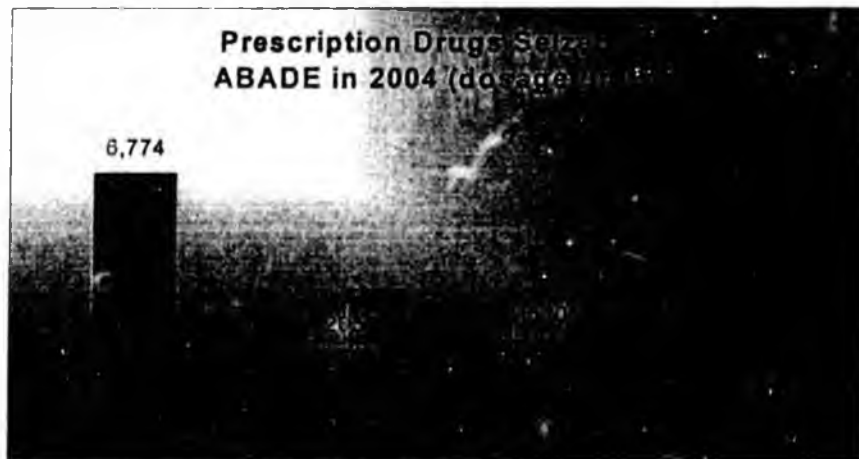
The methamphetamine problem in Alaska has certain peculiarities depending upon the region of the state in which the problem is located. The Anchorage, Mat-Su, Kenai Peninsula, and Fairbanks areas have a significant problem with clandestine labs that produce methamphetamine that is consumed in the local area. Southeast Alaska, specifically Ketchikan and Juneau, tend to have relatively large amounts of methamphetamine arrive already in a processed and usable form. The same tends to be true for coastal commercial fishery related communities.

## **Prescription Drugs**

The sale and abuse of prescription drugs such as Oxycontin, Oxycodone, Methadone, Hydrocodone continue to be an issue in 2004. These drugs are being sought after for their pharmaceutical purity and ability to alter the central nervous system. With the identification of this increasing health hazard, statistics have been put into place for capturing the true impact anticipated in the upcoming years. Not only does the abuse of prescription drugs create a health hazard for the users, it creates a financial tragedy in the communities. The drugs vary in price and can cost anywhere from one dollar per milligram to two dollars per milligram depending on availability. With the increased demand for the drugs and a shortening of supply, many abusers may not have the money or insurance to pay for their addiction. Thus increasing property and violent crimes in the communities to pay for the drugs. It has been reported that tens of thousands of dollars are being spent to feed this growing abuse and addiction.

Prescription drugs have been linked to the following crimes; homicide, assault, prescription fraud, home invasion thefts and pharmacy robberies. People who are addicted to prescription facilitate their addiction by doctor shopping, pharmacy shopping, forgery, and purchasing the drugs via the Internet.

It is the intent of the ABADE to increase pressure on those involved in the non-medical use, abuse, and sales of these addictive drugs. It has been said in the past that once problems of this sort have taken a toehold in the community, the community is at great risk for social decay from within. It has been and will continue to be the intent and purpose of the ABADE program not to allow that to happen in Alaska.



## Alaska Bureau of Alcohol and Drug Enforcement Overviews

During the year of 2003, the Department of Public Safety (DPS) underwent substantial changes. One such change was the restructuring of the Statewide Drug Enforcement Unit (SDEU). With that restructuring, SDEU became the Alaska Bureau of Alcohol and Drug Enforcement (ABADE). ABADE, previously assigned to "I" Detachment, is now its own detachment. ABADE's program has expanded and been enhanced throughout the state. The command staff has grown from the traditional commander only to a commander and a deputy commander. During 2004, manning has been increased with the addition of three investigators and two administrative support personnel.

The six teams that comprise the Alaska Bureau of Alcohol and Drug Enforcement are spread throughout the state. Each team works hand-in-hand with the local law enforcement agencies and, in most locations, with the federal law enforcement agencies. The map below shows these teams and their area of responsibility.

⊙ AITF

✱ Fairbanks

Major Offenders

ℙ Palmer

→ SEANET

★ WAANT



## ***Alaska Interdiction Task Force***

The importance of the narcotics interdiction effort at key locations is constantly being reaffirmed and the Alaska Interdiction Task Force (AITF) continued its success in making large seizures of US Currency, cocaine, crack, methamphetamine and other controlled substances during 2004.

The AITF is a federally funded task force sponsored by the Drug Enforcement Administration (DEA). The AITF is responsible for investigations that involve drug trafficking at various ports of entry to include passengers and luggage arriving at airport terminals, packages and cargo shipped through parcel delivery services, and commercial cargo carriers. AITF is strategically located in Anchorage near the Ted Stevens International Airport, allowing the unit easy access to the airport and shipping companies where most passengers and parcels arrive.

Cocaine primarily comes into Alaska through the Anchorage airport from various source cities in the lower 48 states. Various methods are used to transport cocaine, such as concealing it in carry-on luggage, secured underneath clothing, or hidden in shoes, just to name a few. It is also imported and distributed through parcel express companies and the U.S. Postal Service. With the increase in airport security since September 11, drug traffickers have shifted their transportation methods and started to use parcel and cargo delivery services on a more frequent basis. Members of the AITF have worked diligently to develop working relationships with key business in this industry.

AITF team members consist of a DEA group supervisor, two DEA agents, two Alaska State Troopers, an Anchorage Police officer, an Airport Public Safety officer, one ICE agent four members of the National Guard Counterdrug Support Program (CDSP) and an AST administrative clerk.

In addition to the cocaine seizures, the AITF seized significant amounts of U.S. currency as it was leaving Alaska through the airport. The currency is commonly found to be the proceeds of drug trafficking.

The amount of cocaine detected and interdicted in the last several years in Anchorage clearly indicates that the illegal possession, sale, and use of cocaine in Alaska is a significant problem. There are organizations with international connections moving very large quantities of controlled substances and drug related monies across the country and state.

During 2004, AITF made several large seizures of US Currency as well as multi-kilo seizures of opium being shipped to Alaska from Asia.

## ***Fairbanks Area-wide Narcotics Team***

The primary area of responsibility for the Fairbanks Area-wide Narcotics Team is interior Alaska, which includes Fairbanks and the surrounding area, north to Barrow, and east to the Canadian border. This team is made up of one AST sergeant, two AST investigators, and a Fairbanks Police Department investigator. The Fairbanks team also works closely with two DEA agents assigned to the Fairbanks area. DEA compliments the teams' investigative ability by additional manpower, resources and the possibility of federal prosecution of drug traffickers.

Their focus varies from the identification and investigation of street level dealers of crack cocaine to the investigation of large distributors of powder cocaine. Of significant concern in the Fairbanks area is the continuing threat of manufacturing, use, and distribution of methamphetamine. Clandestine methamphetamine laboratories are prevalent in the Fairbanks area and are being operated increasingly in or near single and multi-family homes, where public health and safety is at an extremely high risk. Marijuana cultivation also continues to be a problem in the Fairbanks area. During 2004, the team eradicated 9 meth labs and 13 marijuana grows.

In May, investigators received information that a vehicle was driving from Fairbanks to Anchorage with a large amount of cocaine. Unit members and DEA stopped the vehicle and a search of the vehicle resulted in a seizure of 400 grams of cocaine, one gram of crack, and three handguns. The three male occupants were arrested.

In July, Fairbanks Airport Police received information that a male subject was arriving at the Fairbanks International Airport carrying a large quantity of prescription drugs. Contact was made with the suspect and 998 Oxycodone tablets and 1.5 grams of methamphetamine were seized. Members of the Fairbanks unit assisted with the execution of the search warrants in relation and follow-up to the case.

In August, the Fairbanks unit, with assistance from DEA, University of Alaska Fairbanks Police Department and the Fairbanks Police Department served two separate search warrants and a knock-and-talk on suspected marijuana grow sites. Three marijuana grows with a total of 502 marijuana plants were seized as well as \$3,609 in cash and one shotgun. The investigation revealed that all three grows were being operated by the same group of defendants.

In October, Fairbanks unit investigators began assisting the Fairbanks Police Department with the surveillance of a homicide suspect. The Fairbanks unit investigators, Fairbanks city detectives, the FBI and DEA conducted a traffic stop on a subject related to the homicide victim after investigators witnessed a suspected drug deal. The individual was found to have approximately 210 grams of cocaine on his person as well as at his residence. A 2001 GMC pickup truck and \$14,000 in cash was seized. The suspect then worked for the investigators and purchased 1,134 grams of cocaine from another suspect. The suspect was arrested and a 1999 Ford Mustang was seized as evidence.

## ***Mat-Su Drug Enforcement Team***

The Mat-Su Drug Enforcement Team focuses on drug investigations within the Matanuska-Susitna region to include Palmer, Wasilla, Talkeetna, Glennallen, Valdez, and Cordova. The team is comprised of one AST sergeant, two AST investigators, one officer from the Palmer Police Department, one officer from the Wasilla Police Department, and one individual from CDSP. The Mat-Su team works closely with the local police departments and the uniformed patrol section of the Alaska State Troopers to educate, train, and support their efforts related to drug enforcement.

This team's primary enforcement duties have shifted from marijuana cultivation to the investigation of meth labs. However, the Mat-Su region still comprises the bulk of marijuana related seizures throughout Alaska and has long been recognized as the primary area of marijuana cultivation and distribution in the state.

The production of methamphetamine in illegal clandestine laboratories continues to be a significant problem across the Mat-Su area. During 2004 the number of meth labs tripled to 37, compared to 10 labs in 2003. The rise in the number of seized meth labs indicates that meth use and manufacturing is a steadily growing problem in the Mat-Su area. ABADE is continually analyzing this situation and adjusting resources as needed to maintain an aggressive enforcement effort.

In February, the Mat-Su Team executed a search warrant in Wasilla. A commercial marijuana cultivation operation was discovered. Investigators seized 128 live marijuana plants. Also seized during the search warrant were scales, grow equipment, processed marijuana, suspected cocaine, firearms and various drug paraphernalia. The processed marijuana had a weight of 7.49 pounds with a street value estimated at approximately \$30,000.

Also in February the Mat-Su Team served a search warrant and seized a commercial marijuana cultivation operation consisting of 120 live plants. Investigators also seized processed marijuana, related grow equipment, scales and drug paraphernalia. One person was arrested and charged with four counts of Misconduct Involving a Controlled Substance in the 4<sup>th</sup> degree and three counts of contributing to the delinquency of minor.

In May, the Mat-Su unit executed a search warrant on a suspected meth lab at the Goldminer Hotel in downtown Palmer. This investigation started after a suspicious fire was discovered in a City of Palmer garbage truck. It appeared that the fire was started from the chemicals from a meth lab. Further investigation led investigators to the Goldminer Hotel where two suspects were discovered in the process of manufacturing methamphetamine. Both suspects were arrested at the scene.

In April, troopers with 'B' Detachment located a possible meth lab in Wasilla. A search was obtained for the residence and one of the largest meth labs seized during 2004 was discovered in the crawl space of the residence. Also found at the time of the search warrant was a loaded 9mm pistol and an illegally sawed off shotgun. Both suspects were located and arrested for the manufacturing of methamphetamine.

In October, the Mat-Su Unit along with investigators from DEA, the Anchorage Interdiction Task Force, Palmer Alaska Bureau of Investigation and Palmer Patrol executed a search warrant in Wasilla. Investigators delivered a parcel containing approximately 20 grams of crystal methamphetamine that was shipped from Arizona to the Wasilla address. Upon execution of the search warrant investigators seized approximately one ounce of methamphetamine, packaging used for distribution, digital scales and \$1,200 in US Currency. Firearms and miscellaneous drug paraphernalia was also seized. Two suspects were arrested at the residence.

## ***Major Offender Unit***

During 2003, the Department of Public Safety reinstated a statewide Major Offenders Unit. Ultimately the unit is located in Anchorage, but would have the ability to travel and conduct long-term drug and alcohol investigations anywhere in the state, targeting major offenders. Once the unit becomes established, AST plans to invite other agencies, such as, DEA, and the Anchorage Police Department to participate. The Major Offenders Unit is co-located with the Alaska Interdiction Task Force, allowing for better communication and cooperation between the units.

During most of 2004, the Major Offender Unit consisted of 2 to 3 investigators supervised by an Officer In Charge. The members worked to support other ABADE units when available and also assisted the Alaska Bureau of Investigations.

Late in 2004, the unit was completed with the assignment of a sergeant and two additional investigators, which brought the unit to a total of five investigators. In addition, an administrative clerk was added as well as a part-time prosecutor from the Department of Law. The prosecutor has been assigned to assist with legal questions, case development assistance and prosecution of drug and alcohol cases. The unit has been actively investigating several cases around the state.

## ***Southeast Alaska Narcotics Enforcement Team***

The primary responsibility for drug enforcement in southeast Alaska lies with the Southeast Alaska Narcotics Enforcement Team (SEANET). This team is composed of one AST sergeant, two Juneau Police Department officers, all located in Juneau and one AST investigator located in Ketchikan. SEANET also works closely with officers from the Ketchikan, Sitka, Wrangell, Yakutat, Craig, Haines, Skagway, Hoonah and Petersburg Police Departments. The teams focus ranges from street level dealers to major offenders. Some of the investigative methods used by this team include interdiction activities and undercover operations. This program works hand-in-hand with the SouthEast Alaska Cities Against Drugs (SEACAD) project that is oversighted by the Sitka Police Department.

Of particular note in Southeast Alaska is the quick rise in the availability, sales, possession, and use of methamphetamine. It appears that most of the substance is introduced into the region in a powder form, having been manufactured at other locations and imported into Southeast Alaska.

In June SEANET seized 1,679 grams of cocaine with a street value of approximately \$120,000 from a vehicle shipped to Juneau on a barge from Seattle, Washington. Two suspects have been charged.

Also in June, the U.S. Coast Guard and the Royal Canadian Mounted Police (RCMP) made contact with four individuals on a 20-foot skiff after information was provided by SEANET Juneau. The RCMP arrested 3 U.S. citizens at the scene for possession of 4 ounces of cocaine, 6 pounds of marijuana and 200 grams of Psilocybin mushrooms. The fourth suspect, a Canadian citizen, escape from the scene on foot.

In September, SEANET in Juneau discovered 2,203 grams of narcotics hidden on a vehicle being shipped from Seattle to Juneau on the Alaska Marine Highway Ferry system. This investigation led to the arrest of 3 people in Juneau who were attempting to import 495 grams of cocaine, 444 grams of methamphetamine and 1,097 grams of cocaine base (crack). Follow up investigation led to the delivery of a kilo of cocaine in Seattle and the arrest of another suspect.

On 9/16/04, SEANET Ketchikan completed a two-month investigation resulting in the seizure of 266 Oxycontin pills with a street value of approximately \$4,095

On 10/28/04, SEANET and Juneau Police Department seized \$13,100 in cash. The cash was suspected of being proceeds from drug sales. A residential search warrant resulted in the seizure of a stolen Tech-9 semi-auto pistol.

On 11/03/04, SEANET Juneau intercepted 5 pounds of marijuana being shipped from Seattle, Washington and \$28,000 in cash. The suspect had hidden the marijuana inside a new washing machine that was shipped to Juneau. One suspect was arrested.

## **Western Alaska Alcohol and Narcotics Team (WAANT)**

This team's area of responsibility is Alaska's west coast, to include: Kotzebue, Nome, Bethel, Kodiak, Dillingham, the Aleutian Chain, and the Kenai Peninsula. For most of 2003, the WAANT team consisted of one AST sergeant and two AST investigators in Anchorage; one AST investigator and one officer from Soldotna Police Department in Soldotna; one AST investigator and one officer from Bethel Police Department in Bethel; one AST investigator in Kodiak, working with two investigators from Kodiak Police Department.

One of the positions in Bethel and one in Anchorage are dedicated specifically to alcohol interdiction and investigations. During 2003, three troopers previously assigned to "C" Detachment were reassigned to the WAANT unit. These three investigators, located in Bethel, Nome and Kotzebue will focus on alcohol interdictions.

Due to the vast number of local option communities in Western Alaska, a large portion of this team's principal focus is on alcohol enforcement. They target smugglers and bootleggers through undercover operations and interdictions.

Two common methods of importing alcohol and illegal drugs into rural communities are via the U.S. Postal system and local airlines. Alcohol shipped legally to regional hubs such as Nome, Bethel, and Kotzebue is then illegally distributed to local option communities that have banned alcohol or have limited the possession of alcohol under the local option laws of Alaska.

Because much of the alcohol and drugs being sold illegally in Alaska are shipped through the U.S. mail, the U.S. Postal Inspectors Service conducts interdictions with direct support from CDSP. These efforts consist mainly of US Postal Inspectors assisted by CDSP members monitoring packages en route to outlying villages and communities through the Anchorage postal hub facility. Suspicious packages are brought to the attention of the Postal Inspectors, who then decide how best to investigate the shipment.

The investigations of many of these seizures are coordinated through AST and/or other local law enforcement entities. The Postal Inspectors office relies heavily on support from ABADE. This support includes resources like scent detection canines, intelligence information and follow-up efforts. Not only do these resources assist in the seizure, they also help successfully investigate and prosecute those involved in alcohol bootlegging and drug trafficking.

In other WAANT areas of responsibility, the team has conducted long term undercover operations in Kodiak, Soldotna and Seward. Investigations vary from marijuana grows and meth labs to drug distributors dealing marijuana, meth, cocaine and prescription drugs.

In January, WAANT investigators in Anchorage discovered a suspicious box being shipped to Kotzebue. Investigators received consent to open the box and 4 pounds of marijuana was seized.

In February, investigators seized 5 bottles of alcohol being imported into the local option community of Selawik. As a result, a 2003 Polaris snow machine was also seized.

A contact at the Kotzebue airport resulted in the seizure of 94 grams of marijuana and the service of a search warrant. During the search investigators discovered 130 blasting caps, 500 feet of time/fuse cord and a small amount of C4 explosives. Also seized were 39 seal bombs, 28 rifles, 10 handguns, 8 shotguns and a 37mm gas gun.

In July, Kotzebue investigators saw a person loading alcohol into a vehicle at the airport. The vehicle operator drove to an 18-foot boat where the suspect loaded and hid the alcohol on the boat. The alcohol was being delivered to the local option community of Kivalina. Property seized from the investigation included the boat valued at \$8500, the vehicle valued at \$12,000 along with 60 cans of beer and 14 bottles of alcohol. The alcohol was valued at \$5100. Three suspects were arrested in this case.

In August, Soldotna WAANT investigators served a search warrant on a residence suspected of having a marijuana grow. Over 100 marijuana plants were discovered in several underground storage units. The property, consisting of a two-story, structure was seized and forfeiture proceedings were begun against the owner by DEA in Anchorage. One person was arrested in this case.

A contact at the Kotzebue airport led to the service of a search warrant at a known marijuana distributor's residence. The search resulted in the seizure of 3 Skidoo snow machines, one Honda 4 wheeler, a 20-foot Bayliner boat, one 16-foot Lund boat and other property totaling approximately \$49,000. In addition, \$11,975 in cash and 18 firearms were seized and 5 suspects were arrested.



## DRUG ENFORCEMENT ADMINISTRATION

The Drug Enforcement Administration (DEA) in Anchorage is deeply involved in working with all state and local drug units to enhance and facilitate investigations of major offenders throughout Anchorage.

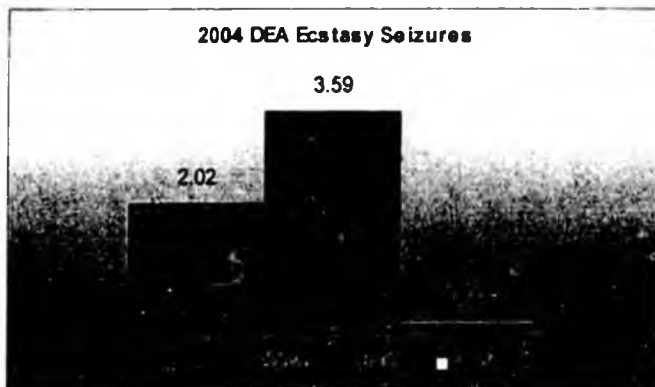
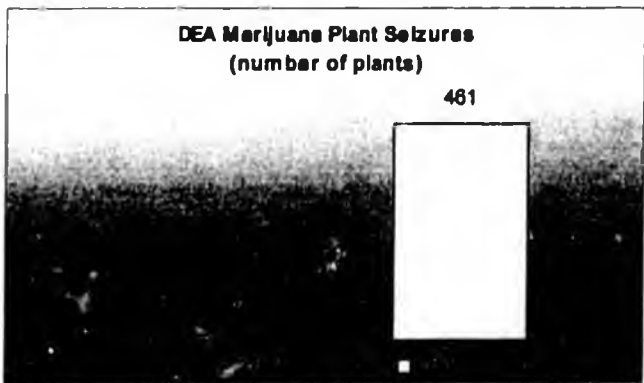
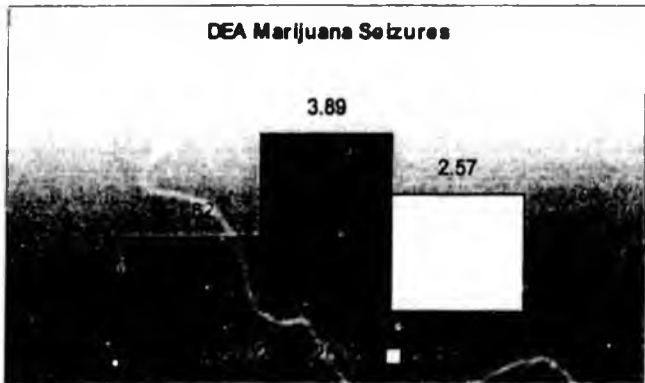
The DEA has added several Special Agents to Alaska in the last few years to support the entire state of Alaska, including two positions in Fairbanks that work hand-in-hand with the Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement to investigate a wide variety of drug related crimes in and around the area.

They are the host agency for the Alaska Interdiction Task Force, a joint effort involving DEA, AST, Ted Stevens Anchorage International Airport Police, Anchorage Police Department, Postal Inspectors, CDSP, and several other agencies as needed.

DEA continues to furnish training to state and local officers to include topics related to clandestine methamphetamine laboratories. DEA provided the funds for members of the Alaska Interdiction Task Force and other law enforcement personnel to be trained and get re-certified in clandestine laboratory safety and investigations. In addition, and they have facilitated participation of troopers in a Drug Unit Commanders Academy held in Quantico, Virginia. The DEA Anchorage office is also currently planning additional training to state and local law enforcement personnel through a DEA sanctioned "Two-Week Basic Drug Enforcement School."

DEA continues to facilitate forfeiture proceedings related to assets and funds seized as a result of criminal investigations and drug trafficking. This effort allows state and local law enforcement agencies to receive a portion of the assets seized, which in turn funds additional criminal investigations.

# Seizure Statistics for DEA Anchorage



## Emerging Trends in 2004

The most significant trend in 2004 continues to be the explosion in the manufacturing and abuse of methamphetamine throughout Alaska. The number of illicit methamphetamine labs has continued to rise since 2002 when 29 labs were seized statewide, 66 labs were seized in 2003 and 80 labs were seized in 2004. Due to the volatile chemicals involved, investigators need to be trained and certified and wear hazardous material protective gear when responding to methamphetamine labs. Several residential fires were reported this year were caused by the manufacturing of methamphetamine. Also during 2004, several methamphetamine labs were discovered inside hotel/motel rooms creating chemical and fire hazards for other civilians that also occupy the buildings. Violent crime related to methamphetamine manufacturing and usage also appears to be on the rise. During the year there were several homicides that have been connected to methamphetamine. The sale and abuse of methamphetamine is as much on the rise as the number of meth labs.

A trend that continues from year to year is the illegal transport of alcohol and drugs to villages throughout Alaska. ABADE will continue to aggressively pursue and investigate the illegal possession, shipment and sale of alcohol in local option communities and other illegal drugs throughout Alaska. With funding from federal sources, as well as traditional program funds, the dedication to the task of pursuing bootleggers and drug dealers has been expanded and enhanced. Between the efforts of ABADE, Alaska State Troopers, Village Public Safety Officers, local law enforcement, federal agencies and the promised support of Governor Frank Murkowski, we will strive to decrease the alcohol and drug problem within the State of Alaska.

## Summary

The Alaska Bureau of Alcohol and Drug Enforcement, with its unique ability to interdict and investigate cases across the state, recognizes that drug abuse is not confined to any one geographical location or any economic strata in our state. Drug and alcohol abuse affects all Alaskans, despite social, ethnic, racial and economic barriers.

The Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement is committed to working with all interested agencies in the fight against substance abuse throughout the state by using innovative concepts to deal with the illegal sale and distribution of alcohol and drugs. We are also committed to focusing on increased awareness and knowledge of drug abuse through educational presentations to the Public Safety Academy and in public forums, such as schools, service organizations and other community groups.



*The 2004 Annual Drug Report is a publication of the Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement. It can be accessed via the Department of Public Safety Internet site therefore there is no publication cost and is intended to inform Alaskans about the type and frequency of drug related crime reported in Alaska during 2004.*

*The Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement supplied the majority of information and photos presented in this report. Additional data was obtained from Office of National Drug Control Policy (ONDCP) publications, the National Criminal Justice Reference Service (NCJRS) and the Alaska Justice Forum.*



# Office of National Drug Control Policy

## Drug Policy Information Clearinghouse

### State of Alaska

#### Profile of Drug Indicators

October 2005



ONDCP Drug Policy Information Clearinghouse staff compiled this profile by using the most recent data available from open sources. The data presented are as accurate as the sources from which they were drawn. The information contained in this profile should not be used to rank or compare States or jurisdictions, due to differences in data collection and reporting methods.

## Alaska

The following profile contains information on demographics, political figures, programs, crime, drug use, drug trafficking, and enforcement statistics.

### **Demographics**

- Population (2004 American Community Survey): 635,963<sup>1</sup>
- Race/ethnicity (2004 American Community Survey): 67.1% white; 3.3% black/African American; 12.6% American Indian/Alaska Native; 4.4% Asian; 0.5% Native Hawaiian/other Pacific Islander; 0.1% other race; 7.1% two or more races; 4.8% Hispanic/Latino (of any race)<sup>2</sup>

### **Politics**

- Governor: Frank Murkowski<sup>3</sup>
- Lt. Governor: Loren Leman<sup>4</sup>
- Attorney General: David Marquez<sup>5</sup>
- U.S. Senate: Lisa Murkowski (R), Ted Stevens (R)<sup>6</sup>
- U.S. House of Representatives: Don Young (R)<sup>7</sup>
- Capital: Juneau<sup>8</sup>

### **Programs/Initiatives**

- Executive Office for Weed and Seed<sup>9</sup>  
The Russian Jack/East Anchorage area of Anchorage has been designated an official Weed and Seed site. This is the only Weed and Seed site in Alaska.

### **Crime and Drug-Related Crime**

- During 2004, there were 31 arrests for murder in Alaska.<sup>10</sup>

Number of Arrests, Selected Offenses, Alaska, 2004

Offense	Under Age 18	Total All Ages
Murder	4	31
Forcible rape	13	82
Robbery	26	134
Aggravated assault	135	238
Burglary	233	543
Larceny	999	3,020
Motor vehicle theft	155	395
Drug abuse violations	327	1,786
DWI	98	5,104
Liquor laws	358	1,467
Total of all arrests*	4,520	36,864

\* "All arrests" also includes those offenses not found in table

- During 2004, the Drug Enforcement Administration (DEA) reported making 73 arrests for drug violations in Alaska.<sup>11</sup>

**Number of DEA Drug Arrests, Alaska, 2000-2004**

Year	Arrests
2000	83
2001	72
2002	99
2003	97
2004	73

- During 2003, there were 1,269 adult arrests for drug possession in Alaska.<sup>12</sup>

**Number of Drug Arrests, Alaska, 2003**

Type of Drug Offense	Under Age 18	18 Years and Over
Sale/manufacturing	62	485
Narcotics	39	160
Marijuana	19	194
Synthetic narcotic	3	99
Other non-narcotic	1	32
Possession	371	1,269
Narcotics	135	210
Marijuana	216	957
Synthetic narcotic	13	30
Other non-narcotic	7	72

**Drugs**

- Cocaine  
Cocaine is readily available in most areas of the state and is seen with great frequency in powder form and crack cocaine in the major urban areas such as Anchorage and Fairbanks. Powder cocaine usually sells for \$100-\$150/gram and is primarily ingested by snorting. Crack cocaine is sold in small rock quantities for \$20 and is usually smoked.<sup>13</sup>
- Heroin  
Much of the heroin user population in Alaska is now illegally acquiring and using OxyContin.<sup>14</sup>
- Marijuana  
Marijuana is available throughout Alaska. There is a high demand for Alaskan-grown marijuana because of its high THC content.<sup>15</sup> Alaska state law allows for the use of marijuana for medical purposes under certain conditions.<sup>16</sup>
- Methamphetamine  
During 2004, methamphetamine use and manufacturing increased significantly in Alaska.<sup>17</sup> Availability of meth is increasing, both from local labs and from meth transported into the state. Alaska is experiencing an increase in the availability of crystal methamphetamine.<sup>13</sup>

- **Club Drugs**  
MDMA is a growing threat throughout Alaska. LSD remains available in the state, primarily in university areas.<sup>19</sup>
- **Other Drugs**  
Alaska is one of the top five purchasing states for five of the top twelve diverted drugs, including fentanyl, d-amphetamine, oxycodone, methadone and meperidine. Benzodiazepines are also widely abused in Alaska.<sup>20</sup>
- Based on 2002-2004 data, an average of 265,000 Alaskans (52.6%) aged 12 or older reported lifetime use of marijuana. Additionally, 133,000 Alaskans reported lifetime use of psychotherapeutic drugs without a doctor's orders.<sup>21</sup>

Number/Percent of Citizens Reporting Drug Use, Alaska, 2002-2004 Data

Drug Type	Lifetime Use		Past Year Use		Past Month Use	
	#	%	#	%	#	%
Marijuana/hashish	265,000	52.6%	84,000	16.6%	54,000	10.7%
Cocaine	114,000	22.7	15,000	2.9	4,000	0.8
Crack	25,000	4.9	4,000	0.8	1,000	0.2
Heroin	14,000	2.7	1,000	0.1	<1,000	0.1
Hallucinogens	122,000	24.1	15,000	3.0	4,000	0.8
LSD	90,000	17.9	2,000	0.4	<1,000	0.1
PCP	23,000	4.5	1,000	0.1	<1,000	0.0
Ecstasy	19,000	3.9	5,000	0.9	1,000	0.2
Inhalants	70,000	13.8	6,000	1.3	2,000	0.4
Non-med. use of psych.	133,000	26.4	32,000	6.4	15,000	3.0
Pain relievers	79,000	15.7	28,000	5.5	11,000	2.3
OxyContin	5,000	2.7	1,000	0.7	1,000	0.3
Tranquilizers	48,000	9.6	9,000	1.8	3,000	0.6
Stimulants	73,000	14.5	6,000	1.2	3,000	0.5
Methamphetamine	50,000	10.0	3,000	0.6	1,000	0.2
Sedatives	30,000	6.0	2,000	0.3	1,000	0.2
Any illicit drug	291,000	57.8	100,000	19.8	63,000	12.4

#### Juveniles

- Approximately 13.1% of Alaska high school students surveyed in 2003 reported using marijuana before age 13. This is up from 11.8% in 1995.<sup>22</sup>
- Approximately 6.5% of Alaska high school students surveyed in 2003 reported using marijuana on school property at least once within the 30 days preceding the survey.<sup>23</sup>
- Among Alaska high school students surveyed during 2003, 47.5% reported using marijuana at least once during their lives. During 1995, approximately 48.4% of students reported lifetime marijuana use.<sup>24</sup>

**Percent of High School Students Reporting Drug Use, Alaska, 1995 and 2003**

	1995	2003
Lifetime marijuana use	48.4%	47.5%
Current marijuana use	28.7	23.9
Lifetime cocaine use	8.2	6.6
Current cocaine use	2.6	2.6
Lifetime inhalant use	22.2	10.2
Current inhalant use*	n/a	2.4
Lifetime heroin use*	n/a	1.8
Lifetime methamphetamine use*	n/a	5.9
Lifetime ecstasy use*	n/a	6.2
Lifetime steroid use	3.9	3.5
Ever injected illegal drug	2.0	1.7

\* question not asked in 1995

**Enforcement**

- As of October 31, 2004, there were 1,896 full-time law enforcement employees in Alaska (1,213 officers and 683 civilians).<sup>25</sup>
- Alaska Bureau of Alcohol and Drug Enforcement (ABADE)<sup>26</sup>  
The Alaska State Troopers ABADE program coordinates law enforcement efforts to reduce the availability of illicit drugs and alcohol throughout the state. ABADE consists of 6 investigative teams:
  - Alaska Interdiction Task Force: located in Anchorage, members of this unit investigate drug trafficking at various points of entry.
  - Fairbanks Area-wide Narcotics Team: the primary area of responsibility for this team is interior Alaska.
  - Mat-Su Drug Narcotics Enforcement Team: this unit focuses on investigations within the Matanuska-Susitna region.
  - Southeast Alaska Narcotics Enforcement Team: the focus of this team ranges from street level dealers to major offenders.
  - Western Alaska Alcohol and Narcotics Team: this team is responsible for Alaska's west coast.
  - Major Offenders Unit: located in Anchorage, members of this unit travel and conduct long-term drug/alcohol investigations throughout Alaska.
- Counter Drug Support Program (CDSP)<sup>27</sup>  
The Alaska National Guard CDSP provides assistance in several ABADE units. CDSP provides operational resources, such as manpower, equipment, and logistical support to Federal, state, and local law enforcement throughout the state.

**Trafficking and Seizures**

- Due to its close proximity to the Pacific Rim and its shared border with Canada, Alaska is a transshipment point for drugs.<sup>28</sup>
- Opium is transshipped through Alaska from the Far East/Pacific Rim countries.<sup>29</sup>
- There are numerous cocaine trafficking organizations in Alaska. Some of the largest organizations include Mexican and Dominican groups.<sup>30</sup>

- During 2004, the DEA and state and local authorities in Alaska reported 48 methamphetamine lab seizures.<sup>31</sup>

**Number of Methamphetamine Lab Seizures, Alaska, 2000-2004**

Year	# Seized
2000	26
2001	15
2002	33
2003	35
2004	48

- Approximately 220 kilograms of cocaine were seized by Federal agencies in Alaska during 2004.<sup>32</sup>

**Amount of Federal Drug Seizures, Alaska, 2004**

Drug Type	Amount Seized
Cocaine	220.7 kilograms
Heroin	2.0 kilograms
Methamphetamine	0.7 kilograms
Marijuana	3.2 kilograms
MDMA	6 tablets

- During 2004, ABADE units seized 6,774 dosage units (du) of OxyContin.<sup>33</sup>

**Drugs Seized by ABADE Units, Alaska, 2002-2004**

Drug Type	2002	2003	2004
Cocaine (grams)	13,985	15,247	3,604
Processed marijuana (grams)	64,749	60,092	47,550
Marijuana plants	6,880	5,211	3,236
Methamphetamine labs	28	45	62
Methamphetamine (grams)	1,221	598	646
OxyContin (du)	n/a	n/a	6,774
Hydrocodone (du)	n/a	n/a	1,205
Oxycodone (du)	n/a	n/a	1,510
Other prescription drug (du)	n/a	n/a	6,745

- During 2003, approximately 7,000 cultivated marijuana plants were eradicated in Alaska under the DEA's Domestic Cannabis Eradication/Suppression Program.<sup>34</sup>

**Number of Marijuana Plants Eradicated/Seized, Alaska, 2003**

Outdoor Operations		Indoor Operations		Total Plants Eradicated
Eradicated Plots	Cultivated Plants Eradicated	Grows Seized	Plants Eradicated	
4	74	111	7,276	7,350

### Courts

#### ➤ Drug Courts<sup>35</sup>

As of September 29, 2005, there were 21 drug courts in existence or being planned in Alaska. Nine drug courts had been operating for more than 2 years and 12 were being planned at that time.

- During FY 2003, 28.8% of the Federally-sentenced defendants in Alaska had committed a drug offense. Nearly half (46.7%) of the drug offenses involved powder cocaine.<sup>36</sup>

### Federal Sentencing Statistics, Drug Cases, Alaska, FY 2003

Drug Type Involved	Offenses	% of Total
Cocaine – crack	10	22.2%
Cocaine – powder	21	46.7
Heroin	2	4.4
Marijuana	3	6.7
Methamphetamine	5	11.1
Other	4	8.9

### Corrections

- On December 31, 2003, there were 175 offenders with drug offenses as their most serious charge in Alaska institutions.<sup>37</sup>

### Offense Class of Offenders in Institutions, Alaska, December 31, 2003

Offense	#	%
Alcohol	357	9.5%
Drugs	175	4.7
Person	1,159	31.0
Property	464	12.4
Public order/administration	328	8.8
Parole/probation violators	477	12.8
Non-registerable sex offenders	7	0.2
Registerable sex offenders	550	14.7
Traffic/driving	146	3.9
Weapons	80	2.1
Total	3,743	100.0

- On December 31, 2003, there were 5,046 offenders on probation or parole in Alaska.<sup>38</sup>
- There were 870 offenders in Alaska Community Residential Centers (CRCs) on December 31, 2003.<sup>39</sup>

Offense Class of Offenders in CRCs, Alaska, December 31, 2003

Offense	# of Offenders
Alcohol	212
Drugs	68
Person	196
Property	119
Public order/administration	95
Parole/probation violators	96
Non-registerable sex offenders	2
Registerable sex offenders	9
Traffic/driving	58
Weapons	21
Total	870

Consequences of Use

- During 2004, authorities reported that there were 14 children affected by methamphetamine laboratories in Alaska.<sup>40</sup>

Treatment

- There were 4,006 admissions to drug/alcohol treatment in Alaska in 2003.<sup>41</sup> During 2002, there were 5,145 admissions to drug/alcohol treatment in Alaska.<sup>42</sup> There were 3,986 admissions during 2001.<sup>43</sup>

Number of Admissions to Treatment, Alaska, 2001-2003

Drug Type	2001		2002		2003	
	#	%	#	%	#	%
Alcohol only	1,896	47.6%	2,779	54.0%	2,108	52.6%
Alc. w/ second. drug	1,269	31.8	1,421	27.6	1,155	28.8
Cocaine – smoked	150	3.8	130	2.5	71	1.8
Cocaine – other route	99	2.5	92	1.8	70	1.7
Marijuana	391	9.8	460	8.9	363	9.1
Heroin	17	0.4	20	0.4	16	0.4
Other opiates	54	1.4	115	2.2	106	2.6
PCP	n/a	n/a	1	0.0	1	0.0
Hallucinogens	4	0.1	3	0.1	1	0.0
Amphetamines	50	1.3	80	1.6	70	1.7
Other stimulants	2	0.1	n/a	n/a	1	0.0
Tranquilizers	7	0.2	7	0.1	9	0.2
Sedatives	12	0.3	5	0.1	2	0.0
Inhalants	4	0.1	4	0.1	2	0.0
Other/none specified	31	0.8	28	0.5	31	0.8
Total	3,986	100.0	5,145	100.0	4,006	100.0

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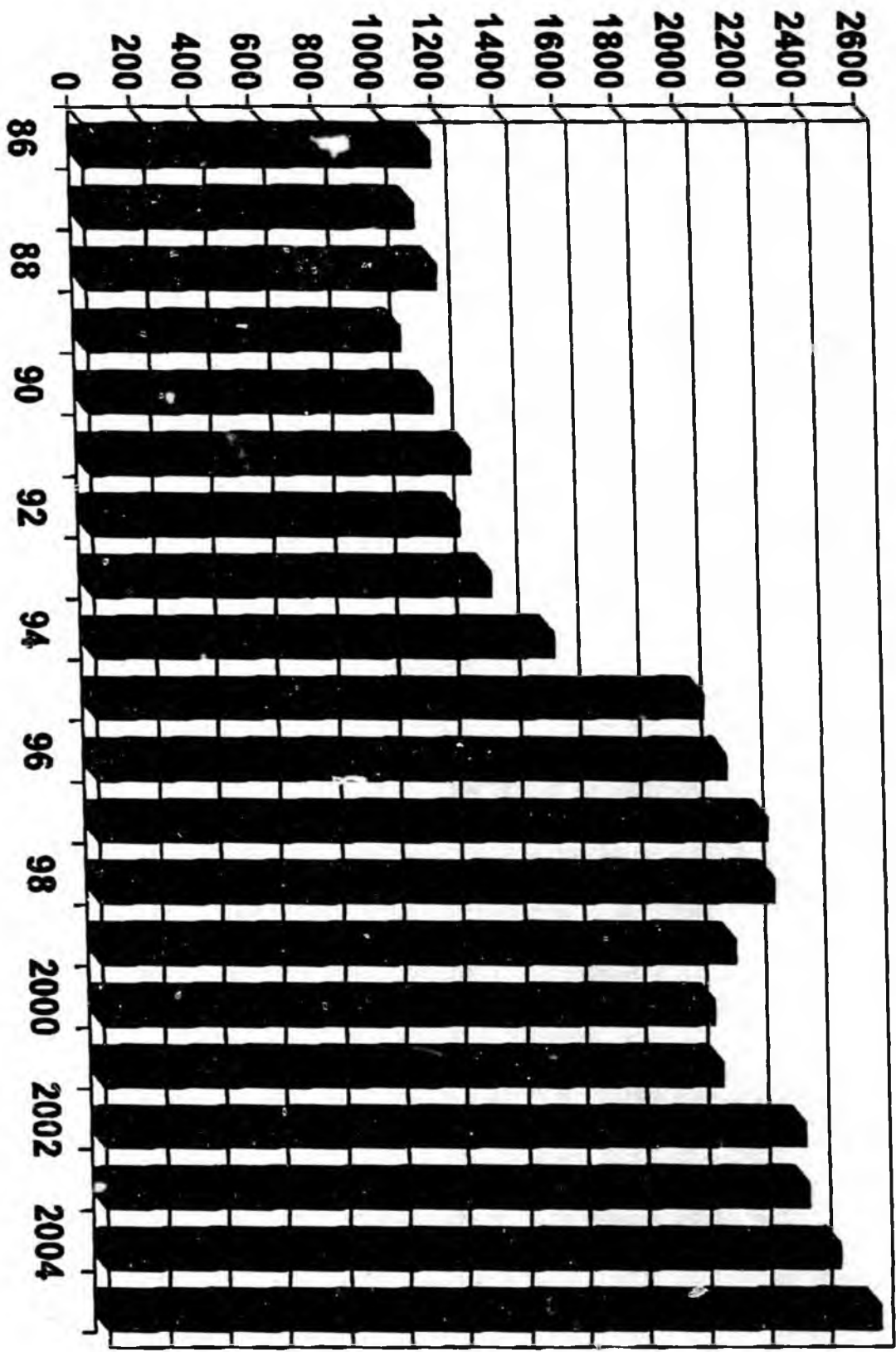
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This State Profile was prepared by the ONDCP Drug Policy Information Clearinghouse. The Clearinghouse is funded by the White House Office of National Drug Control Policy and is a component of the National Criminal Justice Reference Service. For further information concerning the contents of this profile or other drug policy issues contact:

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<http://www.whitehousedrugpolicy.gov>  
[ondcp@ncjrs.gov](mailto:ondcp@ncjrs.gov)

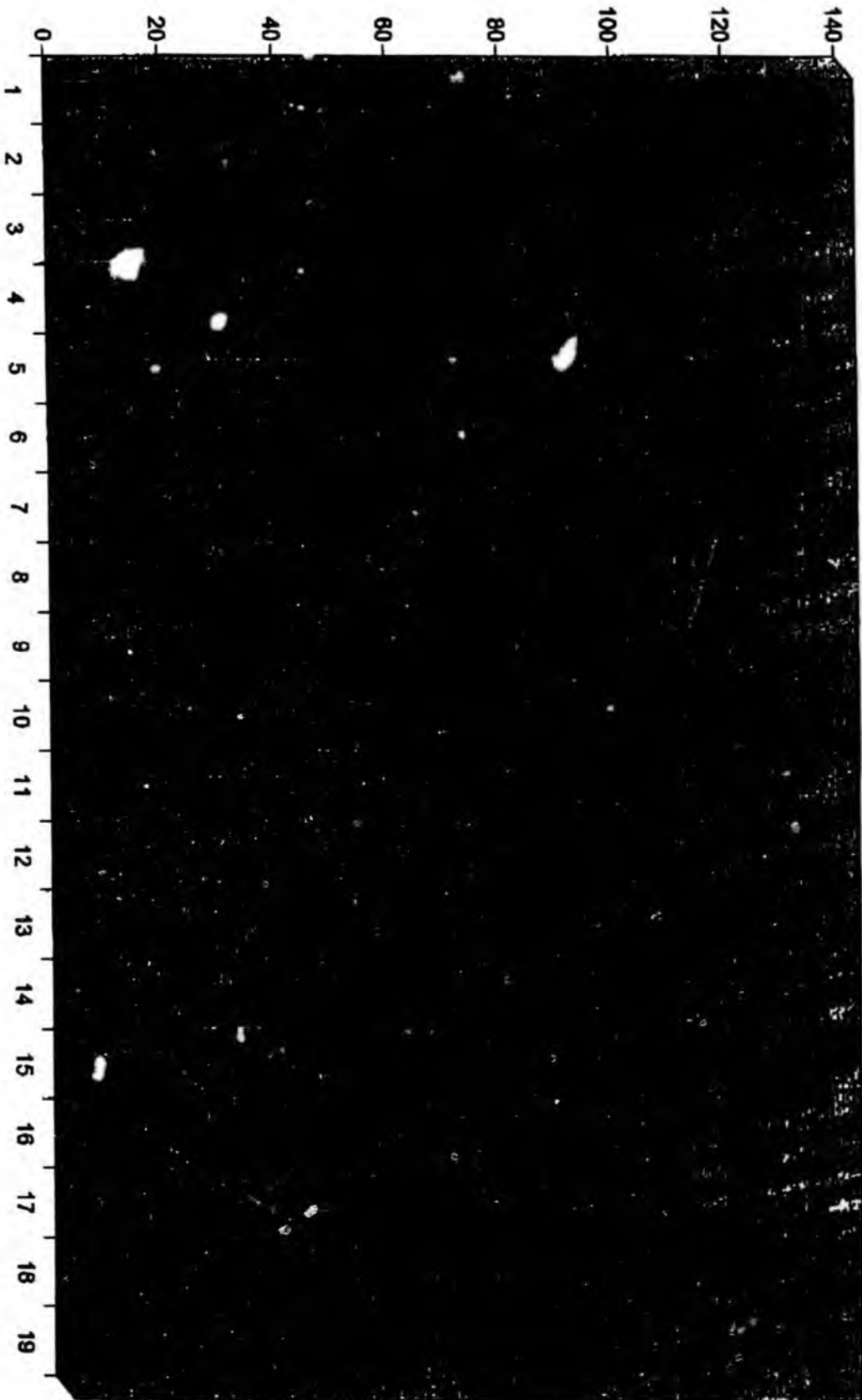


# FELONY CASES



THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

**Felony Trials in Anchorage**



**SB**

**240**

## SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/17/06

FURTHER: Finance

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

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

Judiciary Committee considered      SENATE BILL NO. 240

### SB 240 DRUG OFFENSES: NEIGHBORS AS CRIME VICTIMS

"An Act relating to rights of crime victims."

and recommends:

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

**CS Senate Bill:**  
 Same Title  
 New Title

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

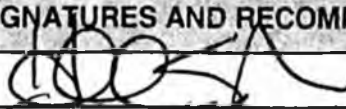
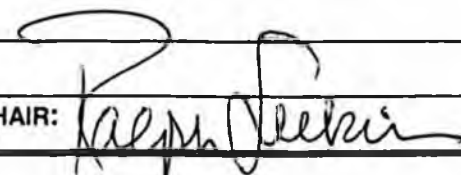
**NEW FISCAL NOTE(S):**

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			
Rep. Theriault	X			
Guthrie J. Lewis	X			
CHAIR: 	✓			

# ALASKA STATE LEGISLATURE



SENATOR HOLLIS FRENCH

## SB 240- RIGHTS OF CRIME VICTIMS

### Sponsor Statement

---

SB 240 provides neighbors of persons arrested for felony level crimes involving the manufacturing or sale of drugs a right to notification of the dates of trial, hearings, sentencing and appeals.

Around Alaska, neighbors of drug manufacturers or dealers suffer the consequences of what is occurring next door. Neighbors are often instrumental in providing information to the police about illegal activities, but presently are not entitled to receive notices of trial or sentencing dates, and so are unable to stay informed about what is happening in a matter that effects them personally.

Allowing these Alaskans to receive notice, if requested, of the case's status allows them the comfort of knowing that the case is progressing, and provides them with the information needed to attend a trial or sentencing if they wish.

In order to minimize the effect on busy prosecutors, the bill requires that neighbors must be on adjacent property, that the misconduct is at the felony level and that prosecutors only need to provide notice to neighbors who actually request it.

Keeping Alaskans who are victimized by criminal conduct informed of the status of cases helps ensure their peace of mind, and their willingness to continue to assist law enforcement in keeping our homes and communities safe. Please join me in supporting this bill and helping our neighbors to keep neighborhoods safe.

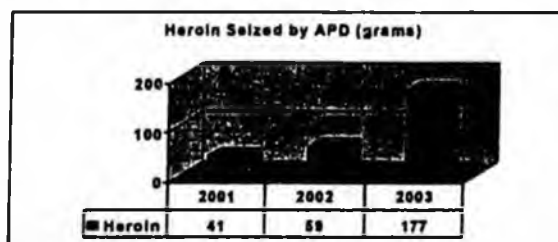
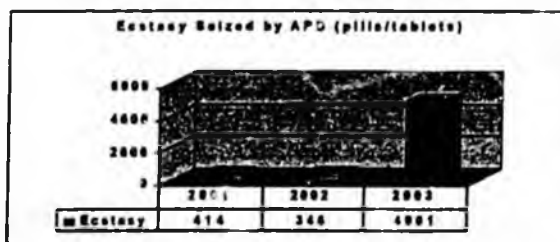
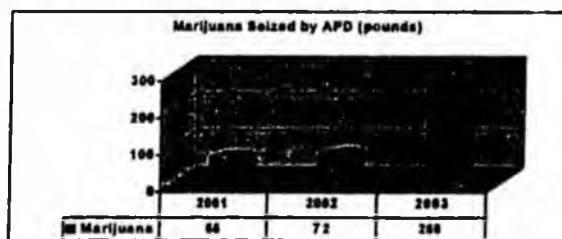
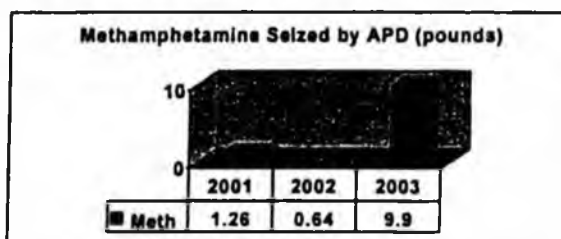
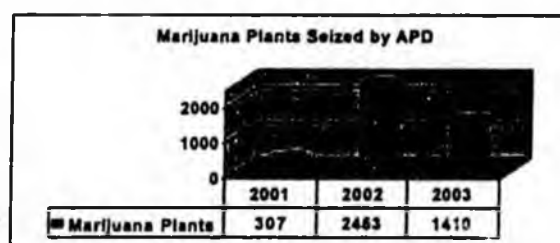
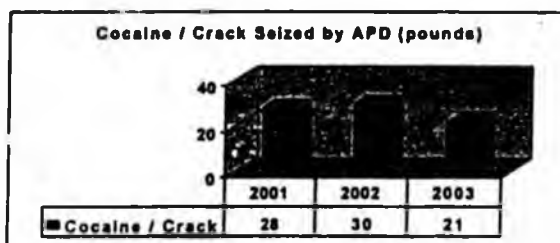


## ANCHORAGE POLICE DEPARTMENT



The Anchorage Police Department (APD) reports another eventful year. The APD Drug Enforcement Unit, the Special Assignment and the Patrol Division had a total of 2,250 calls for service in 2003. Of those calls, 1199 reports were written, 845 people were arrested and 956 drug charges were filed. This year there were 15 meth labs seized and dismantled and 1,410 marijuana plants were seized from 33 marijuana grows.

Anchorage is seeing an increase in methamphetamine and Ecstasy being imported from the lower 48 and beyond. One case in point, DEA was brought in on a case initiated by APD that had rapidly grew beyond APD's resources. That case was brought to a successful conclusion and 26 people were arrested on conspiracy and other drug charges. Seizures in that case included approximately \$60,000 in cash, 1.8 pounds of meth powder, 6.5 pounds of crystal meth, 2 kilos of cocaine and 4,000 tablets of Ecstasy.



## **Mat-Su Drug Enforcement Team**

The Mat-Su Drug Enforcement Team focuses on drug investigations within the Matanuska-Susitna region to include Palmer, Wasilla, Talkeetna, Glennallen, Valdez, and Cordova. The team is comprised of one AST sergeant, two AST investigators, one officer from the Palmer Police Department, one officer from the Wasilla Police Department, and three individuals from CDSP. The Mat-Su team works closely with the local police departments and the uniformed patrol section of the Alaska State Troopers to educate, train, and support their efforts related to drug enforcement.

This team's primary enforcement duties are marijuana cultivation, with more than 80% of their work directly related to marijuana grows. The Mat-Su region comprises the bulk of marijuana related seizures throughout Alaska and has long been recognized as the primary area of marijuana cultivation and distribution in the state.

The Mat-Su Drug team continued its aggressive marijuana grow eradication efforts during 2003, eradicating more than 44 marijuana grows and seizing over 3800 plants. Marijuana grows are not just large city or bedroom community problems.

The production of methamphetamine in illegal clandestine laboratories was also a significant problem across the Mat-Su area. During 2003, 10 meth labs were eradicated, compared to 6 labs in 2002. The rise in the number of seized meth labs indicates that meth use and manufacturing is a steadily growing problem in the Mat-Su area. ABADE is continually analyzing this situation and adjusting resources as needed to maintain an aggressive enforcement effort.

In February, the Mat-Su team investigated a large commercial marijuana growing operation in Wasilla. Based on information provided by Palmer patrol, investigators obtained a search warrant and discovered the operation in the crawl space of the residence. There were 2,034 marijuana plants and 441 un-rooted starter plants seized. After drying and processing, the marijuana had a weight of 6.64 pounds. Several recreational vehicles valued over \$17,000 were suspected of being purchased with proceeds from the operation and were subsequently seized.

During October, the Mat-Su team concluded two long-term investigations into the illegal trafficking of prescription medications, cocaine, psilocybin mushrooms, and weapons. ABADE worked in conjunction with Palmer AST, Palmer Police Department, Wasilla Police Department, Counter Drug Support Program, and the Alcohol Tobacco and Firearms (ATF). As a result of the combined effort, 27 arrest warrants were obtained for drug and weapons charges throughout the Mat-Su Valley. ABADE coordinated the use of over 60 state, federal and local law enforcement personnel to serve 20 search warrants on two separate days. As a result, over \$20,000 in cash, 45 weapons, and 5 vehicles were seized.

The Mat-Su team also utilized funds provided by the Alcohol Beverage Control Board for conducting alcohol sales compliance checks. These efforts are conducted at liquor package stores in order to detect whether the facilities are selling alcohol to underage customers.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 240-Courts-2-6-06  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Drug Offenses: Neighbors as Crime Victims RDU Alaska Court System  
 Component Trial Courts  
 Sponsor Senator French  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 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 240.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 2/6/06 @ 11:00 am  
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 2/6/2006  
 Agency Alaska Court System

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB240-LAW-CJI.-2-8-06  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to rights of crime victims." 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 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	*****	*****	*****	*****	*****	*****
Travel	*****	*****	*****	*****	*****	*****
Contractual	*****	*****	*****	*****	*****	*****
Supplies	*****	*****	*****	*****	*****	*****
Equipment	*****	*****	*****	*****	*****	*****
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</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>	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

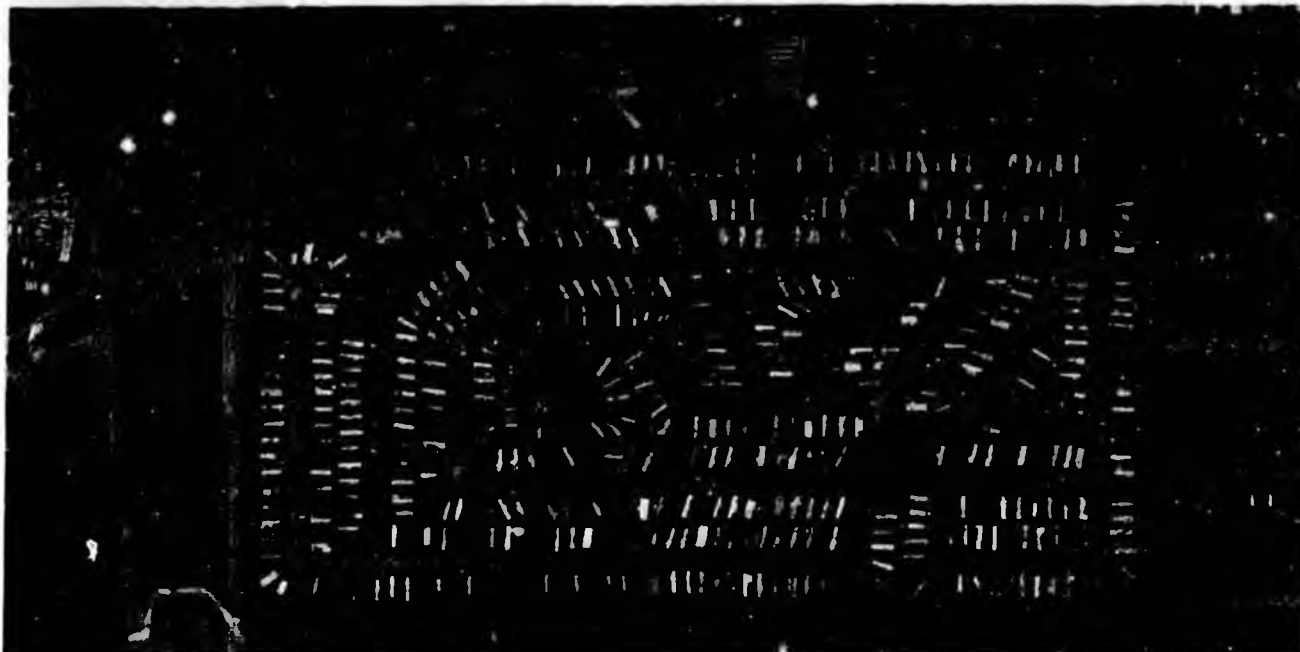
**ANALYSIS:** (Attach a separate page if necessary)

This bill amends AS 12.61.010 (Rights of Crime Victims) by adding a new subsection that would make landowner and tenant victims in felony offenses involving the manufacture or delivery of a controlled substance on private property. If the landowner or tenant requests it, under this bill they are entitled to notification as spelled out in this statute.

The Department of Law is responsible for the requirement to notify victims of certain events in a prosecution. It is difficult to determine how much additional workload this bill will generate if it passes. As a result, the fiscal impact is indeterminate.

Prepared by: Kathryn Daughhete, Director Phone 465-3673  
 Division Administrative Services Division Date/Time 2/8/06 2:31 PM  
 Approved by: Kathryn Daughhete for David Márquez, Attorney General Date 2/8/2006  
 Agency Department of Law

**Google**  
Local



The Anchorage Police Department discovered and removed a methamphetamine laboratory from this trailer park on February 9th, 2005.

The major intersection in the photo is Minnesota Boulevard (North-South) and Dimond Boulevard (East-West).

Google  
Local



The Anchorage Police Department discovered and removed a methamphetamine laboratory from this apartment complex on November 8th, 2005.

The major streets in the eastern half of the photo are C Street and A Street. This area is approximately four blocks south of Benson Boulevard.



**Paper: Anchorage Daily News (AK)**

**Title: Drug agents shut down suspected meth lab in Fairbanks - HISTORY REPEATS: Woman witnesses second bust in two years**

**Date: September 19, 2002**

Rachel Pinson was familiar with the scene she saw being played out when she looked out her window. Drug agents were poking around her neighborhood.

Two years ago, when she lived in North Pole, drug agents took toxic chemicals out of a suspected methamphetamine lab across the road.

This time it was the neighbor living in the Fairbanks apartment below her on Turner Street. When Pinson looked out her window Tuesday Lindsay Dale Brown was sitting on a picnic table in handcuffs.

Brown, 45, was arrested on a charge of fourth-degree misconduct involving a controlled substance for a small amount of **meth** found in his possession.

"He ended up snorting some before we knocked on the door," said Trooper Teague Widmier.

Brown and his girlfriend, Marie Myra, 36, also were charged with endangering the welfare of a minor by allegedly exposing Myra's 9-year-old daughter to the toxic chemicals used in cooking **meth**.

Troopers called the state Division of Family and Youth Services to take custody of the girl.

Other charges were pending.

Pinson thought from her previous experience she knew what a **meth** lab smelled like. Every morning while walking by her neighbors' trailer in North Pole she smelled the noxious fumes.

"That smelled like a perm," Pinson told The Fairbanks Daily News-Miner. But when neighbors at the apartment building where she moved two months ago told her the noxious fumes emitting from the apartment below her were from varnish used to make dolls, she believed them because the smell was different.

The smell, however, was enough to make her sick at times. Pinson told drug agents the smell nauseated her and her fiance Monday night.

Widmier believes Brown was cooking **meth** in his apartment and that's what caused the couple upstairs to become ill.

With the help of certified drug officers from Fairbanks, University of Alaska Fairbanks and North Pole police departments, the statewide drug unit removed an assortment of highly toxic and explosive chemicals normally associated with a suspected methamphetamine lab.

Widmier said the suspected lab is considered small, but has been active for a long time.

Authorities said once a search warrant was issued Brown cooperated and escorted drug agents around the apartment.

"He said he has been cooking for the last year, experimenting, refining the process," said trooper Sgt. Jeff Manns, head of the local branch of the statewide drug enforcement unit.

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*Author: The Associated Press Wire*

*Section: Metro*

*Page: B4*

*Copyright (c) 2002, Anchorage Daily News*

**SB**

**249**

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 1/23/06

FURTHER:

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

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

Judiciary Committee considered      SENATE BILL NO. 249

**SB 249 REPORTING BAIL AND RELEASE INFORMATION**

"An Act relating to criminal justice information."

and recommends:

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

<b>CS Senate Bill:</b>
<input type="checkbox"/> Same Title
<input type="checkbox"/> New Title
<b>SCS 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
	X			
	X			
	X			
	X			
CHAIR:	✓			

24-LS1490G  
Luckhaupt  
2/15/06

**CS FOR SENATE BILL NO. 249( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR FRENCH**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to criminal justice information."**

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

3 **\* Section 1. AS 12.62.120(b) is amended to read:**

4 (b) An agency designated under (a) of this section shall report the following  
5 events to the department if they occur in connection with an arrestable offense:

6 (1) the issuance, receipt, withdrawal, quashing, or execution of a  
7 judicial arrest warrant, a governor's warrant of arrest for extradition, or a parole arrest  
8 warrant;

9 (2) an arrest, with or without a warrant, or an escape after arrest;

10 (3) the release of a person after arrest without charges being filed;

11 (4) the admittance to, release or escape from, or unlawful evasion of,  
12 official detention in a correctional facility, either pretrial or post-trial;

13 (5) a decision by a prosecutor or a grand jury not to commence  
14 criminal proceedings, to defer or indefinitely postpone prosecution, or to decline to  
15 prosecute charges;

1 (6) the filing of a charging document, including an indictment,  
2 criminal complaint, criminal information, or a petition or other document showing a  
3 violation of bail, probation, or parole, or the amendment of a charging document;

4 (7) an acquittal, dismissal, conviction, or other disposition of charges  
5 set out in a charging document described in (6) of this subsection;

6 (8) the imposition of a sentence or the granting of a suspended  
7 imposition of sentence under AS 12.55.085;

8 (9) the commencement or expiration of parole or probation supervision  
9 and the conditions of that parole or probation supervision;

10 (10) the commitment to or release from a facility, designated by the  
11 Department of Health and Social Services, of a person who was previously accused of  
12 a crime but who has been found to be incompetent to stand trial or found not  
13 criminally responsible;

14 (11) the filing of an action in an appellate court or a federal court  
15 relating to a conviction or sentence;

16 (12) a judgment of a court that reverses, remands, vacates, or reinstates  
17 a criminal charge, conviction, or sentence;

18 (13) a pardon, reprieve, executive clemency, commutation of sentence,  
19 or other change in the length or terms of a sentence by executive or judicial action;  
20 [AND]

21 (14) the release of a person on bail and the conditions of that  
22 release; and

23 (15) any other event required to be reported under regulations adopted  
24 under this chapter.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 249  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 3/2/06/ 9:45 a.m. Dept. Affected: Administration  
 Title An Act relating to criminal justice information RDU Legal and Advocacy Services  
 Component Public Defender Agency  
 Sponsor Sen. French  
 Requester (S) JUD Component No. 1631

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill adds new information to the list of information that must be reported by certain agencies. It is not expected to have a fiscal impact of the operations of the Agency.

Prepared by: Quinlan Steiner, Director Phone (907) 334-4414  
 Division: Public Defender Agency Date/Time 3/2/06 9:45 a.m.  
 Approved by: Mike Tibbles, Deputy Commissioner Date 3/2/2006  
 Agency: Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSSB249(JUD)-Courts-3-2-06  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title An Act Relating to Criminal Justice Information RDU Alaska Court System  
 Component Trial Courts  
 Sponsor Senator French  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Because the court system is already working to implement the changes made by CSSB 249(JUD), we do not anticipate any fiscal impact from the passage of this bill.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 3-2-06 @ 1:00 pm  
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/2/2006  
 Agency Alaska Court System

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 249  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 3/2/06 -10:19 a.m. Dept. Affected: Administration  
 Title An Act relating to criminal justice information RDU Legal and Advocacy Services  
 Component Office of Public Advocacy  
 Sponsor Sen. French  
 Requester (S) JUD Component No. 43

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	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 (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill adds new information to the list of information that must be reported by certain agencies within the Department of Public Safety. It is not expected to have a fiscal impact of the operations of the Office of Public Advocacy.

Prepared by: Joshua P. Fink, Director Phone (907) 334-4414  
 Division Office of Public Advocacy Date/Time 3/2/06 - 10:19am  
 Approved by: Mike Tibbles, Deputy Commissioner Date 3/2/2006  
 Agency Administration

# ALASKA STATE LEGISLATURE



SENATOR HOLLIS FRENCH

## SB 249- Criminal Justice Information

### Sponsor Statement

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Law enforcement in a state the size of Alaska presents numerous challenges. One way to overcome those challenges is to efficiently share public safety information that is available in agencies and departments that are not "talking" to one another.

One important piece of information that is not being shared now is bail conditions. Bail conditions set by a judge can prohibit a wide range of activities that are otherwise lawful. For example, a judge can issue bail conditions that prohibit the defendant from driving a car, consuming alcohol, or simply being near a certain person or physical location.

Unfortunately, there is no provision in Alaska law that requires bail conditions be listed in the Alaska Public Safety Information Network, or APSIN. Thus, our police officers and troopers have no practical way of knowing whether any person with whom they come into contact is or is not obeying their conditions of bail.

SB 249 is designed to close this gap and to provide another important tool to law enforcement.



**Paper: Anchorage Daily News (AK)**

**Title: SWAT team swarms area - Armed man threatens suicide and killing in Turnagain neighborhood STANDOFF. Police and girlfriend talk depressed father of two out of house after nine hours; no one is harmed.**

**Date: June 22, 2005**

Dozens of police officers toting shotguns descended on a quiet West Anchorage subdivision early Tuesday morning, blocking off roads and evacuating sleepy residents after a drunken, depressed man with a stash of guns threatened to hurt himself and others.

Police said Brooks Gandy, 40, fired one round at officers from the house, where he holed up for nine hours, but didn't hit anyone.

The standoff ended peacefully after Gandy's girlfriend, Mary Haugen, and three police negotiators trying different tactics talked him out of the house and onto the groomed front lawn of 3630 Clay Products Drive. Police said Gandy had been drinking for hours before the confrontation ended.

A small group of officers had responded at the two-story house, near Didlika Park in Turnagain, around 1:30 a.m. after Haugen called 911 and then hung up.

Dispatchers heard her say "take the gun out of your mouth" before the line went dead, police spokeswoman Anita Shell said. They immediately called back, Shell said.

"They asked her, 'Is there somebody else in the house?' She said yes. They asked, 'Does he have a gun?' She said yes."

A few minutes later, police showed up at the residence, in a middle-class subdivision of single-family homes. Haugen and her brother came out of the house almost immediately. They were unharmed.

Gandy stayed inside.

According to police, Gandy showed up at Haugen's home upset about losing a job and about a custody battle he is having with his soon-to-be ex-wife over their two kids. Shell said Gandy threatened to kill himself, Haugen and her dogs, which was when Haugen called police.

After police set up telephone communication with Gandy, they shined spotlights at the home. Gandy fired a gun in the direction of the lights. Police were standing nearby. The bullet was close enough that officers heard it whiz by, Deputy Police Chief Audie Holloway said.

Police called out the full SWAT team.

More than two dozen marked and unmarked police cars descended on the neighborhood as people slept in their houses nearby. It was about 4 a.m. Some officers acted as sentries, blocking off roads. Others set up a communications system inside two incident command trucks parked around the corner from the house. Several officers wearing green fatigues and carrying shotguns took positions in or on neighboring roofs and yards.

The sight alarmed some neighbors and annoyed others.

"My mom woke up to get a glass of water and saw a bunch of SWAT men with big guns," said Nanda Anderson, 23, who was asleep at her parents' house when the commotion broke out. Officers asked the family to leave.

Anderson, visiting from California with her boyfriend, said her parents, sister, and grandparents came rushing into her room in the middle of the night. Her boyfriend, Bobby Galley, 26, said he wasn't sure at first what was going on.

"I thought it was another tsunami," he said, explaining that recently in California, he and Anderson had had to evacuate for a false alarm.

Anderson said the SWAT team members were "very nice, very calm." The family grabbed a few things and left. After an early breakfast at Village Inn, Anderson, her grandparents and Galley sat in the sun on some lawn chairs outside Turnagain Elementary School, where the Red Cross had established a temporary shelter.

"At least it's a nice day," one of them mused. Galley wondered if he and Anderson would make their afternoon flight back to

Pacifica, Calif. "Maybe the SWAT team can go get my bag."

The Red Cross looked after about half a dozen people at the school. One of the volunteers manning the station was trying to catch his first fish of the season early Tuesday at Ship Creek when the call came in. He dropped everything.

"That's how Red Cross is able to be there 24 hours a day," spokeswoman Kelly Hurd said.

Around 9 a.m., the neighborhood beyond the police perimeter seemed to wake up. Young boys on bikes gathered near the police blockades talking on cell phones. Adults in SUVs tried to navigate through the maze of police cars.

"Good grief, look at this," a man on a bike said as he came around a corner and saw the mess. "Maybe I'll take a different route." Another man said he had to bike to work because the road was blocked and he couldn't get his vehicle out.

Over several hours of telephone conversation, police talked Gandy into setting two of the three guns he claimed to have outside the front door. Haugen helped in the negotiations where she could, police said.

"His range of emotions go from sad to angry to calm to uncooperative," Sheli said midway through the negotiations.

"The negotiators did a really good job," Holloway said. "They didn't give up."

Police see 12 to 18 standoffs a year in Anchorage, according to Holloway. Many involve threats of suicide. Tuesday's response probably cost \$7,000, Holloway said. Others have run as high \$12,000.

Breakfast for police who had spent hours on scene was 20 Egg McMuffins from a McDonald's drive-through. Around 10:20 a.m., Gandy gave himself up. He came out the front door and laid down on the lawn, police said.

Neighbors returning home consoled Haugen, who stood in her driveway smoking a cigarette. She politely declined to be interviewed.

Gandy was charged with assault, misconduct involving weapons and reckless endangerment and taken to the Anchorage Jail.

Daily News reporter Tataboline Brant can be reached at tbrant@adn.com or 257-4321.

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Author: TATABOLINE BRANT Anchorage Daily News Staff  
Section: Main  
Page: A1  
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**SB**

**284**

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 2/13/06

FURTHER: Finance

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

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

Judiciary Committee considered      SENATE BILL NO. 284

**SB 284 SENTENCING FOR ALCOHOL-RELATED CRIMES**

"An Act relating to sentencing for the commission of a felony while under the influence of alcohol."

and recommends:

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

<b>CS Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>SCS 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):**

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
<b>CHAIR:</b> <i>Ralph DeLuca</i>	✓			

24-LS0581Y  
Luckhaupt  
3/1/06

**CS FOR SENATE BILL NO. 284( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR THERRIAULT**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to sentencing for the commission of a felony while under the influence**  
2 **of alcohol"**

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

4 **\* Section 1.** AS 11.56 is amended by adding a new section to read:

5 **Sec. 11.56.768. Consumption of alcohol in violation of sentence.** (a) A  
6 person commits the crime of consumption of alcohol in violation of sentence if the  
7 person knowingly consumes alcohol in violation of an order imposed under  
8 AS 12.55.015(a)(13), AS 28.35.030, or 28.35.032.

9 (b) In a prosecution under this section, it is an affirmative defense that the  
10 alcohol was provided by, and consumed under the direction of, a health care  
11 professional as part of medical treatment of the defendant.

12 (c) Except as provided in (e) of this section, consumption of alcohol in  
13 violation of sentence is a class A misdemeanor.

14 (d) In this section, "consumption of alcohol" means to ingest, orally or

1 otherwise, alcohol or any substance containing alcohol, except the use of non-  
2 prescription medications in doses and for purposes recommended by the manufacturer  
3 or approved by the FDA.

4 (e) Consumption of alcohol is a class C felony if the defendant has been  
5 previously convicted of violating this section.

6 \* Sec. 2. AS 12.55.015(a) is amended to read:

7 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing  
8 sentence on a defendant convicted of an offense, may singly or in combination

9 (1) impose a

10 (A) fine when authorized by law and as provided in  
11 AS 12.55.035; or

12 (B) day fine when authorized by law and as provided in  
13 AS 12.55.036 if the court does not impose a term of periodic or continuous  
14 imprisonment or place the defendant on probation;

15 (2) order the defendant to be placed on probation under conditions  
16 specified by the court that may include provision for active supervision;

17 (3) impose a definite term of periodic imprisonment;

18 (4) impose a definite term of continuous imprisonment;

19 (5) order the defendant to make restitution under AS 12.55.045;

20 (6) order the defendant to carry out a continuous or periodic program  
21 of community work under AS 12.55.055;

22 (7) suspend execution of all or a portion of the sentence imposed under  
23 AS 12.55.080;

24 (8) suspend imposition of sentence under AS 12.55.085;

25 (9) order the forfeiture to the commissioner of public safety or a  
26 municipal law enforcement agency of a deadly weapon that was in the actual  
27 possession of or used by the defendant during the commission of an offense described  
28 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

29 (10) order the defendant, while incarcerated, to participate in or  
30 comply with the treatment plan of a rehabilitation program that is related to the  
31 defendant's offense or to the defendant's rehabilitation if the program is made available

1 to the defendant by the Department of Corrections;

2 (11) order the forfeiture to the state of a motor vehicle, weapon,  
3 electronic communication device, or money or other valuables, used in or obtained  
4 through an offense that was committed for the benefit of, at the direction of, or in  
5 association with a criminal street gang;

6 (12) order the defendant to have no contact, either directly or  
7 indirectly, with a victim or witness of the offense until the defendant is  
8 unconditionally discharged;

9 **(13) if the court finds by clear and convincing evidence that the**  
10 **defendant's conduct constituting the offense was substantially influenced by the**  
11 **consumption of alcohol, order the defendant convicted of a felony under AS 11.41**  
12 **to refrain from consuming alcohol, subject to AS 11.56.768, up to the lifetime of**  
13 **the defendant, including during the term of any sentence, and as a condition of**  
14 **probation, suspended sentence, and suspended imposition of sentence.**

15 \* Sec. 3. AS 28.35.030(b) is amended to read:

16 (b) Except as provided under (n) of this section, driving while under the  
17 influence of an alcoholic beverage, inhalant, or controlled substance is a class A  
18 misdemeanor. Except as provided under (p) of this section, upon conviction,

19 (1) the court shall impose a minimum sentence of imprisonment of

20 (A) not less than 72 consecutive hours and a fine of not less  
21 than \$1,500 if the person has not been previously convicted;

22 (B) not less than 20 days and a fine of not less than \$3,000 if  
23 the person has been previously convicted once;

24 (C) not less than 60 days and a fine of not less than \$4,000 if  
25 the person has been previously convicted twice and is not subject to  
26 punishment under (n) of this section;

27 (D) not less than 120 days and a fine of not less than \$5,000 if  
28 the person has been previously convicted three times and is not subject to  
29 punishment under (n) of this section;

30 (E) not less than 240 days and a fine of not less than \$6,000 if  
31 the person has been previously convicted four times and is not subject to

1 punishment under (n) of this section;

2 (F) not less than 360 days and a fine of not less than \$7,000 if  
3 the person has been previously convicted more than four times and is not  
4 subject to punishment under (n) of this section;

5 (2) the court may not

6 (A) suspend execution of sentence or grant probation except on  
7 condition that the person

8 (i) serve the minimum imprisonment under (1) of this  
9 subsection; and

10 (ii) pay the minimum fine required under (1) of this  
11 subsection;

12 (B) suspend imposition of sentence;

13 (3) the court shall revoke the person's driver's license, privilege to  
14 drive, or privilege to obtain a license under AS 28.15.181, and may order that the  
15 motor vehicle, aircraft, or watercraft that was used in commission of the offense be  
16 forfeited under AS 28.35.036; [AND]

17 (4) the court may order that the person, while incarcerated or as a  
18 condition of probation or parole, take a drug or combination of drugs intended to  
19 prevent the consumption of an alcoholic beverage; a condition of probation or parole  
20 imposed under this paragraph is in addition to any other condition authorized under  
21 another provision of law; and

22 (5) if the court finds by clear and convincing evidence that the  
23 defendant's conduct constituting the offense was substantially influenced by the  
24 consumption of alcohol, the court may order the defendant previously convicted  
25 two or more times or whose offense resulted in death or serious physical injury to  
26 another person to refrain from consuming alcohol, subject to AS 11.56.768, for a  
27 period of time up to the lifetime of the defendant, including during the term of  
28 any sentence, and as a condition of probation and suspended sentence.

29 \* Sec. 4. AS 28.35.030(n) is amended to read:

30 (n) A person is guilty of a class C felony if the person is convicted under (a) of  
31 this section and either has been previously convicted two or more times since

1 January 1, 1996, and within the 10 years preceding the date of the present offense, or  
2 punishment under this subsection or under AS 26.35.032(p) was previously imposed  
3 within the last 10 years. For purposes of determining minimum sentences based on  
4 previous convictions, the provisions of (t)(4) of this section apply. Upon conviction,  
5 the court

6 (1) shall impose a fine of not less than \$10,000 and a minimum  
7 sentence of imprisonment of not less than

8 (A) 120 days if the person has been previously convicted twice;

9 (B) 240 days if the person has been previously convicted three  
10 times;

11 (C) 360 days if the person has been previously convicted four  
12 or more times;

13 (2) may not

14 (A) suspend execution of sentence or grant probation except on  
15 condition that the person

16 (i) serve the minimum imprisonment under (1) of this  
17 subsection; and

18 (ii) pay the minimum fine required under (1) of this  
19 subsection; or

20 (B) suspend imposition of sentence;

21 (3) shall permanently revoke the person's driver's license, privilege to  
22 drive, or privilege to obtain a license subject to restoration of the license under (o) of  
23 this section;

24 (4) may order that the person, while incarcerated or as a condition of  
25 probation or parole, take a drug or combination of drugs, intended to prevent the  
26 consumption of an alcoholic beverage; a condition of probation or parole imposed  
27 under this paragraph is in addition to any other condition authorized under another  
28 provision of law;

29 (5) shall order forfeiture under AS 28.35.036 of the vehicle, watercraft,  
30 or aircraft used in the commission of the offense, subject to remission under  
31 AS 26.35.037; [AND]

1 (6) shall order the department to revoke the registration for any vehicle  
 2 registered by the department in the name of the person convicted under this  
 3 subsection; if a person convicted under this subsection is a registered co-owner of a  
 4 vehicle or is registered as a co-owner under a business name, the department shall  
 5 reissue the vehicle registration and omit the name of the person convicted under this  
 6 subsection; and

7 (7) if the court finds by clear and convincing evidence that the  
 8 defendant's conduct constituting the offense was substantially influenced by the  
 9 consumption of alcohol may order the defendant to refrain from consuming  
 10 alcohol, subject to AS 11.56.768, for a period of time up to the lifetime of the  
 11 defendant, including during the term of any sentence, and as a condition of  
 12 probation and suspended sentence.

13 \* Sec. 5. AS 28.35.032(g) is amended to read:

14 (g) Except as provided under (r) of this section, upon conviction under this  
 15 section,

16 (1) the court shall impose a minimum sentence of imprisonment of

17 (A) not less than 72 consecutive hours and a fine of not less  
 18 than \$1,500 if the person has not been previously convicted;

19 (B) not less than 20 days and a fine of not less than \$3,000 if  
 20 the person has been previously convicted once;

21 (C) not less than 60 days and a fine of not less than \$4,000 if  
 22 the person has been previously convicted twice and is not subject to  
 23 punishment under (p) of this section;

24 (D) not less than 120 days and a fine of not less than \$5,000 if  
 25 the person has been previously convicted three times and is not subject to  
 26 punishment under (p) of this section;

27 (E) not less than 240 days and a fine of not less than \$6,000 if  
 28 the person has been previously convicted four times and is not subject to  
 29 punishment under (p) of this section;

30 (F) not less than 360 days and a fine of not less than \$7,000 if  
 31 the person has been previously convicted more than four times and is not

1 subject to punishment under (p) of this section;

2 (2) the court may not

3 (A) suspend execution of the sentence required by (1) of this  
4 subsection or grant probation, except on condition that the person

5 (i) serve the minimum imprisonment under (1) of this  
6 subsection; and

7 (ii) pay the minimum fine required under (1) of this  
8 subsection; or

9 (B) suspend imposition of sentence;

10 (3) the court shall revoke the person's driver's license, privilege to  
11 drive, or privilege to obtain a license under AS 28.15.181, and may order that the  
12 motor vehicle, aircraft, or watercraft that was used in commission of the offense be  
13 forfeited under AS 28.35.036,

14 (4) the court may order that the person, while incarcerated or as a  
15 condition of probation or parole, take a drug or combination of drugs intended to  
16 prevent the consumption of an alcoholic beverage; a condition of probation or parole  
17 imposed under this paragraph is in addition to any other condition authorized under  
18 another provision of law; [AND]

19 (5) the sentence imposed by the court under this subsection shall run  
20 consecutively with any other sentence of imprisonment imposed on the person; and

21 (6) if the court finds by clear and convincing evidence that the  
22 defendant's conduct constituting the offense was substantially influenced by the  
23 consumption of alcohol, the court may order the defendant previously convicted  
24 two or more times or whose offense resulted in death or serious physical injury to  
25 another person to refrain from consuming alcohol, subject to AS 11.56.768, for a  
26 period of time up to the lifetime of the defendant, including during the term of  
27 any sentence, and as a condition of probation and suspended sentence.

28 \* Sec. 6. AS 28.35.032(p) is amended to read:

29 (p) A person is guilty of a class C felony if the person is convicted under this  
30 section and either has been previously convicted two or more times since January 1,  
31 1996, and within the 10 years preceding the date of the present offense, or punishment

1 under this subsection or under AS 28.35.030(n) was previously imposed within the  
2 last 10 years. For purposes of determining minimum sentences based on previous  
3 convictions, the provisions of AS 28.35.030(t)(4) apply. Upon conviction,

4 (1) the court shall impose a fine of not less than \$10,000 and a  
5 minimum sentence of imprisonment of not less than

6 (A) 120 days if the person has been previously convicted twice;

7 (B) 240 days if the person has been previously convicted three  
8 times;

9 (C) 360 days if the person has been previously convicted four  
10 or more times;

11 (2) the court may not

12 (A) suspend execution of the sentence required by (1) of this  
13 subsection or grant probation, except on condition that the person

14 (i) serve the minimum imprisonment under (1) of this  
15 subsection; and

16 (ii) pay the minimum fine required under (1) of this  
17 subsection; or

18 (B) suspend imposition of sentence;

19 (3) the court shall permanently revoke the person's driver's license,  
20 privilege to drive, or privilege to obtain a license subject to restoration under (q) of  
21 this section;

22 (4) the court may order that the person, while incarcerated or as a  
23 condition of probation or parole, take a drug, or combination of drugs, intended to  
24 prevent consumption of an alcoholic beverage; a condition of probation or parole  
25 imposed under this paragraph is in addition to any other condition authorized under  
26 another provision of law;

27 (5) the sentence imposed by the court under this subsection shall run  
28 consecutively with any other sentence of imprisonment imposed on the person;

29 (6) the court shall order forfeiture under AS 28.35.036. of the motor  
30 vehicle, aircraft, or watercraft used in the commission of the offense, subject to  
31 remission under AS 28.35.037; [AND]

1 (7) the court shall order the department to revoke the registration for  
2 any vehicle registered by the department in the name of the person convicted under  
3 this subsection; if a person convicted under this subsection is a registered co-owner of  
4 a vehicle, the department shall reissue the vehicle registration and omit the name of  
5 the person convicted under this subsection; and

6 (8) if the court finds by clear and convincing evidence that the  
7 defendant's conduct constituting the offense was substantially influenced by the  
8 consumption of alcohol, the court may order the defendant to refrain from  
9 consuming alcohol, subject to AS 11.56.768, for a period of time up to the lifetime  
10 of the defendant, including during the term of any sentence, and as a condition of  
11 probation and suspended sentence.

12 \* Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to  
13 read:

14 APPLICABILITY. This Act applies to offenses committed on or after the effective  
15 date of this Act. References to previous convictions apply to convictions occurring before, on,  
16 or after the effective date of this Act.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 284  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 3/1/06/ 1:51 p.m. Dept. Affected: Administration  
 Title An Act relating to sentencing for the commission RDU Legal and Advocacy Services  
of a felony while under the influence Component Office of Public Advocacy  
 Sponsor Sen. Therriault  
 Requester (S) Jud Component No. 43

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	*	*	*	*	*	*
Travel						
Contractual	*	*	*	*	*	*
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</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>	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: \_\_\_\_\_  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill permits the court, as part of a sentence for a conviction under AS 11.41, to prohibit a defendant from consuming alcohol for the lifetime of the defendant. This bill also makes it a crime to consume alcohol in violation of a criminal sentence under AS 12.55.015; a first offense is a misdemeanor and the second offense is a C felony

This bill creates a new misdemeanor and felony offense. It targets a chronic drinking population that is likely to violate a condition that they not drink. Therefore, it is highly likely to increase the number of PDA conflict cases that OPA must handle. It is, however, not possible to predict the number of cases with any certainty. OPA therefore submits an indeterminate fiscal note.

Prepared by: Joshua P. Fink, Director Phone 907.269-3501  
 Division Office of Public Advocacy Date/Time 3.1.06/1:51 p.m.  
 Approved by: Mike Tibbles, Deputy Commissioner Date 3/1/2006  
 Agency Administration

# FISCAL NOTE

**STATE OF ALASKA  
2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 28  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 2/28/06 2:10 p.m. Dept. Affected: Administration  
 Title An Act relating to sentencing for the commission RDU Legal and Advocacy Services  
of a felony while under the influence Component Public Defender Agency  
 Sponsor Sen. Therriault  
 Requester (S) JUD Component No. 1631

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</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>	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: \_\_\_\_\_  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill permits the court, as part of a sentence for a conviction under AS 11.41, to prohibit a defendant from consuming alcohol for the lifetime of the defendant. This bill also makes it a crime to consume alcohol in violation of a criminal sentence under AS 12.55.015; a first offense is a misdemeanor and the second offense is a C felony.

This bill creates a new misdemeanor and felony offense. This bill is likely to increase the number of cases that the agency must handle. It is, however, not possible to predict the number of cases. The Public Defender Agency, therefore, submits an indeterminate fiscal note.

Prepared by: Quinlan Steiner, Director Phone 907.334.4414  
 Division Public Defender Agency Date/Time 2.28.06 2:10 p.m.  
 Approved by: Mike Tibbles, Deputy Commissioner Date 2/28/2006  
 Agency Administration

# Alaska State Legislature

SENATOR  
**GENE THERRIALT**

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Fairbanks, Alaska 99701  
(907) 488-0857  
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Senate

While in session:  
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## Sponsor Statement SB 284

### Alcohol Ban Option For Certain Violent Felons

In the interest of public safety and reducing the rate of recidivism among certain violent offenders, I have introduced Senate Bill 284 giving judges a new option when sentencing felons who commit crimes against persons. (As 11.41)

In instances that clear and convincing evidence shows a long-term pattern of alcohol abuse as a major contributing factor in the commission of a violent crime against a person, a judge may impose as a condition of sentencing, a lifetime prohibition on the use of alcohol.

This legislation is intended to accomplish three main objectives. The first is to allow courts to permanently remove a controlled substance from those who have a long track record of being dangerous when they use it. The second is to prevent future acts of violence by establishing a different threshold for re-arrest before actual violence may occur. The third goal is to establish a lifelong deterrent to offenders who might be tempted to use a substance that unleashes their violent nature.



## Alaska State Legislature Senate Majority News

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### **Lifetime Ban of Alcohol Sentencing Option** **For Certain Felons**

#### *SB 284 Bans Violent Repeat Offender From Drinking*

(Juneau) - Judges may impose a lifetime ban on alcohol use as part of a sentence for violent felons under a measure to be introduced Monday by Sen. Gene Therriault (R-North Pole).

"For some people alcohol triggers a violent nature that otherwise does not exist. When extreme crimes against persons occur as a result, extreme mitigation measures may be needed to prevent repeat offenses. This bill gives courts that option," Sen. Therriault said.

The legislation as introduced provides the lifetime ban as an option, and available only for sentencing felons who commit crimes against people. If an offender violates the lifetime ban, he or she is subject to a class A misdemeanor for the first offense and a class C felony for a repeat offense. Under either provision, re-incarceration is an option if a judge determines it is needed.

"Public safety is at the heart of this legislation, but it also gives offenders an extra incentive to never again use a substance that turns them into a ticking time bomb that they cannot control," Sen. Therriault said.

SB 284 has been referred to the Senate Judiciary and Finance Committees.

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**SENATE BILL NO. 284**

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

**BY SENATOR THERRIAULT**

**Introduced: 2/13/06  
Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to sentencing for the commission of a felony while under the influence**  
2 **of alcohol."**

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

4 **\* Section 1.** AS 11.56 is amended by adding a new section to read:

5 **Sec. 11.56.768. Consumption of alcoholic beverage in violation of**  
6 **sentence.** (a) A person commits the crime of consumption of alcoholic beverage in  
7 violation of sentence if the person consumes an alcoholic beverage in violation of an  
8 order imposed under AS 12.55.015(a)(13).

9 (b) In a prosecution under this section, it is an affirmative defense that the  
10 alcoholic beverage was provided by, and consumed under the direction of, a health  
11 care professional as part of medical treatment of the defendant.

12 (c) Except as provided in (d) of this section, consumption of alcoholic  
13 beverage in violation of sentence is a class A misdemeanor.

14 (d) Consumption of alcoholic beverage is a class C felony if the defendant has