



# **Legislative Budget & Audit Committee**

**Representative Ralph Samuels, Chair**

## **Sponsor Statement for House Bill 218 “Extend Alcoholic Beverage Control Board”**

House Bill 218 would extend the sunset date of the Alcoholic Beverage Control Board (ABC Board) to June 30, 2006 and would remove the criminal investigation of prostitution and gambling from the duty of ABC investigators.

The ABC Board helps protect the health and safety of Alaskans by regulating the manufacture, barter, possession, and sale of alcoholic beverages in the State. The two primary methods of control that the board has are the ability to issue and revoke liquor licenses and the employment of investigators who visit licensees' premises.

ABC investigators are granted limited police powers when they enter an establishment to investigate violations of the statutes governing the control and sale of alcoholic beverages. Because prostitution and gambling can take place in these same venues, the investigators powers were extended by the legislature in 1999 to cover these violations of Alaska statute.

This change in statute has placed the investigators in a precarious position. Previously their powers were restricted to issuing subpoenas and serving search warrants, sufficient for the Class A misdemeanors that violations of Title IV statutes incur. But gambling and prostitution violations can result in class B and C felony convictions, creating a need for greater police powers such as the ability to carry firearms.

The Department of Public Safety grants ABC investigators with their limited police powers, and the department has not allowed the investigators to carry firearms. The Attorney General's office and DPS determined that the ABC staff should not need to use deadly force to complete its assigned duties.

In addition, these statute changes expanded the duties of the investigators beyond the mission of the ABC Board to “control the manufacture, barter, possession and sale of alcoholic beverages in the state.” This combined with the problems associated with investigating more serious statute violations leads to the conclusion that the ability to investigate gambling and prostitution crimes should be reserved for police officers and the state troopers.