



CITY OF BETHEL

P.O. Box 388 Bethel, Alaska 99559
907-543-2297
FAX # 543-4171

Introduced by: Council Member Rodgers
Date: November 26, 1996
Action: Adopted
Vote: 5-Yes, 1-No

RESOLUTION #96-47

A RESOLUTION OF THE BETHEL CITY COUNCIL RECOMMENDING INCREASED MANDATORY MINIMUM SENTENCES IN ALCOHOL SALES CONVICTIONS.

WHEREAS, bootleggers are preying on the people of Bethel, and the Delta, causing pain and suffering to all communities, and

WHEREAS, bootleggers are individuals who do not care about the problems caused by alcohol, but care only about the money to be made; and

WHEREAS, the illegal sale of alcohol is devastating to our communities - 98% of the criminal cases in Bethel are committed by people who have consumed alcohol; and

WHEREAS, bootleggers take money that should be spent on the buyer's children, to pay for food and clothing, to improve lives, not to ruin lives; and

WHEREAS, the act of selling alcohol is a felony, but right now there is little condemnation for those caught, and even after being caught and convicted, there is no significant jail time or fines to deter the conduct of bootleggers; and

WHEREAS, presently the minimum standard sentence imposed by the Court is a suspended imposition of sentence for those convicted of selling alcohol, so that the risk for bootleggers is small, but the profit earned is large; and

WHEREAS, within the past month, 13 people have been indicted for sale without a license; and currently, the District Attorney's office is prosecuting four resident aliens, non-citizens for selling alcohol; and

WHEREAS, as a Community, we need to send a strong message that the sale of alcohol without a license is illegal and those caught will be severely punished.

NOW, THEREFORE, BE IT RESOLVED by the Bethel City Council:

a) that it recommends a mandatory minimum sentence of six months jail time to any person convicted of the sale of alcohol without a license;

b) that it recommends when a non-citizen is convicted of bootlegging, that the District Attorney's office send a copy of the judgment to the Department of Immigration, with a letter encouraging deportation of the convicted bootlegger;

c) that a copy of this Resolution be posted at the following places: AC Lobby, Swanson's Lobby, and the Kuskokwim Inn, and posted inside of all cabs within view of customers;

d) that a copy of this Resolution be given to the Court System and the District Attorney's office, to reflect the community's view of selling alcohol and our zero tolerance level for bootleggers;

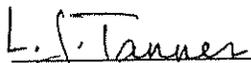
e) that the City enact a campaign through the "We Won't Take it No More" Committee to educate the public as to the stiff penalties for those convicted of selling alcohol without a license.

PASSED AND APPROVED THIS 26TH DAY OF NOVEMBER, 1996.

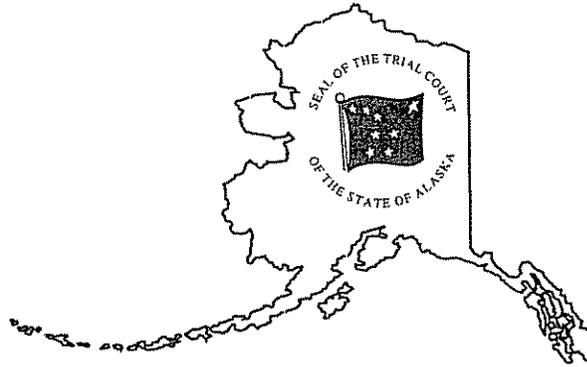


Ruth M. Richardson, Mayor

ATTEST:



L.S. Tanner, City Clerk



Trial Courts

State of Alaska

FOURTH DISTRICT

BETHEL TRIAL COURTS

Box 130

Bethel, Alaska 99559-0130

CRAIG R. McMAHON
Magistrate

(907) 543-2298
543-2196

December 11, 1996

L.J. Tanner
City Clerk
City of Bethel
P.O. Box 130
Bethel AK 99559

Dear Ms. Tanner:

Today I received your letter concerning Bethel City Council's Resolution #96-47. I have given the letter and the resolution to Judge Curda, since I am not involved in sentencing cases in which the charges are for alcohol sales in local option communities. That offense has been classed as a felony for several years now and is within the jurisdiction of the Superior Court. The District Court where I preside has not had jurisdiction over sentencing those convicted of such criminal behavior since the Legislature increased the penalties in 1988.

You may wish to forward a copy of the resolution to the Department of Corrections, Division of Adult Probation. The division is usually ordered to prepare a presentence report in felony cases to aid in disposition.

I will continue to note the Council's concerns over the problems of bootlegging in our community when dealing with those people convicted of purchasing alcohol from bootleggers.

Sincerely,

Craig R. McMahon
Magistrate