

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: **HB271-ACS-01-27-10**
() Publish Date: _____

Identifier (file name):

Title DUI Penalties

Dept. Affected:

RDU Alaska Court System

Component Trial Courts

Sponsor Representative Hawker

Requester _____

Component Number _____

Expenditures/Revenues

(Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Personal Services	592.8	592.8	592.8	592.8	592.8	592.8	592.8
Travel	33.9	33.9	33.9	33.9	33.9	33.9	33.9
Contractual	202.0	202.0	193.2	193.2	193.2	193.2	193.2
Supplies	39.8	39.8	6.0	6.0	6.0	6.0	6.0
Equipment							
Land & Structures	94.0	94.0					
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	962.5	962.5	825.9	825.9	825.9	825.9	825.9

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	962.5	962.5	825.9	825.9	825.9	825.9	825.9
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	962.5	962.5	825.9	825.9	825.9	825.9	825.9

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Part-time	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Temporary	3.0	3.0	3.0	3.0	3.0	3.0	3.0

ANALYSIS: (Attach a separate page if necessary)

Section 2 of HB 271 amends AS 28.35.030(n) so that a person commits a class C felony if the person violates the DUI or refusal statutes and the person had a prior DUI/refusal conviction within the 10 years preceding the date of the present offense. In other words, a second DUI/refusal within 10 years is a felony. In contrast, the current law makes a third DUI/refusal within 10 years a felony. If HB 271 had been in effect during calendar year 2009, 1155 persons who would have otherwise been charged with a misdemeanor would have instead been charged with a felony. This change will impact the court system as it would represent a 20% increase in our statewide felony filings. Although

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Division: Alaska Court System

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Alaska Court System

Phone 907-463-4750

Date/Time 01/27/10 @3:30 P.M.

Date 1/27/2010

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BILL NO. HB271-ACS-01-27-10

ANALYSIS CONTINUATION

this will impact Anchorage more than other communities, the impact will be statewide.

Approximately 40% of Alaska's DUI/refusal cases are committed in Anchorage. This means that the Anchorage Superior Court will see approximately 462 new felony cases as a result of HB 271. Because that is the number of cases each Anchorage superior court judge handles in a year, this fiscal note requests one new superior court judge for Anchorage and the staff and equipment that accompany that judge. It also includes the one-time capital costs necessary to accommodate the new judge and staff.

The 60% of new felony offenses that will not be heard in Anchorage will be spread out across the state; this fiscal note requests temporary (pro tem) judges for those cases. Additionally, this note requests some non-permanent part-time clerk and bailiff positions.

Finally, the note assumes a 5% jury trial rate for these cases and includes expenses associated with those trials.

Alaska Court System

Fiscal Note Calculations for HB271

Jury Fees

50 Jurors 1 Day for Selection	1,250
14 Jurors for 4 Days of Court	1,400
12 Jurors for 1 Day of Deliberation	300
Deliberation Meal \$16/12 jurors + bailiff	208
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Total per Superior Court Trial	3,158
Proposed # Superior Court Trials	58
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Subtotal Juror Expenses	183,200

Personal Services

Superior Court Judge - Anchorage	257,311
In-Court Clerk - Anchorage, Range 12A	61,400
Law Clerk - Anchorage, Range 13D	60,400
Administrative Assistant - Anchorage Range 12A	61,400
Pro Tems Superior Court Judge (6 months) - Anchorage Based	49,700
Pro Tems Superior Court Judge (5 months) - Fairbanks Based	41,400
In-Court Clerk Various Locations, Range 12A (12 months), NPP	46,100
Bailiff - Anchorage, 3 months, NPP	7,125
Bailiff - Various Locations, 3 months, NPP	8,000
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Subtotal Personal Services	592,800

Travel for Pro Tem Judges

Airfare - 30 trips @\$400/trip	12,000
Per Diem - 30 trips X 4 days X \$60/day	7,200
Lodging - 30 trips X 4 days X \$110/night	13,200
Airport Parking/Ground Transportation (\$50/trip)	1,500
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Subtotal Travel for Pro Tem Judges 33,900

Supplies (desk, computer, courtroom electronics, and chair) for four PFT positions

39,800

WAN Fees, Software & Licensing

18,800

Remodeling Costs within Nesbett Courthouse for New Judge

94,000

Fiscal Note Total

962,500

Breakdown by Expense Category:

Personal Services Total	592,800
Travel Total	33,900
Contractual Total	202,000
Supplies Total	39,800
Land & Structures Total	94,000
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Total 962,500