

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 271  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB271-LAW-CRIM-01-28-10  
 Title: An act relating to offenses of driving while under the influence of alcoholic beverage, inhalant, or controlled substance and refusal to submit to a test.  
 Sponsor: Representative Hawker  
 Requester: Judiciary  
 Dept. Affected: LAW  
 RDU: CRIMINAL  
 Component: Criminal Justice Litigation  
 Component Number: 2202

**Expenditures/Revenues**

(Thousands of Dollars)

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

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Personal Services	339.0		339.0	339.0	339.0	339.0	339.0
Travel	1.8		1.8	1.8	1.8	1.8	1.8
Contractual	49.5		49.5	49.5	49.5	49.5	49.5
Supplies	7.8		7.8	7.8	7.8	7.8	7.8
Equipment	1.9		1.9	1.9	1.9	1.9	1.9
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>400.0</b>	<b>0.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>

<b>CAPITAL EXPENDITURES</b>							
<b>CHANGE IN REVENUES ( )</b>							

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
1002 Federal Receipts							
1003 GF Match							
1004 GF	400.0		400.0	400.0	400.0	400.0	400.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>400.0</b>	<b>0.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

POSITIONS	FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Full-time	2.0		2	2	2	2	2
Part-time							
Temporary							

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

See attached page...

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 Approved by: Daniel S. Sullivan, Attorney General  
Department of Law

Phone 465-5427  
 Date/Time 1/28/10 12:00 AM  
 Date 1/28/2010

FISCAL NOTE

STATE OF ALASKA  
2010 LEGISLATIVE SESSION

BILL NO. HB 271

**ANALYSIS CONTINUATION**

The bill requires a judge to order a person charged with drunk driving or refusal to submit to a breath test to impose, as a condition of pretrial release, that the person may not drive a vehicle without an ignition interlock device. Further, as a condition of pretrial release, if the defendant's vehicle was impounded at arrest, the vehicle may not be returned to the owner until such a device is installed on the vehicle.

The bill also makes a second drunk driving or refusal within a 10 year period a class C felony. It makes the mandatory terms of imprisonment, fines, and other terms that currently apply to the third conviction apply to the second conviction.

The bill will result in an increased number of felony cases being prosecuted by the Department of Law. Felony prosecutions are much more resource intensive than misdemeanor prosecutions. Because the penalties are so much higher, defendants are more likely to vigorously challenge the charge, and less likely to settle prior to trial. The Criminal Division anticipates it would need 2 new FTE attorney positions to handle these new felony cases, to both screen referrals and prosecute those that are accepted.