

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 324 (JUD)  
 () Publish Date: \_\_\_\_\_

Identifier (file name): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Failure to appear; release procedures RDU Alaska Court System  
 Component Trial Courts  
 Sponsor House Ruies  
 Requester Governor Component Number \_\_\_\_\_

**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	611.8	611.8	611.8	611.8	611.8	611.8	611.8
Travel	23.9	23.9	23.9	23.9	23.9	23.9	23.9
Contractual	18.8	18.8	18.8	18.8	18.8	18.8	18.8
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							
<b>TOTAL OPERATING</b>	<b>788.3</b>	<b>788.3</b>	<b>660.5</b>	<b>660.5</b>	<b>660.5</b>	<b>660.5</b>	<b>660.5</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	788.3	788.3	788.3	788.3	788.3	788.3	788.3
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>788.3</b>	<b>788.3</b>	<b>788.3</b>	<b>788.3</b>	<b>788.3</b>	<b>788.3</b>	<b>788.3</b>

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							
Temporary							

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

CSHB 324 (JUD) makes several changes to the bail statutes. The principle change impacting the court system is a provision in section 4 of the bill that establishes a rebuttable presumption that no condition or combination of bail conditions will reasonably assure the presence of the defendant or the safety of the victim for those defendants charged with certain specified offenses and those with specified criminal histories. A similar provision in section 12 states that a person appearing in court on a petition to revoke probation also has no right to be released unless the person can establish by a preponderance of the evidence that the proposed release conditions will reasonably assure the appearance of the person and the safety of the victim, other persons and the community.

Continued

Prepared by: Doug Wooliver, Administrative Attorney Alaska Court System Phone 907-463-4750  
 Division Alaska Court System Date/Time 3/29/10 @ 12:00 pm  
 Approved by: Doug Wooliver for Christine Johnson, Administrative Director Date 3/29/2010  
Alaska Court System

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**BILL NO.** CSHB 324 (JUD)

**ANALYSIS CONTINUATION**

It is difficult to determine how many cases this rebuttable presumption will impact. There is significant overlap between the various categories of those subject to the presumptions. For example, a person subject to the presumption because the person was charged with a felony within five years of being unconditionally released from another felony conviction, would also be subjected to the presumption if he or she was subject to a petition to revoke probation. Because many offenders subject to this presumption are likely to also be subject to a petition to revoke probation, and in order to avoid double counting, this note only counts those who are subject to a petition to revoke probation. That means that it will apply to roughly 18,000 cases a year.

The next difficult estimate to make is the number of bail hearings that will actually be impacted by the change in the law. Not all bail hearings are currently contested and, presumably, not all will be contested under the new provisions.

This note conservatively estimates that 85% of those 18,000 cases subject to the presumption will continue to be resolved in the same amount of time as under current practice. These will be the cases where there is up-front agreement between the prosecution and the defense as to the appropriate bail conditions. This note estimates that in about 10% of the cases (1,800) the hearings will last an additional 15 minutes. This is similar to the extra time currently needed when a bail provision is contested. Finally, this note assumes that 5% of the cases (900) subject to the presumption will result in evidentiary hearings where the defendant must put on evidence and witnesses in an attempt to overcome the presumption. These hearings are each estimated to last three hours.

This fiscal note reflects the judicial and clerical resources necessary for the additional time spent on bail issues.

# Alaska Court System

## Fiscal Note Calculations for CSHB 324 (JUD)

### Personal Services

Superior Court Judge - Anchorage	257,300
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 (167days) - Various Court Locations	136,454
Clerical Staffing In-Court for pro tems (1,255 hours - Various Court Locations)	<u>34,844</u>

Subtotal Personal Services 611,800

### Travel for Pro Tem Judges

Airfare - 19 trips @\$400/trip	7,600
Per Diem - 90 Days X \$60/day	5,400
Lodging - 90 nights X \$110/night	9,900
Airport Parking/Ground Transportation (\$50/trip)	<u>950</u>

Subtotal Travel for Pro Tem Judges 23,900

### Supplies (desk, computer, courtroom electronics, and chair)

39,800

### WAN Fees, Software & Licensing

18,800

### Remodeling Costs within Nesbett Courthouse for New Judge

94,000

### **Fiscal Note Total**

788,300

### **Breakdown by Expense Category:**

Personal Services Total	611,800
Travel Total	23,900
Contractual Total	18,800
Supplies Total	39,800
Land & Structures Total	<u>94,000</u>

### **Total**

788,300