

# FISCAL NOTE

STATE OF ALASKA cost # codes  
 2012 LEGISLATIVE SESSION

Bill Version HB255  
 Fiscal Note Number \_\_\_\_\_  
 Publish Date \_\_\_\_\_

Identifier (file name) HB255-DOA-PDA-1-23-12 Dept. Affected Administration  
 Title Prohibit Dialing or Texting While Driving Appropriation Legal and Advocacy Services  
 Allocation Public Defender Agency  
 Sponsor Representatives Gara, Thomas, Gatto, P. Wilson  
 Requester House Transportation OMB Component Number 1631

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
<b>TOTAL OPERATING</b>	****	****	****	****	****	****	****	****

**FUND SOURCE** (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
<b>TOTAL</b>		****	****	****	****	****	****	****

**POSITIONS**

Full-time							
Part-time							
Temporary							

**CHANGE IN REVENUES**

Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Not applicable, initial version

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Phone 907 334-4414  
 Date/Time 1/20/12 3:05 PM  
 Date 1/23/2012

FISCAL NOTE

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BILL NO. HB255

**Analysis**

This bill amends AS 28.35.161(a) by adding language that specifically prohibits texting or the use of a cellular phone, data assistant, computer or other device for non-voice communication while operating a motor vehicle, unless specifically authorized under this statute. This crime carries a range of penalties from a class A misdemeanor to a class A felony. Under this statute persons convicted of texting while driving face potential penalties of up to one year of imprisonment for a class A misdemeanor, up to five years of imprisonment for a class C felony, up to 10 years of imprisonment for a class B felony and up to 20 years of imprisonment for a class A felony.

The Department of Law presently views the conduct addressed by this bill to be prohibited under the current statute. Accordingly, District Attorneys in various communities have brought charges for texting while driving. Judicial officers across the state, however, are split on whether texting and driving is prohibited by the current statute. In some communities where judicial officers have concluded that texting and driving is not covered by the current statute, District Attorneys are no longer pursuing charges for texting and driving.

Specifically prohibiting texting and driving will result in the prosecution of cases that are not currently prosecuted by the Department of Law. Additionally, the increased prosecution and awareness is expected to increase enforcement across the state. The Public Defender Agency cannot reliably predict how many additional cases will be prosecuted and require public counsel, however. The Agency anticipates that increased prosecution and enforcement will result in a fiscal impact on the Agency. The Agency, therefore, submits an indeterminate fiscal note.