

ALASKA STATE SENATE



SENATOR FRED DYSON

SENATE DISTRICT F

Section Analysis – Senate Bill 104

“An Act relating to appropriations from the dividend fund; creating the criminal fund; and providing for an effective date.”

Section 1

AS 12.55.051(k)

Gives the Department of Law the authority to pay the balances on orders of restitution as provided in AS 43.23.031

Section 2

AS 43.23.028(a)(5)

Prioritizes by order of importance the legislative purposes for making certain individuals under AS 43.23.005(d) ineligible for a PFD to be: restitution to crime victims, child support, court-ordered rehabilitation programs, and other incarceration or probation costs.

AS 43.23.028(a)(7)

References a new section of law to be used to determine which agencies can receive money from the Criminal Fund.

AS 43.23.028(b)

Adds language to allow money from the Criminal Fund to go to the purposes listed in this section, after the appropriation to the Criminal Fund.

Section 3

AS 43.23.031

A new section in law is created to deal with appropriations from the criminal fund:

1. Section (a) sets the priority order for how the money in the criminal fund should be appropriated and the departments that should receive the money.
2. Sections (b) and (c) provide direction as to how much money from the criminal fund will go towards victim restitution. Section (b) will allow each victim in each order of restitution to receive up to \$10,000 for all orders in the previous fiscal year. It will also put aside ten percent of the criminal fund each year to go to pay orders of restitution from years before the previous fiscal year. Section (c) makes it so offenders will have to reimburse the State fifty percent of the money paid through the criminal fund and that the State's claim is secondary to a victim's claim of full restitution.

During Session (January - May): Alaska State Capitol • Juneau, Alaska 99801 • (800) 342-2199 • (907) 465-2199 • (907) 465-4587 (fax)

During Interim (June-December): 12641 Old Glenn Highway Suite 201 • Eagle River, Alaska 99577 • (907) 694-6683 • (907) 694-1015 (fax)

3. Sections (d) through (f) states that by October 1 of each year the Department of Law, the child support services agency, and the court system will report to the Department of Revenue the total amount of money owed towards victim restitution, child support arrearages, and court-ordered drug or alcohol treatment.
4. Section (g) provides that the Department of Revenue will use the amounts reported by each department in sections (d) through (f) and the total amount of money in the criminal fund under AS 43.23.028(a)(6) to determine how much money should go to each department.
5. Section (h) states that the Department of Revenue will send a report to the Legislature at the same time the Governor submits the Operating Budget listing the size of the appropriation to each agency.
6. Section (i) emphasizes that nothing in AS 43.23.031 should be construed to create a dedicated fund in violation of the Alaska State Constitution Article IX Section 7.

Section 4

AS 43.23.048

A new section is put into law to statutorily create the Criminal Fund as an individual account within the dividend fund consisting of money that would have been paid to felons and certain misdemeanants had they not been made ineligible under AS 43.23.005(d). This section also emphasizes that the money in the Criminal Fund may be appropriated in accordance with AS 43.23.031.

Section 5

AS 43.23.055

1. Subsection (6) is amended to allow the Department of Revenue to create new regulations that are necessary to implement the Department's new responsibilities in AS 43.23.031.
2. Subsection (11) is added to give the child support services agency the authority to use the list of ineligible individuals to determine the amount of child support arrearages owed by these individuals.

Section 6

AS 47.12.170(h)

Gives the Department of Law the authority to pay the balances on orders of restitution for juvenile offenders as provided in AS 43.23.031

Section 7

This section provides that this bill will take effect on July 1, 2014.

Staff Contact: Joshua Banks, (907) 465-2199