

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 64
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB064CS(JUD)-ACS-TRC-02-17-14
Title: OMNIBUS CRIME/CORRECTIONS BILL
Sponsor: JUDICIARY
Requester: Senate Finance

Department: Alaska Court System
Appropriation: Alaska Court System
Allocation: Trial Courts
OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

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Division:	Alaska Court System	Date:	02/17/2014 04:00 PM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	02/17/14
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB064(JUD)

Analysis

The CS for Senate Bill 64(JUD) would make numerous changes to Alaska's criminal and corrections statutes. The changes are not expected to have a fiscal impact on the Alaska Court System, which submits this zero fiscal note.

Sections 1-3 expand the definitions of the crime of custodial interference and the defenses available for charges of that crime. The number of cases that this will impact is expected to be small; the changes will not have any fiscal impact on the court system.

Sections 4-19 amend the definitions for the various theft/property crimes to raise the dollar threshold amount; Section 12 also clarifies how prior theft convictions will be counted. The increases in dollar amounts that have the potential to impact the court system are those that raise from \$500 to \$750 the value of property that must be stolen or damaged before a property crime is categorized as a felony. This will have the effect of recharacterizing thefts of property that is valued between \$500 and \$749, which is a Class C felony under current law, into a Class A misdemeanor instead.

These changes will impact the court if they result in a significant number of cases moving from the superior court, where felonies are handled and the relative cost per case is higher, to the district court, where misdemeanors are handled and the cost per case is lower. However, a review of available information shows that, because of the way cases in this category are prosecuted and processed, the majority of property crimes impacted by this bill are already resolved in the district court, or are dismissed or resolved early in the life of the case. Because of this, this bill will not have a measurable fiscal impact on the court system.

Section 20-22 allow a judicial officer to impose an additional specific condition on defendants who are released on bail if they are charged with serious crimes that are alcohol or drug-related, crimes involving domestic violence, drug crimes, or crimes of driving under the influence or refusal to take a chemical breath test. The condition would require the defendant to comply with a program established by the Department of Corrections (Section 26, new AS 33.05.020(g)) for daily testing of the person for alcohol or substance abuse (sometimes referred to as a "24/7 program"). Similarly, Section 24 allows a new condition of probation that would require the defendant to comply with the DOC's 24/7 testing program. Imposing this as a bail condition or condition of probation for appropriate defendants would not have a fiscal impact on the court system.

Section 23 of CSSB 64 clarifies the test for determining whether certain treatment programs qualify for credit against a sentence of imprisonment. The courts can apply the revised test without fiscal impact.

Under Section 26, DOC will establish not only the 24/7 program, but also a program for probationers to be more closely monitored and to be reported to the court within one business day if they violate the terms of their probation (referred to as a "PACE program"). This is expected to result in a higher number of court hearings on petitions to revoke probation. The court is unable to predict the number of increased court hearings that will result from this change, but anticipates that it can absorb the increase without a fiscal impact.

Sections 27-30 concern parole conditions, required risk assessments for prisoners, and a grant program administered by the Department of Corrections. These will not have a fiscal impact on the court system.

Section 31 creates a new Criminal Justice Commission to research Alaska's existing laws and policies relating to sentencing and other criminal justice issues, and to draft an annual report to the legislature. The Chief Justice or designee, a superior court judge, and a district court judge would serve on the Commission, which would be staffed by the Alaska Judicial Council (Sections 25 and 31). The court system would not have a fiscal impact from participating on the Commission.