

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 7  
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-DOC-OC-02-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Judiciary

Department: Department of Corrections  
Appropriation: Administration and Support  
Allocation: Office of the Commissioner  
OMB Component Number: 694

## 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
<b>OPERATING EXPENDITURES</b>								
Personal Services	1,789.9		2,289.4	2,788.8	2,788.8	2,788.8	2,788.8	2,788.8
Travel	23.0		23.0	23.0	23.0	23.0	23.0	23.0
Services	4,667.2		4,694.7	4,722.2	4,722.2	4,722.2	4,722.2	4,722.2
Commodities	123.2		141.8	160.4	160.4	160.4	160.4	160.4
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>6,603.3</b>	<b>0.0</b>	<b>7,148.9</b>	<b>7,694.4</b>	<b>7,694.4</b>	<b>7,694.4</b>	<b>7,694.4</b>	<b>7,694.4</b>

## Fund Source (Operating Only)

1004 Gen Fund	3,298.4		2,752.9	3,298.4	3,298.4	3,298.4	3,298.4
1005 GF/Prgm	3,304.9		4,396.0	4,396.0	4,396.0	4,396.0	4,396.0
<b>Total</b>	<b>6,603.3</b>	<b>0.0</b>	<b>7,148.9</b>	<b>7,694.4</b>	<b>7,694.4</b>	<b>7,694.4</b>	<b>7,694.4</b>

## Positions

Full-time	20.0		31.0	31.0	31.0	31.0	31.0
Part-time							
Temporary							

<b>Change in Revenues</b>							
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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? Yes  
If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/15

## Why this fiscal note differs from previous version:

This fiscal note reflects the changes made in the Senate Judiciary Committee. This new version added new responsibilities to the Department. The Department is now required to develop and administer the 24/7 Sobriety program, greatly increase the number of offenders receiving a risk-needs assessment, and administer the Recidivism Reduction Grant fund.

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Division: Administrative Services - Department of Corrections Date: 02/13/2014 07:20 PM  
Approved By: Leslie Houston, Deputy Commissioner Date: 02/13/14  
Agency: Department of Corrections

FISCAL NOTE ANALYSIS #7

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

**Analysis**

**Custodial Interference**

This section broadens the definition of custodial interference in the second degree by including instances where a person represents to a lawful custodian of a child or incompetent person that that person has a legal right to take or keep the child or incompetent person. This crime requires that the person not be a relative of the child and for them to know that they do not have a legal right to the child or incompetent person. Custodial interference in the second degree is a class A misdemeanor and punishable by a term of imprisonment of not more than one year.

The instances which would fall under this new section are relatively few; therefore, there would be no fiscal impact to the Department.

**Theft**

This section updates the thresholds for certain property crimes which have not been updated since 1978. Due to the rising costs in goods, it is relatively easy to commit a theft crime in which the valuation exceeds \$500; a class C felony. SB 64 raises these thresholds to be more aligned with current cost. This section will potentially reduce some felony level crimes to misdemeanors which may result in shorter sentence lengths. It is possible that the Department may see a reduction in mandays if this legislation should pass.

The Department will closely monitor the future fiscal impacts of this legislation.

**24/7 Sobriety**

The 24/7 Sobriety program involves twice-a-day testing for alcohol or controlled substances and swift sanctions for violations.

As drafted, the program would be available to defendants out on bail who have been charged with an alcohol or controlled substance related offense which is an unclassified felony, class A felony, or a sexual felony. It would also be available for defendants who have been charged with DUI or refusal and other alcohol related offenses or with a crime involving domestic violence. 24/7 Sobriety may also be ordered as a condition of probation. During FY2013 there were approximately 2,432 offenders identified that met the criteria outlined in this section that would have been eligible for placement in this program. Using the current contract rate for offender community supervision of \$10.00 per day per offender the daily costs if all offenders were placed in the program would be \$24.3 per day. If every offender is placed in the program for the average six month period the maximum annual costs would be \$4,396.0 assuming the program would operate under community implemented contracts. This section requires the daily costs to be paid by the offender. Based on this assumption, receipts support services will pay for the 24/7 program as directed by the bill. In the event that these receipts are insufficient to fund the program, additional funds may be needed in order to carry out the requirements in this legislation.

The Department is familiar with this program and feels that it can be implemented as drafted with annual operating costs anticipated for contractual obligations of \$4,396.0. This funding is being requested in FY2015.

**PACE for Probation and Parole**

The bill also codifies the PACE program. Alaska PACE is an evidence based practice (EBP) project for probation and parole, aimed at long-term discretionary parolees and moderate to high-risk offenders. PACE notifies offenders that violations will have consequences; requires frequent randomized drug and/or alcohol tests; and responds to violations with swift, certain and short terms of incarceration

The Department currently has a model for the PACE program and is comfortable with expanding the program statewide. However, statewide implementation of this program would require the addition of 14 new positions consisting of 8 Adult Probation Officers, 5 Criminal Justice Technicians, and 1-Office Assistant. The personnel associated with this expansion would be stationed in Anchorage, Fairbanks, Bethel, Juneau, Kenai, Ketchikan, and Palmer and would be able to serve the surrounding areas.

The anticipated positions and annual costs for statewide implementation is being requested in FY2015 and are:

- \$1,241.5 Personal Services
- \$ 23.0 Travel
- \$ 241.2 Contractual Services
- \$ 98.0 Commodities
- \$1,603.7 Annual Total

**Analysis Continued****Risk-Needs Assessments**

This legislation requires the Department to perform a risk-needs assessment on all offenders who have been sentenced to 30 days or more. Currently, the Department is increasing the number of offenders who receive as risk-needs assessments, however, it is anticipated that 11 new Adult Probation Officer positions would be needed to support the additional assessment requirements of this section. These positions would be added within 10 of the institutional facilities located in Anchorage, Bethel, Eagle River, Fairbanks, Juneau, Kenai, Ketchikan, Nome, Plamer, and Sutton and one position added to the Central Classification and Furlough Unit in Anchorage.

The anticipated annual costs for statewide implementation is:

\$ 998.9 Personal Services  
 \$ 0.0 Travel  
 \$ 55.0 Contractual Services  
\$ 37.2 Commodities  
 \$1,091.1 Annual Total

This section of the bill has a delayed effective date of January 1, 2016. This will allow the Department time to prepare for this new requirement of this section, funding to support this legislation is split with 50% being requested in FY2016 and the remaining 50% requested in FY2017.

**Recidivism Reduction Grant Fund**

Finally, the bill establishes the Recidivism Reduction Grant Fund under the Department of Corrections. Grants are to be awarded to programs which have a focus on rehabilitation and recidivism reduction. This would be a new responsibility for the Department. At this time it is not known how much will be appropriated to the fund, however, six new positions with support costs will be needed in order to establish the infrastructure and expertise needed to administer a grant fund. These positions consist of a Grants Administrator III, two Grants Administrators I/II, Accounting Technician, Internal Auditor, and Administrative Assistant.

The anticipated positions and annual costs for statewide implementation is being requested in FY2015 and are:

\$ 548.4 Personal Services  
 \$ 0.0 Travel  
 \$ 30.0 Contractual Services  
\$ 25.2 Commodities  
 \$ 603.6 Total Annual Costs