

FISCAL NOTE

STATE OF ALASKA
2013 LEGISLATIVE SESSION

Bill Version **HB073**
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) **HB073-ACS-TRC-1-25-13** Dept. Affected **Alaska Court System**
Title **Relating to Crimes, Victims, Child Abuse and Neglect** Appropriation **Trial Courts**
Allocation _____
Sponsor **Rules by Request of the Governor**
Requester **Governor** OMB Component Number **768**

Expenditures/Revenues (Thousands of Dollars)

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

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY14	FY14	FY15	FY16	FY17	FY18	FY19
Personal Services							
Travel							
Services	20.0						
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	20.0	***	***	***	***	***	***

FUND SOURCE (Thousands of Dollars)							
1002	Federal Receipts						
1003	GF Match						
1004	GF	20.0					
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		20.0	***	***	***	***	***

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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Estimated **SUPPLEMENTAL (FY13) operating costs** _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY14) costs** _____ (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If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

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

Initial version.

Prepared by Nancy Meade, General Counsel Phone 907-463-4736
Division Alaska Court System Date/Time 1/25/13 11:00 AM
Approved by Nancy Meade for Christine Johnson, Administrative Director Date 1/25/2013
Alaska Court System

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB073

Analysis

Expanded crime definitions: House Bill 73, among other changes, extends the statutes of limitations for felony sex trafficking, human trafficking, and child pornography cases (sec. 2 and 9), categorizes certain conduct by probation and parole officers as sexual assaults (sec. 3-6), expands the definition of unlawful contact in the first degree (sec. 7), provides that certain property used by patrons of prostitutes will be forfeited (sec. 8), and expands the definitions of “sexual felony” and “sexual offense” (sec. 22-23). The Department of Law has not predicted the number of additional new case filings that will result from these changes. The court therefore concludes that the effect of these changes on the court system is indeterminate.

Considering victims: Section 30 of HB 73 would require the Alaska Judicial Council to provide information to the public before a judge’s retention election about a judge’s compliance with requirements that he or she consider particular victim information when sentencing felony defendants. The court system is uncertain what mechanism would be used to capture data that the Council may need to comply with the requirement, but it is probable that the court would need to change its judgment forms and seek a modification to its electronic case management system in order to capture this information in a form that is retrievable and usable. Based on costs of past modifications, the court estimates that a modification to CourtView to record and use data on this issue would be \$20,000.

Sections 40 and 41 of the bill also concern the court’s consideration of victims in sentencing. The direct rule changes will not result in a fiscal impact to the court.

Applications for expanding investigations: Section 12 of HB 73 allows the attorney general to apply to the court for authorization to intercept communications for certain human and sex trafficking investigations. This is likely to increase the number of applications to the court for these orders. The court cannot predict the number of these applications that will result from this change, but does not expect the number to be large and therefore does not expect a significant fiscal impact from the change in this section.

Three-judge panels: Sections 1, 20, and 21 of the bill intend to overturn *Collins v. State*, 287 P.3d 791 (Alaska App. 2012). The court will not experience any fiscal impact from this change.

Domestic violence: HB 73 also allows a judicial officer to order a person charged with or convicted of a crime involving domestic violence to participate in a GPS monitoring program (sec. 10) and allows a protective order issued for stalking, sexual assault, or domestic violence to include an order that the respondent participate in a GPS monitoring program (sec. 24-26). The protective order must contain a specific warning that the penalty for violation could be up to \$10,000 (sec. 27). These revisions will have no fiscal impact on the court.

Section 11 of the bill requires persons arrested for violation of a condition of release that was imposed in connection with a crime of domestic violence to appear before a judicial officer for arraignment before being released from custody. This will not have a financial impact on the court system since arrested persons are arraigned by judicial officers now, and whether the person is in custody or out of custody when he or she is arraigned is not significantly different for the court system.

Procedural changes and requirements: Other sections of the bill change the process for admitting particular evidence of a sexual assault victim’s past history (sec. 13), change the process for a defendant being sentenced to claim credit for time spent in treatment (sec. 16 - 17), disallow a suspended imposition of sentence for sex trafficking crimes (sec. 18), require the judge to impose some consecutive term of imprisonment for multiple child pornography crimes (sec. 19), allow the court to determine that reasonable efforts towards family reunification are not required if the parent has committed sexual abuse against his or

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB073

Analysis Continued

her child or is a sex offender (sec. 36), change the court rule on discovery of certain child pornography materials (sec. 39), and remove the time restriction in the evidence rule concerning admissibility of certain prior acts (sec. 42). Implementing these changes will not result in a fiscal impact.

Immunity and privilege claims: Sections 14, 15, 43, and 44 revise the process determining whether a witness has a valid claim of a privilege against self-incrimination, and allow for an immediate appeal of a court's decision that a witness has a valid claim of privilege. The court will not have a fiscal impact from implementing these changes.

Provisions with no direct impact: Finally, certain sections of HB 73 do not impact the court's day-to-day operations, and therefore have no fiscal impact on the court system. They clarify definitions (sec. 28), allow the Violent Crimes Compensation Board to compensate victims of human and sex trafficking and exploitation of minors (sec. 29), make certain prisoners ineligible for "good time" deductions (sec. 31), alter certain procedures concerning administrative subpoenas from the attorney general (sec. 32-35), and make certain persons mandatory reporters of suspected harm to a child (sec. 37-38).