

FISCAL NOTE

STATE OF ALASKA
2013 LEGISLATIVE SESSION

Bill Version HB178
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB178-ACS-TRC-3-28-13 Dept. Affected Alaska Court System
 Title Relating to Crimes Inv. Controlled Substances Appropriation Trial Courts
 Allocation _____
 Sponsor Representatives Isaacson and Keller
 Requester _____ 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							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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)						
TOTAL		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 (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 If yes, by what date are the regulations to be adopted, amended, or repealed?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.

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Alaska Court System

Phone 907-463-4736
 Date/Time 3/28/13 1:00 PM
 Date 3/28/2013

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB178

Analysis

House Bill 178 would reclassify certain drug possession crimes. Currently, possession of *any* amount of a schedule IA controlled substance is Misconduct Involving a Controlled Substance in the Fourth Degree, a class C felony under AS 11.71.040(a). Section 1 of the bill would classify as a Class C felony (1) possession of any amount of schedule IA or IIA controlled substances only *if* the defendant has two or more prior convictions of this or other drug possession laws within the last five years, (2) possession of more than a specified amount of more pure forms of schedule IA or IIA controlled substances, and (3) possession of a specified amount of preparations or mixtures of certain schedule IA and schedule IIA controlled substances.

Section 2 of the bill would classify the possession of the lesser amounts of schedule IA or IIA controlled substances (those that Section 1 would remove from AS 11.71.040(a)) as Misconduct Involving a Controlled Substance in the Fifth Degree, a Class A misdemeanor, under AS 11.71.050(a).

This change would have the effect of moving certain drug possession cases from felonies to misdemeanors; for the court system, that means handling those cases in the district court (with jurisdiction over misdemeanors) rather than superior court (with jurisdiction over felonies). Generally, misdemeanor criminal cases are less expensive for the court system to process than felonies: misdemeanor charges do not need to be considered by a grand jury, misdemeanors often settle earlier in the life of the case than felonies, and district court judges are paid less and have a higher caseload than superior court judges (because the cases are generally less complicated). Because of these general principles, the court system is likely to save some money and deal with these misdemeanor drug possession cases more efficiently under HB 178.

The court's statistics, however, are kept according to the statutory reference(s) on the charging documents filed by law enforcement. For different reasons, drug possession cases may be filed by the Department of Law as a violation of the general statute (AS 11.71.040), or by subsection (AS 11.71.040(a)), or by subparagraph (AS 11.71.040(a)(3)). The court enters the charge on the incoming charging document into the court's case management system, but we are not then able to accurately count the number of cases that involve a charge under AS 11.71.040(a)(3)(A). The court can say that 977 cases were filed with a MICS 4 charge in FY 12; the number was 878 in FY11 and 848 in FY12. But, these numbers include all cases with any charge under AS 11.71.040, which has numerous sections and subsections that concern a variety of criminal drug behaviors.

In addition, HB 178 would reclassify only a portion of the charges under that section as misdemeanors (depending on the amount of the controlled substance possessed and the defendant's prior convictions), and our statistics do not show which cases or the number of cases that would be in this category.

The court predicts increased efficiency from moving some cases from superior court to district court, but cannot predict the number of cases or actual fiscal impact. The court therefore submits a zero fiscal note.