

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB91-DOC-OC-03-31-15
Title: CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB
AID
Sponsor: COGHILL
Requester: Senate State Affairs

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)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services	***	***	***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	***	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	***	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) 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?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

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Agency: Department of Corrections

Phone: (907)465-3460
Date: 03/31/2015 11:00 AM
Date: 03/31/15

FISCAL NOTE ANALYSIS

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Analysis

Section 1 – adds new section to 11.56.740 (d) excluding person violating under AS 18.66.10 (c) (2) clarifying that a person does not violate a protective order if the petitioner for the protective order initiated the contact. *This section may reduce the number of probation violations and the reduction to the incarcerated population regarding protective order violations. However the department is currently unable to quantify the number of current violations or the number of persons currently incarcerated as a result of a violated protective order where the petitioner initiated contact as this information is not tracked in this fashion.*

Section 2 – adds new section to 12.30.011(b)(19) allowing a judicial officer to order a person charged with an offense to comply with an electronic monitoring program approved by the commissioner of corrections. *This section allows the Courts to order a person to an electronic monitoring program approved by the commissioner of Corrections during release prior to trial. Approval of an electronic monitoring program will have no fiscal impact on the department as current standards are in place for the departmentally operated program.*

Section 4 – adds new section to AS 12.55.29 allowing credit for time spent on EM. *This change states that a person may be awarded credit against a sentence of imprisonment for time spent under electronic monitoring while in pre-trial status. To receive this credit the person may not commit a criminal offense while under electronic monitoring and the court imposes substantial restrictions on the persons freedom of movement and behavior while under electronic monitoring. This section will potentially reduce the length of time a person receiving credit is placed under the departments custody. The department is currently unable to quantify any reduction to sentence lengths or impacts to the department under this section.*

Section 5 – amends 12.55.039(a) increases facility surcharge fines. *This section will increase the facility surcharge fines assigned by the Court. These fees are collected by the Court system and a portion is passed over to the department of corrections and supports the cost of incarceration. This section should increase the revenues collected on behalf of the Department of Corrections.*

Section 6 – amends 12.55.055(a) to add community work as a condition of probation or SIS as authorized punishment *This section will add the ability for the courts to include community work as a condition of probation. This will have no impact on the department of corrections.*

Section 7 – amends 12.55.055(c) allowing the Courts to offer community work in lieu of a fine calculated at the state's minimum wage for each hour. *This section will add the ability for the courts to offer community work in lieu of fines to be calculated at the state's minimum wage for each hour of work. This section may impact the department if the cost of incarceration or facility surcharge fines are converted to community work assignments and not assessed and collected by the Courts for pass through to the Department of Corrections for support of operating costs.*

Section 8 – amends 12.55.055 adding that the Courts may not; (g) offer jail time in lieu of uncompleted community work or convert uncompleted community work into a sentence of imprisonment. *This section may reduce the incarcerated population for those offenders who choose to serve jail time in lieu of community work and by those who are incarcerated due to uncompleted community work assigned by the Courts. However the department cannot currently quantify the number of persons impacted by this section.*

Section 9 – amends 12.55.085(b) allowing probation officers to administratively sanction persons using the process provided under 33.05.020 using a matrix and procedure developed by the commissioner, the Department of Law, the Public Defender Agency, and the Alaska Court System. *This section will establish an administrative violation matrix and grant probation officers the authority within the approved matrix to apply these administrative sanctions to those probationers under supervision. This process will assist and standardize the response to violations of conditions of supervision statewide and apply consistent responses throughout the state. The department is currently working to identify sanctions that will streamline processes to identify future impacts to the department.*

Section 10 – amends 12.55.088(a) allowing the courts to reduce a sentence if the request is made no later than 5 years after it was distributed, and the defendant still has at least 180 days of time remaining until unconditional discharge. *This section increases the amount of time allowable for the courts to modify or reduce a sentence from 180 days to 5 years, however, the department is unable to quantify any impact that may occur due to this change.*

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Section 11 – amends 12.55.090(b) allowing the court to revoke or modify any conditions of probation or change the period of probation. *This section expands the authority of the court when considering revocation or modification of any probation conditions. The department is unable to identify any impacts associated with removing the limitation associated with plea agreements or suspended incarceration. At this time there should be minimal to no impact with this change.*

Section 12 - amends 12.55.090(c) changing the amount of time a person will be on probation with maximums of: 25 years for a felony sex offense, 10 years for an unclassified or class A felony, or five years for any other offense. *This section will limit the amount of time a person may be on probation to five years (excluding: felony sex offense / unclassified felony / A felony) and will have minimal to no impact to the department.*

Section 13 - adds a new section 12.55.095 reducing probation for good conduct if recommended. If the court finds that the probationer qualifies, the person's probation is reduced by one month for each month they qualify for it. If a violation occurs, the court may deduct the month or months in which the violation occurred. *This section establishes and allows the courts to grant good time for probationers. This section will impact the department of corrections as it grants good time for probation which is currently not calculated. This section will require adjustment to the department's time accounting system as well as additional support staff for calculating, tracking, and reporting of probationers qualifying time, however, the department is unable to fully quantify the impact of reduced probation or the full impact of the increased time accounting that may occur due to this change.*

Section 14 – adds new subsection to 12.55.110(c) establishes limiting imprisonment time for technical violations if the court does not revoke probation: not more than 10 days in prison for a technical probation violation resulting from the same crime with cumulative amount of imprisonment a person can receive for technical violations at 45 days for the same crime. *This section establishes maximum incarceration limits for technical probation violations unless the court revokes the probation. While this section may reduce the number of prison days a person is held on a technical violation it may result in requiring the Courts to revoke probation for those that have incurred the maximum 45 days cumulative total. This may increase the overall prison time for probationers. The current average prison stay for technical violations is approximately 70 days, however, the department is unable to identify any reduced prison time or increased prison time associated with offenders who may have probation revocations as a result of this section, therefore, the department is unable to quantify fiscal impact of this section at this time.*

Section 18 – adds new subsection 28.15.201(g) This section allows a person that has had a license revocation for a felony conviction for DUI under AS 28.35.030 to be granted limited license if the person meets certain requirements, including providing proof of installation of an ignition interlock device on every vehicle the person operates. The interlock ignition program is certified by the Department of Corrections. *This section allows limited license privileges with conditions that include the ignition interlock device. This section will have no fiscal impact on the department of corrections as it's currently the certifying agency for ignition interlock devices.*

Section 19 – amends 28.35.028(b) allows the courts to reduce sentences (including imprisonment, fines, or license revocations) based on the persons compliance with treatment plans. *This section may impact the department as it expands the authority of the courts to reduce an offender's sentence to include fines or license revocations. Reducing fines may result in lower revenues collected for facility surcharge or cost of incarceration that may have been collected and passed to the department.*

Section 21 – adds new subsection to 33.05.020(g) requires the commissioner of corrections, after consulting with the Department of Law, the Public Defender Agency, and the Alaska Court System to create an administrative sanction procedure for probationers that commit technical violations. *This section will establish an administrative sanction procedure matrix granting probation officers the authority within the approved matrix to apply these administrative sanctions to those probationers under supervision. This process will assist and standardize the response to violations of conditions of supervision statewide and apply consistent responses throughout the state. The department is currently working to identify sanctions that will streamline processes to identify future impacts to the department.*

Section 22 – adds new section 33.05.025 providing incentives for a reduction in the amount of time a person is required to be on probation for a felony conviction that was not a sexual felony, or a crime of domestic violence. This section requires a probation officer to provide the court a time computation for the reduction of probation showing one month for each month of probation that the defendant successfully completes. This section further requires the commissioner of the commissioner's designee to provide monthly

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good time for probation which is currently not calculated. This section will require adjustment to the department's time accounting system as well as additional support staff for calculating, tracking, and monthly reporting of probationers qualifying time, however, the department is unable to fully quantify the impact of reduced probation or the full impact of the increased time accounting and reporting needs that may occur due to this change.

Section 23 - amends 33.05.040 adding (5) requires that a probation officer recommend to the court a probation reduction for a probationer who is eligible for the reduction. *This section will impact the department of corrections as it establishes the requirement for the probation officers to recommend to the courts probation reductions due to good time for probation which is currently not calculated. This section will require adjustment to the department's time accounting system as well as additional support staff for calculating, tracking, and the monthly reporting of probationers qualifying time, however, the department is unable to fully quantify the impact of reduced probation or the full impact of the increased time accounting and reporting needs that may occur due to this change.*

Section 24 - amends 33.05.070(b) allowing the courts to revoke probation if a probationer is arrested and require them to serve the remainder of their sentence incarcerated. *This section expands the authority of the court when considering revocation of probation requiring the probationer to serve incarcerated time. The department is currently unable to quantify the impacts associated with removing the limitation associated with plea agreements or suspended incarceration in this section.*

Section 25 – adds new subsection 33.16.210(c) requires early discharge from mandatory parole if the parolee participates in, and successfully completes, all treatment programs recommended by the risk and needs assessment, and commits no new offenses or serious parole violations during the first two-thirds of their mandatory parole term. *This section will establish requirements for early discharge from mandatory parole after serving two-thirds of the time required. This section will require adjustment to the department's time accounting system, however, the department is unable to fully quantify the impact of reduced parole or the full impact of the increased time accounting that may occur due to this change.*

Section 26 – amends 33.20.010(c) requires a prisoner be awarded a good time deduction for any period spent in a treatment program, a private residence, or while on electronic monitoring. *This section will potentially reduce the length of time a person participating on electronic monitoring or in a treatment program under the department's custody and awarding good time incentives.*

Section 27 – adds new section 33.20.025 allowing for earned good time. This section allows for an earned time credit of one-sixth of the time of imprisonment if a prisoner successfully completes a program approved by the commissioner. This credit is awarded only once and is not available to those convicted under 11.41 homicide, 12.55.125(a) after 06/24/96 murder conviction with 99 years, 12.55.125(i) sexual assault or 12.55.125(l) mandatory 99 year sentence. *This section may increase program participation with this incentive and will potentially reduce the length of time incarcerated. This section will require adjustment to the department's time accounting system as well as additional support staff for calculating, tracking, and reporting of program participation and successful completions. However, the department is unable to fully quantify the impact of this good time incentive, changes to program participation, and the increased time accounting that may occur due to this change. The department will monitor and track for any future fiscal impacts.*

Section 28 – amends 33.30.011 adds (8) and (9) increasing the duties of commissioner to including approving programs to qualify a prisoner for earned good time as listed in section 27 and establishing minimum standards for electronic monitoring for offenders and procedures for approving electronic monitoring programs provided by private contractors. *This section increases the responsibilities of the Commissioner and will have no fiscal impact to the department.*

Section 29 – no impact – amends 33.30.06(c) states that a person may serve their time on electronic monitoring, except in the cases involving domestic violence against a household member as specified in AS 18.66.990(5)(d). *This section expands eligibility for electronic monitoring to persons sentenced for domestic violence when not against a household member. This may increase the number of offenders participating in the program reducing the number of offenders held in an institution or placed at a community residential center. However, the department is currently unable to quantify the number of offenders that would qualify and participate in this program with this change. The department will monitor and track for any future fiscal impacts.*