

# FISCAL NOTE

STATE OF ALASKA  
2016 LEGISLATIVE SESSION

Bill Version HB 205  
Fiscal Note Number \_\_\_\_\_  
( ) Publish Date \_\_\_\_\_

Identifier (file name) HB205CS(JUD)-LAW-CRIM-03-22-16 Dept. Affected Law  
Title Criminal Law/Procedure; Driv Lic; Pub Aid Appropriation Criminal Division  
Allocation Criminal Justice Litigation  
Sponsor Representative(s) Millett, LeDoux, Tarr  
Requester House Judiciary OMB Component Number 2202

## Expenditures/Revenues (Thousands of Dollars)

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

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	***	<b>0.0</b>	***	***	***	***	***

FUND SOURCE	(Thousands of Dollars)						
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Prgm (DGF)							
1007 I/A Rcpts (Other)							
1178 temp code (UGF)							
<b>TOTAL</b>	***	<b>0.0</b>	***	***	***	***	***

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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Estimated SUPPLEMENTAL (FY16) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) 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If yes, by what date are the regulations to be adopted, amended, or repealed?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)

This fiscal note differs from the initial version in that it reflects the changes present in the committee substitute adopted as a work draft by House Judiciary.

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Agency Department of Law

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Date/Time 3/22/16 4:59 PM  
Date 3/23/2016

## FISCAL NOTE ANALYSIS

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### Analysis

This legislation makes significant changes to the current criminal code and incorporates policy recommendations from the Alaska Criminal Justice Commission.

#### **Reduction in Sentence Length**

The legislation reduces felony sentences and establishes a maximum imprisonment of 30 days for most misdemeanor cases. This maximum 30-day sentence can be exceeded if a jury finds that the conduct was among the most serious for that type of offense or if the defendant is convicted for an offense and has been convicted of similar offenses in the past.

The Department of Law anticipates an increase in the number of trials as well as an increase in the amount of work required for misdemeanors due to these changes. The increased work results from being required to prove aggravators for misdemeanors. This will involve litigating, first in the trial courts and then in the appellate courts, how these new aggravators will be applied and interpreted. It is unclear how many cases will fall into the categories requiring additional time, therefore the department is unable to quantify the impact of these sections at this time.

#### **Bail Reform**

The legislation makes significant changes to the bail process. Under the legislation a judge is required to order a person released on their personal recognizance unless they find on the record that there is clear and convincing evidence that less restrictive conditions will not reasonably ensure that the person will appear in court or protect the safety of the victims and the community.

Under current law a judge may not consider the person's inability to pay the bail when setting or amending bail. This law reverses that limitation of what a judge may consider and specifically requires a judge to consider whether a person has ability to post the bail amount.

Another new requirement is a risk assessment by a pretrial services officer. That assessment along with recommendations on conditions of release must be presented to the judge, prosecutor, and defense attorney before each person is arraigned. How those assessments are conducted, interpreted and applied will likely result in new litigation.

Because inability to pay would be an allowable basis for requesting a bail review hearing, bail review hearings will be available to a larger group of people resulting in a significant increase in hearings. It is unclear exactly how many more hearings or how much new litigation will result from these sections. Therefore, the department is unable to quantify the impact of these sections at this time.

## FISCAL NOTE ANALYSIS

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### Analysis Continued

#### **Suspended Entry of Judgment**

The legislation establishes a new judicial procedure in which a person is found guilty or pleads guilty to a crime and the judgment is not immediately entered. The person would be put on probation for a certain period of time. If the person successfully completes probation the judgment would not be entered and there would never be a formal entry of guilt for the person.

The department does not anticipate a fiscal impact from this section at this time.

#### **Pretrial Services Program**

The legislation establishes a pretrial services program in the Department of Corrections. This program shall develop and implement a pretrial risk assessment which will be conducted on all defendants before the defendant's first appearance before a judicial officer and supervise pretrial defendants who are released on bail as ordered by the court.

The department does not anticipate a fiscal impact from these sections at this time.