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Legislature(2015 - 2016)

## 2015-03-11 SENATE JOURNAL

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**2015-03-11**

### **Senate Journal**

[SB 5](#)

The Judiciary Committee considered SENATE BILL NO. 5 "An Act relating to loss of income and valuing property for orders of restitution." Signing do pass: Senator McGuire, Chair; Senator: Costello, Micciche, Coghill. Signing no recommendation: Senator: Wielechowski.

The following fiscal information was published today:

Fiscal Note No. 4, zero, Department of Administration

**2015-03-11**

### **Senate Journal**

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Administration

Fiscal Note No. 3, zero, Department of Law

The bill was referred to the Finance Committee.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version:	SB 5
Fiscal Note Number:	2
(S) Publish Date:	2/20/2015

Identifier: SB005-DOA-PDA-02-13-15  
Title: RESTITUTION: PROPERTY AND INCOME LOSS  
Sponsor: MICCICHE  
Requester: Senate Labor & Commerce

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

## 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							
<b>Total Operating</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

## Positions

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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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? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Quinlan Steiner  
Division: Public Defender Agency  
Approved By: Sheldon Fisher, Commissioner  
Agency: Department of Administration

Phone: (907)334-4414  
Date: 02/13/2015 11:00 AM  
Date: 02/13/15

## FISCAL NOTE ANALYSIS

SB 5 - Fiscal Note 2

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. SB 05

### Analysis

This bill increases the types of loss for which restitution may be sought from a defendant convicted of a crime.

The Public Defender Agency cannot accurately predict the extent of increased litigation that may result from this bill. The agency, therefore, submits an indeterminate fiscal note.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: SB 5  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB005-DOA-PDA-03-05-2015  
Title: RESTITUTION: PROPERTY AND INCOME LOSS  
Sponsor: MICCICHE  
Requester: Senate Labor & Commerce

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

## 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							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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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? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version:

Updated to more accurately reflect fiscal impact.

Prepared By: Quinlan Steiner  
Division: Public Defender Agency  
Approved By: Sheldon Fisher, Commissioner  
Agency: Department of Administration

Phone: (907)334-4414  
Date: 03/02/2015 03:00 PM  
Date: 03/05/15

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. SB 05

### Analysis

This bill increases the types of loss for which restitution may be sought from a defendant convicted of a crime.

The Public Defender Agency does not anticipate a significant fiscal impact as a result of this legislation. The agency, therefore, submits a zero fiscal note.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version:	SB 5
Fiscal Note Number:	1
(S) Publish Date:	2/20/2015

Identifier: SB005-DOA-OPA-02-13-2015  
Title: RESTITUTION: PROPERTY AND INCOME LOSS  
Sponsor: MICCICHE  
Requester: Senate Labor and Commerce

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

## 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							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## 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? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: Richard Allen, Director  
Division: Office of Public Advocacy  
Approved By: Sheldon Fisher, Commissioner  
Agency: Department of Administration

Phone: (907)269-3504  
Date: 02/13/2015 01:15 PM  
Date: 02/13/2015

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. SB 05

### Analysis

If enacted into law, as drafted, would specify that court orders of restitution entered on behalf of victims of crime against defendants shall include loss of income as a category of loss and require the courts to measure loss of income according to the market value of the property at the time and place of the offense, or, if that is not reasonably ascertainable, then to set restitution according to the replacement value of the lost or damaged property.

The Act would have a foreseeable impact on the clients of the Office of Public Advocacy who are made subject to payment of restitution in criminal cases under restitution orders. The Act would not impact or affect the operations or activities of the Office of Public Advocacy.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version:	SB 5
Fiscal Note Number:	3
(S) Publish Date:	2/20/2015

Identifier: SB005-LAW-CRIM-02-13-15  
Title: RESTITUTION: PROPERTY AND INCOME LOSS  
Sponsor: MICCICHE  
Requester: (S) LABOR & COMMERCE

Department: Department of Law  
Appropriation: Criminal Division  
Allocation: Criminal Justice Litigation  
OMB Component Number: 2202

## 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							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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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? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version:

Initial version; not applicable.

Prepared By: Valerie Rose, Budget Analyst  
Division: Administrative Services Division  
Approved By: Craig W. Richards, Attorney General  
Agency: Department of Law

Phone: (907)465-3674  
Date: 02/13/2015 08:31 AM  
Date: 02/13/15



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2015 LEGISLATIVE SESSION**Analysis**

This bill requires a court to consider a victim's loss of income when calculating a restitution judgment. "Loss of income" includes the income that a business may lose due to not having stolen property available for the period of time it takes to replace that property. The bill also requires a court to value property at its market value at the time and place of the crime.

The Department of Law does not anticipate a fiscal impact.