

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	CSSB 54(FIN)
Fiscal Note Number:	6
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Identifier: SB054CS(FIN)-DOC-IDO-03-30-17
Title: CRIME AND SENTENCING
Sponsor: COGHILL
Requester: (S)FINANCE

Department: Department of Corrections
Appropriation: Population Management
Allocation: Institution Director's Office
OMB Component Number: 1381

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) 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If yes, by what date are the regulations to be adopted, amended or repealed?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:

This fiscal note is revised to reflect as indeterminate to reflect the potential ranges of the impacts to the offender population.

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Agency: Department of Corrections

Phone: (907)465-3460
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REPORTED OUT OF
SFC 04/03/2017

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

Analysis

This legislation amends several changes to violation of condition of release, sentencing and probation statutes passed under Chapter 36, SLA '16 (SB91). Changes to the violation of condition of release, sentencing and probation statutes will impact the length of imprisonment of those individuals placed under the department's custody and adjusts the anticipated inmate population reductions projected with SB91.

Based on CY2015 offender data and future sentencing assumptions the Department of Corrections (DOC) is projecting an increase to the inmate population of approximately 108 persons per day up to 253 persons per day. It is anticipated that this legislation will increase the institutional expenditures by \$1,635,536.00 (108 persons) up to \$3,831,394.00 (253 persons) annually based on a daily marginal rate of \$41.49. Expenditures would range from personal services of existing positions, inmate travel, security and safety services as well as commodity expenditures associated with inmate housing i.e. food, clothing, bedding, medical and security supplies, etc.

The following is a breakdown of the cost stated above by section:

AS 12.55.125(e) (I) amends first time felony C convictions allowing for imprisonment of zero to 365 days. Using the Department of Law's future assumptions on sentencing time for different categories of class C felonies (alcohol, drugs, person, property, public order/administration, transportation, weapons), the DOC projects an increase to the inmate population from approximately 108 persons per day up to 163 persons per day at an annual cost of \$1,635,536.00 up to \$2,467,825.00 annually based on a daily marginal rate of \$41.49/bed. This assumption is based on the number of persons convicted of a first time C felony during 2015 and adjusting for the Department of Law's anticipated future sentencing ranges to identify the anticipated daily increase to the offender population that will be incarcerated under this section. DOC will track and monitor for future fiscal impacts if passed.

AS 12.55.135(a) amends class A misdemeanor sentencing for those with one prior conviction similar in nature to the offense for which the defendant is being sentenced to not more than 60 days from the current 30 days. It is projected that this section will increase the institutional expenditures by \$0.00 (no persons) up to \$1,105,501.05 (73 persons) annually based on a daily marginal rate of \$41.49. This assumption is based on the number of offenders incarcerated during CY2015 where a misdemeanor A was the only offense and excluding those offenders who were incarcerated for a person offense. It is assumed that a person would not receive the maximum sentence but could receive additional suspended time up to the maximum sentence length. Based on departmental data a portion could receive approximately zero (suspended time) to one third of the allowable sentence length resulting in an anticipated daily increase of 0 to 73 offenders that could be incarcerated under this section. DOC will track and monitor for future fiscal impacts if passed.

AS 12.55.135(b) amends violation of conditions of release as a B misdemeanor and allows sentences of not more than five days for violations of AS 11.56.757. It is projected that this section will increase the institutional expenditures by \$0.00 (no persons) to \$136,294.65 (nine persons) annually based on a daily marginal rate of \$41.49. This assumption is based upon previous offender projections and preliminary DOC offender data. DOC will track and monitor for future fiscal impacts if passed.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. SB 54

Analysis

AS 12.55.135(l) amends sentencing for a person convicted of theft in the fourth degree and adds a sentence of not more than 10 days of active imprisonment and a term of probation of not more than six months if the person has previously been convicted two or more times of an offense; or a sentence of active imprisonment and a term of probation of more than six months if the person has been previously convicted once. It is anticipated that this section will increase the institutional expenditures by \$0.00 (no persons) up to \$121,150.80 (eight persons) annually based on a daily marginal rate of \$41.49. This assumption is based upon previous offender projections and preliminary DOC offender data. DOC will track and monitor for future fiscal impacts if passed.

AS 12.55.145(a)(5) adds a new section establishing a period of look back when considering prior convictions in imposing sentencing under AS 12.55.135(a). The department is unable to quantify the impacts of this section at this time. For example, not all misdemeanor convictions result in incarceration. The department only has data on individuals who are or were incarcerated. DOC will track and monitor for future fiscal impacts if passed.