

# Fiscal Note

State of Alaska  
2017 Legislative Session

Bill Version: HB 42  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB042-JUD-ACS-1-22-17  
Title: FORFEITURE & SEIZURE: PROCEDURE; LIMITS  
Sponsor: WILSON  
Requester: House Judiciary Committee

Department: Judiciary  
Appropriation: Alaska Court System  
Allocation: Trial Courts  
OMB Component Number: 768

## 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					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
<b>OPERATING EXPENDITURES</b>								
Personal Services	660.0		610.9	610.9	610.9	610.9	610.9	610.9
Travel								
Services								
Commodities	48.0		16.0	16.0	16.0	16.0	16.0	16.0
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>708.0</b>	<b>0.0</b>	<b>626.9</b>	<b>626.9</b>	<b>626.9</b>	<b>626.9</b>	<b>626.9</b>	<b>626.9</b>

## Fund Source (Operating Only)

1005 GF/Prgm (DGF)	708.0		626.9	626.9	626.9	626.9	626.9	626.9
<b>Total</b>	<b>708.0</b>	<b>0.0</b>	<b>626.9</b>	<b>626.9</b>	<b>626.9</b>	<b>626.9</b>	<b>626.9</b>	<b>626.9</b>

## Positions

Full-time	7.0		7.0	7.0	7.0	7.0	7.0	7.0
Part-time	1.0		1.0	1.0	1.0	1.0	1.0	1.0
Temporary	1.0							

## Change in Revenues

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>	<b>0.0</b>

**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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Initial version.

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Division:	Alaska Court System	Date:	01/22/2017 04:00 PM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	01/22/17
Agency:	Alaska Court System		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2017 LEGISLATIVE SESSION

BILL NO. HB 42

### Analysis

House Bill 42 makes significant changes to the state's seizure and forfeiture laws, and will affect a great percentage of all the roughly 30,000 criminal cases that are annually filed in the court system. Under the bill, hearings will be available to defendants or others with interests in the property that can occur before a case is disposed, immediately after a person is convicted, or at any time thereafter if the person alleges that the seizure was unconstitutionally harsh.

Additionally, the bill repeals the mandatory forfeiture provisions that apply to cases such as felony DUI and felony refusal to submit to a breath test, and replaces those mandatory forfeitures with the opportunity for hearings both before and after conviction.

Because of these changes, the court would hold many more hearings in nearly all criminal cases; the added steps would add complexity and paperwork, and would lengthen the time it takes to resolve cases. The court system anticipates that it would need seven new deputy clerks to handle the new filings and accompanying workload in the trial courts, one half-time appellate attorney to handle the appeals from these new proceedings, and one temporary full-time implementation attorney in the administrative office.

Holding the hearings as described in the bill will be new and additional work for the trial court's clerical staff. Though difficult to predict the precise number of new hearings, the court anticipates that it would need two new Range 12A deputy clerks in Anchorage, plus one each in Palmer, Fairbanks, Kenai, Southeast (Juneau or Ketchikan), and the Bethel region. These clerks are required to handle the document intake, file the pleadings, calendar the hearings, work in the courtrooms to record and log the hearings, distribute the orders, and ensure consistent statewide tracking of the new proceedings. The total cost for the 7 new positions would be \$541,234.

The bill also provides a right to appeal any decisions that result from the new hearings. The court system anticipates that many cases will be appealed, because the existing body of case law will not be controlling given that all the existing seizure and forfeiture statutes would be repealed. Therefore, the court would require one new half-time appellate attorney at Range 23A for a position cost of \$69,641.

In addition, HB 42 changes 11 court Rules of Criminal Procedure, 3 Rules of Evidence, and 3 Rules of Appellate Procedure. It will require the court's administrative office to create new court forms to standardize the incoming filings from the Department of Law and municipal prosecuting authorities; doing this will require meetings with and coordination with those various prosecuting offices. We would also create other forms such as Property Disposition and Judgment forms, and coordinate with affected agencies on efficient distribution and follow-up after the hearings. The administrative office would draft clerical instructions and instructions for judicial officers, and revise CourtView procedures to account for these new proceedings. Given the implementation tasks, we would hire one full-time temporary attorney, at a Range 24A, for six months. That person would work on court rule revisions, forms creation and revision, training for judges and clerks, and drafting the lessons and instructions for trial and appellate court staff. The total cost of this temporary, six-month attorney is \$49,138.

Finally, for eight of the nine new positions, the court would supply a desk, computer, legal materials, software licenses, etc. for a one-time cost of \$6,000 for each of the eight positions, and a recurring annual cost for future years of \$2,000 per position. (For the temporary attorney, the court would be able to locate a computer and desk, etc. that was available for the six-month duration of employment.) This amounts to \$48,000 in FY 18, and \$16,000 in future years.

The court system therefore anticipates a fiscal impact of \$541,234 + \$69,641 + \$49,138 [temporary] + \$48,000 [one-time] for a total of **\$708,013 for FY 18**, and an ongoing cost of **\$626,875 for future years**.