

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	SB 35
Fiscal Note Number:	2
(S) Publish Date:	1/23/2019

Identifier: 0873-LAW-CRIM-1-20-19  
Title: CRIMES;SEX CRIMES;SENTENCING; PAROLE  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: Governor

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)

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2020	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
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

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>

**Estimated SUPPLEMENTAL (FY2019) cost:** 0.0 (separate supplemental appropriation required)

**Estimated CAPITAL (FY2020) cost:** 0.0 (separate capital appropriation required)

**Does the bill create or modify a new fund or account?** No  
(Supplemental/Capital/New Fund - 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If yes, by what date are the regulations to be adopted, amended or repealed?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/comments:

Not applicable, initial version.

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## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
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## Analysis

This bill makes a number of changes to the state's sex offense statutes. The changes increase the classification of certain crimes and increase the sentences for certain conduct:

Sexual abuse of a minor in the third degree, which is currently sentenced as a regular class C felony (0-2 years, 5 years max), will be sentenced as a sexual felony with a presumptive sentencing range of 2-12 years (99 max) when there is a six year age difference between the perpetrator and victim; indecent viewing or photography of a minor will be a registerable sex offense and punishable as a sexual felony; soliciting a minor to commit sexual acts will also be a sexual felony punishable by a presumptive range of 5-15 years (99 max); the bill adds unwanted contact with semen to the definition of "sexual contact" making this conduct a sexual felony; strangulation charged as an assault in the second degree will face an enhanced sentencing range with an initial presumptive range of 1-3 years (10 years max); repeatedly sending unwanted images of genitalia will become harassment in the second degree (B misdemeanor); and the defense of marriage will no longer be allowed for all sexual assault crimes except those where there is consent and the conduct is illegal due to the nature of the relationship (probationer/probation officer, peace officer/person in custody; Division of Juvenile Justice officer/person 18 or 19 and under the jurisdiction of the Division of Juvenile Justice).

The criminalizing of certain conduct and enhanced penalties may result in additional cases referred to the Criminal Division and an increase in litigation. Additionally, the bill responds to recent court opinions and clarifies how prior felonies should be counted when determining the presumptive sentencing range for sexual felonies, ensures that out-of-state sex offenders to register in Alaska when they are present in the state, and clarifies that sex offenders who are ineligible for good time credit should also be ineligible for discretionary parole.

The Department of Law does not anticipate a fiscal impact should this bill become law.