

Fiscal Note

State of Alaska
2019 Legislative Session

Bill Version:	HB 49
Fiscal Note Number:	5
(H) Publish Date:	2/20/2019

Identifier: LL0029-1-DOC-IDO-01-22-19
Title: CRIMES; SENTENCING; MENT.
ILLNESS; EVIDENCE
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (H) STA

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)

	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	37,598.9		41,113.4	41,449.2	41,449.2	41,449.2	41,449.2
Total Operating	37,598.9	0.0	41,113.4	41,449.2	41,449.2	41,449.2	41,449.2

Fund Source (Operating Only)

1004 Gen Fund (UGF)	37,598.9		41,113.4	41,449.2	41,449.2	41,449.2	41,449.2
Total	37,598.9	0.0	41,113.4	41,449.2	41,449.2	41,449.2	41,449.2

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 (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If yes, by what date are the regulations to be adopted, amended or repealed?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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Agency: Office of Management and Budget

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FISCAL NOTE ANALYSIS

STATE OF ALASKA
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Analysis

The total cost per day for inmate care is comprised of all the costs involved, both direct and indirect, and is \$168.74. The following numbers are based on the number of offenders in CY2018 and the length of stay in 2014 compared to the length of stay in 2018. Data from 2014 were used because that was the baseline year of data used for SB91.

Section 19 makes tampering with electronic monitoring (EM) equipment a crime:

EM tampering is Escape 3 which has an average stay of 36.5 days. In CY2018 there were 110 instances of EM tampering. We anticipate an additional 11.0 inmates per day for year 1 and subsequent years after the effective date at a cost of \$677,491.

Section 22 of the bill makes felons violating conditions of release (felon VCOR) an A misdemeanor. Section 41 of the bill modifies A misdemeanor sentencing to "Not more than one year." Felon VCOR has a projected increased length of stay of 38.3 days; in CY2018 there were 883 offenders in this category. We anticipate an additional 92.7 inmates per day for year 1 and subsequent at a cost of \$5,711,071.

Sections 23-25 of the bill make failure to submit to a DNA test a misdemeanor. This will have minimal fiscal impact on the department. In the rare instances an offender refuses the DNA test, a remanding agency must be contacted because Corrections Officers do not have that authority.

Section 27 increases the presumptive sentence ranges for disorderly conduct:

Disorderly conduct has a projected increased length of stay of 2.0 days; in CY2018 there were 405 offenders in this category. We anticipate an additional 2.2 inmates per day for year 1 and subsequent years after the effective date at a cost of \$133,262.

Section 36 of the bill increases the maximum probation time for sex offenders and other offenses. This will have a fiscal impact on the department in terms of the length of supervision once probation is in effect.

Section 37 increases the presumptive sentence ranges for A felonies:

1st time felony A has a projected increased length of stay of 32 days; in CY2018 there were 48 offenders in this category. We anticipate no change in the daily average for years 1 and 2 after the effective date, but an additional 4.21 inmates per day in year 3 and subsequent years after the effective date at a cost of \$259,185 per year.

2nd time felony A has a projected increased length of stay of 50 days; in CY2018 there were 9 offenders in this category. We anticipate no change in the daily average for years 1 and 2 after the effective date, but an additional 1.23 inmates per day in year 3 and subsequent years after the effective date at a cost of \$75,933 per year.

3rd time felony A has a projected increased length of stay of 2 days; in CY2018 there were 2 offenders in this category. We anticipate no change in the daily average for years 1 and 2 after the effective date, but an additional 0.01 inmates per day in year 3 and subsequent years after the effective date at a cost of \$675 per year.

FISCAL NOTE ANALYSIS

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Analysis

Section 38 increases the presumptive sentence ranges for B felonies:

1st time felony B has a projected increased length of stay of 59 days; in CY2018 there were 294 offenders in this category. We anticipate no change in the daily average for year 1 after the effective date, but an additional 47.52 inmates per day in year 2 and subsequent years after the effective date at a cost of \$2,926,964 per year.

2nd time felony B has a projected increased length of stay of 36 days; in CY2018 there were 79 offenders in this category. We anticipate no change in the daily average for year 1 after the effective date, but an additional 7.79 inmates per day in year 2 after the effective date at a cost of \$479,897.

3rd time felony B has a projected increased length of stay of 11 days; in CY2018 there were 58 offenders in this category. We anticipate no change in the daily average for year 1 after the effective date, but an additional 1.75 inmates per day in year 2 after the effective date at a cost of \$107,656.

Section 39 increases the presumptive sentence ranges for C felonies:

1st time felony C has a projected increased length of stay of 29 days; in CY2018 there were 575 offenders in this category. We anticipate an additional 45.68 inmates per day for year 1 and subsequent years after the effective date at a cost of \$2,813,740 per year.

2nd time felony C has a projected increased length of stay of 61 days; in CY2018 there were 286 offenders in this category. We anticipate an additional 47.80 inmates per day for year 1 and subsequent years after the effective date at a cost of \$2,943,838.

3rd time felony C has a projected increased length of stay of 71 days; in CY2018 there were 520 offenders in this category. We anticipate an additional 101.15 inmates per day for year 1 and subsequent years after the effective date at a cost of \$6,229,881.

Section 41 increases the presumptive sentence ranges for A misdemeanors:

A misdemeanors have a projected increased length of stay of 9.7 days; in CY2018 there were 5,083 offenders in this category. We anticipate an additional 134.6 inmates per day for year 1 and subsequent years after the effective date at a cost of \$8,291,152.

Section 42 increases the presumptive sentence ranges for B misdemeanors:

B misdemeanors have a projected increased length of stay of 5.2 days; in CY2018 there were 2,120 offenders in this category. We anticipate an additional 30.3 inmates per day for year 1 and subsequent years after the effective date at a cost of \$1,863,505.

Section 44 adds the option of serving a DUI related sentence at a community residential center (CRC) to the previous option of electronic monitoring. If the ratio of those at a CRC versus on EM reverts to that of 2014, 383 people will be added to CRC and 383 will be removed from EM for a cost each year of \$8,740,359.

Section 45 adds the option of serving a DUI refusal related sentence at a community residential center (CRC) to the previous option of electronic monitoring. If the ratio of those at a CRC versus on EM reverts to that of 2014, 5.9 people will be added to CRC and 5.9 will be removed from EM for a cost each year of \$134,615.

This increases the department's number of inmates by 465 the first year, 523 the second year, and 528 the third year. This exceeds the department's current capacity. It is anticipated that substantial additional funds will be required to obtain the capacity to incarcerate these offenders.