

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: SB 32  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB032-DOA-OPA-2-4-19  
Title: CRIMES; SENTENCING; MENT.  
ILLNESS; EVIDENCE  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: Senate State Affairs

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)

	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	300.0		300.0	300.0	300.0	300.0	300.0
Travel	4.6		4.6	4.6	4.6	4.6	4.6
Services	43.7		43.7	43.7	43.7	43.7	43.7
Commodities	2.6		2.6	2.6	2.6	2.6	2.6
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>350.9</b>	<b>0.0</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	350.9		350.9	350.9	350.9	350.9	350.9
<b>Total</b>	<b>350.9</b>	<b>0.0</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>

## Positions

Full-time	3.0		3.0	3.0	3.0	3.0	3.0
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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Updated based on DOL caseload increase information.

Prepared By: James Stinson, Director  
Division: Office of Public Advocacy (OPA)  
Approved By: Cheryl Lowenstein, Director  
Agency: Office of Management and Budget

Phone: (907)269-3504  
Date: 02/04/2019 03:41 PM  
Date: 02/04/19



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. SB 32

### Analysis

This bill increases sentencing ranges and terms of probation, removes the provisions automatically adjusting theft thresholds for inflation, creates some new crimes, and increases the charge level and penalties for crimes related to controlled substances.

There are new crimes created by this bill for generalized threats, refusal to submit to DNA testing upon arrest, and removal of electronic monitoring devices in broader circumstances. Prosecution of these new crimes will also increase appointments for the Office of Public Advocacy.

The Department of Law has reported an expected increase in referrals from law enforcement for drug related crime as a result of increasing the charge level and penalties for these crimes. The Department of Law anticipates felony drug cases to increase to 2016 levels and estimates an increase of least 750 felony cases annually. Cases with increased penalties and higher charging levels require more litigation throughout all stages of litigation, particularly jury trials, contested sentencing hearings, and post-conviction litigation.

The Office of Public Advocacy (OPA) receives approximately 25% of the cases referred to The Public Defender Agency as conflict cases. OPA has seen workload growth and increased appointments in recent fiscal years and is unable to absorb additional increases in workload with current staffing. The agency would need 2 additional attorney positions and one staff position to handle the anticipated increase in workload from the passage of this legislation.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: SB 32  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB032-DOA-PDA-2-4-19  
Title: CRIMES; SENTENCING; MENT.  
ILLNESS; EVIDENCE  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: Senate State Affairs

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)

	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	837.3		837.3	837.3	837.3	837.3	837.3
Travel	18.2		18.2	18.2	18.2	18.2	18.2
Services	174.9		174.9	174.9	174.9	174.9	174.9
Commodities	10.3		10.3	10.3	10.3	10.3	10.3
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>1,040.7</b>	<b>0.0</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	1,040.7		1,040.7	1,040.7	1,040.7	1,040.7	1,040.7
<b>Total</b>	<b>1,040.7</b>	<b>0.0</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>

## Positions

Full-time	8.0		8.0	8.0	8.0	8.0	8.0
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:

Updated based on DOL caseload increase information.

Prepared By: Quinlan Steiner, Public Defender  
Division: Public Defender Agency  
Approved By: Cheryl Lowenstein, Director  
Agency: Office of Management and Budget

Phone: (907)334-4414  
Date: 02/11/2019 05:50 PM  
Date: 02/11/19



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

BILL NO. SB 32

### Analysis

This bill increases sentencing ranges and terms of probation, removes the provisions automatically adjusting theft thresholds for inflation, creates some new crimes, and increases the charge level and penalties for crimes related to controlled substances.

There are new crimes created by this bill for generalized threats, refusal to submit to DNA testing upon arrest, and removal of electronic monitoring devices in broader circumstances. Prosecution of these new crimes will also increase appointments for the Public Defender Agency.

The Department of Law has reported an expected increase in referrals from law enforcement for drug related crime as a result of increasing the charge level and penalties for these crimes. The Department of Law anticipates felony drug cases to increase to the levels they were at in 2016 and estimate an increase of least 750 felony cases annually. Cases with increased penalties and higher charging levels require more litigation throughout all stages of litigation, but particularly increase jury trials, contested sentencing hearings, and post-conviction litigation.

The Public Defender Agency has seen workload growth and increased appointments in recent fiscal years and is unable to absorb additional increases in workload with current staffing. The agency would need an additional four attorney positions and four staff positions to handle the anticipated increase in workload from the passage of this legislation.





# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	SB 32
Fiscal Note Number:	6
(S) Publish Date:	1/23/2019

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
<b>Total Operating</b>	<b>37,598.9</b>	<b>0.0</b>	<b>41,113.4</b>	<b>41,449.2</b>	<b>41,449.2</b>	<b>41,449.2</b>	<b>41,449.2</b>

## 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
<b>Total</b>	<b>37,598.9</b>	<b>0.0</b>	<b>41,113.4</b>	<b>41,449.2</b>	<b>41,449.2</b>	<b>41,449.2</b>	<b>41,449.2</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.

Prepared By: Teri West, Deputy Director  
Division: Administration and Support  
Approved By: Sylvan Robb, Admin Services Director for Corrections  
Agency: Office of Management and Budget

Phone: (907)465-3311  
Date: 01/22/2019 02:54 PM  
Date: 01/22/19



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

## 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

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. LL 0029-1

## 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.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	SB 32
Fiscal Note Number:	5
(S) Publish Date:	1/23/2019

Identifier: LL0029-DHSS-PS-1-22-19  
Title: CRIMES; SENTENCING; MENT.  
ILLNESS; EVIDENCE  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: Governor's Legislative Office

Department: Department of Health and Social Services  
Appropriation: Juvenile Justice  
Allocation: Probation Services  
OMB Component Number: 2134

## 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.

Prepared By: Tracy Dompeling, Director  
Division: Juvenile Justice  
Approved By: Sana Efird  
Agency: Office of Management and Budget

Phone: (907)465-2212  
Date: 01/22/2019 10:45 AM  
Date: 01/22/19





## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

## Analysis

Provisions of the bill apply to juvenile offenders under the jurisdiction of the Division of Juvenile Justice. Sections 19 and 20 clarify that juveniles under the jurisdiction of the Department of Health and Social Services, Division of Juvenile Justice can be charged with the crime of escape related to tampering with, disabling, or removal of electronic monitoring equipment.

The division handles juvenile offenders based upon their individual needs and risk to reoffend. None of the proposed changes will not have a fiscal or major programmatic impact on the Department of Health and Social Services, Division of Juvenile Justice.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	SB 32
Fiscal Note Number:	2
(S) Publish Date:	1/23/2019

Identifier: 0029-LAW-CRIM-1-20-19  
Title: CRIMES; SENTENCING; MENT.  
ILLNESS; EVIDENCE  
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	949.9		949.9	949.9	949.9	949.9	949.9
Travel	7.3		7.3	7.3	7.3	7.3	7.3
Services	149.3		149.3	149.3	149.3	149.3	149.3
Commodities	11.1		11.1	11.1	11.1	11.1	11.1
Capital Outlay	3.5		3.5	3.5	3.5	3.5	3.5
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>1,121.1</b>	<b>0.0</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	1,121.1		1,121.1	1,121.1	1,121.1	1,121.1	1,121.1
<b>Total</b>	<b>1,121.1</b>	<b>0.0</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>

## Positions

Full-time	9.0		9.0	9.0	9.0	9.0	9.0
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.

Prepared By: Valerie Rose, Budget Analyst  
Division: Administrative Services Division  
Approved By: Anna Kim, Administrative Services Director  
Agency: Office of Management and Budget

Phone: (907)465-3674  
Date: 01/20/2019 01:00 PM  
Date: 01/20/19



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

## Analysis

This bill reverts a number of criminal laws and sentences back to what they were in 2015.

Misdemeanor sentences are returned to their 2015 ranges (0-1 year for a class A misdemeanor and 0-90 days for a class B misdemeanor). Additionally, all felony sentences are returned to their 2015 ranges this means the sentencing ranges for nearly all felonies is increased by approximately 2 years. Probation lengths are also returned to their 2015 ranges. The maximum period of probation for a felony sex offense will be 25 years and for all other offenses the maximum period will be 10 years.

All drug offenses are reenacted to be consistent to what they were in 2015. This includes reenacting an A felony level offense for the distribution of heroin and repealing the amount based system in current law. Further, the enhanced sentences for manufacturing methamphetamine around children is reenacted. The bill also returns all possessory drug offenses to the class C felony level.

Additionally, this bill enacts several new criminal offenses. First, it enacts a generalized threat statute. This statute will criminalize making a threat with reckless disregard that the threat may place another person or persons in fear of physical injury, that it may cause the evacuation of a building, or a serious public inconvenience. The bill also enacts the crime of refusal to submit a DNA upon arrest a class A misdemeanor. Finally, the bill enacts the crime of removal of an electronic monitoring device when the person is sentenced for a misdemeanor or while under pretrial detention. The bill also allows a prosecutor to use a person's rap sheet at the grand jury phase of a case to prove the existence of prior convictions when prior convictions are an element of the offense charged (i.e. felon in possession, felony assault due to prior assault convictions).

The creation of new criminal offenses will likely require the Criminal Division to engage in additional litigation. However, the ability to use a rap sheet at grand jury should provide a cost efficiency as it often takes days to weeks to obtain a certified judgment. The reprioritization of drug offenses as felonies will likely increase law enforcement referrals. It is anticipated that felony drug prosecutions will return to their pre-2016 levels – between 2015 and 2017, felony drug prosecutions dropped approximately 70% (or approximately 740 cases). It is anticipated that prioritizing felony drugs offenses for prosecution, combined with the significant increase in drug prevalence in Alaska (*see generally* Department of Public Safety 2017 drug report showing a significant increase in heroin and methamphetamine seizures in the state), will cause felony drug prosecutions to return, or exceed, their pre-2016 levels.

Increased sentences and penalties will likely increase the number of trials, contested sentencing hearings, and appeals. The department anticipates an increase in the litigation at all stages of the criminal process. It is anticipated that additional prosecutor positions and associated support staff spread throughout the state would be needed to handle the increased litigation. Finally, in 2016, the department anticipated an increase in litigation with the passage of criminal justice reform. The department has monitored that litigation and is aware of the areas in which it occurred. This increase in litigation is likely to continue for a number of years regardless of the passage of this legislation. The department anticipates that the passage of this legislation will result in a similar increase in litigation, which cannot be handled with current staffing levels. Assuming the department sees an increase in litigation similar to what it saw with the passage of criminal justice reform, combined with the increased litigation from increased sentences and penalties, it is anticipated that the department will be able to handle the increased workload with existing resources if additional attorney and support staff positions are added as discussed above.

It is anticipated that the additional workload generated by the increase in drug cases and litigation associated with the passage of this legislation will require an additional five prosecutors and four associated support staff in the first year of passage, with potentially additional prosecutors and associated support staff in subsequent years.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	SB 32
Fiscal Note Number:	1
(S) Publish Date:	1/23/2019

Identifier: 0029-DPS-CJISP-01-22-19  
Title: CRIMES; SENTENCING; MENT.  
ILLNESS; EVIDENCE  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: Governor

Department: Department of Public Safety  
Appropriation: Statewide Support  
Allocation: Criminal Justice Information Systems Program  
OMB Component Number: 3200

## 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				
			FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
<b>OPERATING EXPENDITURES</b>	<b>FY 2020</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
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.

Prepared By: Kelly Howell, Special Assistant to the Commissioner  
Division: Commissioner's Office  
Approved By: Dan Spencer, Administrative Services Director  
Agency: Office of Management and Budget

Phone: (907)465-4336  
Date: 01/22/2019 02:35 PM  
Date: 01/22/19





## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

## Analysis

This bill amends AS 47.30.907 by adding a new subsection to allow the Department of Public Safety (DPS) to receive from the Alaska Court System certain records related to involuntary commitments and adjudications of mental illness or mental incompetence that occurred prior to October 2014 for inclusion in the National Instant Criminal Background Check System (NICS).

Under current law, the Alaska Court System may only provide such records from October 2014 forward.

The NICS is a national system that checks available records in three databases to determine if prospective firearm buyers are disqualified from receiving firearms. A NICS check includes a check of the following three databases that are maintained by the FBI: Interstate Identification Index (III or "Triple I"), a database on criminal history record information; National Crime Information Center (NCIC) which includes information on persons subject to civil protection orders and arrest warrants; and NICS Index which includes the information contributed by federal and state agencies identifying persons prohibited from possessing firearms who are not included in the III or NCIC, such as persons with a prohibiting mental health history.

When information about involuntary commitments and adjudications of mental illness or mental incompetence is provided to the NICS, the FBI can deny firearm transfers to persons with disqualifying mental health histories both in the state where the record was created and in other states to which the person may have subsequently moved.

These records are maintained in a separate database to protect the confidentiality of the records and to ensure they are only available for the purposes outlined under AS 47.30.907.

DPS anticipates any additional workload resulting from passage of this bill can be absorbed with existing staff. Therefore, a zero fiscal note is being submitted.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: SB 32  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB032-JUD-ACS-02-20-19  
Title: CRIMES; SENTENCING;MENT.  
ILLNESS;EVIDENCE  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: Senate State Affairs

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)

	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	776.9		636.5	636.5	636.5	636.5	636.5
Travel	36.0		36.0	36.0	36.0	36.0	36.0
Services	4.5		4.5	4.5	4.5	4.5	4.5
Commodities	3.0		3.0	3.0	3.0	3.0	3.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>820.4</b>	<b>0.0</b>	<b>680.0</b>	<b>680.0</b>	<b>680.0</b>	<b>680.0</b>	<b>680.0</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	820.4		680.0	680.0	680.0	680.0	680.0
<b>Total</b>	<b>820.4</b>	<b>0.0</b>	<b>680.0</b>	<b>680.0</b>	<b>680.0</b>	<b>680.0</b>	<b>680.0</b>

## Positions

Full-time	6.0		6.0	6.0	6.0	6.0	6.0
Part-time							
Temporary	2.0						

## 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>

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? N/A

## Why this fiscal note differs from previous version/comments:

Fiscal note updated to account for expected increase in criminal case filings from the Department of Law, which seeks five new prosecutors.

Prepared By: Nancy Meade, General Counsel  
Division: Alaska Court System  
Approved By: Nancy Meade for Christine Johnson, Administrative Director  
Agency: Alaska Court System

Phone: (907)463-4736  
Date: 02/20/2019 10:00 AM  
Date: 02/20/19



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. SB 32

### Analysis

Senate Bill 32 changes many categories of criminal offenses and procedures to return them to the way they were written before Senate Bill 91 passed in 2016. Certain provisions of the bill reclassify drug offenses, change the length of sentences for felonies and misdemeanors, reclassify certain offenses as crimes rather than violations, and remove inflation adjustments for theft offenses. The bill also enacts several new criminal offenses in sections 19-20 (escape), 24-26 (refusal to submit to DNA testing), and 27 (terroristic threatening).

Creating new criminal offenses and reclassifying drug crimes is expected to have the effect of increasing the number of cases that are filed with the court, and increased sentences may have the impact of increasing the number of cases that proceed to trial. The fiscal note from the Department of Law seeks five new prosecutors for the caseload increases that they anticipate. These changes would therefore have a fiscal impact on the court.

The court system intends to accommodate the increased filings by retaining the equivalent of one full-time pro tem judge to help expedite the criminal caseload, at a cost of \$194,000 (salary plus benefits). That position would travel to cover cases as needed statewide, and therefore the court system anticipates travel costs of \$18,000 for the pro tem judge. The position would require \$1,000 in supplies and \$1,500 in contractual services. The total expenditures for the equivalent of **one full-time pro tem judge would be \$214,500**. In addition, the pro tem judge must travel with an in-court clerk; this note also includes **travel costs of \$18,000 for that travelling in-court clerk**.

In addition, to accommodate the expected increase in criminal case filings that five new prosecutors would cause, the court system is seeking the funding equal to the cost of five clerical positions. The additional resources would permit the court to keep current with opening new files, entering data in Court View, and generally processing the additional caseload. The cost of the **five new clerical positions is \$447,500** (salary and benefits for three Range 14 clerks, plus two Range 16 clerks, plus \$2,000 in supplies/materials and \$3,000 in contractual services/computer licenses).

One section of Senate Bill 32, **Section 49**, also causes a direct, distinct fiscal impact on the court system. Section 49 directs the court system to report to the Department of Public Safety all superior court orders issued on or after October 1, 1981 for the involuntary commitment of a person under AS 47.30.735 – 47.30.755, as well as orders of relief from disability resulting from an involuntary commitment or if an adjudication of mental illness or mental incompetence is granted by the court.

The court would need to hire two project employees to accomplish the work required under Section 49. These employees would research the 21,637 mental commitment cases filed with the courts prior to implementation of our current electronic case management system (CourtView). The older case files are stored on microfilm and each case must be individually retrieved and reviewed to see if a commitment order was issued. To estimate the work involved, a current court system employee who is an experienced court clerk did a sample search of the stored microfilms; from that experience, we have estimated that each case would take approximately ten minutes to locate, review, report, and return. At ten minutes per search, it will take roughly 480 work days of a single clerk's time to research and report these cases. The court system would therefore hire two temporary clerks for a period of one year to accomplish thi.

This fiscal note reflects the one-time, one-year cost for **two Range 14A project employees to do the work required by Section 49, a total of \$140,400**. The court system will not need additional supplies or office space to meet the requirements of this section. The employees will work to retrieve the orders described by section 49 that are not available electronically.

