

# FISCAL NOTE

**STATE OF ALASKA**  
**2019 LEGISLATIVE SESSION**

Bill Version HB 49  
Fiscal Note Number \_\_\_\_\_  
() Publish Date \_\_\_\_\_

Identifier (file name) HB049CS(FIN)-DOA-PDA-5-4-19  
Title CRIMES; SENTENCING; MENT. ILLNESS; EVIDENCE  
Sponsor HOUSE RULES BY REQUEST OF THE GOVERNOR  
Requester (H) Finance  
Dept. Affected Administration  
Appropriation Legal and Advocacy Services  
Allocation Public Defender Agency  
OMB Component Number 1631

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personal Services	1,046.6		***	***	***	***	***
Travel	22.8						
Services	218.7						
Commodities	12.8						
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>1,300.9</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF	1,300.9					
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1037	GF/MH (UGF)						
		<b>1,300.9</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

POSITIONS							
Full-time		10					
Part-time							
Temporary							

CHANGE IN REVENUES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004 Gen Fund (UGF)							
1002 Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs 0.0 (separate capital appropriation required)

Does the bill create or modify a 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If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

**Why this fiscal note differs from previous version/comments (if initial version, please note as such)**

Updated based on House Finance committee substitute. This note only shows the estimated fiscal impact in FY 2020 if this bill is enacted into law.

Prepared by Beth Goldstein, Acting Public Defender  
Division Public Defender Agency  
Approved by Cheryl Lowenstein, Director  
Agency Office of Management and Budget

Phone 907-334-4414  
Date/Time 5/1/19 10:12 AM  
Date 5/4/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 49

### Analysis

This fiscal note reflects the estimated fiscal impact in FY 2020 if this bill is enacted into law.

This bill increases sentencing ranges, removes the provisions automatically adjusting theft thresholds for inflation, creates 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, fraudulent use of identification documents, possession of motor vehicle theft tools, and removal of electronic monitoring devices in broader circumstances.

The bill also eliminates the marriage defense under certain circumstances for sex assault prosecutions and increases penalties for repeat drug possession convictions. This bill adds restrictions to discretionary parole eligibility and removes the presumption of release. The bill reduces the standard by which the Court can impose monetary bail and removes a defendant's indigency as a basis to review bail conditions and adds restrictions on credit given for pre-trial electronic monitoring in certain circumstances.

The Department of Law has reported an expected increase in referrals from law enforcement for drug related crimes as a result of increasing charge levels and penalties for certain drug related crimes. With the prioritization of certain drug crime prosecutions, and increases in prosecutorial positions, there is anticipated workload growth. The Department of Law anticipates felony drug cases to increase to the levels they were at in 2016 and estimate an increase of least 740 felony cases annually. The agency anticipates the need of four attorney positions and four staff positions as result of these changes.

Additionally, the Department of Law has predicted an increase in cases as a result of the recriminalization of driving with license canceled, suspended, or revoked. Evaluating fiscal year 2015 data on these misdemeanor cases the agency anticipates needing an additional attorney and an additional staff position as a result of this provision.

In addition to increased workload as a result of increased case filings, cases with increased penalties and higher charging levels require more litigation throughout all stages of litigation, but particularly increases in 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 with current staffing. The agency anticipates needing a total of an additional five new attorney positions and five new staff positions to handle the anticipated workload from the passage of this legislation.



# FISCAL NOTE

**STATE OF ALASKA**  
**2019 LEGISLATIVE SESSION**

Bill Version HB 49  
Fiscal Note Number \_\_\_\_\_  
( ) Publish Date \_\_\_\_\_

Identifier (file name) HB049CS(FIN)-DOA-OPA-5-4-19 Dept. Affected Administration  
Title CRIMES; SENTENCING; MENT. ILLNESS; EVIDENCE Appropriation Legal and Advocacy Services  
Allocation Office of Public Advocacy  
Sponsor HOUSE RULES BY REQUEST OF THE GOVERNOR  
Requester (H) Finance OMB Component Number 43

## Expenditures/Revenues (Thousands of Dollars)

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

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
			FY2021	FY2022	FY2023	FY2024	FY2025
<b>OPERATING EXPENDITURES</b>	<b>FY2020</b>	<b>FY2020</b>					
Personal Services	558.5		***	***	***	***	***
Travel	12.1						
Services	117.3						
Commodities	6.8						
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>694.7</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>
<b>FUND SOURCE</b> (Thousands of Dollars)							
1002 Federal Receipts							
1003 GF Match							
1004 GF	694.7						
1005 GF/Prgm (DGF)							
1007 I/A Rcpts (Other)							
1037 GF/MH (UGF)							
	<b>694.7</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

## POSITIONS

Full-time	5						
Part-time							
Temporary							

CHANGE IN REVENUES		FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004	Gen Fund (UGF)							
1002	Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs 0.0 (separate capital appropriation required)

Does the bill create or modify a 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? \_\_\_\_\_ Discuss details in analysis section.

## Why this fiscal note differs from previous version/comments (if initial version, please note as such)

Updated based on the changes made in the committee substitute adopted by House Finance. This note only shows the estimated fiscal impact in FY2020 if this bill is enacted into law.

Prepared by James Stinson, Director  
Division Office of Public Advocacy  
Approved by Cheryl Lowenstein, Director  
Agency Office of Management and Budget

Phone 907-269-3504  
Date/Time 5/4/19 11:30 AM  
Date 5/4/2019



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 49

### Analysis

This fiscal note reflects the estimated fiscal impact in FY 2020 if this bill is enacted into law.

This bill increases sentencing ranges, removes the provisions automatically adjusting theft thresholds for inflation, creates 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, fraudulent use of identification documents, possession of motor vehicle theft tools, and removal of electronic monitoring devices in broader circumstances. The bill also eliminates the marriage defense under certain circumstances for sex assault prosecutions and increases penalties for repeat drug possession convictions. This bill adds restrictions to discretionary parole eligibility and removes the presumption of release. The bill reduces the standard by which the Court can impose monetary bail and removes a defendant's indigency as a basis to review bail conditions and adds restrictions on credit given for pre-trial electronic monitoring in certain circumstances.

The Department of Law has reported an expected increase in referrals from law enforcement for drug related crimes as a result of increasing charge levels and penalties for certain drug related crimes. With the prioritization of certain drug crime prosecutions, and increases in prosecutorial positions, there is anticipated caseload and workload growth. The Department of Law anticipates felony drug cases to increase to the levels they were at in 2016 and estimate an increase of least 740 felony cases annually.

Additionally, the Department of Law has predicted an increase in cases as a result of the recriminalization of driving with license canceled, suspended, or revoked.

In addition to increased workload as a result of increases in case filings, 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 Office of Public Advocacy (OPA) anticipates an increase in workload related to the litigation of these cases. 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 with current staffing. In total, OPA is requesting three new attorneys and two new support staff to meet the anticipated increase in workload.

# FISCAL NOTE

**STATE OF ALASKA**  
**2019 LEGISLATIVE SESSION**

Bill Version CSHB49(FIN)  
Fiscal Note Number \_\_\_\_\_  
() Publish Date \_\_\_\_\_

Identifier (file name) HB49CS(FIN)-DOC-DAS-05-04-19 Dept. Affected Corrections  
Title Crimes; Sentencing; Mental Illness; Evidence Appropriation Administration and Support  
Allocation Information Technology MIS  
Sponsor Rules by Request of the Governor  
Requester (H)FIN OMB Component Number 698

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personal Services			***	***	***	***	***
Travel							
Services	100.0						
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>100.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

FUND SOURCE	(Thousands of Dollars)						
1002 Federal Receipts							
1003 GF Match							
1004 GF	100.0						
1005 GF/Prgm (DGF)							
1007 I/A Rcpts (Other)							
1037 GF/MH (UGF)							
	<b>100.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004 Gen Fund (UGF)							
1002 Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs \_\_\_\_\_ (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs \_\_\_\_\_ (separate capital appropriation required)

Does the bill create or modify a 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? \_\_\_\_\_ Discuss details in analysis section.

**Why this fiscal note differs from previous version/comments (if initial version, please note as such)**

Updated to reflect changes in the CS. This fiscal note only shows the estimated fiscal impact in FY2020 if this bill is enacted into law. Based on the 2.13.19 Governor's FY2020 request.

Prepared by Teri West, Deputy Director  
Division Administrative Services  
Approved by Sylvan Robb, Admin Services Director for Corrections  
Agency Office of Management and Budget

Phone 465-3311  
Date/Time 5/4/2019 9:50 a.m.  
Date 5/4/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB49(FIN)

### Analysis

The bill changes the method for calculating earned compliance credit. This will require programming changes to the Alaska Corrections Offender Management System (ACOMS). The department does not have the in-house capacity to make these programming changes and complete testing in a timely fashion to meet the effective date of this legislation. Therefore, the department will need to contract with a firm for the programming. Absent a confirmed knowledge of the final scope of work and bids from vendors, the amount included is an estimate based on similar work completed for the department on ACOMS in the past.



# FISCAL NOTE

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

Bill Version CSHB49(FIN)  
Fiscal Note Number \_\_\_\_\_  
() Publish Date \_\_\_\_\_

Identifier (file name) HB49CS(FIN)-DOC-HARS-05-04-19 Dept. Affected Corrections  
Title Crimes; Sentencing; Mental Illness; Evidence Appropriation Health and Rehabilitation Services  
Allocation Physical Health Care  
Sponsor Rules by Request of the Governor  
Requester (H)FIN OMB Component Number 2952

## Expenditures/Revenues (Thousands of Dollars)

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

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personal Services			***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous	2,746.6						
<b>TOTAL OPERATING</b>	<b>2,746.6</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

FUND SOURCE	(Thousands of Dollars)						
1002 Federal Receipts							
1003 GF Match							
1004 GF	2,746.6						
1005 GF/Prgm (DGF)							
1007 I/A Rcpts (Other)							
1037 GF/MH (UGF)							
	<b>2,746.6</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004 Gen Fund (UGF)							
1002 Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs \_\_\_\_\_ (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs \_\_\_\_\_ (separate capital appropriation required)

Does the bill create or modify a 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? \_\_\_\_\_ Discuss details in analysis section.

### Why this fiscal note differs from previous version/comments (if initial version, please note as such)

Updated to reflect changes in the CS. This fiscal note only shows the estimated fiscal impact in FY2020 if this bill is enacted into law. Based on the 2.13.19 Governor's FY2020 request.

Prepared by Teri West, Deputy Director  
Division Administrative Services  
Approved by Sylvan Robb, Admin. Services Director for Corrections  
Agency Office of Management and Budget

Phone 455-3311  
Date/Time 5/4/2019 12:40 p.m.  
Date 5/4/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB49(FIN)

### Analysis

Health care costs include contractual medical, dental and mental health services as well as medical commodities such as pharmaceuticals and medical supplies. The average cost is \$36.86 per inmate per day. This cost exists for all inmate who exceed the current system capacity. In year one there are 204 inmates above current capacity for a cost of \$2,746.6.



# FISCAL NOTE

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

Bill Version CSHB49(FIN)  
Fiscal Note Number \_\_\_\_\_  
() Publish Date \_\_\_\_\_

Identifier (file name) HB49CS(FIN)-DOC-DO-05-04-19 Dept. Affected Corrections  
Title Crimes; Sentencing; Mental Illness; Evidence Appropriation Population Management  
Allocation Institution Director's Office  
Sponsor Rules by Request of the Governor  
Requester (H)FIN OMB Component Number 1381

## Expenditures/Revenues (Thousands of Dollars)

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

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personal Services			***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous	15,580.0						
<b>TOTAL OPERATING</b>	<b>15,580.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

FUND SOURCE (Thousands of Dollars)							
1002 Federal Receipts							
1003 GF Match							
1004 GF	15,580.0						
1005 GF/Prgm (DGF)							
1007 I/A Rcpts (Other)							
1037 GF/MH (UGF)							
	<b>15,580.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004 Gen Fund (UGF)							
1002 Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs \_\_\_\_\_ (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs \_\_\_\_\_ (separate capital appropriation required)

Does the bill create or modify a 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? \_\_\_\_\_ Discuss details in analysis section.

### Why this fiscal note differs from previous version/comments (if initial version, please note as such)

Updated to reflect changes in the CS. This fiscal note only shows the estimated fiscal impact in FY2020 if this bill is enacted into law. Based on the 2.13.19 Governor's FY2020 request.

Prepared by Teri West, Deputy Director  
Division Administrative Services  
Approved by Sylvan Robb, Admin. Services Director for Corrections  
Agency Office of Management and Budget

Phone 465-3311  
Date/Time 5/4/2019 12:30 p.m.  
Date 5/4/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB49(FIN)

### Analysis

*A substantial portion of this legislation reverses changes in sentencing made by SB 91. The Department of Corrections use data from two time periods to project the impact of the legislation on prison population, CY2014 and CY2018. These data were selected because they provide the most current number of offenders (CY2018) and the most accurate length of stay data available (CY2014). CY2014 was used as the baseline data for SB 91.*

*The department calculated the increase in inmates per day as follows:*

*CY2014 length of stay – CY2018 length of stay = projected increase in length of stay*

*Increased length of stay x CY2018 offenders = increase in days of incarceration*

*Increased days of incarceration/365 = projected increase in number of inmates per day, per year.*

*Misconduct Involving a Controlled Substance (MICS) offenses are not calculated in this manner based on Department of Law's projections that reclassifying these offenses will result in an increase in prosecutions and convictions.*

The bill removes marriage as a defense to sexual assault except in cases where there is consent and the conduct is illegal due to the nature of the relationship, but for marriage. Over the last 10 years, the department had an average of 12 inmates each year under the sex offenses added to this section. The department cannot determine how often marriage was used as a defense in the past, but the department projects a small increase in the number of inmates as a result of this change. In the first year the department projects 1.2 additional inmates.

The bill adds identification documents to fraudulent use of an access device. In CY2018 there were 14 inmates serving time for this crime. This may increase the prison population, but the change cannot be determined by the department.

This bill 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. The department projects an additional 11.0 inmates per day for year 1.

This bill makes felons violating conditions of release (felon VCOR) a class A misdemeanor and modifies class 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. The department projects an additional 92.7 inmates per day for year 1.

This bill broadens language regarding terroristic threatening. In CY2018 there was one inmate incarcerated for this offense. With the broadening of the statute there may be an increase in the prison population, but the department projects it will be able to absorb that increase.

This bill reverts misconduct involving a controlled substance offenses to be consistent with what they were in 2015. The department projects an increase in the number of inmates as a result of this change based on conviction counts and length of stay in CY2014. For felony A, felony B and felony C as well as misdemeanor B, the department projects an increase in inmates. The department projects an additional 118.9 inmates per day for year 1.

This bill extends the period of time before a person must be taken before a judge or magistrate from 24 to 48 hours. The department does not have data that explicitly documents when a defendant has an appearance before a judge or magistrate. However, doubling the length of time allowed before this hearing is required to occur is likely to result in increasing the daily average inmate count and thus a modest increased cost for incarceration that the department is unable to project.



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB49(FIN)

### Analysis

This bill changes the pretrial release and retention procedures. CY2018 saw a number of changes in time spent incarcerated: 1) Depending on the offense type, in CY2018 defendants spent between 1 and 47 fewer days incarcerated than they would have in CY2016 prior to SB91 and the creation of the Pretrial Enforcement Division (PED). 2) In CY2018 more defendants were released pretrial than in CY2016. And 3) In CY2018 defendants assigned to pretrial supervision were incarcerated an average of 5.91 fewer days than non-PED unsentenced defendants. The department projects that with this bill defendants will still be assigned to pretrial supervision, but not at the rate attained in CY2018. The department projects this bill will result in 4,350 pretrial defendants being incarcerated an average of 2.74 days longer which will result in an increase in both the number of incarcerated inmates and the duration of the pretrial incarceration. The department projects this will increase the daily offender population by 32.7 offenders in year 1.

This bill removes the caps on the length of time an offender may serve for a technical violation. The department assumes the number of technical violations and the length of stay for those violations will return to CY2016 levels (pre-SB91). These changes will add 640 violators and they will serve an additional 53.3 days. The department also projects this change will add 12.8 days to 2,446 violators. This will increase the daily population by 89.5 the first year.

This bill eliminates credit granted against a sentence of imprisonment for time spent on electronic monitoring (EM) for some offenses. The department assumes that all credit previous granted will now be served in a facility. In CY2018 2,050 individuals spent at least one day on EM. The department projects 363 defendants who had received credit for EM will spend an average of 36.6 days incarcerated. The department projects this will result in an increase in the daily average prison population of 35.5 inmates in year 1.

This bill increases the incarceration days for a second offense of driving with license suspended, cancelled, or revoked to 10 days. Over the last five years, there have been an average of 264 inmates for a second offense of driving with license suspended, cancelled, or revoked; this includes equivalent municipal offenses. The average length of stay was 2.45 days. Increasing the length of stay to 10 days for all offenders increases the average daily population by 5.5 inmates in year 1.

This bill increases the presumptive sentence ranges for A felonies:

1st time felony A has a projected increased length of stay of 245 days; in CY2018 there were 48 offenders in this category. The department projects no change in the daily average for year 1.

2nd time felony A has a projected increased length of stay of 245 days; in CY2018 there were 9 offenders in this category. The department projects no change in the daily average for year 1.

There are not enough 3<sup>rd</sup> time felony A offenders to make confident computations.

This bill increases the presumptive sentence ranges for B felonies:

1st time felony B has a projected increased length of stay of 245 days; in CY2018 there were 151 offenders in this category. The department projects no change in the daily average for year 1.

2nd time felony B has a projected increased length of stay of 245 days; in CY2018 there were 32 offenders in this category. The department projects no change in the daily average for year 1.

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB49(FIN)

### Analysis

3rd time felony B has a projected increased length of stay of 245 days; in CY2018 there were 5 offenders in this category. The department projects no change in the daily average for year 1.

This bill increases the presumptive sentence ranges for class A misdemeanors. Class A misdemeanors have a projected increased length of stay of 9.7 days; in CY2018 there were 5,083 offenders in this category. The department projects an additional 134.6 inmates per day for year 1.

This bill increases the presumptive sentence ranges for class B misdemeanors. Class B misdemeanors have a projected increased length of stay of 3.3 days; in CY2018 there were 606 offenders in this category. The department projects an additional 2.7 inmates per day for year 1.

This bill reduces the number of inmates eligible for discretionary parole. Offenders convicted of a class A felony or class B felony, a third time class C felony, and certain sex offenses will no longer be eligible for discretionary parole. The department projects that this will impact 30 inmates each year, adding an average of 1,000 days of incarceration for each inmate. In year one the department projects there will be 30 additional inmates.

This bill establishes contemporaneous two-way video conference as a possible appearance mode for some hearings types of hearings when available. The department currently has video conferencing equipment in all of its facilities.

In total, the department projects that this bill increases the department's number of inmates by 554 the first year. This exceeds the department's current capacity. The current general capacity of the department's institutions is 4,664 inmates. The department averaged 4,314 inmates during CY2018 thus leaving the system with additional capacity for 350 additional inmates.

The department projects the need for additional capacity for 204 inmates in year 1. If the department's projections are correct, it will need to reopen the Palmer Correctional Center (PCC) to accommodate the increased population. PCC has a general capacity of 503 inmates. The \$6.0 million costs associated with re-opening PCC are one-time expenses for preparation of the facility and replacement of equipment.

Because the system has capacity for 350 additional inmates, costs for those inmates are calculated at the marginal cost of \$44.98 per day for a cost of \$5,746.2 the first year. Costs for inmates that exceed the current capacity of the system are calculated at the full cost of care of \$168.74 per inmate per day. In the first year the cost for the 204 inmates that exceed existing capacity is \$12,580.4. Thus total increased costs for 554 additional inmates in year one is \$18,326.6.

Health care commodities and services costs were subtracted from that total because are reflected in the OMB component number 2952. Health care costs for those inmates above existing capacity are projected at \$2,746.6 in year one.

The projected costs in the Institution Director's Office in year one are: \$18,326.6 (new inmates) - \$2,746.6 (health care) = \$15,580.0.



# FISCAL NOTE

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

Bill Version CSHB49(FIN)  
Fiscal Note Number \_\_\_\_\_  
( ) Publish Date \_\_\_\_\_

Identifier (file name) HB49CS(FIN)-DOC-PB-05-04-19 Dept. Affected Corrections  
Title Crimes; Sentencing; Mental Illness; Evidence Appropriation Population Management  
Allocation Parole Board  
Sponsor Rules by Request of the Governor  
Requester (H)FIN OMB Component Number 695

## Expenditures/Revenues (Thousands of Dollars)

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

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personal Services	0.0		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

FUND SOURCE	(Thousands of Dollars)						
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Prgm (DGF)							
1007 I/A Rcpts (Other)							
1037 GF/MH (UGF)							
	<b>0.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004 Gen Fund (UGF)							
1002 Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs \_\_\_\_\_ (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs \_\_\_\_\_ (separate capital appropriation required)

Does the bill create or modify a 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? \_\_\_\_\_ Discuss details in analysis section.

Why this fiscal note differs from previous version/comments (if initial version, please note as such)

Updated to reflect changes in the CS. This fiscal note only shows the estimated fiscal impact in FY2020 if this bill is enacted into law. Based on the 2.13.19 Governor's FY2020 request.

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 465-3311  
Date/Time 5/4/2019 10:33 a.m.  
Date 5/4/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB49(FIN)

### Analysis

This bill will reduce the number of inmates who are eligible for discretionary parole and increase the eligibility time frame for murder in the first and second degree from one-third to one-half of their prison sentence. The discretionary hearing process will require the inmate to complete an application in order to be considered for discretionary parole. Earned Compliance Credits will be limited to specific class of crimes and violation sanctions limits will be eliminated.



# FISCAL NOTE

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

Bill Version CSHB49(FIN)  
Fiscal Note Number \_\_\_\_\_  
() Publish Date \_\_\_\_\_

Identifier (file name) HB49CS(FIN)-DOC-PP-05-04-19 Dept. Affected Corrections  
Title Crimes; Sentencing; Mental Illness; Evidence Appropriation Population Management  
Allocation Statewide Probation and Parole  
Sponsor Rules by Request of the Governor  
Requester (H)FIN OMB Component Number 2826

## Expenditures/Revenues (Thousands of Dollars)

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

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personal Services	546.0		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>546.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF	546.0					
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1037	GF/MH (UGF)						
		<b>546.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

POSITIONS							
Full-time		5					
Part-time							
Temporary							

CHANGE IN REVENUES		FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004	Gen Fund (UGF)							
1002	Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs \_\_\_\_\_ (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs \_\_\_\_\_ (separate capital appropriation required)

Does the bill create or modify a 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? \_\_\_\_\_ Discuss details in analysis section.

### Why this fiscal note differs from previous version/comments (if initial version, please note as such)

Updated to reflect changes in CS and impact of changes to eligibility for earned compliance credit. Based on the 2.13.19 Governor's FY2020 request.

Prepared by Teri West, Deputy Director  
Division Administrative Services  
Approved by Sylvan Robb, Admin Services Director for Corrections  
Agency Office of Management and Budget

Phone 465-3311  
Date/Time 5/4/2019 12:45 p.m.  
Date 5/4/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB49(FIN)

### Analysis

The bill allows the court to change the period of probation, but removes the ability to terminate probation. It removes the ability for a probation officer to recommend that probation be terminated. The department does not have data that would enable a projection of the fiscal impact of this change, but it seems likely that with fewer terminations allowed, offenders will spend longer on probation. The cost of probation is \$9.57 per day per probationer.

In different sections, the bill reduces the earned compliance credits (ECC) for probation and parole to one-third the prior amount leading to an increase in the probation and parole caseloads. Because statute limits officers' caseloads to 75 cases, the department will require additional officers to accommodate the increased caseload. It will necessitate a new Adult Probation Officer II in Anchorage, Juneau, Ketchikan, Kodiak, and Kotzebue. These five new positions cost \$546.0.

The bill stipulates that a probationer or parolee found in violation of the conditions of probation or parole forfeits any credits earned thus extending the period of their probation or parole at a cost of \$9.57 per day. The department does not have data that allow it to project the number of individuals impacted by this change and thus the fiscal impact.

The bill repeals mandatory early termination of probation and returns discretion to the judge. This is likely to result in some probationers spending additional time on probation at a cost of \$9.57 per day. The department is unable to project how many probationers are likely to be impacted by this change or the change in the average length of probation.



# FISCAL NOTE

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

DRAFT

Bill Version HB 49  
Fiscal Note Number \_\_\_\_\_  
() Publish Date \_\_\_\_\_

Identifier (file name) HB049CS(FIN)-JUD-ACS-05-04-19 Dept. Affected Judiciary  
Title Crimes; Sentencing; Mental Illness; Evidence Appropriation Alaska Court System  
Allocation Trial Courts  
Sponsor Rules by Request of the Governor  
Requester House Finance OMB Component Number 768

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY2020 Appropriation Requested	Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personal Services	1,040.5		1,040.5	1,040.5	1,040.5	1,040.5	1,040.5
Travel	77.0		77.0	77.0	77.0	77.0	77.0
Services	9.0		9.0	9.0	9.0	9.0	9.0
Commodities	10.0		10.0	10.0	10.0	10.0	10.0
Capital Outlay	0.0		0.0	0.0	0.0	0.0	0.0
Grants, Benefits	0.0		0.0	0.0	0.0	0.0	0.0
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>1,136.5</b>	<b>0.0</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF	1,136.5	0.0	1,136.5	1,136.5	1,136.5	1,136.5
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1037	GF/MH (UGF)						
		<b>1,136.5</b>	<b>0.0</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>

POSITIONS							
Full-time	9		9	9	9	9	9
Part-time							
Temporary							

CHANGE IN REVENUES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004 Gen Fund (UGF)							
1002 Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs \_\_\_\_\_ (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs \_\_\_\_\_ (separate capital appropriation required)

Does the bill create or modify a fund or account? \_\_\_\_\_  
(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? \_\_\_\_\_  
If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

**Why this fiscal note differs from previous version/comments (if initial version, please note as such)**

Revised to account for substantial changes in House Finance CS.

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/Time 5/4/19 12:00 PM  
Date 5/4/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 49

### Analysis

The House Finance Committee Substitute for House Bill 49 changes many categories of criminal offenses and procedures to return them to the way they were written before Senate Bill 91 passed in 2016. It removes the inflation adjuster for theft crimes, allows a new offense for aggregated thefts, reclassifies certain sexual offenses and most drug offenses, changes the length of sentences for misdemeanors and felonies, reclassifies some offenses as crimes (failure to appear), alters bail and pretrial provisions, and alters probation terms. The bill also enacts several new criminal offenses, including possession of motor vehicle theft tools, escape, and 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 six 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 two full-time pro tem judges to help expedite the criminal caseload, at a cost of \$194,000 (salary plus benefits) per judge. Those positions would travel to cover cases as needed statewide, and therefore the court system anticipates travel costs of \$18,000 for each of the pro tem judges. The positions would each require \$1,000 in supplies and \$1,500 in contractual services. The total expenditures for the **two full-time pro tem judges would be \$429,000**. In addition, the pro tem judges must travel with an in-court clerk; this note also includes **travel costs of \$36,000 for the two travelling in-court clerks**.

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).

The provisions of CSHB 49 that change bail decisions, bail review hearings, third-party custodians, and the timing of arraignments to return them to pre-SB 91 laws may result in more bail hearings, but are not expected to have a fiscal impact on the court system. Similarly, the changes to probation terms and credits may lead to more petitions to revoke probation, but that is not likely to have any fiscal impact on the courts. The changes to parole eligibility and parole decisions have no impact on the court either operationally or fiscally.

Sections 1, 94, and 95 include legislative intent and proposed court rule changes concerning videoconference use for court hearings. With the increased focus on video-conferenced appearances for pretrial defendants, the court system is seeking two new positions: one trial court coordinator who would handle the many logistics and arrangements to expand the system statewide, and one technical IS (Information Services) person to set up and maintain equipment. The IS staff person would also need to travel statewide for troubleshooting and to provide ongoing technical assistance, and would incur certain limited costs for supplies and other contractual obligations. The cost would amount to the **videoconference coordinator's salary and benefits (Range 18C, for a total of \$105,400)**, the **IS technician's salary and benefits (Range 18C for a total of \$105,400)**, plus **travel costs of (\$5,000)**, **supplies (\$6,000)**, and **contractual services (\$3,000)**.

Section 98 requires the court system to supply information about certain mental commitment cases to the Department of Public Safety. The court system would need to research cases back to Jan. 1, 2011. All the information required by this provision is available in an electronic format, and therefore this would be a task that the court system could do with no fiscal impact.



# FISCAL NOTE

**STATE OF ALASKA**  
**2019 LEGISLATIVE SESSION**

Bill Version HB 49  
Fiscal Note Number \_\_\_\_\_  
() Publish Date \_\_\_\_\_

Identifier (file name) HB049CS(FIN)-LAW-CRIM-5-4-19 Dept. Affected Department of Law  
Title Crimes; Sentencing; Ment. Illness; Evidence Appropriation Criminal Division  
Allocation Criminal Justice Litigation  
Sponsor House Rules by Request of the Governor  
Requester House Finance OMB Component Number 2202

## Expenditures/Revenues

(Thousands of Dollars)

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

	FY2020 Appropriation Requested	Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personal Services	1,258.8		***	***	***	***	***
Travel	13.6						
Services	196.6						
Commodities	14.6						
Capital Outlay	4.6						
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>1,488.1</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

## FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Prgm (DGF)	1,488.1		***	***	***	***	***
1007 I/A Rcpts (Other)							
1037 GF/MH (UGF)							
	<b>1,488.1</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

## POSITIONS

Full-time	13						
Part-time							
Temporary							

## CHANGE IN REVENUES

	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004 Gen Fund (UGF)							
1002 Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs \_\_\_\_\_ (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs \_\_\_\_\_ (separate capital appropriation required)

Does the bill create or modify a 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? \_\_\_\_\_ Discuss details in analysis section.

## Why this fiscal note differs from previous version/comments (if initial version, please note as such)

This fiscal note differs from the previous version due to the necessary accommodation of the significant changes present in the House Finance committee's Committee Substitute. The legislation was amended to include a number of new sections relating to sex offenses, drug possession, pre-trial and probation.

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

Phone 465-3674  
Date/Time 5/3/19 8:47 PM  
Date 5/4/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 49

### Analysis

This bill makes a number of changes to the state's criminal code, as well as to the statutes affecting pretrial, probation, and parole.

#### **Classification and Sentencing**

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); 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).

In addition, class A misdemeanor sentences are returned to 0-365 days. Class B misdemeanor sentences are increased from 0-10 days to 0-30 days. Additionally, class A and B felony sentencing ranges are increased by approximately 1 year. 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 trafficking 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 makes drug possession offenses a class A misdemeanor (0-365 days) for the first two offenses. On the third offense it is upgraded to a class C felony.

Further, this bill enacts several new criminal offenses. First, it enacts a generalized threat statute. This statute will criminalize making a threat which places a person in fear of serious physical injury with reckless disregard that the threat may cause the evacuation of a building, or a serious public inconvenience. The bill also makes driving with a license that is canceled, suspended, or revoked a class A misdemeanor in all cases. 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 criminal history report (APSIN) 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 criminal history report 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.



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 49

### Analysis

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 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 the potential need for additional prosecutors and associated support staff in subsequent years. Additionally, the recriminalization of all cases of driving with license canceled suspended or revoked will require the Criminal Division to prosecute additional cases. Between 2014 and 2016 the offense of driving with a license that has been canceled suspended or revoked consisted of 17% of the division's misdemeanor caseload. The vast majority of those cases were handled out of the Palmer, Kenai, and Fairbanks district attorney's offices. The increase in work load will require an additional three law office assistants and one prosecutor.

This legislation will have a fiscal impact on the Department of Law. As outlined above, the department anticipates the need for a total addition of six prosecutors and seven support staff should this bill become law.

#### Pre-trial

The bill also returns the bail statutes to where they were in 2015. This includes eliminating the presumptions of release and the requirement that a clear and convincing evidentiary standard be met before a person can be held on monetary bail. It also eliminates the requirement that judges use a risk assessment conducted by the Department of Corrections when making release decisions. Instead, the bill allows a risk assessment to be considered as a factor along with all other information when determining bail and conditions of release.

The department anticipates no fiscal impact from these sections of the legislation at this time.

#### Probation and Parole

The legislation also repeals the caps for technical violations of probation and the court will have the discretion to impose up to the remainder of the suspended sentence when a person violates. A similar provision will be reenacted for parole. The bill also eliminates the statutory timelines for a probation officer to recommend early termination of probation to the court. This returns discretion to the probation officer to make recommendations based on the probationer's performance on probation. The statutory timelines in the parole context are also repealed.

Parole eligibility is also returned to where it was before July 2016. This means non-sex class A felonies, B felonies where the person has one or more prior felony conviction, C felonies with two or more prior felony convictions, and B and C sex felonies will not be eligible for discretionary parole under most circumstances. The factors that the parole board is to consider when determining whether to release the person are also returned to where they were before July 2016.

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 49

### Analysis

The bill eliminates the "clear and convincing" standard which must be found before denying discretionary parole. The bill also eliminates good time credit for time spent on electronic monitoring post-sentencing.

Finally, the bill will modify the earned compliance credit program to grant credit against a person's term of probation or parole upfront. The reduction to a person's period of probation or parole will be at  $\frac{1}{3}$  *instead* of 30 days for every 30 days the person goes without a violation. If a person violates, they will have time added back on to their period of probation or parole.

It is anticipated that the Department of Law will see an increase in litigation similar to what it saw with the original passage of criminal justice reform. However, the department does not anticipate a fiscal impact from these sections of the legislation.

This fiscal note only shows the estimated fiscal impact in FY2020 if this bill is enacted into law.

DRAFT



# FISCAL NOTE

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

Bill Version HB 49  
Fiscal Note Number \_\_\_\_\_  
() Publish Date \_\_\_\_\_

Identifier (file name) HB049CS(FIN)-DPS-CJISP-05-04-19 Dept. Affected Public Safety  
Title CRIMES; SENTENCING; MENT. ILLNESS; EVIDENCE Appropriation Statewide Support  
Allocation Criminal Justice Info Systems Program  
Sponsor Rules by Request of the Governor  
Requester (H) FIN OMB Component Number 3200

## Expenditures/Revenues (Thousands of Dollars)

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

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
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		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1037	GF/MH (UGF)						
		<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	FY2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
1004 Gen Fund (UGF)							
1002 Fed Rcpts (Fed)							
<b>TOTAL CHANGE IN REVENUES</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) operating costs \_\_\_\_\_ (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) costs \_\_\_\_\_ (separate capital appropriation required)

Does the bill create or modify a 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? Yes  
If yes, by what date are the regulations to be adopted, amended, or repealed? 7/1/2020 Discuss details in analysis section.

### Why this fiscal note differs from previous version/comments (if initial version, please note as such)

This version reflects changes made in the CS for Version E.

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Phone 465-4336  
Date/Time 5/4/19 11:15 AM  
Date 5/4/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 49

### Analysis

This bill makes several changes to current law relating to sex offenders and sex offender registration requirements. Specifically, the bill amends the definition of "sex offender or child kidnapper" under AS 12.63.100(6) to include a person who is required to register as a sex offender under the laws of another jurisdiction; and amends the definition of "sex offense" under AS 12.63.100(7) to include the offense of indecent viewing or production of a picture under AS 11.61.123 when punished as a class B or C felony, and offenses in which a person is required to register as a sex offender under the laws of another jurisdiction.

The bill also requires DPS to adopt regulations outlining the process for determining the duration of such offender's duty to register in Alaska, including taking into consideration the period of registration required in the other jurisdiction and providing for tolling or "pausing" of the registration period if out of compliance or incarcerated.

AS 18.65.087 authorizes the Department of Public Safety (DPS) to maintain a central registry of persons required to register as sex offenders and child kidnappers under AS 12.63.010. Within DPS, the Sex Offender/Child Kidnapper Registry office validates, verifies, and notifies sex offenders of the registration requirements. Currently, a person required to register as a sex offender in another jurisdiction is only required to register in Alaska if that person was convicted of an offense that is similar to a sex offense as defined in AS 12.63.100.

This bill also amends uncodified law to require the Alaska Court System to transmit to the Department of Public Safety (DPS) certain records related to involuntary commitments and adjudications of mental illness or mental incompetence that were issued on or after January 1, 2011, 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.

Should this bill pass, DPS anticipates the increase in the number of additional persons who would be required to register as sex offenders in Alaska would be manageable in terms of requiring additional staff or resources, and any additional workload related to transmission of records from the court system can be absorbed with existing staff. Therefore, a zero fiscal note is being submitted.

DPS estimates the regulation process associated with sex offender registration requirements would take no longer than twelve months from the bill's effective date to complete. Therefore, a July 1, 2020, date has been identified as the date by which the regulations would be adopted by.