Fiscal Note

State of Alaska
2021 Legislative Session

Bill Version:	SB 91
Fiscal Note Number:	3
(S) Publish Date:	2/22/2021

Identifier: 0576-DOC-IDO-02-08-21
Title: DETENTION OF MINORS
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Governor

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)

	FY2022 Appropriation Requested	Included in Governor's FY2022 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2022**	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**	**FY 2027**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Fund Source (Operating Only)

None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimated SUPPLEMENTAL (FY2021) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2022) 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If yes, by what date are the regulations to be adopted, amended or repealed?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 verson.

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Division: Office of the Commissioner — Date: 02/08/2021 03:00 PM
Approved By: April Wilkerson, Administrative Services Director — Date: 02/08/21
Agency: Office of Management and Budget

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2021 LEGISLATIVE SESSION

Analysis

This bill makes changes to state laws relating to delinquent minors, which are necessary to comply with the federal Juvenile Justice Reform Act of 2018.

Specifically, the bill amends AS 33.30.011 relating to the duties of the commissioner of the Department of Corrections (DOC) to require DOC to enter into agreements with the Department of Health and Social Services (DHSS) for the detention and care of minors committed to the custody of DOC, and amends AS 47.12 relating to delinquent minors by adding a new section outlining the process for handling minors charged or tried as an adult, including circumstances under which detention in an adult correctional facility is permitted.

Under current law, a person under 18 years of age who is being charged or tried as an adult is held in a DOC facility with sight separation from adult offenders. This bill provides that:

- Unless found by a court to be in the interest of justice, a minor being charged and tried as an adult shall be held in a juvenile detention facility, and transferred to a DOC facility upon turning 18 years of age;
- A minor held in an adult correctional facility for more than four hours to attend court proceedings must be separated by sight and sound from adult offenders; and
- If there is no available juvenile detention facility or a minor poses a serious security risk, a court may order in the interest of justice that a minor be held in an adult correctional facility with or without sight and sound separation from adult offenders for no more than 180 days, unless extended by the court or waived by the minor. Additionally, the court must hold a hearing every 30 days to review the determination.

The average daily number of offenders under 18 years of age incarcerated at a DOC facility in FY2020 was six, with a five-year daily average of seven.

Though passage of this bill is expected to reduce the number of minors in the adult correctional system, there are no anticipated savings associated with the reduction given the low number of minors being held in DOC facilities.

A zero fiscal note is being submitted based on DOC's current operational practices for housing minors, the assumption of a no-cost agreement between DOC and DHSS, and that no facility modifications will be needed to accommodate the sight and sound requirements. Should DOC be required to pay DHSS for the detention and care of minors committed to the custody of DOC, the annual cost to DOC would range from $0 - $449,271 based on DOC's daily cost of care rate of $175.84 ($175.84/day x 365 days/year x 7 minors/year average).