

Fiscal Note

State of Alaska
2025 Legislative Session

Bill Version: HB 97
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB97-LAW-CJL-02-21-25
Title: ORG. RETAIL THEFT/FUND;MKTPLACE SALES
TAX
Sponsor: FIELDS
Requester: (H) Judiciary

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)

	FY2026 Appropriation Requested	Included in Governor's FY2026 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2026	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
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 (FY2025) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2026) 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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Not applicable, initial version.

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Agency: Department of Law

Phone: (907)500-3370
Date: 02/21/2025
Date: 02/21/25

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2025 LEGISLATIVE SESSION

BILL NO. HB97

Analysis

This bill codifies a new theory of theft: organized retail theft. A person commits organized retail theft when one or more persons engages in a coordinated effort to deprive a commercial establishment of merchandise on two or more occasions or as part of a plan to deprive multiple commercial establishments of merchandise over a one-year period. Because this is a theory of theft, the level of the offense will be determined by the dollar amount of the merchandise taken.

The bill also amends the required dollar amounts for the classification of crimes relating to theft and criminal mischief. For example, current law requires the theft of property valued at \$750 or more for the conduct to be theft in the second degree (class C felony). This bill changes that amount to \$500, therefore a person would need to take property valued at \$500 or more to be guilty of theft in the second degree (class C felony).

It is unclear how many additional cases the Criminal Division may see as a result of the criminal aspects of this bill. However, because the conduct in the bill is already criminal, it is assumed that, if there are additional case referrals, they would be able to be handled within the Criminal Division's existing budget. Therefore, the department anticipates no fiscal impact from these provisions.

Finally, the bill creates an organized retail theft fund which will consist of the market place facilitator tax established in the bill. The money in the fund may be appropriated to law enforcement agencies to investigate and prosecute organized retail theft and other property crimes. The Criminal Division likely falls under the definition of "law enforcement agency" in the bill and therefore may be a recipient of these funds. It is unclear how much money will be appropriated to the fund and, then, how much, if any, would be appropriated to the Criminal Division. Therefore, the Criminal Division is unable to determine the impact of this portion of the bill.