

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version: HB 28
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB028CS(JUD)-DPS-CJISP-04-20-23
Title: ACCESS TO MARIJUANA CONVICTION
RECORDS
Sponsor: WRIGHT
Requester: (H) JUDICIARY

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)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2024	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Personal Services	97.7		97.7				
Travel							
Services	72.0		17.0				
Commodities	19.4						
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	189.1	0.0	114.7	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1005 GF/Prgm (DGF)	189.1		114.7				
Total	189.1	0.0	114.7	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary	1.0		1.0				

Change in Revenues

1005 GF/Prgm (DGF)	189.1		114.7				
Total	189.1	0.0	114.7	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2024) 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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Updated fiscal note to address new CS adopted in (H) Judiciary requiring a fee be paid to the Department of Public Safety by persons requesting certain records be restricted from release under Alaska Statute AS 12.62.160(b)(8).

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Agency: Department of Public Safety

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FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

BILL NO. HB 28

Analysis

This bill limits access to certain criminal justice information for individuals convicted under Alaska Statute (AS) 11.71.060, or a municipal ordinance with similar elements, if the defendant was 21 years of age or older at the time the offense was committed, was not convicted of any other criminal charges in the case, and requests the records not be released.

The Department of Public Safety (DPS) Division of Statewide Services maintains the State's criminal history repository. The repository is accessible by criminal justice agencies statewide and is used to provide criminal justice information for criminal history record background checks under AS 12.62. The system would need to be modified in a manner that would restrict these limited convictions from dissemination for certain requests (AS 12.62.160(b)(8)).

There are approximately 8,500 criminal history records in the state's criminal history repository for convictions under applicable variants of AS 11.71.060 or a municipal ordinance with similar elements. Should this bill pass, each of these criminal history records will need to be individually researched upon request of the defendant to determine whether the conviction under AS 11.71.060 meets the criteria in this bill. Because the number of defendant requests is anticipated to be high after the law goes into effect, the DPS will need to hire a Criminal Justice Technician 1/2 to dedicate to this effort for two years with temporary increment funding using program receipts from the fees charged to process the requests. This position would research all requests and update the criminal history repository to restrict the release of these records as outlined in the bill.

Cost for the position is as follows:	<u>Year 1</u>	<u>Year 2</u>
Criminal Justice Technician 1/2, Anchorage	\$97.7	\$97.7
Initial set-up costs for training, office equipment, and supplies	\$18.4	
Ongoing costs for supplies, training, and other contractual obligations	<u>\$17.0</u>	<u>\$17.0</u>
Total:	\$133.1	\$114.7

Additionally, programming changes to the criminal history repository will be needed to restrict the availability of a record as outlined in this bill. The criminal history repository is a legacy mainframe application that requires a programmer with a specialized skill set to modify the system. Based on previous programming changes of this scale and scope, the DPS estimates it will require 400 hours for a contractor to learn, code, and test the system changes to ensure the modifications meet the desired outcome. The commonly accepted rate for a contractor with this skill set is \$140 per hour, for a total estimated cost of \$56,000 for the first year only. The DPS anticipates the costs will be funded through program receipts generated through a \$150 fee collected to process the requests.

Year 1: The department anticipates just over 1,200 requests to limit the release of conviction information under AS 12.62.160(b)(8) as outlined in this bill.

Year 2: The department anticipates just over 750 requests to limit the release of conviction information under AS 12.62.160(b)(8) as outlined in this bill.

The amount of time it will take a Criminal Justice Technician to research a record varies greatly due to the recency of the record and the documentation available from contributing agencies. Since the number of individuals that will submit a request and pay the fee to have records restricted from access under AS 12.62.160(b)(8) is unknown, the DPS has only projected costs for the first two years.