

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	CSSB 53(FIN)
Fiscal Note Number:	8
(S) Publish Date:	5/8/2023

Identifier: SB053CS(SFIN)-LAW-CJL-05-05-23
Title: COMPETENCY; INVOLUNTARY CIVIL
COMMITMENTS
Sponsor: CLAMAN
Requester: (S)FIN

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)

	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	377.8		377.8	377.8	377.8	377.8	377.8
Travel	11.0		8.0	8.0	8.0	8.0	8.0
Services	75.0		75.0	75.0	75.0	75.0	75.0
Commodities	15.0						
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	478.8	0.0	460.8	460.8	460.8	460.8	460.8

Fund Source (Operating Only)

1004 Gen Fund (UGF)	478.8		460.8	460.8	460.8	460.8	460.8
Total	478.8	0.0	460.8	460.8	460.8	460.8	460.8

Positions

Full-time	3.0		3.0	3.0	3.0	3.0	3.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	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If yes, by what date are the regulations to be adopted, amended or repealed?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 to Senate Finance committee substitute

Prepared By: Dayna Mackey, Budget Manager
Division: Administrative Services Division
Approved By: John Skidmore, Deputy Attorney General for Criminal Division
Agency: Department of Law

Phone: (907)465-3674
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REPORTED OUT OF
SFC 05/05/2023

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This bill requires the Criminal Division to file a petition for civil involuntary commitment under AS 47.30 before dismissal of a criminal case due to the defendant being incompetent to stand trial in certain cases. For the cases where the prosecutor is required to file the petition, the prosecutor must then also notify the Civil Division that the petition has been filed and, within 24 hours after the filing of the petition, provided the court's findings to the Civil Division. The process of filing a petition for civil involuntary commitment is not in which prosecutors are currently routinely involved. Therefore, the Criminal Division is requesting one additional attorney and an associated law office assistant located in Anchorage. Between 2020 and 2022 there were approximately 178 cases dismissed because the defendant was not competent and either not restorable or while the person was still on the restoration waitlist.

Additionally, the bill requires the Criminal Division to notify the victim in a criminal case that was dismissed because the person was not competent to stand trial of the time and place of an involuntary commitment hearing under AS 47.30, the length of time for which the respondent is committed and the findings made by the court, and when the respondent is discharged from commitment. The Criminal Division does not currently receive this type of information and, therefore, is currently unable to notify victims. A former defendant could be civilly committed for a lengthy period of time which requires periodic hearings. Therefore, each case which requires this type of notification will require continued contact with the victim. This type of notification will require the addition of one additional paralegal to perform this work.

The expenses for these above mentioned positions include:

Personal Services:	\$377.8 per year for one partially exempt Attorney 5 (range 25), one Law Office Assistant 2 (range 13), and one Paralegal 1 (range 14)
Travel:	\$3.0 in FY2024 for new employee to attend training, and \$8.0 for contested hearings
Services:	\$75.0 for statewide and department allocated core services costs
Commodities:	\$15.0 in FY2024 only for setup costs for new employees