

**** DRAFT ******FISCAL NOTE****** DRAFT ******STATE OF ALASKA
2017 LEGISLATIVE SESSION**

Bill Version **SB 54**
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) SB054-DOC-IDO-11-9-17
 Title **CRIME AND SENTENCING**
 Sponsor **COGHILL**
 Requester _____
 Dept. Affected **Department of Corrections**
 Appropriation **Population Management**
 Allocation **Institution Director's Office**
 OMB Component Number **1381**

Expenditures/Revenues (Thousands of Dollars)

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

	FY18 Appropriation Requested	Included in Governor's FY18 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY18	FY18	FY19	FY20	FY21	FY22	FY23
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	***	0.0	***	***	***	***	***

FUND SOURCE	(Thousands of Dollars)						
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Prgm (DGF)							
1007 I/A Rcpts (Other)							
1178 temp code (UGF)							
	***	0.0	***	***	***	***	***

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES	FY18	FY18	FY19	FY20	FY21	FY22	FY23
1004 Gen Fund (UGF)							
1178 temp code (UGF)							
TOTAL CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY17) operating costs _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY18) costs _____ (separate capital appropriation required)
 (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 If yes, by what date are the regulations to be adopted, amended, or repealed?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 (if initial version, please note as such)

DRAFT - impacts of House CS for CSSB54(FIN) am H dated 11/04/2017

Prepared by April Wilkerson
 Division Administrative Services - Department of Corrections
 Approved by Dean Williams, Commissioner
 Agency Department of Corrections

Phone 907-465-3460
 Date/Time 11/9/17 5:00 PM
 Date 11/9/2017

**** DRAFT ****

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. SB 54

Analysis Continued

This legislation amends several changes to violation of condition of release, sentencing, probation, parole and pretrial statutes passed under Chapter 36, SLA '16 (SB91). These changes will impact the length of imprisonment of those individuals placed under the department's custody and adjusts the anticipated inmate population reductions projected with SB91.

Based on CY2015 offender data and future sentencing assumptions the Department of Corrections (DOC) inmate population could increase by approximately 108 persons per day up to 208 persons per day; however, there is not sufficient data at this time to determine the actual impacts to the prison population. It is anticipated that this legislation could increase the institutional expenditures by \$1,635,535.80 (108 persons) up to \$3,149,920.80 (208 persons) annually based on a daily marginal rate of \$41.49. Expenditures would range from personal services of existing positions, inmate travel, security and safety services as well as commodity expenditures associated with inmate housing i.e. food, clothing, bedding, medical and security supplies, etc.

The following is a breakdown of the cost stated above by section:

AS 11.46 amends the felony and misdemeanor theft threshold value of property or services from \$1,000.00 to \$750.00. This section will potentially increase the number of offenders placed under the department's custody and increase the institutional expenditures by \$0.00 (no persons) up to \$41.49 per day (based on a daily marginal rate) for each offender incarcerated under this legislation; however, there is not sufficient data at this time to determine the full impact to the prison population of this legislation. DOC will continue to monitor the financial impacts of this legislation if passed.

AS 11.46.140(a) amends theft in the third degree and AS 11.46.220(c) amends concealment of merchandise to include persons convicted and sentenced on three or more separate occasions of theft or concealment within the past five years when the value is less than \$250.00. It is anticipated that this section will increase the institutional expenditures by \$0.00 (no persons) up to \$439,171.65 (29 persons) annually based on a daily marginal rate of \$41.49. This assumption is based upon previous offender projections and preliminary DOC offender data; however, there is not sufficient data at this time to determine the full impact to the prison population of this legislation. DOC will continue to monitor the financial impacts of this legislation if passed.

AS 11.46.486(a)(3) is amended to reflect criminal mischief in the fifth degree if a person rides in a propelled vehicle and, with criminal negligence, disregards the fact that the vehicle has been stolen. Violations under this section could increase the number of offenders placed under the department's custody and increase the institutional expenditures by \$0.00 (no persons) up to \$41.49 per day (based on a daily marginal rate) for each offender incarcerated under this legislation; however, there is currently no persons incarcerated within the department's custody under this statute and it is expected to have minimal fiscal impacts. DOC will continue to monitor the financial impacts of this legislation if passed.

AS 11.71.140(c) adds U-47700 to Alaska's list of schedule IA substances. Violation of this section of statute is misconduct involving a controlled substance and could increase the number of offenders placed under the department's custody. The DOC projects an increase to the inmate population from approximately \$0.00 (no time served) to \$41.49 per day (based on a daily marginal rate) for each offender incarcerated under this legislation; however, there is not sufficient data at this time to determine the full impact to the prison population of this legislation. DOC will continue to monitor the financial impacts of this legislation if passed.

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. SB 54

Analysis Continued

AS 12.30.006(b) is amended increasing the number of hours that a person can be detained from 24 to 48 if the release of a person charged with a class C felony, or unclassified class A or class B felony would pose a danger to the victim, other persons, or community. The DOC projects an increase to the inmate population from approximately \$0.00 (no time served) to \$41.49 per day (based on a daily marginal rate) for each offender incarcerated under this legislation. During FY2017 there were 1,548 felony bookings where the stay was 24 hours or less; however, the department is unable to identify the number of persons that would meet the criteria of this legislation. DOC will continue to monitor the financial impacts of this legislation if passed.

AS 12.30.011(l) adds a new subsection requirement if the Supreme Court establishes a schedule of bail amounts or condition of release for misdemeanor offenses. The schedule established must include a condition that a correctional facility conduct a chemical breathalyzer testing of the persons who have been arrested and who are intoxicated; it also allows the department to detain the person until the test results indicate that the person's breath has less than 0.08 grams of alcohol for each 210 liters of breath or release to a person who is willing and able to provide care to the defendant. At this time there is not sufficient data to determine the full impact to the prison population of this legislation. DOC will continue to monitor the financial impacts of this legislation if passed.

AS 12.55.025 is amended to eliminate Administrative Parole. The potential financial impacts to the Department would be \$41.49 per day (based on a daily marginal rate) for each offender that remains incarcerated; however, there is not sufficient data at this time to determine the full impact to the prison population of this legislation. DOC will continue to monitor the financial impacts of this legislation if passed.

AS 12.55.027(h) adds a new subsection requiring individuals who have been convicted of an unclassified, class A/B felony, mentally ill, or sex felony to remain incarcerated while awaiting sentencing and provides clarification regarding ineligibility for release under AS 12.30.040(b). It is anticipated this legislation will have no fiscal impact to the department.

AS 12.55.090(g) is amended increasing the length of probation from one year to 18 months before a probation officer is required to request early termination. Based on current practice and caseload capacity, there is no immediate anticipated fiscal impact of this legislation if passed.

AS 12.55.125(c) is amended to increase the sentencing range for possessing a firearm, dangerous instrument, or causing injury or death and knowingly directing such conduct at a uniformed officer from 5-9 years to 7-11 years (class A felony). It is anticipated that this section would increase the institutional expenditures by \$0.00 (no persons) up to \$41.49 per day (based on a daily marginal rate) for each offender incarcerated under this legislation; however, there is not sufficient data at this time to determine the full impact to the prison population of this legislation. DOC will continue to monitor the financial impacts of this legislation if passed.

AS 12.55.125(e) (l) amends first time felony C convictions allowing for imprisonment of zero to 2 years; and one to four years for second felony convictions. Using the sentencing assumption from Department of Law for the different categories of class C felonies (alcohol, drugs, person, property, public order/administration, transportation, weapons), and the available offender data from CY2015, the DOC projects a minimum increase to the inmate population from approximately 108 persons per day up to 168 persons per day at an annual cost of \$1,635,535.80 up to \$2,544,166.80 annually based on a daily marginal rate of \$41.49/bed. This assumption is based on the number of persons convicted of a first time C felony during 2015 and adjusting for the Department of Law's anticipated future sentencing ranges to identify the anticipated daily increase to the offender population that will be incarcerated under this section; however, the department is currently unable to determine the actual impacts of the allowable increased imprisonment length that would be requested by Department of Law or imposed by the Court system. DOC will track and monitor for future fiscal impacts if passed.

**STATE OF ALASKA
2017 LEGISLATIVE SESSION**

BILL NO. SB 54

Analysis Continued

AS 12.55.135(a) amends class A misdemeanor sentencing for those convicted under AS 11.61.116(c)(2) sending an explicit image of a minor to an internet website that is accessible to the public. This section will potentially increase the number of offenders placed under the department's custody and increase the institutional expenditures by \$0.00 (no persons) up to \$41.49 per day (based on a daily marginal rate) for each offender incarcerated under this legislation; however, there is not sufficient data at this time to determine the full impact to the prison population of this legislation. DOC will continue to monitor the financial impacts of this legislation if passed.

AS 12.55.135(b) amends violation of conditions of release as a B misdemeanor and allows sentences of not more than five days for violations of AS 11.56.757. It is projected that this section will increase the institutional expenditures by \$0.00 (no persons) to \$136,294.65 (nine persons) annually based on a daily marginal rate of \$41.49. This assumption is based upon previous offender projections and preliminary DOC offender data. DOC will track and monitor for future fiscal impacts if passed.

AS 12.55.135(l) amends sentencing for a person convicted of theft in the fourth degree and adds a sentence of not more than 15 days of active imprisonment and a term of probation of not more than six months if the person has previously been convicted two times of a similar offense; a sentence of more than 10 days of active imprisonment and a term of probation of more than six months if the person has been previously convicted once of a similar offense; and a sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of a similar offense. It is anticipated that this section will increase the institutional expenditures by \$0.00 (no persons) up to \$30,287.70 (two persons) annually based on a daily marginal rate of \$41.49. This assumption is based upon previous offender projections and preliminary DOC offender data. DOC will track and monitor for future fiscal impacts if passed.

AS 12.55.145(a)(5) adds a new section establishing a period of look back when considering prior convictions in imposing sentencing under AS 12.55.135(a). The department is unable to quantify the impacts of this section at this time as not all misdemeanor convictions result in incarceration. The department only has data on individuals who are or were incarcerated. DOC will track and monitor for future fiscal impacts if passed.

AS 33.05.020(h) and AS 33.16.270 are amended adding the requirement that probationers/parolees convicted of a sex offense or a crime involving domestic violence complete all treatment programs required as a condition of probation/parole before being discharged from probation/parole regardless of compliance credits earned. It is not anticipated this section will have a financial impact on the department; however, the department will continue to monitor the financial impacts of this legislation if passed.

AS 33.05.040(b) adds a new subsection limiting the average caseload that a probation/parole officer may supervise to 75 cases per officer. Based on current statewide resources and caseloads this section will not have an initial financial impact; however, as average caseloads exceed current resources additional funding will be needed to fill existing unfunded positions at a cost of \$100,000.00 per position needed. In addition, one new adult probation officer position (range 14/16) at an average annual cost of \$100,000.00 (salary and benefits) plus \$15,000.00 daily operating costs (excluding one-time start-up costs) will be needed for every 75 cases exceeding capacity.