

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: **HB 271**
 () Publish Date: _____

Identifier (file name): HB271-LAW-CRIM-01-28-10 Dept. Affected: LAW
 Title An act relating to offenses of driving while under the influence of RDU CRIMINAL
 alcoholic beverage, inhalant, or controlled substance and refusal to submit to a test. Component Criminal Justice Litigation
 Sponsor Representative Hawker
 Requester Judiciary Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services	339.0		339.0	339.0	339.0	339.0	339.0	339.0
Travel	1.8		1.8	1.8	1.8	1.8	1.8	1.8
Contractual	49.5		49.5	49.5	49.5	49.5	49.5	49.5
Supplies	7.8		7.8	7.8	7.8	7.8	7.8	7.8
Equipment	1.9		1.9	1.9	1.9	1.9	1.9	1.9
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	400.0	0.0	400.0	400.0	400.0	400.0	400.0	400.0
CAPITAL EXPENDITURES								
CHANGE IN REVENUES ()								

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	400.0		400.0	400.0	400.0	400.0	400.0	400.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	400.0	0.0	400.0	400.0	400.0	400.0	400.0	400.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time	2.0		2	2	2	2	2
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

See attached page...

Prepared by: Eileen Donahue, Division Operations Manager
 Division Administrative Services
 Approved by: Daniel S. Sullivan, Attorney General
 Department of Law

Phone 465-5427
 Date/Time 1/28/10 12:00 AM
 Date 1/28/2010

FISCAL NOTE

**STATE OF ALASKA
2010 LEGISLATIVE SESSION**

BILL NO. HB 271

ANALYSIS CONTINUATION

The bill requires a judge to order a person charged with drunk driving or refusal to submit to a breath test to impose, as a condition of pretrial release, that the person may not drive a vehicle without an ignition interlock device. Further, as a condition of pretrial release, if the defendant's vehicle was impounded at arrest, the vehicle may not be returned to the owner until such a device is installed on the vehicle.

The bill also makes a second drunk driving or refusal within a 10 year period a class C felony. It makes the mandatory terms of imprisonment, fines, and other terms that currently apply to the third conviction apply to the second conviction.

The bill will result in an increased number of felony cases being prosecuted by the Department of Law. Felony prosecutions are much more resource intensive than misdemeanor prosecutions. Because the penalties are so much higher, defendants are more likely to vigorously challenge the charge, and less likely to settle prior to trial. The Criminal Division anticipates it would need 2 new FTE attorney positions to handle these new felony cases, to both screen referrals and prosecute those that are accepted.