

# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version **CSHB367-ACS-TRC-4-04-12**  
 Fiscal Note Number \_\_\_\_\_  
 Publish Date \_\_\_\_\_

Identifier (file name) CSHB367-ACS-TRC-4-04-2012 Dept. Affected Alaska Court System  
 Title Mitigation at sentencing for defendant with FASD Appropriation Trial Courts  
 Allocation \_\_\_\_\_  
 Sponsor House Health and Social Services  
 Requester \_\_\_\_\_ OMB Component Number 768

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE (Thousands of Dollars)							
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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**Estimated SUPPLEMENTAL (FY12) operating costs** \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY13) costs** \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Initial version

Prepared by Nancy Meade, General Counsel  
 Division Alaska Court System  
 Approved by Nancy Meade for Christine Johnson, Administrative Director  
 Alaska Court System

Phone 907-463-4736  
 Date/Time 4/04/2012 11:00 a.m.  
 Date 4/4/2012

## FISCAL NOTE

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BILL NO. CSHB367-ACS-TRC-4-04-12

### Analysis

House Bill 367 adds a new factor to the list of mitigating factors in AS 12.55.155(d) that the court shall consider at sentencing if proven. If proven, the court may then impose a sentence below the presumptive range for certain crimes. Specifically, except for defendants convicted of offenses against persons and first degree arson, a defendant may show that he or she committed the offense while suffering from a diagnosed fetal alcohol spectrum disorder, that the disorder substantially impaired the defendant's judgment (or behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life), and that the disorder significantly affected his or her conduct.

The court cannot predict the number of cases in which defendants will attempt to prove this factor as a mitigator at sentencing, but believes the sentencing hearings will be held and handled in the normal course without a fiscal impact. The Alaska Court System therefore submits a zero fiscal note.