

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 315
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB315-LAW-CRIM-03-21-14
Title: JURY NULLIFICATION
Sponsor: T.WILSON
Requester: (H) JUDICIARY

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)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(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If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version, not applicable.

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Division:	Department of Law	Date:	03/24/2014 10:40 AM
Approved By:	Michael C. Geraghty, Attorney General	Date:	03/24/14
Agency:	Department of Law		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 315

Analysis

This bill would allow the defendant to have a judge inform the jury, in a criminal case, that it is in their authority to disregard the law of the state and return a verdict according to their conscience. It also would allow a defendant to present evidence to the jury that otherwise might not be allowed under the rules of evidence. If the defendant does so, the state may rebut with evidence that also might not be allowed under the rules of evidence.

Passage of this bill would result in more cases being brought to trial by jury because even though the offender does not dispute that he or she broke the law, the offender could argue for the jury to not follow the law. Because this approach of allowing jurors to disregard the law is a new approach to juris prudence in this state, it is impossible to determine the number of additional trials which will occur and, hence, the cost to the Department. Trials where a jury determines whether or not to follow the law will also take more resources and time. Presently, the state presents a case with sufficient evidence proving guilt for a trial judge to allow a case to go to a jury. The defense may present evidence or choose to rely on the perceived failure of proof of the state's case. Jury nullification will add an additional stage to trials, that is, the appropriateness of the law and whether the law should be applied in the circumstances of the particular case. Again, this departure from the present juris prudence in Alaska will add to the cost of trials in a manner which cannot be determined at this time.