

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 201(JUD)
Fiscal Note Number: 5
(S) Publish Date: 3/31/14

Identifier: SB201-DPS-DET-03-14-14
Title: CRIMINAL TRESPASS ON PRIVATE PROPERTY
Sponsor: STEDMAN
Requester: Senate Judiciary

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska State Trooper Detachments
OMB Component Number: 2325

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	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Not applicable, initial version.

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Division: <u>Alaska State Troopers</u>	Date: <u>03/14/2014 01:30 PM</u>
Approved By: <u>Gary Folger, Commissioner</u>	Date: <u>03/14/14</u>
Agency: <u>Department of Public Safety</u>	

FISCAL NOTE ANALYSIS #5

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 201(JUD)

Analysis

This bill proposes to repeal subsections (b) and (c) from AS 11.46.350 relating to the definition of terms used in burglary and criminal trespass laws; essentially removing the exception (privilege) that allows a person to remain on private property that is unimproved and apparently unused land unless notice is given. This specifically relates to criminal trespass in the second degree under AS 11.46.330.

Criminal trespass in the second degree has a default culpable mental state of "knowingly " per AS 11.81.610. The definitions contained in AS 11.46.350(b) and (c) give parameters of what constitutes "knowingly" for the purposes of trespassing onto private property that is unimproved and apparently unused. If (b) and (c) are removed, "knowingly" will default to the definition given in AS 11.81.900 which is more ambiguous than the necessary conduct described in (b) and (c).

Though it is anticipated that the Alaska State Troopers may spend more time investigating reported trespass cases on unimproved land trying to establish whether the conduct would constitute "knowingly" trespassed, this is part of the normal job duties of a trooper and would therefore not result in a fiscal impact. Consequently, a zero fiscal note is being submitted.