

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 178
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB178-LAW-CRIM-03-29-13
Title: RECLASSIFYING CERTAIN DRUG OFFENSES
Sponsor: ISAACSON
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)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2014	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
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 (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

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If yes, by what date are the regulations to be adopted, amended or repealed?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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Phone: (907)465-5427
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Date: 03/29/13

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB 178

Analysis

Under current law it is a class C felony to possess any amount of a Schedule IA controlled substance (for example opium or morphine) or a Schedule IIA controlled substance (for example cocaine or LSD). HB 178 would make possession of these controlled substances a class C felony (1) if the defendant, in the five years preceding the offense, had been convicted two or more times of misconduct involving a controlled substance in the first, second, third, fourth, or fifth degrees, or a law or ordinance in another jurisdiction with similar elements; (2) possesses 15 or more tablets, ampules, or syrettes containing a schedule IA or IIA controlled substance; or (3) or possesses three or more grams of a preparation containing a schedule IA or IIA controlled substance, unless it is heroin, in which case it would be a class C felony to possess 500 milligrams or more, or unless it is LSD, in which case it would be a class C felony to possess 300 milligrams or more.

HB 178 would make possession of lesser amounts of substances described in (2) and (3) above, a class A misdemeanor under AS 11.71.150.

The fiscal note is indeterminate. Generally, reducing an offense from a felony to a misdemeanor creates a savings in the criminal justice system. Felony trials generally take more of a prosecutor's time than do misdemeanor trials. However, sometimes there are unforeseen consequences. For example, with the increased complexity in the law, this bill will probably require more time in screening and evaluating cases. Further, it is likely that a case involving possession with intent to distribute a controlled substance, which would be charged as a class B felony, would go to trial on that charge rather than be resolved as a class A misdemeanor for simple possession. These are factors, along with others, that we cannot predict at this time.