

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB091CSSS(STA)-ACS-TRC-03-07-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senate State Affairs Committee

Department: Judiciary
Appropriation: Alaska Court System
Allocation: Trial Courts
OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
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						

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Senate State Affairs Committee substitute; revisions had minimal effect on Alaska Court System. Fiscal impact is unchanged from initial version.

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Division: <u>Alaska Court System</u>	Date: <u>03/07/2016 04:00 PM</u>
Approved By: <u>Nancy Meade for Christine Johnson, Administrative Director</u>	Date: <u>03/07/16</u>
Agency: <u>Alaska Court System</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB91

Analysis

The Senate State Affairs Committee Substitute for the Sponsor Substitute for Senate Bill 91 (version P) makes changes to numerous areas of criminal law and procedure, including changes to bail decision-making, sentencing, probation practices, and driver license revocations and reinstatements. Many of the revisions in the bill stem from recommendations made by the Alaska Criminal Justice Commission, created in 2014 through SB 64. The majority of the changes made in SB 91 directly affect either the Department of Corrections (changes in probation supervision practices, risk assessments, and re-entry programs for prisoners) or another state agency.

The changes in SB 91 that do affect the court system's procedures or cases will be incorporated into the court's normal handling of cases and hearings with no fiscal impact. Some sections of the bill may increase the court's workload, while others may decrease it. Overall, the court system anticipates that the changes in the bill will balance, leading to this zero fiscal note.

For example, the court may see more bail review hearings because the standard for getting a hearing will include the inability to pay the bail amount that was set; we may see an increase in petitions to revoke probation since probation officers may be encouraged to file a petition for any and all violations of conditions; and the court may be conducting hearings on bail issues for parolees. The court system will need to develop new procedures in cooperation with the Department of Corrections to enable the Pretrial Services Officers to transmit needed risk assessment results and recommendations to the courts around the state, a project that will take time and coordination. The court system will also be required to establish a mechanism for sending additional reminder notices to defendants with information about their hearings (direct court rule amendment in section 136).

On the other hand, the bill may lead to some hearings being eliminated because some criminal misdemeanors will become violations, and some felonies will become misdemeanors. It is not fully clear whether the limited license provisions will result in additional hearings for individuals whose DUI cases are fully closed, and who wish to reinstate their driving licenses.

The changes in the Senate State Affairs Committee Substitute changes the categorization of certain drug and theft offenses, returns certain crimes and violations to their previous status (before the SS for SB 91 altered them), adds additional exceptions to the provision that presumes a citation be issued in lieu of arrest, limits the number of bail hearings that can be obtained based on an inability to pay to one per defendant, and removes language limiting the number of victims that can provide testimony at a probation hearing. Many of the changes affect agencies other than the court system.

On balance, with the changes in the CS, the court system continues to anticipate that it can implement the changes called for in SB 91CSSL(STA) without fiscal impact.