

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 118
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB118-LAW-CRIM-04-07-17
Title: COMPENSATION FOR WRONGFUL
CONVICTION
Sponsor: KAWASAKI
Requester: House Health & Social Services

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)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
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

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) 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If yes, by what date are the regulations to be adopted, amended or repealed?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.

Prepared By: Valerie Rose, Budget Analyst
Division: Administrative Services Division
Approved By: Jahna Lindemuth, Attorney General
Agency: Department of Law
Phone: (907)465-3674
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Date: 04/07/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB 118

Analysis

This legislation allows a person to request compensation if their conviction was vacated or reversed because the person was not guilty and the charges were later dismissed or they were found not guilty upon retrial; or if the person was pardoned because of innocence or wrongful conviction. The person cannot have committed any of the crimes charged in the criminal action and they cannot have committed perjury or induced another person to commit perjury. Except for good cause, the request must be made within two years after their case is dismissed, a not guilty verdict was entered, or they were pardoned. A person who meets the requirements of this legislation is entitled to compensation in the amount of \$50,000 per year of imprisonment; the total compensation a person could receive is capped at \$2,000,000.

It is anticipated this bill will increase the number of hearings the Department of Law must participate in; however, it is unknown how many claims will be made under the parameters of this bill and thus the additional cost is indeterminate. Each claim will need to be evaluated to determine if a particular case meets the elements of the bill and if compensation is authorized. For each claim, the Department of Law would likely issue written findings supporting the Attorney General's decision. If a claim was denied, and an appeal was referred to the Office of Administrative Hearings (OAH), the cost from OAH would be \$191 per hour. Payments resulting from this legislation would be paid outside the Department of Law's operating appropriations.