

Fiscal Note

State of Alaska
2019 Legislative Session

Bill Version:	HB 50
Fiscal Note Number:	1
(H) Publish Date:	2/20/2019

Identifier: 0030-LAW-CRIM-1-20-19

Department: Department of Law

Title: ARREST;RELEASE;SENTENCING;PROBATION

Appropriation: Criminal Division

Sponsor: RLS BY REQUEST OF THE GOVERNOR

Allocation: Criminal Justice Litigation

Requester: Governor

OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2020	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
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

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2019) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2020) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - 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If yes, by what date are the regulations to be adopted, amended or repealed?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/comments:

Not applicable, initial version.

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Date: 01/20/2019 12:57 PM
Date: 01/20/19

FISCAL NOTE ANALYSIS

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Analysis

This bill returns the bail statutes to where they were in 2015. This includes eliminating the presumptions of release and the requirement that a clear and convincing evidentiary standard be met before a person can be held on monetary bail. It also eliminates the requirement that judges use a risk assessment conducted by the Department of Corrections when making release decisions. Additionally, the bill requires that arraignments be conducted within 48 hours of arrest instead of within 24 hours as it is under current law. It also allows a defendant's attorney to agree to a trial continuance and caps the amount of jail credit a person can receive for time spent in a treatment facility at six months.

The bill repeals the pretrial services program within the Department of Corrections and once again allows a court to order a third-party custodian as a condition of release. Under a third-party custodian system, the court has the discretion to release an offender on bail to a 24-hour/7 day-a-week "sight and sound" custodian. The third-party custodian is required by court order to report any bail violation to the court system and prosecutor's office. The court must hold an evidentiary hearing to determine whether the proposed third-party custodian meets the qualifications of the court and will comply with the court's orders. This may increase the number, length, and complexity of bail hearings.

The Department of Law also anticipates that there will be an increase in bail hearings as the pretrial services program winds down. The elimination of this program will require that all persons under pretrial supervision have a bail hearing so a judicial officer may reevaluate the bail and conditions previously set in light of the fact that the defendant will no longer be supervised.

Although it is anticipated that the Department of Law will see an increase in the litigation as a result of this legislation, it is anticipated that the increased workload will be temporary and reduce over time. As a result, the department anticipates no fiscal impact at this time.