

Fiscal Note

State of Alaska
2019 Legislative Session

Bill Version:	HB 51
Fiscal Note Number:	1
(H) Publish Date:	2/20/2019

Identifier: 0031-LAW-CRIM-1-20-19
Title: PROBATION; PAROLE; SENTENCES; CREDITS
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Governor

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)

	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If yes, by what date are the regulations to be adopted, amended or repealed?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 01:06 PM
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FISCAL NOTE ANALYSIS

STATE OF ALASKA
2019 LEGISLATIVE SESSION

Analysis

This legislation repeals a number of aspects of criminal justice reform and modifies the earned compliance credit system.

Under this legislation, the caps for technical violations of probation are repealed and the court will have the discretion to impose up to the remainder of the suspended sentence when a person violates. A similar provision will be reenacted for parole. The bill also eliminates the statutory timelines for a probation officer to recommend early termination of probation to the court. This returns discretion to the probation officer to make recommendations based on the probationer's performance on probation. The statutory timelines in the parole context are also repealed.

Parole eligibility is returned to where it was before July 2016. This means non-sex class A felonies, B felonies where the person has one or more prior felony conviction, C felonies with two or more prior felony convictions, and B and C sex felonies will not be eligible for discretionary parole under most circumstances. The factors that the parole board is to consider when determining whether to release the person are also returned to where they were before July 2016. The bill eliminates the "clear and convincing" standard which must be found before denying discretionary parole. The bill also eliminates good time credit for time spent on electronic monitoring post-sentencing.

Finally, the bill will modify the earned compliance credit program to allow for one day of credit for every three days without a violation. If a person commits a violation they will lose all previously earned credit and start over. Further, sex offenders are ineligible for earned compliance credits. The earned compliance credit program is in place for both probationers and parolees.

It is anticipated that the Department of Law will see an increase in litigation similar to what it saw with the original passage of criminal justice reform. However, the department does not anticipate a fiscal impact from this legislation due to narrow aspect of this bill.