

Fiscal Note

State of Alaska
2019 Legislative Session

Bill Version: HB 10
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB10-DOC-IDO-3-30-19
Title: CONTROLLED SUBSTANCE POSSESSION;
SENTENCE
Sponsor: KOPP
Requester: (H)STA

Department: Department of Corrections
Appropriation: Population Management
Allocation: Institution Director's Office
OMB Component Number: 1381

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	76.4		88.7	88.7	88.7	88.7	88.7
Total Operating	76.4	0.0	88.7	88.7	88.7	88.7	88.7

Fund Source (Operating Only)

1004 Gen Fund (UGF)	76.4		88.7	88.7	88.7	88.7	88.7
Total	76.4	0.0	88.7	88.7	88.7	88.7	88.7

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If yes, by what date are the regulations to be adopted, amended or repealed?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. Based on the 2.13.19 Governor's FY2020 request.

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Agency: Office of Management and Budget

Phone: (907)465-3311
Date: 03/30/2019
Date: 03/30/19

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2019 LEGISLATIVE SESSION

BILL NO. HB10

Analysis

This bill adds a new paragraph to misconduct involving a controlled substance (MICS) in the third degree that looks at certain prior MICS convictions as a condition for a conviction under this new offense paragraph. Over the last five years, there have been an average of 286 incarcerations as a result of a conviction for this offense. The department has determined that in the past instances of an offender being convicted of MICS in the fourth degree with at least two prior convictions was uncommon. The department estimates convictions under this paragraph for prior convictions of AS11.71.040(a)(12) and similar offenses in another jurisdiction will be similar to prior convictions of AS11.71.050.

The department projects that in the first year 12 offenders will be convicted of AS 11.71.040(a)(12) who would have otherwise been convicted of AS 11.71.050 resulting in a projected increase of 117.64 incarceration days for each offender. This will result in an increase in the daily prison population of 3.87 the first year with a cost of \$238.4. Starting the second year and every year thereafter, the department projects 14 offenders will be convicted of AS 11.71.040(a)(12) annually who would have otherwise been convicted of AS 11.71.050 resulting in a projected increase of 117.64 incarceration days for each offender. This will result in an increase in the daily prison population of 4.51 per year with a cost of \$277.8 each year.

This bill also adds a new section on substitution of judgement. An offender convicted of AS11.71.040(a)(12) who is otherwise qualified may substitute treatment for incarceration so long as the offender has no prior convictions for offenses against a person (AS11.41) in Alaska or another jurisdiction. The department estimates half of those convicted of AS11.71.040(a)(12) will not have a prior conviction for an offense against a person. The department projects this will result in a reduction of 2.63 inmates in the daily average prison population the first year for a savings of \$162.0. The department projects this will result in a reduction of 3.07 inmates in the daily average prison population the second year and every year thereafter for a savings of \$189.1 each year.

This bill adds AS11.71.040(a)(12) to the list of convictions that make an offender *ineligible* for suspension of sentence. This may increase the prison population, but the department does not have data that allow it to project the change.