

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SSHB020CS(FIN)-DOA-OPA-4-28-19  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: (H) Finance

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

## 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	300.0		300.0	300.0	300.0	300.0	300.0
Travel	4.6		4.6	4.6	4.6	4.6	4.6
Services	43.7		43.7	43.7	43.7	43.7	43.7
Commodities	2.6		2.6	2.6	2.6	2.6	2.6
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>350.9</b>	<b>0.0</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	350.9		350.9	350.9	350.9	350.9	350.9
<b>Total</b>	<b>350.9</b>	<b>0.0</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>	<b>350.9</b>

## Positions

Full-time	3.0		3.0	3.0	3.0	3.0	3.0
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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If yes, by what date are the regulations to be adopted, amended or repealed?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:

There were substantial changes made in the adopted Committee Substitute. This update is based on the DOL's increase in caseload information.

Prepared By:	James Stinson, Director	Phone:	(907)269-3504
Division:	Office of Public Advocacy (OPA)	Date:	04/28/2019
Approved By:	Cheryl Lowenstein, Director	Date:	04/28/19
Agency:	Office of Management and Budget		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 20

### Analysis

This bill reverts a number of criminal laws and sentences back to what they were in 2015.

B felony sentences are returned to their 2015 ranges; this means the sentencing ranges for nearly B felonies is increased by approximately 2 years.

All drug offenses are reenacted to be consistent to what they were in 2015. This includes reenacting an A felony level offense for the distribution of heroin and repealing the amount-based system in current law. Further, the enhanced sentences for manufacturing methamphetamine around children is reenacted. The bill also returns all possessory drug offenses to the class C felony level.

Additionally, this bill establishes the crime of removal of an electronic monitoring device when the person is under pretrial detention. The bill also allows a prosecutor to use a person's rap sheet at the grand jury phase of a case to prove the existence of prior convictions when prior convictions are an element of the offense charged (i.e. felon in possession or felony assault due to prior assault convictions).

The bill also lowers the mental state for sexual assault in the second and third degrees when the victim is mentally incompetent, incapacitated, or unaware that the sexual act is being committed from "knowing" to "reckless." This change may result in additional prosecutions under these sections of law.

According to the Department of Law, the creation of the new criminal offense will require the Department of Law's Criminal Division to engage in additional litigation. However, the ability to use a rap sheet at grand jury should provide a cost efficiency as it often takes days to weeks to obtain a certified judgment. The reprioritization of drug offenses as felonies will likely increase law enforcement referrals. It is anticipated that felony drug prosecutions will return to their pre-2016 levels – between 2015 and 2017, felony drug prosecutions dropped approximately 70% (or approximately 740 cases).

The Department of Law has reported an expected increase in referrals from law enforcement for drug related crime as a result of increasing the charge level and penalties for these crimes. The Department of Law anticipates felony drug cases to increase to the levels they were at in 2016 and estimate an increase of least 750 felony cases annually. Cases with increased penalties and higher charging levels require more litigation throughout all stages of litigation, but particularly increase jury trials, contested sentencing hearings, and post-conviction litigation.

The Office of Public Advocacy (OPA) receives approximately 25% of the cases referred to The Public Defender Agency as conflict cases. OPA has seen workload growth and increased appointments in recent fiscal years and is unable to absorb additional increases in workload with current staffing. The agency would need an additional two attorney positions and one staff position to handle the anticipated increase in workload from the passage of this legislation.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SSHB020CS(FIN)-DOA-PDA-4-28-19  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: (H) Finance

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

## 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	837.3		837.3	837.3	837.3	837.3	837.3
Travel	18.2		18.2	18.2	18.2	18.2	18.2
Services	174.9		174.9	174.9	174.9	174.9	174.9
Commodities	10.3		10.3	10.3	10.3	10.3	10.3
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>1,040.7</b>	<b>0.0</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	1,040.7		1,040.7	1,040.7	1,040.7	1,040.7	1,040.7
<b>Total</b>	<b>1,040.7</b>	<b>0.0</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>	<b>1,040.7</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

1004 Gen Fund (UGF)	8.0		8.0	8.0	8.0	8.0	8.0
<b>Total</b>	<b>8.0</b>	<b>0.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

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:

There were substantial changes made in the adopted Committee Substitute. This update is based on the DOL's increase in caseload information.

Prepared By: Beth Goldstein, Director  
Division: Public Defender Agency  
Approved By: Cheryl Lowenstein, Director  
Agency: Office of Management and Budget

Phone: (907)334-4414  
Date: 04/28/2019  
Date: 04/28/19

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 20

### Analysis

This bill reverts a number of criminal laws and sentences back to what they were in 2015.

B felony sentences are returned to their 2015 ranges; this means the sentencing ranges for nearly B felonies is increased by approximately 2 years.

All drug offenses are reenacted to be consistent to what they were in 2015. This includes reenacting an A felony level offense for the distribution of heroin and repealing the amount-based system in current law. Further, the enhanced sentences for manufacturing methamphetamine around children is reenacted. The bill also returns all possessory drug offenses to the class C felony level.

Additionally, this bill establishes the crime of removal of an electronic monitoring device when the person is under pretrial detention. The bill also allows a prosecutor to use a person's rap sheet at the grand jury phase of a case to prove the existence of prior convictions when prior convictions are an element of the offense charged (i.e. felon in possession or felony assault due to prior assault convictions).

The bill also lowers the mental state for sexual assault in the second and third degrees when the victim is mentally incompetent, incapacitated, or unaware that the sexual act is being committed from "knowing" to "reckless." This change may result in additional prosecutions under these sections of law.

According to the Department of Law, the creation of the new criminal offense will require the Department of Law's Criminal Division to engage in additional litigation. However, the ability to use a rap sheet at grand jury should provide a cost efficiency as it often takes days to weeks to obtain a certified judgment. The reprioritization of drug offenses as felonies will likely increase law enforcement referrals. It is anticipated that felony drug prosecutions will return to their pre-2016 levels – between 2015 and 2017, felony drug prosecutions dropped approximately 70% (or approximately 740 cases).

The Department of Law has reported an expected increase in referrals from law enforcement for drug related crime as a result of increasing the charge level and penalties for these crimes. The Department of Law anticipates felony drug cases to increase to the levels they were at in 2016 and estimate an increase of least 750 felony cases annually. Cases with increased penalties and higher charging levels require more litigation throughout all stages of litigation, but particularly increase jury trials, contested sentencing hearings, and post-conviction litigation.

The Public Defender Agency has seen workload growth and increased appointments in recent fiscal years and is unable to absorb additional increases in workload with current staffing. The agency would need an additional four attorney positions and four staff positions to handle the anticipated increase in workload from the passage of this legislation.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB20CS(STA)-DOC-IDO-04-28-19  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: (H)FIN

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	2,132.7		9,205.5	9,205.5	9,205.5	9,205.5	9,205.5
<b>Total Operating</b>	<b>2,132.7</b>	<b>0.0</b>	<b>9,205.5</b>	<b>9,205.5</b>	<b>9,205.5</b>	<b>9,205.5</b>	<b>9,205.5</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	2,132.7		9,205.5	9,205.5	9,205.5	9,205.5	9,205.5
<b>Total</b>	<b>2,132.7</b>	<b>0.0</b>	<b>9,205.5</b>	<b>9,205.5</b>	<b>9,205.5</b>	<b>9,205.5</b>	<b>9,205.5</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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.

Prepared By: Teri West, Deputy Director Phone: (907)465-3311  
Division: Administrative Services Date: 04/28/2019  
Approved By: Sylvia Robb, Admin. Services Director Date: 04/28/19  
Agency: Office of Management and Budget

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB20(STA)

### Analysis

The bill makes tampering with electronic monitoring (EM) equipment a crime. EM tampering is Escape 3 which has an average stay of 36.5 days. In CY2018 there were 110 instances of EM tampering. The department projects an additional 11.0 inmates per day in year 1 and each subsequent year.

This bill reverts misconduct involving a controlled substance offenses to be consistent with what they were in 2015. The department projects an increase in the number of inmates as a result of this change based on conviction counts and length of stay in CY2014. For felony A, felony B and felony C as well as misdemeanor B cases of misconduct involving a controlled substance the department projects an increase in inmates. The department projects an additional 118.9 inmates per day for year 1 and an increase of 260.0 inmates in the second year and each subsequent year.

The following numbers are based on the number of offenders in CY2018 and the length of stay in CY2014 compared to the length of stay in CY2018. Data from 2014 were used because that was the baseline year of data used for SB91. This bill increases the presumptive sentence ranges for B felonies:

1st time felony B has a projected increased length of stay of 59 days; in CY2018 there were 294 offenders in this category. The department projects no change in the daily average for year 1 after the effective date, but an additional 47.52 inmates per day in year 2 and each subsequent year.

2nd time felony B has a projected increased length of stay of 36 days; in CY2018 there were 79 offenders in this category. The department projects no change in the daily average for year 1 after the effective date, but an additional 7.79 inmates per day in year 2 and each subsequent year.

3rd time felony B has a projected increased length of stay of 11 days; in CY2018 there were 58 offenders in this category. The department projects no change in the daily average for year 1 after the effective date, but an additional 1.75 inmates per day in year 2 and each subsequent year.

This bill increases the number of inmates to a level that exceeds the system's capacity beginning in the second year. The current general capacity of the department's institutions is 4,664 inmates. The department averaged 4,485 inmates during the first quarter of CY2019 thus leaving the system with additional capacity for 179 additional inmates.

The department projects that this bill will increase the number of inmates by 130 the first year and 328 each subsequent year. Therefore, in the first year the department projects it will have the capacity to accommodate the additional inmates within the existing system. However, beginning in the second year the department will need to reopen a portion of Palmer Correctional Center to accommodate the increased population.

In the first year because the system has capacity for the additional inmates, costs for the 130 additional inmates is calculated at the marginal cost of \$44.98 per day for a cost of \$2,132.7. In the second year and subsequent years costs for the first 179 additional inmates are calculated at the marginal cost rate of \$44.98 per day since the existing system has the capacity for them at a cost of \$2,938.8. The additional 149 inmates that exceed existing capacity are calculated at the full cost care rate of \$168.74 per inmate per day for a cost of \$9,180.6 per year. That is an increase of \$12,119.4 for the additional inmates beginning in year two and each subsequent year. Health care costs (personal services and health care commodities and services costs) of \$2,913.9 were then removed from that total since they appear on a separate fiscal note.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB20CS(STA)-DOC-IDO-04-28-19  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: (H)FIN

Department: Department of Corrections  
Appropriation: Population Management  
Allocation: Palmer Correctional Center  
OMB Component Number: 712

## 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			818.8				
Commodities			2,356.7				
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>3,175.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)			3,175.5				
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>3,175.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time			42.0	42.0	42.0	42.0	42.0
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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.

Prepared By: Tari West, Deputy Director Phone: (907)465-3311  
Division: Administrative Services Date: 04/28/2019  
Approved By: Sylvan Padilla, Admin. Services Director for Corrections Date: 04/28/19  
Agency: Office of Management and Budget

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB20(STA)

### Analysis

This bill increases the number of inmates to a level that exceeds the system's capacity. The current general capacity of the department's institutions is 4,664 inmates. The department averaged 4,485 inmates during the first quarter of CY2019 thus leaving the system with additional capacity for 179 additional inmates. The department projects that this bill will increase the number of inmates by 130 the first year and 328 each subsequent year. Therefore, in the first year the department projects it will have the capacity to accommodate the additional inmates within the existing system. However, beginning in the second year the department will need to reopen the minimum security portion of the currently-shuttered Palmer Correctional Center in order to have the capacity to accommodate the projected increase in inmates. The general capacity of the minimum security portion of Palmer Correctional Center is 176 inmates.

The Palmer Correctional Center closed in the fall of 2016. After being vacant for two and a half years, the facility requires some work in order to house inmates. Additionally, useful equipment and furnishings were repurposed elsewhere in the department. The costs associated with re-opening the minimum security portion of the facility are one-time expenses for preparation of the facility and replacement of equipment.

Commodities include items such as radios, logbooks, handcuffs, breathalyzer, maintenance forklift, computers, printers, laundry and lawn care equipment, office furniture, staff uniforms, cleaning equipment, and fire extinguishers. Medical equipment also needs to be replaced such as exam tables, EKG machine, AED machine, vital sign machine, lab draw chairs, and smaller items like stethoscopes, and bio-hazard trash cans.

Services include fire sprinkler/alarm inspection and repair (if needed), fence alarm testing and repair (if needed), back flow preventer inspection and repair (if needed), water testing and Department of Environmental Conservation approval to operate, waste water operator training/certification, phone system activation and programming, boiler inspection and service, freezer/cooler inspection and startup, kitchen hood inspection, and other smaller services.

The costs associated with staffing (including the PCNs on this note), housing of inmates, and all other operational costs except health care and utilities are shown on the Institution Director's Office fiscal note.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB20CS(STA)-DOC-HARS-04-28-19  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: (H)FIN

Department: Department of Corrections  
Appropriation: Health and Rehabilitation Services  
Allocation: Physical Health Care  
OMB Component Number: 2952

## 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			908.5	908.5	908.5	908.5	908.5
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous			2,005.4	2,005.4	2,005.4	2,005.4	2,005.4
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>2,913.9</b>	<b>2,913.9</b>	<b>2,913.9</b>	<b>2,913.9</b>	<b>2,913.9</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)			2,913.9	2,913.9	2,913.9	2,913.9	2,913.9
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>2,913.9</b>	<b>2,913.9</b>	<b>2,913.9</b>	<b>2,913.9</b>	<b>2,913.9</b>

## Positions

Full-time			7.0	7.0	7.0	7.0	7.0
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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.

Prepared By: Teri West, Deputy Director  
Division: Administrative Services  
Approved By: Sylvan Robb, Admin. Services Director for Corrections  
Agency: Office of Management and Budget

Phone: (907)465-3311  
Date: 04/28/2019  
Date: 04/28/19

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB20(STA)

### Analysis

This bill increases the number of inmates to a level that exceeds the system's capacity requiring the department to reopen the minimum security portion of the currently-shuttered Palmer Correctional Center (PCC) in the second year. This requires that 7 medical staff be hired to staff the facility: 3 Nurse I/II, 1 Nurse III, 1 Health Practitioner I, 1 Mental Health II, and 1 Mental Health III. Cost for these staff are \$908.5.

Non-personal services inmate health care costs are \$36.86 per inmate per day. Beginning in year 2 and each subsequent year this cost for contractual medical and mental health services and commodities such as pharmaceuticals and medical supplies is projected to cost \$2,005.4 each year for the 149 inmates who exceed the department's current capacity.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB20CS(STA)-DOC-24U-04-28-19  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: (H)FIN

Department: Department of Corrections  
Appropriation: 24 Hour Institutional Utilities  
Allocation: 24 Hour Institutional Utilities  
OMB Component Number: 2976

## 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			876.8	876.8	876.8	876.8	876.8
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>876.8</b>	<b>876.8</b>	<b>876.8</b>	<b>876.8</b>	<b>876.8</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)			876.8	876.8	876.8	876.8	876.8
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>876.8</b>	<b>876.8</b>	<b>876.8</b>	<b>876.8</b>	<b>876.8</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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.

Prepared By: Teri West, Deputy Director  
Division: Administrative Services  
Approved By: Sylvan Robb, Admin. Services Director for Corrections  
Agency: Office of Management and Budget

Phone: (907)465-3311  
Date: 04/28/2019  
Date: 04/28/19

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. CSHB20(STA)

### Analysis

This bill increases the number of inmates to a level that exceeds the system's capacity requiring the department to reopen the minimum security portion of the currently-shuttered Palmer Correctional Center (PCC) in the second year. The utilities in 2016 for PCC were \$830.0. Adjusted for inflation using the Bureau of Labor Statistics Consumer Price Index (CPI) utilities are projected to cost \$876.8 in FY2021.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB020-DHSS-PS-4-27-2019  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: (H) FIN

Department: Department of Health and Social Services  
Appropriation: Juvenile Justice  
Allocation: Probation Services  
OMB Component Number: 2134

## 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							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 Governor's February 13, 2019 FY2020 amended budget request.

Prepared By: Tracy Donpelling, Director  
Division: Division of Juvenile Justice  
Approved By: Sana Efird, Administrative Services Director  
Agency: Office of Management and Budget  
Phone: (907)465-2212  
Date: 04/27/2019  
Date: 04/27/19

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB20

### Analysis

Provisions of CSSH20(FIN) version "C" apply to juvenile offenders under the jurisdiction of the Division of Juvenile Justice. Section 22 clarifies that juveniles under the jurisdiction of the Department of Health and Social Services, Division of Juvenile Justice can be charged with the crime of escape related to tampering with, disabling, or removal of electronic monitoring equipment.; however, the division handles juvenile offenders based upon their individual needs and risk to reoffend.

The proposed changes will not have a fiscal or major programmatic impact on the Department of Health and Social Services, Division of Juvenile Justice.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB020CS(FIN)-JUD-ACS-4-28-19  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: House Finance

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)

	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	830.5		830.5	830.5	830.5	830.5	830.5
Travel	72.0		72.0	72.0	72.0	72.0	72.0
Services	6.0		6.0	6.0	6.0	6.0	6.0
Commodities	4.0		4.0	4.0	4.0	4.0	4.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>912.5</b>	<b>0.0</b>	<b>912.5</b>	<b>912.5</b>	<b>912.5</b>	<b>912.5</b>	<b>912.5</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	912.5		912.5	912.5	912.5	912.5	912.5
<b>Total</b>	<b>912.5</b>	<b>0.0</b>	<b>912.5</b>	<b>912.5</b>	<b>912.5</b>	<b>912.5</b>	<b>912.5</b>

## Positions

Full-time	7.0		7.0	7.0	7.0	7.0	7.0
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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? N/A

## Why this fiscal note differs from previous version/comments:

Initial version.

Prepared By: Nancy Meade, General Counsel  
Division: Alaska Court System  
Approved By: Nancy Meade for Christine Johnson, Administrative Director  
Agency: Alaska Court System

Phone: (907)463-4736  
Date: 04/28/2019 05:00 PM  
Date: 04/28/19

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB 20

### Analysis

The House Finance Committee Substitute for House Bill 20 changes the many theft-related statutes to eliminate the inflation adjustment to the felony threshold (secs. 6-21), alters the offense of escape to include conduct relating to an electronic monitor (sec. 22), returns the offense of Failure to Appear to a crime in the way it was before Senate Bill 91 passed in 2016 (secs. 23-24), reclassifies many drug offenses to return them to the way they were written before SB 91 (secs. 25-31), increases the presumptive sentencing ranges for B felonies (sec. 33), and provides timelines and procedures for testing of sexual assault examination kits (secs. 35-38).

Reclassifying drug crimes is expected to have the effect of increasing the number of felony drug cases that are filed with the court, and increased sentences may have the impact of increasing the number of cases that proceed to trial. The Department of Law has stated that processing the expected increase in drug case filings would require five new prosecutors. These changes would therefore have a fiscal impact on the court.

The court system intends to accommodate the increased filings by retaining the equivalent of two full-time pro tem judges to help expedite the criminal caseload, at a cost of \$194,000 (salary plus benefits) per judge. Those positions would travel to cover cases as needed statewide, and therefore the court system anticipates travel costs of \$18,000 for each of the pro tem judges. The positions would each require \$1,000 in supplies and \$1,500 in contractual services. The total expenditures for the **two full-time pro tem judges would be \$429,000**. In addition, the pro tem judges must travel with an in-court clerk; this note also includes **travel costs of \$36,000 for the two travelling in-court clerks**.

In addition, to accommodate the expected increase in felony drug case filings that five new prosecutors would cause, the court system is seeking the funding equal to the cost of five clerical positions. The additional resources would permit the court to keep current with opening new files, entering data in CourtView, and generally processing the additional caseload. The cost of the **five new clerical positions is \$447,500** (salary and benefits for three Range 14 clerks, plus two Range 16 clerks, plus \$2,000 in supplies/materials and \$3,000 in contractual services/computer licenses).

The court system therefore submits this fiscal note for a total of \$912,500.



# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SSHB020CS(STA)-LAW-CRIM-4-27-19  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: House Finance

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	949.9		949.9	949.9	949.9	949.9	949.9
Travel	7.3		7.3	7.3	7.3	7.3	7.3
Services	149.3		149.3	149.3	149.3	149.3	149.3
Commodities	11.1		11.1	11.1	11.1	11.1	11.1
Capital Outlay	3.5		3.5	3.5	3.5	3.5	3.5
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>1,121.1</b>	<b>0.0</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>

## Fund Source (Operating Only)

1002 Fed Rcpts (Fed)	1,121.1		1,121.1	1,121.1	1,121.1	1,121.1	1,121.1
<b>Total</b>	<b>1,121.1</b>	<b>0.0</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>	<b>1,121.1</b>

## Positions

Full-time	9.0		9.0	9.0	9.0	9.0	9.0
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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:

This fiscal note differs from the previous version due to the necessary accommodation of the significant changes present in the Committee Substitute adopted by House State Affairs committee. The legislation was amended to include a number of changes to sentencing ranges and other items.

Prepared By: Valente Rios, Budget Analyst Phone: (907)465-3674  
Division: Administrative Services Division Date: 04/27/2019 08:18 PM  
Approved By: Anna Kim, Administrative Services Director Date: 04/27/19  
Agency: Office of Management and Budget

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB20

### Analysis

This bill reverts a number of criminal laws and sentences back to what they were in 2015.

B felony sentences are returned to their 2015 ranges; this means the sentencing ranges for nearly B felonies is increased by approximately 2 years.

All drug offenses are reenacted to be consistent to what they were in 2015. This includes reenacting an A felony level offense for the distribution of heroin and repealing the amount based system in current law. Further, the enhanced sentences for manufacturing methamphetamine around children is reenacted. The bill also returns all possessory drug offenses to the class C felony level.

Additionally, this bill establishes enacts the crime of removal of an electronic monitoring device when the person is under pretrial detention. The bill also allows a prosecutor to use a person's rap sheet at the grand jury phase of a case to prove the existence of prior convictions when prior convictions are an element of the offense charged (i.e. felon in possession, felony assault due to prior assault convictions).

The bill also lowers the mental state for sexual assault in the second and third degrees when the victim is mentally incompetent, incapacitated, or unaware that the sexual act is being committed from "knowing" to "reckless." This change may result in additional prosecutions under these sections of law.

The creation of the new criminal offense will likely require the Department of Law's Criminal Division to engage in additional litigation. However, the ability to use a rap sheet at grand jury should provide a cost efficiency as it often takes days to weeks to obtain a certified judgment. The reprioritization of drug offenses as felonies will likely increase law enforcement referrals. It is anticipated that felony drug prosecutions will return to their pre-2016 levels – between 2015 and 2017, felony drug prosecutions dropped approximately 70% (or approximately 740 cases). It is anticipated that prioritizing felony drugs offenses for prosecution, combined with the significant increase in drug prevalence in Alaska (*see generally* Department of Public Safety 2017 drug report showing a significant increase in heroin and methamphetamine seizures in the state), will cause felony drug prosecutions to return, or exceed, their pre-2016 levels.

The changes made in this bill will likely increase the number of trials, contested sentencing hearings, and appeals. The department anticipates an increase in the litigation at all stages of the criminal process. It is anticipated that additional prosecutor positions and associated support staff spread throughout the state would be needed to handle the increased litigation.

Finally, in 2016, the department anticipated an increase in litigation with the passage of criminal justice reform. The department has monitored that litigation and is aware of the areas in which it occurred. This increase in litigation is likely to continue for a number of years regardless of the passage of this legislation. The department anticipates that the passage of this legislation will result in a similar increase in litigation, which cannot be handled with current staffing levels. Assuming the department sees an increase in litigation similar to what it saw with the passage of criminal justice reform, combined with the increased litigation from increased sentences and penalties, it is anticipated that the department will be able to handle the increased workload with existing resources if additional attorney and support staff positions are added as discussed above.

It is anticipated that the additional workload generated by the increase in drug cases and litigation associated with the passage of this legislation will require an additional five prosecutors and four associated support staff in the first year of passage, with potentially additional prosecutors and associated support staff in subsequent years.

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version: HB 20  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: CSSSHB020(FIN)-DPS-LAB-04-28-19  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: (H)FIN

Department: Department of Public Safety  
Appropriation: Statewide Support  
Allocation: Laboratory Services  
OMB Component Number: 527

## 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	216.8		216.8	216.8	216.8	216.8	216.8
Travel							
Services	316.8						
Commodities	21.5		62.0	62.0	62.0	62.0	62.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>555.1</b>	<b>0.0</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	555.1		278.8	278.8	278.8	278.8	278.8
<b>Total</b>	<b>555.1</b>	<b>0.0</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>

## Positions

Full-time	2.0		2.0	2.0	2.0	2.0	2.0
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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:

Updated to reflect the change in the effective date from January 1, 2021, to July 1, 2019.

Prepared By: Kelly Howell, Special Assistant to the Commissioner  
Division: Commissioner's Office  
Approved By: Dan Spencer, Administrative Service Director  
Agency: Office of Management and Budget

Phone: (907)465-4336  
Date: 04/28/2019 11:30 AM  
Date: 04/28/19



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

BILL NO. HB20

### Analysis

This bill amends AS 44.41 by adding a new section that requires law enforcement agencies to submit to the state crime lab for testing, all sexual assault kits collected by the agency within 30 days after collection; requires the state crime lab to test all eligible sexual assault kits within one year of a sexual assault kit being received by the crime lab; and requires that reasonable attempts be made to notify victims within two weeks after completion of the testing that their sexual assault kit has been tested.

Presently, not every sexual assault kit collected by law enforcement is submitted to the crime lab for scientific analysis. Approximately 120 kits fall into this category annually. This fiscal note assumes that, once received by the crime lab, all sexual assault kits will be tested except those defined as ineligible under the bill.

The crime lab estimates two additional Forensic Scientist III positions would be needed to address the increase in caseload and meet the required turnaround time for processing for a total annual cost of \$216,824. Necessary consumables (chemicals for testing) associated with testing completed by the two additional staff is estimated at \$62,000 annually. The two additional staff will enable the lab to maintain current turnaround times in all types of DNA casework in addition to meeting the one-year turnaround time requirement for sexual assault kits. However, if the crime lab continues to see an increase in DNA case submissions as it has this fiscal year, prioritization of sexual assault cases will continue to increase over other DNA requests (such as property crimes) increasing the backlog and turnaround time of nonpriority cases.

Additionally, the crime lab will need to outsource testing of sexual assault kits for the first year to account for the amount of time and resources needed to fully train new staff while continuing to meet processing timeframes at an estimated cost of \$316,800 (\$1,100/kit x 288 kits).

Should this bill pass, the total first year costs are estimated at \$555,124 which includes the full annual personal services costs for two new Forensic Scientist III positions, the cost for consumables for training the new staff, and an outsource contract to maintain turnaround times while the new staff are trained. Second and subsequent year costs are estimated at \$278,824 for continued funding of two positions and annual costs for necessary consumables.