

Fiscal Note

State of Alaska
2020 Legislative Session

Bill Version:	HB 228
Fiscal Note Number:	5
(H) Publish Date:	1/27/2020

Identifier: 4106-LAW-CRIM-1-15-20
 Title: SEX OFFENDER REGISTRY; NOTICE TO VICTIMS
 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)

	FY2021 Appropriation Requested	Included in Governor's FY2021 Request	Out-Year Cost Estimates					
			FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
OPERATING EXPENDITURES								
Personal Services	420.5		420.5	420.5	420.5	420.5	420.5	420.5
Travel	4.5		4.5	4.5	4.5	4.5	4.5	4.5
Services	69.7		69.7	69.7	69.7	69.7	69.7	69.7
Commodities	4.9		4.9	4.9	4.9	4.9	4.9	4.9
Capital Outlay	1.5		1.5	1.5	1.5	1.5	1.5	1.5
Grants & Benefits								
Miscellaneous								
Total Operating	501.1	0.0	501.1	501.1	501.1	501.1	501.1	501.1

Fund Source (Operating Only)

1004 Gen Fund (UGF)	501.1		501.1	501.1	501.1	501.1	501.1
Total	501.1	0.0	501.1	501.1	501.1	501.1	501.1

Positions

Full-time	4.0		4.0	4.0	4.0	4.0	4.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2020) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2021) 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 If yes, by what date are the regulations to be adopted, amended or repealed?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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Division:	Criminal Division	Date:	01/14/2020 09:28 PM
Approved By:	Valerie Rose, Acting Administrative Services Director	Date:	01/15/20
Agency:	Office of Management and Budget		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2020 LEGISLATIVE SESSION

Analysis

This legislation amends Alaska's current sex offender registration statutes in order to comply with the holding in *Doe v. Department of Public Safety*, 2019 WL 2480282 (Alaska 2019). In *Doe* the court held that the Alaska Sex Offender Registration Act (ASORA) is overbroad because it imposes lengthy registration requirements on all persons convicted of registerable sex offenses without affording them a hearing in which they might show that they are no longer dangerous and, therefore, should not be required to continue to register. The legislation establishes the framework for these hearings.

The legislation categorizes sex offenders and child kidnappers into three different tiers based on the type of offense they have been convicted of. Tier I offenders will need to register for 10 years after unconditional discharge, tier II offenders will need to register for 15 years after unconditional discharge, and tier III offenders will need to register for life.

An offender who is no longer on probation or parole may petition the court to have their information removed from the registry that is *published on the Internet*. In order to petition the court the person must have first registered with the Department of Public Safety for the previous five years for a tier I offender, 10 years for a tier II offender, and 15 years for a tier III offender. The offender must also have completed all treatment programs required by the court or the parole board and cannot have been convicted of any of the following offenses since being incarcerated for the offense that required the person to register:

- (i) a crime against a person under AS 11.41;
- (ii) a violation by a sex offender of a condition of probation under AS 11.56.759;
- (iii) sending an explicit image of a minor under AS 11.61.116;
- (iv) cruelty to animals under AS 11.61.140;
- (v) misconduct involving weapons under AS 11.61.190 – 11.61.250;
- (vi) a sex offense or child kidnapping as defined in AS 12.63.100; or
- (vii) a crime of domestic violence under AS 18.66.990.

In order to issue an order requiring the Department of Public Safety to remove the offender's information from the registry published on the Internet, the court must find by clear and convincing evidence that 1.) the registration and compliance requirements outlined in statute have been satisfied; 2.) the sex offender or child kidnapper is unlikely to commit another sex offense or child kidnapping; and 3.) continued registration on a registry that is published on the Internet is not necessary for the protection of the public. The bill only allows an offender to be removed from a web-based registry. The offender must continue to register with the Department of Public Safety, which means law enforcement will continue to have access to the person's registration information.

It is unclear how much litigation will be generated from this legislation. There are currently 3,451 people on Alaska's sex offender registry. Each of these people would be eligible for a hearing to allow them to be removed from the registry that is published on the Internet if they meet the criteria outlined in the bill. In addition, if they are initially denied removal, they may petition the court again after two years. This may result in multiple hearings for each individual petitioning for removal.

The Department of Law estimates that two additional attorneys and two additional support staff would be the minimum required in order to meet the new workload that is anticipated as a result of this legislation.