Fiscal Note

State of Alaska
2019 Legislative Session

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

Identifier: HB20SS-DOA-OPA-3-23-19
Title: SEXUAL ASSAULT EXAMINATION KITS
Sponsor: TARR
Requester: (H)STA

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	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	**0.0**	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	**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If yes, by what date are the regulations to be adopted, amended or repealed?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 based on the 2-13-19 Governor's FY2020 request.

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Division: Office of Public Advocacy — Date: 03/23/2019 04:06 PM
Approved By: Cheri Lowenstein, Director — Date: 03/23/2019
Agency: Office of Management and Budget

FISCAL NOTE ANALYSIS

STATE OF ALASKA **BILL NO.** HB 20
2019 LEGISLATIVE SESSION

Analysis

This bill provides timeliness requirements and guidelines for the testing of sexual assault examination kits, as well as guidelines for the reporting of data related to the testing. This bill radically changes the definition of consent as it relates to sex assault allegations. The bill removes language that references conduct "without consent" and instead requires "words or overt actions that indicate freely given agreement" to sexual contact.

This change to the way sexual assault is defined will have tremendous impacts on the way sexual assault cases are litigated. The bill seeks to a create standard of conduct that is inconsistent with the way many people actually initiate and engage in sexual relations. When litigating these cases there will be increased scrutiny and focus on the conduct of complainants and whether the nuances of their words and actions indicate agreement. There will be disparate outcomes between individual cases and between communities. The definition lacks the clarity that would allow for consistent application of the law.

Cases, like sexual assault cases, with increased penalties and higher charging levels require more litigation throughout all stages of litigation, but particularly increase jury trials, contested hearings, and post-conviction litigation. Both the resources needed to litigate these cases, and the associated workload, can be expected to increase with this statutory change. Additionally, the agency cannot predict the number of new cases that will be charged under this definition and how many of those new cases will be appointed the Office of Public Advocacy. Therefore, the agency submits an indeterminate fiscal note.