

Fiscal Note

State of Alaska
2022 Legislative Session

Bill Version: HB 5
Fiscal Note Number: _____
() Publish Date: _____

Identifier: CSSH005(STA)-DOA-PDA-5-3-22
Title: SEXUAL ASSAULT; DEF. OF "CONSENT"
Sponsor: TARR
Requester: (H) JUD

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)

	FY2023 Appropriation Requested	Included in Governor's FY2023 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2023	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Personal Services	1,206.8		1,206.8	1,206.8	1,206.8	1,206.8	1,206.8
Travel	26.1		26.1	26.1	26.1	26.1	26.1
Services	192.6		192.6	192.6	192.6	192.6	192.6
Commodities	11.7		11.7	11.7	11.7	11.7	11.7
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	1,437.2	0.0	1,437.2	1,437.2	1,437.2	1,437.2	1,437.2

Fund Source (Operating Only)

1004 Gen Fund (UGF)	1,437.2		1,437.2	1,437.2	1,437.2	1,437.2	1,437.2
Total	1,437.2	0.0	1,437.2	1,437.2	1,437.2	1,437.2	1,437.2

Positions

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

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2022) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2023) 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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Updated fiscal note to consider changes to the committee substitute, Department of Law fiscal note, and to add a cost estimate in place of an indeterminate fiscal note.

Prepared By: Samantha Cherot, Public Defender
Division: Public Defender Agency
Approved By: Leslie Isaacs, Administrative Services Director
Agency: Department of Administration

Phone: (907)334-4414
Date: 05/03/2022
Date: 05/04/2022

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2022 LEGISLATIVE SESSION

BILL NO. CSSSHB 5 (STA)

Analysis

This bill changes the definition of consent as it relates to sex assault allegations and changes the classification and definition of sexual abuse against a minor. This change to the way sexual assault is defined will have significant impacts on the way sexual assault cases are litigated. Additionally, this bill creates a new felony related to sex by fraud.

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. The Department of Law has provided an estimate on their staffing needs related to this legislation in their fiscal note dated 3/19/21. The Public Defender Agency anticipates at least a commensurate increase in workload and increasing costs for the Agency related to the litigation of these cases. The Agency is therefore requesting six attorneys, two investigators, one paralegal, and one law office assistant in FY2023 and beyond. Travel, contractual support, and supplies costs that typically accompany these positions are also included in this analysis.