Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version: SB 23
Fiscal Note Number:
() Publish Date:

Identifier: SB023-DPS-COMM-03-03-23
Title: LAW ENFORCEMENT: REGISTRY; USE OF FORCE
Sponsor: GRAY-JACKSON BY REQUEST
Requester: (S) COMMUNITY AND REGIONAL AFFAIRS

Department: Department of Public Safety
Appropriation: Statewide Support
Allocation: Criminal Justice Information Systems Program
OMB Component Number: 3200

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2024**	**FY 2024**	**FY 2025**	**FY 2026**	**FY 2027**	**FY 2028**	**FY 2029**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Fund Source (Operating Only)

None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**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 (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) 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If yes, by what date are the regulations to be adopted, amended or repealed?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.

Prepared By: Lisa Purinton, Acting Legislative Liaison — Phone: (907)269-5526
Division: Statewide Services — Date: 03/03/2023
Approved By: Pam Halloran, Administrative Services Director — Date: 03/03/23
Agency: Department of Public Safety

FISCAL NOTE ANALYSIS

STATE OF ALASKA **BILL NO.** SB 23
2023 LEGISLATIVE SESSION

Analysis

This bill adds a new section to Alaska Statute (AS) 29.71 and amends AS 44.28 and AS 44.41 to require mandatory use of force reporting for the Departments of Corrections (DOC) and Public Safety (DPS) and agencies that employ municipal police or correctional officers to the Federal Bureau of Investigation (FBI). The FBI maintains the National Use of Force reporting program for law enforcement agencies to voluntarily submit use of force incidents using federal use of force definitions. The FBI's definition for use of force is based in whole or in part on Title 18 United States Code (U.S.C), Section 2246 (4) and Title 18 U.S.C Section 921 (a)(3). The bill does not include a definition for 'use of force' or a definition for 'prepared to use deadly force'.

The bill requires the DPS to provide a report detailing the information provided by the DPS, the DOC, and municipalities to the FBI in the prior year; however, this will not be possible as the DOC and municipal correctional facilities are not eligible to submit use of force incidents to the FBI program. The FBI definition of a law enforcement officer for the National Use of Force program does not include probation/parole officers or correctional officers, which this bill requires. The FBI program also requires agency participants to submit a 'zero' report for months in which no qualifying use of force incidents occur in order to have accountability for 12 months of data. The bill does not address this. Additionally, since the agencies will be submitting the data directly to the FBI, the DPS may not have access to all the information a law enforcement agency submits, as the DPS is not the recipient of the information.

The DPS Division of Statewide Services is responsible for collecting and maintaining the state's Uniform Crime Reporting (UCR) program under AS 12.62.130. Currently, the UCR program staff provides assistance to agencies voluntarily participating in the FBI's National Use of Force program. Since this bill would require agencies to submit their data to the FBI program, the division does not anticipate a fiscal impact from this bill at this time.

The Alaska Police Standards Council (APSC) is responsible for establishing the minimum standards for employment as a police officer, probation officer, parole officer, and municipal correctional officer; for certifying, and as warranted, de-certifying these officers; and establishing training curriculum under AS 18.65. With that requirement, the APSC maintains a case management system, ACADIS, to manage the training, certification, and investigative records for these officers. Automating the case management of APSC administrative investigations is necessary to handle the increasing workload with existing staff. The APSC's current information management system can be enhanced at relatively small annual cost to provide this tool. Preparation of an annual APSC report to the legislature will involve staff time but is not expected to require additional staff. The APSC would assume responsibility for certifying all Municipal Corrections Officers, which is anticipated to be an increased workload but should be manageable with existing staff.

The department is submitting a zero fiscal note for this bill at this time.