

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	CSSB 53(FIN)
Fiscal Note Number:	9
(S) Publish Date:	5/8/2023

Identifier: SB053CS(JUD)-JUD-ACS-04-28-23
Title: COMPETENCY; INVOLUNTARY CIVIL
COMMITMENTS
Sponsor: CLAMAN
Requester: Senate Finance Committee

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)

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If yes, by what date are the regulations to be adopted, amended or repealed?

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 Stacey Marz, Administrative Director
Agency: Alaska Court System

Phone: (907)463-4736
Date: 04/28/2023 09:00 AM
Date: 04/28/23

REPORTED OUT OF
SFC 05/05/2023

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

The Committee Substitute for Senate Bill 53 revises the process that takes place after a criminal defendant has been found, following an evaluation by a medical professional and a court hearing, incompetent to stand trial. Section 4 would increase the number of those defendants whose time period for commitment may be extended by the court in an effort to restore them back to competency. If criminal defendants who have been found incompetent are not restored to competency, and the criminal charges are then dismissed, Section 5 requires the prosecutor to file a petition seeking involuntary commitment of the defendant in the civil mental commitment process, under Title 47.

Section 6 of the bill sets out the new procedure in AS 47.30.706 for the Department of Law's petition and the court's order to have the defendant (now the "respondent" in the civil action) detained for evaluation by a mental health professional to determine whether the person meets the standards for a mental commitment.

These new procedures will result in more civil petitions for an involuntary hospitalization to be filed and handled by the courts and will therefore impact operations, but are not expected to have a fiscal impact on the court system.

Sections 9-11 of the SB 53 add an additional type of mental commitment, for a five-year term, that can be used for those persons who continue to meet the standards for an involuntary mental commitment and who have a history of crimes against persons and a finding of incompetency. In addition, new subsection (c) in Section 11 would require court hearings to determine whether a person who is being held under a five-year or a 180-day commitment should continue to be held after a medical professional believes that they no longer meet the criteria for commitment. These sections will result in more trials and hearings, but the number is not expected to be so substantial as to require additional resources.

The court system therefore submits this zero fiscal note.