

Fiscal Note

State of Alaska
2025 Legislative Session

Bill Version: HB 2
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB002-JUD-ACS-03-10-25
Title: DUI DIVERSION PROGRAM
Sponsor: PRAX
Requester: House State Affairs 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)

	FY2026	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2026 Request	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
OPERATING EXPENDITURES	FY 2026	FY 2026					
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 (FY2025) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2026) 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? N/A
If yes, by what date are the regulations to be adopted, amended or repealed?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.

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Division:	Alaska Court System	Date:	03/10/2025 12:00 PM
Approved By:	Stacey Marz, Administrative Director	Date:	03/10/25
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2025 LEGISLATIVE SESSION

BILL NO. HB 2

Analysis

House Bill 2 would require the court system to establish a diversion program for those charged with their first offense of Operating a Vehicle, Aircraft, or Watercraft While Under the Influence of an Alcoholic Beverage, Inhalant, or Controlled Substance under AS 28.35.030 (DUI), and those charged with their first offense of Refusal to Submit to Chemical Test under AS 28.35.032 (Refusal).

Section 11 of HB 2 would require the court to inform all persons charged with DUI or Refusal that they may be eligible for a diversion program. Offenders are eligible if they have never been convicted before of a DUI or Refusal, have no pending charges for those offenses, weren't charged with any other crime in the case and did not injure anyone, have no pending crimes against a person arising from driving, haven't participated in a program like this in the last 15 years, do not have a commercial driver's license, and were not driving a commercial vehicle. New AS 28.35.043(b). An eligible defendant would be required to file a petition with the court to request admittance into the program and pay a fee. AS 28.35.043(c). The court system would be required to create a form for the petition, AS 28.35.043(e); in the petition, the defendant would plead guilty, agree to be screened for a substance abuse problem and complete treatment, and agree not to use substances during the program, among other things.

After a petition requesting admittance into the program is filed, the prosecutor may object and request a hearing. New AS 28.35.043(g). The judicial officer then exercises discretion in deciding whether to admit the defendant into the program, after considering the factors listed in the bill. AS 28.35.043(i).

If a person enters the program, the petition becomes the diversion agreement. Subsection (k). The court then accepts the guilty plea but withholds entering the conviction, and the person's agreement lasts for one year. Subsection (j). The court can extend the time period, subsections (o), (p), and (q), and can terminate the agreement if the defendant fails to fulfill it terms. Subsection (t). At the end of the one year period, the case may be dismissed. Subsections (v), (w).

The court system is not certain how this bill would be implemented, but anticipates that the increase in workload and fiscal impact may be substantial. In each of the last five years, approximately 2,500 DUI and Refusal charges were filed under the state law, and approximately 1,500 filed under city codes. More than 80% of those filings were for first-time offenders whose cases could be impacted by this bill.

The court therefore submits an indeterminate fiscal note for House Bill 2 at this time, and will revisit this note as the bill moves forward and the specific changes to the court system's workload become more clear.