

# FISCAL NOTE

No: 2

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

Bill Version: HB 56  
(H) Publish Date: 1/22/99

Revision Date: January 6, 1999  
Title: "An Act relating to the crimes of murder..."  
Sponsor: Rules Committee  
Requestor: Governor

Department Affected: Administration  
BRU: Legal and Advocacy Services  
Component: Public Defender Agency  
**COMPONENT SERIAL NO. 1631**

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	**	**	**	**	**	**

<b>CAPITAL EXPENDITURES</b>	**	**	**	**	**	**
-----------------------------	----	----	----	----	----	----

<b>CHANGE IN REVENUES ( )</b>	**	**	**	**	**	**
-------------------------------	----	----	----	----	----	----

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	**	**	**	**	**	**
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	**	**	**	**	**	**

Estimate of any current year (FY 98) cost: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME	**	**	**	**	**	**
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara Brink, Director  
Division: Public Defender Agency

Phone: (907) 264-4414  
Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe, Jr.   
Agency: Department of Administration

Date: 1/6/99

DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 56

1999 LEGISLATIVE SESSION

ANALYSIS: (Continued)

The proposed legislation re-writes the homicide laws in Alaska based solely upon a victim's status as a child younger than 16. The bill makes it easier to charge and convict individuals and increases the sentences they receive based solely upon a victim's status as a child younger than 16.

Alaska's current set of homicide laws is a well ordered and logical system of varying degrees of seriousness and consequences based upon the conduct, the intent, and the circumstances surrounding the offense. The punishment for crimes against children, or other particularly vulnerable victims such as the elderly or the disabled, can already be enhanced when appropriate. There is no need to make separate laws based solely upon the victim's status. The bill is part of an ill-advised trend to make significant changes to Alaska's reasonable, orderly criminal justice system based upon anecdotal and incomplete information. Because the law already takes into account the vulnerable nature of children, such changes are unnecessary and damaging to the quality of the system as a whole.

Increasing the penalties based upon the status of the victim, and making it easier to charge and convict individuals will increase the workload of Agency attorneys who are already appointed to represent most of the defendants in these types of cases. The Department of Law already aggressively pursues these types of criminal cases. Increasing penalties for merely negligent or reckless conduct disproportionately to other cases will result in increased numbers of these cases proceeding to costly and expensive jury trials rather than settlement. Such significant increases will likely foster a "nothing to lose by going to trial" attitude. Additional litigation will also result in lower level charges to prevent the accumulation of the predicate convictions that may later form the basis for these enhanced charges.

Child homicide trials are often very expensive because of the complex medical and psychological issues that arise. These cases, for example, can involve cutting edge medical diagnoses like the "shaken baby syndrome." Investigation is often difficult and expensive as well. The Department of Law will have some of its expenses covered by other agencies, such as the Medical Examiner's office in the Department of Public Safety, the Alaska State Troopers, local police departments, and the State Crime Lab. However, the Public Defender Agency has to pay for all its expenses out of its budget.

Last year the Department of Law received an additional criminal prosecutor specifically to increase response to child abuse and neglect. Whether by means of this fiscal note, or a different incremental appropriation, balance must be maintained to effectively process these cases through the court system.