

FISCAL NOTE

No: 6

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Bill Version: CSHB 180 (FIN)
(H) Publish Date: 2/7/00

Revision Date: January 31, 2000
Title: "An Act relating to the possession, manufacture, use, or delivery of controlled substances while children are present"
Sponsor: Representative Cowdery
Requestor: (H) FIN

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	15.2	15.2	15.2	15.2	15.2	15.2
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	15.2	15.2	15.2	15.2	15.2	15.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	15.2	15.2	15.2	15.2	15.2	15.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	15.2	15.2	15.2	15.2	15.2	15.2

Estimate of any current year (FY 00) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME	.25	.25	.25	.25	.25	.25
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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Phone: (907) 264-4414
Date: January 31, 2000

Approved by Commissioner: Bob Poe
Agency: Department of Administration

Date: January 31, 2000 2/7/00

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 180(JUD)

2000 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill would make it a class A misdemeanor to allow a child to be in a dwelling or vehicle where any controlled substance is being used, manufactured, displayed, or delivered. If the controlled substance is used, manufactured, etc. in the immediate presence of the child, it is also a class A misdemeanor even if the use, etc. is not in a dwelling or vehicle.

This bill has a broad reach. The child need not be aware of the use of the controlled substance in the dwelling. For example, even if a parent waited until the child is asleep in a separate room and used marijuana, the parent could still be subject to prosecution under this law.

The fiscal impact of this bill could be very significant. However, it is difficult to say how many criminal prosecutions there will be under this bill. We do have rough estimates from our experience in Child in Need of Aid (CINA) cases of parents using controlled substances in the home when children are present. Our CINA attorneys believe that there is some documentation of drug use in the home or in the presence of children in about a quarter of our CINA cases. The Public Defender Agency was appointed to 996 new CINA cases in FY99. Using a conservative estimate of 10% rather than 25% of these cases being strong enough for criminal prosecution, that would mean 100 addition misdemeanors to which the Public Defender Agency could be appointed.

According to national standards, public defender misdemeanor lawyers are supposed to handle no more than 400 new cases per year. Therefore, we are requesting funding for ¼ of a misdemeanor lawyer's salary. We are not making requests for equipment, supplies, contractual services, or travel. We believe most of these cases would arise in Anchorage.