

FISCAL NOTE

Bill Version: HB 350
 (H) Publish Date: 2/7/00

STATE OF ALASKA

2000 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act repealing the statutory bars to the State of Alaska's prosecution of a criminal act..."
 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 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**
CAPITAL EXPENDITURES	**	**	**	**	**	**
CHANGE IN REVENUES ()	**	**	**	**	**	**

FUND SOURCE: (Thousands of Dollars)

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

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) This bill would remove Alaska's longstanding statutory bars against successive prosecution by different sovereigns. Although successive prosecution by different sovereigns (for example, by the federal government and then the state) does not violate federal double jeopardy, several states, including Alaska have traditionally prohibited it. The United States Department of Justice has a strict policy against successive state and federal prosecutions. Presumably, if this bill passed, the Department of Law would develop similar standards.

Nevertheless, this bill could result in additional criminal cases being brought and the Public Defender Agency being appointed to additional cases. The Public Defender Agency is particularly concerned about repealing the Bar against successive prosecutions in drug cases. AS 11.71.310. The federal authorities in Alaska prosecute many drug offenses under federal law. If even a small percentage of these cases were prosecuted in state court as well, there could be a considerable effect on the Public Defender Agency's operations.

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

Phone: (907) 264-4414
 Date: 12/3/99

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

Phone: 465-2200
 Date: 12/3/99