

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL No. 4  
Bill Version: SCS CSHB 368(jud)  
(S) Publish Date: 4/30/00

Revision Date: \_\_\_\_\_  
Title: "An Act relating to release of persons before trial..."  
Sponsor: Rules Committee  
Requestor: Sen 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 2 003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

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	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	*	*	*	*	*	*

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

See attached.

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Date: \_\_\_\_\_

Approved by Commissioner: Bob Poe  
Agency: Department of Administration

Date: 4/29/00

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FISCAL NOTE

#4

STATE OF ALASKA

BILL NO. SCS CHB 368 (wd)

2000 LEGISLATIVE SESSION

ANALYSIS: (continued)

The main fiscal concern the Public Defender Agency has concerning this bill involves Performance Bonds. If Performance Bonds are routinely required, Public Defender Agency attorneys will need to do significantly more work in the many bail hearings the attorneys cover every day in felony and misdemeanor cases.

Although some judges have imposed Performance Bonds in addition to other conditions of release, the Alaska Court of Appeals recently made it clear that they were unenforceable. Because of Performance Bonds have not been enforceable, most judges have not used them. So, there is little current fiscal impact due to Performance Bonds.

The current version of this bill would allow for Performance Bonds. But, surprisingly, the bill does not appear to provide for an enforcement mechanism. Therefore, the fiscal impact is unclear.

The other provision that will have some fiscal impact is the new misdemeanor of Violating Conditions of Release. We know there will be some fiscal impact, but cannot determine exactly what it will be.

Although we are submitting an indeterminate fiscal note, the Public Defender Agency's current budget is under quite a bit of strain. If the Performance Bond and Violating Conditions of Release provisions cause significant additional work, we will require additional funding in the future.