

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

No. 3  
Bill Version: CSSB 26 (JUD)  
(S) Publish Date: 4-4-00

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Law  
Title "An Act relating to hindering prosecution and to BRU Criminal Division  
providing false information or reports to a peace officer." Component 3rd-4th Judicial Districts  
Sponsor Senator Leman  
Requester Senate Judiciary Committee Component Serial No. 2261/2279/2201

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	798.0	798.0	798.0	798.0	798.0	798.0
Travel	3.5	3.5	3.5	3.5	3.5	3.5
Contractual	128.8	128.8	128.8	128.8	128.8	128.8
Supplies	12.6	12.6	12.6	12.6	12.6	12.6
Equipment	65.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1,007.9</b>	<b>942.9</b>	<b>942.9</b>	<b>942.9</b>	<b>942.9</b>	<b>942.9</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,007.9	942.9	942.9	942.9	942.9	942.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>1,007.9</b>	<b>942.9</b>	<b>942.9</b>	<b>942.9</b>	<b>942.9</b>	<b>942.9</b>

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

Full-time	8	8	8	8	8	8
Part-time	2	2	2	2	2	2
Temporary						

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

CSSB 26 (JUD) creates a new class A misdemeanor if a person, having committed a crime, knowingly gives false information to a peace officer with the intent of avoiding apprehension, prosecution, conviction, or punishment.

It is the Department of Law's experience that a high percentage of people who are questioned by the police lie in one way or another. We anticipate that this new misdemeanor crime will result in thousands of new charges being referred by the police for our review.

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 Division Attorney General's Office Date/Time 3/30/00, 4:07 PM  
 Approved by Commissioner Bruce M. Botelho, Attorney General Date 3/30/00  
 Agency Department of Law

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**ANALYSIS CONTINUATION**

The Department of Law is presented with approximately 25,000 cases each year to review for possible prosecution. It is not unrealistic to expect that 20-40% of these cases will involve defendants who lie to the police. The new charges would thus be added to thousands of already existing state cases.

In addition, municipal prosecutors handle from 10-15,000 cases per year, primarily in Anchorage. A similar percentage of charges could be expected to arise from these cases, but these would all be new cases that the Department of Law is not handling now.

These new charges add a level of complexity to criminal cases. The state would be required to not only prove that the person committed the underlying crime, but also that the person lied to the police about some other fact. Thus, the state would be required to prove the falsity of the person's statement and that the person knew the statement was untrue. In effect, the state would be forced to put on the same type of proof as is required in a perjury case. As a result, more time will be required to screen cases for prosecution, and handle potentially more complicated trials.

This new crime is likely going to have the greatest impact in Anchorage, and in those other areas of the state with the highest number of crimes. Thus, the department will require additional prosecutors in Anchorage, Fairbanks, Palmer, Kenai and Bethel. The department would attempt to absorb the additional workload in its other offices, but it is uncertain if that will be possible given existing caseloads.

The department anticipates the new workload resulting from this bill would require the addition of seven new assistant district attorneys: three in Anchorage, and one each located in Fairbanks, Palmer, Kenai, and Bethel.

Based on the department's FY01 standard full-time equivalent attorney cost schedule, which includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses, the cost of one FTE attorney is \$134,712. An additional \$6,500 per position is necessary for one-time equipment purchases, a cost that cannot be included in the rate as overhead. While annual clerical support costs are included in the cost schedule as overhead at the rate of approximately one support position for every three attorney positions, position authorizations are necessary, as well as associated one-time equipment costs. One FTE legal secretary position would be established in Anchorage, and two PPT legal secretary positions: one in Kenai and one in Bethel.

**COST SUMMARY BY COMPONENT**

LINE ITEM	COMPONENT			TOTAL	
	3rd Judicial: Anchorage	3rd Judicial: Outside Anch	4th Judicial District	FY01	FY02-06
100	342.0	228.0	228.0	798.0	798.0
200	1.5	1.0	1.0	3.5	3.5
300	55.2	36.8	36.8	128.8	128.8
400	5.4	3.6	3.6	12.6	12.6
500	26.0	19.5	19.5	65.0	
<b>TOTAL</b>	<b>430.1</b>	<b>288.9</b>	<b>288.9</b>	<b>1,007.9</b>	<b>942.9</b>
PFT	4	2	2	8	8
PPT	0	1	1	2	2