

FISCAL NOTE

No. 4
 Bill Version: CSSB100(FIN)
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STATE OF ALASKA
1999 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) _____	Dept. Affected _____	Law _____
Title "An Act relating to the payment by indigent persons for legal services and related costs."	BRU	Civil Division
Sponsor Senate Judiciary Committee by Request	Component	Collections & Support
Requester Senate Finance Committee	Component Serial No.	2210

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	49.1	49.1	49.1	49.1	49.1	49.1
Travel	0.3	0.3	0.3	0.3	0.3	0.3
Contractual	5.1	5.1	5.1	5.1	5.1	5.1
Supplies	1.4	1.4	1.4	1.4	1.4	1.4
Equipment	13.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	68.9	55.9	55.9	55.9	55.9	55.9

CAPITAL EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005

CHANGE IN REVENUES (1004 GF)	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
	1,100.0	1,100.0	1,100.0	1,100.0	1,100.0	1,100.0

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	68.9	55.9	55.9	55.9	55.9	55.9
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	68.9	55.9	55.9	55.9	55.9	55.9

Estimate of any current year (FY99) cost: _____

POSITIONS

POSITIONS	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Full-time	1	1	1	1	1	1
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSSB 100 (FIN) intends to limit the level of representation an indigent person may receive from state-paid court appointed counsel. The bill further makes changes to statutory provisions concerning repayment to the state for those services. This fiscal note is directed to the repayment amendments, which are contained in Sections 2 and 3.

Currently, under AS 18.85.120(c) and Criminal Rule 39, Alaska Rules of Court (CR39), criminal defendants who are represented by state-funded legal counsel and are convicted may be required to repay the state for their legal representation and trial costs. CSSB 100 (FIN) requires all criminal defendants, regardless of the outcome of their case, to reimburse the state. The committee substitute also limits the circumstances under which the court can reduce or defer the amount owed, and requires the court to establish and review every two years schedules setting the costs to be charged. Costs of legal representation are to include expert witness costs.

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Division <u>Attorney General's Office</u>	Date/Time <u>4/2/99, 8:31 AM</u>
Approved by Commissioner <u>Richard Blum</u>	Date <u>4/2/99</u>
Agency <u>Department of Law</u>	

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ANALYSIS CONTINUATION

During FY97, approximately 7,200 new cost of appointed counsel judgments against convicted defendants were transferred to the Department of Law for collection. This bill is anticipated to increase the number of new cases each year by more than two and a half times (from 7,200 to an estimated 19,000).

In the past few years, the Collections Unit caseload has grown from 3,300 criminal and civil collection cases to over 100,000 active criminal, civil, and other cases. The unit could not handle the increase proposed by this bill without additional staff. One and a half Administrative Clerk II positions would be necessary for the organization, data entry, tracking, and filing of these additional cases, at an annual cost of \$55,900. One-time new equipment costs of \$6,500 for each position are included in FY00 only. The position costs would be paid for with general fund program receipts from revenues generated by the changes in this bill.

Under current law, CR39 collections are approximately \$680,000 per year. Using a straight line projection, revenues from an additional 11,800 cases would be approximately \$1,100,000 annually (7,200 cases resulting in an average $\$94.45 = \$680,000$; 11,800 cases averaging $\$94.45 = \$1,114,510$). This revenue estimate should be viewed with caution, however, as it assumes that all the new cases will have the same collection rate as the current caseload, or if not, that the proposed limitation on waivers to financial hardship only will offset any decreased collection due to refusal to pay. This bill would affect individuals whose cases were dismissed or who were found not guilty. We would expect that more of these individuals would challenge their judgments and refuse to pay, thus reducing the collection rate for these cases.

The Senate Finance Committee Substitute also requires that expert witness costs be included in a judgment for repayment of legal representation. This potential revenue impact is difficult to quantify. The Department of Law does not know what charge might be established by the court for these services. However, the Public Defender Agency reports that it spends an average of \$155,000 per year on expert witnesses in approximately 200 cases. A relatively small amount of people would owe larger bills than is the norm for these judgments with this amendment. The primary source of repayment for the cost of state-funded legal services is currently the defendants' Permanent Fund Dividends. Assuming that did not change, the state would conceivably collect more revenue in cases involving expert witnesses, but probably spread out in small payments over a longer period of time. The department has not made a change to the annual revenue estimate.