

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 25  
 Bill Version: SCS CSHB4 (FIN)  
 (S) Publish Date: 5/7/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title "An Act relating to offenses involving BRU Legal and Advocacy Services  
operating a motor vehicle..." Component Public Defender Agency  
 Sponsor Representative Rokeberg  
 Requester (S) Finance Component No. 1631

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

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	97.7	97.7	97.7	97.7	97.7	97.7
Travel	4.7	4.7	4.7	4.7	4.7	4.7
Contractual	20.7	20.7	20.7	20.7	20.7	20.7
Supplies	2.5	2.5	2.5	2.5	2.5	2.5
Equipment	10.1	1.0	1.0	1.0	1.0	1.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>135.6</b>	<b>126.6</b>	<b>126.6</b>	<b>126.6</b>	<b>126.6</b>	<b>126.6</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	135.6	126.6	126.6	126.6	126.6	126.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>135.6</b>	<b>126.6</b>	<b>126.6</b>	<b>126.6</b>	<b>126.6</b>	<b>126.6</b>

Estimate of any current year (FY2002) cost: 0.0

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time	1	1	1	1	1	1
Temporary						

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

SCS CSHB4 (FIN) makes numerous changes to the driving while intoxicated (DWI) and refusal laws, and some relating to the driving while license revoked, suspended or cancelled (DWLR) laws. These changes include renaming driving while intoxicated to driving while under the influence (DUI); increasing criminal penalties and fines, as well as adding administrative and treatment costs; and requiring mandatory vehicle forfeiture for felony DUI and Refusals.

The changes in the bill that will have a fiscal impact on the Public Defender Agency are Secs.31, 43, & 48 (Mandating vehicle forfeiture for felony DUI and Refusals) and the various Sections that increase fines and license revocation periods.

(Analysis continued on attached page)

Prepared by: Barbara Brink, Director Phone (907) 334-4416  
 Division Public Defender Agency Date/Time 5/6/02 11:42 AM  
 Approved by: Jim Duncan, Commissioner Date 5/6/2002  
 Agency Department of Administration

**ANALYSIS CONTINUATION**

DUI and Refusal Mandatory Vehicle Forfeiture.

Under Sections 31, 43, and 48 vehicle forfeiture would be mandatory after a felony conviction for DUI or Refusal. Under Sections 18, 28, 39, and 48 forfeiture would be on option at sentencing after a misdemeanor conviction of DWLR, DUI or Refusal. These hearings would be part of the sentencing in the criminal case, so defendants would have a right to assistance of counsel. Unlike most of the work the Public Defender Agency currently does, these hearings involve complicated issues of ownership and security interests. Forfeitures require separate hearings. Department of Law estimates that there will be 250-300 forfeiture hearings statewide per year just for the felony DUI and Refusal forfeitures mandated in this bill. This does not include the discretionary forfeiture hearings pursued by the prosecutor or court in misdemeanor DUI and Refusal cases or DWLR cases. The Public Defender Agency estimates that we would be appointed in 75% of the mandatory vehicle forfeiture cases. The Agency will need one full-time Attorney in Anchorage and one part-time paralegal in Palmer to effectively represent defendants if this provision is enacted. These offices have the greatest number of DUI and Refusal cases.

Various Sections Increasing Fines, Penalties, and License Revocation Periods.

There are a number of sections that increase fines and license revocation periods, as well as the requirements for obtaining a license after conviction. For example, in Sections 28, 31, 39, and 43, the mandatory minimum fines for DUIs and Refusals are increased to \$1,500 for a first offense from \$250.00, to \$3,000 for a second offense, and \$10,000 for a felony DUI or Refusal. Also in Sections 31 and 43 is the permanent license revocation for felony DUI or Refusal. (Although, under Sections 33 and 44 the license can be restored in 10 years if the defendant does not have additional criminal violations and provides proof of financial responsibility.)

A number of Public Defender Agency clients will not be able to pay these large mandatory fines, therefore making it more likely that they will face petitions to revoke their probation or parole. This will likely increase the workload and caseload of the Agency. In addition, increasing the period of license revocation will also likely have a fiscal impact on the Agency. Some people will choose to drive even though they do not have a license. Therefore, we are certain that there will be more DWLR cases filed for which the Agency will be appointed to represent these people. More DWLR cases also may trigger an increase in discretionary vehicle forfeiture proceedings involving Agency participation.

Although the Public Defender Agency cannot quantify the fiscal impact of these provisions increasing fines and periods of revocation, we are certain that there will be a significant, albeit indeterminate, impact.