

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 3
 Bill Version: CSHB 4 (TRA)
 (H) Publish Date: 2/28/01

02/24/01 3:00 p.m. Dept. Affected: Corrections
 Title: An Act relating to offenses involving operating BRU: 271
a motor vehicle, aircraft, or watercraft while under the influence Component: All
 Sponsor: Representative Rokeberg
 Requester: House Transportation Committee Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	29,345.3	30,001.1	30,069.1	30,176.4	30,280.7	30,280.7
TOTAL OPERATING	29,345.3	30,001.1	30,069.1	30,176.4	30,280.7	30,280.7

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	29,046.0	29,691.8	29,759.8	29,867.1	29,971.4	29,971.4
1005 GF/Program Receipts	120.0	130.0	130.0	130.0	130.0	130.0
1037 GF/Mental Health						
Other - 1156 Receipt supported serv.	179.3	179.3	179.3	179.3	179.3	179.3
TOTAL	29,345.3	30,001.1	30,069.1	30,176.4	30,280.7	30,280.7

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will make extensive changes in the current statutes regarding driving while intoxicated. Because of the volume of the bill, we will only address the specific sections that affect the Department of Corrections.

Sec. 4. Changes the presumptive sentencing regarding Manslaughter to add a provision for Manslaughter as a result of DWI. It will change the presumptive sentence from 5 years to seven. This change will result in an increased cost to DOC of \$107,360 in FY05 and \$211,640 in subsequent years.

Sec. 26. Changes the threshold for DWI presumption from .10 to .08. It is estimated by Department of Law that although this may not increase arrests by a large amount, it will increase convictions by 10%. In FY00 there were 418 misdemeanor convictions for DWI and 200 felony convictions. Estimating a 10% increase and taking into account the increased cost of treatment provision as well as the diversion program proposed in this bill, it is estimated that the increased cost of incarceration will come to \$1,004,990 in FY02, \$977,637 in FY03, and \$1,011,604 in \$1,045,571

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 Division: Commissioner's Office Date/Time 2/24/01 3:50 PM
 Approved by: Margaret Pugh, Commissioner Date 2/27/01
 Agency: Department of Corrections

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DEPARTMENT OF CORRECTIONS**

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in subsequent years.

Sec. 27. This section makes the minimum sentence for second time offenders 30 days, or not less than 20 days if the person performs 10 days of community work service. In FY00 there were an estimated 824 second time DWI offenders. We assume that one-half will opt to complete the 10 days CWS. The other half will serve their extra 10 days in the CRC. Including statutory good time, 412 offenders will serve 7 days @ \$64.00/day for a total of \$184,576.

Sec. 29. This section increases cost of imprisonment to be charged to the offender from up to \$1,000 to up to \$2,000. The increased charge for incarceration to \$2,000 does not make a large difference in receipts to the DOC. The current minimum sentence for second time offenders is 20 days. With good time, someone would serve 13 days. This is served in a Community Residential Center @ \$64.00/day. That totals \$832. Offenders are already required to pay up to \$1,000 for cost of care. If the penalty is increased to 30 days, then the increase in cost of care will be made up for by the additional requirement. The requirement for payment is for misdemeanants only.

This section also requires treatment to occur as much as possible while the offender is incarcerated. This applies to felony DWI offenders. It is estimated that there will be approximately 240 felony offenders in FY02. It is estimated that one-half of those will require Intensive Outpatient Treatment at \$2500 per person for a total of \$300,000. It is estimated that one-half will require Residential Treatment at a cost of \$6380 per offender for a total of \$765,600. The total cost of treatment the first year would be \$1,065,600. The second and subsequent years, it is estimated there will be at least 260 felons for a total treatment cost of \$1,154,400

Sec. 31. This section changes the 5-year look-back to a 10-year look-back, phasing it in over a 5 year period. It is estimated this will result in an increase of 19 felons the first year and 38 in subsequent years for a cost of \$418,000 the first year and \$836,000 the second year.

This section also doubles the minimum sentencing for felony offenders. Using 240 as the number of expected convicted DWI felons in FY02, and estimating that 80% of those will be third time offenders, 192 will serve an additional 80 days. I will utilize the cost of \$88/day to estimate these costs as that is the average cost if an offender serves half of their sentence in a prison bed and half in a community residential center. The cost for third time offenders will be \$1,351,680. Estimating that 15% will be 4th time offenders, that would result in 36 offenders serving an additional 160 days @ \$88/day equals \$506,880. The remaining 5% (12 offenders) will serve an additional 244 days for a total of \$257,664. The total cost of this provision for the first fiscal year will be \$2,116,224.

Sec. 32. This section takes away the language in the current statute that provides a 10-year look-back for second time offenders. It is estimated that 3% of the 824 second time offenders will be affected by this removal. The result will be an additional 26 offenders serving a term for second time offense rather than first for a total of \$27,456.

Sec. 33. This section increases the sanctions for those offenders whose BRAC is .16 or greater. It would add an additional 6 months in prison for those offenders. Based on DMV records, 70% of all DWI offenders have a .15 or greater BRAC. Estimating that 60% have greater than .16, 2590 offenders would be sentenced to the additional 6 months. It is estimated that one-half of these offenders would complete treatment and receive good time, serving an additional 4 months and one-half would not complete treatment and would serve the entire 6 months. The cost to DOC for this provision is \$24,349,208. This section also takes away good time for all those DWI offenders who do not complete treatment as imposed. It is impossible to evaluate the cost of this to the Dept.

