

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 14
 Bill Version: SCS CSHB132(FIN)
 (S) Publish Date: 5/7/01

Revision Date/Time(Note if Correction): 5/7/01 9:00 Dept. Affected: Corrections
 Title: "An Act relating to the possession, distribution, BRU: Institutions
importation, and transportation of alcohol in a local option... Component: Institutions' Director's Office
 Sponsor: House Judiciary Committee
 Requester: Senate Rules Committee Component Number: 1381

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	770.1	1,054.0	1,411.4	1,695.9	1,963.4	1,963.4
TOTAL OPERATING	770.1	1,054.0	1,411.4	1,695.9	1,963.4	1,963.4

CAPITAL EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007

CHANGE IN REVENUES ()	82.3	82.3	82.3	82.3	82.3	82.3
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	605.3	889.2	1,246.6	1,531.1	1,798.6	1,798.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other: Receipt. Serv.*	164.8	164.8	164.8	164.8	164.8	164.8
TOTAL	770.1	1,054.0	1,411.4	1,695.9	1,963.4	1,963.4

*inmate payments for cost of incarceration.

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)

In addition to increasing interdiction efforts in bootlegging operations, this legislation reduces the threshold for presumption of DWI from .10 to .08. This fiscal note is based on an assumption of a 5% increase in convictions as a result of the threshold change. In FY00 there were 4118 statewide misdemeanor convictions for DWI and 200 felony convictions.

If we multiply 207 misdemeanants (5% of total) by the percentages reflected in DMV 2000 statistics for 1st, 2nd, 3rd, 4th, and 5th time offenders, we come up with an estimate of how many of those offenders might be newly convicted under a 08 law. All 1st and 2nd time offenders go to the CRC so we utilized that cost of care for our calculations. Utilizing a snapshot done on 10/25/00 of our DWI population, we averaged the sentences being served for 3rd, 4th and 5th time non-felony offenders and estimated proportions of time served in CRCs and hard beds to come up with a total cost.

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 Division: Commissioner's Office Date/Time 5/2/01 8:20 PM
 Approved by: Margaret Pugh Date 5/2/01
 Agency: Department of Corrections

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Assuming 10 new felons convicted under this threshold, and utilizing the average sentence for DWI felons, we estimated: $10 \times 352 \text{ days} \times \$88/\text{day} = 309,760$. The total for misdemeanants and felons then is 605,567.

The Department of Corrections expects a 15% decrease in the incarceration rate for manslaughter/negligent homicides as a result of this legislation, beginning the second year. It will take time for the public to become aware of lowered BAC and to change behaviors. That would result in an annual savings, beginning in FY03, of \$61,320 (or 1.5 persons incarcerated @ \$112/day per year.)

This legislation also increases the 5-year lookback to a 10-year look-back, phasing it in over a 5-year period. Previously, in order to become a felon, an offender had to have two prior DWI convictions within the preceding 5 years. This will gradually expand the look-back to 10 years, one year at a time over the next 5 years. This will reduce the fiscal impact that would have been felt if the system had to absorb what would be (by DMV and DOL figures) an estimated 190 additional felons each year. These will be first time felony offenders. If they receive the 120 day minimum sentence in existing statute, presuming they receive their good time, they would each serve 80 days of incarceration. This would total \$267,520 for the first year phase-in. We will then assume that each new year of the phase-in will add an additional 38 new felons until the 10 year look-back is satisfied. In FY03 the number of new felons will be 76 at a cost of \$462,080. In FY04 there will be 114 for a cost of \$802,560. FY05 will include 152 new felons for a cost of \$1,070,080 and FY06 reaches full look-back for 190 new felons at a cost of \$1,337,600.