

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 3
 Bill Version: HB 134
 (H) Publish Date: 2/19/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to the rights of crime victims, ... BRU Criminal Division
the crime of violating a protective order or injunction . . ." Component 1st-4th Judicial Districts; Criminal
 Sponsor Rules Committee Appeals/Special Litigation
 Requester Governor Component No. 2198-99;2201/03/61/79

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill makes several amendments related to the protection of crime victims. It makes the violation of a protective injunction a class A misdemeanor. Like protective orders in a domestic violence case, protective injunctions may be ordered by the court to prevent or limit a person's contact with a child if it is established that the person has sexually or physically abused the child, or engages in conduct that constitutes a clear and present danger to the welfare of the child. While violation of a domestic violence protective order is a class A misdemeanor, under current law the only remedy for violations of a protective injunction is a finding of contempt by the court.

The bill also would clarify the means by which a victim can petition for the return of their property seized by law enforcement from a pawnbroker or second hand dealer; and broadens prohibitions against "compromising misdemeanors" (paying a victim's expenses in return for criminal charges being dropped) to include domestic violence as defined in current law. The bill also adds a new

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ANALYSIS CONTINUATION

mitigating factor for presumptive sentences when a defendant pleads guilty or no contest within 30 days of arraignment on a charge. Finally, the bill adopts a simple procedure for victims of stalking that is not domestic violence to obtain protection, similar to the procedure for a domestic violence protective order. The procedure would not require a filing fee or sophisticated knowledge of the legal system. Instead, the clerk of court would provide simple forms for requesting protection and assistance in completing them. Violation of certain provisions of the protective order would be a class A misdemeanor.

Any potential fiscal impact of the bill on the Department of Law would come from the creation of the new class A misdemeanor for violating a protective injunction in both CINA and stalking cases. The department expects to see only a handful of new cases arising from these provisions each year, and anticipates any increased workload can be handled with existing resources.