

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 7  
 Bill Version: CSHB 179(JUD)  
 (H) Publish Date: 4/20/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to underage drinking and drug BRU Criminal Division  
offenses; and providing for an effective date." Component 3rd Judicial Dist: Anch; 3rd Judicial  
 Sponsor House Judiciary Committee Dist: Outside Anch; 4th Judicial Dist  
 Requester House Judiciary Committee Component No. 2201;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	151.1	151.1	151.1	151.1	151.1	151.1
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	28.0	28.0	28.0	28.0	28.0	28.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	26.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>209.1</b>	<b>183.1</b>	<b>183.1</b>	<b>183.1</b>	<b>183.1</b>	<b>183.1</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	209.1	183.1	183.1	183.1	183.1	183.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>209.1</b>	<b>183.1</b>	<b>183.1</b>	<b>183.1</b>	<b>183.1</b>	<b>183.1</b>

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	4	4	4	4	4	4
Part-time						
Temporary						

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

HB 179 would change the minor consuming or in possession statutes as follows: For a 1st offense, the fine would be increased from \$100 to between \$200 and \$600, and the minor would be required to perform at least 24 hours of community work service. For a 2nd offense, the fine must be between \$500 and \$1,000, and at least 48 hours of community work service will be imposed. A 3rd and subsequent offense would be a class B misdemeanor, with the penalty of loss of driving privileges for six months, mandatory alcohol treatment, and at least 96 hours of community work service.

The bill makes numerous other changes relating to minor consuming; however, the changes listed above are the ones that will have a fiscal impact on the Department of Law. This is because the imposition of mandatory community work service for minor consuming or in possession or control, whether for a first or subsequent offense, will entitle all those minors to a jury trial and public counsel.

Prepared by: Joan M. Kasson Phone 465-5370  
 Division Attorney General's Office Date/Time 3/22/01 11:22 AM  
 Approved by: Kathryn Daughhetee for Bruce M. Botelho, Attorney General Date 3/22/01  
 Agency Department of Law

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**FISCAL NOTE #7**

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2001 LEGISLATIVE SESSION**

**BILL NO. CSHB 179(JUD)**

**ANALYSIS CONTINUATION**

The Division of Motor Vehicles reports that prior to the *Niedermeyer* decision, they revoked about 4,800 drivers' licenses per year for alcohol violations by minors. Not all these violations were pursued in court, because many police officers believed it was better and easier to simply refer the matter to DMV for license revocation. We will assume, however, that now all such violations will result in a citation being filed in court.

Under these circumstances, those citations would come to the Department of Law, and a file would be opened. We believe that in approximately 1 percent of the cases the defendant would request a jury trial. We believe that the estimated 50 new jury trials statewide could be handled within existing Criminal Division resources.

The division could not, however, absorb the increased clerical duties associated with opening nearly 5,000 new files each year, and dealing with the paperwork and pleadings in all those cases. We would need to add four Administrative Clerk II positions: one each in Anchorage, Palmer, Bethel, and Fairbanks, for a total first-year cost of \$209,059, including one-time equipment costs of \$26,000.

<b>Component</b>	<b>Position</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 Admin Clerk II	34.8	34.8	34.8	34.8	34.8	34.8
	200						
	300	7.0	7.0	7.0	7.0	7.0	7.0
	400	1.0	1.0	1.0	1.0	1.0	1.0
	500	6.5					
	Total 1004 General Fund	49.3	42.8	42.8	42.8	42.8	42.8
Criminal Division: 3rd Judicial District: Outside Anchorage (2279)							
	100 1 Admin Clerk II	34.8	34.8	34.8	34.8	34.8	34.8
	200						
	300	7.0	7.0	7.0	7.0	7.0	7.0
	400	1.0	1.0	1.0	1.0	1.0	1.0
	500	6.5					
	Total 1004 General Fund	49.3	42.8	42.8	42.8	42.8	42.8
Criminal Division: 4rd Judicial District (2201)							
	100 2 Admin Clerk II	81.4	81.4	81.4	81.4	81.4	81.4
	200						
	300	14.0	14.0	14.0	14.0	14.0	14.0
	400	2.0	2.0	2.0	2.0	2.0	2.0
	500	13.0					
	Total 1004 General Fund	110.4	97.4	97.4	97.4	97.4	97.4
<b>Total</b>		<b>209.1</b>	<b>183.1</b>	<b>183.1</b>	<b>183.1</b>	<b>183.1</b>	<b>183.1</b>