

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 97
 (S) Publish Date: 3/13/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An act relating to probation and parole
fees..." BRU: Legal & Advocacy
 Component: Public Defender
 Sponsor: Senator Ward
 Requester: Senate Judiciary Component Number: 1631

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	0	41.8	41.8	41.8	41.8	62.7
Travel	0	1.8	1.8	1.8	1.8	2.6
Contractual	0	13.2	13.2	13.2	13.2	19.7
Supplies	0	1.0	1.0	1.0	1.0	1.4
Equipment	0	3.3	0.0	0.0	0.0	4.9
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0	61.1	57.8	57.8	57.8	91.3

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		61.1	57.8	57.8	57.8	91.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	61.1	57.8	57.8	57.8	91.3

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time	0	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would require supervision fees of at least \$1.50 per day for criminal defendants supervised by Department of Corrections probation officers. Delinquent minors on probation (or their parents) would also be required to pay the fee.

Based on information provided by the Department of Corrections and Youth Corrections, the Public Defender Agency will need a half-time Attorney in Anchorage starting in FY 2003 to represent defendants and delinquent minors in probation and parole revocation hearings provided for in this bill.

Analysis continued on Page 2.

Prepared by: Barbara Brink, Public Defender Phone 334-4400
 Division: Public Defender Agency Date/Time 2/24/01 1:30 PM
 Approved by: Jim Duncan, Commissioner Date 2/24/01
 Agency: Department of Administration

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Collection of surcharges and fees in criminal and delinquency cases can be done in a number of different ways. One common, cost-effective way is convert unpaid fees to civil judgments and collect them by attaching Permanent Fund Dividends (PFD's), garnishing wages, etc. The Public Defender Agency would not have a fiscal impact if fees were collected in this way.

However, the collections system set up in this bill, in addition to the civil judgment-type collection process mentioned above, allows courts and the parole board to revoke probation or parole in cases of non-payment. The court or parole board can imprison a defendant or delinquent minor for non-payment of the fees. Because imprisonment is possible, criminal due-process rights apply. These include the right to a hearing in court and a court-appointed lawyer for those unable to hire one. Because these due process rights need to be provided, collecting fees through revocation hearings is time-consuming and expensive. (The Public Defender Agency believes that it would be appointed in all but a few of these cases.)

The bill states that, when fees are not paid, the defendant or delinquent minor bears the burden of proving that the defendant or minor "was unable to pay despite having made continuing good faith efforts." Public Defender attorneys would have to gather and present evidence to support these claims.

This bill would not start having an impact right away. It would not apply to people placed on probation or parole before the effective date. The Department of Corrections and Youth Corrections would also have to adopt regulations setting the fee before it is imposed. These agencies would also have to set up a collection process using private contractors or the Department of Law.

The Public Defender Agency believes that it would have to cover over 100 adult probation and parole and Youth Corrections hearings per year starting in FY2003. Non-payment of fees would be a substantial factor in these hearings. The number of these hearings would increase to over 200 hearings in FY2007.

The Public Defender Agency will need to hire a half-time Attorney in Anchorage starting in FY2003. This position would be raised to three-quarter's time in FY2007.