

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 5
 Bill Version: HCS CSSB 105 (FIN)
 (H) Publish Date: 5/6/01

Revision Date/Time (Note if correction): 4/23/01 11:25 AM Dept. Affected: Law
 Title "An Act relating to victims' rights; . . .an office of BRU Civil Division
victims' rights; . . .restitution for criminal and delinquency acts;. . ." Component Collections and Support
 Sponsor Senator Halford
 Requester House Finance Committee Component No. 2210

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	143.7	153.4	153.4	153.4	153.4	153.4
Travel	0.3	0.4	0.4	0.4	0.4	0.4
Contractual	99.8	141.1	141.1	141.1	141.1	141.1
Supplies	6.2	5.1	5.1	5.1	5.1	5.1
Equipment	56.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	306.5	300.0	300.0	300.0	300.0	300.0

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	306.5	300.0	300.0	300.0	300.0	300.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	306.5	300.0	300.0	300.0	300.0	300.0

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: X*

POSITIONS

Full-time	3	3	3	3	3	3
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

* A budget increment requesting funding for the collection of victim restitution was included in the Governor's Amended budget request; however, neither the House nor the Senate included the increment in their versions of the operating budget bill. In order for the Collections unit to undertake this new function, this fiscal note must be funded.

HCS CSSB 105 (JUD) establishes in the legislative branch the Office of Victims' Rights, directed by the victims' advocate, effective July 1, 2002. The victims' advocate will advocate on behalf of crime victims in felony cases in the courts of the state and investigate complaints of crime victims in felony and certain class A misdemeanor cases that they have been denied their rights under the constitution and laws of the state.

The bill also will allow the Department of Law, at the option of a crime victim, to collect restitution on behalf of the crime victim or

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 Agency Department of Law

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BILL NO. HCS CSSB 105 (FIN) - FN#5

ANALYSIS CONTINUATION

victim of a delinquent act. The collections would be performed by the Collections unit in the Civil Division's Collections and Support section. The Collections unit will require additional resources to handle this new function.

Currently, the Collections unit collects criminal fines and related costs and certain civil judgments and administrative penalties. The primary means of collecting these judgments is through annual automated attachment of permanent fund dividends. For civil judgments, additional collection actions may be taken, including attachment of bank accounts, garnishment of wages, and judgment debtor exams. With only a few exceptions, all money collected by the unit is paid to the general fund. Thus, the unit does not currently track individual payees.

The unit currently has a collections database which provides a method for efficient and streamlined collection of debts owed the state. With some modifications, the database and related collections procedures could be used to collect restitution on behalf of crime victims.

No actual count of the number of victim restitution judgments per year is maintained. Based on the number of criminal convictions and delinquency dispositions in FY00 for crimes and violations that usually have a restitution judgment entered by the court, we estimate there could be as many as 5,000 to 5,500 restitution orders each year.

In order to add restitution judgments to its caseload, the Collections unit will need to upgrade its existing computer system including 1) the purchase of computer hardware with a larger storage capacity to handle the increased caseload, and 2) computer programming to allow the collections database to recognize restitution judgments and track payee information. Further, four new administrative positions will be necessary to handle these new cases.

The Collections unit anticipates it will need one new full-time Administrative Clerk II to enter judgment data into the database and update victim and defendant information, hold primary responsibility to handle phone calls from victims and defendants, and file paperwork. A full-time Legal Secretary I will also be needed to send introductory letters to victims and defendants regarding the collections process, post payments, prepare check requests and send payments to victims, assist the Administrative Clerk with phone calls from victims and defendants, and calendar and monitor inactive cases for periodic locate efforts. A FTE paraprofessional will be required to obtain writs of execution, prepare court paperwork for bank sweeps and wage garnishments, coordinate with probation officers, the Criminal Division, and other state and municipal agencies as required to obtain information necessary to collect the debts owed the victim, and manage any private collection contracts. An additional full-time Accounting Clerk II will also be necessary to process the payment distribution to victims upon successful collection of the debts. This position will be located in the Administrative Services Division of the Department of Law, and funded by intra-agency receipts from Collections and Support in the Civil Division BRU.

The cost of a FTE paraprofessional (\$92.2) is based on the Civil Division's FY02 standard cost allocation schedule, and includes general clerical support, communications, space, supplies, data processing, and other normal overhead expenses. However, the hourly rate for Civil Division attorneys and paraprofessional does not recover the costs of clerical positions in the Collections unit because these positions are specialized and are not available to other sections. Therefore, the three new clerical/administrative positions to handle victim restitution must be added separately. (Admin Clerk II: \$44.7; Legal Secretary II: \$50.0; Accounting Clerk II: \$43.5)

Computer hardware upgrades and programming upgrades will take place in FY02. It will not be necessary to put all the staff on until the upgrades are complete. This funding request short-funds the positions in FY02, and shifts the funds for equipment and programming in FY03 back into personnel and other on-going costs. Only the equipment costs for the Legal Secretary I position of \$6.5 are considered one-time funds.