

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 349(JUD)  
 (H) Publish Date: 2/18/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating Rule 412, Alaska Rules of RDU Criminal  
 Evidence." \_\_\_\_\_ Component CDCO  
 Sponsor Representatives Samuels, McGuire, Stolze, Dahlstrom, Wilson  
 Requester House Judiciary Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</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						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Rule 412, Alaska Rules of Evidence is amended in this bill to allow illegally obtained evidence to be used if a statement illegally obtained in violation of the Miranda Warning would be used to accuse or charge the person who made the statement if the prosecution shows that the statement was otherwise voluntary and not coerced. The bill also makes admissible illegally obtained evidence in a prosecution to impeach a witness if the prosecution shows that the evidence did not substantially violate the rights of the witness.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughetee, Director Phone 465-3673  
 Division Administrative Services Date/Time 1/23/04 4:28 PM  
 Approved by: Kathryn Daughetee for Gregg D. Renkes, Attorney General Date 1/23/2004  
 Agency Department of Law