

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 224
 (S) Publish Date: 2/25/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to lowering the legal BRU Legal and Advocacy Services
level of intoxication Component Office of Public Advocacy
 Sponsor Senator Cowdery
 Requester (S) Transportation Component No. 43

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	48.7	48.7	48.7	48.7	48.7	48.7
Travel	2.4	2.4	2.4	2.4	2.4	2.4
Contractual	11.5*	11.5*	11.5*	11.5*	11.5*	11.5*
Supplies	1.4	1.4	1.4	1.4	1.4	1.4
Equipment	3.4	0.4	0.4	0.4	0.4	0.4
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	67.4*	64.4*	64.4*	64.4*	64.4*	64.4*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	67.4*	64.4*	64.4*	64.4*	64.4*	64.4*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	67.4*	64.4*	64.4*	64.4*	64.4*	64.4*

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	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Office of Public Advocacy will be fiscally impacted by this legislation. Expanding the crime of DUI to include persons under 21 whose blood or breath alcohol level is more than .02, instead of over .08, will increase the caseload and workload of OPA staff, and increase contractual costs for areas not served by OPA staff attorneys and conflict counsel. More cases involving juveniles charged with this offense will be assigned to OPA. There were approximately 387 minors in FY03 who had their licenses administratively revoked for driving after consuming alcohol. Of that number approximately 155 were charged with DUI for over .08 alcohol content, leaving 232 cases where the minor was under .08. Moreover, experience in the field has shown that many officers only cite minors for minor consuming rather than driving after consuming. All of the aforementioned cases would henceforth be prosecuted as DUI and the defendant would be entitled to counsel. As a result, it is conservatively anticipated that there will be between 400-600 new DUI cases a year, a good portion of which will come to OPA. Because of the more severe penalties, and the fact that the reliability of the intoximeter as such low levels is highly questionable, these cases will be fully litigated (evidentiary hearings and trials). OPA will need an additional 1/2 time position, and contract costs will increase, though the amount is indeterminate.

Prepared by: Joshua P. Fink, Director
 Division: Office of Public Advocacy
 Approved by: Mike Miller, Commissioner
 Agency: Administration

Phone: (907) 269-3500
 Date/Time: 2/24/04 12:00 AM
 Date: _____