

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 6  
 Bill Version: HB 136  
 (H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act restricting the authority of a court to RDU CRIMINAL  
suspend execution of a sentence or grant probation..." Component Criminal Justice Litigation  
 Sponsor Representative Rokeberg  
 Requester House Judiciary Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	*****	*****	*****	*****	*****	*****
Travel	*****	*****	*****	*****	*****	*****
Contractual	*****	*****	*****	*****	*****	*****
Supplies	*****	*****	*****	*****	*****	*****
Equipment	*****	*****	*****	*****	*****	*****
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</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>	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill amends AS 28.35.030 (Driving under the influence) and 28.35.032 (Refusal to take a breath test) by making it a requirement that a convicted person pay the minimum fine required as a condition of a suspended sentence or probation. The bill also allows the court to forgive 75% of the minimum fine in cases of felony DUI or Refusal if the person has successfully completed an 18-month court-ordered treatment program. The Department of Law believed the provision requiring mandatory fines that could not be suspended was part of HB4 passed three years ago, but an overlooked court of appeals opinion made it possible to suspend the fines. A fiscal note to HB4 provided by this agency was reduced to half of the requested amount, thus we are underfunded for work arising from changes the legislature has made in passing stricter DUI laws in HB4. The change created by this bill will have a fiscal impact on the Department of Law because more trials will likely be required for those who can't afford the

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 Agency: Department of Law

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**BILL NO. HB 136**

**ANALYSIS CONTINUATION**

minimum fines, or more probation revocations or collection efforts will be required for those who do not pay the fines. However, the exact fiscal impact is difficult to determine.