

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 6
 Bill Version: HCS CSSB 56(FIN)
 (H) Publish Date: 2/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title An Act relating to criminal law... procedure, criminal sentences, and probation and parole RDU Probation and Parole
 Component Probation and Parole Directors Ofc
 Sponsor Senators Therriault, Seekins
 Requester Senate Judiciary Component No. 2684

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	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The bill modifies state law governing the presumptive sentencing of felony offenders in Alaska, in response to the United States Supreme Court decision, *Blakely v. Washington*. The legislation proposes to amend Alaska's sentencing laws to avoid the worst consequences of *Blakely*, which could make it difficult for judges to consider all relevant factors in sentencing, causing complications throughout the criminal justice process. The modified presumptive sentencing structure proposed in the legislation primarily will impact the process and not the end result of felony sentences. Department research demonstrates that the average unsuspended incarceration for first time Class B and Class C felony offenders and first time Class B and Class C sex felony offenders already falls within the mid-range of the new presumptive ranges set out in the bill. (continued)

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 Agency: Department of Corrections

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ANALYSIS CONTINUATION

FIRST FELONY OFFENDERS - AVERAGE SENTENCES

Offenders Convicted Between January 1, 2001 and December 31, 2004

First Felony Offenders	Unique Offenders	Total Unsuspended Incarceration	
		Average Days	Average Years
Felony, Class B	1155	864	2.4
Felony, Class C	4097	366	1.0
Total, Class B&C	5252	507	1.4

First Felony Sex Offenders	Unique Offenders	Total Unsuspended Incarceration	
		Average Days	Average Years
Sex Felony, Class B	347	1,125	3.1
Sex Felony, Class C	202	637	1.7
Total, Class B&C	549	981	2.7

Note : If an offender was convicted for the first time of both a B and C felony, they are counted only in the Felony B category.

The department is unable to predict with any accuracy the future actions judges may or may not take regarding probation supervision, thus it is unknown whether the changes proposed in the legislation will have any impact on probation services. The department does not anticipate a significant fiscal impact to the Division of Probation and Parole, Department of Corrections during the first six years.