

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 134(STA)
 (S) Publish Date: 4/6/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to arrest; relating to investigation RDU CRIMINAL
standards for police officers conducting criminal..." Component Criminal Justice Litigation
 Sponsor Senator Bunde
 Requester Senate State Affairs 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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)

Section 1 of the bill requires that arrests be made if a police officer hears a suspect make admissions. If this is interpreted to mean an immediate arrest, which is the interpretation given to a comparable provision in current law, that would cause significant legal problems for the prosecution which could be expected to increase the costs for the Department of Law. In discussions with the staff of the sponsor, it was not the intent, however, that an immediate arrest be made, and based on that interpretation this provision will have no fiscal impact on the department.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
 Division Administrative Services Division Date/Time 3/17/05 9:07 AM
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 3/17/2005
 Agency Department of Law

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BILL NO. CSSB 134(STA)

ANALYSIS CONTINUATION

Section 2 of the bill requires written investigative standards to be adopted by the Alaska Police Standards Council. This provision has the potential to make it easier for criminal defense attorneys at trial to accuse the police of incomplete investigations, as a way of arguing that reasonable doubt exists. This line of cross-examination is not so easily established today, and could complicate prosecutions by shifting the focus of the trial from the defendant's conduct to whether or not the police followed every investigative standard. This provision alone, however, is not expected to create a fiscal impact on the department.