

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSSB 206(JUD)
 (S) Publish Date: 3/15/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An act relating to material witnesses; ... RDU Legal and Advocacy Services
 Component Office of Public Advocacy
 Sponsor Senator Bunde
 Requester (S) Judiciary Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	*	*	*	*	*	*
Travel						
Contractual	*	*	*	*	*	*
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

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

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	*	*	*	*	*	*

Estimate of any current year (FY2006) 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						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would establish a process through which a prosecutor or defendant could apply to the superior court for an order compelling a person to appear at a material witness hearing if the individual has relevant information for the prosecution or defense and the person is unlikely to respond to a subpoena. The bill also provides a process to arrest material witnesses with or without a warrant, and a process under which a material witness could be confined. The bill further provides that alleged material witnesses are entitled to legal representation through the Office of Public Advocacy, regardless of the financial need of the individual.

Prepared by: Josh Fink, Director Phone 269-3500
 Division: Office of Public Advocacy Date/Time 2/27/06 12:00 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 2/27/2006
 Agency: Department of Administration

FISCAL NOTE # 4

**STATE OF ALASKA
2006 LEGISLATIVE SESSION**

BILL NO. CSSB 206(JUD)

ANALYSIS CONTINUATION

If this statute were rarely used, the costs to OPA would be de minimus. However, if prosecutors and/or defense attorneys made significant use of this legislation (for instance, to hold alleged gang members who do not cooperate with police), costs could be significant. Each individual held in relation to a particular case would be entitled to conflict-free counsel. This would mean OPA would first use staff attorneys and then have to retain private counsel on contract for each additional material witness held in relation to a particular case. Because there is no financial indigency requirement, even those who could afford counsel would receive counsel through OPA.