

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 90(JUD)
 (H) Publish Date: 4/16/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to bail. RDU Legal and Advocacy Services
 Component Office of Public Advocacy
 Sponsor Reps Samuels, Stoltze, Hawker, Dahlstrom, et al.
 Requester _____ Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 (FY2007) cost: _____*

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See Analysis Continuation, Page Two.

Prepared by: Joshua Fink, Director
 Division: Office of Public Advocacy
 Approved by: Kevin Brooks, Deputy Commissioner
 Agency: Administration

Phone (907) 269-3501
 Date/Time 2/7/07 1:30 PM
 Date 2/9/2007

ANALYSIS CONTINUATION

This bill amends the bail statute to limit subsequent bail review hearings to those proposals that rely on new information, not previously considered by the court. Explicitly excluded from the definition of new information are (a) new or additional third-party custodian proposals unless the third-party becomes unavailable; (b) third-party proposals after three or more third-party proposals have been rejected; (c) an inability to obtain an appropriate third-party; (d) a monetary reduction after a third-party has been approved; (e) an inability to post the monetary bail; (f) the passage of time (including the amount of time that the defendant has been incarcerated); and (g) any information that could have been presented at a previous bail hearing.

The limitations created by this bill could lead to situations in which a defendant would be arguably held without bail. For example, a defendant charged with disorderly conduct or other B misdemeanor could be held in jail awaiting trial for a period that exceeds that maximum possible jail term, or a defendant with an appropriate third-party could be unable to obtain a hearing to propose the third-party. A defendant in such a case would be unable to obtain a ruling from the court. The Agency, accordingly, anticipates additional litigation: including appeals, habeas petitions, and claims of ineffective assistance of counsel.

The Agency can not predict the number of cases that will be affected by this bill or the precise litigation that would be generated and, therefore, submits an indeterminate fiscal note.