

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 10
 Bill Version: CSSB 234(JUD)
 (S) Publish Date: 3/21/08

Identifier (file name): SB234-DOA-PDA-2-22-08 Dept. Affected: Administration
 Title "An Act relating to the crimes of assault in the fourth degree..." RDU Legal and Advocacy Services
 Component Public Defender Agency
 Sponsor Senate Rules Committee
 Requester _____ Component Number 1631

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	321.3	0.0	321.3	321.3	321.3	321.3	321.3
Travel	7.7	0.0	7.7	7.7	7.7	7.7	7.7
Contractual	57.2	0.0	57.2	57.2	57.2	57.2	57.2
Supplies	5.0	0.0	5.0	5.0	5.0	5.0	5.0
Equipment	20.1	0.0	5.0	5.0	5.0	5.0	5.0
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	411.3	0.0	396.2	396.2	396.2	396.2	396.2

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	411.3	0.0	396.2	396.2	396.2	396.2	396.2
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	411.3	0.0	396.2	396.2	396.2	396.2	396.2

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	3	0	3	3	3	3	3
Part-time	0.0	0	0	0	0	0	0
Temporary	0.0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will convert the class A misdemeanor crime of assault in fourth degree into a class C felony for criminal defendants previously convicted of two misdemeanor assaults or other crimes in violation of AS 11.41.100 - 11.41.289 within 10 years. This bill will also expand the definition of resisting arrest to include resisting arrest by disobeying an order of a peace officer.

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Prepared by: Quinlan Steiner, Director Phone 907-334-4414
 Division Public Defender Agency Date/Time 2/22/08 1:35 PM
 Approved by: Rachael Petro, Deputy Commissioner Date 2/22/2008
Department of Administration

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BILL NO. CSSB 234(JUD)

ANALYSIS CONTINUATION

Additionally, this bill will expand the court's authority to issue search warrants by phone, and the bill sets out additional procedures to be followed when a criminal defendant is incompetent to stand trial. The bill also eliminates the ten day requirement for execution and return of search warrant.

Because this bill will create a new felony offense and because it expands the definition of resisting arrest, it will have a fiscal impact on the Agency. Based upon 2007 caseload statistics derived from estimates generated by the court system and the UAA justice center (adjusted for factors impacting the percentage appointed public counsel), the Agency anticipates approximately 350-475 new felony cases; 200-300 cases that would have been assigned to the Agency as misdemeanors and 150-175 cases that would have been processed as misdemeanors by the Municipality of Anchorage. The Agency anticipates the need for two new attorney positions and one law office assistant position due to the expected additional cases and to the increased complexity of cases that would have formerly been processed as misdemeanors.