

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: 9  
 Bill Version: CSSB 234(JUD)  
 (S) Publish Date: 3/21/08

Identifier (file name): SB234-DOA-OPA-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: Office of Public Advocacy  
 Sponsor: Rules Committee  
 Requester: Governor Component Number: 43

**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
<b>OPERATING EXPENDITURES</b>							
Personal Services	144.5	0.0	144.5	144.5	144.5	144.5	144.5
Travel	4.8	0.0	4.8	4.8	4.8	4.8	4.8
Contractual	61.0	0.0	61.0	61.0	61.0	61.0	61.0
Supplies	2.7	0.0	2.7	2.7	2.7	2.7	2.7
Equipment	8.9	0.0	2.2	2.2	2.2	2.2	2.2
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>221.9</b>	<b>0.0</b>	<b>215.2</b>	<b>215.2</b>	<b>215.2</b>	<b>215.2</b>	<b>215.2</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	221.9	0.0	215.2	215.2	215.2	215.2	215.2
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>221.9</b>	<b>0.0</b>	<b>215.2</b>	<b>215.2</b>	<b>215.2</b>	<b>215.2</b>	<b>215.2</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time	1.0	0.00	1.00	1.00	1.00	1.00	1.00
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, or similar offenses from other jurisdictions, 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: Joshua P. Fink, Director Phone 907-269-3501  
 Division: Office of Public Advocacy Date/Time 2/22/08, 5:00 p.m.  
 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 151-205 new felony cases; 86-130 cases that would have been assigned to the Agency as misdemeanors and 65-75 cases that would have been filed as misdemeanors by the Municipality of Anchorage. The Agency anticipates the need for 1 new attorney position due to the expected additional cases and because felonies have greater procedural complexity. We also anticipate increased contractual costs to pay for representation of clients in areas where OPA does not have staff attorneys.