

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 324
 (H) Publish Date: 2/3/10

Identifier (file name): 0910-DOA-PDA-01-08-10 Dept. Affected: Administration
 Title: An Act relating to the crime of failure to appear.... RDU: Legal and Advocacy Services
 Sponsor: Rules Committee Component: Public Defender Agency
 Requester: Governor Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
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	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 Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Quinlan Steiner, Director
 Division: Public Defender Agency
 Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907 334-4414
 Date/Time 1/8/10 4:00 PM
 Date 1/8/2010

ANALYSIS CONTINUATION

This bill revises the procedures and standards of the bail statutes, moves the substantive crime of failure to appear from Title 12 to Title 11, and eliminates the culpable mental state for failure to appear.

The bill creates a rebuttable presumption that may be overcome by a preponderance of evidence that no release condition or combination of release conditions would reasonably assure the appearance of a person or the safety of others for certain higher level offenses. The bill also imposes stricter standards on who may act as a third-party custodian. It also provides that a person found guilty of a sexual felony, or of a class B or C felony with a prior felony conviction, may not be released pending sentence or appeal.

The bill changes current law on the time limit for bringing an arrestee before a judicial officer from 24 hours to 48 hours; changes the law that prohibits a court from allowing a person charged with a crime involving domestic violence from returning to the residence of the victim adopting standards for court to apply in deciding whether it is appropriate to allow the person to return to the home of the victim.

The agency does not predict a significant fiscal impact as a result of the proposed statute. Accordingly, the agency submits a zero fiscal note.