

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 381(JUD)  
 (H) Publish Date: 3/29/10

Identifier (file name): HB381-LAW-CRIM-03-13-10 Dept. Affected: Law  
 Title An Act relating to self defense. RDU CRIMINAL  
 Component Criminal Justice Litigation  
 Sponsor Representative(s) Neuman, Stoltze, Wilson, Keller, Ramras  
 Requester Judiciary Component Number 2202

**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
<b>OPERATING EXPENDITURES</b>								
Personal Services	339.0		339.0	339.0	339.0	339.0	339.0	339.0
Travel	1.8		1.8	1.8	1.8	1.8	1.8	1.8
Contractual	49.5		49.5	49.5	49.5	49.5	49.5	49.5
Supplies	7.8		7.8	7.8	7.8	7.8	7.8	7.8
Equipment	1.9		1.9	1.9	1.9	1.9	1.9	1.9
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>400.0</b>	<b>0.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>
<b>CAPITAL EXPENDITURES</b>								
<b>CHANGE IN REVENUES ( )</b>								

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	400.0		400.0	400.0	400.0	400.0	400.0	400.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>400.0</b>	<b>0.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>	<b>400.0</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time	2		2	2	2	2	2
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)  
 See attached page...

Prepared by: Eileen Donahue, Division Operations Manager Phone 465-5427  
 Division Administrative Services Date/Time 3/13/10 1:00 PM  
 Approved by: Daniel S. Sullivan, Attorney General Date 3/13/2010  
Department of Law

**FISCAL NOTE # 2**

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**BILL NO. CSHB 381(JUD)**

**ANALYSIS CONTINUATION**

House Bill 381 expands the places from which a person need not retreat before using deadly force in self-defense to any place the person has a right to be. Thus, even though a person knows that with complete safety to oneself and others the person can leave the area of the encounter, the person is justified in using deadly force if the person is in a place the person has a right to be. There is no time limit when a person could use deadly force and be presumed to be acting in self defense.

HB 381 also adopts evidentiary presumptions that the use of deadly force is reasonable. The prosecution already is required to disprove self-defense beyond a reasonable doubt, and this will make that burden even higher.

This bill will make prosecution of homicide cases more difficult for the prosecution, and it will probably result in more jury trials. The Criminal Division anticipates it would need 2 new FTE attorney positions to handle the increased cases, to both screen referrals and prosecute those that are accepted.