



FISCAL NOTE #9

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. SCS CSHB 127(JUD)

**Analysis**

DOC averages two new incarcerations per year for the crime of enticement of a minor. This bill would increase the penalty for this crime from a Class C felony to a Class B felony. This change has the potential to increase mandays by 10,220 in FY12 thru FY17. Applying the current cost of care (\$136.44 per day), the increase of cost could be in the range of \$0.0 to \$1,394.4 to DOC.

DOC averages two incarcerations per year for the crime of online enticement of a minor. This bill increases the penalty for this crime from a Class B felony to a Class A felony if the defendant was, at the time of the offense, a registered or required to register as a sex offender or child kidnapper. This would increase the penalty three years. This has the potential to increase mandays by 5,475 beginning in FY12 thru FY17. Applying the current daily cost of care (\$136.44 per day), this could potentially increase costs in the range of \$0.0 to \$747.0 to DOC.

DOC averages one new incarceration per year for the crime of unlawful exploitation of a minor. This bill would increase the penalty for this crime from a Class B felony to a Class A felony. This would increase the penalty three years. This has the potential to increase mandays by 5,475 beginning in FY12 thru FY17. Applying the current daily cost of care (\$136.44 per day) could potentially add costs in the range of \$0.0 to \$747.0 to DOC.

This legislation:

- provides clarifying changes to statute on appearances before a judge. The potential impacts of this change was previously identified and accounted for when the original legislation passed in 2010.
- prohibits the installation or use of keystroke loggers on a computer if the offender has no right to do so or reasonable belief that the offender has such a right.
- amends the crime of sexual assault in the third degree to a class C felony by prohibiting a peace officer from engaging in sexual penetration with a person who is in the custody of the officer.
- amends the crime of sexual assault in the fourth degree to a class A misdemeanor by prohibiting a peace officer from engaging in sexual penetration with a person who is in the custody of the officer.
- clarifies that there is no statute of limitations for the offense of sexual assault in the 3rd degree by a peace officer.
- allows a judge to impose conditions of probation for sex offenders to prohibit them from living within 500 feet of school grounds.

Other provisions that the department is unable to quantify at this time but will closely monitor for potential fiscal impact are as follows:

- Adding Monitoring a Person with a Global Positioning Device or Similar Technology Means
- Adding Child Kidnapper to 2(A) under AS12.63
- Adding Sending and Explicit Image of a Minor in the Degree and Second Degree to Statute
- Adding Crimes Involving Minors Committed Out of State, Specifically Online Enticement to Statute
- Adding Online Enticement of a Minor to Statute

The Department of Corrections is unable to determine the fiscal impacts of the passage of this legislation and will closely monitor potential future fiscal impacts.