

# FISCAL NOTE

STATE OF ALASKA cost # codes  
 2012 LEGISLATIVE SESSION

Bill Version HB 221  
 Fiscal Note Number 3  
 Publish Date 2/29/12 (H)

Identifier (file name) HB221-ACS-TRC-02-24-2012 Dept. Affected Alaska Court System  
 Title Appointment of Counsel for Persons Accused of Crimes Appropriation Trial Courts  
 Allocation \_\_\_\_\_  
 Sponsor Representative Chenault  
 Requester \_\_\_\_\_ OMB Component Number 768

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>	<b>FY13</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Personal Services	362.5		362.5	362.5	362.5	362.5	362.5
Travel							
Services	32.4		27.0	27.0	27.0	27.0	27.0
Commodities	72.0		9.0	9.0	9.0	9.0	9.0
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>466.9</b>	<b>0.0</b>	<b>398.5</b>	<b>398.5</b>	<b>398.5</b>	<b>398.5</b>	<b>398.5</b>

<b>FUND SOURCE</b>		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF	466.9	398.5	398.5	398.5	398.5	398.5
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<b>TOTAL</b>		<b>466.9</b>	<b>0.0</b>	<b>398.5</b>	<b>398.5</b>	<b>398.5</b>	<b>398.5</b>

<b>POSITIONS</b>							
Full-time	2.0		2.0	2.0	2.0	2.0	2.0
Part-time	4.0		4.0	4.0	4.0	4.0	4.0
Temporary							

<b>CHANGE IN REVENUES</b>							

Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

**Initial Version**

Prepared by Nancy Meade, General Counsel  
 Division Alaska Court System  
 Approved by Nancy Meade for Christine Johnson, Administrative Director  
Alaska Court System

Phone 907-463-4736  
 Date/Time 2/24/2012 1:00 P.M.  
 Date 2/24/2012

**Analysis**

HB 221 includes a direct rule amendment that will impact the way the Court System determines whether a criminal defendant who requests it is eligible for a court-appointed counsel at public expense. Currently, appointments of public counsel may be made after an oral inquiry on the record with the defendant under oath. The judge asks questions about the defendant's financial resources, and determines from the responses whether public counsel is justified, or whether additional information is needed. If additional information is needed, the defendant is often asked to complete a financial statement, usually with the assistance of a court employee. The revision will require the court or its designee to require each defendant who requests public counsel to complete a signed sworn financial statement. A majority of current public counsel appointments are completed after the oral inquiry only; the bill's change to also require a signed sworn financial statement from each defendant will require changes in processing procedures at all criminal initial appearance hearings.

In FY 2011, the court opened 38,798 felony and misdemeanor cases statewide; the defendant in each of those cases is entitled to court-appointed counsel if he or she cannot afford a private attorney. Of that total number of criminal defendants, the court estimates, based on statistics about how many defendants actually receive appointed counsel in existing cases, that 80% request court-appointed counsel. Each of these defendants will need to fill out the sworn financial statement, for a total of 31,038 statements.

The court will incur costs in implementing this change because it will need to provide assistance to all defendants who request public counsel in filling out the financial statement. The court's actual experience with the many defendants who currently do fill out a financial statement (rather than receiving an appointment after an oral inquiry by a judge) is that each statement takes an average of 15 minutes of time for a member of the court staff, who assists the defendant with answering and explaining questions. This time varies depending on the defendant's level of literacy, proficiency with English, and other individual factors. To provide this assistance in a way that is minimally disruptive to the court's arraignment hearings, the court would need six additional staff positions (two full-time and four part-time), at a Range 10, to assist the defendants who request court-appointed counsel.

The number of additional staff needed varies by court location; in some courts, the numbers of defendants seeking counsel would not justify adding a new position, but would cause an existing employee to add a number of overtime hours. As shown on page three, the cost of the six new positions is \$362,500. As also shown on page 3, the new staff members would require office equipment and supplies. The court would also need interview stations and physical space in the five busiest courts for the staff members to work with the defendant, at an estimated cost of \$24,000.

Finally, it is anticipated that the financial statement would need to be translated into other languages at a cost of \$5,400 (a four-page form with 847 words, plus an informational booklet, with 2,023 words, at .30 per word), and that the court would need to provide language interpreter services to non-English-speaking defendants at a cost \$15,000 (\$75/hour for on-site interpreting or use of the language line as appropriate).

HB 221's total fiscal impact on the court system in FY 2013 will be \$466,900.

FISCAL NOTE #3

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. HB 221

**Analysis Continued**

Alaska Court System HB221 - Calculation of Costs (Based on FY11 Criminal Case Filings)					
Location	Cases Filed in FY2011	Cases Requiring Interview (80%)	Duration of Interview	Number of Minutes	FTE Requested
Anchorage	15,242	12,194	15	182,910	2.00
Bethel-Area	2,510	2,008	15	30,120	0.30
Dillingham/Naknek/Unalaska	1,083	866	15	12,990	0.15
Fairbanks Area	5,359	4,287	15	64,305	0.80
Kenai/Homer/Seward	3,298	2,638	15	39,570	0.50
Juneau (Southeast Alaska)	4,082	3,266	15	48,990	0.50
Second District	2,371	1,897	15	28,455	0.30
Palmer	3,474	2,779	15	41,685	0.50
Kodiak, Sand Point, Valdez, Cordova, Glenallen, St. Paul	1,379	1,103	15	16,545	0.20
<b>Totals</b>	<b>38,798</b>	<b>31,038</b>		<b>465,570</b>	<b>5.25</b>
Calculation of FTE (Productive Hours to Conduct Interviews):					
Total Hours/Year	1,950				
Less: 12 Holidays @ 7.5 hours	(90)				
Less: 4 Weeks Leave	(150)				
<b>Net Work hours/FTE</b>	<b>1,710</b>				
<b>Deputy Clerk Range 10A</b>	<b>FTE Full Time Salary</b>	<b>Benefits @ 34.6%</b>	<b>Health Insurance</b>	<b>FTE's</b>	<b>Total by Location / Area</b>
Anchorage	34,064	11,786	15,960	2.00	123,620
Bethel-Area	51,096	17,679		0.30	30,949
Dillingham/Naknek/Unalaska	46,668	16,147		0.15	14,133
Fairbanks Area	35,086	12,140	15,960	0.80	53,740
Kenai/Homer/Seward	34,064	11,786	7,980	0.50	30,905
Juneau (Southeast Alaska)	35,767	12,375	7,980	0.50	32,051
Second District	51,096	17,679		0.30	30,949
Palmer	34,064	11,786	7,980	0.50	30,905
Kodiak, Sand Point, Valdez, Cordova, Glenallen, St. Paul	37,811	13,083		0.20	15,268
				<b>5.25</b>	<b>362,521</b>
Furniture/Equipment Six New Postions (two full-time, four part-time)					
Computer/Printer/Desk/Chair	39,000	\$6,500 per Position			
Software @ \$2,000/Position	12,000				
Office Supplies @ \$1,500/Position	9,000				
Interview Stations/Equipment	24,000	Anchorage (2), Fairbanks (1), Kenai (1), Juneau (1), Palmer (1)			
Interpreter Services	15,000	Language Line and On-Site Interpreters as Needed			
Forms Translation Services	5,400	Translation of Financial Statement Form and Information Booklet			
<b>Total Non-Personal Services</b>	<b>104,400</b>				
<b>Total Personal Services</b>	<b>362,500</b>				
<b>Total Fiscal Note</b>	<b>466,900</b>				