

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSHB 296(JUD)
 Fiscal Note Number 2
 (H) Publish Date 2/17/12

Identifier (file name) HB296-LAW-CRIM-01-27-12 Dept. Affected Law
 Title An Act relating to service of process on prisoners; crime of escape; definition of 'correctional facility'. Appropriation Criminal
 Allocation Criminal Justice Litigation
 Sponsor Judiciary
 Requester (H) Judiciary OMB Component Number 2202

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					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

--	--	--	--	--	--	--	--

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)

Not applicable, initial version.

Prepared by Eileen Donahue, Division Operations Manager
 Division Administrative Services
 Approved by Richard Svobodny, Acting Attorney General
Department of Law

Phone 465-5427
 Date/Time 1/27/12 4:10PM
 Date 1/27/2012

FISCAL NOTE #2

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSHB 296(JUD)

Analysis

Current law allows service of process to be made to a person in a correctional facility on the shift supervisor where the person is housed. HB 296 provides a definition of correctional facility for purpose of this law – the definition of correctional facility in AS 33.30.901. The bill also expands that definition by including camps, farms, halfway houses, and other placements for the housing of persons under official detention.

Under current law it is escape in the fourth degree (AS 11.56.330) for a person to remove oneself from official detention for a misdemeanor. Escape in the fourth degree is a class A misdemeanor.

Under current law it is escape in the second degree (AS 11.56.310) to remove oneself from a correctional facility while under official detention. Escape in the second degree is a class B felony. The Court of Appeals has recently held that a person in a correctional facility in connection with a misdemeanor could not be found guilty of escape in the second degree if the person were held in a facility that did not have locked doors or guards.

HB 296 would provide that a person in a correctional facility that is secure in connection with a misdemeanor commits escape in the second degree – a class B felony. The bill defines secure correctional facility as a correctional facility that has physical restraints or staff that is charged with preventing escape.

There is no anticipated fiscal impact to Department of Law.