

# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version CSHB 296(JUD)  
 Fiscal Note Number 4  
 (H) Publish Date 4/4/12

Identifier (file name) HB296CS(JUD)-LAW-CRIM-03-21-12 Dept. Affected Law  
 Title An Act relating to service of process on prisoners; crime of escape; deleting the repeal of a provision ... Appropriation Criminal  
 Allocation Criminal Justice Litigation  
 Sponsor Judiciary  
 Requester (H) Finance 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
<b>OPERATING EXPENDITURES</b>								
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								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**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)							
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS**

Full-time							
Part-time							
Temporary							

**CHANGE IN REVENUES**

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**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)**

Updated fiscal analysis.

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 Division Administrative Services  
 Approved by Michael C. Geraghty, Attorney General  
Department of Law

Phone 465-5427  
 Date/Time 3/21/12 8:35 AM  
 Date 3/21/2012

FISCAL NOTE #4

STATE OF ALASKA  
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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.

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.