

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSSB 210(JUD)
Fiscal Note Number 4
(S) Publish Date 3/26/12

Identifier (file name) SB210-DOA-PDA-2-24-12 Dept. Affected Administration
Title Crimes Against Children Appropriation Legal and Advocacy Services
Allocation Public Defender Agency
Sponsor Senator McGuire
Requester Senate Judiciary OMB Component Number 1631

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

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		****	****	****	****	****	****

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)

Not applicable, initial version

Prepared by Quinlan Steiner
Division Public Defender Agency
Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907 334-4414
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Date 2/24/2012

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Analysis

This bill amends AS 11.41.200(a) by adding several components regarding children to the definitions of assault in the first, second, and third degrees. Assault in the first degree is modified by including the following: an adult *intentionally* causing “serious bodily harm” to a child under 16 years of age with a disability, an adult *recklessly* causing “serious bodily harm” to a child under 12 years of age, and an adult *recklessly* causing “serious bodily harm” on multiple occasions to a child under the age 16 with a disability. Assault in the first degree is a class A felony that carries a sentence of up to 20 years imprisonment.

Assault in the second degree is modified by including the following: an adult *knowingly* causing serious “bodily harm” to a child under 16 years of age with a disability, an adult *recklessly* causing “physical injury” to a child under 12 years of age, and an adult *recklessly* causing “physical injury” on multiple occasions to a child under the age of 16 with a disability. Assault in the second degree is a class B felony that carries a sentence of up to 10 years imprisonment.

Assault in the third degree is modified by changing the age range, from 10 years of age to 12 years of age, when an adult causes physical injury to a child and the injury would cause a reasonable caregiver to seek medical attention from a healthcare professional and changes the age arrange from 10-16 years of age to 12-16 years of age when an adult *knowingly* causes “physical injury to a child and the injury reasonably requires medical treatment. Assault in the third degree is a class C felony that carries a sentence of up to five years imprisonment.

Additionally, this bill amends the crime of endangering the welfare of a minor by including exposing the child to various controlled substances. Penalties for violation of this provision range from a class A misdemeanor to a class B felony with a potential sentence of up to 10 years imprisonment. This bill also makes several changes to the statutes defining criminal non-support by including monetary support ordered in another jurisdiction and basic sustenance to the definition of “support,” among others.

Finally, this bill makes changes to AS 12.55.155 by adding as an aggravator for sentencing crimes that resulted in serious bodily harm to a child that resulted in extended or substantial impairment to the child’s mental health.

Although the Public Defender Agency cannot predict the number of new cases that will be charged nor the number of cases that will be upgraded to more serious felonies under this bill, these modifications are likely to increase the level, and therefore the cost, at which these cases are charged and litigated. The Agency, therefore, submits an indeterminate fiscal note.