

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSHB 369(JUD)  
 Fiscal Note Number: 2  
 (H) Publish Date: 3/24/14

Identifier: HB369-DOA-OPA-03-14-2014  
 Title: IMMUNITY FOR DRUG RELATED OFFENSE  
 Sponsor: PRUITT  
 Requester: House Judiciary

Department: Department of Administration  
 Appropriation: Legal and Advocacy Services  
 Allocation: Office of Public Advocacy  
 OMB Component Number: 43

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services							
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>

**Fund Source (Operating Only)**

None							
<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 (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **No**  
 If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

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Division: <u>Office of Public Advocacy</u>	Date: <u>03/14/2014 09:00 PM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>03/14/14</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS #2

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSHB 369(JUD)

**Analysis**

This legislation would substantively amend the criminal code concerning certain drug offenses, AS 11.71, by creating a new category of immunity from prosecution for certain drug offenses, under certain circumstances. The effect of the bill would be to amend AS 11.71 by adding a new section, to be titled AS 11.71.311, which would allow the Department of Law to immunize from prosecution for drug offenses a person who seeks medical and law enforcement assistance for another person whom the first person believes, in good faith, is experiencing a drug overdose. The first or reporting person would have to stay on the scene and cooperate with the medical/law enforcement assistance providers to qualify. In addition, the evidence upon which the prosecution would rely to charge the first person would have to have been obtained as a result of the first person reporting. A separate sub-section would permit immunization from prosecution of the first person who reports and seeks medical/law enforcement assistance when that person him or herself is experiencing a drug overdose. The bill also is broad in application in that it would apply to all drug offenses that occurred or occur before, on or after the effective date of the law.

If enacted as filed, HB369 would likely have a significant impact on the criminal justice system by broadening the circumstances under which state prosecutors may offer immunity to a person whom otherwise would be charged with an offense. The bill if enacted might encourage reporting of drug overdoses, such that medical assistance would be provided more quickly and possibly save the overdosing person's life. The Office of Public Advocacy (OPA) clients faced with actual or possible prosecution for a drug offense who qualify for the immunity grant would likely seek to obtain that grant from the prosecutor.

This bill would not likely have any material impact upon OPA operations, administration or budget and therefore, OPA submits a zero fiscal note.