

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 375(JUD)
Fiscal Note Number: 6
(H) Publish Date: 4/8/14

Identifier: HB375-LAW-CRIM-03-27-14
Title: CRIMINAL TRESPASS ON PRIVATE PROPERTY
Sponsor: FINANCE
Requester: (H) JUDICIARY

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

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
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Initial version, not applicable.

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Division: <u>Department of Law</u>	Date: <u>03/27/2014 05:00 PM</u>
Approved By: <u>Michael C. Geraghty, Attorney General</u>	Date: <u>03/28/14</u>
Agency: <u>Department of Law</u>	

FISCAL NOTE ANALYSIS #6

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB 375(JUD)

Analysis

This bill repeals two portions of the definition of “enters or remains unlawful,” an element to the crimes of criminal trespass. AS 11.46.350(b) provides that a person who enters upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so lawfully unless notice against trespass is personally communicated to him by the owner of such land or other authorized person, or unless such notice is given by posting in a conspicuous manner.

“This provision is designed to expressly exclude from the scope of the offense of criminal trespass, a person who enters upon unimproved and apparently unused land when there is no indication of apparent prohibition against such intrusion. The innocence of a typical trespass where an individual hiker walks without consent upon the unfenced, unposted land of another, and its frequency in a state dominated by wilderness and public land interspersed with private land, prompts the conclusion that such a minimal intrusion upon the land of another should not be a criminal offense unless reasonable notice is given the trespasser not to enter or remain on such property.”

Tentative Draft III page 3, Criminal Code Revision Committee page 54, Representative Terry Gardner, Chair.

This deletion will increase the number of entries onto premises which will be illegal. AS 11.46.350(c) repeals language which set standards of signage for notification against trespass. The number of entries onto land which will become illegal with these sections being repealed is indeterminate and hence the increased cost for prosecuting this new illegal conduct is unknown.