

# FISCAL NOTE

**STATE OF ALASKA**  
**2013 LEGISLATIVE SESSION**

Bill Version CSSB 22(FIN)  
 Fiscal Note Number 12  
 (S) Publish Date 3/28/13

Identifier (file name) CSSB022(JUD)-ACS-TRC-3-12-13 Dept. Affected Alaska Court System  
 Title Relating to Crimes, Victims, Child Abuse, and Neglect Appropriation Trial Courts  
 Allocation \_\_\_\_\_  
 Sponsor Rules by Request of the Governor  
 Requester Governor OMB Component Number 768

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates					
			FY14	FY15	FY16	FY17	FY18	FY19
<b>OPERATING EXPENDITURES</b>								
Personal Services	***	***	***	***	***	***	***	***
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
<b>TOTAL OPERATING</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>		***	***	***	***	***	***	***

**POSITIONS**

Full-time								
Part-time								
Temporary								

**CHANGE IN REVENUES**

Estimated **SUPPLEMENTAL (FY13) operating costs** \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY14) costs** \_\_\_\_\_ (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 If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Senate Judiciary Committee substitute

Prepared by Nancy Meade, General Counsel Phone 907-463-4736  
 Division Alaska Court System Date/Time 3/12/13 1:00 PM  
 Approved by Nancy Meade for Christine Johnson, Administrative Director Date 3/12/2013  
Alaska Court System

## FISCAL NOTE ANALYSIS #12

STATE OF ALASKA  
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### Analysis

Expanded crime definitions: The Senate Judiciary Committee Substitute for Senate Bill 22, among other changes, extends the civil and criminal statutes of limitations for felony sex trafficking, human trafficking, and child pornography cases (sec. 2 and 11), categorizes certain conduct by probation and parole officers as sexual assaults (sec. 3 -8), expands the definition of unlawful contact in the first degree (sec. 9), provides that certain property used by patrons of prostitutes may be forfeited (sec. 10), and expands the definitions of “sexual felony” and “sexual offense” (sec. 23-24). The Department of Law has not predicted the number of additional new case filings that will result from these changes. The court therefore concludes that the effect of these changes on the court system is indeterminate.

Considering victims: Section 29 of CSSB 22 requires the Alaska Judicial Council to provide information to the public before a judge’s retention election about a judge’s consideration of victims when sentencing felony defendants, if the offense involved a victim. The court system does not anticipate a fiscal impact from this section of the bill.

Sections 40 and 41 of the bill also concern the court’s consideration of victims in sentencing. The direct rule changes will not result in a fiscal impact to the court.

Applications for expanding investigations: Section 15 of CSSB 22 allows the attorney general to apply to the court for authorization to intercept communications for certain human and sex trafficking investigations. This is likely to increase the number of applications to the court for these orders. The court cannot predict the number of these applications that will result from this change, but does not expect the number to be large and therefore does not expect a significant fiscal impact from the change in this section.

Three-judge panels: Sections 1, 21, and 22 of the bill intend to overturn *Collins v. State*, 287 P.3d 791 (Alaska App. 2012). The court will not experience any fiscal impact from this change.

Domestic violence: CSSB 22 also allows a judicial officer to order a person charged with or convicted of a crime involving domestic violence or stalking to participate in a GPS monitoring program (sec. 12-13). Protective orders must contain a specific warning that the penalty for violation could be up to \$10,000 (sec. 25-26). These revisions will have no fiscal impact on the court.

Section 14 of the bill requires persons arrested for violation of a condition of release that was imposed in connection with a crime of domestic violence to appear before a judicial officer for arraignment before being released from custody. This will not have a financial impact on the court system since arrested persons are arraigned by judicial officers now, and whether the person is in custody or out of custody when he or she is arraigned is not significantly fiscally different for the court system.

Procedural changes and requirements: Other sections of the bill change the process for admitting particular evidence of a sexual assault victim’s past history (sec. 16 and 43), change the process for a defendant being sentenced to claim credit for time spent in treatment (sec. 17-18), disallow a suspended imposition of sentence for sex trafficking crimes (sec. 19), require the judge to impose some consecutive term of imprisonment for multiple child pornography crimes (sec. 20), allow the court to determine that reasonable efforts towards family reunification are not required if the parent has committed sexual abuse against his or

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**Analysis Continued**

her child or is a sex offender (sec. 35), change the court rule on discovery of certain child pornography materials (sec. 39), and remove the time restriction in the evidence rule concerning admissibility of certain prior acts (sec. 42). Implementing these changes will not result in a fiscal impact on the court system.

Provisions with no direct impact: Finally, certain sections of SB 22 do not impact the court's day-to-day operations, and therefore have no fiscal impact on the court system. They clarify definitions (sec. 27-), allow the Violent Crimes Compensation Board to compensate victims of human and sex trafficking and exploitation of minors (sec. 28), make certain prisoners ineligible for "good time" deductions (sec. 30), alter certain procedures concerning administrative subpoenas from the attorney general (sec. 31-34), and make certain persons mandatory reporters of suspected harm to a child (sec. 36-38).