

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HCS CSSB 64(FIN)
Fiscal Note Number: 21
(H) Publish Date: 4/20/14

Identifier: HCSCSB064(FIN)-ACS-TRC-04-19-14
Title: OMNIBUS CRIME/CORRECTIONS/RECIDIVISM
BILL
Sponsor: JUDICIARY
Requester: House Finance

Department: Alaska Court System
Appropriation: Alaska Court System
Allocation: Trial Courts
OMB Component Number: 768

Expenditures/Revenues

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

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
---------------------------	--	--	--	--	--	--	--	--

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If yes, by what date are the regulations to be adopted, amended or repealed?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

Updated to reflect changes made in the House Finance Committee in new CS

Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	04/19/2014 05:30 PM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	04/19/2014
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS #21

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HCS CSSB 64(FIN)

Analysis

The CS for Senate Bill 64(FIN) would make numerous changes to Alaska's criminal and corrections statutes. Sections 1-3 expand the definitions of the **crime of custodial interference** and the defenses available for charges of that crime. The number of cases that this will impact is expected to be small; the changes will not have any fiscal impact on the court system.

Sections 4-19 amend the definitions for the various **theft/property crimes** to raise the dollar threshold amount; Section 12 also clarifies how prior theft convictions will be counted. The increases in dollar amounts that have the potential to impact the court system are those that raise from \$500 to \$750 the value of property that must be stolen or damaged before a theft or property crime is categorized as a felony. This will have the effect of recharacterizing theft of property that is valued between \$500 and \$750, which is a Class C felony under current law, into a Class A misdemeanor instead. These changes could impact the court if they result in a significant number of cases moving from the superior court, where felonies are handled and the relative cost per case is higher, to the district court, where misdemeanors are handled and the cost per case is lower. However, a review of available information shows that, because of the way cases in this category are prosecuted and processed, the majority of property crimes impacted by this bill are already resolved in the district court, or are dismissed or resolved early in the life of the case, or are otherwise handled in a way that does not impact the court significantly. In addition, it is expected that the actual number of cases in this category is quite low. Because of these factors, sections 4-19 of the bill will not have a measurable fiscal impact on the court system.

Sections 20-22 of HCSCSSB 64(FIN) allow a judicial officer to impose an additional specific **condition on defendants who are released on bail** if they are charged with serious crimes that are alcohol or drug-related, crimes involving domestic violence, drug crimes, or crimes of driving under the influence or refusal to take a chemical breath test. The condition would require the defendant to comply with a program established by the Department of Health and Human Services (Section 34, new AS 47.38.010-.020) for daily testing of the person for alcohol or substance abuse (sometimes referred to as a "24/7 program"). Similarly, Section 24 allows a new condition of probation that would require the defendant to comply with the DHSS's 24/7 testing program. Imposing this as a bail condition or condition of probation for appropriate defendants would not have a fiscal impact on the court system.

Section 23 of HCSCSSB 64(FIN) clarifies the test for determining whether certain treatment programs qualify for **credit against a sentence of imprisonment**. The courts can apply the revised test without fiscal impact.

Section 25 adds a **mitigating factor** for the court to consider at sentencing if proven by the defendant: that a combat-related post-traumatic stress disorder or traumatic brain injury impaired the defendant's judgment and significantly affected the conduct. The court can apply this factor in appropriate cases without fiscal impact.

Section 28 states that the Department of Corrections will establish a program for probationers to be more closely monitored and to be reported to the probation officer if they violate the terms of their probation. The court then would review the petition, schedule a prompt hearing, and take other appropriate action (referred to as a "**PACE program**"). This is expected to result in a higher number of court hearings in all courts statewide on petitions to revoke probation. The court is unable to predict the number of increased court hearings that will result from this change, but at this time anticipates that it can absorb the increase in the number of hearings and associated workload without a fiscal impact.

Sections 32-33 establishes the **Alaska Criminal Justice Commission**; it will include a Justice and two judges, but the court can participate without fiscal impact.

In addition to requiring DHSS to establish the "24/7" program, Section 29 also establishes a **recidivism reduction program** to be administered by the DHSS. This will not have a fiscal impact on the court system.