

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HCS CSSB 64(FIN)
Fiscal Note Number: 22
(H) Publish Date: 4/20/14

Identifier: SB064HCSCS(FIN)-LAW-CRIM-04-19-14
Title: OMNIBUS CRIME/CORRECTIONS/RECIDIVISM
BILL
Sponsor: JUDICIARY
Requester: (H) FINANCE

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

Fund Source (Operating Only)

None								
Total	0.0	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If yes, by what date are the regulations to be adopted, amended or repealed?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:

The new version removes the provision in the bill that allow a person convicted of felony drunk driving to regain driving privileges earlier than allowed under current law.

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Division:	Department of Law	Date:	04/19/2014 12:00 AM
Approved By:	Michael C. Geraghty, Attorney General	Date:	04/19/14
Agency:	Department of Law		

FISCAL NOTE ANALYSIS #22

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HCS CSSB 64(FIN)

Analysis

HCS CSSB 64(FIN) raises the threshold amounts for theft in the second, third, and fourth degree. Under current law, for example, theft in the second degree prohibits theft of property valued at \$500 or more; the bill raises this to property valued at \$750 or more.

The bill would prohibit a person who is not a relative of a child or incompetent person and who has no right to do so to represent to the lawful custodian that the person has the right to take or keep the child or incompetent person. HCS CSSB 64(FIN) requires the Department of Health and Social Services to establish a program for persons being considered for bail release or as a condition of probation for unclassified felonies, class A felonies, sexual felonies, and crimes involving domestic violence that involved drugs or alcohol to be tested twice a day for use of alcohol or drugs. The program requires notice to the law enforcement within 24 hours if the person fails to appear for an appointment required by the program or tests positive for alcohol or drugs. This 24/7 program may also be used for bail conditions for persons charged with other types of crime. A similar program by the Department of Corrections and the Parole Board would be established for probationers and parolees.

The bill clarifies the law regarding when a person in a treatment program may get credit against a term of incarceration for time spent in the treatment program.

The bill adds a new mitigating factor for sentencing persons convicted of a felony. It would allow a mitigator if the defendant was affected by a combat-related post-traumatic stress disorder or combat-related traumatic brain injury that substantially affected the defendant's behavior. It would not apply to a defendant convicted of a crime against a person (AS 11.41) or arson in the first degree (AS 11.46.400).

HCS CSSB 64(FIN) creates the Alaska Criminal Justice Commission to evaluate the sentencing laws and practices of the state. The commission would conduct this evaluation by July 1, 2017. It would be staffed by the judicial council.

The fiscal impact for the Department of Law is indeterminate because it will require expert testimony on the issue of whether the person suffers from combat-related PTSD and if so, did it substantially affect his or her behavior.