

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HCS CSSB 64(FIN)  
Fiscal Note Number: 24  
(H) Publish Date: 4/20/14

Identifier: SB064HCSCS(JUD)-DOC-OC-04-11-14  
Title: OMNIBUS CRIME/CORRECTIONS/RECIDIVISM  
BILL  
Sponsor: JUDICIARY  
Requester: Judiciary

Department: Department of Corrections  
Appropriation: Administration and Support  
Allocation: Office of the Commissioner  
OMB Component Number: 694

## 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
<b>OPERATING EXPENDITURES</b>								
Personal Services	1,241.5		1,741.0	2,240.4	2,240.4	2,240.4	2,240.4	2,240.4
Travel	23.0		23.0	23.0	23.0	23.0	23.0	23.0
Services	366.3		393.8	421.3	421.3	421.3	421.3	421.3
Commodities	98.0		116.6	135.2	135.2	135.2	135.2	135.2
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>1,728.8</b>	<b>0.0</b>	<b>2,274.4</b>	<b>2,819.9</b>	<b>2,819.9</b>	<b>2,819.9</b>	<b>2,819.9</b>	<b>2,819.9</b>

## Fund Source (Operating Only)

1004 Gen Fund	1,622.5		2,168.1	2,713.6	2,713.6	2,713.6	2,713.6	2,713.6
1005 GF/Prgm	106.3		106.3	106.3	106.3	106.3	106.3	106.3
<b>Total</b>	<b>1,728.8</b>	<b>0.0</b>	<b>2,274.4</b>	<b>2,819.9</b>	<b>2,819.9</b>	<b>2,819.9</b>	<b>2,819.9</b>	<b>2,819.9</b>

## Positions

Full-time	14.0		25.0	25.0	25.0	25.0	25.0	25.0
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? Yes  
If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/15

## Why this fiscal note differs from previous version:

This fiscal note reflects the changes made in the House Judiciary Committee. This version allows first time DUI offenders to serve their terms of imprisonment on electronic monitoring. Additional analysis added to the electronic monitoring section.

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Division: Administrative Services - Department of Corrections Date: 04/11/2014 02:30 PM  
Approved By: Leslie Houston, Deputy Commissioner Date: 04/11/14  
Agency: Department of Corrections

FISCAL NOTE ANALYSIS #24

STATE OF ALASKA  
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**Analysis**

**Custodial Interference**

This section broadens the definition of custodial interference in the second degree by including instances where a person represents to a lawful custodian of a child or incompetent person that that person has a legal right to take or keep the child or incompetent person. This crime requires that the person not be a relative of the child and for them to know that they do not have a legal right to the child or incompetent person. Custodial interference in the second degree is a class A misdemeanor and punishable by a term of imprisonment of not more than one year.

The instances which would fall under this new section are relatively few; therefore, there would be no fiscal impact to the Department.

**Theft**

This section updates the thresholds for certain property crimes which have not been updated since 1978. Due to the rising costs in goods, it is relatively easy to commit a theft crime in which the valuation exceeds \$500; a class C felony. SB 64 raises these thresholds to be more aligned with current cost. This section will potentially reduce some felony level crimes to misdemeanors which may result in shorter sentence lengths. It is possible that the Department may see a reduction in mandays if this legislation should pass.

The Department will closely monitor the future fiscal impacts of this legislation.

**Electronic Monitoring for first time DUI offenders**

This section amends current imprisonment for first time DUI offenders to be served by electronic monitoring or a community residential center if available.

Available data show an annual average of approximately 1,668 first time DUI offenders are placed under the Department of Corrections custody to service the required sentence under this section. The majority of these offenders serve the required sentence within a community residential center (CRC) at an average daily rate of \$85.15 per bed per day. This proposed legislation will allow the department to place these offenders onto the Electronic Monitoring Program at an average daily rate of \$25.00 per day per offender allowing the CRC beds to be used for releasing offenders from a correctional center.

The anticipated annual costs to implement this section would be approximately \$125.1 of which \$106.3 is requested as general fund program receipts and \$18.8 is requested as general funds to meet the anticipated waivers for indigent offenders. This funding is being requested in FY2015.

**PACE for Probation and Parole**

The bill also codifies the PACE program. Alaska PACE is an evidence based practice (EBP) project for probation and parole, aimed at long-term discretionary parolees and moderate to high-risk offenders. PACE notifies offenders that violations will have consequences; requires frequent randomized drug and/or alcohol tests; and responds to violations with swift, certain and short terms of incarceration.

The Department currently has a model for the PACE program and is comfortable with expanding the program statewide. However, statewide implementation of this program would require the addition of 14 new positions consisting of 8 Adult Probation Officers, 5 Criminal Justice Technicians, and 1-Office Assistant. The personnel associated with this expansion would be stationed in Anchorage, Fairbanks, Bethel, Juneau, Kenai, Ketchikan, and Palmer and would be able to serve the surrounding areas.

The anticipated positions and annual costs for statewide implementation is being requested in FY2015 and are:

\$1,241.5 Personal Services  
\$ 23.0 Travel  
\$ 241.2 Contractual Services  
\$ 98.0 Commodities  
\$1,603.7 Annual Total

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### Analysis Continued

#### **Risk-Needs Assessments**

This legislation requires the Department to perform a risk-needs assessment on all offenders who have been sentenced to 30 days or more. Currently, the Department is increasing the number of offenders who receive as risk-needs assessments, however, it is anticipated that 11 new Adult Probation Officer positions would be needed to support the additional assessment requirements of this section. These positions would be added within 10 of the institutional facilities located in Anchorage, Bethel, Eagle River, Fairbanks, Juneau, Kenai, Ketchikan, Nome, Palmer, and Sutton and one position added to the Central Classification and Furlough Unit in Anchorage.

The anticipated annual costs for statewide implementation is:

\$ 998.9 Personal Services  
\$ 0.0 Travel  
\$ 55.0 Contractual Services  
\$ 37.2 Commodities  
\$1,091.1 Annual Total

This section of the bill has a delayed effective date of January 1, 2016. This will allow the Department time to prepare for this new requirement of this section, funding to support this legislation is split with 50% being requested in FY2016 and the remaining 50% requested in FY2017.

#### **24/7 Sobriety**

This version will transfer the development and administration of the 24/7 Sobriety program to the Department of Health and Social Services (H&SS). With H&SS administering this program there should be no impact to the Department of Corrections.

#### **Recidivism Reduction Grant Fund**

This version will establish the Recidivism Reduction Grant Fund under the Department of Health and Social Services (H&SS). With H&SS administering this program there should be no impact to the Department of Corrections.