

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 66(JUD)
Fiscal Note Number: 4
(S) Publish Date: 3/12/14

Identifier: SB066-LAW-CRIM-02-18-14
Title: IMITATION CONTROLLED SUBSTANCE
Sponsor: EGAN
Requester: (S) 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 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
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								
---------------------------	--	--	--	--	--	--	--	--

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If yes, by what date are the regulations to be adopted, amended or repealed?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

Prepared By:	Loretta Withington, Division Operations Manager	Phone:	(907)465-5427
Division:	Department of Law	Date:	02/19/2014 10:18 AM
Approved By:	Michael C. Geraghty, Attorney General	Date:	02/19/14
Agency:	Department of Law		

FISCAL NOTE ANALYSIS #4

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 66(JUD)

Analysis

Senate Bill 66 amends the definition of “imitation controlled substance” in AS 11.73, which prohibits certain conduct in relation to imitation controlled substances. It eliminates the requirement that the substance have some form of substance such as ephedrine or procaine in order to be considered an imitation controlled substance.

This legislation changes the definition of an imitation controlled substance. Presently the definition is limited to 18 substances generally sold in pill or capsule form for legitimate wellness purposes. These pills are then sold as speed or some other controlled substance medication. The bill expands the number of substances to anything represented as a controlled substance and gives sheetrock powder and salt as examples. In other words the universe of material that can become imitation controlled substances is expanded from 18 substances to an infinite number of substances. The bill changes the present offense from distributing a pill claiming that the pill is a controlled substance to one where selling ground up plants as marijuana becomes a crime. Under the present law the following table shows the number of cases referred by police for prosecution and the number of cases actually prosecuted.

Referred:

2008—5
2009—7
2010—3
2011—0
2012—4

Convicted:

2008--1
2009--0
2010--1
2011--1
2012--1

We do not have a methodology for determining the increased number of cases which will be referred to us. We do know that SB 66 will increase the amount of conduct that would be criminal. For example the person who buys oregano at the grocery store with the intent to sell it as marijuana has not committed a crime yet but under this bill will have committed a C felony offense of possessing an imitation controlled substance. This is a major change in the imitation controlled substance law which will increase our work.

If SB 66 results in a minimal annual increase in cases, it would not have a substantial fiscal impact on the department. If SB 66 results in an increase of 400 cases, it would be equivalent to the case load for one attorney and would cause fiscal impact. The department does not know the extent of the problem and hence the number of cases that will be submitted for prosecution is unknown. Therefore, the Department of Law cannot accurately determine the fiscal impact of SB 66 at this time.