

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 187(JUD)
Fiscal Note Number: 3
(S) Publish Date: 3/18/14

Identifier: SB187-DOA-OPA-03-07-2014
Title: CHILD WELFARE; CONFIDENTIAL
INFORMATION
Sponsor: COGHILL
Requester: Senate Judiciary

Department: Department of Administration
Appropriation: Legal and Advocacy Services
Allocation: Office of Public Advocacy
OMB Component Number: 43

Expenditures/Revenues

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

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
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

Fund Source (Operating Only)

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If yes, by what date are the regulations to be adopted, amended or repealed?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

Not applicable, initial version.

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Division: <u>Office of Public Advocacy</u>	Date: <u>03/07/2014 12:15 PM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>03/07/14</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS #3

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 187(JUD)

Analysis

This bill amends the substantive criminal code, Title 11, by creating two new offenses and creating a related amendment to Rule 16 of the Alaska Rules of Criminal Procedure.

The bill first amends AS 11.51.110(a), which defines the offense of endangering the welfare of a child, by adding a new subparagraph (B)(2). That new sub-paragraph would specify certain new offense conduct. The new offense conduct would be knowingly engaging in conduct that violates AS 11.41.100, 11.41.220, 11.41.230(a)(1), 11.41.410-.432 or 11.41.450 against another person who is a household member of the person with reckless disregard that the conduct is in the physical presence or hearing of a child under 16 years of age who is a household member of either person.

The bill further amends AS 11.76.113(a), concerning the crime of misconduct involving confidential information, by adding a new subparagraph (B)(2). The new subparagraph would expand the definition of offense conduct to include publishing or distributing an audio or video recording of an interview of a child for a criminal or child protection investigation, or records of a medical examination of a victim or minor for purposes of investigation of an offense under AS 11.41.410-11.41.440 (sexual assaults and sexual assault of a minor offenses) , or 11.41.450 or a child protection investigation, including photographs of taken during the examination.

The bill further amends Rule 16(d)(3) Alaska Rules of Criminal Procedure by adding a new paragraph (3)(A)(viii) and (ix). Those new paragraphs would specify that in prosecutions under AS 11.41.410-.440 (sex offenses) that audio or video recordings of interviews of victims may be shared with but not given to the defense or the defendant. The bill further amends Rule 16(3)(D) by specifying that a violation of that rule by a party or counsel may be a criminal offense, per the proposed criminal statute amendments in the bill.

Overall, SB 187 is a substantive amendment to the criminal code and the rules of criminal procedure. If enacted as filed the bill would likely result in substantive increases in both the number of criminal prosecutions and the gravity of those prosecutions, brought under the new statutes. That increase would materially impact the case and workloads of the Office of Public Advocacy (OPA) defense attorneys and staff handling the defense in those cases. Realistic assessment of the fiscal impact would likely have to wait for actual caseload statistics to be developed after experience for one or two years under the new law. Therefore, OPA submits a zero fiscal note.