

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHB 126(JUD)
Fiscal Note Number:	7
(H) Publish Date:	1/25/2016

Identifier: HB126CS(JUD)-ACS-APP-01-19-16
 Title: CODE OF MILITARY JUSTICE; APPEALS
 Sponsor: JUDICIARY
 Requester: House Judiciary Committee

Department: Judiciary
 Appropriation: Alaska Court System
 Allocation: Appellate Courts
 OMB Component Number: 767

Expenditures/Revenues

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

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
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 (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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 If yes, by what date are the regulations to be adopted, amended or repealed?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 House Judiciary Committee Substitute for HB 126 revises the previous version's method for bringing a military justice case to the court system; rather than an appeal to the Court of Appeals, the method in the CS is via a petition for review to the Supreme Court. This results in no fiscal impact on the court system.

Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	01/19/2016 12:00 PM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	01/19/16
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

The House Judiciary Committee Substitute for House Bill 126 (version S) would substantially revise and expand AS 26.05 by adding a new Article 2 to Alaska's Code of Military Justice. It sets out substantive law and procedures for military courts martial and establishes a new Military Appeals Commission within the Department of Military and Veterans' Affairs. AS 26.05.538.

CSHB 126(JUD) also provides that after a person has appealed a court martial to the Military Appeals Commission, the person (if certain conditions are met) has the right to file a petition for review of that final military decision in the Alaska Supreme Court. AS 26.05.540. This new type of petition from the military court to the state (civilian) court would expand the Alaska Supreme Court's jurisdiction to include jurisdiction over these petitions. Section 1; AS 22.05.010. The Supreme Court would have the discretion to consider petitions for review of final decisions of the Military Appeals Commission when persons have filed a petition for review with the Supreme Court and exhausted their rights to appeal to the Commission, and the Commission has imposed a sentence of confinement.

Such petitions for review would involve violations of military law. Though the Supreme Court does not currently handle cases that concern either substantive or procedural aspects of courts martial and military offenses, the Supreme Court is prepared to review the petitions as contemplated by CSHB 126. The bill sponsors and members of the Alaska National Guard who have testified previously on this bill have stated that the number of petitions that will potentially be brought to the Supreme Court is expected to be very small; they have stated that it is expected to be no more than one to two per year.

Based on the representations of those testifiers, the court system anticipates that it can handle these new case types in the ordinary course of the Supreme Court's workload.

Further, CSHB 126(JUD) provides that a general court martial in which confinement of more than one year is sought will use a grand jury of the state to determine whether a true bill can issue. AS 26.05.444. Again, testifiers have stated that the National Guard expects this to be a minimal impact on the state court system's grand juries, that it would be quite rarely used, and that it would be coordinated such that the court system would not experience increased jury costs.

Based on these expectations of and assumptions about the bill's impacts, the court system submits a zero fiscal note for CSHB 126(JUD).