

# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version:	CSHB 317(FIN)
Fiscal Note Number:	3
(H) Publish Date:	4/13/2016

Identifier: HB317CS(JUD)-DOA-OPA-04-04-2016  
 Title: FORFEITURE:NO CIVIL IN REM; ONLY  
 CRIMINAL  
 Sponsor: WILSON  
 Requester: House 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)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>OPERATING EXPENDITURES</b>	<b>FY 2017</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

--	--	--	--	--	--	--	--

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 If yes, by what date are the regulations to be adopted, amended or repealed?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

Updated for CS.

Prepared By: Richard Allen, Director  
 Division: Office of Public Advocacy  
 Approved By: Sheldon Fisher, Commissioner  
 Agency: Department of Administration

Phone: (907)269-3504  
 Date: 04/04/2016 02:10 PM  
 Date: 04/04/16

**REPORTED OUT OF  
HFC 04/13/2016**

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2016 LEGISLATIVE SESSION**Analysis**

Reforms Alaska's statutes concerned with forfeiture proceedings.

Per the sponsor, the bill is needed to correct long-standing, widespread, unconstitutional abuse by state agencies of the property and due process rights of persons targeted in civil and criminal forfeiture proceedings. The bill would implement statutory reforms and procedures, codified within the code of criminal procedure, (AS 12.36) with legally enforceable standards of accountability, reporting, and due process with regard to criminal forfeiture proceedings. The courts would be required to conduct forfeiture proceedings in criminal cases according to specific procedures and standards. Civil in rem forfeiture authority and jurisdiction of state agencies would be curtailed or eliminated. Forfeiture against a defendant in a criminal case could only proceed if the defendant has first been convicted of a crime.

The bill would likely not specifically impact the mission or operations of the Office of Public Advocacy (OPA) as such, but could, on a case-by-case basis, affect clients represented by agency attorneys in criminal cases. OPA submits a zero fiscal note.