

Fiscal Note

State of Alaska
2018 Legislative Session

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| Bill Version: | HB 294 |
| Fiscal Note Number: | 2 |
| (H) Publish Date: | 1/19/2018 |

Identifier: DPS-APSC-01-12-18
 Title: SURCHARGE FOR COMMISSION OF OFFENSE
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Public Safety
 Appropriation: Alaska Police Standards Council
 Allocation: Alaska Police Standards Council
 OMB Component Number: 519

Expenditures/Revenues

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

| | FY2019 | Included in | Out-Year Cost Estimates | | | | | |
|-------------------------------|-------------------------|---------------------------|-------------------------|----------------|----------------|----------------|----------------|------------|
| | Appropriation Requested | Governor's FY2019 Request | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
| OPERATING EXPENDITURES | FY 2019 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | |
| 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 | 0.0 |

Fund Source (Operating Only)

| | | | | | | | | |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|
| None | | | | | | | | |
| Total | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Positions

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

Change in Revenues

| | | | | | | | | |
|--------------------|--------------|------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1005 GF/Prgm (DGF) | 800.0 | | 800.0 | 800.0 | 800.0 | 800.0 | 800.0 | 800.0 |
| Total | 800.0 | 0.0 | 800.0 | 800.0 | 800.0 | 800.0 | 800.0 | 800.0 |

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) 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/comments:

Not applicable, initial version.

| | | | |
|--------------|--|--------|---------------------|
| Prepared By: | Kelly Howell, Administrative Services Director | Phone: | (907)465-4336 |
| Division: | Administrative Services | Date: | 01/12/2018 07:30 PM |
| Approved By: | Walt Monegan, Commissioner | Date: | 01/12/18 |
| Agency: | Department of Public Safety | | |

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

Analysis

This legislation amends AS 12.55.039(a) to increase by 100 percent the surcharge amounts imposed for a defendant who pleads guilty to, forfeits bail for, or is convicted of a felony offense, misdemeanor offense, or a violation. This surcharge is referred to as a police training surcharge.

Under AS 18.65.225 the surcharge amounts collected under AS 12.55.039 may be appropriated to the Alaska police training fund, and the legislature may make appropriations from the fund to the Alaska Police Standards Council (APSC) to provide training for the law enforcement and corrections community.

This fiscal note assumes the legislature will continue to make appropriations from the Alaska police training fund to the APSC for law enforcement and corrections training programs. The revenue received by the APSC from the Alaska police training fund for the last three fiscal years averages \$1,176,726 (\$1,277,574 in FY2015; \$1,300,804 in FY2016; and \$951,798 in FY2017).

No single causal factor emerged from the analysis of declining police training surcharge revenues in FY2017. However, two significant factors have been identified: The decline in the number of state law enforcement officers and prosecutors combined with the 'decriminalization' or reduction in level of criminal offenses has led to a notable decrease in surcharge assessments (i.e., a decrease in crime/offense convictions); and the court decision in *Miller v. State*, 382 P.2d 1192 (Alaska Court of Appeals, 2016) limited the court to imposing only one surcharge per case, rather than for each offense the defendant was convicted. While the Miller case dealt with a conviction for more than a hundred counts of possessing child pornography, as well as two counts of soliciting other people to tamper with evidence, the effect of this decision was to limit even traffic offenders from being assessed more than one police training surcharge per court case.

Passage of this legislation is anticipated to result in increased revenue to the APSC from the Alaska police training fund in the amount of \$800,000 annually based on the current declining collection trend and the assumption that increasing the surcharges may increase the number of offenders who cannot pay the debt resulting in it being turned over to collections.