

# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version:	SCS HB 312(RLS)
Fiscal Note Number:	4
(S) Publish Date:	5/9/2018

Identifier: HB312-DOC-IDO-05-09-18  
 Title: CRIMES AGAINST MEDICAL PROFESSIONALS  
 Sponsor: CLAMAN  
 Requester: Senate Rules

Department: Department of Corrections  
 Appropriation: Population Management  
 Allocation: Institution Director's Office  
 OMB Component Number: 1381

**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
<b>OPERATING EXPENDITURES</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>	<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>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

**Change in Revenues**

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>	<b>0.0</b>

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 If yes, by what date are the regulations to be adopted, amended or repealed?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

Update fiscal note to reflect Senate CS for HB 312 (RLS)

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Division:	Administrative Services - Department of Corrections	Date:	05/09/2018 09:00 AM
Approved By:	Dean Williams, Commissioner	Date:	05/09/18
Agency:	Department of Corrections		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

## Analysis

This legislation is amended by adding section 11.71.125 which allows the attorney general to schedule substances by emergency regulation. The attorney general may, by regulation, schedule a substance in AS 11.71 regardless of whether the substance is substantially similar to controlled substance listed in AS 11.71.140 - 11.71.180, if the attorney general finds that the scheduling the substance on an emergency basis is necessary to avoid an immediate hazard to public safety.

AS 12.30.006(b) is amended to allow anyone charged with a felony or if an out-of-state criminal history has not been used in determining the person's risk level in the pretrial risk assessment under AS 33.07 may be detained up to 48 hours before releasing from custody. This could potentially increase the daily population for those charged with a felony that are held beyond the current 24 hours, however, the department is unable to determine how many additional remands with an out-of-state criminal history that would be impacted by this legislation therefore the department is unable to determine the potential impact to the daily prison population under this section.

AS 12.30.011(b) is amended eliminating the mandatory release of persons charged with certain misdemeanors who are assessed as low or moderate risk if an out-of-state criminal history has not been used in determining the person's risk level in the pretrial risk assessment under AS 33.07 and allows the Courts discretion if they find that the release of the person will not reasonable ensure the appearance in court and the safety of the victim, other persons and the community. This could potentially increase the daily incarcerated population by approximately 0-5 persons per day based on the initial three months of risk assessments performed that reflect a moderate scoring for persons charged with a misdemeanor; however, does not include the impact for those persons with an out of state criminal history, therefore the department is unable to determine the potential impact to the daily prison population under this section.

AS12.30.011(c) adds language that if a person is remanded for a specific felony C offense and scores low on the pretrial risk assessment under AS 33.07 then the remand is a mandatory release unless the remand has out-of-state criminal history and the Courts find that the release of the person will not reasonably ensure the appearance in court and the safety of the victim, other persons and the community. The department is unable to determine how many remands have an out-of-state criminal history therefore the department is unable to determine the potential impact to the daily prison population under this section.

AS12.30.011(i) is amended by adding convictions outside the state as an additional criteria for the courts to consider when determining the conditions of release. The department is unable to determine how many remands have an out-of-state criminal history therefore the department is unable to determine the potential impact to the daily prison population under this section.

AS 33.07.030(g) is amended granting authority to a pretrial services officer to file complaints with the courts, arrest with or without a warrant, and request the court to issue warrants for those persons released to the Pretrial Services Program. This authority is in alignment of the pretrial officer supervision of those persons released to the Pretrial Services Program and will have no financial impacts for the department.

The Department of Corrections is unable to determine the full fiscal impacts of this legislation and cannot estimate the total number of persons that could potentially be placed under the department's care under this legislation if passed.

Potential fiscal impacts to the Department of Corrections of these amendments could be absorbed within existing resources; however, if the monthly average inmate population count exceeds the general capacity of 4,644 inmates, additional resources will be needed for the reopening of the Palmer Correctional Center or entering into a contract with a private vendor out of state.

The Department will monitor for fiscal impacts of this legislation if passed.