

# Fiscal Note

State of Alaska  
2018 Legislative Session

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

Identifier: HB312-DHSS-API-5-9-18  
 Title: CRIMES AGAINST MEDICAL PROFESSIONALS  
 Sponsor: CLAMAN  
 Requester: House JUD

Department: Department of Health and Social Services  
 Appropriation: Behavioral Health  
 Allocation: Alaska Psychiatric Institute  
 OMB Component Number: 311

**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>	<b>FY 2019</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2024</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 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

**Why this fiscal note differs from previous version/comments:**

Updated to reflect new changes made in Senate Rules.

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Division:	Behavioral Health	Date:	05/09/2018 08:50 AM
Approved By:	Shawnda O'Brien, Asst. Commissioner	Date:	05/09/18
Agency:	Health and Social Services		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

## Analysis

HB 312 may present the department with an unintended consequence. It raises concerns that arrests based on probable cause without a warrant for Assault in the 4th degree in a healthcare facility by someone not seeking medical treatment or stable for discharge will generate questions regarding the competency of the individuals subject to arrest. This may lead to more requests for competency evaluations and the potential need for additional court-ordered restorations.

The Alaska Psychiatric Institute's (API's) forensic staff and its 10 bed forensic unit are already under a great deal of pressure handling existing waitlists for competency determinations for criminal defendants, and the need for beds on the forensic unit for persons found incompetent to stand trial and referred to API for restoration to competency.

Presently, a lack of data exists around the number of arrests for assault in the 4th degree that involved persons for whom competency to stand trial was at issue. Without such data, it is not possible to accurately determine whether the proposed statute change will result in a significant increase in either requests for competency assessments or the numbers of persons court-ordered to API for restoration. While the Division of Behavioral Health is concerned that this bill could impact the work of API's limited professional forensic staff, without more history as to the actual impact, the division is submitting a zero fiscal note at this time. If, after a year of experience, this specific statute change results in an additional, noticeable increase in court-orders for evaluations and restorations, the division may need to seek a budget increment to fund the additional API staffing necessary to meet this increased impact on an already burdened forensic unit staff.