

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version:	SCS HB 312(RLS)
Fiscal Note Number:	7
(S) Publish Date:	5/9/2018

Identifier: HB312SCS(RLS)-LAW-CRIM-05-09-18
 Title: CRIMES AGAINST MEDICAL PROFESSIONALS
 Sponsor: CLAMAN
 Requester: House Judiciary

Department: Department of Law
 Appropriation: Criminal Division
 Allocation: Criminal Justice Litigation
 OMB Component Number: 2202

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								
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

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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 If yes, by what date are the regulations to be adopted, amended or repealed?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

This fiscal note addresses changes to HB 312 due to a Senate Committee Substitute for the bill.

Prepared By:	Valerie Rose, Budget Analyst	Phone:	(907)465-3674
Division:	Administrative Services Division	Date:	05/09/2018
Approved By:	Jahna Lindemuth, Attorney General	Date:	05/09/18
Agency:	Department of Law		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

Analysis

Pretrial Release

Under the bail provisions enacted in 2016, persons charged with certain misdemeanors and who are assessed as low to moderate risk must be released on their own recognizance or on an unsecured bond. Further, persons charged with certain class C felonies and who are assessed as low risk must also be released on their own recognizance or on an unsecured bond. However, the risk assessment tool does not take into account a person's out-of-state criminal history, if any. Therefore, judges are prohibited from imposing monetary bail for these individuals.

This legislation repeals the section of law requiring that a person be released on their own recognizance or unsecured bond if they are charged with a class C felony and assessed as low risk. The legislation also allows the court to impose monetary bail if the person has been charged with a misdemeanor and assessed as low to moderate risk and has an out-of-state criminal history that has not been used in determining the person's risk level by the risk assessment tool.

The Department of Law does not anticipate a fiscal impact from these sections at this time.

Assault on Medical Professional

This legislation would also allow a peace officer to arrest a person without a warrant if that person has committed a misdemeanor assault at a health care facility and was not seeking medical treatment at the time of the assault or was stable for discharge. The legislation also establishes an aggravator at sentencing if the person committed a felony at a health care facility and knowingly directed their conduct at a medical professional or because of the medical professional's exercise of professional duties.

The Department of Law does not anticipate a fiscal impact from these sections at this time.

Attorney General Schedule Controlled Substances

Finally, this legislation would allow the Attorney General to schedule substances by emergency regulation if that substance is currently listed on the federal controlled substance schedule. Before scheduling a substance, the Attorney General would need to assess the danger of the substance, consult with the Controlled Substances Advisory Committee, and make certain written findings, set out in proposed AS 11.71.125. A substance scheduled by emergency regulation could remain on the schedule (through regulation) for no longer than 1095 days. The regulation will expire at the end of that period unless the legislature schedules the substance or annuls the regulation by law.

The Department of Law cannot predict how often the Attorney General would schedule a substance through the emergency regulation process set out in the bill, but expects it would be infrequent and that additional staff is not needed.

The Department of Law does not anticipate a fiscal impact from these sections at this time.