

# Fiscal Note

State of Alaska  
2017 Legislative Session

Bill Version:	HCS CSSB 54(FIN)
Fiscal Note Number:	11
(H) Publish Date:	11/3/2017

Identifier: SB054HCSCS(JUD)-JUD-ACS-11-01-17  
 Title: CRIME AND SENTENCING  
 Sponsor: COGHILL  
 Requester: House Finance

Department: Judiciary  
 Appropriation: Alaska Court System  
 Allocation: Trial Courts  
 OMB Component Number: 768

## Expenditures/Revenues

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

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
<b>OPERATING EXPENDITURES</b>	<b>FY 2018</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</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

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>

**Estimated SUPPLEMENTAL (FY2017) cost:** 0.0 (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2018) 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 If yes, by what date are the regulations to be adopted, amended or repealed?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 to reflect House Judiciary amendments.

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 Agency: Alaska Court System

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 Date: 11/01/2017 12:30 PM  
 Date: 11/01/17

**REPORTED OUT OF  
HFC 11/03/2017**

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2017 LEGISLATIVE SESSION

## Analysis

The House Judiciary Committee Substitute for Senate Bill 54 makes numerous changes to criminal laws, including sentencing, procedure, and crime classifications. None of the changes in the bill would result in a fiscal impact to the court system.

Bail Schedule: The CS requires the court to alter the existing statewide misdemeanor bail schedule to add a provision regarding the defendant's sobriety upon release (section 11). The court will implement this by January 1, 2018, as provided in section 50, and can make this change without fiscal impact.

First Appearance: The CS allows a prosecutor to request up to 48 hours for the first appearance for defendants charged with certain specified C felonies (section 10). This may add to the number of hearings and appearances for defendants in that category, but the increase is difficult to predict. The court system will absorb any increase without fiscal impact.

ASAP: Section 47 allows the court to refer to ASAP any defendant in a misdemeanor case if the case involved alcohol or substance abuse. This change will require changes to our judgment forms, and will have a significant impact on many misdemeanor probation sentences. The court anticipates that this option will be used often. The change will not have a cost to the court system though; the fiscal impact is zero.

Increased Sentences and Reclassification of Crimes: The CS reclassifies a third-time B misdemeanor theft so that it becomes an A misdemeanor (sections 1-2), reclassifies violating conditions of release from a violation to a B misdemeanor with up to five days jail time (sections 3, 4, 18), increases the penalty for an A felony if the conduct was directed at a law enforcement officer (section 14), increases the penalty for a first-time C felony (section 15), adds minimum probation time for sex felonies (section 16), adds an intermediate permissible sentence for second-time A misdemeanors and clarifies that the third-time penalty is up to one year active jail time (section 17), adds potential active jail time for second and subsequent B misdemeanor thefts (section 19), increases the penalty for disorderly conduct to up to five days active time (section 20), and decreases driving without a valid operator's license to an infraction (to align with the changes to DWLS in SB 91) (section 25). These changes to the permissible penalties and sentences that judges may impose for particular offenses can be implemented by the court system without additional costs.

Sex Trafficking and Drug Classifications: The CS adjusts the definitions of sex trafficking by revising and refining the conduct that qualifies as elements of the crime (sections 5-7, 23-24, 45). It also adds a drug to the Schedule IA list (sections 8-9). Changes to the definitions and/or elements of crimes do not typically cause a fiscal impact to the court system.

Parole: The CS eliminates administrative parole (sections 13, 27-33, 35-43, 46). This is administered by the Department of Corrections and does not impact the court system. Section 34 also changes certain parole procedures; again, this is a DOC function and does not impact the courts.

Pretrial Services: Section 26 clarifies that the new Pretrial Services office will conduct a risk assessment only on defendants who are in custody. This change does not have a fiscal impact on the courts.

In sum, the changes would have no fiscal impact on the court system, which therefore submits this zero fiscal note.