

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	CSSB 54(JUD)
Fiscal Note Number:	4
(S) Publish Date:	3/13/2017

Identifier: SB054CS(JUD)-DOC-IDO-03-09-17
 Title: CRIME AND SENTENCING
 Sponsor: COGHILL
 Requester: (S) JUDICIARY

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)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services	1,965.6		1,965.6	1,965.6	1,965.6	1,965.6	1,965.6
Travel	351.8		351.8	351.8	351.8	351.8	351.8
Services	575.2		575.2	575.2	575.2	575.2	575.2
Commodities	1,438.5		1,438.5	1,438.5	1,438.5	1,438.5	1,438.5
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	4,331.1	0.0	4,331.1	4,331.1	4,331.1	4,331.1	4,331.1

Fund Source (Operating Only)

1004 Gen Fund (UGF)	4,331.1		4,331.1	4,331.1	4,331.1	4,331.1	4,331.1
Total	4,331.1	0.0	4,331.1	4,331.1	4,331.1	4,331.1	4,331.1

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

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 If yes, by what date are the regulations to be adopted, amended or repealed?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

Fiscal Note SB54 modified to identify changes in version R.

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Division:	Administrative Services - Department of Corrections	Date:	03/09/2017 06:00 PM
Approved By:	Dean Williams, Commissioner	Date:	03/09/17
Agency:	Department of Corrections		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

Analysis

This legislation amends several changes to violation of condition of release, sentencing and probation statutes passed under Chapter 36, SLA '16 (SB91). Changes to the violation of condition of release, sentencing and probation statutes will impact the length of imprisonment of those individuals placed under the department's custody and adjusts the anticipated inmate population reductions projected with SB91.

Based on the inmate population projections identified with SB91 the department is projecting an increase to the inmate population of approximately 286 persons per day. It is anticipated that this legislation could increase the institutional expenditures by \$0.00 (no persons) up to \$4,331,141.10 (286 persons) annually based on a daily marginal rate of \$41.49. Funding will support personal services of existing positions, inmate travel, security and safety services as well as commodity expenditures associated with inmate housing i.e. food, clothing, bedding, medical and security supplies, etc.

The following sections detail the anticipated FY2018 fiscal impacts:

AS 12.55.125(e) (l) amends first time felony convictions allowing for imprisonment of zero to 365 days. This change would impact the inmate population reductions projected in passed legislation SB91 resulting in a predicted increase to the inmate population. Using the Department of Law's assumptions on sentencing time for different categories of class C felonies (alcohol, drugs, person, property, public order/administration, transportation, weapons), the Department of Corrections projects an increase to the inmate population of approximately 196 persons per day, at a cost of \$2,968,194.60 annually based on a daily marginal rate of \$41.49/bed. It is projected that this section could increase institutional expenditures by \$0.0 (no persons) up to \$2,968,194.60. The department will continue to monitor the impacts of this section.

AS 12.55.125 (q) adds a new section requiring the court to impose a term of probation in addition to an active term of imprisonment imposed under AS 12.55.125(i). Based on available offender data if this section had been in effect in CY2016 it would have resulted in an increase of 24,837 probation supervision days. This would increase the daily average probationer by 68 in CY2016 and require additional resources. This is based on the assumption that for those instances where the actual probation time was greater than or equal to the minimum probation time established by SB54, they would have remained unchanged and only those instances where the actual probation time was less than the minimum established this section would have been affected. In the interest of public safety and because of the extreme danger sex offenders pose to the community, especially to children and vulnerable adults, the department has a maximum capacity for sex offender caseloads of 50 sex offender probationers per supervising officer.

AS 12.55.135(a) amends class A misdemeanor sentencing for those with one prior conviction similar in nature to the offense for which the defendant is being sentenced to not more than 60 days from the current 30 days. This change would impact the inmate population reductions projected in passed legislation SB91 resulting in a predicted increase to the inmate population of approximately 73 persons per day. It is projected that this section could increase the institutional expenditures by \$0.00 (no persons) up to \$1,105,501.05 (73 persons) annually based on a daily marginal rate of \$41.49.

AS 12.55.135(b) amends violation of conditions of release as a B misdemeanor and allows sentences of not more than five days for violations of AS 11.56.757. This change would impact the inmate population reductions projected in passed legislation SB91 resulting in a predicted increase to the inmate population of approximately nine persons per day. It is projected that this section could increase the institutional expenditures by \$0.00 (no persons) to \$136,294.65 (nine persons) annually based on a daily marginal rate of \$41.49.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. SB 54

Analysis

AS 12.55.135(l) amends sentencing for a person convicted of theft in the fourth degree and adds a sentence of not more than 10 days of active imprisonment and a term of probation of not more than six months if the person has previously been convicted two or more times of an offense; or a sentence of active imprisonment and a term of probation of more than six months if the person has been previously convicted once. This change would impact the inmate population reductions predicted in passed legislation SB91 resulting in a projected increase to the inmate population of approximately eight persons per day. It is anticipated that this section could increase the institutional expenditures by \$0.00 (no persons) up to \$121,150.80 (eight persons) annually based on a daily marginal rate of \$41.49.

AS 12.55.145(a)(5) adds a new section establishing a period of look back when considering prior convictions in imposing sentencing under AS 12.55.135(a). The department is unable to quantify the impacts of this section at this time. For example, not all misdemeanor convictions result in incarceration. The department only has data on individuals who are or were incarcerated. DOC will track and monitor for future fiscal impacts if passed.

The following sections are not anticipated to have fiscal impacts if passed:

AS 11.66.130(a) and AS 11.66.135(a) amends sex trafficking in the third and fourth degree to include those who receive compensation for prostitution services rendered by another. The department is currently unable to quantify the number of persons who would be imprisoned under this section and will monitor for fiscal impacts if passed.

AS 33.07.010 amends and identifies persons to receive pretrial service assessments. Initially the pretrial services unit was projected to supply roughly 32,000 assessments annually. This section clarifies that Pretrial Services is to provide assessments for persons detained in DOC facilities following arrest or for whom the prosecution requests an assessment. Due to the nature of this change, DOC cannot predict when or how often the prosecution will request assessments for defendants not in DOC custody. The department views as this is a technical clarification and will monitor and track for future fiscal impacts if passed.