

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	HB 10
Fiscal Note Number:	6
(H) Publish Date:	4/12/2019

Identifier: HB10-DOC-IDO-3-30-19  
 Title: CONTROLLED SUBSTANCE POSSESSION;  
 SENTENCE  
 Sponsor: KOPP  
 Requester: (H)STA

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)

	FY2020	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2020 Request	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
<b>OPERATING EXPENDITURES</b>	<b>FY 2020</b>	<b>FY 2020</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous	76.4		88.7	88.7	88.7	88.7	88.7
<b>Total Operating</b>	<b>76.4</b>	<b>0.0</b>	<b>88.7</b>	<b>88.7</b>	<b>88.7</b>	<b>88.7</b>	<b>88.7</b>

**Fund Source (Operating Only)**

1004 Gen Fund (UGF)	76.4		88.7	88.7	88.7	88.7	88.7
<b>Total</b>	<b>76.4</b>	<b>0.0</b>	<b>88.7</b>	<b>88.7</b>	<b>88.7</b>	<b>88.7</b>	<b>88.7</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 (FY2019) cost:** 0.0 *(separate supplemental appropriation required)*

**Estimated CAPITAL (FY2020) cost:** 0.0 *(separate capital appropriation required)*

**Does the bill create or modify a new fund or account?** No  
*(Supplemental/Capital/New Fund - 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 If yes, by what date are the regulations to be adopted, amended or repealed?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:**

Not applicable, initial version. Based on the 2.13.19 Governor's FY2020 request.

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 Agency: Office of Management and Budget

Phone: (907)465-3311  
 Date: 03/30/2019  
 Date: 03/30/19

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

## Analysis

This bill adds a new paragraph to misconduct involving a controlled substance (MICS) in the third degree that looks at certain prior MICS convictions as a condition for a conviction under this new offense paragraph. Over the last five years, there have been an average of 286 incarcerations as a result of a conviction for this offense. The department has determined that in the past instances of an offender being convicted of MICS in the fourth degree with at least two prior convictions was uncommon. The department estimates convictions under this paragraph for prior convictions of AS11.71.040(a)(12) and similar offenses in another jurisdiction will be similar to prior convictions of AS11.71.050.

The department projects that in the first year 12 offenders will be convicted of AS 11.71.040(a)(12) who would have otherwise been convicted of AS 11.71.050 resulting in a projected increase of 117.64 incarceration days for each offender. This will result in an increase in the daily prison population of 3.87 the first year with a cost of \$238.4. Starting the second year and every year thereafter, the department projects 14 offenders will be convicted of AS 11.71.040(a)(12) annually who would have otherwise been convicted of AS 11.71.050 resulting in a projected increase of 117.64 incarceration days for each offender. This will result in an increase in the daily prison population of 4.51 per year with a cost of \$277.8 each year.

This bill also adds a new section on substitution of judgement. An offender convicted of AS11.71.040(a)(12) who is otherwise qualified may substitute treatment for incarceration so long as the offender has no prior convictions for offenses against a person (AS11.41) in Alaska or another jurisdiction. The department estimates half of those convicted of AS11.71.040(a)(12) will not have a prior conviction for an offense against a person. The department projects this will result in a reduction of 2.63 inmates in the daily average prison population the first year for a savings of \$162.0. The department projects this will result in a reduction of 3.07 inmates in the daily average prison population the second year and every year thereafter for a savings of \$189.1 each year.

This bill adds AS11.71.040(a)(12) to the list of convictions that make an offender *ineligible* for suspension of sentence. This may increase the prison population, but the department does not have data that allow it to project the change.