

Fiscal Note

State of Alaska
2019 Legislative Session

Bill Version:	CSHB 49(FIN)
Fiscal Note Number:	10
(H) Publish Date:	5/8/2019

Identifier: HB049CS(FIN)-DOA-OPA-5-7-19
 Title: CRIMES; SENTENCING;MENT.
 ILLNESS;EVIDENCE
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: (H) Rules

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Office of Public Advocacy
 OMB Component Number: 43

Expenditures/Revenues

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

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
			FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
OPERATING EXPENDITURES	FY 2020	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Personal Services	558.5		558.5	558.5	558.5	558.5	558.5
Travel	12.1		12.1	12.1	12.1	12.1	12.1
Services	117.3		117.3	117.3	117.3	117.3	117.3
Commodities	6.8		6.8	6.8	6.8	6.8	6.8
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	694.7	0.0	694.7	694.7	694.7	694.7	694.7

Fund Source (Operating Only)

1004 Gen Fund (UGF)	694.7		694.7	694.7	694.7	694.7	694.7
Total	694.7	0.0	694.7	694.7	694.7	694.7	694.7

Positions

Full-time	5.0		5.0	5.0	5.0	5.0	5.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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 If yes, by what date are the regulations to be adopted, amended or repealed?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

Updated based on House Finance committee substitute.

Prepared By: James Stinson, Director
 Division: Office of Public Advocacy
 Approved By: Cheryl Lowenstein, Director
 Agency: Office of Management and Budget

Phone: (907)269-3504
 Date: 05/07/2019
 Date: 05/07/19

**REPORTED OUT OF
HFC 05/07/2019**

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2019 LEGISLATIVE SESSION**Analysis**

This bill increases sentencing ranges, removes the provisions automatically adjusting theft thresholds for inflation, creates some new crimes, and increases the charge level and penalties for crimes related to controlled substances.

There are new crimes created by this bill for generalized threats, fraudulent use of identification documents, possession of motor vehicle theft tools, and removal of electronic monitoring devices in broader circumstances. The bill also eliminates the marriage defense under certain circumstances for sex assault prosecutions and increases penalties for repeat drug possession convictions. This bill adds restrictions to discretionary parole eligibility and removes the presumption of release. The bill changes to how bail determinations, including the use of third-party custodians, are made and adds restrictions on credit given for pre-trial electronic monitoring in certain circumstances.

The Department of Law has reported an expected increase in referrals from law enforcement for drug related crime as a result of increasing charge levels and penalties for certain drug related crimes. With the prioritization of certain drug crime prosecutions, and increases in prosecutorial positions, there is anticipated caseload and workload growth. The Department of Law anticipates felony drug cases to increase to the levels they were at in 2016 and estimates an increase of at least 740 felony cases annually. The agency anticipates the need of four additional attorney positions and four additional staff positions as result of these changes.

Additionally, the Department of Law has predicted an increase in cases as a result of the recriminalization of driving with license canceled, suspended, or revoked. Evaluating fiscal year 2015 data on these misdemeanor cases the agency anticipates needing an additional attorney and an additional staff position as a result of this provision.

In addition to increased workload as a result of increased case filings, cases with increased penalties and higher charging levels require more litigation throughout all stages of litigation, but particularly increase jury trials, contested sentencing hearings, and post-conviction litigation.

Office of Public Advocacy (OPA) receives approximately 25% of the cases referred to the Public Defender Agency as conflict cases. OPA has seen workload growth and increased appointments in recent fiscal years and is unable to absorb additional workload with the current staffing. (OPA) anticipates an increase in workload related to the litigation of these cases. OPA is requesting three new attorneys and two new support staff for the anticipated increase.