

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	CSHB 49(FIN)
Fiscal Note Number:	11
(H) Publish Date:	5/8/2019

Identifier: HB049CS(FIN)-DOA-PDA-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: Public Defender Agency  
 OMB Component Number: 1631

**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
<b>OPERATING EXPENDITURES</b>	<b>FY 2020</b>	<b>FY 2020</b>					
Personal Services	1,046.6		1,046.6	1,046.6	1,046.6	1,046.6	1,046.6
Travel	22.8		22.8	22.8	22.8	22.8	22.8
Services	218.7		218.7	218.7	218.7	218.7	218.7
Commodities	12.8		12.8	12.8	12.8	12.8	12.8
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>1,300.9</b>	<b>0.0</b>	<b>1,300.9</b>	<b>1,300.9</b>	<b>1,300.9</b>	<b>1,300.9</b>	<b>1,300.9</b>

**Fund Source (Operating Only)**

1004 Gen Fund (UGF)	1,300.9		1,300.9	1,300.9	1,300.9	1,300.9	1,300.9
<b>Total</b>	<b>1,300.9</b>	<b>0.0</b>	<b>1,300.9</b>	<b>1,300.9</b>	<b>1,300.9</b>	<b>1,300.9</b>	<b>1,300.9</b>

**Positions**

Full-time	10.0		10.0	10.0	10.0	10.0	10.0
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 If yes, by what date are the regulations to be adopted, amended or repealed?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:**

Updated based on House Finance committee substitute.

Prepared By: Beth Goldstein, Acting Public Defender  
 Division: Public Defender Agency  
 Approved By: Cheryl Lowenstein, Director  
 Agency: Office of Management and Budget

Phone: (907)334-4414  
 Date: 05/07/2019  
 Date: 05/07/19

REPORTED OUT OF  
HFC 05/07/2019

Control Code: VHRbq

## 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.

The Public Defender Agency has seen workload growth and increased appointments in recent fiscal years and is unable to absorb additional increases in workload with current staffing. The agency anticipates needing a total of an additional five attorney positions and five staff positions to handle the anticipated increase in workload from the passage of this legislation.