

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	CSHB 49(FIN)
Fiscal Note Number:	18
(H) Publish Date:	5/8/2019

Identifier: HB049CS(FIN)-JUD-ACS-05-06-19  
 Title: CRIMES; SENTENCING;MENT.  
 ILLNESS;EVIDENCE  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 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)

	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	1,180.9		1,040.5	1,040.5	1,040.5	1,040.5	1,040.5
Travel	77.0		77.0	77.0	77.0	77.0	77.0
Services	9.0		9.0	9.0	9.0	9.0	9.0
Commodities	10.0		10.0	10.0	10.0	10.0	10.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>1,276.9</b>	<b>0.0</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	1,276.9		1,136.5	1,136.5	1,136.5	1,136.5	1,136.5
<b>Total</b>	<b>1,276.9</b>	<b>0.0</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>	<b>1,136.5</b>

## Positions

Full-time	9.0		9.0	9.0	9.0	9.0	9.0
Part-time							
Temporary	2.0						

## 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 If yes, by what date are the regulations to be adopted, amended or repealed?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 to add positions and costs associated with amendments to CSHB49 adopted on 5-6-19 requiring court to provide certain old mental commitment orders to DPS.

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 Agency: Alaska Court System

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 Date: 05/06/19

**REPORTED OUT OF  
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## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
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## Analysis

The House Finance Committee Substitute for House Bill 49 changes many categories of criminal offenses and procedures to return them to the way they were written before Senate Bill 91 passed in 2016. It removes the inflation adjuster for theft crimes, allows a new offense for aggregated thefts, reclassifies certain sexual offenses and most drug offenses, changes the length of sentences for misdemeanors and felonies, reclassifies some offenses as crimes (failure to appear), alters bail and pretrial provisions, and alters probation terms. The bill also enacts several new criminal offenses, including possession of motor vehicle theft tools, escape, and terroristic threatening.

Creating new criminal offenses and reclassifying drug crimes is expected to have the effect of increasing the number of cases that are filed with the court, and increased sentences may have the impact of increasing the number of cases that proceed to trial. The fiscal note from the Department of Law seeks six new prosecutors for the caseload increases that they anticipate. These changes would therefore have a fiscal impact on the court.

The court system intends to accommodate the increased filings by retaining the equivalent of two full-time pro tem judges to help expedite the criminal caseload, at a cost of \$194,000 (salary plus benefits) per judge. Those positions would travel to cover cases as needed statewide, and therefore the court system anticipates travel costs of \$18,000 for each of the pro tem judges. The positions would each require \$1,000 in supplies and \$1,500 in contractual services. The total expenditures for the **two full-time pro tem judges would be \$429,000**. In addition, the pro tem judges must travel with an in-court clerk; this note also includes **travel costs of \$36,000 for the two travelling in-court clerks**.

In addition, to accommodate the expected increase in criminal case filings that five new prosecutors would cause, the court system is seeking the funding equal to the cost of five clerical positions. The additional resources would permit the court to keep current with opening new files, entering data in Court View, and generally processing the additional caseload. The cost of the **five new clerical positions is \$447,500** (salary and benefits for three Range 14 clerks, plus two Range 16 clerks, plus \$2,000 in supplies/materials and \$3,000 in contractual services/computer licenses).

The provisions of CSHB 49 that change bail decisions, bail review hearings, third-party custodians, and the timing of arraignments to return them to pre-SB 91 laws may result in more bail hearings, but are not expected to have a fiscal impact on the court system. Similarly, the changes to probation terms and credits may lead to more petitions to revoke probation, but that is not likely to have any fiscal impact on the courts. The changes to parole eligibility and parole decisions have no impact on the court either operationally or fiscally.

One section of House Bill 49 also causes a direct, distinct fiscal impact on the court system. The section directs the court system to report to the Department of Public Safety all superior court orders issued on or after October 1, 1981 for the involuntary commitment of a person under AS 47.30.735 – 47.30.755, as well as orders of relief from disability resulting from an involuntary commitment or if an adjudication of mental illness or mental incompetence is granted by the court.

The court would need to hire two project employees to accomplish the work required under that provision. These employees would research the 21,637 mental commitment cases filed with the courts prior to implementation of our current electronic case management system (CourtView). The older case files are stored on microfilm and each case must be individually retrieved and reviewed to see if a commitment order was issued. To estimate the work involved, a current court system employee who is an experienced court clerk did a sample search of the stored microfilms; from that experience, we have estimated that each case would take approximately ten minutes to locate, review, report, and return. At ten minutes per search, it will take roughly 480 work days of a single clerk's time to research and report these cases. The court system would therefore hire two temporary clerks for a period of one year to accomplish this.

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**Analysis**

This fiscal note therefore includes the one-time, one-year cost **for two Range 14A project employees to do this work, a total of \$140,400**. The court system will not need additional supplies or office space to meet the requirements of this section. The employees will work to retrieve the orders described in the bill that are not available electronically.

In addition, the legislative intent in section 1 and proposed court rule changes concerning videoconference use for court hearings have a fiscal impact. With the increased focus on video-conferenced appearances for pretrial defendants, the court system is seeking two new positions: one trial court coordinator who would handle the many logistics and arrangements to expand the system statewide, and one technical IS (Information Services) person to set up and maintain equipment. The IS staff person would also need to travel statewide for troubleshooting and to provide ongoing technical assistance, and would incur certain limited costs for supplies and other contractual obligations. The cost would amount to the **videoconference coordinator's salary and benefits (Range 18C, for a total of \$105,400)**, the **IS technician's salary and benefits (Range 18C for a total of \$105,400)**, plus **travel costs of (\$5,000), supplies (\$6,000), and contractual services (\$3,000)**.

Therefore, the court system submits this fiscal note for the new positions and associated costs for a total of **\$1,276,900 for FY 2020**.