

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	CSHB 49(FIN)
Fiscal Note Number:	19
(H) Publish Date:	5/8/2019

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

Department: Department of Public Safety  
 Appropriation: Statewide Support  
 Allocation: Criminal Justice Information Systems Program  
 OMB Component Number: 3200

## 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	216.8		216.8	216.8	216.8	216.8	216.8
Travel							
Services	316.8						
Commodities	21.5		62.0	62.0	62.0	62.0	62.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>555.1</b>	<b>0.0</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	555.1		278.8	278.8	278.8	278.8	278.8
<b>Total</b>	<b>555.1</b>	<b>0.0</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>	<b>278.8</b>

## Positions

Full-time	2.0		2.0	2.0	2.0	2.0	2.0
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 If yes, by what date are the regulations to be adopted, amended or repealed?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:

This version reflects changes made by Amendment #7 to the CS for Version E relating to submission and testing of sexual assault examination kits, and Amendment #17 relating to records of involuntary mental health commitments.

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 Date: 05/06/2019  
 Date: 05/06/19

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

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

## Analysis

This bill makes several changes to current laws relating to sex offenders and sex offender registration requirements, relating to records of involuntary mental health commitments, and relating to sexual assault examination kits.

Specifically, the bill amends the definition of "sex offender or child kidnapper" under AS 12.63.100(6) to include a person who is required to register as a sex offender under the laws of another jurisdiction; and amends the definition of "sex offense" under AS 12.63.100(7) to include the offense of indecent viewing or production of a picture under AS 11.61.123 when punished as a class B or C felony, and offenses in which a person is required to register as a sex offender under the laws of another jurisdiction.

The bill also requires DPS to adopt regulations outlining the process for determining the duration of such offender's duty to register in Alaska, including taking into consideration the period of registration required in the other jurisdiction and providing for tolling or "pausing" of the registration period if out of compliance or incarcerated.

AS 18.65.087 authorizes the Department of Public Safety (DPS) to maintain a central registry of persons required to register as sex offenders and child kidnappers under AS 12.63.010. Within DPS, the Sex Offender/Child Kidnapper Registry office validates, verifies, and notifies sex offenders of the registration requirements. Currently, a person required to register as a sex offender in another jurisdiction is only required to register in Alaska if that person was convicted of an offense that is similar to a sex offense as defined in AS 12.63.100.

This bill also amends uncodified law to require the Alaska Court System to transmit to the Department of Public Safety (DPS) certain records related to involuntary commitments and adjudications of mental illness or mental incompetence that were issued on or after January 1, 1981, for inclusion in the National Instant Criminal Background Check System (NICS). Under current law, the Alaska Court System may only provide such records from October 2014 forward.

The NICS is a national system that checks available records in three databases to determine if prospective firearm buyers are disqualified from receiving firearms. A NICS check includes a check of the following three databases that are maintained by the FBI: Interstate Identification Index (III or "Triple I"), a database on criminal history record information; National Crime Information Center (NCIC) which includes information on persons subject to civil protection orders and arrest warrants; and NICS Index which includes the information contributed by federal and state agencies identifying persons prohibited from possessing firearms who are not included in the III or NCIC, such as persons with a prohibiting mental health history.

When information about involuntary commitments and adjudications of mental illness or mental incompetence is provided to the NICS, the FBI can deny firearm transfers to persons with disqualifying mental health histories both in the state where the record was created and in other states to which the person may have subsequently moved.

These records are maintained in a separate database to protect the confidentiality of the records and to ensure they are only available for the purposes outlined under AS 47.30.907.

Should this bill pass, DPS anticipates the increase in the number of additional persons who would be required to register as sex offenders in Alaska would be manageable in terms of requiring additional staff or resources, and any additional workload related to transmittal of records from the court system can be absorbed with existing staff.

DPS estimates the regulation process associated with sex offender registration requirements would take no longer than twelve months from the bill's effective date to complete. Therefore, a July 1, 2020, date has been identified as the date by which the regulations would be adopted by.

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BILL NO. HB 49

**Analysis**

Finally, this bill amends AS 44.41 by adding a new section that requires law enforcement agencies to submit to the state crime lab for testing, all sexual assault kits collected by the agency within 30 days after collection; requires the state crime lab to test all eligible sexual assault kits within one year of a sexual assault kit being received by the crime lab; and requires that reasonable attempts be made to notify victims within two weeks after completion of the testing that their sexual assault kit has been tested.

Presently, not every sexual assault kit collected by law enforcement is submitted to the crime lab for scientific analysis. Approximately 120 kits fall into this category annually. This fiscal note assumes that, once received by the crime lab, all sexual assault kits will be tested except those defined as ineligible under the bill.

The crime lab estimates two additional Forensic Scientist III positions would be needed to address the increase in caseload and meet the required turnaround time for processing for a total annual cost of \$216,824. Necessary consumables (chemicals for testing) associated with testing completed by the two additional staff is estimated at \$62,000 annually. The two additional staff will enable the lab to maintain current turnaround times in all types of DNA casework in addition to meeting the one-year turnaround time requirement for sexual assault kits. However, if the crime lab continues to see an increase in DNA case submissions as it has this fiscal year, prioritization of sexual assault cases will continue to increase over other DNA requests (such as property crimes) increasing the backlog and turnaround time of nonpriority cases.

Additionally, the crime lab will need to outsource testing of sexual assault kits for the first year to account for the amount of time and resources needed to fully train new staff while continuing to meet processing timeframes at an estimated cost of \$316,800 (\$1,100/kit x 288 kits).

Should this bill pass, the total first year costs are estimated at \$555,124 which includes the full annual personal services costs for two new Forensic Scientist III positions, the cost for consumables for training the new staff, and an outsource contract to maintain turnaround times while the new staff are trained. Second and subsequent year costs are estimated at \$278,824 for continued funding of two positions and annual costs for necessary consumables.