

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	CSHB 49(JUD)
Fiscal Note Number:	9
(H) Publish Date:	4/30/2019

Identifier: HB049-JUD-ACS-04-25-19  
 Title: CRIMES; SENTENCING;MENT.  
 ILLNESS;EVIDENCE  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: House Judiciary

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>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Personal Services	970.9		970.9	970.9	970.9	970.9	970.9
Travel	72.0		72.0	72.0	72.0	72.0	72.0
Services	6.0		6.0	6.0	6.0	6.0	6.0
Commodities	4.0		4.0	4.0	4.0	4.0	4.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>1,052.9</b>	<b>0.0</b>	<b>1,052.9</b>	<b>1,052.9</b>	<b>1,052.9</b>	<b>1,052.9</b>	<b>1,052.9</b>

### Fund Source (Operating Only)

1004 Gen Fund (UGF)	1,052.9		1,052.9	1,052.9	1,052.9	1,052.9	1,052.9
<b>Total</b>	<b>1,052.9</b>	<b>0.0</b>	<b>1,052.9</b>	<b>1,052.9</b>	<b>1,052.9</b>	<b>1,052.9</b>	<b>1,052.9</b>

### Positions

Full-time	7.0		7.0	7.0	7.0	7.0	7.0
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 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

### Why this fiscal note differs from previous version/comments:

Fiscal note updated to account for expected increase in criminal case filings from the Department of Law, which seeks five new prosecutors.

Prepared By: Nancy Meade, General Counsel	Phone: (907)463-4736
Division: Alaska Court System	Date: 04/25/2019 05:00 PM
Approved By: Nancy Meade for Christine Johnson, Administrative Director	Date: 04/25/19
Agency: Alaska Court System	

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION

## Analysis

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. Certain provisions of the bill reclassify drug offenses, change the length of sentences for felonies and misdemeanors, reclassify certain offenses as crimes rather than violations, and remove inflation adjustments for theft offenses. The bill also enacts several new criminal offenses: escape, refusal to submit to DNA testing, and terrorististic 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 five 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).

One section of House Bill 49, **Section 49**, also causes a direct, distinct fiscal impact on the court system. Section 49 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 Section 49. 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.

This fiscal note reflects the one-time, one-year cost **for two Range 14A project employees to do the work required by Section 49, 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 by section 49 that are not available electronically.

In sum, the fiscal impact from HB 49 is **\$912,500 from the changes to the drug and sentencing criminal laws** and the corresponding increase in criminal case filings, plus **\$140,400 (FY 20 only) for complying with section 49's** requirement to gather and transmit mental commitment information to DPS for cases dating back to 1981, for a total of \$1,052,900.