

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	CSSSSB 12(JUD)
Fiscal Note Number:	1
(S) Publish Date:	3/6/2019

Identifier: SB012-DOA-OPA-02-09-19  
 Title: ASSAULT; SEX OFFENSES; SENTENCING  
 CREDIT  
 Sponsor: MICCICHE  
 Requester: Senate Judiciary

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	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2020 Request	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	***	***	***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	***	***	***	***	***	***	***

### Fund Source (Operating Only)

None							
<b>Total</b>	***	***	***	***	***	***	***

### Positions

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 If yes, by what date are the regulations to be adopted, amended or repealed?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

Not applicable, initial version based on the 12-15-18 Governor's FY2020 request.

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Division:	Office of Public Advocacy	Date:	02/09/2019 01:30 PM
Approved By:	Cheryl Lowenstein, Director	Date:	02/09/19
Agency:	Office of Management and Budget		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION**Analysis**

This bill expands the definition of assault in the first degree to include knowingly causing a person to become unconscious by means of a dangerous instrument. This is based on the meaning given to "dangerous instrument" in AS 11.81.900(b)(15)(B) which includes: "hands or other objects when used to impede normal breathing or circulation of blood by applying pressure on the throat or neck or obstructing the nose or mouth."

Serious strangulation cases can already be charged as first degree assault under 11.41.200(a)(1). This bill would allow strangulation cases that don't cause serious physical injury to be charged as first degree rather than second degree assault.

It also expands sexual assault in the third degree to include engaging in masturbation in the presence of another person and ejaculating on them without consent. This is also included under sexual abuse of a minor under AS 11.41.438(a).

Finally, the bill prohibits credit toward a sentence of imprisonment for time spent in a treatment program or under electronic monitoring if the sentence imposed is for a sex offense as defined in AS 12.63.100.

This bill will increase caseloads. The state will likely bring more cases, and these cases will require significant resources because of the severity of the charges and consequences of conviction. Cases involving strangulation will be more likely to require defense experts to disprove that the complaining witness lost consciousness. Whether those increases will materially impact the mission and operations of the Office of Public Advocacy is not definitely known at this time and for that reason the agency submits an indeterminate fiscal note.