

# Fiscal Note

State of Alaska  
2021 Legislative Session

|                     |               |
|---------------------|---------------|
| Bill Version:       | CSSSHB 5(STA) |
| Fiscal Note Number: | 1             |
| (H) Publish Date:   | 5/6/2021      |

Identifier: HB5-DOA-OPA-3-23-21  
Title: SEXUAL ASSAULT; DEF. OF "CONSENT"  
Sponsor: TARR  
Requester: (H)STATE AFFAIRS

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)

|                        | FY2022<br>Appropriation<br>Requested | Included in<br>Governor's<br>FY2022<br>Request | Out-Year Cost Estimates |            |            |            |            |
|------------------------|--------------------------------------|------------------------------------------------|-------------------------|------------|------------|------------|------------|
| OPERATING EXPENDITURES | FY 2022                              | FY 2022                                        | FY 2023                 | FY 2024    | FY 2025    | FY 2026    | FY 2027    |
| Personal Services      | ***                                  |                                                | ***                     | ***        | ***        | ***        | ***        |
| Travel                 |                                      |                                                |                         |            |            |            |            |
| Services               |                                      |                                                |                         |            |            |            |            |
| Commodities            |                                      |                                                |                         |            |            |            |            |
| Capital Outlay         |                                      |                                                |                         |            |            |            |            |
| Grants & Benefits      |                                      |                                                |                         |            |            |            |            |
| Miscellaneous          |                                      |                                                |                         |            |            |            |            |
| <b>Total Operating</b> | <b>***</b>                           | <b>0.0</b>                                     | <b>***</b>              | <b>***</b> | <b>***</b> | <b>***</b> | <b>***</b> |

## Fund Source (Operating Only)

|              |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| None         |            |            |            |            |            |            |            |
| <b>Total</b> | <b>***</b> | <b>0.0</b> | <b>***</b> | <b>***</b> | <b>***</b> | <b>***</b> | <b>***</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 (FY2021) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2022) 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.

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Agency: Office of Management & Budget

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Date: 03/23/2021 12:30 PM  
Date: 03/23/21

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2021 LEGISLATIVE SESSION

## Analysis

This bill changes the definition of consent as it relates to sex assault allegations and changes the classification and definition of sexual abuse against a minor. This change to the way sexual assault is defined will have significant impacts on the way sexual assault cases are litigated. When litigating these cases there will be increased scrutiny and focus on the conduct of complainants and whether the nuances of their words and actions indicate agreement. This could lead to an increase in case related costs.

Cases, like sexual assault cases, with increased penalties and higher charging levels require more litigation throughout all stages of litigation, but particularly increase jury trials, contested hearings, and post-conviction litigation. Both the resources needed to litigate these cases, and the associated workload, can be expected to increase with this statutory change. The Office of Public Advocacy is unable to predict the extent of that increase and therefore, submits an indeterminate fiscal note.