

Fiscal Note

State of Alaska
2022 Legislative Session

Bill Version:	CSSSHB 5(JUD)
Fiscal Note Number:	11
(H) Publish Date:	5/9/2022

Identifier: CSSSHB005(STA)-DOA-OPA-5-3-22
Title: SEXUAL ASSAULT; DEF. OF "CONSENT"
Sponsor: TARR
Requester: (H) JUD

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)

	FY2023 Appropriation Requested	Included in Governor's FY2023 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2023	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Personal Services	596.7		596.7	596.7	596.7	596.7	596.7
Travel	2.6		2.6	2.6	2.6	2.6	2.6
Services	1,977.6		1,977.6	1,977.6	1,977.6	1,977.6	1,977.6
Commodities	6.6		6.6	6.6	6.6	6.6	6.6
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	2,583.5	0.0	2,583.5	2,583.5	2,583.5	2,583.5	2,583.5

Fund Source (Operating Only)

1004 Gen Fund (UGF)	2,583.5		2,583.5	2,583.5	2,583.5	2,583.5	2,583.5
Total	2,583.5	0.0	2,583.5	2,583.5	2,583.5	2,583.5	2,583.5

Positions

Full-time	6.0		6.0	6.0	6.0	6.0	6.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2022) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2023) 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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Updated fiscal note to consider changes to the committee substitute, Department of Law fiscal note, and to add a cost estimate in place of an indeterminate fiscal note.

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Division:	Office of Public Advocacy	Date:	05/03/2022
Approved By:	Leslie Isaacs, Administrative Services Director	Date:	05/04/2022
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

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Analysis

The bill changes the definition of consent as it relates to sex assault allegations. This change to the way sexual assault is defined will have significant impacts on the way sexual assault cases are litigated.

More serious cases require additional litigation throughout all stages of the process, but particularly increase jury trials, contested sentencing hearings, and post-conviction litigation. The Office of Public Advocacy (OPA) anticipates an increase in workload and increasing costs for the Agency related to the litigation of these cases, particularly as the Agency has already seen workload growth and increased appointments in recent fiscal years and is unable to absorb additional increases in workload with current staffing.

Historically, the Agency has been understaffed in support positions for attorneys and this increment would better enable staff to manage the increased discovery and client contact related to the litigation for sex crimes. 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 these statutory changes as they will require a more fact-intensive investigation and litigation strategies, increasing the workload beyond that which already exists in sex assault cases. Therefore, the Agency is requesting six positions (1 attorney, 5 staff) in FY23 and beyond.

Additionally, OPA anticipates having to contract out a significant number of cases to meet its constitutional and statutory obligations. These types of cases are highly litigious and difficult to place. As of FY2022, OPA increased its case caps by approximately 30%. But OPA has not updated its hourly rate of pay for contract attorneys (\$65-\$95 an hour) since the early 1990s. In order to find contractors willing to accept these cases, OPA must increase its hourly rate of pay by approximately 30% as well. Therefore, OPA is requesting an additional \$1.89 million for its contract line to help absorb these cases.

OPA did not receive any new PCNs last fiscal year. The increment requested below helps maximize in-house resources without increasing overhead via lease space expansions. It will also update the contract line so that OPA can find independent contractors to act as conflict council.

Add 2 Law Office Assistants (range 11, Palmer)

Personal Services - \$141.4

Indirect rates - \$27.4

Commodities - \$2.2

Add 1 Law Office Assistant (range 11, Fairbanks)

Personal Services - \$72.2

Indirect rates - \$13.7

Commodities - \$1.1

Add 1 Investigator 3 (range 18, Fairbanks)

Personal Services - \$109.9

Indirect rates - \$13.7

Commodities - \$1.1

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BILL NO. CSSH B 5 (STA)

Analysis

Add 1 Investigator 3 (range 18, Juneau)

Personal Services - \$111.7

Indirect rates - \$13.7

Commodities - \$1.1

Add 1 Attorney 5 (Range 25, Anchorage)

Personal Services - \$161.5

Indirect rates- \$13.7

Case costs (experts, transcripts, etc.) -\$5.4

Travel -\$2.6

Commodities - \$1.1

Increase the contract line for attorney services by approximately 30%

Services - 1,890.0

(Attorney contractual services expenditures in the services line of OPA's budget totals approximately \$6.3 million)