

Fiscal Note

State of Alaska
2021 Legislative Session

Bill Version:	CSSSHB 5(STA)
Fiscal Note Number:	4
(H) Publish Date:	5/6/2021

Identifier: HB005-DOC-IDO-03-22-21
Title: SEXUAL ASSAULT; DEF. OF "CONSENT"
Sponsor: TARR
Requester: (H) STA

Department: Department of Corrections
Appropriation: Population Management
Allocation: Institution Director's Office
OMB Component Number: 1381

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2022 Appropriation Requested	Included in Governor's FY2022 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							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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If yes, by what date are the regulations to be adopted, amended or repealed?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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Date: 03/22/2021 10:45 AM
Date: 03/22/21

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2021 LEGISLATIVE SESSION

Analysis

This bill amends the crime of sexual abuse of a minor in the first degree under AS 11.41.434(a) and sexual abuse of a minor in the second degree under AS 11.41.436(a) by expanding the elements of each of those crimes to include persons 18 years of age or older who commit the offense against a person between the ages of 13 and 17 years and who are at least ten years younger than the offender.

Changes made to criminal laws can affect the number of people convicted of a crime and/or the length of the term of imprisonment. Consequently, this can affect the number of people incarcerated and/or the amount of time an offender could be incarcerated.

Sexual abuse of a minor in the second degree is a class B sex felony and has an initial presumptive sentencing range of five to 15 years, with a maximum possible sentence of 99 years. Sexual abuse of a minor in the first degree is an unclassified sex felony and has an initial presumptive sentencing range of 20 to 30 years with a maximum possible sentence of 99 years.

Should this bill pass, the Department of Corrections (DOC) could see a fiscal impact of \$320,908 (\$175.84/day x 365 days/year x 5 years) to \$6,353,978 (\$175.84/day x 365 days/year x 99 years) for each person convicted under proposed AS 11.41.436(a)(8) incarcerated under this legislation, and \$1,283,632 (\$175.84/day x 365 days/year x 20 years) to \$6,353,978 (\$175.84/day x 365 days/year x 99 years) for each person convicted under proposed AS 11.41.434(a)(4) incarcerated under this legislation.

DOC cannot quantify the number of offenders this bill would create but anticipates there will be an increase due to the expansion of the elements of these two crimes. Therefore, an indeterminate fiscal note is being submitted.