

Fiscal Note

State of Alaska
2022 Legislative Session

Bill Version:	HB 319
Fiscal Note Number:	1
(H) Publish Date:	2/11/2022

Identifier: LL0031-1-DOC-COM-2-01-2022
 Title: HARASSMENT; SEX OFFENDERS & OFFENSES
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Corrections
 Appropriation: Administration and Support
 Allocation: Office of the Commissioner
 OMB Component Number: 694

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

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

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	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 (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 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

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Division:	Office of the Commissioner	Date:	02/01/2022 10:30 AM
Approved By:	April Wilkerson, Administrative Services Director	Date:	02/01/22
Agency:	Department of Corrections		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2022 LEGISLATIVE SESSION

Analysis

This legislation adds AS 11.61.117, harassment in the first degree, as a class C felony. As this is a new crime, the department does not have data to reflect the full impacts of this section if this legislation is passed. However, based on the current offender population the department will not have a fiscal impact until the daily inmate population exceeds the current funded capacity. Therefore, no additional costs are anticipated for this section.

This legislation also amends AS 33.05.070 by expanding the arrest authority of a probation officer (PO) to allow the arrest of a sex offender for the crime of violation by a sex offender of a condition of probation under AS 11.56.759. This legislation will allow a PO to directly arrest and charge the probationer as a part of their daily workload assisting the DOC to be more efficient as well as partner agencies: State Troopers, Dept of Law and local law enforcement agencies. There is no anticipated fiscal impact with this change as the workload is currently being done within existing resources.

Additionally, this bill amends AS 33.07.030(g) by expanding the arrest authority of a pretrial services officer (PO) for certain crimes such as: escape, tampering, criminal mischief, unlawful contact, tampering and theft 2. This legislation will allow a pretrial officer to directly arrest and charge the defendant for certain crimes as a part of their daily workload assisting the DOC to be more efficient as well as partner agencies: State Troopers, Dept of Law and local law enforcement agencies. There is no anticipated fiscal impact with this change as the workload is currently being done within existing resources.

Currently probation and pretrial officers can arrest or remand probationers/defendants, file criminal charges or request a warrant when a person violates a condition of probation or pretrial release. However, when a PO apprehends a probationer/defendant who escapes (cuts off their electronic monitoring device) or engages in certain specific criminal conduct, they detain the probationer/defendant and are required to contact local or state law enforcement entities to fill out the charging documents prior to remanding the person to custody creating a more efficient process for arresting persons violating the conditions of release for both probation and pretrial.

POs draw their arrest authority from Title 33, which means that they can only arrest someone on pretrial, probation or parole supervision. There are only 2 additional crimes that POs can arrest for, outside of Title 33, and those are when a pretrial defendant violates a condition of release (VCOR) (11.56.757) or a Failure to Appear (11.56.730). POs are unable to arrest, file charges or request warrants for anything outside of the above parameters and they must notify law enforcement or a prosecutor who has to gather the information and file charges or request the warrant. The proposed legislation creates a more efficient process for not only Probation and Pretrial Officers, but also law enforcement agencies and Department of Law.