

Fiscal Note

State of Alaska
2022 Legislative Session

Bill Version:	HB 319
Fiscal Note Number:	5
(H) Publish Date:	2/11/2022

Identifier: LL0031-1-DOA-OPA-1-31-22
Title: HARASSMENT; SEX OFFENDERS & OFFENSES
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Governor

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	263.7		263.7	263.7	263.7	263.7	263.7
Travel	5.0		5.0	5.0	5.0	5.0	5.0
Services	15.0		15.0	15.0	15.0	15.0	15.0
Commodities	5.0		1.0	1.0	1.0	1.0	1.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	288.7	0.0	284.7	284.7	284.7	284.7	284.7

Fund Source (Operating Only)

1004 Gen Fund (UGF)	288.7		284.7	284.7	284.7	284.7	284.7
Total	288.7	0.0	284.7	284.7	284.7	284.7	284.7

Positions

Full-time	2.0		2.0	2.0	2.0	2.0	2.0
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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Not applicable, initial version.

Prepared By: James Stinson, Director
Division: Office of Public Advocacy (OPA)
Approved By: Leslie Isaacs, Administrative Services Director
Agency: Department of Administration

Phone: (907)269-3504
Date: 01/31/2022 11:25 PM
Date: 02/10/2022

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2022 LEGISLATIVE SESSION

Analysis

The bill increases the penalties for harassment and requires increased sex offender registry. This bill modifies the harassment statutes by creating the new crime of harassment in the first degree (C felony), if an individual intentionally subject a person to offensive physical contact by touching, over clothing, that person's genitals, buttocks, or female breast. It also requires a sex offender to report additional information to DPS, adds offenses that require sex offender registration, imposes a lifetime revocation of a teaching certificate if a person has been convicted of distribution or possession of child pornography, and expands the arrest authority of pretrial service officers for multiple offenses.

Cases with increased penalties, mandatory sentences, 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. Increasing a class A misdemeanor to a class C felony, that is also a sex offense requiring registration, will create significant litigation for those cases.

The Office of Public Advocacy anticipates an increase in workload and increasing costs for the Agency related to the litigation of these cases. Many cases that will be referred to the state as harassment 1 charges are currently handled by municipalities as class A misdemeanors. For example, the Municipality of Anchorage indicates that they filed approximately 20 harassment charges that would now encompass the same conduct captured by the new harassment 1 statute. The Department of Law also reports that it charges approximately 40 cases a year that will now be a class C felony sex offense rather than a class A misdemeanor.

The increased litigation surrounding these cases, plus the additional anticipated referrals, are more than the Office of Public Advocacy can absorb with current resources. Therefore, the Office of Public Advocacy requires an additional attorney position and investigator position to meet the anticipated increase in cases and litigation.

Add Investigator 3 (range 18, Juneau)
Personal Services – \$111.7
Indirect rates – \$7.5
Travel – \$5.0
Commodities – \$2.5

Add Attorney 4 (range 24, Anchorage)
Personal Services – \$152.0
Indirect rates – \$7.5
Commodities – \$2.5