

# Fiscal Note

State of Alaska  
2023 Legislative Session

Bill Version:	CSHB 28(FIN)
Fiscal Note Number:	3
(H) Publish Date:	5/8/2023

Identifier: HB028CS(JUD)-DPS-CJISP-05-05-23  
 Title: ACCESS TO MARIJUANA CONVICTION RECORDS  
 Sponsor: WRIGHT  
 Requester: (H) FINANCE

Department: Department of Public Safety  
 Appropriation: Statewide Support  
 Allocation: Criminal Justice Information Systems Program  
 OMB Component Number: 3200

## Expenditures/Revenues

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

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates					
			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
<b>OPERATING EXPENDITURES</b>								
Personal Services	97.7		97.7					
Travel								
Services	73.0		17.0					
Commodities	18.4							
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>189.1</b>	<b>0.0</b>	<b>114.7</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	189.1		114.7					
<b>Total</b>	<b>189.1</b>	<b>0.0</b>	<b>114.7</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time								
Part-time								
Temporary	1.0		1.0					

## 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>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2023) cost:** 0.0 (separate supplemental appropriation required)

**Estimated CAPITAL (FY2024) 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 If yes, by what date are the regulations to be adopted, amended or repealed?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:

Updated fiscal note to address amendment adopted in House Finance to remove a requirement for a fee of not less than \$150 to be paid to the Department of Public Safety by persons requesting certain records be restricted from release under Alaska Statute AS 12.62.160(b)(8).

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 Agency: Department of Public Safety

Phone: (907)269-5581  
 Date: 05/05/2023  
 Date: 05/05/23

**REPORTED OUT OF  
HFC 05/08/2023**  
 Control Code: frOab

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2023 LEGISLATIVE SESSION

Analysis

This bill limits access to certain criminal justice information for individuals convicted under Alaska Statute (AS) 11.71.060, or a municipal ordinance with similar elements, if the defendant was 21 years of age or older at the time the offense was committed, was not convicted of any other criminal charges in the case, and requests the records not be released.

The Department of Public Safety (DPS) Division of Statewide Services maintains the State’s criminal history repository. The repository is accessible by criminal justice agencies statewide and is used to provide criminal justice information for criminal history record background checks under AS 12.62. The system would need to be modified in a manner that would restrict these limited convictions from dissemination for certain requests (AS 12.62.160(b)(8)). The criminal history repository is a legacy mainframe application that requires a programmer with a specialized skill set to modify the system. Based on previous programming changes of this scale and scope, the DPS estimates it will require 400 hours for a contractor to learn, code, and test the system changes to ensure the modifications meet the desired outcome. The commonly accepted rate for a contractor with this skill set is \$140 per hour, for a total estimated cost of \$56,000 for the first year only.

There are approximately 8,500 criminal history records in the state's criminal history repository for convictions under applicable variants of AS 11.71.060 or a municipal ordinance with similar elements. Should this bill pass, each of these criminal history records will need to be individually researched upon request of the defendant to determine whether the conviction under AS 11.71.060 meets the criteria in this bill. Because the number of defendant requests is anticipated to be high after the law goes into effect, the DPS will need to hire a Criminal Justice Technician 1/2 to dedicate to this effort for two years with temporary increment funding. This position would research all requests and update the criminal history repository to restrict the release of these records as outlined in the bill. When not processing public requests, the individual would research records that are indeterminant to reduce research time on future requests.

Cost for the position is as follows:	<u>Year 1</u>	<u>Year 2</u>
Criminal Justice Technician 1/2, Anchorage	\$97.7	\$97.7
Initial set-up costs for training, office equipment, and supplies	\$18.4	
Ongoing costs for supplies, training, and other contractual obligations	<u>\$17.0</u>	<u>\$17.0</u>
Total:	\$133.1	\$114.7