

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version:	SCS CSHB 66(JUD)
Fiscal Note Number:	16
(S) Publish Date:	5/3/2024

Identifier: HB066CS(SJUD)-JUD-ACS-05-03-24
 Title: CONTROLLED
 SUB;HOMICIDE;CRIMES;SENTENCING
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Senate Finance Committee

Department: Judiciary
 Appropriation: Alaska Court System
 Allocation: Trial Courts
 OMB Component Number: 768

Expenditures/Revenues

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

	FY2025	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2025 Request	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
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 (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) 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? n/a
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Revised for Senate Judiciary Committee CS

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Division:	Alaska Court System	Date:	05/03/2024 09:00 AM
Approved By:	Nancy Meade for Stacey Marz, Administrative Director	Date:	05/03/24
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

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Analysis

The Senate Judiciary Committee Substitute for House Bill 66 (version N) would *change the classification of the crime of knowingly manufacturing or delivering certain controlled substances, when that conduct directly results in the death of a person, from its current classification as Manslaughter to instead become Murder in the Second Degree*. Sec. 2. This means that the specified conduct will change from a class A felony to an Unclassified felony, with the increased penalties that correspond to that more serious classification. The presumptive sentencing range for a first-time A felony conviction for manufacturing or delivering certain controlled substances is increased (sec. 22). Changes in classifications of offenses and increased penalties for offenses can sometimes cause a fiscal impact on the court system, but these offenses are not commonly charged and the changes are not expected to increase workload or cause any impact.

In addition, the bill creates a new crime of *assault in the presence of a child* as a new class A misdemeanor (sec. 6), makes *violating a stalking protective order* into an act of stalking itself (sec. 7), makes the *delivery of certain drugs to an incapacitated person an unclassified felony* (sec. 13), clarifies and *expands the categories of restitution* that may be ordered for a victim in a criminal case (sec. 21), and prevents the Dept. of Public Safety from *releasing certain marijuana possession records* in some background checks (secs. 26-27), and adds two additional offenses to the list of offenses that comprise the *definition of domestic violence* (sec. 34). These new and expanded crimes lead to more case filings and more litigation. The court system anticipates that it can absorb the additional work from these changes in its normal course.

The CS for House Bill 66 *changes the term "child pornography" to "child sexual abuse material"* in each statute in which that term appears (multiple sections). This wording change will have no impact on the way cases are filed or litigated, but will require CourtView and other databases that list statutory offenses to be re-programmed with the new name. The court system can accomplish this task without fiscal impact.

Other provisions of HB 66 would change multiple *requirements relating to the sex offender registry* (secs. 28-31), and would add additional offenses to the definition of "sex offense" for which a person is required to register (sec. 32). These changes are not anticipated to have a material effect of the court's caseload.

The CS for HB 66 *revises the process that takes place after a criminal defendant has been found, following an evaluation by a medical professional and a court hearing, incompetent to stand trial*. Sections 18-20 would refine the process in the criminal case when a defendant is incompetent, including adding a requirement that the prosecutor file a petition for an involuntary mental commitment before the criminal charges can be dismissed, if a defendant was charged with a felony crime against a person or felony arson. Correspondingly, the bill describes specific processes for involuntary mental commitments for those who had been found incompetent (secs. 39, 42-44), sets a timeframe for transporting a respondent in a mental commitment to an evaluation facility after the court issues an order (sec. 41), and allows for a two-year commitment in certain circumstances (sec. 45). It would allow court review of a two-year commitment every six months if the respondent requests. (sec. 47).

FISCAL NOTE ANALYSIS

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BILL NO. HB 66

Analysis

These new procedures will result in *more civil petitions for an involuntary hospitalization* to be filed and handled by the courts and will therefore impact operations, but are not expected to have a fiscal impact on the court system. These sections will result in more trials and hearings, but the number is not expected to be so substantial as to require additional resources at this time.

Finally, Section 51 of the CS for HB 66 would amend a court procedural rule, Criminal Rule 6(s), to provide that the evidence rules regarding hearsay do not apply in grand jury proceedings. This change would substantially change the way evidence is presented to a grand jury but would not have a fiscal impact on the court system.

The court system therefore submits this zero fiscal note.