

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version:	SCS CSHB 66(FIN)
Fiscal Note Number:	21
(S) Publish Date:	5/13/2024

Identifier: HB066HCSCS(JUD)-LAW-CJL-5-3-24
 Title: CONTROLLED
 SUB;HOMICIDE;CRIMES;SENTENCING
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: (S) FIN

Department: Department of Law
 Appropriation: Criminal Division
 Allocation: Criminal Justice Litigation
 OMB Component Number: 2202

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates					
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES								
Personal Services	389.5		389.5	389.5	389.5	389.5	389.5	389.5
Travel	11.0		8.0	8.0	8.0	8.0	8.0	8.0
Services	75.0		75.0	75.0	75.0	75.0	75.0	75.0
Commodities	15.0		7.5	7.5	7.5	7.5	7.5	7.5
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	490.5	0.0	480.0	480.0	480.0	480.0	480.0	480.0

Fund Source (Operating Only)

1004 Gen Fund (UGF)	490.5		480.0	480.0	480.0	480.0	480.0	480.0
Total	490.5	0.0	480.0	480.0	480.0	480.0	480.0	480.0

Positions

Full-time	3.0		3.0	3.0	3.0	3.0	3.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (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? 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 If yes, by what date are the regulations to be adopted, amended or repealed?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:

Updating changes made in Senate Judiciary Committee Substitute.

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 Agency: Department of Law

Phone: (907)465-3674
 Date: 05/03/2024 09:15 AM
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REPORTED OUT OF
SFC 05/12/2024

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

Analysis

This bill makes a number of changes to the criminal code.

It increases penalties for certain offenses involving controlled substances. If a person distributes a controlled substance in violation of AS 11.71.010 and AS 11.71.021 and a person dies from ingesting that controlled substance the crime will be murder in the second degree. It also makes it misconduct involving a controlled substance in the first degree (AS 11.71.021) if a person delivers a controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered.

This legislation also makes a number of other changes to the criminal code such as making it a class A misdemeanor to assault another person in the presence of a child, amending the definition of "crime involving domestic violence" to include interfering with a report of a crime of domestic violence and unlawful contact, and allowing testifying witnesses to summarize the statements of others at the grand jury phase of a case. The bill also eliminates the phrase "child pornography" from statute and replaces it with "child sexual abuse material." This does not alter the legal status of the amended crimes. The Criminal Division does not anticipate a fiscal impact from these sections of the bill.

This legislation requires the Criminal Division to file a petition for civil involuntary commitment under AS 47.30 before dismissal of a criminal case due to the defendant being incompetent to stand trial in certain cases. For the cases where the prosecutor must then notify the Civil Division that the petition has been filed and, within 24 hours after the filing of the petition, provided the court's findings to the Civil Division. The process of filing a petition for civil involuntary commitment is not in which prosecutors are currently routinely involved. Therefore, the Criminal Division is requesting one additional attorney, one paralegal, and one associated law office assistant all located in Anchorage. Between 2020 and 2022 there were approximately 178 cases dismissed because the defendant was not competent and either not restorable or while the person was still on the restoration waitlist.

Additionally, this legislation requires the Criminal Division to notify the victim in a criminal case that was dismissed because the person was not competent to stand trial of the time and place of an involuntary commitment hearing under AS 47.30, the length of time for which the respondent is committed and the findings made by the court, and when the respondent is discharged from commitment. The Criminal Division does not currently receive this type of information and, therefore, is currently unable to notify victims. A former defendant could be civilly committed for a lengthy period of time which requires periodic hearings. Therefore, each case which requires this type of notification will require continued contact with the victim.

The expenses for the above mentioned positions include:

Personal Services:	Attorney 5, range 25, Anchorage \$215,225 Law Office Assistant 2, range 13, Anchorage \$84,908 Paralegal 1, range 14, Anchorage \$89,327
Travel:	\$1,000 per position in FY2025 for new employees to attend training, and \$8,000 per year for contested hearings
Services:	\$25,000 per position for statewide core service chargebacks such as lease space, telephones, etc.
Commodities:	\$5,000 per position in FY2025 for initial setup costs for new employees and \$2,500 per position in subsequent years for technology refresh