

# Fiscal Note

State of Alaska  
2024 Legislative Session

|                     |                  |
|---------------------|------------------|
| Bill Version:       | SCS CSHB 66(FIN) |
| Fiscal Note Number: | 23               |
| (S) Publish Date:   | 5/13/2024        |

Identifier: HB066SCSCS(JUD)-FCS-API-05-04-2024  
 Title: CONTROLLED  
 SUB;HOMICIDE;CRIMES;SENTENCING  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: Senate Finance Committee

Department: Department of Family and Community Services  
 Appropriation: Alaska Psychiatric Institute  
 Allocation: Alaska Psychiatric Institute  
 OMB Component Number: 3311

**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    |
| <b>OPERATING EXPENDITURES</b> | <b>FY 2025</b>          | <b>FY 2025</b>            |                         |            |            |            |            |
| Personal Services             |                         |                           |                         |            |            |            |            |
| Travel                        |                         |                           |                         |            |            |            |            |
| Services                      |                         |                           |                         |            |            |            |            |
| Commodities                   |                         |                           |                         |            |            |            |            |
| Capital Outlay                |                         |                           |                         |            |            |            |            |
| Grants & Benefits             |                         |                           |                         |            |            |            |            |
| Miscellaneous                 |                         |                           |                         |            |            |            |            |
| <b>Total Operating</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> |

**Fund Source (Operating Only)**

|              |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| 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> |

**Positions**

|           |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

**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> |

**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? NA

**Why this fiscal note differs from previous version/comments:**

Initial version to reflect Senate Judiciary Committee substitute.

|              |   |        |               |
|--------------|---|--------|---------------|
| Prepared By: | Matt Davidson                               | Phone: | (907)465-5808 |
| Division:    | Office of the Commissioner                  | Date:  | 05/04/2024    |
| Approved By: | Marian Sweet, Assistant Commissioner        | Date:  | 05/04/24      |
| Agency:      | Department of Family and Community Services |        |               |

REPORTED OUT OF  
SFC 05/12/2024

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2024 LEGISLATIVE SESSION

## Analysis

HB66 allows the court to authorize criminal competency evaluations to take place at an outpatient clinic facility other than the Department of Family and Community Services (DFCS), Alaska Psychiatric Institute (API). DFCS-API has taken steps in recent years to ensure court ordered competency evaluations are conducted in a timely fashion by hiring both in-house and contracted evaluators. Alaska currently has capacity to provide forensic restoration for only 10 defendants at a time.

The department has recently developed multiple initiatives to increase the number of justice involved individuals served, including creation of outpatient and jail based restoration programs. The most acutely ill and clinically complex patients will be served at API, while other defendants can be more rapidly served in the outpatient and jail-based programs. The FY24 budget included 5 positions and \$800.0 to staff and implement these programs (\$675.0 personnel, \$125.0 services).

SB53 requires the Department of Law to file a petition seeking involuntary commitment orders for certain defendants who remain incompetent to stand trial after all criminal competency restoration orders have expired. The Department of Family and Community Services will be able to complete these evaluations using existing resources.

SB53 extends the length of time between judicial reviews that the court may order patients who have been previously found incompetent to stand trial to be held under the Title 47 civil commitment process. Current statute limits these involuntary commitment orders for up to six months, SB53 would allow the court to extend commitment orders up to two years. Because API is budgeted for full capacity of 70 civil patients, this change will not impact the API budget.

Under House Bill 172 (Ch 41, SLA 2022) the state is working to expand capacity for psychiatric evaluation, stabilization, and treatment of civil patients by allowing a new category of facility to seek designation from the department to provide involuntary commitment services, similar to current Designated Evaluation and Stabilization (DES) and Designated Evaluation and Treatment (DET) centers. The department is actively working to expand these services beyond the current 4 facilities offering DES/DET services (Bartlett Regional Hospital, Fairbanks Memorial Hospital, Mat-Su Regional Hospital, and Ketchikan Medical Center). Expansion of community-based services will help reduce the pressure on civil commitment beds at API.

The FY2024 budget included a total of \$904.0 (\$150.0 I/A Receipts (Other) and \$754.0 GF/MH (UGF) as part of the second year of HB172 implementation. No additional resources are necessary to support these programs are anticipated because of this legislation.

SB53 requires the Department of Family and Community Services to provide an annual report with information on the number of patients committed under this section. This reporting requirement will not have a fiscal impact on the department.

The bill also requires that the court provide the prosecuting authority 10-day notice before the department may release a person from a civil commitment if they have had a history of felony offense against a person and was previously found incompetent to stand trial. This notice will not have a fiscal impact on the department