

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	HB 68
Fiscal Note Number:	1
(H) Publish Date:	2/8/2023

Identifier: LL0029-1-DOC-IDO-2-1-23
 Title: CRIME OF SEX/HUMAN TRAFFICKING
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Corrections
 Appropriation: Population Management
 Allocation: Institution Director's Office
 OMB Component Number: 1381

Expenditures/Revenues

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

	FY2024	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2024 Request	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024					
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 (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 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

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Division:	Administrative Services	Date:	02/01/2023 07:00 PM
Approved By:	April Wilkerson, Deputy Commissioner	Date:	02/01/23
Agency:	Department of Corrections		

FISCAL NOTE ANALYSIS

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Analysis

This legislation establishes AS 11.41 adding a new series of Sex Trafficking crimes in the First (AS 11.41.340), Second (AS 11.41.345) and, Third (AS 11.41.350) degree. Sex Trafficking in the first and second degrees would be sentenced under the enhanced penalties for sexual felonies and would require the person to register as a sex offender.

AS 11.41.340 establishes sex trafficking in the first degree. This section increases sex trafficking in the first degree from a felony A to an unclassified felony. Sex Trafficking 1 is an uncommonly remanded offense with only four remands over the last five-years. Additionally, there was only one sex trafficking 1 conviction the last five years. The conviction resulted in a 20-year sentence with 10-years suspended. The sentence length for unclassified felony conviction varies significantly (5 to 99 years). However, based on average conviction length of a sample of unclassified felony convictions, the department estimates every sex trafficking 1 conviction will result in an additional 18 years of actual time served. Additionally, since sex trafficking 1 convictions already serve 10 years, the department will not see an impact on the daily average inmate population until eleven years after the effective date of this legislation.

AS 11.41.345 establishes sex trafficking in the second degree. This section increases sex trafficking in the second degree 2 from a felony B to a felony A. Sex trafficking 2 is another uncommon offense with only one conviction over the last five-years. It is assumed that since a felony A sex trafficking offense currently exists, this offense would be sentenced to the same amount of time which is 20-years with 10 suspended. Currently, felony B sex trafficking convictions result in a 10-year sentence with 4 suspended. Consequently, the department estimates for every conviction, the sentence will increase by up to 4 years. Furthermore, the department will not see an impact on the inmate population for 6 years after the effective date of this bill.

AS 11.41.350 establishes sex trafficking in the third degree. This section increases sex trafficking 3 a felony B if the services provided equal or exceed \$200 and a felony C if the services provided are less than \$200. Currently, sex trafficking 3 is a felony C. It is not possible for the department to determine when current sex trafficking 3 convictions will now result in a felony B sentence versus remaining a felony C sentence, therefore; the department cannot determine the impact on the daily average prison population due to this offense amendment.

AS 11.41.355 establishes a crime for a patron of a victim of sex trafficking. Alaska currently has laws prohibiting patronizing prostitution. However, there are no laws specifically addressing patronizing the victim of sex trafficking. This legislation establishes either a felony B if the victim is under 18 or, a felony C if 18 or over. The department does not have any records of any convictions occurring under the current patron statute. Consequently, the department cannot determine the impact this legislation will have on the daily average prison population.

AS 11.41.360(c) is amended increasing the severity of Human trafficking 1 from felony A to an unclassified felony. The department could not find any instances of someone being convicted of human trafficking 1 in the last 10-years.

AS 11.41.365 amends human trafficking in the second degree increasing the conditions one could be prosecuted for this offense and also increases the severity from a felony B to a felony A. The department is unable to identify any instances of someone being convicted of human trafficking 2 in the last 10-years.

AS 11.41.366 amends human trafficking in the third degree creating a new offense of human trafficking in the third degree. The new offense is a felony B if the value of the product is \$200 or more or, a felony C if the value is less than \$200. Since this is a new offense, The department cannot determine how many people will be convicted of this offense or how long actual incarceration time will be.

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Analysis

AS 11.66.100(d) is amended increasing the penalty for being a “John” from a class B misdemeanor to a class A misdemeanor. Prostitution and solicitation of prostitution convictions resulting in incarceration are extremely rare. Even though there are on average approximately 2 remands a year for this offense, most are accompanied by more severe offenses, usually felonies. This amendment could potentially impact the daily average population since it could result in an increase in sentence length. However, this is an uncommon offense and any impact to the daily average population will be minimal.

AS 12.55.135. establishes a mandatory minimum sentence for a “John” of 72 hours for AS 11.66.100(a)(2) conviction with a prior conviction within the last five-years for the same offense. While this amendment could result in an increase in the daily average inmate population, instances are uncommon and the current length of stay is relatively short.

The DOC does not have sufficient data to project the full impacts of changes within this legislation; however, due to the uncommon occurrence of these offenses and the small number of instances that can be identified within the available data, the department estimates the impact from this legislation to be minimal and substantial increases in the daily inmate population is not anticipated to be seen for several years. Therefore, a zero fiscal note is being submitted with this legislation.