

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version: CSHB 80(HSS)
Fiscal Note Number: 1
() Publish Date: 5/3/23

Identifier: HB080-LAW-CJL-03-10-23
Title: INCOMPETENCY; CIVIL COMMITMENT
Sponsor: JOSEPHSON
Requester: (H) HSS

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)

	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If yes, by what date are the regulations to be adopted, amended or repealed?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: <u>Administrative Services Division</u>	Date: <u>03/10/2023</u>
Approved By: <u>Amber LeBlanc, Administrative Services Director</u>	Date: <u>03/10/23</u>
Agency: <u>Department of Law</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION**Analysis**

This bill makes a number of changes to the statutes relating to a person's competency to stand trial. It redefines who must be committed for an evaluation to determine whether the person is competent to stand trial. Under the bill a person must be committed for an evaluation if they have been charged with a crime against a person and other offenses such as harassment in the first degree, animal cruelty, and misconduct involving weapons. If the person is found to be incompetent to stand trial, they may be committed so that they may be restored to competency. However, if the person remains incompetent after the first six month restoration period they may only be recommitted for up 18 months for a maximum period of commitment for restoration of two years.

Under the bill, if the person remains incompetent at the end of the two year period, the criminal case shall be dismissed and the commissioner of family and community services must file a petition for a screening investigation to determine if the defendant should be involuntarily committed.

The bill also provides for a procedure for the court to order the administration of psychotropic medication during the restoration period.

While the provisions of the bill, as with any new law, may result in additional litigation in this area, the Criminal Division does not expect that additional staff will be needed to handle that litigation. Therefore, the Criminal Division does not anticipate a fiscal impact from the bill.