

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	CSHB 80(HSS)
Fiscal Note Number:	3
(H) Publish Date:	5/3/2023

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

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Public Defender Agency
 OMB Component Number: 1631

Expenditures/Revenues

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

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates					
			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES								
Personal Services	373.5		373.5	373.5	373.5	373.5	373.5	373.5
Travel	9.4		9.4	9.4	9.4	9.4	9.4	9.4
Services	73.6		73.6	73.6	73.6	73.6	73.6	73.6
Commodities	8.0		8.0	8.0	8.0	8.0	8.0	8.0
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	464.5	0.0	464.5	464.5	464.5	464.5	464.5	464.5

Fund Source (Operating Only)

1004 Gen Fund (UGF)	464.5		464.5	464.5	464.5	464.5	464.5
Total	464.5	0.0	464.5	464.5	464.5	464.5	464.5

Positions

Full-time	2.0						
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (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 If yes, by what date are the regulations to be adopted, amended or repealed?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:	Public Defender Agency	Date:	03/10/2023
Approved By:	Leslie Isaacs, Administrative Services Director	Date:	03/10/2023
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

This legislation makes significant changes to competency and commitment proceedings. This bill requires a court to commit someone if they are not restorable, allows a court to rely on previously conducted examinations in determining whether to commit a person for an additional 90 days if the person is not charged with a felony, and allows any restoration period to be for up to two years, regardless of the offense where a substantial probability of restoration within a reasonable period of time is found for un-convicted mentally ill people. This bill eliminates the statute of limitations for offenses that are not unclassified or class A felonies when charges are dismissed on competency grounds, and allows for the victim to be notified about civil commitment hearings when the respondent has had charges dismissed due to incompetency.

The Public Defender Agency will need to handle increased litigation and hearings resulting from this legislation, monitor these clients and be prepared to relitigate cases that are re-charged in the future. This will require additional staffing and expense for the Agency:

<p><u>Add an Attorney 1-4 (Anchorage Range 24 Step C)</u> Personal Services - \$181.0 Indirect rates - \$13.7 Case costs (experts, transcripts, etc.) - \$23.1 Travel -\$4.7 Commodities - \$4.0</p>	<p>&</p>	<p><u>Add an Attorney 5 (Anchorage Range 25 Step C)</u> Personal Services - \$192.5 Indirect rates - \$13.7 Case costs (experts, transcripts, etc.) - \$23.1 Travel - \$4.7 Commodities - \$4.0</p>
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