

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version:	CSHB 107(JUD)
Fiscal Note Number:	1
(H) Publish Date:	5/2/2024

Identifier: HB107-LAW-CJL-2-16-24
 Title: CRIMINAL LAW DEFINITIONS PERSON/LIFE
 Sponsor: MCCABE
 Requester: (H) JUD

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	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2025 Request	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services	***	***	***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	***	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	***	***	***	***	***	***

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 If yes, by what date are the regulations to be adopted, amended or repealed?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

Not applicable, initial version.

Prepared By:	Dayna Mackey, Budget Manager	Phone:	(907)465-3674
Division:	Administrative Services Division	Date:	02/16/2024
Approved By:	Amber LeBlanc, Administrative Services Director	Date:	02/16/24
Agency:	Department of Law		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

Analysis

This legislation amends the definition of “person” in Title 11 (criminal code) to be “a natural person or an entity that has the moral right of self-determination and, when appropriate, an organization, government, or governmental instrumentality.” In addition, the legislation adds a definition of “life”, which is not currently defined, to the criminal code. Under the bill, “life” means “the property or quality that distinguishes a living organism from a dead organism or inanimate matter and that is manifested in the function of a metabolism, growth, reproduction, a response to stimuli, or adaptation to the environment, each of which originates within the organism.” These definitions are broad and would apply any time the word “person” or “life” are used in Title 11.

Additionally, there are statutes that would be left in place which appear to conflict with the stated intent of the legislation. For example, AS 11.41.150 is the crime of murder of an unborn child and AS 11.41.140 contains a definition of “person” which applies to the homicide statutes. It is unclear how these statutes should be read in conjunction with the new definitions in the bill.

To the extent that this legislation touches on the right of privacy as specified in the Alaska Constitution, there would likely be litigation surrounding how the legislation is applied if it were to become law.

For the above reasons the Department of Law anticipates that this legislation will be the subject of significant litigation surrounding language interpretation and how the legislation is applied. It is difficult to estimate the fiscal impact of such litigation and, therefore, the department submits an indeterminate fiscal note.