

# Fiscal Note

State of Alaska  
2024 Legislative Session

|                     |               |
|---------------------|---------------|
| Bill Version:       | CSHB 107(JUD) |
| Fiscal Note Number: | 2             |
| (H) Publish Date:   | 5/6/2024      |

Identifier: HB107CS(JUD)-LAW-CJL-5-1-24  
 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 2025                 | FY 2026        | FY 2027        | FY 2028        | FY 2029        | FY 2030        |
| <b>OPERATING EXPENDITURES</b> | <b>FY 2025</b>          | <b>FY 2025</b>            | <b>FY 2025</b>          | <b>FY 2026</b> | <b>FY 2027</b> | <b>FY 2028</b> | <b>FY 2029</b> | <b>FY 2030</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>     | <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> | <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> | <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? N/A

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

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|---|
| Updating to reflect changes in House Judicial Committee Substitute. |
|---|

|              |   |        |                     |
|--------------|---|--------|---------------------|
| Prepared By: | Dayna Mackey, Budget Manager                    | Phone: | (907)465-3674       |
| Division:    | Administrative Services Division                | Date:  | 05/01/2024 07:45 PM |
| Approved By: | Amber LeBlanc, Administrative Services Director | Date:  | 05/02/24            |
| 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 include “a human entity that has the moral right of self-determination”. 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 human 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 would apply any time the word “person” or “life” are used in Title 11 unless a more specific definition is provided.

There are statutes in Title 11 that this legislation leaves 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. Because these statutes are not repealed they would continue to apply to situations in which an unborn child were murdered or assaulted.

It is unclear how the addition of the language “moral right to self-determination” would change the definition of “person” or how the addition of the definition of “life” would be interpreted. However, given that this legislation does not repeal other relevant statutes, the Criminal Division does not believe these changes will have a significant impact on the criminal code.

For the above reasons the Department of Law anticipates that any litigation surrounding language interpretation and how the legislation is applied can be absorbed within its existing budget. Therefore, the department submits a zero fiscal note.