

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version:	HCS CSSB 28(JUD)
Fiscal Note Number:	9
(H) Publish Date:	5/9/2024

Identifier: HCSCSSB028(JUD)-JUD-ACS-05-09-24
 Title: WORKPLACE VIOLENCE PROTECTIVE ORDERS
 Sponsor: CLAMAN
 Requester: House Judiciary Committee

Department: Judiciary
 Appropriation: Alaska Court System
 Allocation: Trial Courts
 OMB Component Number: 768

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	37.7	0.0	0.0	0.0	0.0	0.0	0.0
Personal Services	37.7						
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	37.7	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1004 Gen Fund (UGF)	37.7						
Total	37.7	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary	1.0						

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? n/a
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

New note for House Judiciary Committee Substitute version N.

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Division:	Alaska Court System	Date:	05/09/2024 09:00 AM
Approved By:	Stacey Marz, Administrative Director	Date:	05/09/24
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

Analysis

The House Judiciary Committee Substitute for Senate Bill 28, version N, would allow petitioners to seek a new kind of civil protective order from the court. Under section 54, an employer may file a petition in district or superior court against a person that the employer believes committed an act of violence against the employer or employee at the workplace, or made a credible threat of violence against the employer or employee that may be carried out at the workplace. Generally, the bill provides that the court will handle these new types of petitions similarly to the way it currently handles domestic violence protective order proceedings. If the petitioner requests, the initial hearing may be ex parte, and may result in a short-term protective order (20-day) being issued by the court; if the petitioner requests long-term protection, a hearing will be scheduled and a six-month order may then be issued.

The court anticipates that it can absorb the increase in protective order filings and added tasks that will result under this section of the bill with no fiscal impact.

The House Judiciary Committee Substitute incorporates provisions from multiple bills, and CS makes numerous changes to criminal offense classifications, definitions, and the scope of many criminal and other laws. Most of the changes will have an impact on the court's caseload, increase the number of filings and the number of hearings, and increase the length of many cases, but are not expected to have a fiscal impact.

Section 48 of the bill will cause a fiscal impact. This section establishes a means for persons who have an existing conviction for prostitution to have the conviction vacated if they can establish that they were a victim of sex trafficking at the time of the offense. If successful, the conviction for prostitution is vacated by the court, and the conviction will be removed from CourtView if the case did not have any felony convictions in that case.

The court system data shows that the number of individuals who have a conviction for prostitution under the state statute is relatively low for the years for which we have reliable data. However, the number of persons convicted of prostitution under the similar ordinance of the Municipality of Anchorage (also eligible under HB 68) has varied over the years, but is substantial in the aggregate. We estimate that approximately 1000 defendants would be potentially covered by that part of the bill. The court system will experience a fiscal impact from this portion of the bill. To implement it, we will create a form for the petitioner to use to initiate a petition for vacation of judgment, create form orders for judges, have possible hearings in district court if the prosecuting authority objects to the petition to establish facts as to whether the petitioner was a victim of sex trafficking, and program CourtView to remove the cases, if the petition is granted. Because this is a novel legal avenue and procedure, it would require one temporary (four month) attorney in the administrative office at Range 22; this person would prepare appropriate forms, draft rule recommendations as needed, provide informational materials to judicial officers and court staff, and prepare other resources as appropriate to implement the legislation. There would be a one-time cost for this position of \$37,700 in FY25 only.

The court system therefore submits this fiscal note for a total of \$37,700 in FY25 only.