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STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 593
 Title: Fines imposed in
 Criminal Cases
 Sponsor: Liska, Barnes, Bussell
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: _____
 Administration of Justice
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 CRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

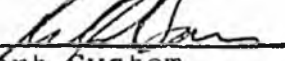
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard Barrier Phone: 264-0545
 Division: Alaska Court System Date: 2/21/84

Approved by Commissioner:  Date: 2/21/84
 Agency: Alaska Court System

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

Alaska State Legislature

COMMITTEES

Vice Chairman — Judiciary
Vice Chairman — Legislative
Regulations Review
Resources
Finance Sub Committee on Labor



While in Session
Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3733

Home - District 15
Star Route Box 421
Eagle River, Alaska 99577
(907) 688-2526

House of Representatives

John J. Liska

February 22, 1984

MEMORANDUM

TO: Judiciary Committee

FROM: Representative John J. Liska

REFERENCE: HB 593, "An Act relating to fines imposed in criminal cases"

A. Copy of HB 593

B. Reference Section 2 of HB 593.

We felt it essential to the bill to include this section. President has been set in many places in Alaska Statutes where there are direction or instructions as to the use of funds, even though we can not designate what the funds shall be used for. Reference is made to Sec. 16.05.130 attached.

C. Program Review of other States.

Showing -

1. Funding Source
2. Total Revenues
3. Specific Provisions
4. Experienced insufficient funds
5. Changes in Costs and Funding

D. Letter of support from Violent Crimes Compensation Board.

JJL/tm

Sec. 16.05.120. Disbursement of funds. Upon authorization of the commissioner, disbursements from the fish and game fund shall be paid by the proper state officer on presentation of vouchers signed by the commissioner or an authorized representative, and approved by the proper state officer. (§ 17 art I ch 94 SLA 1959)

Sec. 16.05.130. Diversion of funds prohibited. Funds accruing to the state from sport fishing, hunting, and trapping licenses or permit fees may not be diverted to a purpose other than the protection, propagation, investigation, and restoration of sport fish and game resources and the expenses of administering of the sport fish and game divisions of the department. (§ 18 art I ch 94 SLA 1959; am § 2 ch 41 SLA 1979)

Effect of amendments. — The 1979 amendment substituted "sport fishing, hunting, and trapping licenses" for "sport fishing and hunting licenses."

Opinions of attorney general. — The primary, if not the sole, purpose of this section is to make possible the procurement of federal matching money. A provision for nondiversion of funds is a condition precedent to obtaining federal

assistance under 16 U.S.C. §§ 669, 777. 1959 Op. Att'y Gen., No. 10.

A temporary use of money in the fish and game fund under particular circumstances, wherein repayment is to be made pursuant to a contract with the federal government, is not a diversion within the meaning of this section. 1959 Op. Att'y Gen., No. 10.

Sec. 16.05.140. Assent to provisions of federal aid acts. The state assents to the Federal Aid to Wildlife Restoration Act of September 2, 1937 (16 USC, 669-669j), to the Federal Aid in Fish Restoration Act of August 9, 1950 (16 USC, 777-777k), to any amendment, revision or modification of either act, and to any other federal aid act which may be enacted to benefit the state. It is desired that the department participate in the federal aid programs on the same basis as other states. (§ 20 art I ch 94 SLA 1959)

Sec. 16.05.150. Enforcement authority. The following persons are peace officers of the state and they shall enforce this chapter:

- (1) an employee of the department authorized by the commissioner;
- (2) a police officer in the state;
- (3) any other person authorized by the commissioner. (§ 21 art I ch 94 SLA 1959)

Opinions of attorney general. — Where the military does not assign sufficient personnel to enforce fish and game laws on military reservations, state game officials as well might enforce them, possibly by deputizing state game officials as federal marshals, since 10 U.S.C. 2671(c) makes violation of state fish and game laws a federal offense. 1964 Op. Att'y Gen., No. 2.

Since state fish and game laws operate on a federal military reservation, not only

as federal law but also as state law, both the federal and state officers may enforce these laws. 1964 Op. Att'y Gen., No. 2.

State officers should have full access to military reservations in Alaska, subject to safety and military security requirements, to enforce laws and manage and harvest fish and game resources. 1964 Op. Att'y Gen., No. 2.

There is no provision in the Alaska Statutes or the Alaska Constitution which would operate to deprive the commissioner

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PROGRAM REVIEWS

Funding Source	Total Revenue	Specific Provisions	Experienced Inefficient Funds	Changes in Costs & Funding
General Revenues	\$ 339,300 ¹	None	Yes	Because of increasing medical costs, inflation and more claims, benefits are increasing but admin. costs are remaining stable.
Penalty Assessment	17,075,579	All felonies and most misdemeanors are assessed a \$4 penalty for every \$10 fine; 24.5% of these monies go to the victim compensation; the balance goes to victim witness and rape crisis centers	Yes	This is the first year that the program received no general fund support and was funded solely from fines & penalties. \$1,620,860 worth of claims were carried over from previous year, leaving \$10,149,281 for payment of claims in '81-82. Additional spending authority granted to cover \$2.5 million shortfall this year.
Fines	1,100,000	Fines are assessed as follows: \$15 on all motor vehicle and DWI offenses & misdemeanors \$20 on all felony convictions	No	Still pending to allow program to invest funds in short term interest-bearing accounts (presently remains in general fund with interest reverting to that fund).
Fines & penalties Forfeitures Restitution	343,317 ²	10% surcharge on all fines, penalties, and forfeitures (including traffic violations)	Yes	Surcharge increased from 10% in 1982.
Fines & penalties	2,200,000 ³	\$10 additional court cost and 5% surcharge on all criminal penalties	No	Court costs & surcharges now will be assessed on criminal traffic offenses. Program estimates that this will provide 50% more revenue.
General Revenues	598,000	None	No	Alaska legislature for a \$300,000 revolving fund in 1981 but it did not pass.
General Revenues Supplemental Approp.	2,300,000	None	Yes	None

ALASKA

CALIFORNIA

CONNECTICUT

DELAWARE

FLORIDA

HAWAII

ILLINOIS

*These are 1981 figures or rather
program review -*

PROGRAM REVIEWS

Funding Source	Total Revenue	Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
<ul style="list-style-type: none"> •General Revenue •Fines & penalties 	50,000 (Administration) 900,000 (Benefit)	<ul style="list-style-type: none"> •\$15 on class A misdemeanors & all felons (no traffic violations) •10% of salaries of prisoners on work release 	No	Indiana has had a rollercoaster history of funding: 1978 Appropriation - \$200,000 1979 \$1 1980 \$0 1981 - Change affiliation \$1 Under new legislation, effective July 1982, the program will be self-supporting without any general appropriation. Also under the new law, interest on the victim compensation fund will revert to that fund rather than to the general fund as in the past.
<ul style="list-style-type: none"> •General Revenue 	259,452	None	No	Bill pending to assess a penalty fee of \$25 on all felonies & \$10 on all misdemeanors to augment revenues from the general fund. The state made a projection as to the amount that would be collected & subtracted that much from the general appropriation so that funding remains stable.
<ul style="list-style-type: none"> •General Revenue •Fines & penalties 	366,000	\$10 for all offenses for which imprisonment may be imposed	Yes	Legislation establishing fines effective July 15, 1982.
<ul style="list-style-type: none"> •General Revenue •Court Costs 	\$2,004,763 (only \$318,230 was collected thru court cost)	\$10 on all conviction	Yes	None
<ul style="list-style-type: none"> •General Revenue 	903,987	None	Yes	Legislation pending to allow for payment of some or all of any fine imposed on a convicted offender to the victim of that crime. Bill also pending to allow for monies collected under son of Sam provision to revert to the victim compensation fund if no civil action is brought by victim.
<ul style="list-style-type: none"> •General Revenue •Supplemental Approp. 	1,900,800	None	Yes	None

INDIANA

KANSAS

KENTUCKY

MARYLAND

MASSACHUSETTS

MICHIGAN

PROGRAM REVIEWS

Funding Source	Total Revenues	Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
<ul style="list-style-type: none"> • General Revenues • Restitution • Refunds • Fines & Penalties 	573,089	See "changes"	Yes	<ul style="list-style-type: none"> • Anticipate that funding will decrease due to state government cutbacks. • Legislature passed surcharge provision stipulating that 10% of a fine (or \$40, whichever is greater) on every misdemeanor, gross misdemeanor & felony conviction should be collected & divided up among victim services. An additional \$5 is assessed for traffic violations. These funds will, however, be used to reimburse the general fund & thus only those monies in excess of the appropriation will go directly to victim compensation. • Program would like to mandate minimum monetary penalties on offenders. • Would also like to see a % of wages earned by prisoners go to victim compensation.
<ul style="list-style-type: none"> • Fines & Penalties • Restitution 	370,834	100% of fines & bail forfeitures assessed by highway patrol on all motor vehicle violations	No	Established new penalty assessment procedure in 1981 - Prior to that date the victim comp. fund received 6% of all fines for moving traffic violations (incl. cities & towns).
<ul style="list-style-type: none"> • General Revenues • Supplemental Approp. 	115,000	None	Yes	<ul style="list-style-type: none"> • Program was set up in 1979 with a 3-year test period established before appropriation would be raised, but there has been no problem in getting supplemental appropriations as needed. • However, because of state fiscal crunch governor requested 33% decrease in victim compensation budget last year and will probably affect similar decreases in the future.
<ul style="list-style-type: none"> • Bond Forfeitures • "Son-of-Sam" monies 	70,000	<ul style="list-style-type: none"> • Bond forfeitures on all felony cases • All the earnings from "Son-of-Sam" provisions 	—	None

MINNESOTA

MONTANA

NEBRASKA

NEVADA

PROGRAM REVIEWS

Funding Source	Total Revenues	Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
<ul style="list-style-type: none"> •General Revenues •Fines & Penalties 	\$2,360,000 Approx.	<ul style="list-style-type: none"> •Court costs of \$25 assessed on any simple assault or any crime; in cases of injury or death to a victim the judge can impose any fine up to a max. of \$10,000. Money comes directly to victim comp. office & is deposited in treasury account. 	Yes	<ul style="list-style-type: none"> •Court costs imposed effective Feb 6, 1980 but because of problems in collecting fines they did not begin to come in until 1981. Program has hired a court monitor to oversee collection of the penalties; so far in 1982, \$600,000 has accumulated. •Proposal pending also to assess a fine of \$10 on juvenile convictions, as well as \$25 on all convictions for disorderly conduct. •Budget increased by \$1 million in 1979 (appropriation).
<ul style="list-style-type: none"> •General Revenues 	\$1,800,000	None	—	None
<ul style="list-style-type: none"> •General Revenues 	6,860,000 ⁹	None	—	<ul style="list-style-type: none"> •Legislation was proposed in 1982 to allow for the proceeds of sale of abandoned property held by law enforcement to be paid into victim compensation fund. •Also proposed in 1982 a more rigorous restitution statute. •Have also proposed minimum mandatory monetary penalties on persons convicted of crimes. •Also proposing that 1/2 of all monies earned by convicted arsoners be used for victim compensation.
<ul style="list-style-type: none"> •General Revenues 	\$311,068 ¹⁰	None	No	None
<ul style="list-style-type: none"> •Fines & Penalties •Supplemental Approp. 	3,310,189	<ul style="list-style-type: none"> •Additional court costs of \$3 (see "Changes") are assessed on any person who is convicted of or pleads guilty to any offense other than a non-moving traffic violation. 	Yes	<ul style="list-style-type: none"> •Legislation eff. Nov. 15, 1981 provided that court cost be raised to \$10 until June 30, 1983 at which time it will revert back to \$3 unless action is taken to keep it at higher rate. •In 1980 the legislature specified that court costs apply also to juveniles & that defendant out on bail is required to pay.

NEW JERSEY

NEW MEXICO

NEW YORK

NORTH DAKOTA

OHIO

PROGRAM REVIEWS

Funding Source	Total Revenues	Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
•General Revenues (Admin) for period 10/14/81 to 6/82 •Fines & Penalties (Collected thru 2/82) •Restitution Fund	\$ 50,000 44,022	•Fines & Penalties are to be assessed on pleas & convictions as follows: \$5 - misdemeanors (including traffic) \$25 - non-violent felonies \$25-\$10,000 (judicial discretion) on violent felonies Project that these assessments will bring in \$250,000/year •Restitution fund - statute provides that any monies left in the fund over 3 years will revert to victim compensation fund; expecting to receive \$30,000 to \$35,000/year	—	None
•General revenues •Restitution	1,761,000	•\$1,480,000 benefits, 281,000 admin. •Program is running on \$45,000/month less than appropriated •Unique restitution statute allows program to recoup costs from third parties, such as drinking establishments, who may be held responsible for the criminal acts of its patrons & must carry liability insurance	—	None
Fines & penalties	\$1,861,397 (collected) \$1,311,000 (budget)	• \$10 fine is assessed on any Title 18 criminal conviction. While this \$ goes into the general fund from which the victim compensation receives an appropriation the program is really self-supporting through reposition of court costs.	No	• Anticipate that their revenues will increase because the crime rate is going up.

OKLAHOMA?

OREGON

PENNSYLVANIA

PROGRAM REVIEWS

Funding Source	Total Revenues	Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
Fines & penalties	\$970,723	<ul style="list-style-type: none"> • Court costs are imposed on criminal convictions as follows: <ol style="list-style-type: none"> 1. \$10 on misdemeanors with penalty of less than 1 year incarceration; 2. \$30 on felonies w/ penalty up to 5 years; 3. \$50 on felonies w/penalty of more than 5 years. 	No	None
Fines & penalties	\$1,141,631	<ul style="list-style-type: none"> • Offenders on parole pay \$5/month • Court costs: (1) \$21 in Circuit Court; (2) \$10 Sessions Court 	Yes	<ul style="list-style-type: none"> • 1980 legislature included convictions in Sessions Court (less severe crimes) in court costs law. • Taxing provision used to be "crimes against person or property"; now reads any criminal conviction except \$500 fine and no incarceration (eff. 1981).
Fines & penalties	\$1,129,520	<ul style="list-style-type: none"> • Court costs are assessed as follows: <ol style="list-style-type: none"> 1. \$15 on all felony convictions & 2. \$10 on all Class A & B misdemeanors (penalties of more than \$200 fine or incarceration) 	Yes	<ul style="list-style-type: none"> • Legislature does not meet again until 1983--at that time they will probably pass bill including Class C misdemeanors in levying fines.
General revenues	\$125,000	<ul style="list-style-type: none"> • Benefits only 	Yes	<ul style="list-style-type: none"> • Considering possibility of setting up special rates; no formal action yet.
Fines & penalties	\$450,673 ¹⁶	<ul style="list-style-type: none"> • \$15 court cost assessed on individuals convicted of any felony or Class 1 & 2 misdemeanor (not including drunken driving, disorderly conduct, or traffic offenses) 	Yes	<ul style="list-style-type: none"> • Fee raised to \$15 from \$10 in 1981. • Have go-ahead from legislature to propose that interest from victim coop. fund revert to that special fund rather than general fund.

RHODE ISLAND

TENNESSEE

TEXAS

VIRGIN ISLANDS

VIRGINIA

PROGRAM REVIEWS

Funding Source	Total Revenues	Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
<ul style="list-style-type: none"> • General revenues • Fines & penalties 	\$2,500,000	<ul style="list-style-type: none"> • \$50 felony or gross misdemeanor convictions • \$25 misdemeanor • Includes juveniles • Need not be convicted of victim-involved crime 	Yes	<ul style="list-style-type: none"> • Old legislation provided for \$25 fine or 10% of other fine (whichever is greater) to be assessed on victim-involved felony or gross misdemeanor. • New legislation contains monitoring & enforcement provisions. • New legislation is predicated on proposition that program will be self-supporting.
Fines & penalties	\$318,000	<ul style="list-style-type: none"> • \$3 court cost imposed on any felony or misdemeanor conviction, including moving traffic violations. • Anticipate that they will be collecting between \$30,000 & \$40,000/month. 	—	None
General revenues	\$1,728,000	<ul style="list-style-type: none"> • \$1,583,000--benefits • \$205,000--admin. 	No	<ul style="list-style-type: none"> • 1980 passed victim/witness bill of rights adding separate additional appropriation of \$572,000 in '81 for v/w services to be administered by victim comp. program.

WASHINGTON

WEST VIRGINIA

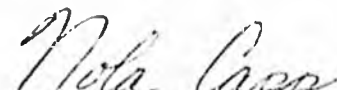
WISCONSIN

DEPARTMENT OF PUBLIC SAFETY
VIOLENT CRIMES COMPENSATION BOARD
POSITION PAPER - 4B 593
SUPPORT

February 17, 1984

This bill would impose a 20% penalty on any court fine a defendant is sentenced to pay. An amount equivalent to the 20% penalty collected would be appropriated annually to the crime victim compensation fund.

The Violent Crimes Compensation Board supports this bill. This is similar to legislation passed in other states and in effect makes offenders pay for compensation to innocent victims.



(Mrs.) Nola K. Capp
Administrator