

S B

221

STATE OF ALASKA 1984 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: November 30, 1983

REQUEST:

Bill/Resolution No.: Senate Bill No. 221  
 Title: "An Act relating to child pornography"

Sponsor: Senator Pettyjohn  
 Requestor: Governor Sheffield  
 Date of Request: September 15, 1983

FISCAL DETAIL:

Agency Affected: ADULT CORRECTIONS AGENCY  
 Program Category Affected: \_\_\_\_\_  
 Administration of Justice  
 BRU, Program or Subprogram(s) Affected:  
 Northern, Southcentral & Southeastern  
 Regional Corrections

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	-0-	2.5	5.3	5.6	6.0	6.3
400 COMMODITIES	-0-	2.7	5.7	6.1	6.4	6.8
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	-0-	.2	.4	.4	.4	.5
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	5.4	11.4	12.1	12.8	13.6
CAPITAL	-0-	137.5	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	142.9	11.4	12.1	12.8	13.6
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL	-0-	142.9	11.4	12.1	12.8	13.6

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill has not been identified by the sponsor.

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Roger C. Lange  
 Division: Administrative Services

Phone: 465-3376  
 Date: November 30, 1983

Approved by Commissioner: *William W. Ludwig for Roger V. Eklund*  
 Department: ADULT CORRECTIONS AGENCY

Date: December 16, 1983

Distribution:

- Legislative Finance ✓
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency (ies)

#### IV. ANALYSIS

##### A. Assumptions:

Based on conversations with Department of Law staff, it is assumed that there will be one additional Class B felony conviction and four Class C felony convictions per year. It is assumed all will be first time offenders. Therefore it is estimated that 50% of the Class B and 20% of the Class C felony offenders will receive terms of confinement. This will result in approximately 1.5 person years per year of jail time will be served.

It is further assumed that the distributors of child pornography will remove these materials from their visible stock and convictions for distribution of child pornography will decrease from the original estimate of four per year.

Therefore, it is estimated that one additional medium security bed will be required if this proposed legislation is enacted.

An inflation rate of 6% per year is assumed in the calculations.

##### B. Program Summary

1. Positions - An average of one position is required for every 2½ beds. Since only one bed is requested in the fiscal note, no positions are identified as being needed.
2. Other expenditures
  - a. Contractual Services  
Medical care and counseling services \$2500
  - b. Commodities  
Food and clothing \$2700
  - c. Grants  
Inmate gratuities for kitchen, janitorial or other assigned tasks \$200

##### C. Impact

There will be no significant economic or local government impact as a result of passage of this bill.

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SB 221  
 Title: "Child Pornography"  
 Sponsor: Sen. Pettijohn  
 Requestor: Sen. Vic Fischer

II. FISCAL DETAIL

Agency Affected: Department of Law  
 Program Category Affected: Adm. of Justice  
 BRU, Program of Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		130.1	165.5	175.4	185.9	197.1
200 TRAVEL		10.1	12.8	13.6	14.4	15.3
300 CONTRACTUAL		18.0	20.7	21.9	23.2	24.6
400 COMMODITIES		10.0	5.7	6.0	6.5	6.8
500 EQUIPMENT		17.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		185.6	204.7	217.0	230.0	243.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		185.6	204.7	217.0	230.0	243.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director  
 Division: Administrative Services Division

Phone: 465-3672  
 Date: April 5, 1983

Approved by Commissioner: Richard I. Pegues FOR  
Norman C. Gorsuch, Attorney General  
 Department: Department of Law

Date: April 5, 1983

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

SB 221  
Analysis

Section 1 of this bill adds a new subsection to the current Unlawful Exploitation of a Minor statute, making it a class B felony for a parent or guardian to knowingly allow his child to participate in sexual activities which will be used to produce a pornographic film, TV show, photograph, etc. Since in most cases a parent who would knowingly allow his child to engage in such activity would also be involved in "inducing or employing" the child to perform these acts (conduct which is already covered under existing law), it is expected that there would be only a few additional prosecutions under this portion of the bill. These few new cases could probably be handled by the present prosecution staff.

Section 2 of the bill makes it a class C felony for a person to knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior. The bill could result in a large number of additional criminal prosecutions, as the sale or distribution of pornographic material of any sort is not now a criminal offense in this state. It is anticipated that enforcement of the new law would require the addition of two new prosecutors and one new secretary statewide. This estimate is based on the number of establishments in this state which are known to sell pornographic material, the complexity of legal issues that are involved in these types of cases, and the knowledge that convictions under similar statutes in other states are almost always appealed on constitutional grounds to the highest appellate court in the state, and frequently to the United States Supreme Court.

SB 221  
Fiscal Analysis

The impact of SB 221 is expected to result in the addition of two Attorney IV positions (SR 24) and one Legal Secretary position (SR 10).

The first year of this analysis will cover 10 months of FY 84, allowing 2 months for these three positions to be established. The costs beyond FY 84 have been projected on a 12 month basis and include a 6% annual inflation factor.

1st Year (10 months)

	<u>AIV(PFT)</u>	<u>AIV(PFT)</u>	<u>L/SI(PFT)</u>	<u>TOTAL</u>
Personal Services	53.7	53.7	23.4	130.1
Travel	5.0	5.0	-0-	10.0
Contractual	8.0	8.0	2.0	18.0
Commodities - ongoing	1.5	1.5	1.5	4.5
Commodities - single time	2.0	2.0	1.5	5.5
Equipment - single time	1.5	1.5	14.5	17.5
				<hr/> 185.6

2nd Year (12 months + 6% annual inflation)

Personal Services	68.3	68.3	28.9	165.5
Travel	6.4	6.4	-0-	12.8
Contractual	9.1	9.1	2.5	20.7
Commodities	1.9	1.9	1.9	5.7
				<hr/> 204.7

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	BARC. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	RAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE.				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary	4,251/month	42,510							
6.	Benefits		6,555							
7.	Supplemental Benefits		2,240							
8.	Fixed Benefits		2,400							
9.	TOTAL PERSONAL SERVICES		01		53,705					
10.	Travel		02		5,000					
11.	Contractual		03		8,000					
12.	Commodities		04		3,500					
13.	Equipment		05		1,500					
14.	Other									
15.	TOTAL COST				71,705					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Hatch 1003								
18.		General Funds 1004			71,705					
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

JUSTIFICATION

To accommodate the addition of new felony statutes for the prosecution of those who knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior, the Department of Law is requesting two new attorney positions and a new secretary position. This is one of two attorney positions which will be responsible for the enforcement of the new felony statutes statewide, including the pursuit of the many cases which will undoubtedly be appealed on constitutional grounds to the state's highest court and to the U.S. Supreme Court. These cases will involve complex legal issues which have been previously unaddressed by Alaska's criminal code.

**13** REQUEST FOR  
NEW POSITION

AGENCY Department of Law

PROGRAM Due Process

BRU Prosecution

COMPONENT Third Judicial District

**FY 84**

Page    of     
Revised Date \_\_\_\_\_

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	DEPT. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary 4,251/month		42,510							
6.	Benefits		6,555							
7.	Supplemental Benefits		2,240							
8.	Fixed Benefits		2,400							
9.	TOTAL PERSONAL SERVICES		01		53,705					
10.	Travel		02		5,000					
11.	Contractual		03		8,000					
12.	Commodities		04		3,500					
13.	Equipment		05		1,500					
14.	Other									
15.	TOTAL COST				71,705					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR D&M USE ONLY										
4A KEY NUMBER										

To accommodate the addition of new felony statutes for the prosecution of those who knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior, the Department of Law is requesting two new attorney positions and a new secretary position. This is the second of two attorney positions which will be responsible for the enforcement of the new felony statutes statewide, including the pursuit of the many cases which will undoubtedly be appealed on constitutional grounds to the state's highest court and to the U.S. Supreme Court. These cases will involve complex legal issues which have been previously unaddressed by Alaska's criminal code.

**13** REQUEST FOR  
NEW POSITION

AGENCY Department of Law  
 PROGRAM Due Process  
 BRU Prosecution  
 COMPONENT Third Judicial District

**FY 84**

Page      of       
 Revised Date

1.	POSITION TITLE Legal Secretary I			RANGE/STEP 10B	ORG. UNIT CGU	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	DRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEC.	

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary 1,726/month	17,260	
6.	Benefits	2,660	
7.	Supplemental Benefits	1,058	
8.	Fixed Benefits	2,400	
9.	TOTAL PERSONAL SERVICES	01	23,400
10.	Travel	02	-0-
11.	Contractual	03	2,000
12.	Commodities	04	3,000
13.	Equipment	05	14,500
14.	Other		
15.	TOTAL COST		42,900

**JUSTIFICATION**

This position is required to provide support for the two new attorney positions. This secretary will be responsible for the preparation of a large volume of court documents generated by the appeal of cases dealing with the constitutionality of Alaska's statutes on child pornography. The allocation of a single secretary to serve two full time attorneys is the minimum amount of support needed to meet the workload anticipated and is within the normal ratio of attorneys to secretaries for the Department of Law.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	42,900
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY  
4A KEY NUMBER \_\_\_\_\_

**13 REQUEST FOR  
NEW POSITION**

AGENCY Department of Law  
 PROGRAM Due Process  
 DRU Prosecution  
 COMPONENT Third Judicial District

Page      of       
 Revised Date     

**FY 84**

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SB 221  
 Title Act Relating to Child Pornography  
 Sponsor: Sen. Pettyjohn  
 Requestor: Sen. State Affairs

II. FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Crime ID  
 BRU, Program of Subprogram(s) Affected:  
 Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 36	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Paul Conger Phone: 465-4338  
 Division: Administrative Services Date: 4-14-83  
 Approved by Commissioner: *Robert L. Berg* Date: 4-15-83  
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83