

SB

350

HFIN

FILE

(11)

Date Referred: April 22, 1994

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Date of Committee Action: 1/25/94

The FINANCE Committee considered:

SB 350

SENATE BILL NO. 350

ARREST FOR VIOLATING RELEASE CONDITIONS

"An Act relating to a defendant's violation of conditions of release; and providing for an effective date."

RECOMMENDATIONS:

be replaced with _____ the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) Corrections 3/9/94
Law 3/9/94 PS 3/9/94

zero fiscal note _____

zero fiscal note(s) (2) DOA 3/9/94

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Macbean</u>					
<u>Eileen Macbean</u>	✓				
<u>Ronald J. Larson</u>	X				
<u>Mark Hanley</u>	X				
<u>Terry Martin</u>	X				
<u>Sean R. Farrell</u>	X				
<u>Ben Gussendorf</u>	X				
<u>Tom Hoffman</u>					
<u>Miles Navarre</u>	✓				
<u>Tay Brown</u>	✓				
<u>Tom Theriault</u>	X				
<u>Theriault</u>					

Ronald J. Larson EP Macbean

CHAIRMAN'S SIGNATURE

FISCAL NOT

No. 1
 Bill Version: SB 350
 (C) Publish Date: 3-9-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Defendant's Conditions of SRU: Public Defender Agency
Release..." Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usara Date: 2/17/94
 Agency: Administration

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(Rev. 10/93) 4/21/94

FISCAL NOTE

No. 2

Bill Version: SB 350

(S) Publish Date: 3-9-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to a defendant's vi- BRU: Statewide Operations
olation of conditions of release Component: Institutions
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 707-725

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	11.3	11.6	12.0	12.3	12.7	13.1
TOTAL OPERATING	11.3	11.6	12.0	12.3	12.7	13.1

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	11.3	11.6	12.0	12.3	12.7	13.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	11.3	11.6	12.0	12.3	12.7	13.1

Estimate of any current year (FY94) cost: \$ _____

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
 Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 65-4643/736-2141
 Division: Office of the Commissioner Date: 3/15/94
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 3/15/94
 Agency: Department of Corrections

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The bill would authorize warrantless arrests of certain defendants who violated conditions of bail in certain assault, sexual assault, stalking, and domestic violence cases. According to the District Attorney's office and information from the Anchorage Police Department, getting warrants under current law generally involves a one-day delay.

Assumptions

1. The Anchorage District Attorney's office estimates 100 cases per year, statewide, and estimates that each case will result in one additional day of incarceration.
2. The average cost of incarceration, statewide, in a state correctional center is approximately \$113 per day.
3. It is not possible to estimate any current year (FY94) costs until the department knows when the bill will actually go into effect.
4. Because the bill will impact all correctional institutions, and the average daily cost of incarceration reflects a combination of costs including overhead, the estimated expenses are shown under "miscellaneous."
5. An inflation factor of 3% is assumed after FY95.

Operating Expenses

100 cases per year X 1 day per case X \$113 per day = \$ 11,300 per year.

FISCAL NOTE

No. 13

Bill Version: SB 350

(S) Publish Date: 3-9-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994
Title: "An Act relating to a defendant's violation of conditions of release..."
Sponsor: Rules/Bv Request of Governor
Requestor: Governor's Office

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division

Phone: 465-3672
Date: February 15, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Date: February 15, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 4
BILL (SI Version: \$3350
(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Public Safety
Title: Defendant's Conditions of Release BRU: Statewide
Component: _____
Sponsor: Rules by Request
Requestor: Governor COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

ML
2/16/94

Prepared By: Lee Ann Lucas Phone: 465-1322
Division: Office of the Commissioner Date: 2/16/94
Approved by Commissioner: *[Signature]* Date: _____
Agency: Richard L. Burton Dept. of Public Safety

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FISCAL NOT

No. 5

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 350

(S) Publish Date: 7-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Defendants Conditions of Release..." SFL: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Nancy Bear Usura Date: 2/12/94
 Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends AS 12.30 to allow police officers to act quickly to arrest, without warrant or order, defendants who are released on bail, when those peace officers have reasonable cause to believe that the defendant has confronted the victim or has otherwise violated conditions of release. Currently, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are limited in their ability to protect the victim or the public in general because they cannot make an immediate arrest. Generally, the peace officer must first meet with a prosecutor, go into court to make a motion to remand, and obtain a court order before they can act to put the defendant back in jail. Because a substantial number of these incidents involve repeat offenders who often are impaired by alcohol or drugs, this lengthy procedure is particularly dangerous for the public, especially those already victimized by the defendant. The Department of Law does not anticipate a fiscal impact because, in most cases, the bill will speed up the process of arrest, and it will not increase the number of arrests.