

**SB**

**378**



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### Senate Bill 378: Sponsor Statement

Current statute provides that individuals who are incarcerated for a felony conviction are ineligible for a PFD in the next calendar year (AS 43.23.005(d)); the total amount that would have been paid to these individuals if they had been eligible is available for appropriation from the dividend fund during the next fiscal year to the crime victim compensation fund, the council on domestic violence and sexual assault, or the Department of Corrections (AS 43.23.028(b)).

SB 378 would change this process in two ways. First, it would increase the pool of individuals who are ineligible for a PFD to include convicted misdemeanants during a year in which they were convicted or incarcerated as a result of a conviction. Second, it would shorten the length of time necessary before the forfeited dividend funds are available for appropriation.

Misdemeanants impose a significant burden on the criminal justice system; in fact, the average misdemeanor costs the State at least \$1,559.60, based on the following estimates:

Department of Law	\$207.00
Department of Public Safety	\$300.00
Department of Corrections	\$852.60
Public Defender Agency	\$200.00
Court System	Unable to isolate costs

It is entirely appropriate that individuals convicted of a misdemeanor should forfeit the dividend and contribute towards the expenses incurred by the State's law enforcement, judicial, and correctional agencies.

Currently it takes three years before the forfeited dividend funds are available for appropriation; for example, the appropriation from the dividend fund for FY95 reflects convicted felons who were incarcerated in CY92. SB 378 would shorten this process to two years. This would have the effect of "bumping up" future appropriations by one year, thereby allowing a second appropriation from the dividend fund for FY95.

Additionally, SB 378 would add the court system to the list of agencies eligible to receive appropriations from the dividend fund; since every individual convicted of a felony or misdemeanor must appear before the court at some point, its inclusion should decrease the possibility of an equal protection challenge.

David,

The number of misdemeanors that we handle which result in conviction is roughly 14,000 each year. In addition, we handle roughly 3,000 probation revocations in misdemeanor cases. Because these revocation proceedings are usually simple and straightforward, we have not included them in the cost-per-case estimate calculated below.

The percentage of the attorney staff assigned to misdemeanor cases is roughly one-third, except in Anchorage where it is roughly one-quarter (most misdemeanor cases in Anchorage are handled by the municipal prosecutor's office).

The annual cost of misdemeanor prosecution is shown below, based on the FY 94 authorized budget. The costs fall into four components only, because misdemeanor cases are not handled by the components for special prosecutions and appeals or criminal justice litigation.

1st Jud. Dist.	1074 x 1/3 = 358
2nd Jud. Dist.	701 x 1/3 = 234
3rd -- Anch	2905 x 1/4 = 726
3rd -- all other	2784 x 1/3 = 928
4th Jud. Dist.	1956 x 1/3 = <u>652</u>
	2898 ÷ 14 = \$207.00

The misdemeanor cases fall into the following general categories. Next to each is the number of cases (rounded to the nearest hundred) that were sent to prosecution offices by police agencies in FY 93 to be reviewed for possible prosecution.

Assault	3300
Property Offens	2500
Disorderly Conduct/ Harrassment	700
Liquor Offenses	1700
Drug Offenses	500
Fish & Game	800
DWI	4200
Driv w/ Susp Lic	2400
Reckless/Neg Driv	200
Oth Driv Offenses	1900
All Other Misd Crimes	1600
Probation Revocation	<u>3300</u>
	23100

Attached is a listing of the crimes (and some other provisions) in Title 4 (alcohol), Title 11 (criminal code), Title 12 (criminal procedure), Title 16 (fish and game) and Title 28 (motor vehicles). The most common misdemeanors are highlighted. For your convenience, I have also included a copy of our criminal law manual, which contains all these provisions. In addition, however, there are a number of other offenses (usually punishable by fines only) that appear in regulations adopted by the Department of Fish and Game (related to hunting and fishing) and the Department of Public Safety (relating to motor vehicles, rules of the road, etc.)

Let me know if you have further questions.

Dean Guanel:

*Mailed in minutes - arrived today... etc...*

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF ADMINISTRATIVE SERVICES

Richard L. Burton  
Commissioner

P.O. BOX 111200  
JUNEAU, ALASKA 99811-1200  
PHONE (907) 465-4336

April 13, 1994

The Honorable Steve Frank  
Co-chair, Senate Finance Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

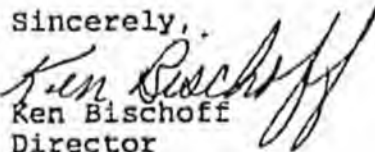
Dear Senator Frank:

In response to your staff's request to "estimate the average cost imposed on the Department of Public Safety by a misdemeanor arrest", a ballpark estimate is \$300 per arrest [5 hours X \$60 per hour]. The average time spent on a misdemeanor arrest can vary widely depending on whether it occurs in the bush or on a road system, the local court system's arraignment process, whether there is a state correctional institution or local contract jail nearby, and of course, the type of offense. The amount of time spent investigating a case can vary greatly. An "on sight" arrest can be very quick, but a theft case may take much time to investigate to the point of arrest. Also, violent offenses typically take much more time than a simple case.

Management reports are based on cases reported, and of course, not all cases result in an arrest, so it is not practical at this time to be definitive about the average time involved in a misdemeanor arrest. The most common misdemeanor arrest, Driving While Intoxicated, probably takes about three to four hours on the average. Some misdemeanor arrests take up to 60 hours of Trooper time. The 5 hour per arrest average is probably a low estimate.

The Alaska State Troopers currently contract with the US Forest Service to provide law enforcement in certain areas at a rate of \$60 per hour [which includes salary, benefits, and some support costs]. This rate has not been adjusted in recent years, and is due to be raised, but can be used as a rough estimate of the cost for an hour of Trooper time, a low estimate when all costs are taken into consideration.

Sincerely,


  
Ken Bischoff  
Director

# MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

**TO:** David Skidmore  
Legislative Assistant to Senator Steve Frank

**FROM:** Diane Schenker   
Special Assistant to the Commissioner

**DATE:** April 13, 1994

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This memorandum is in response to your question regarding the average length of stay in a correctional center for a misdemeanor. According to Steve Schwartz, our Research Analyst, the average length of incarceration for a misdemeanor is 8.7 days.

This average was calculated based upon a formula used by the National Institute of Corrections, using the Department's OBSCIS data from calendar year 1993, as follows:

559 (1993 average daily population of misdemeanants, both pretrial and sentenced) X 365 (days per year) divided by 23,468 (1993 total admissions for misdemeanants) = 8.7 days, average length of stay.

The average daily cost of care, including state correctional beds as well as community residential center beds, is \$98 per day. Therefore, incarceration for the average misdemeanor costs the department \$852.60 (\$98 X 8.7).

## M E M O R A N D U M

DATE: 4-14-94

TO: Senator Steve Frank

FROM: John B. Salemi, Public Defender

RE: Average cost of Misdemeanor case

Per your 4-13-94 request, this memo contains the Alaska Public Defender Agency's best guess as to the average cost of providing legal representation for a client charged with a misdemeanor level offense. Please be advised that this estimate was prepared with less than one day's notice. It is also noteworthy that misdemeanor charges vary greatly, and therefore there really is no such thing as an average misdemeanor case. Finally, this estimate is not generated by computer number-crunching, but based on the collective experience of the attorneys presently handling misdemeanors in our Anchorage office. No information was gathered from our rural offices. Here goes:

ATTORNEY TIME

1. File review and client interview(s): 1.5 hours
  2. Pre-trial motion review, drafting, research: 1.0 hours
  3. Negotiations, phone calls, bail hearing(s): 1.0 hours
  4. Change of plea hearing (preparation and court): .75 hours
- TOTAL: 4.25 HOURS

A staff attorney doing misdemeanor cases is paid a salary which is the equivalent of \$22.38/hour.  $4.25 \times \$22.38 = \$95.12$ .

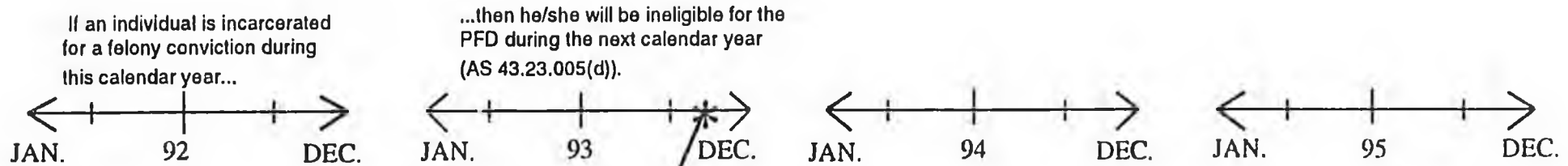
The remaining costs on an "on average basis" are even more speculative. Secretary time, photocopying, equipment costs, lease space expenses--the list of overhead items and allocation to misdemeanor work cannot be readily determined. Neither should it be ignored or minimized. So, a wild guess: \$100/case.

In summary, a quick, best guess, based on attorney-generated information (as opposed to statistical analysis) is approximately \$200 per case.

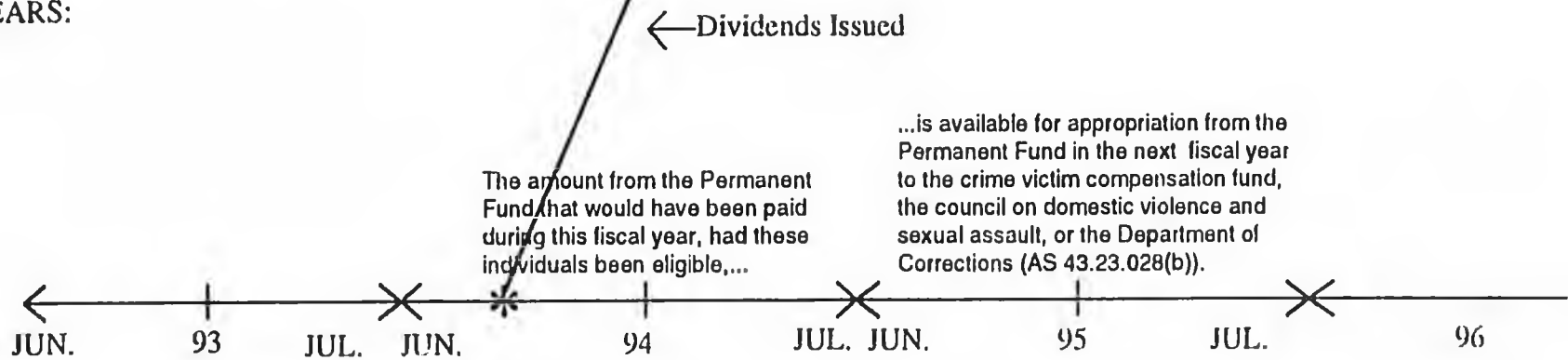
I hope this helps. Call if you would like to discuss this issue.

# CURRENT PROCEDURE: Forfeiture of PFD by Individuals Convicted of Felony

## CALENDAR YEARS:

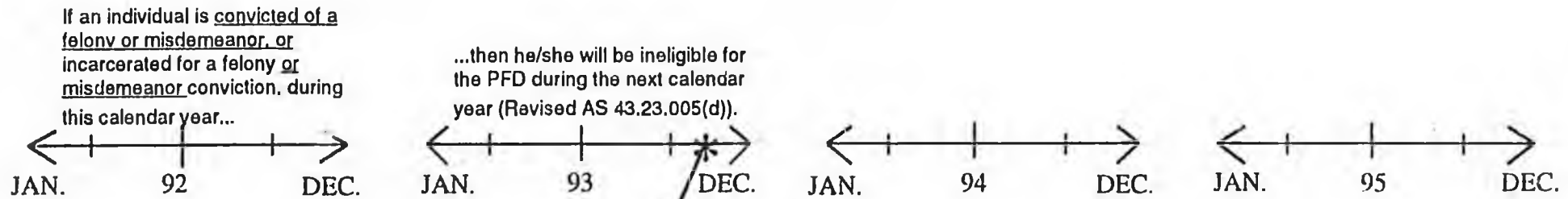


## FISCAL YEARS:

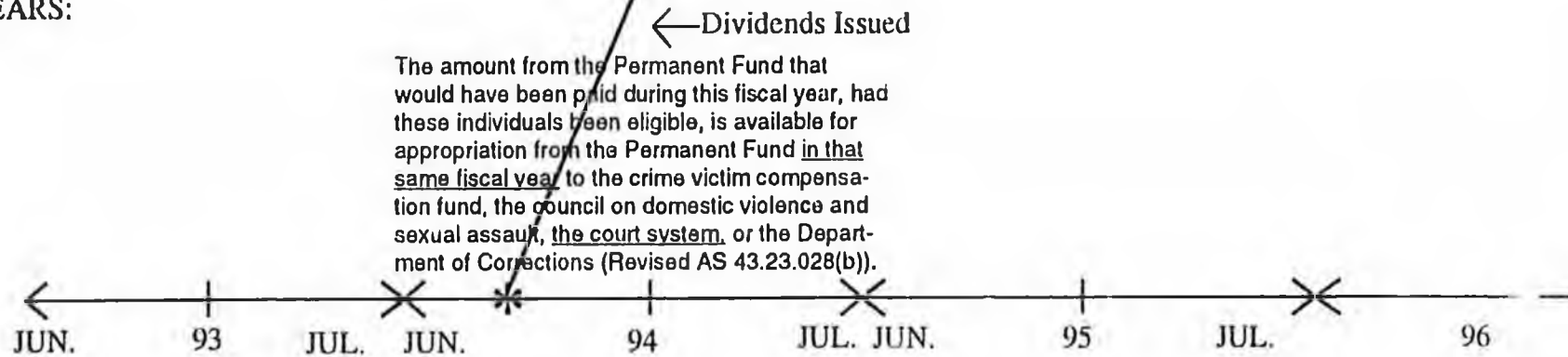


# PROPOSED PROCEDURE: Forfeiture of PFD by Individuals Convicted of Felony or Misdemeanor

## CALENDAR YEARS:



## FISCAL YEARS:



VEHICLE AND TRAFFIC OFFENSES  
NUMERICAL LISTING

Note: Offenses not listed here are mandatory court appearances.

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
AS 05.25.030(a)	Failure to Give Assistance or ID at Watercraft Accident	Mand/Cr	0	ZZZ	AS 05.25.090 misd.
AS 05.25.030(b)	Failure to Report Watercraft Accident	Mand/Cr	0	ZZZ	AS 05.25.090 misd.
AS 05.25.060(a)	Reckless Driving of Watercraft	Mand/Cr	0	ZZZ	AS 05.25.090 misd.
AS 05.25.060(a)	Negligent Driving of Watercraft	Mand/Cr	0	ZZZ	AS 05.25.090 misd.
AS 05.30.010	Operating An Unregistered Snow Vehicle	20	0	ZZZ	AS 05.30.110 misd.**
AS 05.30.040(a)	Failure to Display Snow Vehicle Numbered Registration Decal	20	0	ZZZ	AS 05.30.110 misd.**
AS 05.30.080(a)(1)-(4)	Snow Vehicle Equipment Required	Corr	0	ZZZ	AS 05.30.110 misd.***
AS 05.30.100	Snow Vehicle Operator to Report Accidents	Mand/Cr	0	ZZZ	AS 05.30.110 misd.
AS 11.46.460	Disregard of Highway Obstruction	Mand/Cr	0	ZZZ	AS 11.46.460(b) B misd.
AS 11.46.462	Unlawful Possession of Official Traffic Control Device	Mand/Viol	0	ZZZ	AS 11.46.462(b) viol.
AS 11.46.484(a)(7)	Tampering with Official Traffic Control Device or Damaging Highway Construction Work	Mand/Cr	0	ZZZ	AS 11.46.484(b) A misd.
AS 28.05.071	Failure to Notify Dept. of Change of Name/Address (See AS 28.35.135(b))				
AS 28.05.095(a)	Failure to Wear Safety Belt (age 16 and older: passenger or driver)	15 or donation****	0	CR2	AS 28.05.099(a) inf.
AS 28.05.095(b)	Failure to Provide Child Safety Device (Note: 1st charge may be dismissed by court upon proof of correction, but 2nd or subsequent charge is not dismissible)	50	2	CR1	AS 28.05.099(b) inf.
AS 28.05.095(b)	Failure to Properly Secure Child in Child Safety Device	50	2	CR1	AS 28.05.099(b) inf.
AS 28.05.095(d)	Illegal Removal of Vehicle Safety Belt	15 or donation****	0	MS	AS 28.05.099(a) inf.
AS 28.10.081(b)	Failure to Carry Certificate of Registration in Vehicle (Charge under AS 28.10.461)				
AS 28.10.451	Failure to Register Vehicle	50	0	RT1	AS 28.40.050(a-b) misd.**
AS 28.10.461	Plates/Decals/Permits Must Be Properly Attached and Displayed	20	0	RR5	AS 28.40.050(a-b) misd.**
AS 28.10.461	Failure to Carry Certificate of Registration in Vehicle	20	0	RT1	AS 28.40.050(a-b) misd.**

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	PGINTS	PROCESSING CODE	PENALTY SECTION
AS 28.10.471	Operating Vehicle w/Expired Registration	50	0	RT2	AS 28.40.050(a-b) misd.**
AS 28.10.471	Operating Vehicle w/Suspended/Revoked Registration	Mand/Cr	0	RT4	AS 28.40.050(a-b) misd.
AS 28.10.481	Improper Use of Evidence of Registration/Title	Mand/Cr	0	RT3	AS 28.40.050(a-b) misd.
AS 28.10.491(a)	Felonies Relating to Title, Registration, ID No., etc.	Mand/Cr	0	RT4	AS 28.10.491(b) felony
AS 28.10.493(a)	Illegal Transfer of Vehicle by Owner	Mand/Cr	0	ZZZ	AS 28.10.493(a) B misd.
AS 28.10.493(b)	Illegal Transfer of Vehicle by Dealer	Mand/Cr	0	ZZZ	AS 28.10.493(b) B misd.
AS 28.15.011(b)	Driving With Expired License	30	2	VR	AS 28.40.050(a-b) misd.**
AS 28.15.011(b)	Driving Without a Valid License	Mand/Cr	2	VR5	AS 28.40.050(a-b) misd.
AS 28.15.041(b)	School Bus Driver Permit Required	Mand/Cr	2	VR5	AS 28.40.050(a-b) misd.
AS 28.15.051(a-b)	Driving in Violation of Instruction Permit	Mand/Cr	2	VR4	AS 28.40.050(a-b) misd.
AS 28.15.121(d)	Driving in Violation of Restricted License	Mand/Cr	2	VR4	AS 28.40.050(a-b) misd.
AS 28.15.131	License to be Carried and Exhibited on Demand	Corr	2	RR4	AS 28.15.131 /28.40.050(a-b) misd.
AS 28.15.281(a)	Unlawful Use of Driver's License	Mand/Cr	0	ZZZ	AS 28.40.050(a-b) misd.

AS 28.15.281(b)	Permitting Unauthorized Person to Drive	Mand/Cr	0	VR6	AS 28.40.050(a-b) misd.
AS 28.15.291	Driving While License Suspended/Revoked or Driving in Violation of Limitation	Mand/Cr	10	VR1	AS 28.15.291/ AS 28.15.181(a)(9) A misd.
AS 28.15.291	Driving While License Suspended	Mand/Cr	10	VR2	AS 28.15.291/ AS 28.15.181(a)(9) A misd.
AS 28.22.250	Falsification of Info. Required under AS 28.22.210-.240	Mand/Cr	0	ZZZ	AS 28.22.250 A misd.
AS 28.35.026	Failure to Return Rental Vehicle	Mand/Cr	0	ZZZ	AS 28.35.026 felony
AS 28.35.029	Open Container of Alcoholic Beverage in Motor Vehicle	50	2	D14	AS 28.35.029(d) /28.40.050(c) inf.**
AS 28.35.030	Driving While Intoxicated (DWI) (all motor vehicles except those listed below)	Mand/Cr	10	D11	AS 28.35.030 /28.15.181(a)(5) A misd.
	DWI - Snow Machines and Off-Road Vehicles	Mand/Cr	0	D17	AS 28.35.030 A misd.
	DWI - Watercraft	Mand/Cr	0	D18	AS 28.35.030 A misd.
	DWI - Aircraft	Mand/Cr	0	D19	AS 28.35.030 A misd.
AS 28.35.031(e)	Refusal to Submit to a Preliminary Breath Test	50	0	MS	AS 28.35.031(e) /28.40.050(c) inf.**
AS 28.35.032	Refusal to Submit to Chemical Test	Mand/Cr	0	D13	AS 28.35.032 /28.15.181(a)(8) A misd.

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
AS 28.35.040	Reckless Driving	Mand/Cr	10	RK1	AS 28.35.040 /28.15.181(a)(6) misd.
AS 28.35.045	Negligent Driving	Mand/Inf	6	RK2	AS 28.35.045(c) /28.40.050(c) inf.
AS 28.35.050(a)	Leaving Scene of Injury Accident	Mand/Cr	9	HR1	AS 28.40.050(a-b) misd.
AS 28.35.050(b-c)	Leaving Scene of Property Damage Only Accident	Mand/Cr	9	HR2	AS 28.40.050(a-b) misd.
AS 28.35.060(a)	Operator to Give Information At Accident	Mand/Cr	2	HR	AS 28.35.060(b) misd.
12 AS 28.35.060(a)	Failure to Assist Injured Person At Accident	Mand/Cr	9	HR1	AS 28.35.060(c) /28.15.181(a)(3) felony
AS 28.35.080(a)	Failure to Give Immediate Notice of Accident	Mand/Cr	2	RR1	AS 28.35.110(b) misd.
AS 28.35.080(b)	Failure to File Written Accident Report Within 10 Days	Mand, Cr	2	RR1	AS 28.35.110(b) misd.
AS 28.35.110(a)	Giving False Information in Accident Report	Mand/Cr	0	ZZZ	AS 28.35.110(a) misd.
AS 28.35.130	False Report or Destruction of Evidence	Mand/Cr	0	ZZZ	AS 28.35.130 felony & misd
AS 28.35.135(a)	Making False Statement /Affidavit	Mand/Cr	0	ZZZ	AS 11.56.210 A misd.

AS 28.35.135(b)	Failure to Notify Dept. of Change of Name/Address	20	0	ZZZ	AS 28.40.050(a-b) misd.**
AS 28.35.140	Obstructing or Blocking Traffic	20	0	EM6	AS 28.40.050(a-b) misd.**
AS 28.35.145(a)	Failure to Stop For School Bus with Flashing Red Lights	Mand/Cr	6	PA4	AS 28.35.145(d) B misd.
AS 28.35.145(b)	Failure to Yield to Person Crossing Road To/From School Bus	Mand/Cr	6	RW5	AS 28.35.145(d) B misd.
AS 28.35.145(e)	Ownership of a Vehicle Which Illegally Passes a Stopped School Bus	50	0	ZZZ	AS 28.35.145(e) inf.**
13 AS 28.35.155	Operating Vehicle w/Studded/Chained Tires When Prohibited	Corr	0	ER2	AS 28.40.050(a-b) misd.***
AS 28.35.180	Disobedience to Signal of Officer Regulating Traffic	30	2	SC1	AS 28.40.050(a-b) misd.**
AS 28.35.182	Failure to Stop at Direction of Peace Officer	Mand/Cr	10	HR4	AS 28.35.182(c) B misd.
AS 28.35.235	Unauthorized Use of Handicapped Parking	100	0	ZZZ	AS 28.35.235(b) /28.40.050(c)**
AS 28.35.251	Contained or Confined Loads	100	0	EM2	AS 28.35.255 inf.**
AS 28.35.253	Anti-Spray Devices Required	Corr	0	ER1	AS 28.35.255 inf.***

AS 42.10 NOTE: The AS 42.10 (Alaska Motor Freight Carrier) offenses previously listed on the traffic bail schedule were repealed by 1983 initiative #2, effective February 1985.

## Comparison of Incarcerated Misdemeanants/Child Support Obligor

Number of individuals incarcerated for  
misdemeanor convictions in CY93: 9,900  
(Source: Department of Corrections)

Of these 9,900 individuals, how many had active  
cases with Child Support Enforcement Division? 2,000  
(Source: Child Support Enforcement Division)

What percent of these incarcerated misdemeanants  
would have been otherwise eligible to receive PFD  
in absence of SB378? 66%  
(Source: Permanent Fund Dividend Division)

Number of incarcerated misdemeanants ineligible  
for PFD under SB378: 1,320

What percent of CSED cases involve garnishment  
of PFD? 23%  
(Source: Child Support Enforcement Division)

Number of incarcerated misdemeanants whose  
forfeiture of PFD under SB 378 would conflict  
with child support obligation in CY93: 304



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### MEMORANDUM

**TO:** Senator Steve Frank, Co-Chair  
Senator Drue Pearce, Co-Chair  
Senate Finance Committee

**FROM:** David Skidmore, Staff Aide

**RE:** Child support obligations

**DATE:** 20 April 1994

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Individuals are required to assign their right to child support to the State in order to be eligible for Aid to Families with Dependent Children (AFDC). If CSED subsequently collects on a child support obligation through garnishment of the PFD, only the first \$50 of the delinquent amount is given to the AFDC recipient/support obligee; the balance is divided between the State and federal government as reimbursement for the AFDC assistance payments, and the State portion is deposited into the general fund as revenue.

Thus, if the child support obligees of the 304 incarcerated misdemeanants in 1993 all were on AFDC and the CSED garnished the entire \$950 PFD of each individual, the total amount received by the obligee families would have been \$15,200 (\$50 x 304); the State and federal governments each would have received \$136,800 (half of the remaining balance) as reimbursement.

Under SB 378 the entire amount collected from this source (\$288,800) would be available for appropriation by the State. While it is true that the obligee families would not receive the customary \$50, the federal government would no longer receive its 50% portion.

## REPRESENTATIVE LIST OF MISDEMEANORS

### ALCOHOLIC BEVERAGES

- Failure to obtain required license or permit
- Possession or consumption of alcohol by persons under the age of 21
- Furnishing or delivery of alcoholic beverages to persons under 21

### CRIMINAL LAW

- Assault in the fourth degree
- Reckless endangerment
- Theft in the third degree
- Theft in the fourth degree
- Criminal trespass in the first degree
- Criminal trespass in the second degree
- Criminal mischief in the third degree
- Criminal mischief in the fourth degree
- Escape in the fourth degree
- Unlawful evasion in the first degree
- Unlawful evasion in the second degree
- Resisting or interfering with arrest
- Violating a domestic violence restraining order
- Disorderly conduct
- Harassment
- Misconduct involving weapons in the fourth degree
- Misconduct involving weapons in the fifth degree
- Misconduct involving a controlled substance in the fifth degree
- Misconduct involving a controlled substance in the sixth degree
- Violation of conditions

### FISH AND GAME

- Strict liability commercial fishing penalties
- Misdemeanor commercial fishing penalties
- Wanton waste of big game animals and wild fowl

### MOTOR VEHICLES

- Driving without a drivers license
- Driving on a suspended, revoked, or limited drivers license
- Operating a vehicle, aircraft, watercraft, or commercial motor vehicle while intoxicated
- Refusal to submit to chemical test
- Reckless driving
- Negligent driving

AMENDMENT #1

OFFERED IN THE SENATE  
TO: SB 378

BY SENATOR FRANK

Page 1, line 5:

Insert a new bill section to read:

"\* Section 1. PURPOSES. The purposes of the amendments to AS 43.23.005(d) and AS 43.23.028(b) in this Act are to obtain  
(1) additional funding for the State agencies specified; and  
(2) full or partial reimbursement from individuals convicted of a felony or misdemeanor for the costs imposed on the State criminal justice system that are related to conviction and incarceration."

Renumber following bill sections accordingly.

*Compensatory  
cost recovery*

*not punitive*

# 3-A

ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION  
**SUGGESTED LANGUAGE FOR A SENATE STATE AFFAIRS**  
**COMMITTEE AMENDMENT TO SB 378**

As of April 19, 1994

The Department of  
and Public  
Safety

**Add a new section 3 to read as follows:**

**\*Sec. 3.** AS 43.23.055(5) is amended to read:

(5) use a list of those individuals meeting the criteria of AS 43.23.005(d) provided annually by the Department of Corrections to annually determine [, IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONS,] the number and identity of individuals ineligible for a permanent fund dividend under AS 43.23.005(d);

**Renumber current sections 3 - 6 appropriately, updating references and making new section 3 retroactive to January 1, 1994.**

# FISCAL NOTE

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO. SB 378**

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: No PFD: Persons Jailed for Feiony or Misdemeanor BRU: Permaner:t Fund Dividend  
 Component: Permanent Fund Dividend  
 Sponsor: SENATE FINANCE COMMITTEE  
 Requestor: Senate State Affairs Committee COMPONENT SERIAL NO 981

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>REVENUE FUND SOURCE:</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**FUNDING:**

(Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

**ANALYSIS:**

This fiscal note is predicated on the assumption that either the Department of Corrections or the Court System will annually provide the Department of Revenue with a computer tape file of all felons and misdemeanants as the Department of Corrections currently provides related to incarcerated felons.

This legislation would also reduce the pool of dividend applicants whose dividend could be attached or levied by various government agencies as well as private creditors. Please see the attached 1989-1993 summary of attachment and assignment activity.

Prepared by: Thomas C. Williams  
 Division: Permanent Fund Dividend  
 Approved by Commissioner: [Signature]  
 Agency: Department of Revenue

Phone: 465-2323  
 Date: 04-18-94  
 Date: 4/18/94

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ALASKA DEPARTMENT OF REVENUE  
 PERMANENT FUND DIVIDEND DIVISION  
1989 - 1993 PFD ATTACHMENT AND ASSIGNMENT ACTIVITY

As of January 18, 1994

<u>Services Held</u>	<u>5 Year Total</u>	<u>Permanent Fund Dividend Year (A)</u>				
		<u>1993</u>	<u>1992</u>	<u>1991</u>	<u>1990</u>	<u>1989</u>
<u>Attachments (B)</u>						
IRS (Federal Taxes)	68,594	19,758	18,125	12,413	11,548	6,750
CSED (Child Support Delinquencies)	36,977	7,868	7,883	7,571	7,112	6,543
Non-municipal Writs (Judgements) (C)	34,740	7,251	6,749	8,218	6,462	6,060
ACPE (Student Loan Delinquencies)	34,355	7,684	8,568	7,282	5,997	4,824
Municipal Writs (Fines & Taxes)	5,938	294	1,200	1,224	1,323	1,897
Certified Services (Judgements) (C)	2,510	2,156	354	(D)	(D)	(D)
PFDD (Repayment of Dividends)	2,423	525	106	760	549	483
Department of Law (Judgements)	1,365	1,365	0	0	0	0
DOL (Employment Taxes)	818	267	113	121	127	190
IEAD (State Taxes)	191	0	20	34	52	85
Court Orders (Judgements)	27	0	5	1	20	1
<u>Total Attachments</u>	<u>187,938</u>	<u>47,168</u>	<u>43,123</u>	<u>37,624</u>	<u>33,190</u>	<u>26,833</u>
<u>Assignments (E)</u>	<u>21,867</u>	<u>5,907</u>	<u>4,028</u>	<u>3,753</u>	<u>4,502</u>	<u>3,077</u>
<u>Total Services Held</u>	<u>209,805</u>	<u>53,075</u>	<u>47,751</u>	<u>41,377</u>	<u>37,692</u>	<u>29,910</u>

Notes

- (A) The figures reported for 1989-1992 are for the period April 1 through March 31 of a year indicated. The 1993 figures are for the period April 1, 1993 through December 31, 1993.
- (B) The attachment figures represent the number of attachments that actually were held. Some of the attachments received are returned because they are for an individual who is not on file. Others correspond to individuals who are on file but are released by the individual or agency filing the attachment before the department makes payment. The figures reported correspond to unreleased attachments held during the periods indicated.
- Not all these attachments received funds. For example, an individual may have been attached by both CSED and the IRS. If the CSED attachment equaled or exceeded the amount of the dividend, CSED would receive the entire dividend, and IRS the would receive nothing. However, the statistics would still reflect 2 attachments.
- (C) Until December 30, 1990 the exemption from attachment for these items was 50%. Effective January 1, 1991 the exemption from attachment for these items was reduced to 45% by § 3, Ch 198, SLA 1990. Non-municipal Writs are served by Process Servers.
- (D) Certified services were only available starting in 1992 as a result of amendments to AS 43.23.065 enacted by Ch 52, SLA 1992.
- (E) Since 1989 assignments can only be made to governmental agencies or a court.

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO.: SB 378

Revision Date:	_____	Dept. Affected:	Corrections
Title:	Re. PFD for felons/misdemeanants	BRU:	All
Sponsor:	S. Fin	Component:	All
Requestor:	S.STA	Component Serial #:	694-1884

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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>

CAPITAL EXP	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTLA						
Other (1050 PFD)	0.0	0.0	0.0	0.0	0.0	0.0
<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>

Estimate of any current year (FY94) cost \$ 0.0

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:

Prepared by: Diane Schenker, Special Assistant  
 Division: Office of the Commissioner  
 Approved by: J. Frank Prewitt, Jr., Commissioner  
 Agency: Department of Corrections

Phone: 465-4643/786-2147  
 Date: 4/15/94  
 Date: 4/15/94  
 Page 1 of 1

AMENDMENT

#1  
Adopted.  
✓ unan. consent  
4-18-94

OFFERED IN THE SENATE  
TO: SB 378

BY SENATOR FRANK

Page 1, line 5:

Insert a new bill section to read:

"\* Section 1. PURPOSES. The purposes of the amendments to AS 43.23.005(d) and AS 43.23.028(b) in this Act are to obtain  
(1) additional funding for the State agencies specified; and  
(2) full or partial reimbursement from individuals convicted of a felony or misdemeanor for the costs imposed on the State criminal justice system that are related to conviction and incarceration."

Renumber following bill sections accordingly.

"Conceptual Amend.:"

#2

- (1) NON-mandatory Court appearances
- (2) Statutory mail-in misdemeanors

✓ Adopted  
unanimous  
consent  
✓ 4-18-94

#3

A M E N D M E N T

OFFERED IN THE SENATE  
TO: CSSB 378(STA)

BY SENATOR FRANK

Page 1, lines 1 - 2:

Delete "and to dividends of individuals convicted of felonies or certain misdemeanors"

Insert ", to the ineligibility for dividends of individuals convicted of felonies or incarcerated for misdemeanors, and to the determination of the number and identity of certain ineligible individuals"

Page 2, lines 3 - 5:

Delete "or misdemeanor, other than a misdemeanor that is a bailable offense for which a court appearance is not required"

Page 2, after line 17:

Insert a new bill section to read:

\*\* Sec. 4. AS 43.23.055 is amended to read:

Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

- (1) annually pay permanent fund dividends from the dividend fund;
- (2) subject to AS 43.23.011 and paragraph (8) of this section, adopt regulations under AS 44.62 (Administrative Procedure Act) that establish procedures and time limits for claiming a permanent fund dividend; the department shall determine the number of eligible applicants by October 1 of the year for which the dividend is declared and pay the dividends by December 31 of that year;
- (3) adopt regulations under AS 44.62 (Administrative Procedure Act) that establish procedures and time limits for an individual upon emancipation or upon reaching majority to apply for permanent fund dividends not received during minority because the parent, guardian, or other authorized representative did not apply on

behalf of the individual;

(4) assist residents of the state, particularly in rural areas, who because of language, disability, or inaccessibility to public transportation need assistance to establish eligibility and to apply for permanent fund dividends;

(5) annually determine, in cooperation with the Department of Corrections and the Department of Public Safety, the number and identity of individuals ineligible for a permanent fund dividend under AS 43.23.005(d);

(6) adopt regulations that are necessary to implement AS 43.23.005(d);

(7) adopt regulations that establish procedures for the parent, guardian, or other authorized representative of a disabled individual to apply for prior year permanent fund dividends not received by the disabled individual because no application was submitted on behalf of the individual;

(8) adopt regulations that establish procedures for an individual to apply to have a dividend warrant reissued if it is returned to the department as undeliverable or it is not paid within two years of the date of its issuance; however, the department may not establish a time limit within which an application to have a warrant reissued must be filed;

(9) adopt regulations establishing an optional longevity bonus program to provide for the direct payment by the department of an individual's permanent fund dividend to an annuity program selected by the individual."

Renumber the following bill sections accordingly.

Page 2, line 22:

Delete "and 5"

Insert "and 6"

Page 2, line 23:

Delete "and 4"

Insert ", 4, and 5"

8-LS1889AK ✓  
Cook  
4/18/94

**CS FOR SENATE BILL NO. 378(STA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE STATE AFFAIRS COMMITTEE**

Offered:  
Referred:

Sponsor(s): **SENATE FINANCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to permanent fund dividend program notice requirements and  
2 to dividends of individuals convicted of felonies or certain misdemeanors; and  
3 providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* Section 1. PURPOSES. The purposes of the amendments made to AS 43.23.005(d) and  
6 43.23.028(b) in this Act are to obtain

7 (1) a source of additional funding for the state agencies listed in  
8 AS 43.23.028(b); and

9 (2) full or partial reimbursement from individuals convicted of a felony or  
10 misdemeanor for costs imposed on the state criminal justice system related to convictions and  
11 incarcerations.

12 \* Sec. 2. AS 43.23.005(d) is amended to read:

13 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual  
14 [WHO HAS BEEN CONVICTED OF A FELONY] is not eligible for a permanent

1 func dividend for a dividend year when

2 (1) during the calendar year immediately preceding that dividend  
3 year the individual was convicted of a felony or misdemeanor, other than a  
4 misdemeanor that is a bailable offense for which a court appearance is not  
5 required; or

6 (2) [,] during all or part of the [PREVIOUS] calendar year immediately  
7 preceding that dividend year, as a result of the conviction of a felony or  
8 misdemeanor, the individual was [IS] incarcerated.

9 \* Sec. 3. AS 43.23.028(b) is amended to read:

10 (b) The notice requirements of (a) of this section do not apply to  
11 appropriations from the dividend fund to the crime victim compensation fund  
12 established under AS 18.67.162, to the council on domestic violence and sexual assault  
13 established under AS 18.66.010, to the court system, or to the Department of  
14 Corrections to the extent that amounts appropriated for a fiscal year do not exceed the  
15 total amount that would have been paid during that same [THE PREVIOUS] fiscal  
16 year to individuals who are ineligible to receive dividends under AS 43.23.005(d) if  
17 they had been eligible.

18 \* Sec. 4. Notwithstanding the amendment to AS 43.23.005(d) made in sec. 2 of this Act,  
19 for purposes of determining eligibility for 1995 dividends, AS 43.23.005(d) shall be applied  
20 as though it had not been amended by this Act.

21 \* Sec. 5. Section 3 of this Act is retroactive to January 1, 1994.

22 \* Sec. 6. Sections 1, 3, and 5 of this Act take effect immediately under AS 01.10.070(c).

23 \* Sec. 7. Sections 2 and 4 of this Act take effect January 1, 1995.