

SB

167

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 167

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Day fines BRU: Trial Courts
 Components: _____
 Sponsor: Judiciary by request
 Requestor: _____ COMPONENT SERIAL NO. 788

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL	23.9	3.8	3.8	3.8	3.8	3.8
CONTRACTUAL	18.6	6.6	6.5	6.6	6.6	6.6
SUPPLIES	6.4					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	46.9	10.4	10.4	10.4	10.4	10.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	46.9	10.4	10.4	10.4	10.4	10.4
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
TOTAL	46.9	10.4	10.4	10.4	10.4	10.4

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
 See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 04/28/95
 Approved by: Arthur H. Snowden, II, Administrative Director *AHS*
 Agency: Alaska Court System Date: 04/28/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court System

Fiscal Analysis

SB 167

Personal Services

This legislation is expected to increase time required for sentencings. However, the court cannot estimate the cost at this time. No personal services costs are included.

Travel

523,910

Day Fines Committee

3,820

This legislation will require the Day Fines Committee to review and updating policies and procedures each year.

Regional Training Conference - (one-time cost)

20,090

Conferences will be held in Anchorage, Fairbanks and Juneau. The conferences will be attended by all district court judges, higher-caseload-court magistrates, supervising district attorneys, and supervising public defenders for the respective conference regions and by court administrative staff assigned to the project. Each conference will last 2 days.

Contractual

16,600

Computer programming (one-time cost)

10,000

This legislation will necessitate a modification to the computer programming for the statewide case management computer system.

Postage

500

Training materials for the regional day fines conferences will have to mailed to all participants.

Communications

6,100

This legislation will require extensive telephone communication to and from the Anchorage-based clerical position, which performs income and asset verifications. The court will randomly verify information through a national credit database.

Supplies (one-time cost)

6,400

Paper, dividers and notebooks for training materials for the regional conferences.

400

Calculators for all courtrooms used by district court judges and magistrates.

6,000

Total Estimated Cost:

546,910

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 167

Revision Date: 03/22/96 Dept. Affected: Alaska Court System
 Title: Day fines BRU: Trial Courts
 Components: _____
 Sponsor: Judiciary by request
 Requestor: _____ COMPONENT SERIAL NO. 788

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL	23.9	3.8	3.8	3.8	3.8	3.8
CONTRACTUAL	16.6	6.6	6.6	6.6	6.6	6.6
SUPPLIES	6.4					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	46.9	10.4	10.4	10.4	10.4	10.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

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Other						
TOTAL	46.9	10.4	10.4	10.4	10.4	10.4

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 99) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
 See attached fiscal analysis.

Prepared by: C. B. Christensen III, Staff Counsel Phone: 234-8228
 Agency: Alaska Court System Date: 03/22/96

Approved by: Arthur H. Snowden, II, Administrative Director Date: 03/22/96
 Agency: Alaska Court System

PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court System
Fiscal Analysis
SB 167

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(one-time cost)

6,400

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400

Calculators for all courtrooms used by district court judges and magistrates.

6,000

Total Estimated Cost

\$46,910

*moved Sen. Rieger
adopted
8/22/96*

SENATE FINANCE
COMMITTEE

9-LS1069A.1
Luckhaupt
3/22/96

Amendment Number: 1

Bill Number: SB 167

Sponsor: _____ Date: 3/22/96

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR RIEGER

TO: SB 167

1 Page 2, lines 12 - 14:

2 Delete "one-third for a defendant above the federal poverty guideline as determined
3 by the United States Department of Health and Human Services, and less one-half for a
4 defendant below the federal poverty guideline"

5 Insert "[ONE-THIRD FOR A DEFENDANT ABOVE THE FEDERAL POVERTY
6 GUIDELINE AS DETERMINED BY THE UNITED STATES DEPARTMENT OF HEALTH
7 AND HUMAN SERVICES, AND LESS] one-half, [FOR A DEFENDANT BELOW THE
8 FEDERAL POVERTY GUIDELINE]"

pending 3/22/96

SENATE FINANCE
COMMITTEE

9-LS1069A.2

Amendment Number: 2

Luckhaupt

Bill Number: SB 167

3/21/96

Sponsor: _____ Date: 3/22/96

AMENDMENT Logged In By: _____

OFFERED IN THE SENATE

BY SENATOR RIEGER

TO: SB 167

- 1 Page 3, line 1, following "penalty":
- 2 Insert "but not less than a minimum day fine of \$40 nor greater than a
- 3 maximum day fine of \$4,000"

SENATE FINANCE
COMMITTEE

Amendment Number: 3

Bill Number: SB 167

Sponsor: _____

Date: 4/10/96

9-LS1069A.3

Luckhaupt

Logged In By: _____

3/30/96

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR DONLEY

TO: SB 167

1 Page 3, line 1, following "penalty":

2 Insert "but not less than a minimum day fine of \$50 nor greater than a

3 maximum day fine of \$10,000"

SENATE FINANCE
COMMITTEE
Amendment Number: 4
Bill Number: SB 167
Sponsor: _____ Date: 4/10/96
Logged In By: _____

4/11/96 Discussed

9-LS1069A.5
Luckhaupt
4/9/96

A M E N D M E N T

OFFERED IN THE SENATE
TO: SB 167

BY SENATOR DONLEY

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Page 1, following line 3:

Insert a new bill section to read:

Section 1. AS 12.55.015(a) is amended to read:

(a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing sentence on a defendant convicted of an offense, may singly or in combination

(1) impose a

(A) fine when authorized by law and as provided in AS 12.55.035, if the defendant is not an organization and is convicted of a felony or a violation or if the defendant is an organization and is convicted of an offense; or

(B) day fine when authorized by law and whenever a fine is authorized by law for a misdemeanor and as provided in AS 12.55.036, if the defendant is not an organization and is convicted of a misdemeanor [COURT DOES NOT IMPOSE A TERM OF PERIODIC OR CONTINUOUS IMPRISONMENT OR PLACE THE DEFENDANT ON PROBATION];

(2) order the defendant to be placed on probation under conditions specified by the court that may include provision for active supervision;

(3) impose a definite term of periodic imprisonment;

(4) impose a definite term of continuous imprisonment;

(5) order the defendant to make restitution under AS 12.55.045;

(6) order the defendant to carry out a continuous or periodic program of community work under AS 12.55.055;

(7) suspend execution of all or a portion of the sentence imposed under AS 12.55.080;

(8) suspend imposition of sentence under AS 12.55.085;

1 (9) order the forfeiture to the commissioner of public safety of a
2 deadly weapon that was in the actual possession of or used by the defendant during
3 the commission of an offense described in AS 11.41, AS 11.46, AS 11.56, or
4 AS 11.61;

5 (10) order the defendant, while incarcerated, to participate in or
6 comply with the treatment plan of a rehabilitation program that is related to the
7 defendant's offense or to the defendant's rehabilitation if the program is made
8 available to the defendant by the Department of Corrections."

9 Page 1, line 4:

10 Delete "* Section 1."

11 Insert "* Sec. 2."

12 Renumber the following bill sections accordingly.

13 Page 1, lines 5 - 6:

14 Delete "other than a violation of AS 11.41 and AS 11.56.740,"

15 Insert "[OTHER THAN A VIOLATION OF AS 11.41 AND AS 11.56.740,]"

16 Page 1, lines 7 - 11:

17 Delete "section. If a day fine is imposed under this section, the defendant may not
18 be sentenced to pay a fine under AS 12.55.035, serve a term of imprisonment, or be placed
19 on probation. However, the court may order a defendant to participate in or comply
20 with a screening, evaluation, or treatment program related to the defendant's offense."

21 Insert "section or a fine as otherwise authorized by law [. IF A DAY FINE IS
22 IMPOSED UNDER THIS SECTION, THE DEFENDANT MAY NOT BE SENTENCED TO
23 PAY A FINE UNDER AS 12.55.035, SERVE A TERM OF IMPRISONMENT, OR BE
24 PLACED ON PROBATION]."

25 Page 1, line 14:

26 Delete "common [ALL]"

27 Insert "all"

1 Page 3, line 1, following "penalty":

2 Insert ", but not less than a minimum day fine of \$50 nor greater than a
 3 maximum day fine of \$25,000 for a class A or unclassified misdemeanor or \$5,000 for
 4 a class B misdemeanor"

5 Page 3, line 25, through page 4, line 5:

6 Delete "a comparison of the number of defendants receiving a day fine as a sentence
 7 with the number of other defendants, eligible to receive a day fine, who receive another
 8 sentence;

9 (2) to the extent that recidivism information is available, a
 10 comparison of the recidivism rates between defendants receiving a day fine with other
 11 defendants,

12 (A) eligible for a day fine, who receive another sentence; and

13 (B) not eligible for a day fine, who receive another sentence;

14 (3) the potential savings to the state from ~~other defend~~
 15 who are eligible to receive a sentence of imprisonment, and who receive a day fine,
 16 assuming those defendants would have been sentenced to a term of imprisonment;

17 (4)"

18 Insert "[A COMPARISON OF THE NUMBER OF DEFENDANTS RECEIVING A
 19 DAY FINE AS A SENTENCE WITH THE NUMBER OF OTHER DEFENDANTS,
 20 ELIGIBLE TO RECEIVE A DAY FINE, WHO RECEIVE ANOTHER SENTENCE;

21 (2) A COMPARISON OF THE RECIDIVISM RATES BETWEEN
 22 DEFENDANTS RECEIVING A DAY FINE WITH OTHER DEFENDANTS,

23 (A) ELIGIBLE FOR A DAY FINE, WHO RECEIVE
 24 ANOTHER SENTENCE; AND

25 (B) NOT ELIGIBLE FOR A DAY FINE, WHO RECEIVE
 26 ANOTHER SENTENCE;

27 (3) THE POTENTIAL SAVINGS TO THE STATE FROM THE
 28 NUMBER OF DEFENDANTS WHO ARE ELIGIBLE TO RECEIVE A SENTENCE
 29 OF IMPRISONMENT, AND WHO RECEIVE A DAY FINE, ASSUMING THOSE
 30 DEFENDANTS WOULD HAVE BEEN SENTENCED TO A TERM OF

1 IMPRISONMENT;

2 (4)]"

3 Page 4, line 7:

4 Delete "(5)"

5 Insert "(2) [(5)]"

6 Page 5, following line 10:

7 Insert a new bill section to read:

8 ** Sec. 11. AS 12.55.035(b)(3) and 12.55.035(b)(4) are repealed."

