

HB

122

FISCAL NOTE

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ... relating to prisoner litigation, post-conviction BRU: Criminal Division/Civil Division
relief, and sentence appeals ... amending Alaska Rule of ... Component: Criminal Division/General Legal Services
 Sponsor: Rules Committee
 Requester: Governor COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (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	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

In 1995, the legislature passed far-reaching legislation aimed at reducing the burgeoning amount of frivolous litigation brought by state prisoners. This bill makes additional changes that are relatively minor, but that will contribute significantly to the further reduction of frivolous prisoner litigation. These refinements include clarifying that filing fees, or exemptions from them, are required in all types of litigation brought by prisoners, and that time limits for filing litigation by prisoners related to conviction or sentence appeals may not be extended by the courts beyond the periods provided in court rules. Additionally, the bill adds a provision to make it easier to collect money owed by a prisoner for attorney fees and costs of litigation.

This bill will have no fiscal impact on the Department of Law. However, it will continue the trend began with ch. 79, SLA 1995, of containing current costs and avoiding continued increases in the state's prisoners' rights and appeals litigation costs. The bill should also increase the amount of fines collected by the Collections and Support Unit of the Civil Division for deposit in the state general fund by an unknown amount.

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370
 Division: Administrative Services Division Date: 1/24/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho for* Date: 1/24/97
 Agency: Department of Law

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

For further distribution information, call the Governor's Legislative Office

COMMITTEE COPY

FISCAL NOTE

No. 3
 Bill Version: HB 122
 (H) Publish Date: 2/10/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

E

Revision Date: _____ Dept. Affected: _____ Corrections _____
 Title: Frivolous Litigation BRU: ALL
 Component: ALL
 Sponsor: Rules Committee
 Requester: Governor COMPONENT SERIAL NO. #0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Section 4 of this bill allows for a lien to be placed on a prisoner's account by the state for costs and attorney's fees. This provision will have a minimal fiscal impact on the Department and will be absorbed.

Prepared by: Bruce Richards
 Division: Commissioner's Office
 Approved by Commissioner: Margaret M. Pugh
 Agency: Department of Corrections

Phone: 465-3307
 Date: 1/25/97
 Date: 1/27/97

COMMITTEE COPY PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

No. 2
 Bill Version: HB 122
 (H) Publish Date: 2/10/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to prisoner litigation..."
 Sponsor: Rules Committee
 Requestor: Governor

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill, which changes many of the rules of court when the litigant is a prisoner, is unrelated to the question of whether a case is frivolous. Eliminating a prisoner's ability to obtain discovery, entering arbitrary time deadlines, and making collection of judgments easier, has nothing to do with the merits of the case. These rules simply are punitive and designed to eliminate a class of persons from having the same access to the courts as everyone else. As such, it violates the equal protection of the laws.

There is no fiscal impact on the Public Defender Agency.

Prepared by: Barbara K. Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 1/21/97

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

For further distribution information, call the Governor's Legislative Office

COMMITTEE COPY

FISCAL NOTE

No. 1
 Bill Version: HB 122
 (H) Publish Date: 2/10/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to Frivolous Litigation..."
 Sponsor: Rules Committee
 Requestor: Governor

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

Prepared by: Brant McGee, Director
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 1/24/97

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

COMMITTEE COPY

For further distribution information, call the Governor's Legislative Office

TONY KNOWLES
GOVERNOR



HB 122
P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 10, 1997

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

I am transmitting this bill to further enhance the positive effects of a 1995 law aimed at reducing frivolous litigation filed by state prisoners.

The bill clarifies a prisoner must pay filing fees in all types of legal actions against the state, including discretionary appellate review. It also ensures the court will consider all prisoner financial accounts in determining whether an exemption from the filing fee is warranted. This is an extension of the 1995 law (ch. 79, SLA 1995) which requires a prisoner to pay the usual filing fees for bringing a legal action against the state, unless the court finds the prisoner qualifies for an exemption based on financial information. This bill requires the prisoner to submit information about money in accounts outside the prison as well as in-prison accounts.

The law enacted in 1995 provides that automatic disclosure provisions of Alaska Rule of Civil Procedure 16.1 do not apply to litigation filed by prisoners. But a corresponding exemption from a similar provision in a separate court rule (Alaska Rule of Civil Procedure 26) was inadvertently not included in the earlier bill. This bill repairs that omission.

The rationale for automatic disclosure--reducing the cost and duration of litigation by cooperative discovery--does not readily apply in most litigation brought by prisoners. Prisoners are generally not willing or able to participate in discovery and, as a result, the state is obliged to furnish full information while prisoners furnish no information to the state. This is expensive and unnecessary, especially in litigation that is often without merit.

GOVERNORS
TRANSMITTAL LETTER

111122
The Honorable Gail Phillips
February 10, 1997
Page 2

The bill adds a provision to allow continuing liens on prisoner accounts at correctional facilities. The state can execute a judgment for costs and attorney's fees against a prisoner's account. Currently, whether the state is successful in collecting the judgment depends on whether the prisoner has money in the account at the time. Under a continuing lien, the state can recover the money whenever the prisoner's account has money available. This will reduce costs of collection so valid judgments are more timely satisfied.

Finally, the bill limits the time in which the court may allow a person to file a late appeal or request for discretionary review of the conviction or sentence to no more than 60 days after the originally specified time. Unreasonably late challenges to convictions and sentences undermine the administration of justice, resulting in litigation of stale claims with witnesses whose memories have faded. Victims, witnesses and the public should be able to depend on the finality of judgments once a defendant has had a reasonable opportunity to challenge a conviction and sentence.

The 1995 law has already proven effective in reducing frivolous prisoner litigation. This bill will strengthen that effort.

Sincerely,



Tony Knowles
Governor

CS for HOUSE BILL 122 (JUD)

Sectional Analysis

CSHB 122 was submitted to make additions and improvements to the comprehensive legislation adopted in 1995 to reduce the volume of frivolous litigation filed by prisoners against the state. That enactment has been very successful in reducing unnecessary lawsuits, while at the same time allowing prisoners to raise legitimate issues and enabling state attorneys to focus attention on those issues.

The 1995 legislation requires a prisoner to pay a filing fee to the court for pursuing a lawsuit, as other litigants are required to do, or to request an exemption from the fee based on need. The law currently requires a prisoner to supply certain information in support of a request for an exemption. Section 1 of the bill adds the requirement that the prisoner include information about money held in bank accounts outside the prison in the request for a filing fee exemption.

Section 2 makes a technical correction to the statutes and repairs an omission in the 1995 legislation. Current law provides that the automatic disclosure requirements of Civil Rule 16.1 do not apply to prisoner litigation; however, that rule has been deleted from the Civil Rules. The bill amends the law to reflect the deletion. Additionally, the bill provides that the automatic disclosure requirements of Civil Rule 26 do not apply to prisoner litigation. The rationale for automatic disclosure - reducing the cost and duration of litigation by cooperative discovery - does not readily apply in most cases filed by prisoners.

Section 3 expands the definition of "litigation against the state" to include all proceedings in the appellate courts. This clarifies that the laws regulating prisoner litigation apply to all litigation, not only to cases filed in the trial courts.

Sections 4 - 7 and 11 also concern a law enacted in 1995. The legislature enacted a provision that expands the use of DNA profile evidence in criminal prosecutions. In addition, the law requires the Department of Public Safety to establish a DNA identification system to help in the investigation of crimes in Alaska. It requires the department to obtain blood samples, oral samples, or both, from adults convicted of a crime against the person (except custodial interference) and arson, and minors 16 years of age or older adjudicated delinquents based on

similar conduct. Unfortunately, enforcement of the sample requirement is inadequate if a person refuses to cooperate. The bill provides several enforcement options, including making it a class A misdemeanor if a person is required to provide a sample and refuses a lawful request from a health care provider.

Section 8 clarifies that the Parole Board may revoke mandatory parole before the actual release of a prisoner if the prisoner has violated a court order to participate in the treatment plan of a rehabilitation program.

Section 9 is a technical amendment to the parole statutes.

Section 10 limits the time an appellate court may allow extensions of time to file an appeal or request for review of a criminal conviction or sentence to 60 days after the last deadline for filing the appeal or request. This does not limit requests for an extension of time filed before a deadline; rather, it disallows requests filed two months after a deadline has passed, when no request for an extension has been filed.

Section 12 limits the time a court may relax the deadline for filing a motion to reduce or modify a sentence under Criminal Rule 35(b) in the trial court to 10 days beyond the 180 days in which a defendant may file the motion under the terms of the rule. Criminal Rule 35(b) motions allow a court to reconsider a sentence in the six months following imposition. It is not intended to allow a court to change a sentence after that period. The Parole Board is in a better position to make decisions about the release of a person at this time.

CSHB 122(JUD)

- ▶ **Further reduces frivolous, repetitive litigation by prisoners and closes loopholes created by the courts**
- ▶ **Promotes finality of judgments of conviction, so important to victims and the public, while preserving the rights of defendants to appeal**
- ▶ **Makes it a crime for a prisoner to refuse to give a sample for the DNA bank created in 1995, which is important in solving many cases of sexual assault and homicide**
- ▶ **No fiscal impact (four zero fiscal notes)**
- ▶ **Passed 40 - 0 in House**

SENATE COMMITTEE REPORT

DATE: 5/6/98

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered

CS FOR HOUSE BILL NO. 122(JUD)

PRISONERS: LITIGATION & DEBTS

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Sean P. Powell</i>	<input checked="" type="checkbox"/>	<i>J. Ellis</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Adrian Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
<i>BRANCHING A/Ns</i>			
• DOLA			
• DOC			
• DOA-OPA			
• DOA-PDA			

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 8
 Bill Version: CSHB122(TUD)
 (S) Publish Date: 5/8/98

Revision Date (Note if correction) _____ Dept. Affected Law
 Title: relating to prisoner litigation, post-conviction BRU Criminal Division
relief, and sentence appeals . . . amending Alaska Rule of . . . Component Criminal Justice Litigation
 Sponsor: Rules Committee
 Requester Senate Judiciary Committee Component Serial No. 2202

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

In 1995, the legislature passed far-reaching legislation aimed at reducing the burgeoning amount of frivolous litigation brought by state prisoners. This bill makes additional changes that are relatively minor, but that will contribute significantly to the further reduction of frivolous prisoner litigation. These refinements include clarifying that filing fees, or exemptions from them, are required in all types of litigation brought by prisoners, and that time limits for filing litigation by prisoners related to conviction or sentence appeals may not be extended by the courts beyond the periods provided in court rules. The bill also provides enforcement tools for the DNA bank established in the Department of Public Safety in 1995.

This bill will have no fiscal impact on the Department of Law. However, it will continue the trend began with ch. 79, SLA 1995, of containing current costs and avoiding continued increases in the state's prisoners' rights and appeals litigation costs.

Prepared by Jean M. Kasson Phone 465-5370
 Division Attorney General's Office Date 5/8/98
 Approved by Commissioner Bruce M. Botelho, Attorney General Date 5/8/98
 Agency Department of Law

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

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

No. 7

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB122(JLD)
(S) Publish Date: 5/8/98

Revision Date (Note if correction) _____	Dept. Affected <u>Corrections</u>	
Title <u>An Act relating to prisoner litigation, post-conviction relief, and sentence appeals; relating to violation...</u>	BRU	<u>Administration and Operations</u>
Sponsor <u>Rules Committee by Request</u>	Component	<u>ALL</u>
Requester <u>Senate Judiciary Committee</u>	Component Serial No.	<u>#0694</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact for the Dept. of Corrections.

Prepared by <u>Bruce Richards</u>	Phone <u>465-3307</u>
Division <u>Commissioner's Office</u>	Date <u>5/8/98</u>
Approved by <u>Commissioner Margaret M. Pugh</u>	Date <u>5/8/98</u>
Agency <u>Department of Corrections</u>	

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

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 6
Bill Version: CSHB 122(TUD)
(S) Publish Date: 5/8/98

Revision Date: May 8, 1998 10:15 a.m.
Title: "An Act relating to prisoner litigation..."
Sponsor: Rules Committee
Requestor: (S) JUD

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**
CAPITAL EXPENDITURES	**	**	**	**	**	**
CHANGE IN REVENUES ()	**	**	**	**	**	**

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	**	**	**	**	**	**
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

FULL-TIME	**	**	**	**	**	**
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Alison M. Elger
Date: 5/8/98

DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 122(JUD)

#6

1998 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill, which changes many of the rules of court when the litigant is a prisoner, is unrelated to the question of whether a case is frivolous. Eliminating a prisoner's ability to obtain discovery and entering arbitrary time deadlines without avenues for relief if the deadline is missed despite no fault on the part of the litigant has nothing to do with the merits of the case. These rules simply are punitive and designed to eliminate a class of persons from having the same access to the courts as everyone else. As such, it violates the equal protection of the laws.

The CS also creates a new class A misdemeanor crime of failing to submit to an order for the taking of blood for DNA testing, and requires that such an order be a part of the criminal judgment and any special medical parole. It also explicitly provides that mandatory parole can be revoked by the parole board before a prisoner is ever released from jail. As the Public Defender would be appointed to represent individuals charged with the new misdemeanor as well as those facing parole revocation, fiscal impact is certain but unquantifiable.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 5
Bill Version: (SHB122(JUD))
(S) Publish Date: 5/8/98

Revision Date: May 8, 1998
Title: "An Act relating to prisoner litigation..."
Sponsor: Rules Committee
Requestor: (S) JUD

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill creates no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Director
Division: Office of Public Advocacy

Phone: (907) 269-3500
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 5/8/98

DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office