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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BII No. 5  
Bill Version: SB 63  
(S) Publish Date: 4-10-97

Revision Date: 4/10/97  
Title: "An Act providing for automatic waiver of juvenile jurisdiction & prosecution of minors as adults for certain violations."  
Sponsor: Sen. Donley  
Requestor: Senate Finance Committee

Dept. Affected Corrections  
BRU: All  
Components: All  
Serial # 694

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

OPERATING	FY 98	FY 99	FY2000	FY2001	FY2002	FY2003
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	***	***	***	***	***	***

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund						
Federal Fund						
Other						
<b>TOTAL</b>	***	***	***	***	***	***

**POSITIONS:**

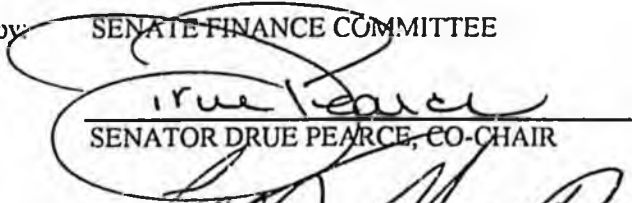
Full-Time						
Part-Time						
Temporary						

**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**

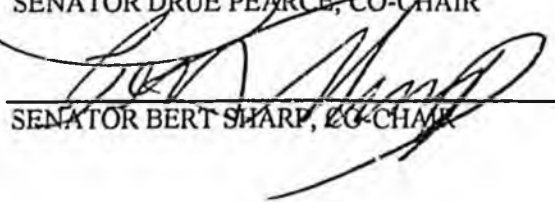
see attached analysis

Prepared by: SENATE FINANCE COMMITTEE

Date: 4/10/97

  
SENATOR DRUE PEARCE, CO-CHAIR

Phone: 465-4993

  
SENATOR BERT SHARP, CO-CHAIR

Phone: 465-3004

**Senate Bill 63**  
**Senate Finance Committee**  
**Fiscal Note Analysis**

The accompanying Department of Corrections fiscal note based its fiscal impact on the assumption that approximately eight juveniles a year would be waived to adult court, convicted of felonies and serve prison time under Senate Bill 63. Since Senate Bill 63 has no mandatory sentencing provisions the Department of Corrections assumptions are not justified.

Additionally, the Department of Health and Social Services did not provide an offsetting fiscal impact of those juveniles which would not be entering their juvenile system.

The Department of Corrections contention that an expansion of an existing correctional facility, costing \$9,000,000, would be needed is actually based on the additional 180 juvenile increase resulting from the current mandatory waiver law and not the projected increase from Senate Bill 63.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 4  
Bill Version: SB 63  
(S) Publish Date: H-1-97

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An Act providing for automatic waiver of juvenile BRU: All  
jurisdiction and prosecution of minors as adults for certain violations.." Component: All  
 Sponsor: Senator Donley  
 Requester: Senate Judiciary 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	311.0	618.4	925.8	1,931.0	1,931.0	1,931.0
<b>TOTAL OPERATING</b>	<b>311.0</b>	<b>618.4</b>	<b>925.8</b>	<b>1,931.0</b>	<b>1,931.0</b>	<b>1,931.0</b>

CAPITAL EXPENDITURES		1,350.0	7,650.0			
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	311.0	1,968.4	8,575.8	1,931.0	1,931.0	1,931.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>311.0</b>	<b>1,968.4</b>	<b>8,575.8</b>	<b>1,931.0</b>	<b>1,931.0</b>	<b>1,931.0</b>

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

**POSITIONS**

FULL-TIME				25	25	25
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Please see attached explanation.

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

Phone: 465-3307  
 Date: 3/24/97  
 Date: 3/24/97

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Assumptions

1. According to DFYS the number of juveniles who would be automatically waived under the proposed change to AS47.12.030(a) is approximately eight per year. These juveniles would be convicted of felonies which would average a sentence of three years.
2. Each felony case will require a pre-sentence investigation (PSI) report for the court. Preparing a PSI report for class A felonies costs approximately \$630 each. Each class B felony PSI report costs approximately \$455.
3. The statewide average daily cost of incarceration is \$105.27. It is assumed that those convicted of AS 47.12.030(a) offenses will require incarceration in state correctional facilities, as opposed to lower-cost community residential centers.
4. The correctional system cannot safely or legally absorb additional prisoners without additional beds being added. The system has operated over emergency capacity for several years. In addition to posing safety hazards, operating over emergency capacity has resulted in contempt of court fines which will total approximately \$2.4 million by the end of FY97. Without constructing new beds, the addition of violent juvenile offenders serving lengthy sentences in the adult system will worsen crisis levels of overcrowding, increasing the risks of harm to staff, prisoners, and the public.
5. The average cost of construction for a correctional bed is approximately \$100,000. A maximum security bed costs approximately \$160,000. The cost used in these calculations should be considered very conservative, given the nature of offenses for automatically waived juveniles. The department has projected that expansion of an existing facility by 64 beds would address the projected number of inmates in Senate Bill 63, as well as the current juvenile population already in state correctional facilities.
6. These cost estimates are not adjusted for inflation, nor do they reflect the significant upward trend in rates of violent juvenile crime. It is hoped that any deterrent effect achieved by this measure will offset those factors. If deterrence does not sufficiently offset the escalating juvenile crime rate, the operating and capital expenses will be higher.
7. The department (when possible) houses waived juveniles in single cells, at least during the initial months of incarceration, to determine their level of vulnerability to adult predators in the prison population. It is generally assumed that juvenile inmates require closer security than the average adult. The department does try to place juveniles with other juveniles when possible. However, this is more difficult to do in smaller facilities.

Operating Expenses

FY98: 8 class B felony offenses X \$455 per PSI report= \$3.6  
8 inmates X 365 days X \$105.27 per day = \$307.4  
TOTAL = \$311

YEAR	OLD+ NEW	TOTAL	COST PER DAY	DAYS	INCARC COST PER YEAR	PSI COSTS	TOTAL
FY98	8	8	\$105.25	365	\$307.4	\$3.6	\$311
FY99	8 + 8	16	\$105.25	365	\$614.8	\$3.6	\$618.4
FY00	16 + 8	24*	\$105.25	365	\$922.2	\$3.6	\$925.8

\*Beginning in FY01 the first offenders (8) under proposed AS 47.12.030(a) would be released. This results in a no net gain from this point forward since eight would enter the system and eight would be released.

Capital Expenses

64 bed expansion = \$9,000.0

Operating expenses for the expanded facility = \$1,931.0

# FISCAL NOTE

No. 3

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

B Bill Version: SB 63

(S) Publish Date: 4-1-97

Revision Date:  
Title: Juvenile Waiver/Deadly Weapons

Dept. Affected: Alaska Court System

BRU: Trial Courts

Component:

Sponsor: Sen. Donley

Requestor: Senate Judiciary

COMPONENT SERIAL NO. 768

### Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	2.2	2.2	2.2	2.2	2.2	2.2
TRAVEL						
CONTRACTUAL	3.3	3.3	3.3	3.3	3.3	3.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.5	5.5	5.5	5.5	5.5	5.5

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

CHANGE IN REVENUES ( )						
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### Fund Source

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.5	5.5	5.5	5.5	5.5	5.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	5.5	5.5	5.5	5.5	5.5	5.5

Estimate of any current year (FY 97) cost: None

### Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel - Drug Alcohol

Agency: Alaska Court System

Phone: 264-8228

Date: 03/26/97

Approved by: Stephanie J. Cole, Acting Administrative Director

Agency: Alaska Court System

Date: 03/26/97

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ALASKA COURT SYSTEM  
FISCAL ANALYSIS  
SB 63

SB 63 provides for the automatic waiver into adult court of certain minors who are at least 16 years of age. A minor will be waived if charged with a crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon and the minor has either been previously adjudicated a minor or convicted as an adult for a similar crime.

According to the Division of Family and Youth Services, had this law been in place for fiscal year 1996, it would have resulted in 8 cases being waived into adult court. This note is based on that figure and assumes that 2 of those cases would have resulted in felony jury trials; a 25% trial rate is low for juvenile waiver cases. Based on the typical length of trial for other juvenile waiver cases, it is assumed that the average trial will last 5 days with an additional 2 days for motions, hearings, and other judicial work.

The note is offset by the amount of judicial time that would have been spent on the waived cases in juvenile court.

Not reflected in this note is the anticipated increase in juvenile court workload that may result from this bill. Although minors in juvenile court have the same right to a jury trial as adults, very few trials actually occur because the consequences of being adjudicated a delinquent are not as severe as a criminal conviction. However, the consequences of being adjudicated a delinquent in a case covered under this bill will be perceived as more severe since it means a subsequent offense will lead directly to adult court. Because of this, it is expected that juveniles will be more aggressively defending their first offenses and more willing to go to trial. This increase in workload for the juvenile court has not been included in this note due to the difficulty in assessing the extent of its impact. However, if the impact is significant the court may return to the legislature seeking additional funds.

Alaska Court System  
Fiscal Analysis  
SB 63

Personal Services

	<u>Total</u>
Additional Pro tem Superior Court judge funding	\$4,578
Overtime for clerical staff in Clerk's Office	<u>1,250</u>
Subtotal Personal Services	5,828
Offset for loss of work for juvenile court, Standing Master, Range 24A, 1/2 month	<u>(3,592)</u>
Total Personal Services	2,236

Contractual

Jury fees - 2 additional 5-day trials with 13 jurors at \$25 a day for each juror	<u>3,250</u>
Total estimated costs	<u><u>\$5,486</u></u>

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: No. 2  
Bill Version: SB 63  
(S) Publish Date: 3-27-97

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
Title: Minor felons using guns treated as adults. BRU: Alaska State Troopers  
Component: Detachments

Sponsor: Sen. Donley  
Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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.)

This bill would not have any significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650  
Division: Alaska State Troopers Date: 03/21/97

Approved by Commissioner: Ronald P. Olla Date: 3/21/97  
Agency: Department of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 1  
Bill Version: SB 63  
(S) Publish Date: 3-27-97

Revision Date: \_\_\_\_\_  
Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults..."  
Sponsor: Senator Donley  
Requestor: (S) JUD

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						
<b>TOTAL OPERATING</b>	***	***	***	***	***	***

<b>CAPITAL EXPENDITURES</b>	***	***	***	***	***	***
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<b>CHANGE IN REVENUES ( )</b>	***	***	***	***	***	***
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**FUND SOURCE:** (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts	***	***	***	***	***	***
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	***	***	***	***	***	***

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

**POSITIONS:**

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)

This bill expands the number of crimes for which a minor will automatically be treated as an adult to include any crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon and was previously adjudicated or convicted of a felony offense against a person that involved the use of a deadly weapon. This is a large category of cases, ranging down to class C felonies. In juvenile court less focus is placed on trial and more energy is expended to find the appropriate treatment. As felonies in adult court, this bill will cause an increase in the numbers of cases to go to trial with attendant expenditures. Without accurate predictions as to the numbers of cases, the increase is difficult to quantify.

Prepared by: Barbara K. Brink, Director Phone: (907) 264-4414  
Division: Public Defender Agency Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
Agency: Department of Administration Date: 3/21/97

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# SENATOR DAVE DONLEY

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## ALASKA STATE LEGISLATURE

### SPONSOR STATEMENT - SB63

#### Treating juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults

Senate Bill 63 would create a strong deterrent to the repeated use of deadly weapons by juveniles. Senate Bill 63 would treat minors age 16 and older, who for the second time use a deadly weapon to commit a violent crime, as adults.

Senate Bill 63 is modeled after the 19th Alaska Legislature's Senate Bill 26. SB26 passed the Senate 18 to 1 in 1996 but died in the House Finance Committee in the closing days of the session.

SB63 would prosecute minors as adults who:

1. use a deadly weapon to commit a crime against a person punishable as a felony,
2. are 16 or older, and
3. were previously adjudicated delinquent or convicted as an adult of using a deadly weapon to commit a crime against a person punishable as a felony.

Deadly weapons are defined by AS 11.81.900 as:

" 'deadly weapon' means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive."

SB63 does not require any additional mandatory sentence or any specified punishment. Minors who are convicted of adult crimes, if incarcerated, are required by law to be segregated from adult prison populations as defined by AS 47.12.240.

The Department of Health & Social Services estimates that approximately 6 juveniles in FY'95 would have met the criteria in SB63. These few violent juveniles represent an extraordinary danger to the public and should be dealt with as adults.

The Anchorage Police Department compiled 1995 data which revealed a 200% increase in arrests of juveniles for violent crimes between 1990 and 1994. That same period showed a much less increase of 40% in juvenile arrests for property crimes. Alaska lawmakers can help curb this unprecedented increase in juvenile violent crime in Alaska by passing SB63.

If you have further questions, please contact myself or Chris Hieb of my staff at 465-3892.

DD/clh

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595  
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

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MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee  
• Senate Community & Regional Affairs Committee

Produced in House



**SENATOR DAVE DONLEY**  

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**ALASKA STATE LEGISLATURE**

**SECTIONAL ANALYSIS**  
**SENATE BILL 63**  
**2/11/97**

SB 63 automatically waives juvenile jurisdiction requires prosecution of minors as adults for certain felonies using deadly weapons.

Section 1 adds an automatic waiver of juvenile jurisdiction for those minors at least 16 years old who for the second time commit a violent crime involving a deadly weapon, and cites a definition of 'deadly weapon' in AS 11.81.900.

Section 2 defines the Acts applicability to first and second offenses committed.

DD/clh

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595  
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

*MEMBER:* Senate Finance Committee • Legislative Budget & Audit Committee  
• Senate Community & Regional Affairs Committee



**ALASKA ASSOCIATION  
FIRE AND ARSON INVESTIGATORS  
A A F A I**

105 S. Willow • Kenai, Alaska 99611  
(907) 283-4136 • FAX (907) 283-~~257~~ 8171

January 31, 1997

Senator Dave Donley  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

**SUBJECT: SUPPORT FOR SENATE BILL 63**

Senator Donley,

On behalf of the Alaska Association of Fire and Arson Investigators, please accept this letter of support for Senate Bill 63 that treats juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults.

While SB63 provides an effective means to penalize offenders with multiple offenses as described in the Bill, it is hoped that the provisions for such a penalty will serve a dual purpose -- Prevention.

Respectfully Submitted,

Scott A. Walden,  
Fire Marshal - City of Kenai  
President - Alaska Association of Fire & Arson Investigators

# CITY & BOROUGH OF JUNEAU

## POLICE DEPARTMENT

210 ADMIRAL WAY • JUNEAU, ALASKA 99801

RICHARD W. GUMMOW

CHIEF OF POLICE

*Alaska's Capital City*

BUSINESS (907) 586-2780

FAX (907) 463-4808

February 3, 1997

Senator Dave Donley  
State Capitol  
Juneau, Alaska 99801

Dear Senator Donley:

I have reviewed SB 63 and concur with it's scope and content. Please accept this correspondence as my endorsement of SB 63.

It is important to provide the youth of this state with clear and significant consequences concerning the use of a deadly weapon. We are all aware of the increase in youth violence that has surfaced in our nation within the past few years. Hopefully this bill will pass and provide a deterrent for the young people of Alaska.

I appreciate having the opportunity to voice my feelings in this matter. If I can be of any additional assistance, please don't hesitate to contact me.

Sincerely,



C.W. Worth  
Police Officer

CW/jn

ALASKA STATE FIREFIGHTERS ASSOCIATION



January 31, 1997

Senator Dave Donley  
Alaska State Legislature  
SB63 Sponsor

Dear Senator Donley,

I have reviewed Senate Bill 63 and would like to thank you for your sponsorship of it.

Strengthening prosecution of repeat violent juvenile offenders will offer Alaska citizens protection that is overdue.

To protect minors under juvenile jurisdiction is one thing, but to have repeated offenses committed involving deadly weapons is quite another.

I believe, as you have stated, that passage of SB 63 would create a strong deterrent to continued misuse of deadly weapons by young criminals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Eggers', with a long horizontal flourish extending to the right.

Patrick Eggers  
President,  
Alaska State Firefighters Association  
Box 240282  
Douglas, AK 99824

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 63

Revision Date: 4/10/97  
 Title: "An Act providing for automatic waiver of juvenile jurisdiction & prosecution of minors as adults for certain violations.."  
 Sponsor: Sen. Donley  
 Requestor: Senate Finance Committee

Dept. Affected Corrections  
 BRU: All  
 Components: All  
 Serial # 694

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

OPERATING	FY 98	FY 99	FY2000	FY2001	FY2002	FY2003
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	***	***	***	***	***	***

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund						
Federal Fund						
Other						
<b>TOTAL</b>	***	***	***	***	***	***

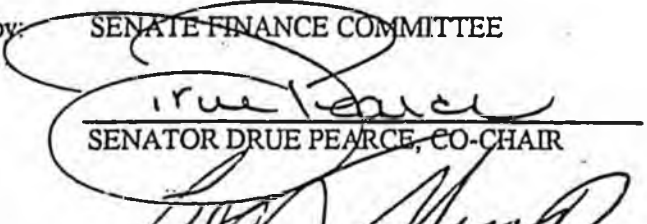
POSITIONS:						
Full-Time						
Part-Time						
Temporary						

**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**


see attached analysis

Prepared by: SENATE FINANCE COMMITTEE

Date: 4/10/97

  
SENATOR DRUE PEARCE, CO-CHAIR

Phone: 465-4993

  
SENATOR BERT SHARP, CO-CHAIR

Phone: 465-3004

**Senate Bill 63  
Senate Finance Committee  
Fiscal Note Analysis**

The accompanying Department of Corrections fiscal note based its fiscal impact on the assumption that approximately eight juveniles a year would be waived to adult court, convicted of felonies and serve prison time under Senate Bill 63. Since Senate Bill 63 has no mandatory sentencing provisions the Department of Corrections assumptions are not justified.

Additionally, the Department of Health and Social Services did not provide an offsetting fiscal impact of those juveniles which would not be entering their juvenile system.

The Department of Corrections contention that an expansion of an existing correctional facility, costing \$9,000,000, would be needed is actually based on the additional 180 juvenile increase resulting from the current mandatory waiver law and not the projected increase from Senate Bill 63.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 63

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An Act providing for automatic waiver of juvenile BRU: All  
jurisdiction and prosecution of minors as adults for certain violations.." Component: All  
 Sponsor: Senator Donley  
 Requester: Senate Judiciary 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	311.0	618.4	925.8	1,931.0	1,931.0	1,931.0
<b>TOTAL OPERATING</b>	<b>311.0</b>	<b>618.4</b>	<b>925.8</b>	<b>1,931.0</b>	<b>1,931.0</b>	<b>1,931.0</b>

CAPITAL EXPENDITURES		1,350.0	7,650.0		
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CHANGE IN REVENUES ( )					
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	311.0	1,968.4	8,575.8	1,931.0	1,931.0	1,931.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>311.0</b>	<b>1,968.4</b>	<b>8,575.8</b>	<b>1,931.0</b>	<b>1,931.0</b>	<b>1,931.0</b>

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

**POSITIONS**

FULL-TIME			25	25	25
PART-TIME					
TEMPORARY					

**ANALYSIS:** (Attach a separate page if necessary)

Please see attached explanation.

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

Phone: 465-3307  
 Date: 3/24/97  
 Date: 3/24/97

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Assumptions

1. According to DFYS the number of juveniles who would be automatically waived under the proposed change to AS47.12.030(a) is approximately eight per year. These juveniles would be convicted of felonies which would average a sentence of three years.
2. Each felony case will require a pre-sentence investigation (PSI) report for the court. Preparing a PSI report for class A felonies costs approximately \$630 each. Each class B felony PSI report costs approximately \$455.
3. The statewide average daily cost of incarceration is \$105.27. It is assumed that those convicted of AS 47.12.030(a) offenses will require incarceration in state correctional facilities, as opposed to lower-cost community residential centers.
4. The correctional system cannot safely or legally absorb additional prisoners without additional beds being added. The system has operated over emergency capacity for several years. In addition to posing safety hazards, operating over emergency capacity has resulted in contempt of court fines which will total approximately \$2.4 million by the end of FY97. Without construction of new beds, the addition of violent juvenile offenders serving lengthy sentences in the adult system will worsen crisis levels of overcrowding, increasing the risks of harm to staff, prisoners, and the public.
5. The average cost of construction for a correctional bed is approximately \$100,000. A maximum security bed costs approximately \$160,000. The cost used in these calculations should be considered very conservative, given the nature of offenses for automatically waived juveniles. The department has projected that expansion of an existing facility by 64 beds would address the projected number of inmates in Senate Bill 63, as well as the current juvenile population already in state correctional facilities.
6. These cost estimates are not adjusted for inflation, nor do they reflect the significant upward trend in rates of violent juvenile crime. It is hoped that any deterrent effect achieved by this measure will offset those factors. If deterrence does not sufficiently offset the escalating juvenile crime rate, the operating and capital expenses will be higher.
7. The department (when possible) houses waived juveniles in single cells, at least during the initial months of incarceration, to determine their level of vulnerability to adult predators in the prison population. It is generally assumed that juvenile inmates require closer security than the average adult. The department does try to place juveniles with other juveniles when possible. However, this is more difficult to do in smaller facilities.

Fiscal Note/DOC  
Senate Bill 63  
March 22, 1997  
Page 3 of 3

Operating Expenses

FY98: 8 class B felony offenses X \$455 per PSI report= \$3.6

8 inmates X 365 days X \$105.27 per day = \$307.4

TOTAL = \$311

YEAR	OLD+ NEW	TOTAL	COST PER DAY	DAYS	INCARC COST PER YEAR	PSI COSTS	TOTAL
FY98	8	8	\$105.25	365	\$307.4	\$3.6	\$311
FY99	8 + 8	16	\$105.25	365	\$614.8	\$3.6	\$618.4
FY00	16 + 8	24*	\$105.25	365	\$922.2	\$3.6	\$925.8

\*Beginning in FY01 the first offenders (8) under proposed AS 47.12.030(a) would be released. This results in a no net gain from this point forward since eight would enter the system and eight would be released.

Capital Expenses

64 bed expansion = \$9,000.0

Operating expenses for the expanded facility = \$1,931.0

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 63

Revision Date: \_\_\_\_\_  
Title: Juvenile Waiver/Deadly Weapons

Dept. Affected: Alaska Court System  
BRU: Trial Courts

Sponsor: Sen. Donley  
Requestor: Senate Judiciary

Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 88	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	2.2	2.2	2.2	2.2	2.2	2.2
TRAVEL						
CONTRACTUAL	3.3	3.3	3.3	3.3	3.3	3.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.5	5.5	5.5	5.5	5.5	5.5

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

CHANGE IN REVENUES ( )						
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Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.5	5.5	5.5	5.5	5.5	5.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	5.5	5.5	5.5	5.5	5.5	5.5

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel - Doug Wooliver  
Agency: Alaska Court System

Phone: 264-8228  
Date: 03/26/97

Approved by: Stephanie J. Cole, Acting Administrative Director  
Agency: Alaska Court System

Date: 03/26/97

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ALASKA COURT SYSTEM  
FISCAL ANALYSIS  
SB 63

SB 63 provides for the automatic waiver into adult court of certain minors who are at least 16 years of age. A minor will be waived if charged with a crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon and the minor has either been previously adjudicated a minor or convicted as an adult for a similar crime.

According to the Division of Family and Youth Services, had this law been in place for fiscal year 1996, it would have resulted in 8 cases being waived into adult court. This note is based on that figure and assumes that 2 of those cases would have resulted in felony jury trials; a 25% trial rate is low for juvenile waiver cases. Based on the typical length of trial for other juvenile waiver cases, it is assumed that the average trial will last 5 days with an additional 2 days for motions, hearings, and other judicial work.

The note is offset by the amount of judicial time that would have been spent on the waived cases in juvenile court.

Not reflected in this note is the anticipated increase in juvenile court workload that may result from this bill. Although minors in juvenile court have the same right to a jury trial as adults, very few trials actually occur because the consequences of being adjudicated a delinquent are not as severe as a criminal conviction. However, the consequences of being adjudicated a delinquent in a case covered under this bill will be perceived as more severe since it means a subsequent offense will lead directly to adult court. Because of this, it is expected that juveniles will be more aggressively defending their first offenses and more willing to go to trial. This increase in workload for the juvenile court has not been included in this note due to the difficulty in assessing the extent of its impact. However, if the impact is significant the court may return to the legislature seeking additional funds.

Alaska Court System  
Fiscal Analysis  
SB 63

Personal Services

Total

Additional Pro tem Superior Court judge funding \$4,578

Overtime for clerical staff in Clerk's Office 1,250

Subtotal Personal Services 5,828

Offset for loss of work for juvenile court, Standing Master, Range 24A, 1/2 month (3,592)

Total Personal Services 2,236

Contractual

Jury fees - 2 additional 5-day trials with 13 jurors at \$25 a day for each juror 3,250

Total estimated costs \$5,486

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 63

Revision Date: \_\_\_\_\_  
 Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults..."  
 Sponsor: Senator Donley  
 Requestor: (S) JUD

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						
<b>TOTAL OPERATING</b>	***	***	***	***	***	***
<b>CAPITAL EXPENDITURES</b>	***	***	***	***	***	***
<b>CHANGE IN REVENUES ( )</b>	***	***	***	***	***	***

**FUND SOURCE:** (Thousands of Dollars)

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

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

**POSITIONS:**

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

**ANALYSIS:** (Attach a separate page if necessary.)

This bill expands the number of crimes for which a minor will automatically be treated as an adult to include any crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon and was previously adjudicated or convicted of a felony offense against a person that involved the use of a deadly weapon. This is a large category of cases, ranging down to class C felonies. In juvenile court less focus is placed on trial and more energy is expended to find the appropriate treatment. As felonies in adult court, this bill will cause an increase in the numbers of cases to go to trial with attendant expenditures. Without accurate predictions as to the numbers of cases, the increase is difficult to quantify.

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

Phone: (907) 264-4414  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Department of Administration

*Mark Bover*  
 Date: 3/21/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB63

Revision Date: \_\_\_\_\_  
 Title: Automatic Waiver of Juveniles  
 Sponsor: Donley  
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: DFYS Central Office  
 COMPONENT SERIAL NO. 259  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
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 EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<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>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

**ANALYSIS:** (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

3/25/97 Prepared by: *L. Diane Worley*  
 Division: Family & Youth Services  
 Approved by Commissioner: *Karen Perdue*  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 03/24/97  
 Date: 3/25/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: SB 63

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Minor felons using guns treated as adults. BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Sen. Donley  
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

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

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>OPERATING</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b> Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 97) 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.)

This bill would not have any significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650  
 Division: Alaska State Troopers Date: 03/21/97  
 Approved by Commissioner: Ronald L. Otte Date: 3/21/97  
 Agency: Department of Public Safety

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