

**HB**

**4**

**(File 4)**

**22<sup>ND</sup> LEGISLATURE ALCOHOL PACKAGE (active bills as of 3/21/01)  
FY 2002**

<u>Legislation</u>	<u>GF</u>	<u>GF/PR</u>	<u>GF/MH</u>	<u>Other</u>	<u>Revenue Change</u>	<u>PFT</u>	<u>PPT</u>
HB 4 - Rokeberg Omnibus Drunk Driving	\$7,858.4 (7,587.4)**	\$ 151.9		\$ 294.6	\$ 762.1	31.5*	6 (27.5)**
HB 39 - Kott Mandatory Insurance And Treatment	\$ 314.0		\$ 226.0	\$ 60.2		7	
HB 132 - Judiciary Bootlegging Part Only	\$ 321.8						4
HB 172 - Porter Therapeutic Courts*	\$ 2,020.2*						20
HB 179 - Judiciary Minor in Poss.***	<u>\$ 1,500.0</u>	_____	_____	_____	_____	<u>22</u>	_____
Totals (w/duplication removed	\$12,014.4 \$11,743.4)	\$ 151.9	\$ 226.0	\$ 354.8	\$762.1	84.5	6

**\$14.0 M approximately with HB 179\*\*\***

**\*Note: There is a duplication of 4 positions and approximately \$270,000 between HB 4 and HB 172 for one Superior Court Judge and associated positions (law clerk, in-court clerk, secretary)**

**\*\*Note: without Superior Court Judge & Associated positions**

**\*\*\*Note: Minor in possession fiscal impact is estimate ONLY from H&SS amendments presented on House Floor during budget debate. DOES NOT INCLUDE LAW, COURT, PUBLIC DEFENDER, ETC. Add \$2 million & 10 positions (wild guess)**

**FISCAL NOTES FY 2002  
TO CSHB 4 (TRA)  
SUMMARY SHEET**

<u>Department</u>	<u>GF</u>	<u>GF/PR</u>	<u>Other</u>	<u>Revenue Change</u>	<u>PFT</u>	<u>PPT</u>
Court (see note 2)	\$ 368.6					4
(w/out Sup. Court Judge)	( 97.6)					
Public Safety	\$ 153.2				1	
Health & Social Services						
Alcoholism & Drug Abuse	\$ 112.4					
Treatment	\$ 582.2					
Administration						
Public Defender	\$ 457.0				5.5	
Motor Vehicles	\$ 787.0			347.5	13	1
Corrections	\$ 4,693.6	120.0	294.6	414.6		
Law	\$ 704.4	31.9			8	1
Totals	\$ 7,858.4	151.9	294.6	762.1	27.5	6
(w/out Sup. Court Judge)	( 7,587.4)					

**Note:** An extremely rough guess on revenue from increased fines collected by the Court system is \$300,000 (estimation 35% collection rate). These would go to the general fund.

**Note 2:** The Court System note reflects the costs associated with the addition of one Superior Court Judge. This amount is duplicated in the fiscal note to HB 172, wellness court. The Court System has testified that there is a need for a total of one new Superior Court Judge (with associated costs) for both bills -- not two new judges. The costs associated with a Superior Court Judge run about \$270,591 which includes the Judge, Law Clerk, Secretary and In-court clerk or a total of 4 FT positions.

**INTERAGENCY COST SUMMARY  
HOUSE BILL 4 - OMNIBUS DRUNK DRIVING LEGISLATION  
FY 2002**

<b>Category</b>	<b>GF Cost</b>	<b>PFT</b>	<b>PPT</b>
<b>.08</b>	<b>\$2,264.2</b>	<b>4</b>	<b>3</b>
<b>.08 with Diversion</b>	<b>2,132.4</b>	<b>4</b>	<b>1</b>
<b>Phase in 10-year look back</b>	<b>594.8</b>	<b>0</b>	<b>1</b>
<b>Increased Fines &amp; Penalties</b>	<b>3,879.4</b>	<b>11</b>	<b>1</b>
<b>30 days for 2<sup>nd</sup> DWI Offense</b>	<b>184.6</b>	<b>0</b>	<b>0</b>
<b>Vehicle Forfeiture</b>	<b>964.9</b>	<b>12</b>	<b>0</b>

**This does not reflect all fiscal notes, just the impact of various categories.**

**Prepared by Rep. Norman Rokeberg's Office by Information supplied by the Department of Law. Assumptions are those as supplied by Department of Law.**

3/17/01

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB 4 (TRA)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title: An act relating to offenses involving operating BRU: Motor Vehicles  
amotor vehicle, aircraft, or watercraft while under the..... Component: \_\_\_\_\_  
Sponsor: Representative Rokeberg  
Requester: H (JUD) Component Number: 2348

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	564.3	564.3	564.3	564.3	564.3	564.3
Travel						
Contractual	124.1	14.7	14.7	14.7	14.7	14.7
Supplies	23.1	4.9	4.9	4.9	4.9	4.9
Equipment	75.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>787.0</b>	<b>583.9</b>	<b>583.9</b>	<b>583.9</b>	<b>583.9</b>	<b>583.9</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>347.5</b>	<b>347.5</b>	<b>347.5</b>	<b>347.5</b>	<b>347.5</b>	<b>347.5</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	787.0	583.9	583.9	583.9	583.9	583.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>787.0</b>	<b>583.9</b>	<b>583.9</b>	<b>583.9</b>	<b>583.9</b>	<b>583.9</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	13	13	13	13	13	13
Part-time	1	1	1	1	1	1
Temporary						

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

See Attached sheets for detailed analysis.

Prepared by: Charles R. Hosack Phone 289-5559  
Division: Motor Vehicles Date/Time 03/08/01  
Approved by: Jim Duncan, Commissioner Date 3/8/01  
Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

The fiscal impact can be separated into four main areas as follows:

1. Sec 6. This requires DMV to refuse to register a vehicle if the owner has a license suspension or revocation. Cost - \$546.0 10 PFT/1 PPT
2. Sec 26. DMV estimates DWI arrests will increase by 15% when BAC is reduced to .08. Requests for hearing will increase and an additional hearing officer and support person will be needed. Cost - \$112.0 2 PFT
3. Sec. 31 & 33. These sections require DMV to revoke the registration of vehicles owned by the offender or it requires the offender to surrender the license plates to DMV. Cost - \$48.2 1 PFT
4. Sec 47. This section requires DMV to establish and maintain a Public Database of Felony DWI offenders. Cost - \$80.9

The detailed analysis for each of these impacts will be shown on the attached pages.

#### 1. Section 6 -- Refusal to Register

Section 6 of this bill will have a fiscal impact in that DMV shall refuse to register a vehicle or renew a registration if the applicant does not have a driver license and the applicant's license or privilege to drive is suspended or revoked. While the remainder of this bill addresses DWI issues, the language of Section 1 requires DMV to take actions on all suspensions or revocations regardless of the cause.

This provision is difficult to administer because the driver license and vehicle databases are not linked electronically. In the driver license program there is a requirement to positively identify the person so that convictions can be placed on the correct record. In the vehicle program identification of that specific property is key and there is no requirement to positively identify each vehicle owner. Currently there is not a requirement to use a complete legal name on ownership or registration records. This fact plus the issues of multiple ownership, business ownership, etc, makes it difficult and cumbersome to link the two databases. DMV's estimate of a project to link the two databases is \$1.5 to \$2 million for contract programming staff and would take 2 years to complete. This is no small undertaking and would not allow the provision to be implemented by the effective date of the bill.

Because there is no electronic link it will be necessary to review the driving record of each applicant and all co-owners every time a registration transaction is done. The annual volume of these transactions is 350,000 which includes both new and renewal transactions.

There are four areas of the registration program where this section will have a fiscal impact.

A. Business Partners - DMV uses business partners such as car dealers and emission inspection stations to process registrations. These partners are linked electronically to DMV for processing in real time and they operate much the same as a DMV office. Driver license information is confidential by statute and these partners are not allowed access to this information. These partners process 65,000 registration transactions annually and they would have to deny registration based on the applicants driver license status. DMV cannot give them access to driver information so it will be necessary to develop a new computer application that will allow query by driver license but will only return a "Yes" or "No" indicator based on the driving record status. This work will be done by a contract for programming service at the state's standard contract rates.

160 Hours x \$122.77 per hour = \$19,643  
ITG contract administration fee = \$ 659

Note: Although it is not a cost to the state, vehicle sales may be affected if the dealer's inquiry returns a "no" reply on the purchaser. Not all dealers have online access; these transactions would come to a DMV office for researching and possible refusal of the registration.

B. Web/Phone Renewal Services - These electronic venues are completely automated so there is not a possibility to review the applicant's record to determine if the license is suspended or revoked. A person other than the owner could renew the registration if they were willing to pay for it and this complicates the problem further. These services will be discontinued and it is assumed that the applicants will now go to a DMV office or use the mail to renew registrations. The volume of transactions on these two venues is 30,000 annually. Using the standard renewal rate, one employee can process 20,000 transactions so this will require 1.5 PFT positions plus equipment and other costs.

1 PFT position and 1 PPT position, range 10	\$59,215
Equipment and associated costs	\$17,356

C. DMV Field Office Work - The remainder of the renewal transactions, 285,000 annually, will be done at a DMV office and it will be necessary to review the driving record prior to issuing the registration. This volume will lengthen the transaction and wait times and will require additional staffing to compensate. Assuming one employee can do 50,000 reviews annually then it will require 6 new PFT position for this work. In addition the mail renewal program would need 1 additional PFT position to ensure registrations are completed in a timely manner and returned to the owner. The annual volume of mail renewals is 70,000 and DMV is required to meet rigid time constraints in this program.

7 PFT positions, range 10	\$276,339
Equipment and associated costs	\$ 60,746

D. Hearing Process - Whenever DMV refuses to register a vehicle it is required to offer the opportunity to have a hearing as a matter of due process. It is estimated that 25% will request a hearing. This is the same average that request hearings on driver license actions. This volume will require 1 hearing officer and 1 support person.

1 PFT Hearing Officer, range 16	\$55,119
1 PFT position for admin support, range 10	\$39,477
Equipment and associated costs	\$17,356

Summary Costs (First Year)

Personal Services (10 PFT, 1 PPT)	\$430.2
Associated Costs	
Contractual	\$ 38.3
Commodities	\$ 18.2
Equipment	\$ 59.3
Total	\$546.0

2. Section 26 .08 BAC

Based on information from other states that have lowered the DWI threshold to .08 BAC and the Department of Justice, DMV estimates that DWI arrests will increase by 15%. All of these drivers must be afforded the opportunity for a hearing before their license can be revoked by DMV. Cases under the current .10 law are now scheduled for hearing 30 – 45 days out. This is a quasi-judicial process and will require one additional hearing officer and one support person.

1 PFT Hearing Officer, range 16	\$55,119
1 PFT position for admin support, range 10	\$39,477
Equipment and associated costs	\$17,356
Total Cost (First Year)	\$111,952

3. Section 31. Registration Revocation for Felony Offenders  
Section 33. Surrender of License Plates for Repeat Offenders

These two sections are grouped together because the work actions are the same. DMV must either revoke a registration or require the surrender of license plates. Each action requires researching the vehicle records, making appropriate entries in the record and, in the case of revocations, and sending notice to the individual.

1 PFT position for admin support, range 10	\$39,477
Equipment and associated costs	\$ 8,678
Total Cost ( First Year)	\$48,155

4. Section 47. Public Database of Felony Offenders

This database must be available to anyone and must be current and accurate. DMV will use a contractor to develop an internet application that will return appropriate information if the person is a felony offender.

640 hours contractor time @ \$122.77 per hour	\$78,563
ITG contract administration fee	\$ 2,357
Total Cost (one time cost)	\$80,920

Revenue

The license reinstatement fees for DWI offenders is increased by \$100 for first time offenders and by \$250 for repeat offenders. On average there are 3200 first time offenders and 1500 repeat offenders each year. Approximately 50% of these will reinstate the license. The remainder either leave the state or find the cost of the required insurance unaffordable. The combined revenue for those that do reinstate is estimated to be \$347,500 annually.

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 4 (TRA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to offenses involving operating a motor vehicle..." BRU: Legal & Advocacy  
 Component: Public Defender Agency  
 Sponsor: Representative Rokeberg  
 Requester: (H) JUD Component Number: 1631

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	337.8	381.1	422.9	470.5	470.5	470.5
Travel	11.9	13.7	15.4	17.2	17.2	17.2
Contractual	62.4	75.6	88.7	101.9	101.9	101.9
Supplies	7.1	8.1	9.0	10.0	10.0	10.0
Equipment	37.8	7.0	7.0	7.0	4.6	4.6
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>457.0</b>	<b>485.5</b>	<b>543.0</b>	<b>606.6</b>	<b>604.2</b>	<b>604.2</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	457.0	485.5	543.0	606.6	604.2	604.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>457.0</b>	<b>485.5</b>	<b>543.0</b>	<b>606.6</b>	<b>604.2</b>	<b>604.2</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	5.5	6.0	6.5	7.0	7.0	7.0
Part-time						
Temporary						

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

CASHB4(TRA) is an omnibus bill making significant changes to driving while under the influence (DUI) laws.

The changes in the bill that will have the most fiscal impact on the Public Defender Agency are:

- Sec. 26 (Reducing blood alcohol level to .08 from .10 for DUIs);
- Sec. 31 (Phasing in a 10-year "look-back" period for prior convictions for felony DUI);
- Secs. 31 & 46 (Mandating vehicle forfeiture for second and subsequent DUIs and Refusals);

and the various Sections that increase fines, penalties, license revocation periods.

(Analysis continued on Page 2)

Prepared by: Barbara Brink, Director Phone (907) 334-4414  
 Division: Public Defender Agency Date/Time: 03/08/01  
 Approved by: Jim Duncan, Commissioner Date: 3/8/01  
 Agency: Department of Administration

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ANALYSIS: (continued)

Sec. 26 - Reducing blood alcohol level to .08 from .10 for DUIs.

The Public Defender Agency accepts the Department of Law's estimate of a 10 percent increase in prosecutions as a result of reducing the blood alcohol level threshold for DUIs from .10 to .08. This is a conservative estimate. As the Department of Law points out, experience in other states varies. But in Maine, as state similar to Alaska in some respects (smaller population, Northern climate), there was about a 20 percent increase in prosecutions. The Public Defender Agency will be appointed in about 75% of the cases. Using Department of Law estimate of the number of prosecutions, the Agency will be appointed to an additional 242 misdemeanor cases and 16 felony cases. We will need one additional full-time attorney to handle this increased caseload. Because our Palmer office handles a significant number of DUI cases, we will place the attorney at that office. (See the spreadsheet below for the costs of this position.)

Sec. 31 - Phasing in a 10-year "look-back" period for prior convictions for felony DUI.

This section would phase in a 10-year "look-back" for prior convictions. Again, the Public Defender Agency accepts the Department of Law's estimate of the number of new cases that would result from this change in the law. As above, we estimate that we will be appointed in about 75% of these cases. The end result is that by FY06, the Public Defender Agency will have an increased caseload of 182 felony DUIs. We will eventually need two additional attorneys to handle this caseload. Because the effect of this provision will be felt beginning in FY02 and, we will add a half-time attorney in Anchorage in FY02, add a half-time attorney in Palmer in FY03, make the half-time attorney in Anchorage full time in FY04, and add a half-time attorney in Fairbanks in FY05. (See the spreadsheet below for the costs of these positions.)

Sec. 31 and 46 - Mandatory Vehicle Forfeiture.

These sections would require the state to initiate vehicle forfeiture proceedings upon conviction of a second or subsequent DUI. Forfeiture would be mandatory upon conviction for felony DUI. These hearings would be part of the sentencing in a criminal case, so defendants would have a right to assistance of counsel. Unlike most of the work the Public Defender Agency currently does, these hearings involve complicated issues of ownership and security interests. The Public Defender Agency would not have as much legal work to do in these hearings as the Department of Law, and, again, we will only be appointed in 75% of the cases. Nevertheless, we will need three paraprofessionals to effectively represent defendants if this provision is enacted. We would place Paralegals in our Anchorage, Fairbanks, and Palmer offices. These offices have the greatest number of DUI cases. (See the spreadsheet below for the costs of these positions.)

Various Sections Increasing Fines, Penalties, and License Revocation Periods

There are a number of sections that increase fines, penalties, and license revocation periods. For example, in Sec. 27, the mandatory minimum fines for DUIs are increased to \$500 for a first offense under .10, \$1,500 for a first offense over .10, \$3,000 for a second offense, and \$10,000 for a felony DUI. Another example, in Sec. 31, is the permanent license revocation for felony DUI. (Although, under Sec. 33, the license can be restored in 10 years if the defendant does not have additional criminal violations and meets other requirements.)

A number of Public Defender Agency clients will not be able to pay large fines. Therefore there will likely be additional probation revocation cases Agency attorneys will have to cover. Also, we are concerned about the effect on our caseload of the increased license revocation periods. Some people will choose to drive even though they do not have a license. Therefore, we are certain that we will have more Driving with License Revoked cases.

Although the Public Defender Agency cannot quantify the fiscal impact that these provisions will have, we are certain that there will be a significant, albeit indeterminate, impact.

PUBLIC DEFENDER AGENCY  
HB 4 FISCAL NOTE

Sec. 26 -- 2.08	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	98.9	98.9	98.9	98.9	98.9	98.9
Travel	3.7	3.7	3.7	3.7	3.7	3.7
Contractual	27.3	27.3	27.3	27.3	27.3	27.3
Supplies	2.2	2.2	2.2	2.2	2.2	2.2
Equipment	8.5	0.8	0.8	0.8	0.8	0.8
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>140.6</b>	<b>132.9</b>	<b>132.9</b>	<b>132.9</b>	<b>132.9</b>	<b>132.9</b>
<b>POSITIONS</b>						
Full-time	1	1	1	1	1	1
Part-time						
Temporary						

Sec. 31&46-Forfeiture	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	197.1	197.1	197.1	197.1	197.1	197.1
Travel	6.5	6.5	6.5	6.5	6.5	6.5
Contractual	22.0	22.0	22.0	22.0	22.0	22.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	26.0	2.6	2.6	2.6	2.6	2.6
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>255.6</b>	<b>232.2</b>	<b>232.2</b>	<b>232.2</b>	<b>232.2</b>	<b>232.2</b>
<b>POSITIONS</b>						
Full-time	4	4	4	4	4	4
Part-time						
Temporary						

Sec. 31-Look-Back	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	41.8	85.1	126.9	174.5	174.5	174.5
Travel	1.7	3.5	5.2	7.0	7.0	7.0
Contractual	13.1	26.3	39.4	52.6	52.6	52.6
Supplies	0.9	1.9	2.8	3.8	3.8	3.8
Equipment	3.3	3.6	3.6	3.6	1.2	1.2
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>60.8</b>	<b>120.4</b>	<b>177.9</b>	<b>241.5</b>	<b>239.1</b>	<b>239.1</b>
<b>POSITIONS</b>						
Full-time	0.5	1.0	1.5	2.0	2.0	2.0
Part-time						
Temporary						

<b>TOTAL PUBLIC DEFENSE</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Personal Services	337.8	381.1	422.9	470.5	470.5	470.5
Travel	11.9	13.7	15.4	17.2	17.2	17.2
Contractual	62.4	75.6	88.7	101.9	101.9	101.9
Supplies	7.1	8.1	9.0	10.0	10.0	10.0
Equipment	37.8	7.0	7.0	7.0	4.6	4.6
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>457.0</b>	<b>485.5</b>	<b>543.0</b>	<b>606.6</b>	<b>604.2</b>	<b>604.2</b>
<b>POSITIONS</b>						
Full-time	5.5	6.0	6.5	7.0	7.0	7.0
Part-time						
Temporary						

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 4 (TRA)  
 () Publish Date: \_\_\_\_\_

Title: An Act relating to offenses involving operating a motor vehicle, aircraft, or watercraft while under the influence...  
 Sponsor: Rep. Rokeberg  
 Requester: House Judiciary Committee

Dept. Affected: Corrections  
 BRU: Commissioner  
 Component: All  
 Component Number: 694

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual	1,065.6	1,225.4	1,394.2	1,562.9	1,731.6	1,731.6
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	4,042.6	4,881.9	5,775.3	6,797.4	7,753.9	7,753.9
<b>TOTAL OPERATING</b>	<b>5,108.2</b>	<b>6,107.3</b>	<b>7,169.5</b>	<b>8,360.3</b>	<b>9,485.5</b>	<b>9,485.5</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>414.6</b>	<b>432.6</b>	<b>452.6</b>	<b>470.6</b>	<b>490.6</b>	<b>490.6</b>
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	4,693.6	5,674.7	6,716.9	7,889.7	8,994.9	8,994.9
1005 GF/Program Receipts	120.0	138.0	158.0	176.0	196.0	196.0
1037 GF/Mental Health						
Other - 1156 Receipt supported serv.	294.6	294.6	294.6	294.6	294.6	294.6
<b>TOTAL</b>	<b>5,108.2</b>	<b>6,107.3</b>	<b>7,169.5</b>	<b>8,360.3</b>	<b>9,485.5</b>	<b>9,485.5</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: Candace Brower  
 Division: Commissioner's Office  
 Approved by: Margaret Pugh  
 Agency: Department of Corrections

Phone 465-4652  
 Date/Time 3/07/01/3:20 p.m.  
 Date 3/8/01

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**FISCAL NOTE**

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION  
DEPARTMENT OF CORRECTIONS**

**BILL NO. CSHB4(Tran)  
PAGE 2 of 5  
DATE 2/27/01**

This bill will make extensive changes in the current statutes regarding driving while intoxicated (including a name change to driving while under the influence of an alcoholic beverage or controlled substance). Because of the volume of the bill, we will only address the specific sections that affect the Department of Corrections.

**Sec. 4.** Changes the presumptive sentencing regarding Manslaughter by adding a provision for Manslaughter as a result of DWI. It will change the presumptive sentence from 5 to 7 years. This change will result in an increased cost to DOC of \$107,360 in FY05 and \$211,640 in subsequent years. This is based on Dept. of Law's estimate that there are 9 convictions a year for Manslaughter or Criminally Negligent Homicide (as part of a DWI). They agree that it is safe to assume 5 convictions a year for Manslaughter. Offenders are currently receiving 5-year sentences. With good time, they are serving 1205 days. Increasing the sentence to 7 years will create an extended sentence for these offenders of 481 days. The increase will begin in the 4<sup>th</sup> year of the sentence. The 5 offenders would serve an additional 244 days the 4<sup>th</sup> year and an additional 237 days the 5<sup>th</sup> year. In the 5<sup>th</sup> year the 244 days and the 237 will start "stacking" as offenders convicted in FY03 begin serving their extended time.  
**FY05 = 244 days X 5 offenders X \$88.00/day\* = \$107,360**  
**FY06 = 244 days X 5 offenders X \$88.00/day +**  
**the above 5 offenders remaining 237 days X 5 X \$88.00 = \$104,280 for a total of \$211,640.**  
**FY07 = \$211,640.**

**Sec. 26.** Reduces the threshold for presumption of DWI from .10 to .08. It is estimated by the Department of Law that although this may not increase arrests by a large amount, it will increase convictions by 10%. In FY00 there were 418 statewide misdemeanor convictions for DWI and 200 felony convictions.

**Misdemeanors**

413	X	69%	=	285	X	3	X	\$64.00	=	\$54,720.00				
413	X	20%	=	83	X	20	X	\$64.00	=	\$106,240.00				
413	X	8%	=	33	X	73	X	\$64.00	+	36	X	\$112.00	=	\$287,742.00
413	X	2%	=	8	X	64	X	\$64.00	+	64	X	\$112.00	=	\$90,112
413	X	1%	=	4	X	75	X	\$64.00	+	75	X	\$112.00	=	\$52,800
Totals		100%		413										\$591,614.00

**Felons**

20 X 352 X \$88.00 = \$619,520.

591,614  
**\$1,211,134.00**

FY02	FY03	FY04	FY05	FY06	FY07	
1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	Cost of Incarceration
0	33,967	67,934	101,901	101,901	101,901	Probation Costs
1,211,134	1,245,101	1,279,068	1,313,035	1,313,035	1,313,035	Subtotal
0	-61,320	-61,320	-61,320	-61,320	-61,320	less savings for homicide.
-26,880	-26,880	-26,880	-26,880	-26,880	-26,880	Rep. Rokeberg Diversion
-179,264	-179,264	-179,264	-179,264	-179,264	-179,264	Inmate payment for incarceration
1,004,990	977,637	1,011,604	1,045,571	1,022,051	1,022,051	

## FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION  
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB4(Tran)  
PAGE 3 of 5  
DATE 02/27/01

If we multiply 413 misdemeanants (10% of total) by the percentages reflected in DMV 2000 statistics for 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> time offenders, we come up with an estimate of how many of those offenders might be newly convicted under a .08 law. All 1<sup>st</sup> and 2<sup>nd</sup> time offenders go to the CRC so we utilized that cost of care for our calculations. Utilizing a snapshot done on 10/25/00 of our DWI population, we averaged the sentences being served for 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> time offenders and estimated proportions of time served in CRCs and hard beds to come up with a total cost.

Assuming 20 new felons convicted under this threshold, and utilizing the average sentence for DWI felons, we estimated: 20 X 352 days X \$88/day = \$619,520. The total for misdemeanants and felons then is \$1,211,134.

Felony DWI offenders are usually given an average of 3 years probation. Probation costs will not be incurred until after completion of sentence so will not be felt until the 2<sup>nd</sup> and subsequent years. The daily cost for probationers is \$5.17/day. If 18 of the 20 felons are on probation the second year, the cost would be \$33,967. It would be necessary to add \$67,934 the third year and \$101,901 the fourth year. After that it would level off as the first probationers would drop off.

The Department of Corrections expects a 15% decrease in the incarceration rate for manslaughter/negligent homicides as a result of this legislation, beginning the second year. It will take time for the public to become aware of lowered BAC and to change behaviors. That would result in an annual savings, beginning in FY03, of \$61,320 (or 1.5 persons incarcerated @ \$112/day per year.)

Sec. 27. This section creates a diversion program for 1<sup>st</sup> time DWI offenders who have a BRAC between .08 and .10. If there are no aggravating factors and they complete a year of probationary time, complete and pay for treatment and their fines then they will have their jail time suspended. Estimating 285 of the 10% increase are 1<sup>st</sup> time offenders and as many as 75 may have a .10 or greater but would be convicted because of this legislation, that leaves a pool of 210. We estimate that 70 (1/3) of those will fall off because there will be aggravators involved (non-compliance, traffic offenses, etc.) The remaining 140 will complete the diversion at 3 days. 140 X 3 X \$64.00 = a savings of \$26,880.

This section also makes the minimum sentence for second time offenders 30 days, or not less than 20 days if the person performs 10 days community work service. In FY00 there were an estimated 824 second time DWI offenders. We assume that one-half will opt to complete the 10 days Community Work Service. The other half will serve their extra 10 days in the CRC. Including statutory good time, 412 offenders will serve 7 days @ \$64.00/day for a total of \$184,576.

Sec. 29. This section requires treatment to occur as much as possible while the offender is incarcerated. This applies to felony DWI offenders. It is estimated that there will be approximately 240 felony offenders in FY02. Treatment experts indicate that someone who has reached felony status as a DWI offender will almost certainly require intensive outpatient treatment or residential treatment services. We estimate that one-half of those will require the intensive Outpatient Treatment at \$2500 per person for a total of \$300,000. It is estimated that one-half will require Residential Treatment at a cost of \$6380 per offender for a total of \$765,600. The total cost of treatment the first year would be \$1,065,600. The second year it is estimated there will be 276 felons for a total treatment cost of \$1,225,440. The number of felons will increase each year by 38 increasing the cost of treatment for each subsequent year until FY06 when it will level off.

## FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION  
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB4(Tran)  
PAGE 4 of 5  
DATE 02/27/01

This section also requires the felony offender to pay for treatment up to \$2,000 unless they are deemed indigent. For those who are deemed indigent, and those who are unable/unwilling to pay, the state shall seek reimbursement from the offenders Permanent Fund Dividend. However, felons do not receive PFDs for the qualifying year during which they serve their sentence. We estimated that 25% of the felony offenders would pay the \$2000 and the others would be indigent or unable to pay. The total revenue to the State of Alaska is estimated to be \$120,000 the first year, \$138,000 the second year, \$158,000 the third year, \$176,000 the fourth and levels off at \$196,000 the fifth year.

**Sec. 30.** This section increases the amount the offender is required to pay for his incarceration from up to \$1,000 to up to \$2,000. This does not make a large difference in revenue since the current minimum sentence for second time offenders is 20 days. With good time, someone would serve 13 days. This is served in a Community Residential Center @ \$64.00/day. That totals \$832. Offenders are already required to pay up to \$1,000 for cost of care. If the penalty is increased to 30 days, then the increase in cost of care will be made up for by the additional requirement. The requirement for payment is for misdemeanors only. If one half of the 824 second time offenders opt for the 30 day sentence, they would pay an additional \$280 each for a total of \$115,360.

**Sec. 31.** This section increases the 5-year look-back to a 10-year look-back, phasing it in over a 5-year period. Previously, in order to become a felon, an offender had to have two previous DWI convictions within the previous 5 years. This will gradually expand the look-back to 10 years, one year at a time over the next five years. This will reduce the fiscal impact that would have been felt if the system had to absorb what would be (by DMV and DOL figures) an estimated 190 new convicted felons in the first year. Utilizing Department of Law's logic, by the end of the five-year period, when the full ten-year look-back is achieved, the system will be adding the full 190 additional felons each year. These will be first time felony offenders. If they receive the 240 day minimum sentence proposed in this legislation, and presuming they receive their good time, they would each serve 160 days of incarceration. This would total \$535,040 for the first year phase-in. We will then assume (as does the Department of Law) that each new year of the phase-in will add an additional 38 new felons for a total of 76 at a cost of \$1,070,080. This will continue until it levels off in the fifth year at 190 for a total cost of \$2,675,200.

This section also doubles the minimum sentencing for felony offenders. Using 240 as the number of expected convicted DWI felons in FY02, and estimating that 80% of those will be third time offenders, 192 will serve an additional 80 days. Utilizing the cost of \$88/day (an average cost of ½ time in a CRC and ½ time in a hard bed) the cost for third time offenders will be \$1,351,680. Estimating that 15% will be 4<sup>th</sup> time offenders, that would result in 36 offenders serving an additional 160 days @ \$88/day for \$506,880. The remaining 5% (12 offenders) will serve an additional 244 days for a total of \$257,664. The total cost of this provision for the first fiscal year will be \$2,116,224. Utilizing the same formula and filling in the number of felons each year, the increased cost of higher penalties is as follows: FY03 \$2,447,808.. FY04 \$2,772,352.. FY05 \$3,118,016 and levelling off at \$3,435,168 in FY06.

**FISCAL NOTE**

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION  
DEPARTMENT OF CORRECTIONS**

**BILL NO.** CSHB4(tran)  
**PAGE** 5 of 5  
**DATE** 02/27/01

**Sec. 32.** This section takes away the language in the current statute that provides a 10 year look-back for second time offenders. It is estimated that 3% of the 824 second time offenders will be affected by this removal. The result will be additional 26 offenders serving a term for second time offense rather than first for a total of \$22,464. This is based on the assumption that 13 will serve 13 days @ \$64.00/day and 13 will serve 20 days @ \$64.00/day for a total of \$27,456. Subtracting the 3 day sentence they would have served anyway as a first time offender, (3X26X\$64 = 4992) the total is \$22,464.

**Sec. 33.** (q) This section removes the eligibility for good time deductions from a person who fails to satisfy alcoholism treatment requirements imposed by the court under (h) of this section. It is impossible to quantify the impact this will have. We have no way of knowing how many will fall into this category and how much good time they would receive. 1<sup>st</sup> time offenders, if they are sentenced to 72 hours, are not eligible for good time credits.

The changes in revenues reflected in the fiscal note include:

**\$120,000** in FY02 for inmate payment of treatment

**\$294,624** (\$179,264 for .08 legislation inmate payment and **\$115,360** for increased sentencing for 2<sup>nd</sup> time offenders payment)

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

**BILL NO. CSHB 4 (TRA)**

Revision Date/Time (Note if correction) Revision dated 3/8/01 Dept. Affected  
 Title Omnibus DWI Bill BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Rep. Norman Rokeberg  
 Requester House Transportation Committee Component No. 768

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	352.1	362.0	362.0	362.0	362.0	362.0
Travel						
Contractual	16.5	24.8	35.2	43.5	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>368.6</b>	<b>386.8</b>	<b>397.2</b>	<b>405.5</b>	<b>415.8</b>	<b>415.8</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	368.6	386.8	397.2	405.5	415.8	415.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>368.6</b>	<b>386.8</b>	<b>397.2</b>	<b>405.5</b>	<b>415.8</b>	<b>415.8</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	4	4	4	4	4	4
Part-time	4	4	4	4	4	4
Temporary						

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

CSHB 4 (TRA) makes several changes to the statutes relating to the offense of driving while intoxicated. Some of those changes will have a fiscal impact on the court system.  
 The bill lowers the BAC necessary for a DWI violation under AS 28.35.030(a)(2) from .1 to .08. National studies show that this change typically results in a 10% increase in DWI filings. Based on that assumption, the court system would see an additional 500 misdemeanors and 28 felony filings a year.  
 The bill also imposes a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate. Because the felony DWI load in Anchorage is already beyond the superior court's capacity, this note provides for a new superior court judge.  
 Finally, the bill calls for mandatory vehicle forfeiture for all second and subsequent DWI offenders. A court hearing is required for each forfeiture. The Department of Law estimates that this change will result in 800 forfeiture hearings. This note is based on that estimate and assumes that each hearing will last 15 minutes.

Prepared by: Douglas Wooliver Phone 463-4750  
 Division Alaska Court System Date/Time 3/08/01 @ 11:00 A.M.  
 Approved by: Stephanie Cole Date \_\_\_\_\_  
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

# Alaska Court System

## Fiscal Note Calculations for Draft CSHB4 Dated 2/16/01

2/28/01

### Increase in 45 - 225 New Felonies FY02 thru FY06:

	FY02	FY03	FY04	FY05	FY06
<b>Superior Court:</b>					
Jury Costs	10,340	18,612	28,952	37,224	47,564
Superior Court Judge	138,467	142,300	142,300	142,300	142,300
Law Clerk for Superior Court Judge	48,130	49,400	49,400	49,400	49,400
Secretary	41,997	43,050	43,050	43,050	43,050
In-Court Clerk	41,997	43,050	43,050	43,050	43,050
	270,591	277,800	277,800	277,800	277,800
<b>Fiscal Note Total for 45 - 225 New Felonies</b>	<b>280,931</b>	<b>296,412</b>	<b>306,752</b>	<b>315,024</b>	<b>325,364</b>

### Vehicle Forfeitures:

800 new hearings, 287 of which would be handled in conjunction with a superior court case (felony)

513 hearings @ 15 minutes/hearing = 128.25 hours of hearing time (one month)

	FY02	FY03	FY04	FY05	FY06
<b>District Court:</b>					
District Court Judge Pro Tem (1 Month)	10,084	10,449	10,449	10,449	10,449
In-Court Clerk PPT (1 Month)	3,500	3,588	3,588	3,588	3,588
	13,584	14,037	14,037	14,037	14,037
<b>Fiscal Note for Vehicle Forfeitures</b>	<b>13,584</b>	<b>14,037</b>	<b>14,037</b>	<b>14,037</b>	<b>14,037</b>

### 500 New Misdemeanors and 3 Felony Trials at .08:

	FY02	FY03	FY04	FY05	FY06
<b>Superior Court:</b>					
Jury Costs	6,204	6,204	6,204	6,204	6,204
District Court Judge Pro Tem (5 Months)	50,419	52,245	52,245	52,245	52,245
In-Court Clerk PPT (5 Months)	17,499	17,940	17,940	17,940	17,940
	67,918	70,185	70,185	70,185	70,185
<b>Fiscal Note for 500 Misdemeanors + 3 Felony Trials</b>	<b>74,122</b>	<b>76,389</b>	<b>76,389</b>	<b>76,389</b>	<b>76,389</b>

### Cumulative Fiscal Note:

Personal Services	352,092	362,022	362,022	362,022	362,022
Contractual	16,544	24,816	35,156	43,428	53,768
<b>Cumulative Total</b>	<b>368,636</b>	<b>386,838</b>	<b>397,178</b>	<b>405,450</b>	<b>415,790</b>
<b>Funding Source:</b>					
1004 GF	368,636	386,838	397,178	405,450	415,790
<b>Positions:</b>					
Full-time	4	4	4	4	4
Part-time	4	4	4	4	4

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 6  
 Bill Version: CSHB 4 (TRA)  
 ( H ) Publish Date: 2/28/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: An Act relating to offenses involving operating BRU: Alcohol & Drug Abuse Svcs  
a motor vehicle Component: Alcohol/Drug Abuse Grants  
 Sponsor: Rep Rokeberg  
 Requester: House (TRA) Component Number: 1239

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	582.2	582.2	582.2	582.2	582.2	582.2
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	582.2	582.2	582.2	582.2	582.2	582.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Section 26 lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs and subsequently for treatment. Of these additional cases DHSS estimates that 75% would be treated in a public program. Due to existing wait capacity and waitlist an additional \$582.2 is required to fund the capacity required to provide the mandated treatment required.

Prepared by: Ernest Turner, Director Phone 465-2071  
 Division: Alcoholism and Drug Abuse Date/Time 2/26/01 4:30 PM  
 Approved by: Elmer A. Lindstrom, Special Assistant Date 3/1/01 8:45 AM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 4 (TRA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: An Act relating to offenses involving operating BRU: Alcohol & Drug Abuse Svcs  
a motor vehicle Component: Alcohol Safety Action Program  
 Sponsor: Rep Rokeberg  
 Requester: House (TRA) Component Number: 305

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXP ENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	60.0	60.0	60.0	60.0	60.0	60.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	52.4	52.4	52.4	52.4	52.4	52.4
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	112.4	112.4	112.4	112.4	112.4	112.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Section 26 lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs (ASAP) and subsequently for treatment. Of these additional cases DHSS estimates that 100% would be referred to an ASAP. The costs to handle these additional cases is \$112.4. We estimate that 65-70% of these cases will be handled by the ASAP office in Anchorage, which is operated by employees of the Division of Alcoholism and Drug Abuse.

Prepared by: Ernest Turner, Director Phone 465-2071  
 Division: Alcoholism and Drug Abuse Date/Time 2/26/01 4:30 PM  
 Approved by: Karen Perdue, Commissioner Date 2/27/01 8:48 AM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 4 (TRA)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to offenses involving operating a BRU Criminal Division; Civil Division  
motor vehicle, . . . under the influence . . ." Component 3rd-4th Judicial Districts;  
 Sponsor Representative Rokeberg Collections & Support  
 Requester House Judiciary Committee Component No. 2201;61;79;10

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	574.4	695.5	695.5	816.6	816.6	816.6
Travel	1.6	2.0	2.0	2.4	2.4	2.4
Contractual	93.2	111.9	111.9	130.6	130.6	130.6
Supplies	8.6	10.2	10.2	11.8	11.8	11.8
Equipment	58.5	6.5	0.0	6.5	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>736.3</b>	<b>826.1</b>	<b>819.6</b>	<b>967.9</b>	<b>961.4</b>	<b>961.4</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 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF	704.4	800.7	794.2	942.5	936.0	936.0
1005 GF/Program Receipts	31.9	25.4	25.4	25.4	25.4	25.4
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>736.3</b>	<b>826.1</b>	<b>819.6</b>	<b>967.9</b>	<b>961.4</b>	<b>961.4</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

POSITIONS	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Full-time	8	9	9	10	10	10
Part-time	1	1	1	1	1	1
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 CSHB 4 (TRA) makes numerous changes to the state's laws relating to driving under the influence of alcoholic beverages or controlled substances. These changes include renaming driving while intoxicated (DWI) as driving while under the influence (DUI); lowering the blood alcohol threshold for DUI to .08 from 0.10; increasing administrative and criminal penalties for DUI offenses; requiring vehicle forfeiture for repeat offenders; and requiring treatment costs be reimbursed to the state.  
  
 The changes in the bill which will have a fiscal impact on the Department of Law are: reducing the blood alcohol threshold for DUI to 0.08; the phasing in of a 10-year "look back" for felony DUI in place of the current 5-year "look back"; collection of treatment costs; and requiring vehicle forfeiture for second and subsequent convictions for DUI or refusal to submit to a chemical test. Each issue is addressed separately below. The department also anticipates an increase in the number of driving with a suspended or revoked driver's license misdemeanor.

Prepared by: Joan M. Kasson Phone 465-5370  
 Division: Attorney General's Office Date/Time 3/7/01 1:20 PM  
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 03/07/2001  
 Agency: Department of Law

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## FISCAL NOTE

STATE OF ALASKA  
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BILL NO. CSHB 4 (TRA)

### ANALYSIS CONTINUATION

charges will occur as a result of the increased fines and license revocation penalties; however, the impact is too speculative to quantify.

Section 26: Reduce blood alcohol threshold for DUI from 1.0 to 0.08 percent by weight.

In FY00, the Criminal Division accepted for prosecution 3,218 misdemeanor and 213 felony DUI referrals by law enforcement throughout the state. Recently received statistics from the Anchorage Police Department indicate there would be about a 6 percent increase in DUI referrals due to the lowering of the blood alcohol threshold to 0.08. Experience has varied in other states that have reduced from 0.10 to 0.08 the limit for driving while intoxicated (California, Maine, Oregon, and Utah). Some states have experienced a 20 to 40 percent increase in DUI cases. We believe a conservative estimate for the increase is about 10 percent. This would result in 322 additional misdemeanor and 21 felony DUI cases, which are much more time-consuming to prosecute than misdemeanors. The Department of Law assumes that municipalities which presently prosecute misdemeanor DUI will amend their ordinances to mirror the change in state law. If this does not occur, the estimated number of misdemeanor prosecutions is understated.

Much of the anticipated increase in prosecutions will occur in southcentral Alaska. Because Anchorage is the hub from which prosecutors are sent to assist other offices in times of overload, it will be necessary to add one new full-time attorney position to the Criminal Division's Anchorage District Attorney's Office.

The Collections unit in the Civil Division's Collections and Support section collects judgments for criminal fines, cost of incarceration for DUI offenders, and cost of court appointed counsel. The change to 0.08 as the threshold for DUI offenses will increase the number of judgments the unit is required to collect annually. Assuming an 80-85 percent conviction rate, the unit anticipates receiving 280 judgments for criminal fines as a result of this change. In addition, those individuals who do not qualify for the diversion created by Section 27 of the bill will have judgments for the cost of incarceration. Based on Department of Corrections calculations, we anticipate there will be 190 of these judgments. In addition, approximately 80 percent of the offenders are expected to have judgments for the cost of court appointed counsel, 220 in all.

In order to process and collect the estimated 690 new judgments each year, Collections unit personnel must enter the judgment data into the collections data base, post payments received, prepare PFD attachment packets for the court system and Department of Revenue, enter adjustments and process refunds when necessary, respond to phone calls from defendants, court personnel, prosecutors, and other state agencies, prepare satisfactions of judgments, and prepare quarterly or annual reporting of collections data. Much of this work can be handled by existing staff. However, the additional data entry and phone calls will require an additional half-time Administrative Clerk II.

Section 29: Collection of the cost of treatment

This section requires the state to seek reimbursement from a person's permanent fund dividend if they do not pay the cost of alcohol or substance abuse treatment required under CSHB 4 (TRA) themselves. The Department of Law has a number of questions concerning this requirement that must be answered before we can quantify the fiscal impact of this provision.

Section 31: Increase "look back" for felony DUI from 5-years to 10-years

Under current law, for the purposes of charging an offender with felony DUI, the state can only "look back" 5-years for the first two offenses. If any of the prior offenses are older than 5-years, the charge remains a misdemeanor. This section will phase in a 10-year look back period for felony DUI, one year at a time, over the next five years.

Based on Division of Motor Vehicle (DMV) data, it is estimated that increasing the limit to 10-years for how old prior convictions must be in order for the third offense to be charged as felony DUI will result in approximately 240 new felony DUI referrals per year when fully phased in. The Criminal Division estimates approximately 95 percent of these will be accepted for prosecution, based on acceptance rates for current felony DWI prosecutions. This would mean approximately 225 new felony prosecutions in all. For the purposes of this fiscal note, the Department of Law assumes the new felonies will phase in evenly over the 5-year phase in period: 45 new felony prosecutions in FY02, 90 in FY03, 135 in FY04, 180 in FY05, and 225 in FY06.

Felony prosecutions are much more resource intensive than misdemeanor prosecutions. Because the penalties are so much higher, defendants are more likely to vigorously challenge the charge, and less likely to settle prior to trial. The Criminal Division anticipates it would need two new FTE attorney positions to handle these new felony cases, to both screen the referrals and prosecute those that are accepted. These positions would phase in as the number of new felony referrals increase. We anticipate that one new FTE attorney for the Anchorage DAO would be necessary in FY03, and one new FTE attorney for the Fairbanks DAO in FY 05.

**FISCAL NOTE**

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**ANALYSIS CONTINUATION**

**Section 46: Vehicle forfeiture**

Upon conviction of a second or subsequent DUI or refusal to take a chemical test, this section would require the state to seek forfeiture of the motor vehicle or aircraft used in the commission of the offense. Under state law (AS 28.35.036-.037), forfeiture proceedings require a motion for forfeiture be filed with the court, and a hearing date set by the court upon receipt of the motion. Once the hearing date is set, the state must notify anyone who might have an ascertainable ownership or security interest in the vehicle or aircraft about the proceeding. A person claiming an ownership or security interest may then intervene and appear at the hearing in order to prove to the court they should be paid for their interest.

The Criminal Division estimates there will be 200 forfeiture hearings per year as a result of enactment of Section 46: approximately 100 to 150 per year in Kenai, in Palmer, and in Fairbanks, and approximately 100 per year in Anchorage. (Although the Municipality of Anchorage prosecutes misdemeanor DUI, the Department of Law prosecutes all felonies.) The remaining hearings would be spread throughout the rest of the state. Preparation for these hearings will involve research on ownership interests and paperwork. The Criminal Division estimates it will need to add four new FTE paraprofessional positions, one each in Anchorage, Kenai, Fairbanks, and Palmer, and 1 new FTE attorney position in Fairbanks to handle these cases. In addition, 2 new legal secretary positions will be necessary, one each in Anchorage and Kenai.

All position costs except the Collections unit position are based on the department's FY02 cost allocation plan, and include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Collections unit positions are specialized, and are not recovered through the cost allocation plan. The standard cost does not include one-time new equipment purchases, and \$6,500 per position is included. Proportionate support position funding is included in the standard attorney and paraprofessional cost schedule at a rate of approximately one support position for every three professional positions. Position authorizations for the support positions are required, however, and the four FTE legal secretary positions discussed in the 0.16 BAC and vehicle forfeiture sections above are requested, along with \$6,500 for one-time equipment costs for each position. The remaining clerical support funding embedded in the rate will be used to reduce clerical support vacancy so that the other new attorneys' clerical burdens can be handled. A summary of line-item costs by position for each section of CSHB 4 (TRA) narrated above follows:

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
<b><u>Section 26: 0.08 BAC</u></b>							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Attorney	121.1	121.1	121.1	121.1	121.1	121.1
	200	0.4	0.4	0.4	0.4	0.4	0.4
	300	18.7	18.7	18.7	18.7	18.7	18.7
	400	1.6	1.6	1.6	1.6	1.6	1.6
	500	6.5					
	<b>Total 1004 General Fund</b>	<b>148.3</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>
Civil Division: Collections & Support (2210)							
	100 1 PPT Admin Clerk II	17.4	17.4	17.4	17.4	17.4	17.4
	200	0.0	0.0	0.0	0.0	0.0	0.0
	300	7.0	7.0	7.0	7.0	7.0	7.0
	400	1.0	1.0	1.0	1.0	1.0	1.0
<b><u>Section 29: Collection of Treatment Costs</u></b>							
Civil Division: Collections & Support (2210)							
	100 Unknown						
	200						
	300						
	400						
	500						
	<b>Total 1005 GF/Program Receipts</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>

**FISCAL NOTE**

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

**BILL NO. CSHB 4 (TRA)**

**ANALYSIS CONTINUATION**

<b>Component</b>	<b>Position</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b><u>Section 31: Phase in 10-year Look Back</u></b>							
<b>Criminal Division: 3rd Judicial District: Anchorage (2261)</b>							
	100 1 FTE Attorney		121.1	121.1	121.1	121.1	121.1
	200		0.4	0.4	0.4	0.4	0.4
	300		18.7	18.7	18.7	18.7	18.7
	400		1.6	1.6	1.6	1.6	1.6
	500		6.5				
	<b>Total 1004 General Fund</b>	<b>0.0</b>	<b>148.3</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>	<b>141.8</b>
<b>Criminal Division: 4rd Judicial District (2201)</b>							
	100 1 FTE Attorney				121.1	121.1	121.1
	200				0.4	0.4	0.4
	300				18.7	18.7	18.7
	400				1.6	1.6	1.6
	500				6.5		
	<b>Total 1004 General Fund</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>148.3</b>	<b>141.8</b>	<b>141.8</b>
<b>Section 31 Total</b>		<b>0.0</b>	<b>148.3</b>	<b>141.8</b>	<b>290.1</b>	<b>283.6</b>	<b>283.6</b>
<b><u>Section 46: Vehicle Forfeitures</u></b>							
<b>Criminal Division: 3rd Judicial District: Anchorage (2261)</b>							
	100 1 FTE Paraprofessional	78.7	78.7	78.7	78.7	78.7	78.7
	200 1 FFT Legal Secy	0.2	0.2	0.2	0.2	0.2	0.2
	300	12.2	12.2	12.2	12.2	12.2	12.2
	400	1.1	1.1	1.1	1.1	1.1	1.1
	500	13.0					
	<b>Total 1004 General Fund</b>	<b>105.2</b>	<b>92.2</b>	<b>92.2</b>	<b>92.2</b>	<b>92.2</b>	<b>92.2</b>
<b>Criminal Division: 3rd Judicial District: Outside Anchorage (2279)</b>							
	100 2 FTE Paraprofessional	157.4	157.4	157.4	157.4	157.4	157.4
	200 1 PFT Legal Secy	0.4	0.4	0.4	0.4	0.4	0.4
	300	24.4	24.4	24.4	24.4	24.4	24.4
	400	2.2	2.2	2.2	2.2	2.2	2.2
	500	19.5					
	<b>Total 1004 General Fund</b>	<b>203.9</b>	<b>184.4</b>	<b>184.4</b>	<b>184.4</b>	<b>184.4</b>	<b>184.4</b>
<b>Criminal Division: 4rd Judicial District (2201)</b>							
	100 1 FTE Attorney	199.8	199.8	199.8	199.8	199.8	199.8
	200 1 FTE Paraprofessional	0.6	0.6	0.6	0.6	0.6	0.6
	300	30.9	30.9	30.9	30.9	30.9	30.9
	400	2.7	2.7	2.7	2.7	2.7	2.7
	500	13.0					
	<b>Total 1004 General Fund</b>	<b>247.0</b>	<b>234.0</b>	<b>234.0</b>	<b>234.0</b>	<b>234.0</b>	<b>234.0</b>
<b>Section 46 Total</b>		<b>556.1</b>	<b>510.6</b>	<b>510.6</b>	<b>510.6</b>	<b>510.6</b>	<b>510.6</b>

**FISCAL NOTE**

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

**BILL NO. CSHB 4 (TRA)**

**ANALYSIS CONTINUATION**

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
<b><u>CSHB 4 (TRA) by component</u></b>							
<b>Criminal Division: 3rd Judicial District: Anchorage (2261)</b>							
100		199.8	320.9	320.9	320.9	320.9	320.9
200		0.6	1.0	1.0	1.0	1.0	1.0
300		30.9	49.6	49.6	49.6	49.6	49.6
400		2.7	4.3	4.3	4.3	4.3	4.3
500		19.5	6.5	0.0	0.0	0.0	0.0
<b>Total 1004 General Fund</b>		<b>253.5</b>	<b>382.3</b>	<b>375.8</b>	<b>375.8</b>	<b>375.8</b>	<b>375.8</b>
<b>Criminal Division: 3rd Judicial District: Outside Anchorage (2279)</b>							
100		157.4	157.4	157.4	157.4	157.4	157.4
200		0.4	0.4	0.4	0.4	0.4	0.4
300		24.4	24.4	24.4	24.4	24.4	24.4
400		2.2	2.2	2.2	2.2	2.2	2.2
500		19.5	0.0	0.0	0.0	0.0	0.0
<b>Total 1004 General Fund</b>		<b>203.9</b>	<b>184.4</b>	<b>184.4</b>	<b>184.4</b>	<b>184.4</b>	<b>184.4</b>
<b>Criminal Division: 4rd Judicial District (2201)</b>							
100		199.8	199.8	199.8	320.9	320.9	320.9
200		0.6	0.6	0.6	1.0	1.0	1.0
300		30.9	30.9	30.9	49.6	49.6	49.6
400		2.7	2.7	2.7	4.3	4.3	4.3
500		13.0	0.0	0.0	6.5	0.0	0.0
<b>Total 1004 General Fund</b>		<b>247.0</b>	<b>234.0</b>	<b>234.0</b>	<b>382.3</b>	<b>375.8</b>	<b>375.8</b>
<b>CRIMINAL DIVISION TOTAL</b>		<b>704.4</b>	<b>800.7</b>	<b>794.2</b>	<b>942.5</b>	<b>936.0</b>	<b>936.0</b>
<b>Civil Division: Collections &amp; Support (2210)</b>							
100		17.4	17.4	17.4	17.4	17.4	17.4
200		0.0	0.0	0.0	0.0	0.0	0.0
300		7.0	7.0	7.0	7.0	7.0	7.0
400		1.0	1.0	1.0	1.0	1.0	1.0
500		6.5					
<b>Total 1005 GF/Program Receipts</b>		<b>31.9</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>
<b>CIVIL DIVISION TOTAL</b>		<b>31.9</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>
<b><u>CSHB 4 (TRA) SUMMARY</u></b>							
100		574.4	695.5	695.5	816.6	816.6	816.6
200		1.6	2.0	2.0	2.4	2.4	2.4
300		93.2	111.9	111.9	130.6	130.6	130.6
400		8.6	10.2	10.2	11.8	11.8	11.8
500		58.5	6.5	0.0	6.5	0.0	0.0
<b>DEPARTMENT TOTAL</b>		<b>736.3</b>	<b>826.1</b>	<b>819.6</b>	<b>967.9</b>	<b>961.4</b>	<b>961.4</b>
<b>1004 GF</b>		<b>704.4</b>	<b>800.7</b>	<b>794.2</b>	<b>942.5</b>	<b>936.0</b>	<b>936.0</b>
<b>1005 GF/Prgm</b>		<b>31.9</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>	<b>25.4</b>
PFT		8	9	9	10	10	10
PPT		1	1	1	1	1	1

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 4 (TRA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 3/12/01 Dept. Affected: Public Safety  
 Title: Registration of Motor Vehicle, Operating Motor Vehicle, Aircraft, Watercraft while Intoxicated & Drivers License BRU: AST Detachment  
 Sponsor: Representative Rokeberg Component: AST Detachment  
 Requester: House Judiciary Component Number: 2325

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	47.6	47.6	47.6	47.6	47.6	47.6
Travel	7.5	7.5	7.5	7.5	7.5	7.5
Contractual	95.6	95.6	95.6	95.6	95.6	95.6
Supplies	2.5	2.5	2.5	2.5	2.5	2.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>153.2</b>	<b>153.2</b>	<b>153.2</b>	<b>153.2</b>	<b>153.2</b>	<b>153.2</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	153.2	153.2	153.2	153.2	153.2	153.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>153.2</b>	<b>153.2</b>	<b>153.2</b>	<b>153.2</b>	<b>153.2</b>	<b>153.2</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

Forfeiture Program for 2nd DWI Offense

This legislation will require one full-time Procurement Specialist I, range 14 position to manage the forfeiture inventory (450 vehicles and 50 snow-machines). 75% of the inventory would be disposed to charities, non-profit corporations and/or local governments. The remaining 25% would be for AST use or storage for public auction. Included in this analysis are the transportation costs, storage costs, and I/M Test Fees. The transportation costs include twenty-five percent of the vehicles would require long-distance transportation (vehicle transport contractor - \$900 per vehicle) and seventy-five percent by short-distance (towing companies - \$50 per vehicle). The storage of vehicle (\$450 annually) and snow-machine (\$350 annually) would be contracted out to general automobile/RV storage facilities. The following costs are not included in this fiscal note: the administrative fee charged for the sale of vehicles (5% - 10% of sale proceeds); loan payoff of vehicles forfeited; and secure arrangements for vehicle storage. See attached sheets for additional detail. Also included is a cost estimate if forfeiture was based on 3rd offense instead of 2nd offense.

Prepared by: Lt. Steve Dunnagan Phone 269-4532  
 Division: Division of Alaska State Troopers Date/Time 3/9/01 1:00 PM  
 Approved by: Commissioner Glenn Godfrey Date 3/12/01  
 Agency: Department of Public Safety

For distribution information, call the Governor's Legislative Office

**CS HB4 (Trans) - Vehicles Forfeited on 2nd DWI Offense**

			Procurement Specialist I, Range 14, Anchorage			47,600
			Travel for Auctions			7,500
Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #		Cost
Vehicle	Long Distance (25%)	AK Veh Tran	\$ 900	29	\$	25,875
Vehicle	Short Distance (75%)	Towing Co.	\$ 50	84	\$	4,188
I/M Test	Fbx/Anc - 30% of 450	Xpress Lube	\$ 55	34	\$	1,856
Snowmachine Storage	Anch, Palmer, Fbx	Auto / RV	\$ 350	13	\$	4,375
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	113	\$	50,625
Contractual Cost for One Position (phones, computer, postage, DP Svc)						\$ 8,700
Total Contractual Costs						\$ 95,619
Office and DP Supplies for One Position						Total Supply Costs \$ 2,500
						<b>TOTAL \$ 153,219</b>

Assumption: 1,000 convictions, 50% forfeited (450 vehicles and 50 snowmachines), 75% of forfeitures disposed to Charity, Non-Profit Corporations and/or Local Governments. 25% disposed to AST for their use or storage for public auction.

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

**CS HB4 - Vehicle Forfeited on 3rd Offense**

			Procurement Specialist I, Range 14, Anchorage			47,600
			Travel for Auctions			5,000
Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #		Cost
Snowmachine	Bethel/Nome - Anc	NAC	\$ 210	13	\$	2,625
Vehicle	Long Distance (25%)	AK Veh Tran	\$ 900	13	\$	11,250
Vehicle	Short Distance (75%)	Towing Co.	\$ 50	38	\$	1,875
I/M Test	Fbx/Anc - 30% of 200*.25	Xpress Lube	\$ 55	15	\$	825
Snowmachine Storage	Anch, Palmer, Fbx	Auto / RV	\$ 350	13	\$	4,375
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	50	\$	22,500
Contractual Cost for Position (phones, computer, postage, DP Svc)						\$ 8,700
Total Contractual Costs						\$ 52,150
Office and DP Supplies for Position						Total Supply Costs \$ 2,500
						<b>TOTAL \$ 107,250</b>

Assumption: 500 convictions, 50% forfeited (200 vehicles and 50 snowmachines), 75% of forfeitures disposed to Charity, Non-Profit Corporations and/or Local Governments. 25% disposed to AST for their use or storage for public auction.

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

# INTERAGENCY COST SUMMARY

Reduce Blood Alcohol Threshold for DWI to .08  
5% increase assumption

## ASSUMPTIONS

- \*Cost estimates for for FY 02 only
- \*Assumes the only change to current DWI statutes is to reduce the threshold for DWI from 1.0% blood alcohol to .08%, and a similar change for breath alcohol.
- \*ACS 5% increase in DWI filings, both state and municipal
- \*DMV 5% increase in drivers' license revocation cases and attendant administrative hearings.
- \*PDA 5% increase, and they will represent 75% of the defendants.
- \*DOC projects 5% increase in DWI misdemeanor and felony convictions, both state and municipal
- \*Law, Criminal Division 5% increase in state DWI prosecutions.
- \*Law, Civil Division projects 780 new DWI judgments will be subject to collection. (Cost of incarceration; court-appointed counsel; fines)
- \*Both Law and PDA assume municipalities that prosecute misdemeanors in their jurisdictions will mirror the change in state law. If this does not occur, the estimated number of new misdemeanor cases is understated. The other agencies must respond to both state and local prosecutions.

AGENCY	GF COST	PFT	PPT	COMMENTS
Alaska Court System	\$37,100.00		2	0.1 district court judge and clerk; juror & personnel costs for felony trials
Department of Administration				
Division of Motor Vehicles	\$65,500.00		1	Hearing officer
Public Defender Agency	\$69,800.00		1	.5 FTE Palmer PDO
Department of Corrections	\$915,421.00			
Department of Health & Social Services				
ASAP	\$56,200.00			Assessments
Treatment	\$291,100.00			
Department of Law				
Criminal Division	\$109,300.00		1	.5 FTE attorney, Anchorage DAO
Collections and Support	*****		1	1/2 time Admin Clerk
	\$1,544,421.00	4	3	

# INTERAGENCY COST SUMMARY

## Reduce Blood Alcohol Threshold for DWI to .08

### ASSUMPTIONS

- \*Cost estimates for for FY 02 only
- \*Assumes the only change to current DWI statutes: reduce the threshold for DWI from 1.0% blood alcohol to .08%, & a similar change for breath alcohol.
- \*ACS projects 10% increase in DWI filings, both state and municipal
- \*DMV projects 10-15% increase in drivers' license revocation cases and attendant administrative hearings.
- \*PDA projects 10% increase, and they will represent 75% of the defendants.
- \*DOC projects 10% increase in DWI misdemeanor and felony convictions, both state and municipal
- \*Law, Criminal Division projects 10% increase in state DWI prosecutions.
- \*Law, Civil Division projects 780 new DWI judgments will be subject to collection. (Cost of incarceration; court-appointed counsel; fines)
- \*Both Law and PDA assume municipalities that prosecute misdemeanors in their jurisdictions will mirror the change in state law. If this does not occur, the estimated number of new misdemeanor cases is understated. The other agencies must respond to both state and local prosecutions.

AGENCY	GF COST	PFT	PPT	COMMENTS
Alaska Court System	\$74.10		2	0.4 district court judge and clerk; juror and personnel costs for felony trials.
Department of Administration				
Division of Motor Vehicles	\$112.00		2	Hearing officer and administrative clerk
Public Defender Agency	\$140.60		1	1 FTE Palmer PDO
Department of Corrections	\$1,031.80			
Department of Health & Social Services				
ASAP	\$112.40			Assessments
Treatment	\$582.20 ***see note			
Department of Law				
Criminal Division	\$148.30		1	1 FTE attorney, Anchorage DAO
Collections and Support	*****		1	1/2 time Admin Clerk
	\$2,201.6***	4	3	

\*\*\*Treatment Note: While this is reflected in the Interagency Cost Summary, there is NO fiscal note attached to HB 4 that has this cost listed.

## INTERAGENCY COST SUMMARY

### HB 4 Increased Fines and Sentences

#### ASSUMPTIONS

- \* Cost estimates are for FY02 only.
- \* Does not include felony look back provisions of HB 4
- \* Expect an increase in driving with suspended license misdemeanors, but unable to quantify.
- \* PDA expects increase in probation revocation hearings due to failure to pay increased fines, but cannot quantify.
- \* DOC assumes 50% of 240 felons will require intensive out-patient treatment, and 50% residential treatment.
- \* DOC assumes of 240 felons receiving increased sentences, 80% will be 3rd time offenders, 15% 4th time, and 5% 5th time
- \* DOC assumes 3% of 824 2nd time misdemeanants will have had their 1st conviction more than 10 yrs before.
- \* Law, Civil Division cannot estimate cost of collection of treatment judgments without additional information.

AGENCY	GF COST	PFT	PPT	COMMENTS
<b>Department of Administration</b>				
<b>Division of Motor Vehicles</b>				
No vehicle registration w/ DWLS/R	\$546.0	10	1	1.5 FTE web/phone renewals; 7 FTE field offices; 1 FTE hearing officer & 1 FTE support
Revoke offender vehicle registration	\$48.2	1		1 FTE admin support position
Felony DWI database	\$80.9			
Public Defender Agency	\$0.0			
<b>Department of Corrections</b>				
Manslaughter presumptive	\$0.0			Increases begin in FY05: \$107.4; FY06 & FY07, \$211.6
Treatment	\$1,065.6			Increases to \$1,225.4 in FY03; \$1,394.2 in FY04; up to \$1,731.6 in FY06.
Increased felony sentences	\$2,116.2			Increases to \$2,447.8 in FY03; \$2,772.4 in FY04, up to \$3,435.2 in FY06.
Remove 2nd time misdo look back	\$22.5			Same cost each year.
<b>Department of Health &amp; Social Services</b>				
ASAP	\$0.0			
Treatment	\$0.0			
<b>Department of Law</b>	*****			Collections & Support costs to collect treatment judgments - GF/Program Rcpts
<b>Department of Public Safety</b>	\$0.0			
<b>TOTAL ESTIMATED COSTS</b>	\$3,879.4	11	1	

# INTERAGENCY COST SUMMARY

## 30 Days for 2nd DWI Offense

### ASSUMPTIONS

\* Cost estimates are for FY02 only.

\* DOC assumes 412 second time offenders will serve 7 additional days. Remaining 50% will take community work service option.

AGENCY	GF COST	PFT PPT	COMMENTS
Department of Administration			
Division of Motor Vehicles	\$0.0		
Public Defender Agency	\$0.0		
Department of Corrections	\$184.6		Same cost each year.
Department of Health & Social Services			
ASAP	\$0.0		
Treatment	\$0.0		
Department of Law	\$0.0		
Department of Public Safety	\$0.0		
<b>TOTAL ESTIMATED COSTS</b>	<u>\$184.6</u>	<u>0 0</u>	

## INTERAGENCY COST SUMMARY

### Vehicle Forfeiture

#### ASSUMPTIONS

- \* Cost estimates are for FY02 only.
- \* Law assumes 800 hearings per year, statewide: 100-150/year Kenai, Palmer, Fairbanks; 100/yr Anchorage; remainder around state.
- \* DPS assumes 1000 state and municipal convictions per year resulting in 500 vehicle forfeitures.
- \* PDA assumes will represent 75% of defendants, but will not need to do as much post-hearing work as Law.

AGENCY	GF COST	PFT	PPT	COMMENTS
Department of Administration				
Division of Motor Vehicles	\$0.0			
Public Defender Agency	\$255.6	4		3 paralegals (Anch, Fairbanks, Palmer); 1 secretary (Anch)
Department of Corrections	\$0.0			
Department of Health & Social Services	\$0.0			
ASAP				
Treatment				
Department of Law	\$556.1	7		4 paraprofessionals (Anch, Kenai, Palmer); 1 atty (Fairbanks); 2 secy
Department of Public Safety	\$153.2	1		
<b>TOTAL ESTIMATED COSTS</b>	<b>\$964.9</b>	<b>12</b>	<b>0</b>	

# INTERAGENCY COST SUMMARY

## Phase in 10 Year Look Back

### ASSUMPTIONS

- \* Cost estimates are for FY02 only.
- \* PDA assumes 225 new filings, and they will represent 75% of defendants, at 20% growth rate to a total of 169 in FY06.
- \* Law assumes 225 new filings, at 20% growth per year (45 in yr 1, 90 in yr 2, 134 in yr 3, etc.)
- \* DOC assumes 190 new convictions, at 20% growth per year (38 in yr 1, 76 in yr 2, 152 in yr 3, etc.)

AGENCY	GF COST	PFT	PPT	COMMENTS
<b>Department of Administration</b>				
Division of Motor Vehicles	\$0.0			
Public Defender Agency	\$60.8	1		Yr 2: Make attorney full-time; Yr 3: Add 1/2 attorney; Yr 4: make full-time. \$241.5 total cost
<b>Department of Corrections</b>	\$534.0			Increases to \$1,070.1 in FY03, up to \$2,675.2 in FY06.
<b>Department of Health &amp; Social Services</b>				
ASAP	\$0.0			
Treatment	\$0.0			
<b>Department of Law</b>	\$0.0			Yrs 2 & 3: 1 PFT atty (Anch), \$148.3; Yrs 4 on: add 1 PFT atty (Fbx), \$290.1 total cost
<b>Department of Public Safety</b>	\$0.0			
<b>TOTAL ESTIMATED COSTS</b>	\$594.8	0	1	

## INTERAGENCY COST SUMMARY

### Reduce Blood Alcohol Threshold for DWI to .08 with HB 4 Diversion (no jail time)

#### ASSUMPTIONS

- \* Cost estimates are for FY02 only.
- \* DMV projects 10-15% increase in drivers' license revocation cases and attendant administrative hearings.
- \* PDA projects 10% increase, and they will represent 75% of the defendants.
- \* DOC projects 10% increase in DWI misdemeanor and felony convictions, both state and municipal. Approx 33% will do diversion.
- \* DOC cost estimates include offsets for inmate payment for incarceration.
- \* Law, Criminal Division projects 10% increase in state DWI prosecutions.
- \* Law, Civil Division projects 690 new DWI judgments will be subject to collection.
- \* Both Law and PDA assume municipalities that prosecute misdemeanors in their jurisdictions will mirror the change in state law. If this does not occur, the estimated number of new misdemeanor cases is understated. The other agencies must respond to both state and local prosecutions.

AGENCY	GF COST	PFT	PPT	COMMENTS
<b>Court System</b>	0	0	0	
<b>Department of Administration</b>				
Division of Motor Vehicles	\$112.0	2		Hearing officer and administrative clerk
Public Defender Agency	\$140.6	1		1 FTE attorney, Palmer PDO
<b>Department of Corrections</b>	\$1,005.0			\$977.6 in FY03; \$1,011.6 in FY04; \$1,045.6 in FY05; \$1022.1 in FY06 and subsequent years.
<b>Department of Health &amp; Social Services</b>				
ASAP	\$112.4			Assessments
Treatment	\$582.2			
<b>Department of Law</b>				
Criminal Division	\$148.3	1		1 FTE attorney, Anch DAO
Collections and Support	\$31.9		1	1/2 time Admin Clerk for collection of new judgments
<b>TOTAL ESTIMATED COSTS</b>	\$2,132.4	4	1	