

HB

430



Representative Eric Croft

HB 430

Sponsor Statement

Youth Courts in Alaska have matured from pilot programs that experimented with new and innovative ways of rehabilitating juvenile offenders, into stable programs that aim to rehabilitate minors more effectively than the traditional youth justice system. Youth Courts also provide the secondary benefit of giving young people leadership experience and training. The funding sources that many Youth Court Programs rely on have not matured with the Youth Court concept leaving these beneficial programs reliant on finding supplemental funding from one-time sources every year.

To meet this need, HB 430 establishes a \$10 surcharge on misdemeanors, non-traffic violations, and other infractions and a Juvenile Justice Grant Fund to distribute the revenues from the surcharge to Youth Courts and other youth justice programs. These grants require a 100% match to insure that Youth Court Programs will continue to raise funding from local and private sources.

HB430 would provide a secure and stable source of funding for one of the most innovative and successful criminal justice programs in the state. I ask for your support of this bill



Representative Eric Croft

Subject: Sectional Summary of House Bill 430, related to a Surcharge on Fines for Misdemeanors and Authorizing Disposition of Receipts to Create a Juvenile Justice Grant Fund for the Operation of Youth Courts (Work Order No. 22-LS132\F)

This bill would create a juvenile justice grant fund from surcharges on fines, to be used as a funding source for the operation of youth courts.

- Section 1.** Amends AS 12.25.195(c) by adding another surcharge requirement to AS 12.55.039 and 12.55.041.
- Section 2.** Amends AS 12.25.200(b) to state that citations must indicate the amount of each surcharge applicable to the offense.
- Section 3.** Amends AS 12.55 by adding a new section to say that defendants found guilty of misdemeanors, non-traffic violations, or infractions shall be assessed a surcharge of \$10.
- Section 4.** Amends AS 28.05.151(c) to reflect the allowance of multiple surcharges.
- Section 5.** Amends AS 29.25.074(a) to reflect the allowance of multiple surcharges.
- Section 6.** Amends AS 44.47 by adding a new section creating within the Department of Community and Economic Development a juvenile justice grant fund, to be used by the department for grants to non-profits to defray the costs of operation of youth courts.
- Section 7.** Establishes that Section 8 of this act will be repealed on June 30, 2003, or the date when the Alaska Court System has the electronic capability to separately track and account for money collected under the terms of Section 3 of this act.
- Section 8.** Amends the uncodified law of the State of Alaska by adding a new section directing the Alaska Court System to deposit to the general fund money collected under the terms of Section 3 of this act, and to provide reports.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 430
() Publish Date: 2/15/02

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Surcharge on Fines/Juv. Justice BRU Alaska Court System
Component Trial Courts
Sponsor Representative Croft
Requester House Judiciary Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE 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 (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 430.

Prepared by: Douglas Wooliver
Division: Alaska Court System
Approved by: Stephanie Cole
Agency: Alaska Court System

Phone 463-4750
Date/Time 3/28/02 8:23 AM
Date 3/28/02

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 430
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: IMPOSING SURCHARGES ON CRIMINAL PENALTIES AND BRU: Juvenile Justice
CREATING A JUVENILE JUSTICE GRANT FUND Component: Probation Services
 Sponsor: CROFT
 Requestor: HOUSE (JUD) Component Number: 2134

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	300.0	300.0	300.0	300.0	300.0	300.0
Miscellaneous						
TOTAL OPERATING	300.0	300.0	300.0	300.0	300.0	300.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	300.0	300.0	300.0	300.0	300.0	300.0
1037 GF/Mental Health						
Other (Specify Type--do not abbreviate)						
TOTAL	300.0	300.0	300.0	300.0	300.0	300.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Based on estimates from the Alaska Court system and Anchorage Youth Court, the department believes a \$10 surcharge to misdemeanor and other offenses as specified would generate between \$300,000 and \$500,000 in revenue. If the legislature were to allocate the lower amount, \$300,000, the department believes this would result in up to 12 grant awards to youth courts.

The department proposes to amend the bill so that the Juvenile Justice Grant Fund would be administered by the Division of Juvenile Justice grants unit to maximize coordination of funding for youth court programs. The grants unit would administer this new grant program with existing resources and it is expected that at this allocation level, there would be a zero fiscal impact to the

Prepared by: Susan M. Taylor, Administrative Manager IV Phone 465-1385
 Division: Juvenile Justice Date/Time 03/04/2002
 Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 03/06/2002
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 430
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An Act imposing a surcharge... and creating a juvenile justice grant fund..." BRU Legal and Advocacy Services
 Component Public Defender Agency
 Sponsor Representative Croft
 Requester (H) JUD Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: Barbara Brink, Director Phone (907) 334-4416
 Division Public Defender Agency Date/Time 4/1/02 4:26 PM
 Approved by: Jim Duncan, Commissioner Date 4/1/2002
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. HB 430

ANALYSIS CONTINUATION

This legislation provides for a mandatory surcharge of \$10.00 to be paid by every person convicted of any misdemeanor, infraction, or violation, except a vehicle or traffic offense under AS 28, a regulation under AS 28, or a municipal ordinance under AS 28.01.010. This would be in addition to other applicable surcharges already levied under existing statutes.

If a person fails to pay the surcharge, the court can punish him or her through contempt of court proceedings.

This bill will have some impact on the Public Defender Agency. Because contempt of court proceedings can result in imprisonment, a person can be appointed an attorney if it appears that he or she will end up in jail. Even though this surcharge is modest compared to others, the Public Defender Agency believes that some people who are convicted of these offenses will have difficulty paying this surcharge because of other financial demands. Fines, restitution payments to victims, attorneys fees under Criminal Rule 39, other existing surcharges including police training surcharges, fees for substance abuse, anger management, and other required programs often take up all the available case indigent offenders and violators have.

Depending on how rigorously this surcharge is enforced, the legislation could have a financial impact on the Public Defender Agency. However, this impact is not possible to predict, therefore, an indeterminate fiscal note is submitted.



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March 16, 2002

The Honorable Eric Croft
House of Representatives
Alaska State Capitol Room 400
Juneau, Alaska 99807-1182

Dear Mr. Croft:

The United Youth Courts of Alaska (UYCA) was incorporated in October 1998 as a non-profit corporation and is a resource to Alaskan Communities. The UYCA serves as a centralized location to obtain training, technical assistance, and informational materials on how to start and maintain a youth court. In addition to providing year round technical assistance to Alaskan communities, the UYCA coordinates, schedules, and facilitates teleconference meetings, arranges and coordinates annual state youth court conferences, and offers a youth scholarship program for state and national training opportunities.

There is a statewide need for addressing juvenile crime and delinquency, it has devastating and lasting effects in every community. According to data provided by the Alaska Division of Juvenile Justice Office, in Fiscal Year 2001 there were approximately 7,000 delinquency reports, of those, 11% were referred to Youth Courts, Community Courts or Elder Courts.

Studies indicate, that early intervention can effectively prevent more serious violations from occurring in the future. As reported by the Coalition for Juvenile Justice, "prevention saves lives and money—for each child prevented from beginning a life of crime, taxpayers save as much as \$2 million". There is an urgent need for the legislation to provide support to these innovative prevention and early intervention programs across Alaska. There are 15 established youth courts, 8 emerging youth courts and at least 7 communities interested in developing a youth court program. Youth Courts throughout Alaska are growing rapidly and require additional funding sources in order ensure sustainability to continue efforts across the state.

As a stakeholder in the sustainability of youth courts statewide, UYCA supports HB 430 in locating a reliable funding source for emerging and established youth courts and other informal dispositions in which youth actively assist in adjudicating their peers.

Please contact me toll free at 1-877-278-1165 if you have any questions. Additionally, I would like to be informed when public testimony is to take place.

Sincerely,

LeAnn Chaney
United Youth Courts of Alaska

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Approved

Date: 3/5/02

Submitted by: Assemblymembers Tremaine, Sharnberg,
Taylor, Tesche, Traini, Van Etten, and Sullivan
Prepared by: Department of Assembly
For reading: March 5, 2002

ANCHORAGE, ALASKA
AR NO. 2002-76

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING HOUSE BILL NO. 430, "AN ACT IMPOSING A SURCHARGE ON FINES IMPOSED FOR MISDEMEANORS, INFRACTIONS, AND VIOLATIONS AND AUTHORIZING DISPOSITION OF ESTIMATED RECEIPTS FROM THAT SURCHARGE; AND CREATING THE JUVENILE JUSTICE GRANT FUND IN ORDER TO PROVIDE FINANCIAL ASSISTANCE FOR THE OPERATION OF YOUTH COURTS."

WHEREAS, the average court costs in a traditional State court are about \$3,000 per case, and each offender residing in McLaughlin Youth Center costs the State approximately \$41,000 per year; and

WHEREAS, each case that is diverted to the Anchorage Youth Court (AYC) costs approximately \$650, a number made possible through the utilization of about 30,000 student volunteer hours per year; and

WHEREAS, AYC provides swift, appropriate, and meaningful consequences within two weeks of referral for crimes committed by juveniles; and

WHEREAS, about 9,879 hours of community work service are served and about \$10,720 of restitution is paid on a yearly basis by offenders who come through the AYC; and

WHEREAS, the most common charges that AYC accepts are shoplifting, theft, and property crimes - crimes that cost owners and consumers money; and

WHEREAS, the sentences given for these crimes include restitution, public service, essays, and rehabilitative classes; and

WHEREAS, the AYC accepts approximately 400 cases per year, and maintains a remarkably low recidivism rate of about 10%.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That this body supports and urges passage of House Bill 430 which creates a juvenile justice grant fund in order to provide financial assistance for the operation of youth courts.

Section 2: That copies of this resolution be forwarded to the Governor and the Alaska State Legislature immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2002.

Chair

ATTEST:

Municipal Clerk