

HB

451

HFIN

FILE

IOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 3, 2004

FURTHER REFERRALS:

Date of Committee Action: 3/9/04

The FINANCE Committee considered:

HB 451

HOUSE BILL NO. 451

THERAPEUTIC COURTS

"An Act relating to therapeutic courts; and providing for an effective date."

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
AK COURT		✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DOA	#1			✓
DPC	#2			✓
DHSS	#3			✓
LAW	#4			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>K. Meyer</i>	Meyer	✓			
<i>Bill Stoupe</i>	STOUBE			✓	
<i>[Signature]</i>	Stoupe	✓			
<i>[Signature]</i>	CROFT	✓			
<i>[Signature]</i>	Foster	✓			
<i>[Signature]</i>	FOSTER	X			
Chair: <i>[Signature]</i>	WARRIS	✓			
Chair: <i>[Signature]</i>	WILLIAMS	X			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 451
(H) Publish Date: 3/3/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to therapeutic courts BRU Legal and Advocacy Services
Component Public Defender Agency
Sponsor House Rules
Requester (H) Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

This bill would continue the two pilot therapeutic courts in Bethel and Anchorage, and continue the Anchorage judge position. This bill should not have any further fiscal impact on the operations of the Public Defender Agency.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
Division Public Defender Agency Date/Time 3/1/04 12:00 AM
Approved by: Mike Miller, Commissioner Date _____
Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 451
(H) Publish Date: 3/3/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title "An Act relating to therapeutic courts..." RDU Probation & Parole
Component: _____
Sponsor Rules by Request
Requester House Judiciary Finance Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0				
Travel	0.0	0.0				
Contractual	0.0	0.0				
Supplies	0.0	0.0				
Equipment	0.0	0.0				
Land & Structures	0.0	0.0				
Grants & Claims	0.0	0.0				
Miscellaneous	0.0	0.0				
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0				
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CHANGE IN REVENUES ()	0.0	0.0				
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0				
1003 GF Match	0.0	0.0				
1004 GF	0.0	0.0				
1005 GF/Program Receipts	0.0	0.0				
1037 GF/Mental Health	0.0	0.0				
Other (Specify Type--Do not abbreviate)	0.0	0.0				
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	0	0				
Part-time	0	0				
Temporary	0	0				

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would extend the pilot project for therapeutic courts that was originally established through HB172 in FY2002. Passage of this legislation would have no fiscal impact to the Department of Corrections. Positions and funding were received in FY2002 which would be maintained within the Department's FY2006 Operating Base.

The pilot project established therapeutic courts in Anchorage and Bethel to handle alcohol and drug addicted offenders. The stated purpose of therapeutic courts are lasting sobriety of offenders, protection of society from alcohol related and drug related crimes, prompt payment of restitution to victims of crimes,

(continued)

Prepared by: Jerry D. Burnett, Director Phone (907) 465-3339
Division Administrative Services Date/Time 2/27/04 4:03 PM
Approved by: Portia C.K. Parker, Deputy Commissioner Date 2/27/2004
Agency Department of Corrections

FISCAL NOTE #2

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB 451

ANALYSIS CONTINUATION

(continued)

effective interactions and use of resources among criminal justice and community agencies, and hopefully, a long-term reduction in costs relating to arrest, trial and incarceration.

House Bill 451 will extend the program through FY2006. This bill proposes to allow for the pilot program to continue in FY2006 at the current funding level while the legislature reviews the evaluation of services and determines an appropriate course of action.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: HB 451
(H) Publish Date: 3/3/04

Revision Date/Time (Note if correction):
Title RELATING TO THERAPEUTIC COURTS
Dept. Affected: Health & Social Services
RDU Behavioral Health
Component Behavioral Health Grants

Sponsor {RL} BY REQUEST
Requester HOUSE (JUD) Component No. 2669

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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 (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: _____
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill extends the pilot project for therapeutic courts that was originally established in through HB 172 for FY2002. The pilot project established therapeutic courts in Anchorage and Bethel to handle alcohol and drug-addicted offenders. The purposes of the courts are lasting sobriety of offenders, protection of society from alcohol-related and drug related crime, prompt payment of restitution to victims of crimes, effective interaction and use of resources among criminal justice and community agencies, and long-term reduction of costs relating to arrest, trial, and incarceration.

Continued on next page --

Prepared by: Shawnda Brooks Phone 907-465-3167
Division: Behavioral Health Date/Time _____
Approved by: Joel S. Gilbertson, Commissioner Date 02/26/2004
Agency: Department of Health and Social Services

FISCAL NOTE
FN 3

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB 451

ANALYSIS CONTINUATION

House Bill 451 will extend the program through FY2006. A break in the service being provided as a result of the programs' scheduled conclusion in FY04 and FY05 would result in a delay in services and inefficiencies. This bill proposes to allow for the pilot program to continue in FY06 at the current funding level while the legislature reviews the evaluation of services and determines an appropriate course of action.

Funding for this program is in the Governor's FY2005 budget.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: HB 451
(H) Publish Date: 3/3/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to therapeutic courts; and providing RDU CRIMINAL
for an effective date." Component Third Judicial District
Sponsor House Rules Committee
Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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 (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill extends the pilot programs for therapeutic courts established in Anchorage and Bethel for alcohol- and drug-addicted offenders out to June 30, 2006. The criminal division was appropriated \$198.9 beginning in FY 2002 for the therapeutic court pilot. Additional funds will not be needed as a result of the date extension.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
Division Administrative Services Date/Time 2/29/04 2:25 PM
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/29/2004
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB451-ACS-TC-3-9-04
() Publish Date: _____

Revision Date/Time: Revised 3/9/04

Title Therapeutic Courts BRU Alaska Court System
Component Trial Courts
Sponsor House Rules
Requester Alaska Court System Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	257.2	308.6	308.6	308.6	308.6	308.6
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	257.2	308.6	308.6	308.6	308.6	308.6

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	257.2	308.6	308.6	308.6	308.6	308.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	257.2	308.6	308.6	308.6	308.6	308.6

Estimate of any current year (FY2004) cost: 308.6

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	5	5	5	5	5	5
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The amount requested in this fiscal note is the same amount proposed to be reduced from the court's base budget. This is not new money, it represents funds that has been in the court's base budget since FY02. The FY 05 savings is less than later years because the first judge currently scheduled to retire will end his service effective 8/31/04, which leaves be only 10 months savings for FY 05.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 3/9/04 7:29 AM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 3/9/2004
Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: HB 451
(H) Publish Date: 3/3/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Therapeutic Courts BRU Alaska Court System
Sponsor House Rules Component Trial Courts
Requester Alaska Court System Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	308.6	308.6	308.6	308.6	308.6	308.6
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	308.6	308.6	308.6	308.6	308.6	308.6

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	308.6	308.6	308.6	308.6	308.6	303.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	308.6	308.6	308.6	308.6	308.6	308.6

Estimate of any current year (FY2004) cost: 308.6
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal: X

POSITIONS

Full-time	5	5	5	5	5	5
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The amount requested in this fiscal note is the same amount proposed to be reduced from the court's base budget. This is not new money, it represents funds that has been in the court's base budget since FY02.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
Division: Alaska Court System Date/Time 2/20/04 9:04 AM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 2/20/2004
Agency: Alaska Court System

Sponsor Statement
HB 451
Alaska Court System
2/19/04

HB 451 extends the termination dates for two pilot therapeutic court programs until after a planned study of those courts has been completed and reviewed by the legislature. The bill also removes a sunset clause on the Anchorage superior court judge position that was added, in part, to administer one of those therapeutic courts.

In 2001 the legislature passed HB 172, which established felony-level therapeutic courts in Anchorage and Bethel. Each court was set up as a pilot program scheduled to run for three years. The Anchorage court admits those with a felony conviction for driving under the influence of an alcoholic beverage, inhalant, or controlled substance (DUI). The Bethel court admits those convicted of either felony DUI or certain felony drug offenses. The findings section of HB 172 explained the purposes of these courts:

The purposes of therapeutic courts are lasting sobriety of offenders, protection of society from alcohol-related and drug-related crime, prompt payment of restitution to victims of crimes, effective interaction and use of resources among criminal justice and community agencies, and long-term reduction of costs relating to arrest, trial, and incarceration.

In order to determine the effectiveness of these courts the Judicial Council was charged with evaluating them and publishing a study for legislative review. Unfortunately, both the Anchorage and Bethel programs sunset long before the evaluation is scheduled to be completed and, because the report is to be published in July, many months more before the legislature has an opportunity to review that evaluation. If the legislature looks at the evaluation study and decides that the programs should continue, it will be too late; both programs would have ended more than a year earlier.

In order to fix this problem, HB 451 extends the termination date of the pilot programs until after the legislature has had an opportunity to review their effectiveness.

House Bill 451 also removes a sunset clause in HB 172 that will terminate the Anchorage superior court judge position that was added by that bill. The new judge was necessary not only to do the work of the therapeutic court but also to help absorb the growing felony caseload in Anchorage. The sunset clause will take effect this summer at the same time the therapeutic court program is scheduled to end. Not only will that mean the end of the felony therapeutic court, it will also mean that Anchorage will have one less judge for other superior court work. The therapeutic court judge in Anchorage spends most of her time on general superior court work unrelated to therapeutic court cases. If we lose the judicial position it will impact all superior court cases in Anchorage.

The loss of a superior court judge in Anchorage will return us to the number of judges initially established in 1984. Since that time the felony caseload in Anchorage has increased approximately 100%. We simply cannot afford to lose a superior court position in Anchorage and to return to a level of judicial coverage that was appropriate 20 years ago.

Thank you for your consideration of this bill.