

HB

451

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 04/16/04

FURTHER:

REPORTED OUT
MAY 13 2004
SENATE FINANCE
COMMITTEE

DATE TURNED IN TO OFFICE: 3 May 2004

Finance Committee considered

HOUSE BILL NO. 451

HB 451 THERAPEUTIC COURTS

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

and recommends:

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

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero.	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Admin	3/1/04			✓	#1
Corrections	2/1/04			✓	#2
DHSS	2/1/04			✓	#3
LAW	2/1/04			✓	#4
Court	3/1/04	257.2			#6

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Frank Dixon</i>	✓			
<i>Ben Steinhilber</i>	✗			
<i>(U) Bland</i>	✓			
COCHAIR: <i>Lyle Green</i>	✓			
COCHAIR: <i>Sam Hill</i>	✓			

MAY 03 2004

SENATE FINANCE
COMMITTEE

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

MAY 03 2004

SENATE FINANCE
COMMITTEE

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 Component No. _____
Requester House Judiciary Finance

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.

MAY 03 2004

SENATE FINANCE
COMMITTEE

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						
CHANGE IN REVENUES (0)						

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-du 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

REPORTED OUT
MAY 03 2004
SENATE FINANCE
COMMITTEE

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. Laughhete, 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

C :ITTEE COPY

FISCAL NOTE

REPORTED OUT
MAY 03 2004
SENATE FINANCE
COMMITTEE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: HB 451
(H) Publish Date: 3/12/04

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

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.

MEMORANDUM

ALASKA COURT SYSTEM

Telephone: (907) 264-8265
Facsimile: (907) 264-8291

TO: Senator Gary Wilken
Co-Chair Senate Finance Committee

FROM: Doug Wooliver
Administrative Attorney
Alaska Court System

DATE: May 2, 2004

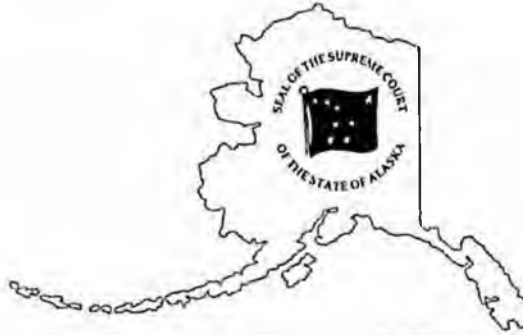
RE: Fiscal Note for HB 451

Section 2 of HB 451 deletes the sunset clause on a superior court judge position that was added to the Anchorage bench in 2001. The deletion of that sunset clause means that the costs associated with that position will remain in the court's budget.

Although passage of HB 451 will not require any new funds (the costs have been in our budget since 2001), the House Finance Committee asked that the court system submit a fiscal note that reflects the ongoing costs of the judicial position. The committee then removed the same amount from our budget. If HB 451 fails to pass the legislature then the house budget already reflects the decrement associated with the loss of a superior court judge. If HB 451 passes then the costs of that position will be funded through the fiscal note.

In contrast, the Senate's budget for the court system already contains the ongoing costs for this judge so no fiscal note is needed.

What this means will depend on whether HB 451 passes and whether the conference committee on the operating budget adopts the house or the senate numbers for the court system. However, should HB 451 pass and should the conference committee adopt the senate numbers then the fiscal note for HB 451 will be zero.



ALASKA COURT SYSTEM
State of Alaska
Office of the Administrative Director

Doug Wooliver
Administrative Attorney

820 West 4th Avenue
Anchorage, Alaska 99501-2005
(907) 264-8265
FAX (907) 264-8291

April 19, 2004

The Honorable Gary Wilken
Co-Chair, Senate Finance Committee
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Wilken:

The Alaska Court System respectfully requests that you schedule HB 451 for a hearing before the Senate Finance Committee at your earliest convenience.

House Bill 451 was introduced at the request of the court system to delay the termination dates of two pilot therapeutic court programs in Anchorage and Bethel. Those felony-level courts were established in 2001 through the passage of HB 172. They are each scheduled to run for three years, after which the Judicial Council is to evaluate the programs and publish a study for the court and the legislature to review. Unfortunately, because of the timing of the report, both programs will end more than a year before the legislature has an opportunity to decide whether they should continue. In order to fix this problem, HB 451 extends the termination date of the HB 172-courts until after the legislature has had the opportunity to evaluate their effectiveness.

Additionally, HB 451 deletes a sunset clause that was placed on the Anchorage superior court judge position that was added by HB 172. 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.

Thank you for your consideration of this bill.

Sincerely,



Doug Wooliver

SENATE COMMITTEE REPORT

DATE: 3/24/04

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/16/04

Judiciary Committee considered

HOUSE BILL NO. 451

HB 451 THERAPEUTIC COURTS

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

and recommends:

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

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____


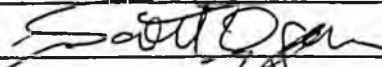
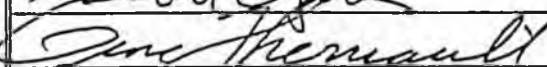
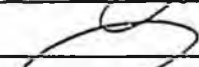
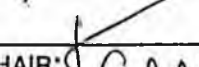
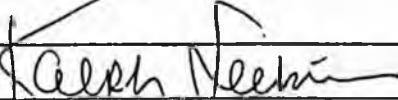
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	3/1			✓	1
COR	2/27			✓	2
HSS	2/26			✓	3
LAW	2/29			✓	4
CRT	3/9	✓			6

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		Do PASS	Do NOT PASS	NO REC	AMEND
French		✓			
Ogan		✓			
Therriault		✓			
					
					
Seckens	CHAIR: 	✓			