

**HB**

**54**

**HFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number 1  
Bill Version CSHB 54(JUD)  
(H) Publish Date 4/5/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected Corrections  
Title "An act relating to bail review" RDU Institutional Facilities  
Component Institution Director's Office  
Sponsor Representatives Samuels, Stolze, Hawker  
Requester Judiciary Finance Component No. 524

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	00	00	00	00	00	00
Travel	00	00	00	00	00	00
Contractual	00	00	00	00	00	00
Supplies	00	00	00	00	00	00
Equipment	00	00	00	00	00	00
Land & Structures	00	00	00	00	00	00
Grants & Claims	00	00	00	00	00	00
Miscellaneous	00	00	00	00	00	00
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	00	00	00	00	00	00
1003 GF Match	00	00	00	00	00	00
1004 GF	00	00	00	00	00	00
1005 GF/Program Receipts	00	00	00	00	00	00
1007 GF/Mental Health	00	00	00	00	00	00
Other (Specify Type--Do not abbreviate)	00	00	00	00	00	00
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal.

**POSITIONS**

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

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

The Department of Corrections does not anticipate a significant fiscal impact with the passage of this legislation.

Prepared by Sharon Griffin, Acting Director  
Division Administrative Services  
Approved by Patricia C. K. Parker, Deputy Commissioner  
Agency Department of Corrections

Phone 485 4941  
Date/Time 3/22/05 9:49 AM  
Date 3/22/05

# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number 2  
Bill Version CSHB 54(JUD)  
(H) Publish Date: 4/5/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
Title Bail Review BRU Alaska Court System  
Component Trial Courts  
Sponsor Representatives Samuels and Stoltz  
Requester \_\_\_\_\_ Component No. 768

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<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						
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other (Specify Type-Do not add levies)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 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 54.

Prepared by Douglas Woolver, Administrative Attorney Phone 463-4750  
Division Alaska Court System Date/Time 3/24/05 9:08 AM  
Approved by Doug Woolver for Stephanie Cole, Administrative Director Date 3/24/2005  
Agency Alaska Court System

# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: CSHB 54(JUD)  
(H) Publish Date: 4/5/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
Title: "An Act relating to bail review." RDU: CRIMINAL  
Component: Criminal Justice Litigation  
Sponsor: Representative Samuels and Stoltze  
Requester: House Judiciary Component No. \_\_\_\_\_

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

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
This bill adds a new subsection under AS 12.30.020 (Code of Criminal Procedures - Bail - Release before trial) relating to review of bail conditions. The proposal would adopt requirements regarding the notice and timing before a subsequent bail hearing could be scheduled. It also requires the person in custody to provide a written statement that information not considered in the previous review will be presented, including a description of the new information.

Passage of this legislation will have no (fisc) impact on the Department of Law.

Prepared by: Kathryn Daughhatee, Director Phone: 465-3673  
Division: Administrative Services Division Date/Time: 3/29/05 4:16 PM  
Approved by: K. Daughhatee for Scott Nordstrand, Acting Attorney General Date: 3/29/2005  
Agency: Department of Law

*adopted  
as amended*

24-LS0271\Y.1  
Luckhaupt  
3/29/05

AMENDMENT 1

OFFERED IN THE HOUSE

BY REPRESENTATIVE *Stoltze*  
*(on behalf of Rep Samuel)*

TO: CSHB 54( ), Draft Version "Y"

1 Page 1, line 1, following "review;":

2 Insert "relating to petitions for review by crime victims where the defendant has  
3 received a mitigated sentence;"

5 Page 2, following line 13:

6 Insert a new bill section to read:

7 **\*\* Sec. 4.** AS 12.55.120 is amended by adding a new subsection to read:

8 (e) The victim of the crime for which a defendant has been convicted and  
9 sentenced may file a petition for review in an appellate court of a sentence that has  
10 been mitigated under AS 12.55.155(d)."

12 Renumber the following bill sections accordingly.

14 Page 2, line 25:

15 Delete "Section 4"

16 Insert "Section 5"

*adopted*

24-LS0271N.1  
Luckhaupt  
4/12/05

AMENDMENT 2

OFFERED IN THE HOUSE  
TO: CSHB 54(JUD)

BY REPRESENTATIVE CROFT

1 Page 1, line 1, following "review;":

2 Insert "relating to the qualifications of certain members of the Violent Crimes  
3 Compensation Board;"

4

5 Page 2, following line 13:

6 Insert a new bill section to read:

7 **\*\* Sec. 4. AS 18.67.020(a) is amended to read:**

8 (a) There is the Violent Crimes Compensation Board in the Department of  
9 Administration composed of three members to be appointed by the governor. One of  
10 the members shall be designated as chair [CHAIRMAN] by the governor. At least  
11 one member must be a medical or osteopathic physician licensed to practice in this  
12 state or holding a retired status license in this state and one member must be an  
13 attorney licensed to practice in this state or retired from practice in this state."

14

15 Renumber the following bill sections accordingly.

16

17 Page 2, line 25:

18 Delete "Section 4"

19 Insert "Section 5"

20

21 Page 2, line 31:

22 Delete "sec. 5"

23 Insert "sec. 6"

1

2 Page 3, line 4:

3 Delete "sec. 4"

4 Insert "sec. 5"

5

6 Page 3, line 5:

7 Delete "sec. 6"

8 Insert "sec. 7"



# REPRESENTATIVE RALPH SAMUELS

HOUSE DISTRICT 29

## CS HB 54 Sponsor Statement

**“An Act relating to bail review; relating to the introduction of the victim and the defendant or minor to the jury; amending Rule 27, Alaska Rules of Criminal Procedures; amending Rule 21, Alaska Delinquency Rules; and providing for an effective date.”**

Current Alaska law says that a person charged with an unclassified crime or a class A felony may make an application to the court to review the bail conditions and argue for reductions for the amount of bail every 24 hours without limitation. This poses logistical problems for all parties involved, given the short amount of time to prepare for each new bail hearing.

HB 54 establishes three requirements designed to alleviate calendaring strain on the court system and the district attorney's office while also protecting crime victims' rights and reducing same day notice of hearings. First, in order to calendar a subsequent bail hearing, the accused must submit in writing, that there exists new information for the court's consideration that was not considered at prior bail hearings. Second, the district attorney is given 48 hours notice in which to notify the victim of the hearing. Finally, hearings may not be set everyday; rather there will be a 48-hour period between calendared bail hearings. These provisions balance the rights of the accused with the rights of crime victims and accommodate for the schedules of both the district attorney's office and the court system.

HB 54 also outlines by statute that a victim may be introduced to a jury during the opening statement at a trial or during the jury selection process. This is to ensure that the courts recognize the right of the prosecution to introduce the victim at the appropriate time. The bill, if passed, would cause indirect court rule changes to Rule 27, Criminal Procedure and Rule 21, Delinquency Rules.

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

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February 11, 2005

Representative Ralph Samuels  
House of Representatives  
State Capitol  
Juneau AK 99801-1182

Dear Representative Samuels:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 54, relating to bail review.

The APOA State Board and Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

The proposed bill closes a loophole and helps to stem frivolous bail hearings. The courts are already under tremendous pressure in trying to schedule the ever-burgeoning case load. This legislation is a step toward easing the court calendar.

Thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Angella Long  
State President

*Part of bill passed*

cc: Rep. Bill Stoltze