

HB

155

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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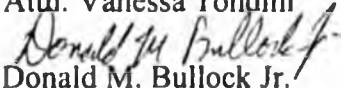
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 3, 2005

SUBJECT: CSHB 155(JUD) including amendments
(Work Order No. 24-LS0614\F)

TO: Representative Lesil McGuire
Attn: Vanessa Tondini

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

Enclosed is CSHB 155(JUD). This version includes two changes made in committee.

First, the title has been shortened to cover the funding for youth courts in sec. 2 and the accounting for fines imposed and collected under AS 12.55.035.

Second, in addition to the language deleted by Representative Gruenberg's amendment #1, additional language is deleted through the end of the sentence. The additional language was deleted to conform to the amendment that deleted the reference to the United Youth Courts of Alaska.

If I may be of further assistance, please advise.

DMB:jad
05-135.jad

Enclosure

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB155-LAW-CDGP-3-1-1
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to youth courts and to the RDU CRIMINAL
recommended use of criminal fines to fund activities..." Component Criminal Justice Litigation
 Sponsor Representative Samuels
 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						
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 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 (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 amends AS 12.55.035 in the Code of Criminal Procedure by adding a requirement that fines collected shall be separately accounted for as general fund program receipts. The Department of Law already accounts for the receipts this way. Additionally, the bill allows the legislature to appropriate 25% of the criminal fines collected to fund youth courts in Alaska. The Department of Law also relies on these funds to help pay for its Collections unit in the Civil Division. The FY 2005 level of that appropriation is \$306,800 and our FY 2006 funding request is \$324,800. Based on FY 2004 actuals, approximately \$1.2 million in fines was collected by the unit, so at least for now, sufficient funds appear to be available to satisfy a 25% appropriation without jeopardizing the Department of Law's funding. We therefore do not anticipate a fiscal impact from passage of this legislation.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
 Division: Administrative Services Division Date/Time 3/1/05 1:48 PM
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 3/1/2005
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB155-DHSS-DJJ1-03-02-05
 () Publish Date: _____

Revision Date/Time (Note if correction): 3/1/05 5:30 p.m.

Dept. Affected: Health & Social Services

Title: RELATING TO YOUTH COURTS AND
 CRIMINAL FINES

RDU: Juvenile Justice

Component: Probation Services

Sponsor: SAMUELS

Requester: HOUSE (JUD)

Component No.: 2134

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	36.8	36.8	36.8	36.8	36.8	36.8
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	36.8	36.8	36.8	36.8	36.8	36.8

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	36.8	36.8	36.8	36.8	36.8	36.8
1037 GF/Mental Health						
Other (Specify Type-do not abbreviate)						
Other (Specify Type-do not abbreviate)						
TOTAL	36.8	36.8	36.8	36.8	36.8	36.8

Estimate of any current year (FY2006) cost: _____

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This fiscal note is based on the assumption that the Legislature wants to appropriate 25% of the fines collected from the Alaska Court System to help fund youth courts in Alaska as this legislation would allow.

Currently, an Associate Coordinator position within the Director's Office of the Division of Juvenile Justice manages the youth court grants that currently exist. On this fiscal note, the Division is reflecting the proposed appropriation of a .5 FTE at this same level. Based on the estimated 35 additional grants that would be incurred for this Division, it has been determined that an additional part-time position would need to be established to absorb the additional workload.

Prepared by: Patty Ware
 Division: Juvenile Justice
 Approved by: Joel S. Gilbertson, Commissioner
 Agency: Department of Health and Social Services

Phone: 465-2112
 Date/Time: 03/01/2005
 Date: 03/02/2005

Amendment #1 by Rep. Gruenberg

CS HB 155 (JUD)

PASSED

Page 1, lines 11-12

Delete ", or (2) the United Youth Courts of Alaska"

Conceptual Amendment #2 by Rep. Gruenberg
PASSED

CSTB 155 (JUD)

Appropriately narrow the title to cover only those things covered in the bill.
(especially referring to second part of title
"and relating to accounting for criminal fines")

24-LS0614G
Bullock
2/28/05

CS FOR HOUSE BILL NO. 155(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES SAMUELS, Wilson, McGuire, Holm, LeDoux, Hawker, Harris, Anderson, Croft

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to youth courts and to the recommended use of criminal fines to fund
2 the activities of youth courts; and relating to accounting for criminal fines."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 12.55.035 is amended by adding a new subsection to read:

5 (g) Fines imposed and collected under this section shall be separately
6 accounted for under AS 37.05.142.

7 * **Sec. 2.** AS 47.12 is amended by adding a new section to article 3 to read:

8 **Sec. 47.12.410. Funding for youth courts.** The legislature may appropriate
9 25 percent of the fines imposed under AS 12.55.035 and collected and separately
10 accounted for by the state under AS 37.05.142 to the department for distribution to (1)
11 youth courts established and operating under AS 47.12.400, or (2) the United Youth
12 Courts of Alaska for distribution by that organization to youth courts established and
13 operating under AS 47.12.400. Nothing in this section creates a dedicated fund.

14 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITION. Notwithstanding the requirements of AS 12.55.035(g), enacted by
3 sec. 1 of this Act. and AS 47.12.410, enacted by sec. 2 of this Act, that fines collected under
4 AS 12.55.035 be accounted for separately, the Alaska Court System shall deposit money
5 collected under AS 12.55.035 in the general fund and shall, by February 1 of each year,
6 provide to the Department of Administration, to the Legislative Budget and Audit Committee,
7 and to each house of the legislature an estimate of the money collected under AS 12.55.035
8 for that fiscal year.

9 * **Sec. 4.** Section 3 of this Act is repealed on the date that the Alaska Court System has the
10 capability to separately track and account electronically for money collected under
11 AS 12.55.035. The executive director of the Alaska Court System shall notify the lieutenant
12 governor and the revisor of statutes when the electronic capability described in this section
13 has been obtained.

Vanessa Tondini

To: Doug Wooliver**Subject:** RE: HB 155

From: Doug Wooliver [mailto:dwooliver@courts.state.ak.us]**Sent:** Friday, February 25, 2005 11:41 AM**To:** Vanessa Tondini; Sara Nielsen**Subject:** HB 155

Hello, Vanessa and Sara. This is just to put in writing what I tried to explain to Vanessa earlier this morning. I doubt that I was very clear.

The court system can track criminal fines as a separate category in those locations where our new computer system is operational. So far that means Palmer, Anchorage and Fairbanks. The bill poses no problems for us in those locations. The problem is in the other areas that have yet to get the new system. In those locations our old computer system tracks fines along with forfeitures. We cannot separate the two. This means that we cannot separately account for fines in those locations, as required under HB 155. We have a similar problem with tracking surcharges.

What we can do is provide the legislature with an estimate of the amount of fines we collect each year. That estimate will be fairly accurate as we have a pretty good idea as to the percentage of the "fines and forfeitures" grouping that represent fines. Additionally, slightly over 50% of the fines will come from Palmer, Anchorage and Fairbanks. That means that we only have to estimate half of the fines. By the end of next year we will have more courts on the new system and our estimate will be even more accurate. Each year will get better until all of our courts are on the new system.

In 1998 the legislature passed HB 261, which dealt with surcharges. Section 10 of that bill allows us to come up with an annual estimate as to the amount of surcharges we will collect and we report that each year to the legislature. That system works well and we could do the same for fines. That is what I asked the drafter to do for the CS.

I hope that this all makes sense and that the sponsors are OK with this option. I think that it will still get you what you presumably want, which is a dollar figure for fines collected.

There is one other option that comes to mind. You could simply refer to a set percentage of the fines and forfeitures collected (our accounting category) and we could give you an exact amount each year.

Please let me know if you have any questions or concerns. I am on my way to the airport now but I will be in Anchorage on Monday (264-3265) and back in Juneau Monday night.

Doug

January 24, 2005

Senate President
Alaska State Legislature
State Capitol, Room 107
Juneau, AK 99801-1182

The 1998 session surcharge bill, SCS CSHB 261, required the court system to estimate the money collected each fiscal year from this legislation. Court system fiscal staff estimates that \$XXXX of surcharges will be collected during fiscal year 2005.

If you have any questions on this information, please contact Rhonda McLeod at 264-8215.

Very truly yours,

Stephanie J. Cole
Administrative Director

cc: _____, Alaska Police Standards Council
C. S. Christensen III, Alaska Court System




REPRESENTATIVE RALPH SAMUELS

HOUSE DISTRICT 29

Memorandum

Date: February 17, 2005

To: Representative Lesil McGuire, Chair
House Judiciary Committee

From: Representative Ralph Samuels 

RE: Hearing Request for HB 155

Please schedule a hearing for HB 155 at your earliest convenience. The bill simply would allow the Legislature to annually allocate funds to support the youth courts of Alaska.

Attached you will find:

1. HB 155
2. Sponsor Statement

Email: Representative_Ralph_Samuels@legis.state.ak.us

Session: Alaska State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-2095 Fax: (907) 465-3810
Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • Phone: (907) 269-0240 Fax: (907) 269-0242



REPRESENTATIVE RALPH SAMUELS

HOUSE DISTRICT 29

HB 155

SPONSOR STATEMENT

"An Act relating to youth courts and to the recommended use of criminal funds to fund the activities of youth courts; and relating to account for criminal fines."

HB 155 would create a separate accounting mechanism for fines collected by the Alaska Court system in criminal judgments and would authorize the legislature to appropriate up to 25% of those collected fines either directly to local youth courts or to the United Youth Courts of Alaska for distribution to local youth courts.

Currently youth courts operate in fourteen communities throughout Alaska: Anchorage, Delta Junction, Fairbanks, Homer, Juneau, Kake, Kenai, Ketchikan, Kodiak, Kotzebue, Mat-Su, Nome, Sitka and Wrangell. The Anchorage Youth Court, established in 1989, is the oldest of the programs. In the first two quarters of the current fiscal year, there have been 471 youth offenders referred to these programs, 397 adjudications, and 8,833 hours of community service and \$7,502.00 in restitution ordered.

Since 1989, 4,049 cases have been referred to the Anchorage Youth Court alone. These youth offenders have completed a total of 85,576 community work service hours and paid \$68,300.00 in restitution to victims. These programs, while unique in their own ways, are working. A 2002 Urban Institute study found that only 6% of offenders going through the Anchorage Youth Court re-offend -- by far the best percentage of any court in the study.

Most of the youth offenses prosecuted by local youth courts would otherwise go unpunished because of limited resources of the traditional court system. Failure to intervene and hold first time offenders accountable for their illegal acts results in more frequent and serious juvenile crimes in the future. Youth courts provide an effective avenue to intervene early with young offenders and set them on the right track or so they do not become adult offenders.

HB 155 will provide a way for the legislature to annually allocate funds to support this effective, worthwhile, and cost efficient program.

Email: Representative_Ralph_Samuels@legis.state.ak.us

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