

SB

234

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 234(JUD)
() Publish Date: _____

Identifier (file name): SB234CS(JUD)-CED-OL-03-26-08 Dept. Affected: Commerce
Title Criminal Law/Procedure: Omnibus Bill RDU Corp, Bus & Prof Licensing (117)
Component Corp, Bus & Prof Licensing
Sponsor Rules by Request of the Governor
Requester Senate Finance Component Number 2360

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
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	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 Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This committee substitute amends AS 08.76 Pawnbrokers by requiring individuals to maintain an electronic record of information required by statute and submit the record as required by law enforcement agencies.

This legislation puts the requirements onto the individuals rather than the Department and would have no fiscal impact to the operations of the Division of Corporations, Business, and Professional Licensing.

Prepared by: Chris Wyatt, Administrative Officer Phone (907) 465-2572
Division Corporations, Business, and Professional Licensing Date/Time 3/26/08 6:19 PM
Approved by: Emil Notti, Commissioner Date 3/25/2008
Commerce, Community, and Economic Development

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 234(JUD)
() Publish Date: _____

Identifier (file name): SB234CS(JUD)-DOA-OPA-3-21-08 Dept. Affected: Administration
Title: "An Act relating to the crimes of assault in the fourth degree..." RDU: Legal and Advocacy Services
Component: Office of Public Advocacy
Sponsor: Rules Committee Component Number: 43
Requester: Governor

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services			20.2	53.5	92.5	131.5	144.5	
Travel			0.7	1.8	3.1	4.4	4.6	
Contractual			8.5	22.6	39.0	55.5	61.0	
Supplies			0.4	1.0	1.7	2.5	2.7	
Equipment			1.2	3.3	5.7	8.1	2.2	
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	31.1	82.1	142.0	201.9	215.2	

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	31.1	82.1	142.0	201.9	215.2	
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	31.1	82.1	142.0	201.9	215.2	

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	0.0	0.00	0.00	0.00	0.00	0.00	1.00
Part-time	0.0	0	0	0	0	0	0
Temporary	0.0	0	0	0	0	0	0

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

This bill will convert the class A misdemeanor crime of assault in fourth degree (physical crime against a person) into a class C felony for criminal defendants previously convicted two or more times of certain crimes against a person within the past ten years. The predicate crimes include assault crimes under AS 11.41.100 -2b2 (excluding the non-physical crimes), most municipal assault offenses, stalking in the first and second degree, and first and second degree sexual assault and sexual abuse of a minor.

Continued on page 2

Prepared by: Rachael Levitt, Deputy Director
Division: Office of Public Advocacy
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907 269-3504
Date/Time 3/21/08, 12:00 p.m.
Date 3/21/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. SB 234

ANALYSIS CONTINUATION

The Alaska Court System's records show that had this law been in place in calendar year 2007, there would have been 600 misdemeanor crimes charged as felonies. Because felony cases are more expensive and time consuming than misdemeanors, and because a number of these cases would otherwise be handled by municipal defenders rather than OPA, this bill will impact the Office of Public Advocacy. Although this bill is prospective, based upon numbers from the Department of Corrections, we believe that by 2014, the Agency will receive appointments in 130-180 new felony cases each year. This will result in the need for 1 new attorney position. We also anticipate increased contractual costs to pay for representation of clients in areas where OPA does not have staff attorneys or due to conflicts of interest.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 234(JUD)
() Publish Date: _____

Identifier (file name): SB234CS(JUD)-DOA-PDA-3-20-08 Dept. Affected: Administration
Title: "An Act relating to the crimes of assault in the fourth degree..." RDU: Legal and Advocacy Services
Sponsor: Senate Rules Committee Component: Public Defender Agency
Requester: _____ Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services			107.1	214.2	321.3	321.3	321.3	
Travel			2.6	5.2	7.7	7.7	7.7	
Contractual			19.1	38.2	57.2	57.2	57.2	
Supplies			1.7	3.4	5.0	5.0	5.0	
Equipment			6.7	13.4	20.1	20.1	20.1	
Lans & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0		137.2	274.4	411.3	411.3	411.3	411.3

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			137.2	274.4	411.3	411.3	411.3	
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	137.2	274.4	411.3	411.3	411.3	411.3

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time			1	2	3	3	3
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

CSSB 234(JUD) will make a misdemeanor, physical crime against a person (assault in the fourth degree) a class C felony if the defendant has been convicted two or more times of certain crimes against a person within the past ten years. The predicate crimes include assault crimes under AS 11.41.100 - 282 (excluding the non-physical crimes), most municipal assault offenses, stalking in the first and second degree, and first and second degree sexual assault and sexual abuse of a minor offenses.

Continued on page 2

Prepared by: Quinlan Steiner, Director
Division: Public Defender Agency
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-334-4414
Date/Time 3/20/08 4 20 PM
Date 3/21/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 234(JUD)

ANALYSIS CONTINUATION

Court records show that had this law been in place in calendar year 2007 the court would have seen approximately 600 misdemeanor crimes charged as felonies. Because felony crimes are more expensive and time-consuming than misdemeanor crimes, this bill will impact the Agency.

This bill is prospective; the only prior convictions that will apply will be those that occur on or after the effective date of this Act. The Agency expects as many as 350-475 new felony cases. The Agency anticipates the need for two new attorney positions and one law office assistant position due to the expected additional cases and to the increased complexity of cases that would have formerly been processed as misdemeanors.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB234CS(JUD)-DOC-IDO-03-21-08
() Publish Date: _____

Identifier (file name): 0038-DOC-IDO-01-15-08 Dept. Affected: Corrections
Title: "Act relating to crimes of assault in fourth degree... relating to the determination of time of a conviction; ...offenses concerning controlled ..." RDU: Population Management
Sponsor: Rules Committee Component: Institution Director's Office
Requester: Senate Finance Component Number: 524

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
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 Interagency Receipts	.	.	.	.	.	.	.
TOTAL	.	.	.	.	.	.	.

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	.	.	.	.	.	.	.
Part-time	.	.	.	.	.	.	.
Temporary	.	.	.	.	.	.	.

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation will have an impact on the Department of Corrections.

The department has calculated costs associated with the potential increase in mandays based on a blended rate (average of in-state and out-of-state daily bed rates) of \$85.00 per day.

(See page 2)

Prepared by: Sharleen Griffin, Director
Division: Administrative Services
Approved by: Dwayne Peoples, Deputy Commissioner
Department of Corrections

Phone: (907) 465-3339
Date/Time: 3/21/08 9 02 AM
Date: 3/21, 2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. SB234CS(JUD)-DOC-IDO-03-21-08

ANALYSIS CONTINUATION

One additional Adult Probation Officer position with support costs will be necessary when the total crime legislation increases the offender population by 80. The estimated cost for each required position is \$85,600.

Offender population is based on the Courts information reflecting 600 Assault IV cases which have the potential to become felony cases. In FY2007, the Courts reflected a 76% conviction rate of felony cases.

Based on the information provided by the Courts, the Department of Corrections anticipates an impact of up to approximately 456 offenders annually. The department is also estimating that each offender will be incarcerated for 18 months.

The following reflects the impact of the increased offender population with passage of this legislation as:

Anticipated offender growth impact :

Increased mandays :

	2009	2010	2011	2012	2013	2014
Total Annual Offender Count :	0	63	192	312	395	457
Total 6 Month Offender Count :			63	192	312	395
Increased Mandays :	0	22,995	81,546	149,136	200,959	238,695

Estimated annual costs :

Blended Daily annual bed rate : **\$85.00**

Annual Incarceration Costs :	\$0	\$1,954,575	\$6,931,410	\$12,676,560	\$17,081,515	\$20,289,075
Probation Officer Costs :	\$0	\$0	\$0	\$85,600	\$256,800	\$513,600
Total Annual Costs :	\$0	\$1,954,575	\$6,931,410	\$12,762,160	\$17,338,315	\$20,802,675

PO PFT's :	0	0	0	1	3	6
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Data from Offender Tracking Information System reflecting the percentage of time from 1st to 3rd conviction :

Months	Offenders	Percentage
0 - 12	75	13.86%
13 - 24	153	28.28%
25 - 36	142	26.25%
37 - 48	98	18.11%
49 - 60	55	10.17%
61 - 67	18	3.33%
	541	100.00%

Sections 5, 10 and 11 will have an impact on the department. However, at this time Department of Corrections is unable to estimate the number of individuals who would be committed to the custody of the department as a result of these sections.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 234(JUD)
() Publish Date: _____

Identifier (file name): _____ Dept. Affected: Alaska Court System
Title Criminal Law/Procedure Omnibus Crime Bill RDU Trial Courts
Component Trial Courts
Sponsor Senate Rules Committee by Request of the Governor
Requester Senate Finance Committee Component Number 768

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services			23.8	40.9	67.1	94.1	101.4
Travel			0.8	2.3	4.0	5.6	6.0
Contractual			19.7	50.7	86.0	121.5	130.4
Supplies			6.0	3.0	3.0	3.0	3.0
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	50.3	96.9	160.1	224.2	240.8

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			50.3	96.9	160.1	224.2	240.8
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	50.3	96.9	160.1	224.2	240.8

Estimate of any current year (FY2008) cost: _____

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

CSSB 234(JUD) will make a misdemeanor, physical crime against a person (assault in the fourth degree) a class C felony if the defendant has been convicted two or more times of certain crimes against a person within the past ten years. The predicate crimes include assault crimes under AS 11.41.100 - 282 (excluding the non-physical crimes), most municipal assault offenses, stalking in the first and second degree, and first and second degree sexual assault and sexual abuse of a minor offenses

Continued on page 2.

Prepared by: Doug Wooliver, Administrative Attorney
Division: Alaska Court System
Approved by: Stephanie Cole, Administrative Director
Alaska Court System

Phone: 907-463-4750
Date/Time: 3/20/08 11:56 AM
Date: 3/20/08

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 234(JUD)

ANALYSIS CONTINUATION

Court records show that had this law been in place in calendar year 2007 the court would have seen approximately 600 misdemeanor crimes charged as felonies. Because felony crimes are more expensive and time-consuming than misdemeanor crimes, this bill will impact the court system.

This bill is prospective in that the only prior convictions that will apply will be those that occur on or after the effective date of this Act. Based on a study of their current population, the Department of Corrections estimates that the criminal justice system will see approximately 14% of these new felony offenders in FY 2010, 23% in FY 2011, 27% in both FY 2012 and 2013, and 6% in FY 2014.

This fiscal note reflects the cost of additional superior court judicial and clerical time as well as additional juror costs.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB234CS(JUD)-LAW-CRIM-03-20-08
Bill Version: SB234CS(JUD)
() Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
Title An Act relating to the crimes of assault in the fourth degree RDU CRIMINAL
and of resisting or interfering with arrest; Component Criminal Appeals/Special Litigation
Sponsor Rules Committee
Requester Senate Finance Component Number 2203

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	132.2	0.0	132.2	132.2	132.2	132.2	132.2	132.2
Travel	2.2	0.0	2.2	2.2	2.2	2.2	2.2	2.2
Contractual	2.0	0.0	1.0	1.0	1.0	1.0	1.0	1.0
Supplies								
Equipment	6.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	142.9	0.0	135.4	135.4	135.4	135.4	135.4	135.4

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

1002 Federal Receipts								
1003 GF Match								
1004 GF	142.9	0.0	135.4	135.4	135.4	135.4	135.4	135.4
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	142.9	0.0	135.4	135.4	135.4	135.4	135.4	135.4

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This omnibus legislation makes several changes in the criminal law which will increase prosecutions.

The bill will create a class C felony for persons who commit assault in the fourth degree (a class A misdemeanor), if the person has two convictions in the previous 10 years of serious crimes against a person. This goal of protecting society from persons who habitually assault others will have a statewide impact on the prosecution of assault.

The expansion in the court's jurisdiction to issue search warrants outside the state is designed to increase the number of cross-boarder crimes that can be prosecuted. It is anticipated that this will be especially true in computer-aided crimes and child pornography. The new attorney would receive specialized training in computer-aided offenses. **-continued-**

Prepared by: Betty Martin, Administrative Services Division Phone (907) 465-3673
Division: Administrative Services Date/Time 3/20/08 11:30 AM
Approved by: Talis Colberg, Attorney General Date 3/20/2008
Department of Law

FISCAL NOTE

ANALYSIS CONTINUATION

More sophisticated crimes in both conduct and offenders (white-collar to gang members) are being referred to the Criminal Division. The elimination of the restriction barring state prosecution of some offenses will increase the number of cases, especially these types of offenses. These are the most difficult crimes to identify and prosecute. They are generally complex. In order to deal with these matters, the Department will need a new Attorney V who will receive specialized training and skills in complex litigation, "following the money" accounting, computer forensics, and in crimes found outside the general criminal code.

The fiscal note also includes first year costs for office furniture and equipment

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 10
Bill Version: CSSB 234(JUD)
(S) Publish Date: 3/21/08

Identifier (file name): SB234-DOA-PDA-2-22-08 Dept. Affected: Administration
Title: "An Act relating to the crimes of assault in the fourth degree..." RDU: Legal and Advocacy Services
Sponsor: Senate Rules Committee Component: Public Defender Agency
Requester: _____ Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	321.3	0.0	321.3	321.3	321.3	321.3	321.3
Travel	7.7	0.0	7.7	7.7	7.7	7.7	7.7
Contractual	57.2	0.0	57.2	57.2	57.2	57.2	57.2
Supplies	5.0	0.0	5.0	5.0	5.0	5.0	5.0
Equipment	20.1	0.0	5.0	5.0	5.0	5.0	5.0
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	411.3	0.0	396.2	396.2	396.2	396.2	396.2

CAPITAL EXPENDITURES							
CHANGE IN REVENUES ()							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	411.3	0.0	396.2	396.2	396.2	396.2	396.2
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	411.3	0.0	396.2	396.2	396.2	396.2	396.2

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	3	0	3	3	3	3	3
Part-time	0.0	0	0	0	0	0	0
Temporary	0.0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will convert the class A misdemeanor crime of assault in fourth degree into a class C felony for criminal defendants previously convicted of two misdemeanor assaults or other crimes in violation of AS 11.41.100 - 11.41.289 within 10 years. This bill will also expand the definition of resisting arrest to include resisting arrest by disobeying an order of a peace officer.

Continued on page 2

Prepared by: Quinlan Steiner, Director
Division: Public Defender Agency
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone: 907-334-4414
Date/Time: 2/22/08 1:35 PM
Date: 2/22/2008

FISCAL NOTE # 10

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 234(JUD)

ANALYSIS CONTINUATION

Additionally, this bill will expand the court's authority to issue search warrants by phone, and the bill sets out additional procedures to be followed when a criminal defendant is incompetent to stand trial. The bill also eliminates the ten day requirement for execution and return of search warrant.

Because this bill will create a new felony offense and because it expands the definition of resisting arrest, it will have a fiscal impact on the Agency. Based upon 2007 caseload statistics derived from estimates generated by the court system and the UAA justice center (adjusted for factors impacting the percentage appointed public counsel), the Agency anticipates approximately 350-475 new felony cases; 200-300 cases that would have been assigned to the Agency as misdemeanors and 150-175 cases that would have been processed as misdemeanors by the Municipality of Anchorage. The Agency anticipates the need for two new attorney positions and one law office assistant position due to the expected additional cases and to the increased complexity of cases that would have formerly been processed as misdemeanors.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 8
 Bill Version: CSSB 234(JUD)
 (S) Publish Dat: 3/21/08
 Dept. Affected: Health & Social Services
 RDU: Behavioral Health
 Component: Alaska Psychiatric Institute

ID(File name) SB234-DHSS-API-1-31-08
 Title: CRIMINAL LAW/PROCEDURE: OMNIBUS BILL

Sponsor: RULES BY REQUEST OF THE GOVERNOR
 Requester: SENATE JUD Component No. 311

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation		Information						
	Required		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES									
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	0.0
CAPITAL EXPENDITURES									
CHANGE IN REVENUES (0)									

FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
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	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

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

The procedure for protecting the public from a person who, as a result of mental disease or defect, is incompetent to be tried for a crime is insufficient. This bill would address the gaps in two ways. It requires a person found incompetent to be referred to the commissioner of the Department of Health and Social Services for evaluation and treatment. It would also require 10 days notice to the prosecuting authority by the professional in charge of the person's care before the person may be released.

This bill will not have a significant fiscal impact on DHSS. However, if the current trend of increasing admissions to the Alaska Psychiatric Institute continues, it will cause capacity issues that may have to be addressed at a later date.

Prepared by: Melissa Stone, Director
 Division: Behavioral Health
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 269-3410
 Date/Time: 01/29/2008
 Date: 01/31/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: SB 234
(S) Publish Date: 1/18/08

Identifier (file name): 0038-DPS-DET-01-11-08 Public Safety
Title "An Act relating to crimes of assault in the fourth degree..." RDU Alaska State Troopers
Component AST Detachments
Sponsor Rules Committee
Requester Governor Component Number 2325

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
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	0.0	0.0

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

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 00

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill increases the severity of subsequent Assault IV convictions, adds a new element to the crime of Resisting or Interfering with Arrest, adds two new substances to the schedule IVA list of prohibited substances and clarifies in statute that a third conviction for theft within five years increases the severity of the crime one level. This bill also addresses problems concerning the release of persons found to be incompetent to stand trial and repeals statutes to allow for the state to prosecute for an act that another jurisdiction has already prosecuted. Finally, this bill allows the court to issue search warrants telephonically and provides for a later return of search warrant inventory.

Passage of this legislation would cause a slight increase in the number of arrests made and cases referred for prosecution. This increase can be assumed by the DPS and will have no fiscal impact on the department.

Prepared by: Lt Rodney Dial
Division: Alaska State Troopers
Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone 907-269-5591
Date/Time 1/11/08 10:15 AM
Date 1/11/2008

STATE OF ALASKA

DEPARTMENT OF LAW
CRIMINAL DIVISION

Darwin
SARAH PALIN,
GOVERNOR

Mailing: PO Box 110300
Juneau, AK 99811-0300
Physical: 123 4th Street, Ste 717
Juneau, AK 99801
Phone: (907) 465-3428
Fax: (907) 465-4043

March 20, 2008

RECEIVED

MAR 20 2008

Senator Bert Stedman
Chair, Senate Finance Committee
Alaska State Capitol, Room 516
Juneau, Alaska 99801

Re: CSSB 234 (JUD)
An Act relating certain persons who lend money on secondhand articles;
relating to penalizing certain recidivist offenders as felons; etc.

Dear Senator Stedman:

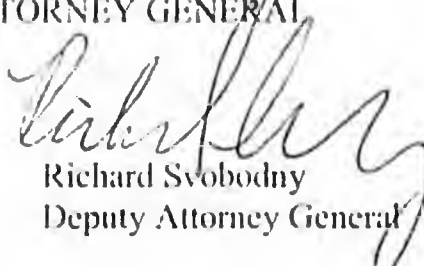
I am writing to respectfully request that you schedule the referenced bill for hearing in the Senate Finance Committee at your earliest convenience. The bill includes several provisions to enhance public safety in Alaska, including a provision that would raise the consequences for bullies who repeatedly assault others, including their family members; and would help avoid the release of persons found incompetent to be tried for a crime without adequate evaluation and notice to law enforcement. It also includes provisions to make the administration of justice more efficient; for example, it would allow a court to issue a search warrant by telephonic or other electronic means in all investigations.

A sectional analysis is attached that describes each provision of the bill.

Thank you for your consideration of this request.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By: 
Richard Svobodny
Deputy Attorney General

CSSB 234 (JUD)
SECTIONAL ANALYSIS

Sections 1 and 2 require a person who lends money on secondhand articles in a municipality with over 5,000 residents to maintain records in an electronic format of the transactions the person makes.

Sections 3 and 4 provide that a person commits assault in the third degree, a class C felony, if the person commits assault in the fourth degree that is an injury assault, and has been convicted in the past 10 years of two or more crimes against the person that are homicide, assault (except misdemeanor fear assault), stalking, first and second degree sexual assault, or first or second degree sexual abuse. Generally, fourth degree assault is a class A misdemeanor. Making a third conviction of this offense a class C felony will help stop the often escalating violence by persons who repeatedly harm other people. Section 4 clarifies that a conviction occurs on the date that the sentence is imposed.

Section 5 allows for a peace officer or owner of a commercial establishment to detain a person for a reasonable time if there is probable cause to believe the person has committed or attempted to commit theft from the establishment.

Section 6 clarifies that when a theft offense is enhanced one level because the defendant has two prior thefts within five years of the new crime, a prior conviction occurs on the date the defendant was sentenced for the theft.

Section 7 adds carisprodol (commonly called Soma and listed as a controlled substance in 17 states), zolpidem (commonly called Ambien and listed as a Schedule IV substance in the federal schedules), and zopiclone (commonly called Lunesta and listed as a Schedule IV substance in the federal schedules) to Alaska's schedules of controlled substances. The substances would be listed in Schedule IVA. These prescription drugs have been widely abused, and have been found by law enforcement to be present in drivers who are impaired.

Section 8 clarifies that a court may issue a search warrant for property located outside the state. The issue of a court's authority out of state has arisen in white collar investigations where the state seeks stored electronic information. Companies that store this information are willing to provide it if law enforcement presents a search warrant for it. This will clarify that a court may issue a warrant to obtain the information.

Section 9 allows a judicial officer to issue a search warrant over the telephone or other electronic means in all cases. Alaskans rely on the telephone and other electronic communication in the important affairs of their lives. Law enforcement should not have to drive or fly to a judicial officer for a search warrant when electronic means are available for the court to fairly evaluate the evidence.

Sections 10, 11, 12, 14, and 15 will help avoid the potentially dangerous situation where a person charged with a crime, but found incompetent to be tried for it, is released back into a community without adequate consideration of the danger the individual may present, and without notice of release to the prosecution.

It requires a person charged with a felony and found incompetent to be evaluated for commitment and treatment. If the defendant remains incompetent after one year (for persons charged with crimes involving force and presenting a substantial danger to others), the bill would require that civil commitment proceedings be considered.

The bill would also adopt a rebuttable presumption that a person charged with a felony but found incompetent to proceed is mentally ill and likely to present a danger to himself or others. It allows the court to consider the conduct with which the person was charged in making this determination.

Before a person found incompetent to proceed may be released from the hospital, the professional authorizing the release must give at least 10 days notice to the prosecution. This notice will allow the prosecution time to reinstate charges if appropriate under the circumstances, and also give law enforcement forewarning that the person will be returning to the community.

Section 13 allows the governor to delegate her extradition responsibilities either to the lieutenant governor or the head of a principal department in the executive branch. The appointment must be in writing and filed with the lieutenant governor.

Section 16 repeals AS 12.35.015(f) to conform to the amendment in Section 9, that allows a court to issue search warrants by telephone and other electronic means.

Section 17 repeals AS 11.71.310 and AS 12.20.010, that prohibit prosecution by the state for violations of state law if the federal government has prosecuted the same act for violation of federal law. Although this situation does not occur often, it is important that Alaska has the authority to enforce its laws and protect its interests and its citizens.

Section 18 changes a court rule to allow a more time for the return with inventory of a search warrant.

Sections 19 and 20 include the applicability and effective date clauses.

Adopted
3/24/08

RECEIVED
25-GS2038\K
Luckhaupt
3/24/08
MAR 24 2008

CS FOR SENATE BILL NO. 234(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain persons who lend money on secondhand articles; relating to
2 penalizing certain recidivist offenders as felons; relating to defenses for the detention
3 of persons suspected of committing concealment of merchandise or theft; relating to
4 controlled substances; relating to the determination of time of a conviction; relating to
5 issuance of search warrants; relating to persons found incompetent to stand trial
6 concerning criminal conduct; relating to probation for certain offenses; relating to
7 restitution for fish and game violations; relating to aggravating factors at sentencing;
8 relating to criminal extradition authority of the governor; removing the statutory bar
9 to prosecution of certain crimes; amending Rule 37(b), Alaska Rules of Criminal
10 Procedure, relating to execution of warrants; and providing for an effective date."

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

12 * Section 1. AS 08.76.010 is amended by adding a new subsection to read:

1 (b) A person who lends money on secondhand articles under (a) of this
2 section and is located in a municipality that has a population of over 5,000 shall also
3 maintain an electronic record that provides the information required by (a)(1) and (4)
4 of this section for the secondhand articles on which the person lends money. The
5 person shall submit the electronic record as required by the municipal law
6 enforcement agency.

7 * Sec. 2. AS 08.76.020 is amended to read:

8 Sec. 08.76.020. Manner of recording entry. The entries in the book and
9 the electronic record required by AS 08.76.010 shall appear in chronological order
10 and, when made in a book, in ink or indelible pencil. Blank lines may not be left
11 between entries. Obliterations, alterations, or erasures may not be made. Corrections
12 shall be made by drawing a line [IN INK] through the entry without destroying its
13 legibility, and, when made in a book, the line shall be drawn in ink. The book
14 shall be open to the inspection of a peace officer at reasonable times.

15 * Sec. 3. AS 11.41.220(a) is amended to read:

16 (a) A person commits the crime of assault in the third degree if that person

17 (1) recklessly

18 (A) places another person in fear of imminent serious
19 physical injury by means of a dangerous instrument;

20 (B) causes physical injury to another person by means of a
21 dangerous instrument; or

22 (C) while being 18 years of age or older

23 (i) causes physical injury to a child under 10 years of
24 age and the injury would cause a reasonable caregiver to seek medical
25 attention from a health care professional in the form of diagnosis or
26 treatment;

27 (ii) causes physical injury to a child under 10 years of
28 age on more than one occasion;

29 (2) with intent to place another person in fear of death or serious
30 physical injury to the person or the person's family member makes repeated threats to
31 cause death or serious physical injury to another person;

1 (3) while being 18 years of age or older, knowingly causes physical
 2 injury to a child under 16 years of age but at least 10 years of age and the injury
 3 reasonably requires medical treatment; [OR]

4 (4) with criminal negligence causes serious physical injury under
 5 AS 11.81.900(b)(56)(B) to another person by means of a dangerous instrument; or

6 (5) violates AS 11.41.230(a)(1) or (2) and, within the preceding 10
 7 years, the person was convicted on two or more separate occasions of a crime in
 8 violation of

9 (A) AS 11.41.100 - 11.41.170;

10 (B) AS 11.41.200 - 11.41.220;

11 (C) AS 11.41.230(a)(1) or (2);

12 (D) AS 11.41.280 - 11.41.282;

13 (E) AS 11.41.260 - 11.41.270;

14 (F) AS 11.41.410, 11.41.420, 11.41.436, or 11.41.438;

15 (G) a law in another jurisdiction that is similar to those

16 described in (A) - (F) of this paragraph.

17 * Sec. 4. AS 11.41.220 is amended by adding a new subsection to read:

18 (c) In (a)(5) of this section, the court shall consider the date of a previous
 19 conviction as occurring on the date that sentence is imposed for the previous offense.

20 * Sec. 5. AS 11.46.230(a) is amended to read:

21 (a) In a civil or criminal action upon the complaint of a person who has been
 22 detained in or in the immediate vicinity of a commercial establishment for the
 23 purpose of investigation or questioning as to the ownership of merchandise, it is a
 24 defense that

25 (1) the person was detained in a reasonable manner and for not more
 26 than a reasonable time to permit investigation or questioning by a peace officer or by
 27 the owner of the commercial establishment or the owner's agent; and

28 (2) the peace officer, owner, or owner's agent had probable cause to
 29 believe that the person detained was committing or attempting to commit
 30 concealment of merchandise or theft from the commercial establishment.

31 * Sec. 6. AS 11.46.295 is amended to read:

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Sec. 11.46.295. Prior convictions. For purposes of considering prior convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or 11.46.140(a)(3), or in prosecuting the crime of concealment of merchandise under AS 11.46.220(c), a conviction for an offense under another law or ordinance with similar elements is a conviction of an offense having elements similar to those of an offense defined as such under Alaska law at the time the offense was committed. The court shall consider the date of a prior conviction as occurring on the date that sentence is imposed for the prior offense.

* Sec. 7. AS 11.71.170(b) is amended by adding new paragraphs to read:

- (30) carisprodol;
- (31) zolpidem;
- (32) zopiclone.

* Sec. 8. AS 12.35.010(a) is amended to read:

(a) A judicial officer may issue a search warrant upon a showing of probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the thing to be seized. The court may issue a search warrant for a place or property located either in the state or outside the state.

* Sec. 9. AS 12.35.015(a) is amended to read:

(a) A judicial officer may issue a search warrant upon the sworn oral testimony of a person communicated by telephone or other appropriate means, or sworn affidavit transmitted by facsimile machine [, IF THE JUDICIAL OFFICER FINDS THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT

(1) THE PRESENTATION OF THE APPLICANT'S AFFIDAVIT OR TESTIMONY PERSONALLY BEFORE THE JUDICIAL OFFICER WOULD RESULT IN A DELAY IN OBTAINING OR EXECUTING A SEARCH WARRANT; AND

(2) THE DELAY MIGHT RESULT IN LOSS OR DESTRUCTION OF THE EVIDENCE SUBJECT TO SEIZURE OR MIGHT INTERFERE WITH AN ONGOING INVESTIGATION].

* Sec. 10. AS 12.47.110(a) is amended to read:

(a) When the trial court determines by a preponderance of the evidence, in

1 accordance with AS 12.47.100, that a defendant is so incompetent that the defendant
2 is unable to understand the proceedings against the defendant or to assist in the
3 defendant's own defense, the court shall order the proceedings stayed, except as
4 provided in (d) of this section shall, [AND MAY] commit a [THE] defendant
5 charged with a felony and may commit a defendant charged with any other
6 crime to the custody of the commissioner of health and social services or the
7 commissioner's authorized representative for further evaluation and treatment until
8 the defendant is mentally competent to stand trial, or until the pending charges
9 against the defendant are disposed of according to law, but in no event longer than
10 90 days.

11 * Sec. 11. AS 12.47.110(b) is amended to read:

12 (b) On or before the expiration of the initial 90-day period of commitment,
13 the court shall conduct a hearing to determine whether or not the defendant remains
14 incompetent. If the court finds by a preponderance of the evidence that the defendant
15 remains incompetent, the court may recommit the defendant for a second period of
16 90 days. The court shall determine at the expiration of the second 90-day period
17 whether the defendant has become competent. If, at the expiration of the second 90-
18 day period, the court determines that the defendant continues to be incompetent to
19 stand trial, the charges against the defendant shall be dismissed without prejudice,
20 and continued commitment of the defendant shall be governed by the provisions
21 relating to civil commitments under AS 47.30.700 - 47.30.915 unless the defendant
22 is charged with a crime involving force against a person and the court finds that the
23 defendant presents a substantial danger of physical injury to other persons and that
24 there is a substantial probability that the defendant will regain competency within a
25 reasonable period of time, in which case the court may extend the period of
26 commitment for an additional six months. If the defendant remains incompetent at
27 the expiration of the additional six-month period, the charges shall be dismissed
28 without prejudice, and continued [EITHER CIVIL] commitment proceedings shall
29 be governed by the provisions relating to civil commitment under AS 47.30.700 -
30 47.30.915 [INSTITUTED OR THE COURT SHALL ORDER THE RELEASE OF
31 THE DEFENDANT]. If the defendant remains incompetent for five years after the

1 charges have been dismissed under this subsection, the defendant may not be
2 charged again for an offense arising out of the facts alleged in the original charges,
3 except if the original charge is a class A felony or unclassified felony.

4 * Sec. 12. AS 12.47.110 is amended by adding a new subsection to read:

5 (c) A defendant charged with a felony and found to be incompetent to
6 proceed under this section is rebuttably presumed to be mentally ill and to present a
7 likelihood of serious harm to self or others in proceedings under AS 47.30.700 -
8 47.30.915. In evaluating whether a defendant is likely to cause serious harm, the
9 court may consider as recent behavior the conduct with which the defendant was
10 originally charged.

11 * Sec. 13. AS 12.55.090(a) is amended to read:

12 (a) Probation may be granted whether the offense under AS 11 or AS 16 or
13 the crime is punishable by fine or imprisonment or both. If an offense under AS 11
14 or AS 16 or a crime is punishable by both fine and imprisonment, the court may
15 impose a fine and place the defendant on probation as to imprisonment. Probation
16 may be limited to one or more counts or indictments, but, in the absence of express
17 limitation, shall extend to the entire sentence and judgment.

18 * Sec. 14. AS 12.55.155(c)(8) is amended to read:

19 (8) the defendant's prior criminal history includes conduct involving
20 aggravated assaultive behavior or repeated instances of assaultive behavior; in this
21 paragraph, "aggravated assaultive behavior" means assault that is a felony
22 under AS 11.41. or a similar provision in another jurisdiction;

23 * Sec. 15. AS 12.55.155(l) is amended to read:

24 (l) If the state seeks to establish a factor in aggravation at sentencing
25 (1) under (c)(7), (8), (12), (15), (18)(B), (19), (20), (21), or (31) of
26 this section, or if the defendant seeks to establish a factor in mitigation at sentencing,
27 written notice must be served on the opposing party and filed with the court not later
28 than 10 days before the date set for imposition of sentence; the factors in aggravation
29 listed in this paragraph and factors in mitigation must be established by clear and
30 convincing evidence before the court sitting without a jury; all findings must be set
31 out with specificity;

1 (2) other than one listed in (1) of this subsection, the factor shall be
 2 presented to a trial jury under procedures set by the court, unless the defendant
 3 waives trial by jury, stipulates to the existence of the factor, or consents to have the
 4 factor proven under procedures set out in (1) of this subsection; a factor in
 5 aggravation presented to a jury is established if proved beyond a reasonable doubt;
 6 written notice of the intent to establish a factor in aggravation must be served on the
 7 defendant and filed with the court

8 (A) 20 days before trial, or at another time specified by the
 9 court;

10 (B) within 48 hours, or at a time specified by the court, if the
 11 court instructs the jury about the option to return a verdict for a lesser
 12 included offense; or

13 (C) five days before entering a plea that results in a finding of
 14 guilt, or at another time specified by the court.

15 * Sec. 16. AS 12.70.280(2) is amended to read:

16 (2) "governor" includes

17 (A) a person performing the functions of governor by
 18 authority of the law of this state; and

19 (B) the lieutenant governor or the head of a principal
 20 department in the executive branch appointed by the governor to act on
 21 behalf of the governor in performing extradition duties under this
 22 chapter; the appointment shall be in writing and filed with the lieutenant
 23 governor;

24 * Sec. 17. AS 16.05.925(b) is amended to read:

25 (b) In addition to a penalty imposed under (a) of this section or any other
 26 penalty for violation of this title or a regulation adopted under this title, a person
 27 who is convicted of unlawfully taking an animal listed in this subsection may be
 28 ordered by the court to pay restitution to the state in the amount set out in this
 29 subsection for each animal unlawfully taken:

30 (1) Bear, black \$ 600

31 (2) Bear, brown or grizzly 1,300

1 (3) Bison 1,300
 2 (4) Caribou 850
 3 (5) Deer 400
 4 (6) Elk 800
 5 (7) Goat 800
 6 (8) Moose 1,000
 7 (9) Musk oxen 3,000
 8 (10) Sheep 1,100
 9 (11) Wolf 500
 10 (12) Wolverine 500.

11 * Sec. 18. AS 47.30.780 is amended to read:

12 Sec. 47.30.780. Early discharge. Except as provided in (b) of this section,
 13 the [THE] professional person in charge shall at any time discharge a respondent on
 14 the ground that the respondent is no longer gravely disabled or likely to cause serious
 15 harm as a result of mental illness. A certificate to this effect shall be sent to the court,
 16 which shall enter an order officially terminating the involuntary commitment.

17 * Sec. 19. AS 47.30.780 is amended to add a new subsection to read:

18 (b) The professional person in charge shall give the prosecuting authority 10
 19 days' notice before discharging a respondent who was committed after having been
 20 found incompetent to proceed under AS 12.47.110.

21 * Sec. 20. AS 12.35.015(f) is repealed.

22 * Sec. 21. AS 11.71.310 and AS 12.20.010 are repealed.

23 * Sec. 22. The uncodified law of the State of Alaska is amended by adding a new section
 24 to read:

25 DIRECT COURT RULE AMENDMENT. Rule 37(b), Alaska Rules of
 26 Criminal Procedure, is amended to read:

27 (b) **Execution and Return with Inventory.** The warrant shall be executed
 28 and returned within 30 [10] days after its date of issuance. However, upon sworn
 29 application made before the expiration of the initial 30 [10] day period or any
 30 subsequent extension, the court may for good cause extend the execution period for a
 31 reasonable time not to exceed 30 [10] days. Good cause includes protecting the

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confidentiality of an ongoing investigation and protecting a person working with law enforcement authorities on an investigation. The officer taking property under the warrant

(1) shall give to the person from whom or from whose premises the property was taken a copy of the warrant, a copy of the supporting affidavits, and receipt for the property taken, or

(2) shall leave the copies and the receipt at the place from which the property was taken.

The return shall be made promptly and shall be accompanied by a written inventory of any property taken as a result of the search pursuant to or in conjunction with the warrant. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be signed by the officer under the penalty of perjury pursuant to AS 09.63.020 or sworn to in front of a magistrate or judge, or a notary public. The magistrate or judge or the court to which the return is made shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

* Sec. 23. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) Sections 3, 4, 7, 13 - 15, 17, and 21 of this Act apply to an offense occurring on or after the effective date of this Act. References to previous convictions under sec. 3 of this Act apply to convictions occurring on or after the effective date of this Act.

(b) Section 6 of this Act applies to an offense occurring before, on, or after the effective date of this Act.

(c) Sections 8, 9, 20, and 22 of this Act apply to search warrants applied for on or after the effective date of this Act, regardless of whether the offense occurred before, on, or after the effective date of this Act.

(d) Sections 10 - 12, 18, and 19 of this Act apply to procedures occurring after the

1 effective date of this Act, regardless of whether the offense occurred before, on, or after the
2 effective date of this Act.

3 (e) Section 16 of this Act applies to applications for criminal extraditions submitted
4 on or after the effective date of this Act, regardless of whether the offense occurred before,
5 on, or after the effective date of this Act.

6 (f) Section 5 of this Act applies to offenses occurring and actions arising on or after
7 the effective date of this Act.

8 * Sec. 24. This Act takes effect July 1, 2008.