

HB

175

<TARGET><BILL>HB 175</BILL><SUBJECT>HB
175</SUBJECT><COMM>HFIN27</COMM></TARGET>

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 1
 Bill Version CSHB 175(JUD)
 (H) Publish Date 3/18/11

Identifier (file name) HB175-DOC-OC-03-04-11 Dept. Affected DOC
 Title "An Act relating to an appearance before judicial officer after Appropriation Administration & Support
Requester Allocation Office of the Commissioner
 Sponsor House Judiciary Committee
 Requester House Judiciary Committee OMB Component Number 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version; not applicable

Prepared by Leslie Houston, Director
 Division Dept. of Corrections - Administrative Services
 Approved by Joseph D. Schmidt, Commissioner
Dept. of Corrections

Phone 465-3339
 Date/Time 3/4/11 12:00 PM
 Date 3/4/2011

FISCAL NOTE #1

**STATE OF ALASKA
2011 LEGISLATIVE SESSION**

BILL NO. CSHB 175(JUD)

Analysis

This bill provides clarifying changes to statute. The potential impacts of this change was previously identified and accounted for when the original legislation passed in 2010. Therefore, this bill has no additional fiscal impact to the Department of Corrections.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 2
 Bill Version CSHB 175(JUD)
 (H) Publish Date 3/18/11

Identifier (file name): HB175-LAW-CRIM-03-04-11
 Title An Act relating to court appearances; arson; and infractions.

Dept. Affected Law
 Appropriation Criminal
 Allocation Criminal Justice Litigation

Sponsor House Judiciary Committee
 Requester (H) Judiciary

OMB Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
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 (please identify)								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Eileen Donahue, Division Operations Manager
 Division Administrative Services
 Approved by John J. Burns, Attorney General
Department of Law

Phone 465-5427
 Date/Time 3/4/11 4:30 PM
 Date 3/4/2011

FISCAL NOTE #2

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. CSHB 175(JUD)

Analysis

HB 175 makes two corrections in the law to conform to the changes in the bail statutes adopted last year. It also makes conforming amendments to statutes that are in conflict with the bail schedules in the court rules.

Passage of this legislation would have no foreseeable fiscal impact on the Department of Law.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 3
 Bill Version CSHB 175(JUD)
 (H) Publish Date 3/18/11

Identifier (file name) HB175-DPS-DET-03-04-11 Dept. Affected Public Safety
 Title "An Act relating to appearance after arrest, penalties for some
some offenses, and amending criminal rules." Appropriation Alaska State Troopers
 Allocation AST Detachments
 Sponsor Judiciary
 Requester House Judiciary OMB Component Number 2325

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
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 (please identify)								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Lt. Rodney Dial
 Division Alaska State Troopers
 Approved by Joseph Masters, Commissioner
Department of Public Safety

Phone (907) 247-4480
 Date/Time 3/4/11 11:30 AM
 Date 3/4/2011

FISCAL NOTE #3

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. CSHB 175(JUD)

Analysis

This legislation would do the following:

Amend AS 12.25.150(a) by changing the requirement to bring arrested persons before a judge or magistrate from the current 24 hours, to 48 hours.

Amends AS 28.15.131 (License to be carried and exhibited on demand) by adding a new subsection stating that violation of this section is an infraction.

Amends AS 28.22.019(c) (Proof of insurance) by reducing violation of this section to an infraction and requiring a mandatory fine of \$500.

Amends AS 41.23.220 by defining penalties; except for conduct that is a violation of AS 11.46.420 (Arson Third Degree).

Amends the Alaska Rules of Criminal Procedures, Rule 5(s)(1) regarding appearance before a judge or magistrate.

Amends the Alaska Rules of Criminal Procedures, Sec 7. regarding the disposition of violations, and Sec. 8 regarding applicability of this act.

It is not estimated that this bill will significantly increase the workload of the division of Alaska State Troopers. There is no fiscal cost to the AST as a result of this legislation.

STATE OF ALASKA

DEPARTMENT OF LAW CRIMINAL DIVISION

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CS for HOUSE BILL 175(JUD) SPONSOR STATEMENT

Last year the Legislature enacted a bill that updated and changed the bail law in the state; this was significant because the bail laws had not been reorganized in a systematic way since 1966. One of the changes in the law was to extend from 24 to 48 hours the deadline within which a person must be brought before a judicial officer after arrest. This is a deadline – the law still requires that a person be taken before a judicial officer without unnecessary delay. The bill last year changed the court rules, but neglected to change the statutes to conform to the court rules. Section 1 amends AS 12.25.150(a) (relating to arrest) to conform to the provision in the legislation last year. Section 2 amends AS 12.70.130 (relating to extraditions) to conform to the provision in the bail reform legislation adopted last year.

The remaining sections of the bill correct other inconsistencies between statutes and court rules that have arisen over the last several years. These include changing the penalty for the offense of failure to possess and present upon request to a peace officer a person's driver's license when driving from a misdemeanor, similar to a class B misdemeanor, to an infraction.

The bill also changes the penalty for the crime of failure to carry and present upon request to a peace officer proof of automobile insurance when driving from a class B misdemeanor to an infraction. Current law in statute requires a mandatory fine for this offense of at least \$500; at the same time the offense is on the bail schedule for a bail amount of \$500. It is correctible under current law and would continue to be correctible under this bill.

CSHB 175(JUD) resolves a similar inconsistency in the penalty for burning a vehicle on the Knik River Public Use Area. In 2008 the legislature enacted AS 11.46.420, which adopted a new crime, arson in the third degree. This prohibits burning a vehicle on state or municipal land. The penalty for this crime is a class C felony. These sections correct this inconsistency by excluding burning a vehicle on state land from the prohibitions that are effective in the Knik River Public Use Area.

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CS for HOUSE BILL 175(JUD)- BAIL CLEANUP Sectional Analysis

Section 1 amends AS 12.25.150(a) (relating to arrest) to conform to the provision in the bail reform legislation last year that changed the deadline for bringing a person arrested before a judicial officer from 24 hours to 48 hours of arrest.

Section 2 amends AS 12.70.130 (relating to extraditions) to conform to the provision in the bail reform legislation last year that changed the deadline for bringing a person arrested before a judicial officer from 24 to 48 hours of arrest.

Section 3 changes the penalty for the offense of failure to possess and present upon request to a peace officer a person's driver's license when driving from a misdemeanor, similar to a class B misdemeanor, to an infraction. The offense currently is correctible, and would continue to be correctible. This offense is also currently on the bail schedule (Rule 43.1, Alaska Rules of Administration) at a \$50 bail. It is not consistent to have an offense at the same time a misdemeanor, which generally requires a court appearance, and at the same time disposable under the bail schedule for a \$50 bail amount. The bill removes this inconsistency.

Section 4 changes the penalty for the crime of failure to carry and present upon request to a peace officer proof of automobile insurance when driving from a class B misdemeanor to an infraction. Current law in statute requires a mandatory fine for this offense of at least \$500; at the same time the offense is on the bail schedule for a bail amount of \$500. It is correctible under current law and would continue to be correctible under this bill. Again, it is inconsistent to have a class B misdemeanor on the bail schedule for disposition without court appearance. The bill removes the inconsistency, and at the same time retains the bail amount of \$500.

Section 5 resolves a similar inconsistency in the penalty for burning a vehicle on the Knik River Public Use Area. In 2006 the legislature created the Knik River Public Use Area. The law authorizes the Department of Natural Resources to adopt regulations governing conduct in the area. AS 41.23.220(a) provides that a person who violates the new law or a regulation under the new law commits a violation. AS 41.23.220(b) requires the Alaska Supreme Court to establish a bail schedule for violations of the statutes and regulations. The law specifically requires that the violations be disposed of

without court appearance. One of the regulations adopted prohibits burning a vehicle in the area; the bail was adopted in Supreme Court Order 1711 at \$50.

In 2008 the legislature enacted AS 11.46.420, which adopted a new crime, arson in the third degree. This prohibits burning a vehicle on state or municipal land. The penalty for this crime is a class C felony.

These sections correct this inconsistency by excluding burning a vehicle on state land from the prohibitions that are effective in the Knik River Public Use Area.

Section 6 redrafts Rule 5(a)(1), Alaska Rules of Criminal Procedure, to correct a drafting error and to make the rule more readable. The rule was changed last year to extend the deadline from 24 to 48 hours for bringing an arrested person before a judicial officer. This change corrects the drafting error, which currently defines a term that is not used in the rule.

Section 7 notes that the changes included in **Section 5** of the bill have the effect of changing Rule 43.10, Alaska Rules of Administration (the bail schedule) by prohibiting the disposition of cases involving burning a vehicle on state land without a court appearance by mailing to the court a bail amount of \$50.

Section 8 is the applicability section.

Section 9 provides a severability section.

Section 10 adopts a July 1, 2011 effective date.

STATE OF ALASKA

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CS for HOUSE BILL 175(JUD)

Changes in CSHB 175(JUD)

The committee substitute added only one change to the original bill. It added a severability clause.