

01/30/14
BUDGET
OVERVIEW
FY 15:
ALASKA
COURT
SYSTEM

<TARGET><BILL></BILL><SUBJECT>01-30-14 BUDGET OVERVIEW
FY 15 ALASKA COURT
SYSTEM</SUBJECT><COMM>HFIN28</COMM></TARGET>

MEMORANDUM

ALASKA COURT SYSTEM

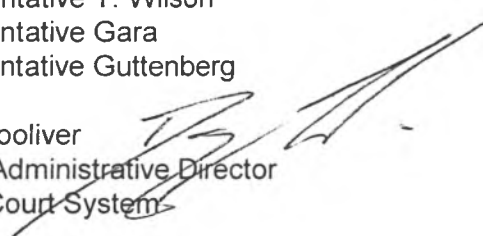
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TO: Representative Austerman, House Finance Co-Chair
Representative Stoltze, House Finance Co-Chair
Representative Neuman, House Finance Vice-Chair

House Finance Committee Members:

Representative Costello
Representative Edgmon
Representative Holmes
Representative Munoz
Representative Thompson
Representative T. Wilson
Representative Gara
Representative Guttenberg

FROM: Doug Wooliver 
Deputy Administrative Director
Alaska Court System

DATE: February 5, 2014

RE: House Finance Questions of the Alaska Court System

During the court system's January 30, 2014 House Finance Committee Budget Overview I was asked questions for which I promised answers; below are the answers. Please let me know if you have additional or follow-up questions.

I. CRIMINAL TRIAL RATES

Three separate but related questions were asked about the increasing percentage of criminal cases that go to trial: (1) did the trial rate increase as a result of the lengthier sentences for sex offenses that the legislature passed in 2006 (SB 281); (2) did the court system already receive funding for the increased trial rates through a fiscal note on either SB 218 or the governor's DV bill of 2011 (HB127); and (3) have we seen an increase in criminal trials as a result of the recent change in how the Department of Law negotiates certain plea agreements?

A. SB 218

Senate Bill 218 roughly doubled the sentences for sex offenses. Although the conventional wisdom is that a significant increase in the penalties for a crime will generally result in a higher trial rate, I am not aware of a study that has been done to determine whether such a result followed passage of SB 218. In order to answer this question, a study would need to compare

the trial rate of offenders sentenced under the earlier provisions with those sentenced under the newer provisions. Unfortunately, short of a review of each individual case, the court system does not have a way to go back and make that comparison. Our current computer systems, which capture all the relevant data for such a research project, have not been in place long enough to give us enough accurate information for a meaningful comparison. This would be a very worthwhile research project, but it is not one we can do without either better data or a significant time commitment.

B. Past fiscal notes

The court system submitted an indeterminate fiscal note on SB 218 (attached), but noted that the bill was likely to lead to an increase in jury trials. Similarly, although HB 127 made several changes to the statutes, none directly impacted the court system and we did not submit a fiscal note on that legislation.

C. Recent change in plea bargaining practices

Members were also interested in knowing whether the Department of Law's July decision to no longer enter into sentencing pleas in cases involving certain criminal offenses¹ has resulted in an increase in jury trials.

At the hearing I told the committee that the court was still looking at our data to see if the change in policy has had an impact on trial rates. We continue to look for more data to make that determination and I will update the committee as we learn more.

II. DRIVER'S LICENSE REVOCATIONS

I was also asked to explain the interplay between the revocation of a person's driver's license following a criminal conviction for driving under the influence, and the revocation of that same license for the same driving offense following an administrative action. The distinction between criminal and administrative license revocation is far from obvious and is a frequent source of confusion.

When a person is arrested on suspicion of driving under the influence, the arresting officer seizes the person's driver's license and issues a temporary license good for seven days. If the person does not request a hearing on the revocation, the temporary license will expire at the end of seven days and the license revocation will take effect (AS 28.15.165). The revocation

¹ The offenses covered by the new plea policy are all unclassified and class A felonies, all sex offenses and human trafficking crimes, and all felony and misdemeanor crimes of domestic violence.

will last anywhere from a minimum of 90 days for a first offender to a minimum of five years for someone with three or more prior DUI convictions (AS 28.15.181(c)).

If the person requests a hearing before a hearing officer, the temporary license will remain in effect until the hearing is held and the decision is issued.

While the administrative process is going on, the criminal prosecution is also moving forward. If the person is convicted, his or her license will be revoked for a period of time that is generally the same as the administrative revocation. Alaska Statute 28.15.181(c) states that the two periods of revocation may be either concurrent or consecutive. In other words, the statute allows the revocations to either run at the same time, or one after the other. In most cases the periods are concurrent and the driver will have his or her license revoked for one period of time, but that is not always the case.

The specific question I was asked was how is it that a person can have his or her license revoked for a DUI, get it back, and then later have it revoked again for the same offense. My understanding is that this is not a common occurrence, but it does happen. A typical scenario is when a person is arrested for DUI, gets his or her license revoked through the administrative process, but contests the criminal charge. That could delay the criminal case for several months, during which time the person may have served the period of administrative revocation and had his or her license returned. If the person is eventually convicted of the criminal charge, the statute gives the judge a choice. He or she may decide, based on the particular facts of the case, that the proper result is either a revocation concurrent with the earlier one, in which case the person will keep his or her license, or consecutive to the earlier one, in which case the person will again lose his or her license. There are other scenarios that can lead to consecutive revocations, but this is one example.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSSB 218(FIN)
 (S) Publish Date: 2/9/06

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Criminal Sentencing and Polygraphs RDU Alaska Court System
 Component Trial Courts
 Sponsor Senator Bunde
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | * | * | * | * | * | * |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

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) | | | | | | |
| TOTAL | * | * | * | * | * | * |

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)
 The Judiciary Committee Substitute for SB 218 significantly increases the presumptive sentences for those convicted of sexual offenses. It is likely that the longer sentences will increase a defendant's willingness to go to trial. Although the additional costs associated with those trials will fiscally impact the court system, the extent of the impact is too speculative to support a fiscal note.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 1/26/06 @ 9:00 am
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 1/26/2006
 Agency Alaska Court System

1/30/14

Alaska Court System



House Finance Committee Alaska Court System Overview

Doug Wooliver,
Deputy Administrative Director
January 30, 2014

Alaska Court System



Mission Statement

The mission of the Alaska Court System is to provide an accessible and impartial forum for the just resolution of all cases that come before it, and to decide such cases in accordance with the law, expeditiously and with integrity.



Alaska Court System



Distinguishing Characteristics of the Alaska Court System

- State Funded
- Unified Judiciary– No County or Municipal Courts
- Administrative Director Position Established in the Constitution

Alaska Court System



Court System Employees

- About 800 Permanent (GF-Funded)
 - Primarily Clerical Employees
 - Five Supreme Court Justices
 - Three Court of Appeal Judges
 - 42 Superior Court Judges
 - 23 District Court Judges
 - 51 Magistrate Judges

Alaska Court System



Factors Impacting Workloads

- Population
- Police
- Economy
- Other

Alaska Court System



Caseloads – FY12 vs. FY13

- 138,782 New Cases Filed in FY13
 - 59% of All Cases Originated in the Anchorage/Palmer/Kenai Courts
- Superior Court Caseload is up 3%
 - Felony Cases up 6%
 - Child in Need of Aid (CINA) Cases up 6%
- District Court Caseload is down 10%
 - Minor Offenses are down 15%

Alaska Court System



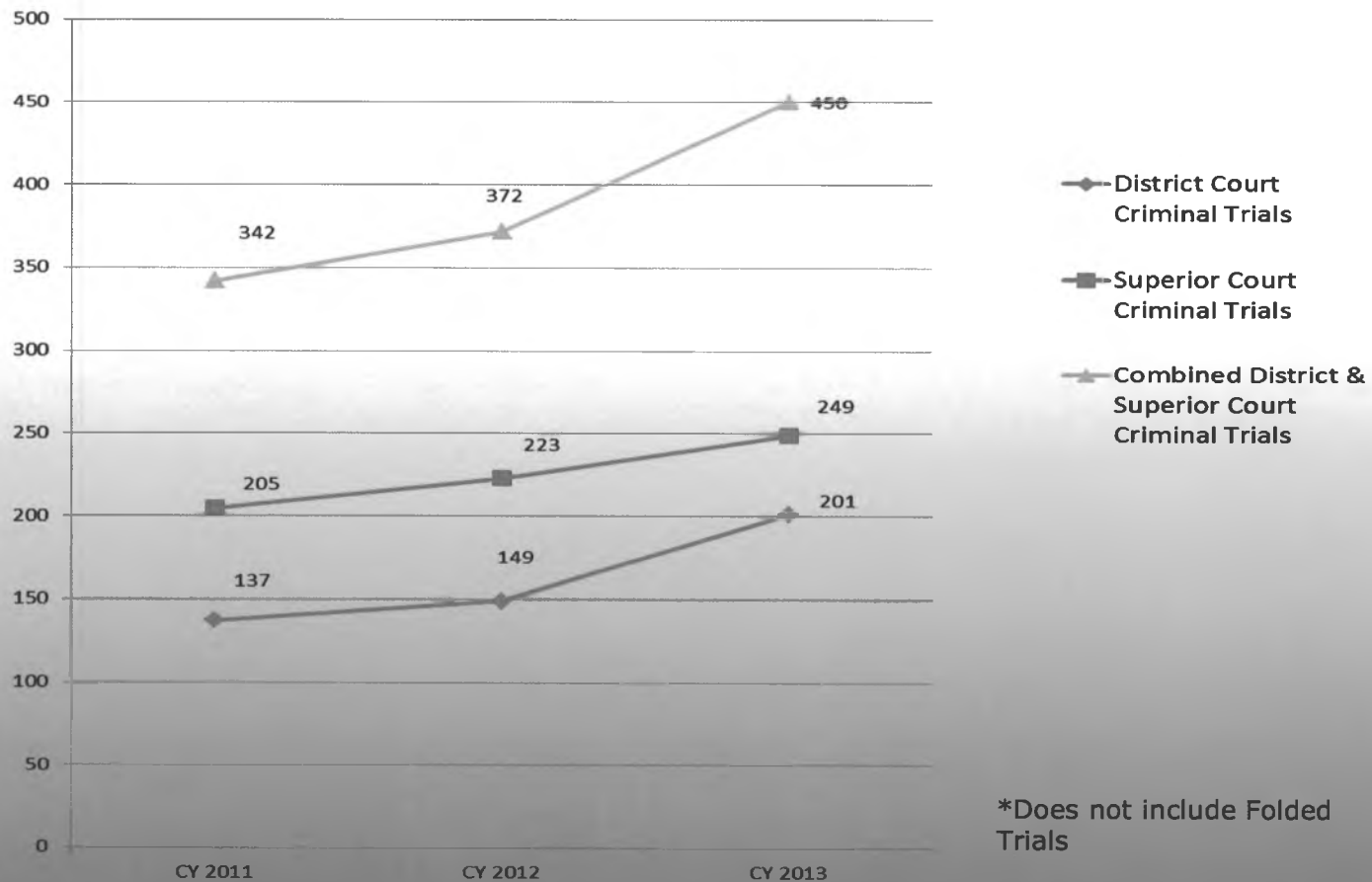
State of Alaska Criminal Trial Totals Calendar Years 2011 – 2013

- Superior Court Trials for 2013 are up 21% from 2011 Trial Totals and up 12% from 2012 Trial Totals
- District Court Trials for 2013 are up 47% from 2011 Trial Totals and up 35% from 2012 Trial Totals

Alaska Court System



**Alaska Court System
State of Alaska Criminal Jury Trials*
Calendar Years 2011 to 2013**



*Does not include Folded Trials

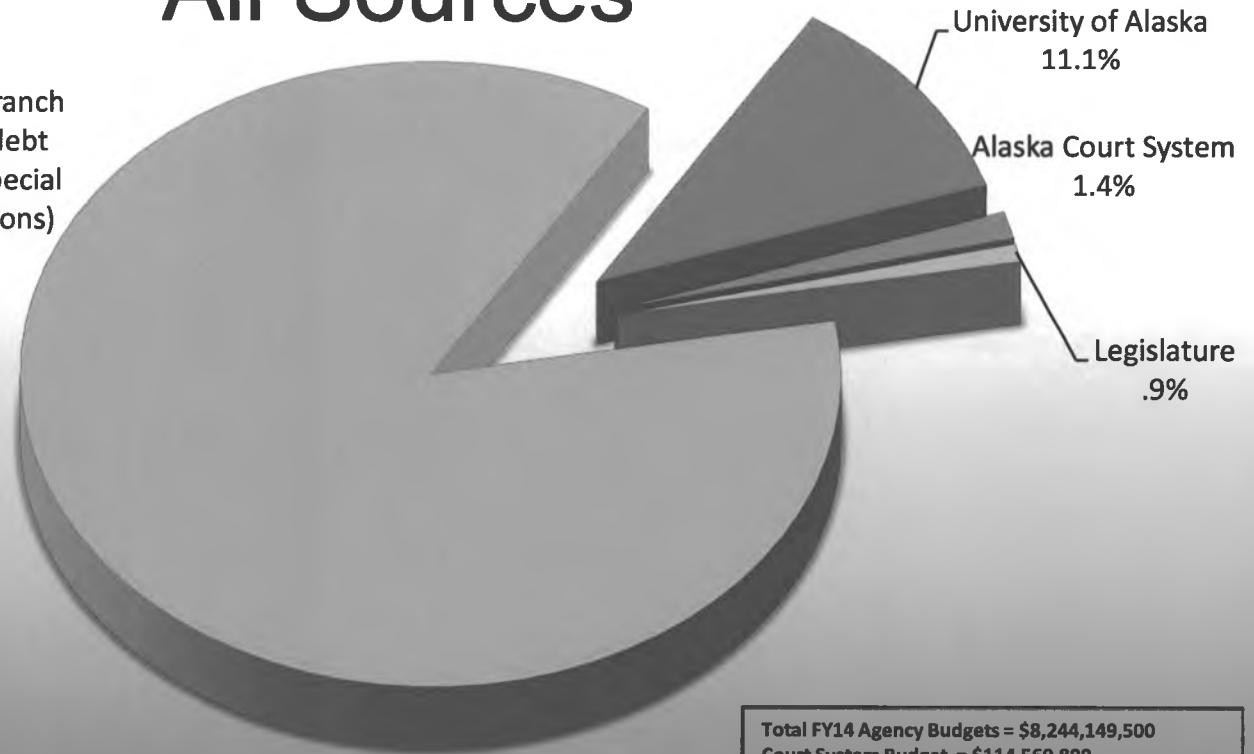
Alaska Court System



FY14 State of Alaska Funding – All Sources



Executive Branch
(excludes debt
service & special
appropriations)
86.6%



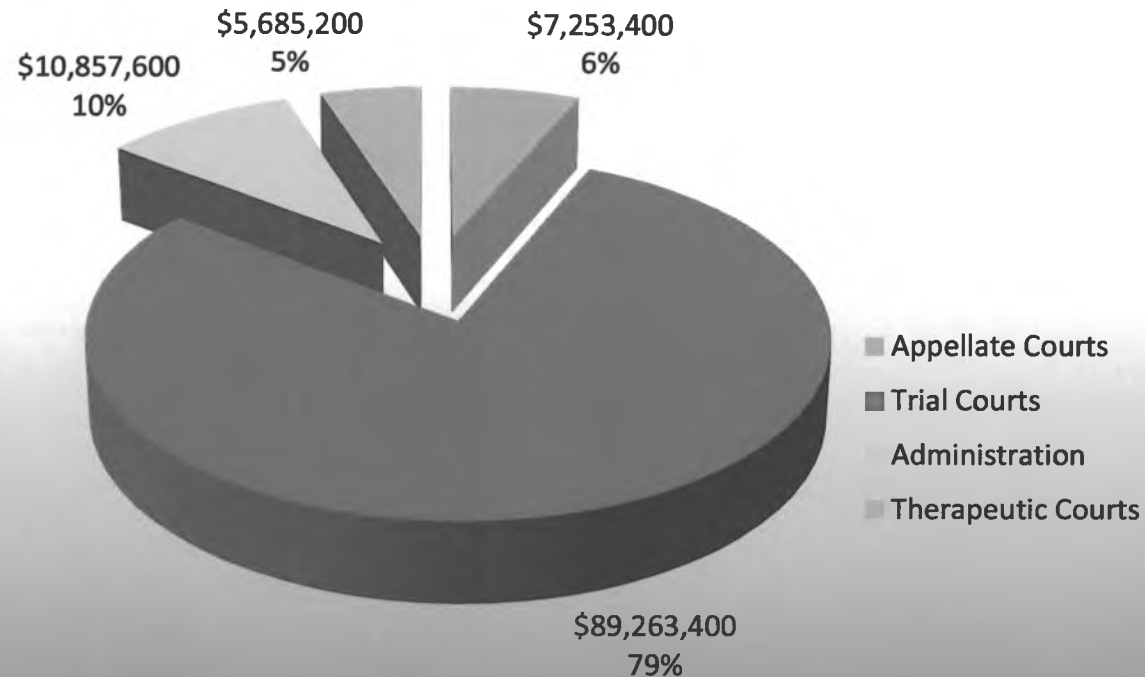
Source: Legislative Finance Division,
Summary of Appropriations – 2013 Legislature

Total FY14 Agency Budgets = \$8,244,149,500
Court System Budget = \$114,569,800
(Includes Judicial Council & Judicial Conduct)

Alaska Court System



Alaska Court System FY14 Operating Budget Appropriation All Fund Types



Total FY14 Funding = \$113,059,600
(excludes Judicial Council and Judicial Conduct)

Alaska Court System



Breakdown of FY14 Funding (GF)

- Personal Services Costs – 76.0%
- Travel Costs – 1.3%
- Services – 19.6%
- Supplies/Commodities – 2.8%
- Capital Outlay - .3%



Alaska Court System



Increments Funded in FY14

- Bandwidth to Improve Network Transmission Speeds
- Therapeutic Courts
- Leases, Utilities, and Software Support
- Bethel Accommodation



Alaska Court System



FY15 Funding Requested

- Utilities, Contractual Services, and Leases – \$173,800
- Expanded Security Screening Services – \$400,000
- Wide Area Network Bandwidth Expansion – \$636,100
- Court Visitor Program – \$60,000 (adjusted from \$107,000)
- Increased Jury Expenses – \$200,000

Alaska Court System



FY15 Funding Requested (Continued)

- Computer Replacement Funding - \$175,000
 - Increase Base Funding to \$600,000
- Interpreter & Translation Services - \$25,000
- Transcripts Prepared for OPA and PDA - \$60,000

Alaska Court System



Funding Changes FY06 to FY15 Personal Services:

- Salary Adjustments
- New Judges – Eight Superior Court and Three District Court
- No Dark Courtrooms Initiative

Alaska Court System



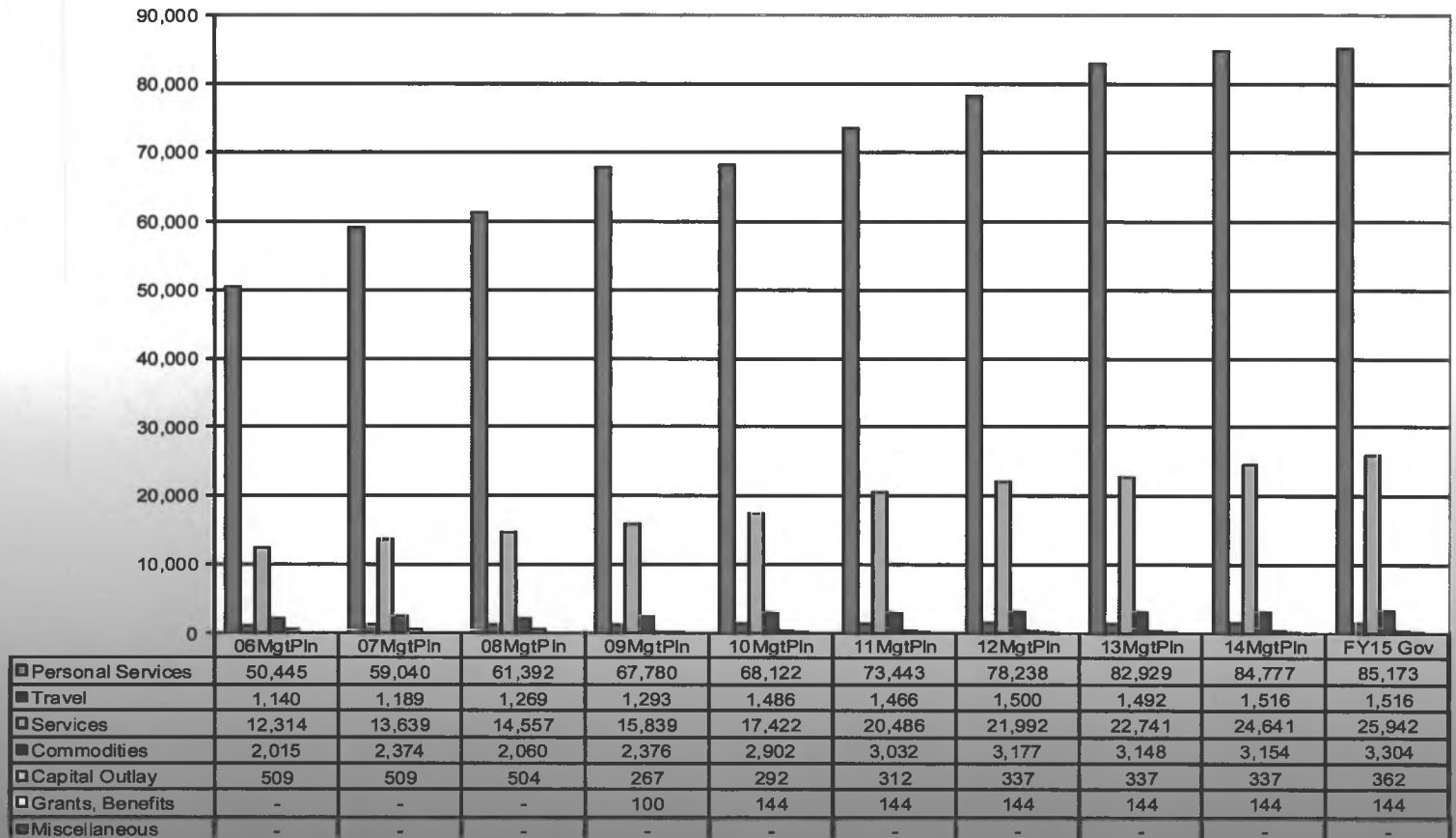
Funding Changes FY06 to FY15 Services:

- Leased Facility Expenses including Public Building Fund Participation
- Utility and Maintenance Costs
- Software Support & Bandwidth Costs
- Therapeutic Courts

Alaska Court System



**Alaska Court System
Line Item Comparison
(All Funds)
(\$ Thousands)**



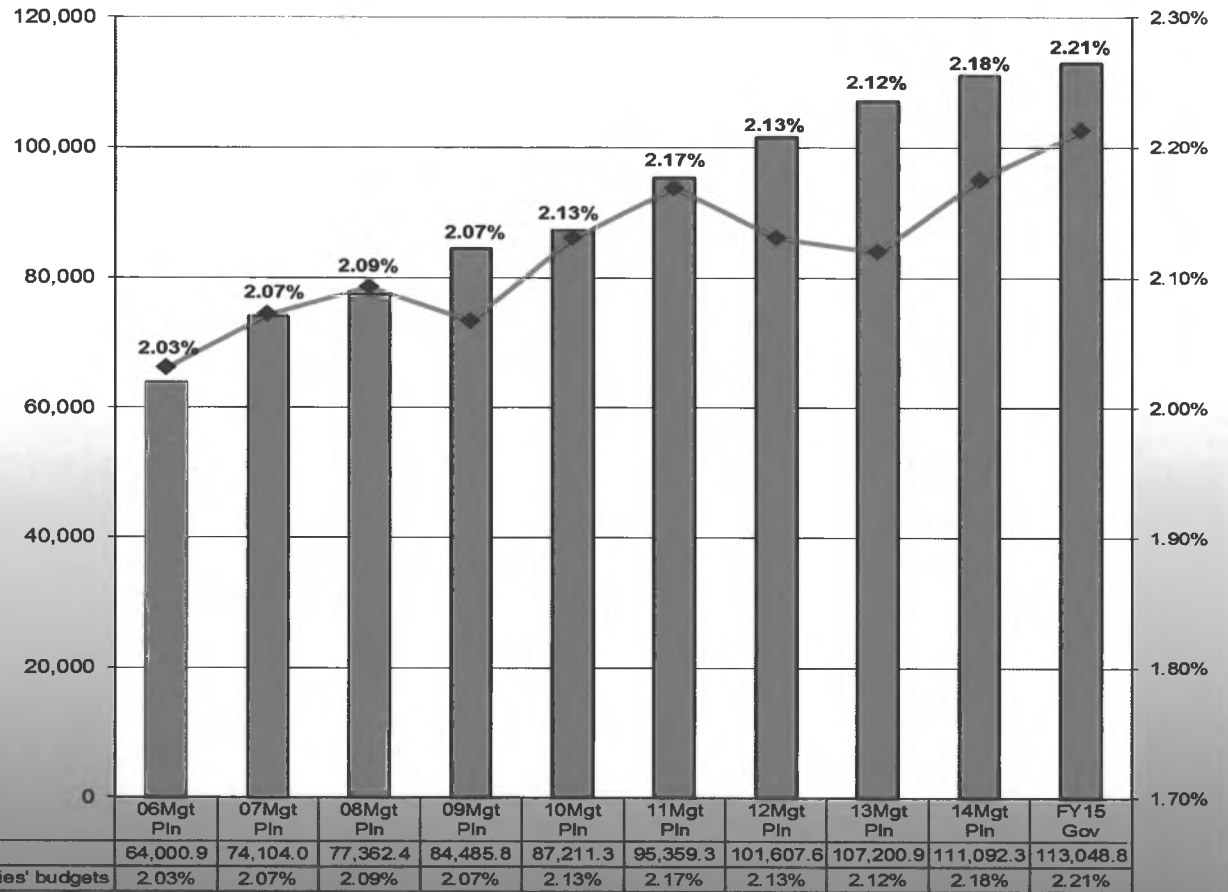
Alaska Court System



The Court System's GF budget grew by \$49 million between FY06 and the FY15 Governor's Request -- an average annual growth rate of 6.5%.

* The agency's total FY15 Governor's Request GF budget equals \$341 per resident worker.

Alaska Court System's Share of Total Agency Operations
(GF Only)
(\$ Thousands)

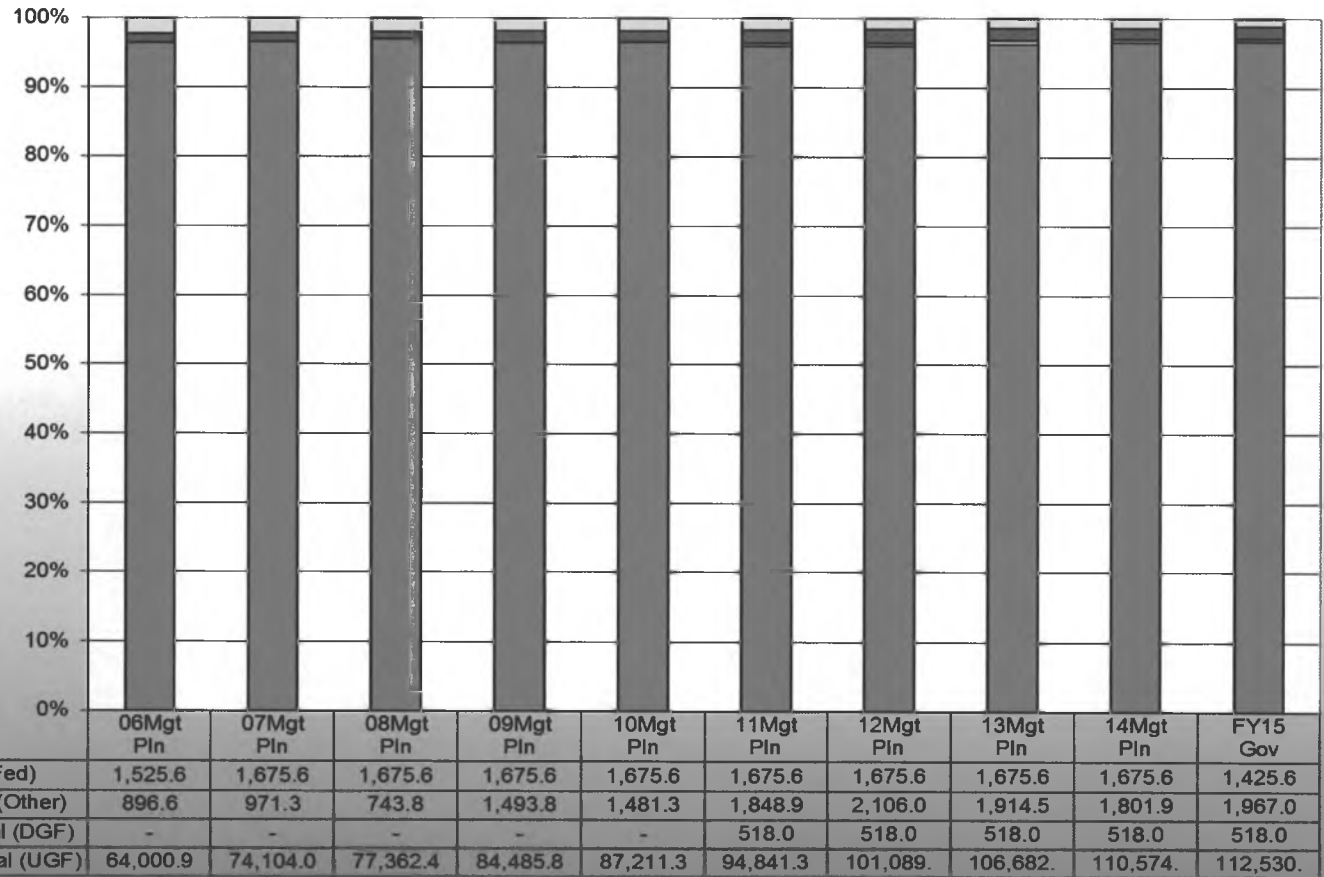


* According to the Department of Labor, there were 331,081 resident workers in Alaska in 2011

Alaska Court System



Alaska Court System
 Percent of the Total Agency's Budget by Fund Group
 (All Funds)
 (\$ Thousands)



Alaska Court System



FY16 and Beyond

- Electronic Document Management (E-Filing) Project
 - Impact to All Justice Agencies
 - Improve Public Access to Data and Case Information
 - Facilitate Data Exchanges Between Justice Agencies
 - Improve Case Processing Efficiencies

Alaska Court System



FY16 and Beyond...(Cont.)

- In the Near Term, New Superior Court Judges may be Needed for Juneau, Bethel, and Palmer Courts
- In the Long Term, New Judges may be Needed Due to Population Changes in Southcentral Alaska



Alaska Court System



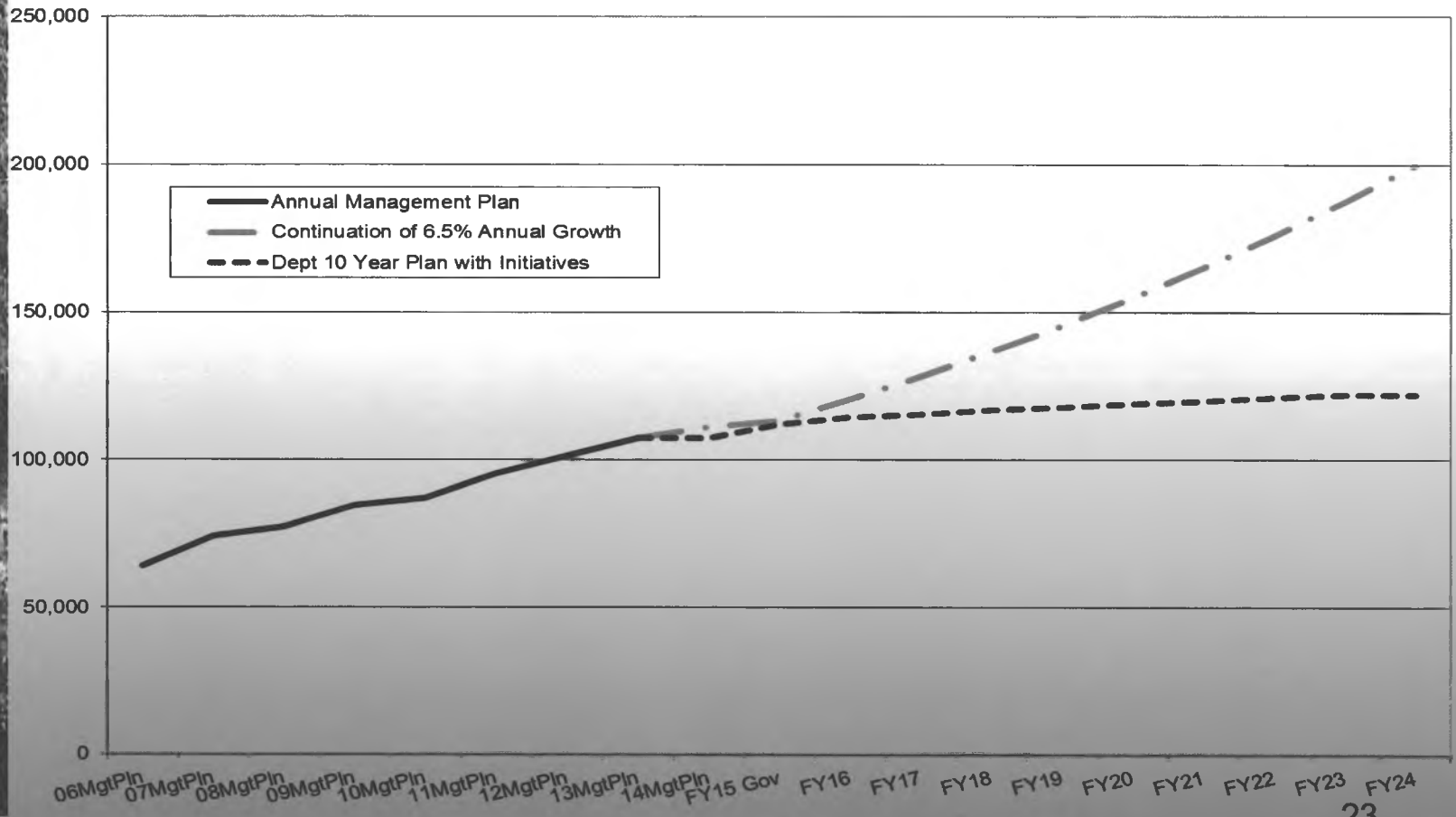
FY16 and Beyond...(Cont.)

- Improvement of Justice Facilities in Juneau, Kotzebue, Bethel, and Nome and Additional Space in Palmer
- Video Arraignment and Bandwidth Expansion

Alaska Court System



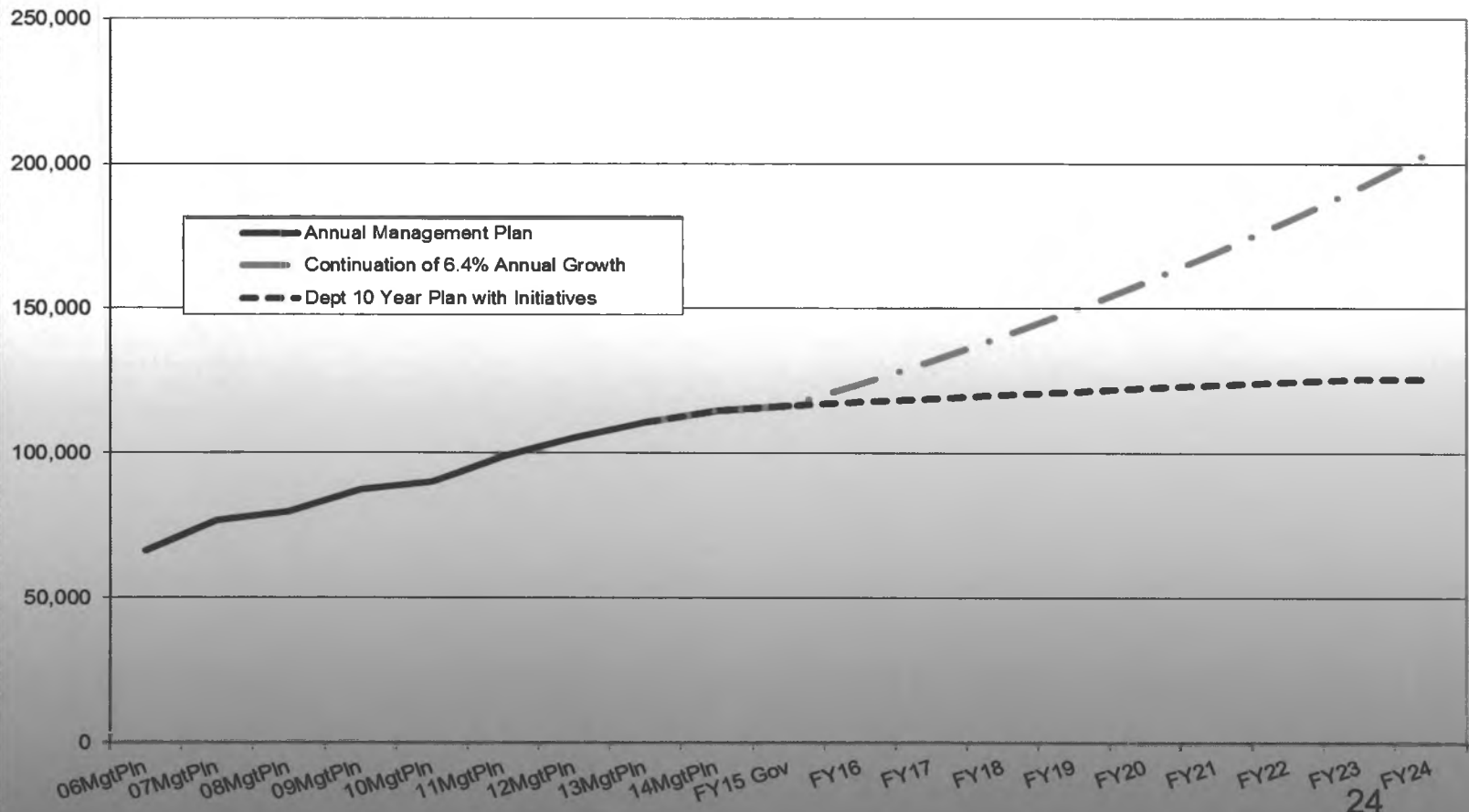
Alaska Court System
Continued Budget Growth Compared to 10-Year Plan
(GF Only)



Alaska Court System



Alaska Court System
Continued Budget Growth Compared to 10-Year Plan
(All Funds)



Alaska Court System



Thank you for your
time.

Questions?

