

ALASKA LEGISLATURE

2192

HOUSE and SENATE FINANCE COMMITTEE FILES,

2001 - 2002

ANALYSIS CONTINUATION

The bill requires DMV to put a distinguishing mark on on the license of repeat offenders when the driver license is reinstated. This will require the purchase of a separate type of form at an annual cost of \$2,000.00 and 345 hours of contract programmer time at a cost of \$110 per hour. The bill also requires offenders to maintain SR-22 insurance for periods longer than the standard 3 year period. This will require programming changes in the driver license application program. The total cost for these two changes is \$40,000.

Revenue

The license reinstatement fees for DWI offenders are increased by \$100 for first time offenders and by \$250 for repeat offenders. On average there are 3200 first and 1500 repeat offenders each year. Approximately 50% of these will reinstate the license. The remainder either leave the state or find the cost of insurance unaffordable. The combined revenue for those that do reinstate is estimated to be \$347,500 annually.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCS CSHB4 (FIN)wd/E
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title "An Act relating to offenses involving BRU Legal and Advocacy Services
operating a motor vehicle..." Component Public Defender Agency
Sponsor Representative Rokeberg Component No. 1631
Requester (S) Finance

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	97.7	97.7	97.7	97.7	97.7	97.7
Travel	4.7	4.7	4.7	4.7	4.7	4.7
Contractual	20.7	20.7	20.7	20.7	20.7	20.7
Supplies	2.5	2.5	2.5	2.5	2.5	2.5
Equipment	10.1	1.0	1.0	1.0	1.0	1.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	135.6	126.6	126.6	126.6	126.6	126.6

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	135.6	126.6	126.6	126.6	126.6	126.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	135.6	126.6	126.6	126.6	126.6	126.6

Estimate of any current year (FY2002) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

SCS CSHB4 (FIN) WD "E" makes numerous changes to the driving while intoxicated (DWI) and refusal laws, and some relating to the driving while license revoked, suspended or cancelled (DWLR) laws. These changes include renaming driving while intoxicated to driving while under the influence (DUI); increasing criminal penalties and fines, as well as adding administrative and treatment costs; and requiring mandatory vehicle forfeiture for felony DUI and Refusals.

The changes in the bill that will have a fiscal impact on the Public Defender Agency are Secs.31, 43, & 48 (Mandating vehicle forfeiture for felony DUI and Refusals) and the various Sections that increase fines and license revocation periods.

(Analysis continued on attached page)

Prepared by: Barbara Brink, Director Phone (907) 334-4416
Division Public Defender Agency Date/Time 4/16/02 12:07 PM
Approved by: Jim Duncan, Commissioner Date 4/16/2002
Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SCS USHB4(FIN)E

ANALYSIS CONTINUATION

DUI and Refusal Mandatory Vehicle Forfeiture.

Under Sections 31, 43, and 48 vehicle forfeiture would be mandatory after a felony conviction for DUI or Refusal. Under Sections 19, 28, 39, and 48 forfeiture would be on option at sentencing after a misdemeanor conviction of DWLR, DUI or Refusal. These hearings would be part of the sentencing in the criminal case, so defendants would have a right to assistance of counsel. Unlike most of the work the Public Defender Agency currently does, these hearings involve complicated issues of ownership and security interests. Forfeitures require separate hearings. Department of Law estimates that there will be 250-300 forfeiture hearings statewide per year just for the felony DUI and Refusal forfeitures mandated in this bill. This does not include the discretionary forfeiture hearings pursued by the prosecutor or court in misdemeanor DUI and Refusal cases or DWLR cases. The Public Defender Agency estimates that we would be appointed in 75% of the mandatory vehicle forfeiture cases. The Agency will need one full-time Attorney in Anchorage and one part-time paralegal in Palmer to effectively represent defendants if this provision is enacted. These offices have the greatest number of DUI and Refusal cases.

Various Sections Increasing Fines, Penalties, and License Revocation Periods.

There are a number of sections that increase fines and license revocation periods, as well as the requirements for obtaining a license after conviction. For example, in Sections 28, 31, 39, and 43, the mandatory minimum fines for DUIs and Refusals are increased to \$1,500 for a first offense from \$250.00, to \$3,000 for a second offense, and \$10,000 for a felony DUI or Refusal. Also in Sections 31 and 43 is the permanent license revocation for felony DUI or Refusal. (Although, under Sections 33 and 44 the license can be restored in 10 years if the defendant does not have additional criminal violations and provides proof of financial responsibility.)

A number of Public Defender Agency clients will not be able to pay these large fines, therefore making it more likely that they will face petitions to revoke their probation or parole. This will likely increase the workload and caseload of the Agency. In addition, increasing the period of license revocation will also likely have a fiscal impact on the Agency. Some people will choose to drive even though they do not have a license. Therefore, we are certain that there will be more DWLR cases filed for which the Agency will be appointed to represent these people. More DWLR cases also may trigger an increase in discretionary vehicle forfeiture proceedings involving Agency participation.

Although the Public Defender Agency cannot quantify the fiscal impact of these provisions increasing fines and periods of revocation, we are certain that there will be a significant, albeit indeterminate, impact.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCSCSHB 4 (FIN) E
() Publish Date: _____

Revision Date/Time 04/11/01 10:36 am Dept. Affected: Corrections
Title "An Act relating to motor vehicles and BRU Administration & Operations
operating a motor vehicle, aircraft, or watercraft; Component All
Sponsor Rep. Rokeberg
Requester Senate Finance Committee Component No. 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	100.0	100.0	114.8	283.3	379.1	379.5
TOTAL OPERATING	100.0	100.0	114.8	283.3	379.1	379.5

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	100.0	100.0	114.8	283.3	379.1	379.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	100.0	100.0	114.8	283.3	379.1	379.5

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Sec. 4. Changes the presumptive sentencing regarding Manslaughter by adding a provision for Manslaughter as a result of DWI. It will increase the presumptive sentence from 5 to 7 years. This change adds another 488 days of incarceration for the offender after the statutory 1/3rd good time is applied. Based on the Department of Law's estimate that there will be 5 convictions a year for Manslaughter as a result of DWI, this legislation will increase the costs of incarceration as follows: In FY2005 an additional \$14,842.80 will be needed. In FY 2006 - \$183,341.60, in FY 2007 - \$279,061.30 and in FY 2008 - \$279,504.91 (Leap Year). Currently, offenders get 5 years or 1,825 days. With 1/3rd good time applied, the offender will serve 1,217 days. Under this new legislation, offenders would get 7 years or 2,557 days. With 1/3rd good time applied, the offender will serve 1705 days or an increase of 488 days. The increased costs for holding prisoners longer will begin to impact the Department in the

Prepared by: Candace Brower Phone 465-4652
Division: Commissioner's Office Date/Time 4/16/02 12:14 P A
Approved by: Margaret Pugh, Commissioner Date 4/16/02
Agency: Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SCSCSHB 4 (FIN)

ANALYSIS CONTINUATION

3rd year (FY2005) as offenders are kept in an institution rather than being transferred to a Community Residential Center (CRC). Offenders would not be going to the CRC until the 5th year (FY2007). In the 4th year (FY2006), offenders will begin "stacking" as new offenders' extended incarcerations start stacking. Starting in FY 2007, 15 offenders will be incarcerated annually in institutions or CRC's under this legislation.

Sec. 56 This section would create a Drunk Driver Pilot Program in the Department of Corrections. Beginning July 1, 2002, and ending June 30, 2007, the commissioner of corrections would establish a program within the Department utilizing a drug or combination of drugs in conjunction with rehabilitation programs for offenders convicted of violating AS 28.35.030 or 28.35.032. Offenders would voluntarily agree to participate in the program. The commissioner would report back to the legislature by January 1, 2005 with a program summary to include statistics and reoffenses. The proposal would include \$100,000 operating costs.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCS CSHB 4 (FIN) wd/E
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to motor vehicles and to BRU Criminal Division
operating a motor vehicle, aircraft, or watercraft; and ..." Component 3rd Judicial District: Anchorage
 Sponsor Representative Rokeberg 3rd Judicial District: Outside Anch
 Requester Senate Finance Committee Component No. 2201:2279

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	152.4	152.4	152.4	152.4	152.4	152.4
Travel	0.4	0.4	0.4	0.4	0.4	0.4
Contractual	29.0	29.0	29.0	29.0	29.0	29.0
Supplies	2.6	2.6	2.6	2.6	2.6	2.6
Equipment	19.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	203.9	184.4	184.4	184.4	184.4	184.4

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	203.9	184.4	184.4	184.4	184.4	184.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	203.9	184.4	184.4	184.4	184.4	184.4

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	3	3	3	3	3	3
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SCS CSHB 4 (FIN) WD "E" makes numerous changes to the state's laws relating to driving under the influence of alcoholic beverages or controlled substances. These changes include renaming driving while intoxicated (DWI) as driving while under the influence (DUI); increasing administrative and criminal penalties for DUI offenses; and requiring vehicle immobilization or forfeiture for felony DUI and refusal to submit to a chemical test.

The changes in the bill which will have a fiscal impact on the Department of Law are requiring vehicle forfeiture for felony DUI and refusal. In addition, the department anticipates an increase in the number of driving with a suspended or revoked driver's license misdemeanor charges will occur as a result of the increased fines and license revocation penalties; however, the impact is too speculative to quantify.

Prepared by: Joan M. Kasson
 Division: Attorney General's Office
 Approved by: Kathryn Daughhetea for Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone (907) 465-5370
 Date/Time 4/15/02 9:41 AM
 Date 4/15/2002

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SCS CSHB 4 (FIN) wd/E

ANALYSIS CONTINUATION

Upon conviction of a felony DUI or refusal, the bill would require the court to order forfeiture of the motor vehicle, watercraft, or aircraft used in the commission of the offense. Forfeiture proceedings require a motion for forfeiture be filed with the court, and a hearing date set by the court upon receipt of the motion. Once the hearing date is set, the state must notify anyone who might have an ascertainable ownership or security interest in the vehicle or aircraft about the proceeding. A person claiming an ownership or security interest may then intervene and appear at the hearing in order to prove to the court they should be paid for their interest.

The Criminal Division estimates there will be 250 to 300 forfeiture hearings per year as a result of enactment of the felony DUI/refusal provisions. Preparation for these hearings will involve research on ownership interests and paperwork. The Criminal Division estimates it will need to add two new FTE paraprofessional positions, one each in Anchorage and Palmer. (Although the Municipality of Anchorage prosecutes misdemeanor DUI, the Department of Law prosecutes all felonies.) In addition, 1 new law office assistant position will be necessary in Palmer.

Position costs are based on the department's FY03 cost allocation plan, and include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 per position is included. Proportionate support position funding is included in the standard paraprofessional cost schedule at a rate of approximately one support position for every three professional positions. Position authorizations for the support positions are required, however, and the one FTE law office assistant position discussed above is requested, along with \$6,500 for one-time equipment costs. A summary of line-item costs by component follows:

Component	Position	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Paraprofessional	76.2	76.2	76.2	76.2	76.2	76.2
	200	0.2	0.2	0.2	0.2	0.2	0.2
	300	14.5	14.5	14.5	14.5	14.5	14.5
	400	1.3	1.3	1.3	1.3	1.3	1.3
	500	6.5					
	Total 1004 General Fund	98.7	92.2	92.2	92.2	92.2	92.2
Criminal Division: 3rd Judicial District: Outside Anchorage (2279)							
	100 1 FTE Paraprofessional	76.2	76.2	76.2	76.2	76.2	76.2
	200 1 PFT Law Office Asst	0.2	0.2	0.2	0.2	0.2	0.2
	300	14.5	14.5	14.5	14.5	14.5	14.5
	400	1.3	1.3	1.3	1.3	1.3	1.3
	500	13.0					
	Total 1004 General Fund	105.2	92.2	92.2	92.2	92.2	92.2
Forfeiture Total	1004 General Fund	203.9	184.4	184.4	184.4	184.4	184.4

SCS CSHB 4 (FIN) WD "E" increases the minimum fines for DUI and refusal convictions. Unfortunately, there is no way to calculate a reliable estimate of the increased revenues that would result from increasing the fines for DUI and refusal. There are simply too many variables.

The criminal fines are minimum fines for each type of offense. The fines may be set higher. They may also be set lower in certain circumstances. For example, sections 33 and 44 permit suspending up to 75 percent of the fine for successful completion of a court-ordered treatment program. Given these factors, we have no way of estimating what the average fine would be for each level of offense.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SCS CSHB 4 (FIN) wd/E

ANALYSIS CONTINUATION

Even if you assume that the minimum fine is the average, and multiply times the number of estimated convictions for that offense, it is impossible to know how much revenue may actually be collected in any given year. We have no idea how many defendants would pay their criminal fines voluntarily. If they do not pay voluntarily, after 60 days the judgment for the criminal fine would be transferred to the Department of Law for collection.

The department's primary means of collecting debts is through attachment of the Permanent Fund Dividend, assuming the defendant is eligible for one. The amount that can be garnished from an annual dividend to pay criminal fines is limited by the size of the fine, the size of the dividend, and by what other debts are owed the state or a victim by the defendant. This latter factor is important because AS 43.23.065 prioritizes the order of debts for which a dividend may be seized. So, if the defendant also owes child support and/or restitution, the state cannot start collecting the criminal fine until those other obligations are fulfilled, as they hold a higher priority. This could take some years. Even if there are no other debts with a higher priority, if the fine is larger than the dividend amount, it again may take more than one dividend cycle to complete. It is impossible to predict how these factors would impact future revenues from criminal fines.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCS CSHB 4(FIN)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Registration of Motor Vehicle, Operating Motor BRU AST Detachment
Vehicle, Aircraft, Watercraft while intoxicated & Drivers Lic. Component AST Detachment
 Sponsor Representative Rokeberg
 Requester Senate Finance Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	47.6	47.6	47.6	47.6	47.6	47.6
Travel	7.5	7.5	7.5	7.5	7.5	7.5
Contractual	47.9	47.9	47.9	47.9	47.9	47.9
Supplies	2.5	2.5	2.5	2.5	2.5	2.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	105.5	105.5	105.5	105.5	105.5	105.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	57.2	57.2	57.2	57.2	57.2	57.2
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	105.5	105.5	105.5	105.5	105.5	105.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	105.5	105.5	105.5	105.5	105.5	105.5

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

See page 2 for details regarding operating costs.

Estimated revenues were calculated at 260 convictions x \$220 each (based upon Anchorage Police Dept fee)

Prepared by: Lt. Julia Grimes Phone 269-4542
 Division: Division of Alaska State Troopers Date/Time 4/10/02 2:48 PM
 Approved by: Commissioner Glenn G. Godfrey Date 4/10/2002
 Agency: Department of Public Safety

Program Operational Costs

Procurement Specialist I, Range 14, Anchorage	47,600
Travel for Auctions	7,500
Contractual Cost for One Position (phones, computer, postage, DP Svc) \$	8,700
Office and DP Supplies for One Position \$	2,500
Total Pgm Operational Costs	66,300

Vehicle Forfeited on 3rd Offense/Refusal

Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #	Cost
Vehicle	Long Distance (25% of 55)	AK Veh Tran	\$ 900	14	\$ 12,375
Vehicle	Short Distance (75% of 55)	Towing Co.	\$ 50	41	\$ 2,063
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	55	\$ 24,750
Total 3rd Offense Costs \$					39,188

Assumptions:

260 convictions & 15% of total are snowmachines (221 vehicles & 39 snowmachines w/in AST jurisdiction).

100% of forfeited snowmachines disposed to charity, non-profit corporations and/or local governments

75% of forfeited vehicles disposed to Charity, Non-Profit Corporations and/or local governments; 25% disposed to AST for their use or storage for public auction, FN contains AST costs only.

Analysis does not include: 1. Sale of Vehicle 5% Admin Fee. 2. Vehicle Loan Payoff - forfeited vehicles.

FISCAL NOTE

**STATE OF ALASKA
2002 LEGISLATIVE SESSION**

BILL NO. SCS CSHB 4

Revision Date/Time (Note if correction) <u>Work Draft 3/15/02</u>	Dept. Affected _____
Title <u>Omnibus DWI Bill - Vehicle Forfeiture</u>	BRU <u>Alaska Court System</u>
Sponsor <u>Rep. Norman Rokeberg</u>	Component <u>Trial Courts</u>
Requester <u>Senate Finance Committee</u>	Component No. <u>768</u>

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	29.2	29.2	29.2	29.2	29.2	29.2
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	29.2	29.2	29.2	29.2	29.2	29.2

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	29.2	29.2	29.2	29.2	29.2	29.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	29.2	29.2	29.2	29.2	29.2	29.2

Estimate of any current year (FY2002) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary	2	2	2	2	2	2

ANALYSIS: (Attach a separate page if necessary)

Sections 30, 34, and 42, of Work Draft H for SCS CSHB 4 require the mandatory forfeiture of a motor vehicle, aircraft, and watercraft used in the commission of certain DWI offenses. Section 52 states that before forfeiture can occur the court system is to hold a hearing on the matter. The Department of Law estimates that this section will result in approximately 800 hearings a year. Of those, 218 will be in conjunction with felony proceedings and 513 will be in conjunction with misdemeanor proceedings. Because the costs associated with the felony hearings were captured through other legislation last year, this note reflects only the costs associated with the additional 513 district court hearings. Those hearings are anticipated to last 15 minutes.

Section 22 calls for mandatory vehicle forfeiture for second and subsequent offenses relating to driving while license suspended, revoked, limited or cancelled. Records from the Department of Public Safety suggest that this provision will result in 900 new forfeitures a year. This note is based on that estimate.

Prepared by: <u>Douglas Wooliver</u>	Phone <u>463-4750</u>
Division: <u>Alaska Court System</u>	Date/Time <u>3/15/02 7:45 AM</u>
Approved by: <u>Stephanie J. Cole, Administrative Director</u>	Date _____
Agency: <u>Alaska Court System</u>	

For distribution information, call the Governor's Legislative Office

Alaska Court System

Fiscal Note Calculations for Draft SCSHB4 Dated 2/05/02

Vehicle Forfeitures:

800 new hearings, 287 of which would be handled in conjunction with a superior court case (felony)

513 hearings @ 15 minutes/hearing = 128.25 hours of hearing time (one month)

	FY03	FY04	FY05	FY06	FY07
<u>District Court:</u>					
District Court Judge Pro Tem (1 Month)	7,690	7,690	7,690	7,690	7,690
In-Court Clerk NPP (1 Month)	<u>2,930</u>	<u>2,930</u>	<u>2,930</u>	<u>2,930</u>	<u>2,930</u>
Fiscal Note for Vehicle Forfeitures	10,620	10,620	10,620	10,620	10,620

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCS CSHB4 (FIN)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An Act relating to offenses involving BRU Legal and Advocacy Services
operating a motor vehicle..." Component Public Defender Agency
 Sponsor Representative Rokeberg
 Requester (S) Finance Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	372.3	372.3	372.3	372.3	372.3	372.3
Travel	18.0	18.0	18.0	18.0	18.0	18.0
Contractual	72.2	72.2	72.2	72.2	72.2	72.2
Supplies	9.4	9.4	9.4	9.4	9.4	9.4
Equipment	40.2	4.0	4.0	4.0	4.0	4.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	512.1	475.9	475.9	475.9	475.9	475.9

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	512.1	475.9	475.9	475.9	475.9	475.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	512.1	475.9	475.9	475.9	475.9	475.9

Estimate of any current year (FY2002) cost: 0.0

POSITIONS

Full-time	6	6	6	6	6	6
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill makes numerous changes to the driving while intoxicated (DWI) and refusal laws, and some relating to the driving while license revoked, suspended or cancelled (DWLR) laws. These changes include renaming driving while intoxicated to driving while under the influence (DUI); increasing criminal penalties and fines, as well as adding administrative and treatment costs; and requiring mandatory vehicle forfeiture for repeat offenders of DUI, refusal, and DWLR.

The changes in the bill that will have the most fiscal impact on the Public Defender Agency are: Secs. 22, 30, 34, 42, 47, & 52 (Mandating vehicle forfeiture) and the various Sections that increase fines, mandatory minimum jail sentences, and license revocation periods.

(Analysis continued on attached page)

Prepared by: Barbara Brink, Director Phone (907) 334-4416
 Division: Public Defender Agency Date/Time 4/2/02 1:28 PM
 Approved by: Jim Duncan, Commissioner Date 4/2/2002
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SCS CSHB4 (FIN)

ANALYSIS CONTINUATION

DUI and Refusal Mandatory Vehicle Forfeiture.

Vehicle forfeiture or immobilization would be mandatory after a second conviction for DUI or Refusal, with forfeiture mandatory upon conviction of felony DUI or refusal. These hearings would be part of the sentencing in the criminal case, so defendants would have a right to assistance of counsel. Unlike most of the work the Public Defender Agency currently does, these hearings involve complicated issues of ownership and security interests. Forfeitures require separate hearings. Department of Law estimates that there will be 800 forfeiture hearings statewide per year as a result of DUI and Refusal forfeitures mandated in this bill. The Public Defender Agency estimates that we would be appointed in 75% of the cases. While the Agency would not have as much legal work to do in these hearings as the Department of Law, nevertheless, we will need two full-time paraprofessionals and one full-time Attorney (in Fairbanks) to effectively represent defendants if this provision is enacted. We would place Paralegals in our Anchorage and Palmer offices, and the Attorney in Fairbanks, similar to Law's placement. These offices have the greatest number of DUI and DWLR cases. Included in these positions is support staff, in the nature of one law office assistant per three attorneys.

DWLR Mandatory Vehicle Forfeiture

This bill, in Sections 22, 52 and 53 also provides for mandatory vehicle forfeiture or immobilization after a second conviction for DWLR (includes driving while license suspended and cancelled as well as revoked). These hearings, like the hearings for DUI and Refusal, would be part of the sentencing in the criminal case, so defendants would have a right to the assistance of counsel. The Department of Law estimates that there would be 650 forfeiture hearings statewide per year as a result of these types of mandated vehicle forfeitures provided for in this bill. Accepting Law's estimates, we will be appointed in about 75% of the cases. The Public Defender Agency will need two full-time paraprofessionals and one full-time Attorney (in Palmer) to effectively represent defendants if this provision is enacted. We would place paralegals in our Kenai and Ketchikan offices and the Attorney in Palmer, similar to Law's placement. Included in these positions is support staff, in the nature of one law office assistant per three attorneys.

Various Sections Increasing Fines, Penalties, and License Revocation Periods.

There are a number of sections that increase fines, penalties, and license revocation periods. For example, in Sec. 30 and 42, the mandatory minimum fines for DUIs and Refusals are increased to \$1,500 for a first offense from \$250.00, to \$3,000 for a second offense, and \$10,000 for a felony DUI or Refusal. Another example, in Sections 34 and 47 is the permanent license revocation for felony DUI or Refusal. (Although, under Sections 36 and 48 the license can be restored in 10 years if the defendant does not have additional criminal violations and provides proof of financial responsibility.)

A number of Public Defender Agency clients will not be able to pay these large fines, therefore making it more likely that they will face petitions to revoke their probation or parole. This will likely increase the workload and caseload of the Agency. In addition, increasing the period of license revocation will also likely have a fiscal impact on the Agency. Some people will choose to drive even though they do not have a license. Therefore, we are certain that there will be more DWLR cases filed for which the Agency will be appointed to represent these people. More DWLR cases also triggers an increase in vehicle forfeiture proceedings involving Agency participation.

Although the Public Defender Agency cannot quantify the fiscal impact of these provisions increasing penalties, fines, and periods of revocation, we are certain that there will be a significant, albeit indeterminate, impact.

PUBLIC DEFENDER AGENCY
HB 4 FISCAL NOTE

DWLR Forfeiture	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	182.2	182.2	182.2	182.2	182.2	182.2
Travel	9.0	9.0	9.0	9.0	9.0	9.0
Contractual	36.1	36.1	36.1	36.1	36.1	36.1
Supplies	4.7	4.7	4.7	4.7	4.7	4.7
Equipment	20.1	2.0	2.0	2.0	2.0	2.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	252.1	234.0	234.0	234.0	234.0	234.0
POSITIONS						
Full-time	3	3	3	3	3	3
Part-time						
Temporary						

DWI Forfeiture	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	190.1	190.1	190.1	190.1	190.1	190.1
Travel	9.0	9.0	9.0	9.0	9.0	9.0
Contractual	36.1	36.1	36.1	36.1	36.1	36.1
Supplies	4.7	4.7	4.7	4.7	4.7	4.7
Equipment	20.1	2.0	2.0	2.0	2.0	2.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	260.0	241.9	241.9	241.9	241.9	241.9
POSITIONS						
Full-time	3	3	3	3	3	3
Part-time						
Temporary						

TOTAL PUBIC DEFENDER	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	372.3	372.3	372.3	372.3	372.3	372.3
Travel	18.0	18.0	18.0	18.0	18.0	18.0
Contractual	72.2	72.2	72.2	72.2	72.2	72.2
Supplies	9.4	9.4	9.4	9.4	9.4	9.4
Equipment	40.2	4.0	4.0	4.0	4.0	4.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	512.1	475.9	475.9	475.9	475.9	475.9
POSITIONS						
Full-time	6.0	6.0	6.0	6.0	6.0	6.0
Part-time						
Temporary						

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCS CSHB 4 (FIN)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An act relating to motor vehicles BRU: Motor Vehicles
and to operating a motor vehicle..... Component: Motor Vehicles
 Sponsor: Representative Rokeberg
 Requester: Senata (FIN) Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	153.8	153.8	153.8	153.8	153.8	153.8
Travel						
Contractual	26.1	23.9	23.9	23.9	23.9	23.9
Supplies	6.8	1.4	1.4	1.4	1.4	1.4
Equipment	21.6	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	208.3	179.1	179.1	179.1	179.1	179.1

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1005)	347.5	347.5	347.5	347.5	347.5	347.5
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	208.3	179.1	179.1	179.1	179.1	179.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	208.3	179.1	179.1	179.1	179.1	179.1

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill requires DMV to take a suspension, revocation, or limitation action against the registration of vehicles owned by DWI offenders. Prior to taking any action DMV is required to afford all owners with an interest in the vehicle a hearing to contest the proposed action. These hearings are in addition to the driver license revocation administrative hearings now conducted by the division. Hearings for co-owners must be held separate from the driver license hearing due to the confidential nature of the driver license matters. Therefore, the numbers of administrative hearings and the complexity of the hearings will increase.

(continued on page 2)

Prepared by: Charles R. Hosack
 Division: Motor Vehicles
 Approved by: Jim Duncan, Commissioner
 Agency: Department of Administration

Phone 269-5559
 Date/Time April 1, 2001
 Date 4/2/2002

ANALYSIS CONTINUATION

Prior to April 2000, the division conducted all hearings telephonically. In April 2001, an Alaska Supreme Court decision requiring in-person hearings changed that and now hearing officers must travel. This decreases the number of hearings a single hearing officer can conduct.

The registration actions affect not only the vehicle used in the offense but for multiple offenders it includes all vehicles owned by the individual. Since there is no direct link between the driver license and vehicle registration data bases, each case will require researching vehicle records and making multiple entries to reflect the status of the registration as the case moves through the arrest, plate removal, temporary permit issuance, and hearing process. If there are co-owners of the vehicle, then DMV must allow them to re-register the vehicle after the action and omit the name of the offender. In the case of a sole owner, DMV must take an additional action at the end of the revocation period to allow the owner to register the vehicle.

There has been an average of 5400 DWI arrests each year. The passage of the .08 BAC level is expected to increase this by 5-15% per year. The average person owns more than one vehicle therefore DMV registration actions as a result of this bill are expected to exceed 10,000 per year. The volume and the requirement to provide in-person hearings will require one hearing officer and one admin support person for the additional hearings. The vehicle records work will require 1.5 PFT positions. There will be associated costs for equipment and the certified postage required for hearing notifications.

The detailed costs are shown below:

1 PFT Hearing Officer, range 16	\$55.1
2.5 PFT MVCSRs for admin support, range 10	\$98.7
Equipment and associated costs	\$34.8
Postage (5000 letters @3.94)	\$19.7
Total Cost	\$208.3

Revenue

The license reinstatement fees for DWI offenders are increased by \$100 for first time offenders and by \$250 for repeat offenders. On average there are 3200 first and 1500 repeat offenders each year. Approximately 50% of these will reinstate the license. The remainder either leave the state or find the cost of insurance unaffordable. The combined revenue for those that do reinstate is estimated to be \$347,500 annually.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCSCSHB 4 (FIN)
() Publish Date: _____

Revision Date/Time: 3/17/01 4:55 p.m. Dept. Affected: Corrections
Title: "An Act relating to motor vehicles and BRU: Administration & Operations
operating a motor vehicle, aircraft or watercraft..... Component: All
Sponsor: Rep. Rokeberg
Requester: Senate Finance Committee Component No.: 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	605.0	680.0	755.0	830.0	905.0	905.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	1,212.3	1,337.0	1,479.1	1,772.3	2,024.0	2,120.4
TOTAL OPERATING	1,817.3	2,017.0	2,234.1	2,602.3	2,929.0	3,025.4

CAPITAL EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
CHANGE IN REVENUES ()	0.0	85.0	100.0	315.0	560.0	635.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,705.6	1,905.3	2,122.4	2,490.6	2,817.3	2,913.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other - 1156 Receipt supported serv.	111.7	111.7	111.7	111.7	111.7	111.7
TOTAL	1,817.3	2,017.0	2,234.1	2,602.3	2,929.0	3,025.4

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will make extensive changes in the current statutes regarding driving while intoxicated (including a name change to driving while under the influence of an alcoholic beverage, inhalant, or controlled substance). Because of the volume of the bill, only those areas specifically affecting the Department of Corrections will be addressed.

Section 4. Changes the presumptive sentencing regarding Manslaughter by adding a provision for Manslaughter as a result of DWI. It will change the presumptive sentence from 5 to 7 years. This change adds another 488 days of incarceration for the offender after the statutory 1/3rd good time is applied. Based on the Department of Law's estimate that there will be 5 convictions a year for Manslaughter as a result of DWI, this legislation will increase the costs of incarceration as follows:

Prepared by: Candace Brower Phone 465-4652
Division: Commissioner's Office Date/Time 4/2/02 10:52 AM
Approved by: Margaret Pugh, Commissioner Date 4/2/02
Agency: Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SCSCSHB4 (FIN)

ANALYSIS CONTINUATION

In FY2005 an additional \$14,842.80 will be needed. In FY 2006 - \$183,341.60, in FY2007 -\$279,061.80 and in FY 2008 - \$279,504.91 (Leap Year). Currently, offenders get 5 years or 1,826 days. With 1/3rd good time applied, the offender will serve 1,217 days. Under this new legislation, offenders would get 7 years or 2,557 days. With 1/3rd good time applied, the offender will serve 1705 days or an increase of 488 days. The increased costs for holding prisoners longer will begin to impact the Agency in the 3rd year (FY2005) as offenders are kept in an institution rather than being transferred to a Community Residential Center (CRC). Offenders would not be going to the CRC until the 5th year (FY2007). In the 4th Year (FY2006), offenders will begin "stacking" as new offenders extended incarceration starts stacking. Starting in FY2007, 15 offenders will be incarcerated annually in institutions or CRC's under this legislation.

Sec. 30 & 42: These sections increase the sentence for 2nd time offenders from 20 days to 30 days unless the court orders the person to perform 10 days community service as authorized under AS 12.55.055. In FY00 there were an estimated 807 second time DWI offenders. The Departments have contended that last year's passage of .08 will increase DWI convictions by 10%. The Department of Corrections bookings for DWI from 9/1/01 through 12/31/01 were up 10% from the previous year for the same time period. If we consider a 10% increase of the offenders, there would be 887 second time offenders. We assume that one-half will be ordered to complete 10 days community work service in lieu of jail time. The other half will serve their extra 10 days in the CRC. Including statutory good time, 443 offender will serve 7 days @ \$66.00/day for a total of \$204,666.

Sec. 32 & 45: These sections require treatment to occur as much as possible while the offender is incarcerated. This applies to felony DWI offenders. It is estimated that there will be approximately 240 new felony offenders in FY03. If we assume a total of 70 successful felony offenders from the new DWI Courts, there will be 170 remaining felony offenders needing treatment in the facilities. Treatment experts indicate that someone who has reached felony status as a DWI offender will almost certainly require intensive outpatient treatment or residential treatment services. It is estimated that currently 11 felony DWI offenders a year receive residential treatment services through our therapeutic community at Wildwood Correctional Center, another 21 receive intensive outpatient treatment. Wildwood Correctional Center has the capacity to facilitate another therapeutic community that would accommodate another 60 new offenders per year at a cost of \$380,000. Another \$30,000 would be needed for transitional funding. If we back out the 32 felony DWI offenders currently receiving treatment and subtract the 60 offenders who could be treated at an additional therapeutic community, the remaining 78 new felony DWI offender would need intensive outpatient treatment at a cost of \$2,500 per offender for a total of \$195,000. The total treatment component to accommodate the felony DWI offender population in FY03 would be \$605,000. The number of felony offenders is expected to increase by approximately 30 offenders per year for 5 years because of the increased lookback, thus the increased treatment cost each year. This amount is reflected in the contractual section of the fiscal note since all substance abuse treatment is contracted out to private providers.

These sections also require that new offenders pay for their cost of treatment up to \$10,000 unless they are deemed indigent. For those who are deemed indigent, and those who are unable or unwilling to pay, the state shall seek reimbursement from the offender's Permanent Fund Dividend (PFD) after their eligibility is restored, as felons do not receive PFD's for the qualifying year(s) during which they are serving their felony sentence. The State will pursue \$2,500 reimbursement from 100% of the new offenders. It is estimated that perhaps 20% or 34 of the 170 new felony offenders would be able to pay the treatment costs of \$2,500 with 1st year receipts coming in 2004, and the other 136 offenders would be deemed indigent or unable/unwilling to pay and the state will seek reimbursement from the offender's PFD after their eligibility is restored. For new 2003 offenders, their PFD eligibility will not be restored until

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SCSCSHB4 (FIN)

ANALYSIS CONTINUATION

Each new fiscal year's group of new felony offenders will be similar in reimbursement of treatment, 20% paying and 80% through PFD attachments.

Treatment Reimbursements:

	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008
20% Offenders Pay \$2,500 - 34 Offenders (New) each Year.	\$0.0	\$85.0	\$100.0	\$115.0	\$130.0	145.0
80% Offenders Pay \$2,500 through PFD- 136 Offenders 1st year/ 50% of Treatment 2 Yrs						
Group #1	\$0.0	\$0.0	\$0.0	\$200.0	\$200.0	\$0.0
Group #2	\$0.0	\$0.0	\$0.0	\$0.0	\$230.0	\$230.0
Group #3	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$260.0
Total	\$0.0	\$85.0	\$100.0	\$315.0	\$560.0	\$635.0

Sec. 33 & 46: These sections increase the amount the offender is required to pay for their incarceration from up to \$1,000 to up to \$2,000. This does not make a large difference in revenue since the current minimum sentence for second time offenders is 20 days. With good time an offender serves 13 days. This is served, when possible, in a Community Residential Center (CRC) @ \$66.49/day, which totals \$864. Offenders are already required to pay up to \$1,000 for cost of care. If the penalty is increased to 30 days, then the increase in cost of care will be made up for by the additional requirement. If only half of (423) of the 847 second time offenders opt for the 30 day sentence, they would pay an additional \$330 each for a total of \$139,590.

In addition, these sections increase the minimum sentences for felony DWI offenders. Using 240 as the number of expected convicted DWI felons in FY03, and estimating the 80% of those will be third time offenders, 192 will serve an additional 40 days of incarceration. Utilizing the cost of \$90/day (an average cost of 1/2 time in a CRC (\$66.49/day) and 1/2 time in an institution (\$114.37/day) the cost for third time offenders will be \$691,200. Estimating that 15% will be 4th time offenders, that would result in 36 offenders serving an additional 80 days, the cost for fourth time offenders is \$259,200. The remaining 5% (12 offenders) will serve an additional 53 days for the cost of \$57,240. The total cost of this provision for the first fiscal year will be \$1,007,640. Utilizing the same formula and filling in the number of felons each year, the increased cost of higher penalties are as follows: FY04 \$1,132,380, FY05 \$1,259,550, FY06 \$1,384,290, FY07 \$1,540,260 and FY08 \$1,636,200.

End

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCS CS HB 4 (FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: RELATING TO OPERATING MOTOR VEHICLES UNDER THE BRU: Alcohol & Drug Abuse Svcs
INFLUENCE Component: Alcohol Safety Action Program
Sponsor: ROKEBERG
Requestor: _____ Component Number: 305

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 (0)						
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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						
Othe (Specify Type--do not abbrevia						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This amendment adds language that the court may order the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage. This has no fiscal impact on Alcohol Safety Action Program.

Prepared by: Marilee Fletcher Phone 465-2071
Division: Alcoholism & Drug Abuse Date/Time: 04/01/2002
Approved by: Elmer A. Lindstrom, Deputy Commissioner Date: 04/02/2002
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCS CSHB 4 (FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title: "An Act relating to motor vehicles and to BRU Criminal Division; Civil Division
operating a motor vehicle, aircraft, or watercraft; and ..." Component 3rd-4th Judicial Districts;
Sponsor: Representative Rokeberg Collections & Support
Requester: Senate Finance Committee Component No. 2201:61:79:10

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	784.4	784.4	784.4	784.4	784.4	784.4
Travel	1.8	1.8	1.8	1.8	1.8	1.8
Contractual	145.9	145.9	145.9	145.9	145.9	145.9
Supplies	13.1	13.1	13.1	13.1	13.1	13.1
Equipment	78.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1,023.2	945.2	945.2	945.2	945.2	945.2

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	1,005.2	927.2	927.2	927.2	927.2	927.2
1005 GF/Program Receipts	18.0	18.0	18.0	18.0	18.0	18.0
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	1,023.2	945.2	945.2	945.2	945.2	945.2

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	12	12	12	12	12	12
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SCS CSHB 4 (FIN) makes numerous changes to the state's laws relating to driving under the influence of alcoholic beverages or controlled substances. These changes include renaming driving while intoxicated (DWI) as driving while under the influence (DUI); increasing administrative and criminal penalties for DUI offenses; requiring vehicle immobilization or forfeiture for repeat offenses of driving with license suspended or revoked (DWLS/R), DUI, and refusal to submit to a chemical test; and requiring treatment costs be reimbursed to the state.

The changes in the bill which will have a fiscal impact on the Department of Law are collection of treatment costs and requiring vehicle immobilization or forfeiture for repeat offenders. Each issue is addressed separately below. Even considering the possibility of deterrence in the new forfeiture provisions for repeat DWLS/R, the department anticipates an increase in the number of driving with a suspended or revoked driver's license misdemeanor charges will occur as a result of the increased fines and license revocation penalties; however, the impact is too speculative to quantify.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division: Attorney General's Office Date/Time 4/2/02 10:58 AM
Approved by: Kathryn Daughetae for Bruce M. Botelho, Attorney General Date 4/2/2002
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SCS CSHB 4 (FIN)

ANALYSIS CONTINUATION

Collection of the cost of treatment

The bill requires the state to seek reimbursement from a person's permanent fund dividend if they do not pay the cost of alcohol or substance abuse treatment required under SCS CSHB 4 (FIN). Assuming that the treatment costs can be reduced to a sum-certain judgment, the Collections unit at the Department of Law will collect them as they currently collect the cost of DUI incarceration. Corrections anticipates 170 felons will require treatment in the first year, with the number increasing by 30 each year as the increased look back period for felony DUI adopted in 2001 is phased in, reaching a total of 290 after 5-years.

In order to process and collect the estimated 290 new judgments each year, Collections unit personnel must enter the judgment data into the collections data base, post payments received, prepare PFD attachment packets for the court system and Department of Revenue, enter adjustments and process refunds when necessary, respond to phone calls from defendants, court personnel, prosecutors, and other state agencies, prepare satisfactions of judgments, and prepare quarterly or annual reporting of collections data. Much of this work can be handled by existing staff. However, the additional data entry and phone calls will require an additional half-time Administrative Clerk II.

Vehicle forfeiture

Upon conviction of a second DWLS/R, DUI, or refusal to take a chemical test, the bill would require the court to order forfeiture or immobilization of the motor vehicle, watercraft, or aircraft used in the commission of the offense. Upon conviction of a third or subsequent DWLS/R, DUI, or refusal, forfeiture would be mandatory. Forfeiture proceedings require a motion for forfeiture be filed with the court, and a hearing date set by the court upon receipt of the motion. Once the hearing date is set, the state must notify anyone who might have an ascertainable ownership or security interest in the vehicle or aircraft about the proceeding. A person claiming an ownership or security interest may then intervene and appear at the hearing in order to prove to the court they should be paid for their interest.

The Criminal Division estimates there will be 650 forfeiture hearings per year as a result of enactment of the DWLS/R provisions, and 800 forfeiture hearings per year as a result of enactment of the DUI/refusal provisions. Preparation for these hearings will involve research on ownership interests and paperwork. For the DWLS/R forfeiture and immobilization workload, the Criminal Division estimates it will need to add three new FTE paraprofessional positions, one each in Kenai, Juneau, and Ketchikan, and one new FTE attorney position in Palmer. For the DUI and refusal forfeiture and immobilization hearings, the division will need four new FTE paraprofessional positions, one each in Anchorage, Kenai, Fairbanks, and Palmer, and 1 new FTE attorney position in Fairbanks to handle these cases. (Although the Municipality of Anchorage prosecutes misdemeanor DUI, the Department of Law prosecutes all felonies.) In addition, 3 new law office assistant positions will be necessary, one each in Palmer, Anchorage, and Kenai.

All position costs except the Collections unit position are based on the department's FY03 cost allocation plan, and include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Collections unit positions are specialized, and are not recovered through the cost allocation plan. The standard cost does not include one-time new equipment purchases, and \$6,500 per position is included. Proportionate support position funding is included in the standard attorney and paraprofessional cost schedule at a rate of approximately one support position for every three professional positions. Position authorizations for the support positions are required, however, and the three FTE law office assistant positions discussed above are requested, along with \$6,500 for one-time equipment costs for each position. A summary of line-item costs by position for each section of SCS CSHB 4 (FIN) narrated above follows:

FISCAL NOTE

**STATE OF ALASKA
2002 LEGISLATIVE SESSION**

BILL NO. SCS CSHB 4 (FIN)

ANALYSIS CONTINUATION

Component	Position	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
<u>Collection of Treatment Costs</u>							
Civil Division: Collections & Support (2210)							
	100 PPT Admin Clerk II	18.0	18.0	18.0	18.0	18.0	18.0
	200						
	300						
	400						
	500						
	Total 1005 GF/Program Receipts	18.0	18.0	18.0	18.0	18.0	18.0
<u>Vehicle Forfeitures: DWLS/R</u>							
Criminal Division: 1st Judicial District (2198)							
	100 2 FTE Paraprofessional	152.4	152.4	152.4	152.4	152.4	152.4
	200	0.4	0.4	0.4	0.4	0.4	0.4
	300	29.0	29.0	29.0	29.0	29.0	29.0
	400	2.6	2.6	2.6	2.6	2.6	2.6
	500	13.0					
	Total 1004 General Fund	197.4	184.4	184.4	184.4	184.4	184.4
Criminal Division: 3rd Judicial District: Outside Anchorage (2279)							
	100 1 FTE Attorney	192.7	192.7	192.7	192.7	192.7	192.7
	200 1 FTE Paraprofessional	0.4	0.4	0.4	0.4	0.4	0.4
	300 1 PFT Law Office Asst	36.7	36.7	36.7	36.7	36.7	36.7
	400	3.3	3.3	3.3	3.3	3.3	3.3
	500	19.5					
	Total 1004 General Fund	252.6	233.1	233.1	233.1	233.1	233.1
Subtotal	1004 General Fund	450.0	417.5	417.5	417.5	417.5	417.5
<u>Vehicle Forfeitures: DUI, Refusal</u>							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Paraprofessional	76.2	76.2	76.2	76.2	76.2	76.2
	200 1 PFT Law Office Asst	0.2	0.2	0.2	0.2	0.2	0.2
	300	14.5	14.5	14.5	14.5	14.5	14.5
	400	1.3	1.3	1.3	1.3	1.3	1.3
	500	13.0					
	Total 1004 General Fund	105.2	92.2	92.2	92.2	92.2	92.2
Criminal Division: 3rd Judicial District: Outside Anchorage (2279)							
	100 2 FTE Paraprofessional	152.4	152.4	152.4	152.4	152.4	152.4
	200 1 PFT Law Office Asst	0.4	0.4	0.4	0.4	0.4	0.4
	300	29.0	29.0	29.0	29.0	29.0	29.0
	400	2.6	2.6	2.6	2.6	2.6	2.6
	500	19.5					
	Total 1004 General Fund	203.9	184.4	184.4	184.4	184.4	184.4

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SCS CSHB 4 (FIN)

ANALYSIS CONTINUED

Criminal Division: 4rd Judicial District (2201)

100 1 FTE Attorney	192.7	192.7	192.7	192.7	192.7	192.7
200 1 FTE Paraprofessional	0.4	0.4	0.4	0.4	0.4	0.4
300	36.7	36.7	36.7	36.7	36.7	36.7
400	3.3	3.3	3.3	3.3	3.3	3.3
500	13.0					
Total 1004 General Fund	246.1	233.1	233.1	233.1	233.1	233.1
Subtotal 1004 General Fund	555.2	509.7	509.7	509.7	509.7	509.7
Forfeiture Total	1,005.2	927.2	927.2	927.2	927.2	927.2

SCS CSHB 4 (FIN) increases the minimum fines for DUI and refusal convictions. Unfortunately, there is no way to calculate a reliable estimate of the increased revenues that would result from increasing the fines for DUI and refusal. There are simply too many variables.

The criminal fines are minimum fines for each type of offense. The fines may be set higher. They may also be set lower in certain circumstances. For example, sections 36 and 48 permit suspending up to half of the fine for successful completion of a therapeutic court program. Given these factors, we have no way of estimating what the average fine would be for each level of offense.

Even if you assume that the minimum fine is the average, and multiply times the number of estimated convictions for that offense, it is impossible to know how much revenue may actually be collected in any given year. We have no idea how many defendants would pay their criminal fines voluntarily. If they do not pay voluntarily, after 60 days the judgment for the criminal fine would be transferred to the Department of Law for collection.

The department's primary means of collecting debts is through attachment of the Permanent Fund Dividend, assuming the defendant is eligible for one. The amount that can be garnished from an annual dividend to pay criminal fines is limited by the size of the fine, the size of the dividend, and by what other debts are owed the state or a victim by the defendant. This latter factor is important because AS 43.23.065 prioritizes the order of debts for which a dividend may be seized. So, if the defendant also owes child support and/or restitution, the state cannot start collecting the criminal fine until those other obligations are fulfilled, as they hold a higher priority. This could take some years. Even if there are no other debts with a higher priority, if the fine is larger than the dividend amount, it again may take more than one dividend cycle to complete. It is impossible to predict how these factors would impact future revenues from criminal fines.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCS CSHB 4(FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title Registration of Motor Vehicle, Operating Motor BRU AST Detachment
Vehicle, Aircraft, Watercraft while intoxicated & Drivers License Component AST Detachment
Sponsor Representative Rokeberg
Requester Senate Finance Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	47.6	47.6	47.6	47.6	47.6	47.6
Travel	7.5	7.5	7.5	7.5	7.5	7.5
Contractual	296.9	296.9	296.9	296.9	296.9	296.9
Supplies	2.5	2.5	2.5	2.5	2.5	2.5
Equipment	260.0	5.0	5.0	5.0	5.0	5.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	614.5	359.5	359.5	359.5	359.5	359.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	170.5	170.5	170.5	170.5	170.5	170.5
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	614.5	359.5	359.5	359.5	359.5	359.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	614.5	359.5	359.5	359.5	359.5	359.5

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

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

See attached detail for vehicles forfeited or immobilized for DWI Offense/Refusal and Driving with license suspended/revoked offense. The revenue is calculated at 7/5 convictions at \$220 each (based upon Anchorage Police Dept fee). The breakout is as follows:

Program Operational Cost: \$66.3
Vehicles Forfeited or Immobilized on 2nd DWI Offense/Refusal: \$239.1
Vehicles Forfeited on 3rd Offense/Refusal: \$44.7
Vehicles Forfeited or Immobilized on 2nd Driving with License Suspended/Revoked Offense: \$162.5
Vehicles Forfeited on 3rd Driving with License Suspended/Revoked Offense: \$101.9

Prepared by: Lt. Julia Grimes Phone 269-4542
Division: Division of Alaska State Troopers Date/Time 4/2/02 4:08 PM
Approved by: Commissioner Glenn G. Godfrey Date 4/2/2002
Agency: Department of Public Safety

Program Operational Costs

Procurement Specialist I, Range 14, Anchorage	47,600
Travel for Auctions	7,500
Contractual Cost for One Position (phones, computer, postage, DP Svc) \$	8,700
Office and DP Supplies for One Position \$	2,500
Total Pgm Operational Costs	66,300

Vehicles Forfeited or Immobilization on 2nd DWI Offense/Refusal

Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #	Cost
Forfeitures					
Vehicle	Long Distance (25% of 10)	AK Veh Tran	\$ 900	27	\$ 24,525
Vehicle	Short Distance (75% of 10)	Towing Co.	\$ 50	82	\$ 4,088
Snowmachine Transp	Anch, Palmer, Fbx	Transp	\$ 350	19	\$ 6,650
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	109	\$ 49,050
Total Contractual Costs \$					84,313
Immobilizations					
Immobilization Devices (387 x \$400 each)					\$ 154,800
Total Equipment Costs \$					154,800
Total 2nd Offense Costs \$					239,113

Assumptions:

515 convictions & 15% of total are snowmachines (438 vehicles & 77 snowmachines w/in AST Jurisdiction).
25% forfeited (109 veh/19 snowmachines) or 75% court ordered immobilized (329 veh/58 snowmachines).

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

Vehicle Forfeited on 3rd Offense/Refusal Only

Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #	Cost
Snowmachine Transp	Bethel/Nome - Anc (25% of 39)	NAC	\$ 210	10	\$ 2,048
Vehicle	Long Distance (25% of 55)	AK Veh Tran	\$ 900	14	\$ 12,375
Vehicle	Short Distance (75% of 55)	Towing Co.	\$ 50	41	\$ 2,063
Snowmachine Storage	Anch, Palmer, Fbx	Auto / RV	\$ 350	10	\$ 3,500
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	55	\$ 24,750
Total 3rd Offense Costs \$					44,735

Assumptions:

260 convictions & 15% of total are snowmachines (221 vehicles & 39 snowmachines w/in AST jurisdiction).
75% of forfeitures disposed to Charity, Non-Profit Corporations and/or local governments. 25%
disposed to AST for their use or storage for public auction, FN contains AST costs only.

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee.
3. Vehicle Loan Payoff - forfeited vehicles.

Vehicles Forfeited or Immobilization on 2nd Driving with License Suspended/Revoked Offense

Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #	Cost
Forfeitures					
Vehicle	Long Distance (25% of 74)	AK Veh Tran	\$ 900	19	\$ 16,650
Vehicle	Short Distance (75% of 74)	Towing Co.	\$ 50	56	\$ 2,775
Snowmachine Transp	Anch, Palmer, Fbx	Transp	\$ 350	13	\$ 4,550
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	74	\$ 33,300
Total Contractual Costs					\$ 57,275
Immobilizations					
Immobilization Devices (263 x \$400 each)					\$ 105,200
Total Equipment Costs					\$ 105,200
Total 2nd Offense Costs					\$ 162,475

Assumptions:

350 convictions & 15% of total are snowmachines (298 vehicles & 52 snowmachines w/in AST jurisdiction).
Municipalities will amend ordinance to implement this new legal provision.
25% forfeited (74 veh/ 13 snowmachines) or 75% court ordered immobilized (224 veh/ 39 snowmachines).

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

Vehicles Forfeited on 3rd Driving with License Suspended/Revoked Offense

Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #	Cost
Snowmachine Transp	Bethel/Nome - Anc (25% of 45)	NAC	\$ 210	11	\$ 2,363
Vehicle	Long Distance (25% of 255)	AK Veh Tran	\$ 900	64	\$ 57,375
Vehicle	Short Distance (75% of 255)	Towing Co.	\$ 50	191	\$ 9,563
Snowmachine Storage	Anch, Palmer, Fbx (25% of 45)	Auto / RV	\$ 350	11	\$ 3,938
Vehicle Storage	Anch, Palmer, Fbx (25% of 255)	Auto / RV	\$ 450	64	\$ 28,688
Total 3rd Offense Costs					\$ 101,925

Assumptions:

300 convictions & 15% of total are snowmachines (255 vehicles & 45 snowmachines w/in AST jurisdiction).
Municipalities will amend ordinance to implement this new legal provision.
75% of forfeitures disposed to Charity, Non-Profit Corporations and/or local governments. 25% disposed to AST for their use or storage for public auction, FN contains AST costs only.

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

Total SCS CSHB 4 (FIN) \$ 614,548

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

BILL NO. CSHB 4 (FIN) am

Revision Date/Time (Note if correction) <u>Amended 5/01/2001</u>	Dept. Affected _____
Title <u>Ombus DWI Bill</u>	BRU <u>Alaska Court System</u>
Sponsor <u>Representative Rokeberg</u>	Component <u>Trial Courts</u>
Requester <u>Senate Judiciary Committee</u>	Component No. <u>768</u>

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	75.5	81.6	89.2	95.3	102.8	102.8
Travel						
Contractual	16.6	24.8	35.1	43.4	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	92.1	106.4	124.3	138.7	156.6	156.6

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	92.1	106.4	124.3	138.7	156.6	156.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	92.1	106.4	124.3	138.7	156.6	156.6

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	2	2	2	2	2	2
Part-time						
Temporary	2	2	2	2	2	2

ANALYSIS: (Attach a separate page if necessary)

Two provisions in CSHB 4 (FIN) am will have an impact on the court system. Section 28 amends AS 28.35.030(a) so that a person commits the crime of driving while intoxicated if that person has a BAC of .08 or higher. National studies suggest that other states that have made this reduction have seen a 10% increase in the number of cases brought before the court. This would mean an additional 500 misdemeanor filings a year and an additional 28 felony filings a year. This note reflects five months of district court judge and clerk time for the additional misdemeanors and the superior court judge and clerk time and jury costs for three three-day jury trials for the felony cases.

Sections 33 and 47 impose a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate.

Prepared by: <u>Douglas Wooliver, Administrative Attorney</u>	Phone <u>463-4750</u>
Division: <u>Alaska Court System</u>	Date/Time <u>5/01/2001 2:30 p.m.</u>
Approved by: <u>Stephanie Cole, Administrative Director</u>	Date _____
Agency: <u>Alaska Court System</u>	

For distribution information, call the Governor's Legislative Office

Alaska Court System
 Fiscal Note Calculations for CSHB 4 (FIN) AM
 5/1/01

	FY02	FY03	FY04	FY05	FY06
<u>Superior Court Lookback Provision:</u>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	5	9	14	18	23
Est. Jury Cost of Superior Court Trials	10,340	18,612	28,952	37,224	47,564
Superior Court Judge (Pro Tems)	5,760	10,368	16,128	20,736	26,496
In-Court Clerk (NPP)	1,831	3,296	5,127	6,592	8,424
Est. Personal Services	7,591	13,664	21,255	27,328	34,920
Subtotal Lookback Provision	17,931	32,276	50,207	64,552	82,484
<u>Superior Court .08 Provision:</u>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	3	3	3	3	3
Est. Jury Cost of Superior Court Trials	6,204	6,204	6,204	6,204	6,204
District Court Judge (5 months PFT)	50,419	50,419	50,419	50,419	50,419
In-Court Clerk (5 months PFT)	17,499	17,499	17,499	17,499	17,499
	67,918	67,918	67,918	67,918	67,918
Subtotal .08 Provision	74,122	74,122	74,122	74,122	74,122
HB132 Personal Services Costs	75,509	81,582	89,173	95,246	102,837
HB132 Contractual Services Costs	16,544	24,816	35,156	43,428	53,768
Total Estimated Costs	92,053	106,398	124,329	138,674	156,605

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

BILL NO. CSHB 4 (FIN) am

Revision Date/Time (Note if correction) 4/30/01 Dept. Affected _____
 Title Omnibus DWI Bill BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Rokeberg
 Requester Senate Judiciary Committee Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	81.7	87.8	95.4	101.5	109.0	109.0
Travel						
Contractual	16.6	24.8	35.1	43.4	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	98.3	112.6	130.5	144.9	162.8	162.8

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	98.3	112.6	130.5	144.9	162.8	162.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	98.3	112.6	130.5	144.9	162.8	162.8

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	2	2	2	2	2	2
Part-time						
Temporary	2	2	2	2	2	2

ANALYSIS: (Attach a separate page if necessary)

Two provisions in CSHB 4 (FIN) am will have an impact on the court system. Section 28 amends AS 28.35.030(a) so that a person commits the crime of driving while intoxicated if that person has a BAC of .08 or higher. National studies suggest that other states that have made this reduction have seen a 10% increase in the number of cases brought before the court. This would mean an additional 500 misdemeanor filings a year and an additional 28 felony filings a year. This note reflects five months of district court judge and clerk time for the additional misdemeanors and the superior court judge and clerk time and jury costs for three three-day jury trials for the felony cases.

Sections 33 and 47 impose a live-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
 Division: Alaska Court System Date/Time 5/01/2001 9:30 a.m.
 Approved by: Stephanie Cole, Administrative Director Date _____
 Agency: Alaska Court System

For distribution information, call the Governor's Legislative Office

Alaska Court System
Fiscal Note Calculations for CSHB 4 (FIN) AM

5/1/01

	FY02	FY03	FY04	FY05	FY06
<u>Superior Court Lookback Provision:</u>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	5	9	14	18	23
Est. Jury Cost of Superior Court Trials	10,340	18,612	28,952	37,224	47,564
Superior Court Judge (Pro Tems)	5,760	10,368	16,128	20,736	26,496
In-Court Clerk (NPP)	1,831	3,296	5,127	6,592	8,424
Est. Personal Services	7,591	13,664	21,255	27,328	34,920
Subtotal Lookback Provision	17,931	32,276	50,207	64,552	82,484
<u>Superior Court .08 Provision:</u>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	3	3	3	3	3
Est. Jury Cost of Superior Court Trials	6,204	6,204	6,204	6,204	6,204
District Court Judge (5 months PFT)	50,419	50,419	50,419	50,419	50,419
In-Court Clerk (5 months PFT)	17,499	17,499	17,499	17,499	17,499
	67,918	67,918	67,918	67,918	67,918
Subtotal .08 Provision	74,122	74,122	74,122	74,122	74,122
HB132 Personal Services Costs	81,713	87,786	95,377	101,450	109,041
HB132 Contractual Services Costs	16,544	24,816	35,156	43,428	53,768
Total Estimated Costs	98,257	112,602	130,533	144,878	162,809

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. CSHB 4 (FIN) am

Revision Date/Time (Note if correction) Amended 5/01/2001 Dept. Affected _____
 Title Omibus DWI Bill BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Rokeberg
 Requester Senate Judiciary Committee Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	75.5	81.6	89.2	95.3	102.8	102.8
Travel						
Contractual	16.6	24.8	35.1	43.4	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	92.1	106.4	124.3	138.7	156.6	156.6

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	92.1	106.4	124.3	138.7	156.6	156.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	92.1	106.4	124.3	138.7	156.6	156.6

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	2	2	2	2	2	2
Part-time						
Temporary	2	2	2	2	2	2

ANALYSIS: (Attach a separate page if necessary)

Two provisions in CSHB 4 (FIN) am will have an impact on the court system. Section 28 amends AS 28.35.030(a) so that a person commits the crime of driving while intoxicated if that person has a BAC of .06 or higher. National studies suggest that other states that have made this reduction have seen a 10% increase in the number of cases brought before the court. This would mean an additional 500 misdemeanor filings a year and an additional 28 felony filings a year. This note reflects five months of district court judge and clerk time for the additional misdemeanors and the superior court judge and clerk time and jury costs for three three-day jury trials for the felony cases.

Sections 33 and 47 impose a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 5/01/2001 2:30 p.m.
 Approved by: Stephanie Cole, Administrative Director Date _____
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

Alaska Court System
 Fiscal Note Calculations for CSHB 4 (FIN) AM

5/1/01

	FY02	FY03	FY04	FY05	FY06
<u>Superior Court Lookback Provision:</u>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
	<u>2,068</u>	<u>2,068</u>	<u>2,068</u>	<u>2,068</u>	<u>2,068</u>
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	5	9	14	18	23
	<u>5</u>	<u>9</u>	<u>14</u>	<u>18</u>	<u>23</u>
Est. Jury Cost of Superior Court Trials	10,340	18,612	28,952	37,224	47,564
Superior Court Judge (Pro Tems)	5,760	10,368	16,128	20,736	26,496
In-Court Clerk (NPP)	1,831	3,296	5,127	6,592	8,424
Est. Personal Services	7,591	13,664	21,255	27,328	34,920
	<u>7,591</u>	<u>13,664</u>	<u>21,255</u>	<u>27,328</u>	<u>34,920</u>
Subtotal Lookback Provision	17,931	32,276	50,207	64,552	82,484
<u>Superior Court .08 Provision:</u>					
50 Jurors 1.0 Days for Selection	1,250	1,250	1,250	1,250	1,250
14 Jurors for 1.5 Days of Court	525	525	525	525	525
12 Jurors for .5 Days of Deliberation	150	150	150	150	150
Deliberation Meal \$11/12 jurors + bailiff	143	143	143	143	143
	<u>1,250</u>	<u>1,250</u>	<u>1,250</u>	<u>1,250</u>	<u>1,250</u>
Total per Superior Court Trial	2,068	2,068	2,068	2,068	2,068
Proposed # Superior Court Trials	3	3	3	3	3
	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
Est. Jury Cost of Superior Court Trials	6,204	6,204	6,204	6,204	6,204
District Court Judge (5 months PFT)	50,419	50,419	50,419	50,419	50,419
In-Court Clerk (5 months PFT)	17,499	17,499	17,499	17,499	17,499
	<u>67,918</u>	<u>67,918</u>	<u>67,918</u>	<u>67,918</u>	<u>67,918</u>
Subtotal .08 Provision	74,122	74,122	74,122	74,122	74,122
HB132 Personal Services Costs	75,509	81,582	89,173	95,246	102,837
HB132 Contractual Services Costs	16,544	24,816	35,156	43,428	53,768
	<u>75,509</u>	<u>81,582</u>	<u>89,173</u>	<u>95,246</u>	<u>102,837</u>
Total Estimated Costs	92,053	106,398	124,329	138,674	156,605

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 23
 Bill Version: CSHB 4(FIN)
 (H) Publish Date: 4/28/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: Registration of Motor Vehicle, Operating Motor BRU: AST Detachment
Vehicle, Aircraft, Watercraft while intoxicated & Drivers License Component: AST Detachment
 Sponsor: Representative Rokeberg
 Requester: House Transportation Committee Component Number: 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	47.6	47.6	47.6	47.5	47.6	47.6
Travel	7.5	7.5	7.5	7.5	7.5	7.5
Contractual	97.9	97.9	97.9	97.9	97.9	97.9
Supplies	162.5	162.5	162.5	162.5	162.5	162.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	315.5	315.5	315.5	315.5	315.5	315.5

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	315.5	315.5	315.5	315.5	315.5	315.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	315.5	315.5	315.5	315.5	315.5	315.5

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Forfeiture Program/ Immobilization for 2nd DWI Offense

This legislation will require one full-time Procurement Specialist I, range 14 position to manage the forfeiture inventory (100 vehicles and 50 snow-machines). Included in this analysis are the transportation costs, storage costs, immobilization device costs and I/M Test Fees. The transportation costs include twenty-five percent of the vehicles would require long-distance transportation (vehicle transport contractor - \$900 per vehicle) and seventy-five percent by short-distance (towing companies - \$50 per vehicle). The storage of vehicle (\$450 annually), snow-machine (\$350 average) would be contracted out, and the purchase of 400 immobilization devices (\$400 each). The following costs are not included in this fiscal note, the administrative fee charged for the sale of vehicles (5% - 10% of sale proceeds), loan payoff of vehicles forfeited, and secure arrangements for vehicle storage. See attached sheets for additional detail.

Also included is a cost estimate if forfeiture was based on 3rd offense instead of 2nd offense.

Prepared by: Lt. Steve Dunnagan Phone 269-4532
 Division: Division of Alaska State Troopers Date/Time 4/20/01 1:00 PM
 Approved by: Commissioner Glenn G. Godfrey Date 4/20/01
 Agency: Department of Public Safety

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CSHB 4 (FiN) - Vehicles Forfeited or Immobilization on 2nd DWI Offense

			Procurement Specialist I, Range 14, Anchorage			47,600
			Travel for Auctions			7,500
Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #		Cost
Vehicle	Long Distance (25%)	AK Veh Tran	\$ 900	25	\$	22,500
Vehicle	Short Distance (75%)	Towing Co.	\$ 50	75	\$	3,750
I/M Test	Fbx/Anc - 30% of 100	Xpress Lube	\$ 55	8	\$	413
Snowmachine Transp	Anch, Palmer, Fbx	Transp	\$ 350	50	\$	17,500
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	100	\$	45,000
Contractual Cost for One Position (phones, computer, postage, DP Svc)						\$ 8,700
Total Contractual Costs						\$ 97,863
Immobilization Devices (400 x \$400 each)						\$ 160,000
Office and DP Supplies for One Position						\$ 2,500
Total Supplies Costs						\$ 162,500
TOTAL						\$ 315,463

Assumption: 1,000 convictions, 55% forfeited or court ordered immobilized (450 vehicles and 50 snowmachines). Of the 500, we assume that 80% or 400 vehicles will be ordered immobilized and only 100 will be forfeited.

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

CSHB 4 - Vehicle Forfeited on 3rd Offense Only

			Procurement Specialist I, Range 14, Anchorage			47,600
			Travel for Auctions			5,000
Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #		Cost
Snowmachine	Bethel/Nome - Anc	NAC	\$ 210	13	\$	2,625
Vehicle	Long Distance (25%)	AK Veh Tran	\$ 900	13	\$	11,250
Vehicle	Short Distance (75%)	Towing Co.	\$ 50	38	\$	1,875
I/M Test	Fbx/Anc - 30% of 200	Xpress Lube	\$ 55	15	\$	825
Snowmachine Storage	Anch, Palmer, Fbx	Auto / RV	\$ 350	13	\$	4,375
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	50	\$	22,500
Contractual Cost for Position (phones, computer, postage, DP Svc)						\$ 8,700
Total Contractual Costs						\$ 52,150
Office and DP Supplies for Position						Total Supply Costs \$ 2,500
TOTAL						\$ 107,250

Assumption: 500 convictions, 60% forfeited (250 vehicles and 50 snowmachines), 75% of forfeitures disposed to Charity, Non-Profit Corporations and/or Local Governments. 25% disposed to AST for their use or storage for public auction.

Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 22
Bill Version: CSHB 4(FIN)
(H) Publish Date: 4/28/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to offenses involving operating a BRU Criminal Division; Civil Division
motor vehicle, . . . under the influence . . ." Component 3rd-4th Judicial Districts;
Sponsor Representative Rokeberg Collections & Support
Requester House Finance Committee Component No. 2201;61;79;10

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	591.8	712.9	712.9	834.0	834.0	834.0
Travel	1.6	2.0	2.0	2.4	2.4	2.4
Contractual	93.2	111.9	111.9	130.6	130.6	130.6
Supplies	8.6	10.2	10.2	11.8	11.8	11.8
Equipment	58.5	6.5	0.0	6.5	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	753.7	843.5	837.0	985.3	978.8	978.8

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	704.4	800.7	794.2	942.5	936.0	936.0
1005 GF/Program Receipts	49.3	42.8	42.8	42.8	42.8	42.8
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	753.7	843.5	837.0	985.3	978.8	978.8

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	9	10	10	11	11	11
Part-time	0	0	0	0	0	0
Temporary						

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

CSHB 4 (JUD) makes numerous changes to the state's laws relating to driving under the influence of alcoholic beverages or controlled substances. These changes include renaming driving while intoxicated (DWI) as driving while under the influence (DUI); lowering the blood alcohol threshold for DUI to .08 from 0.10; increasing administrative and criminal penalties for DUI offenses; requiring vehicle forfeiture for repeat offenders; and requiring treatment costs be reimbursed to the state.

The changes in the bill which will have a fiscal impact on the Department of Law are: reducing the blood alcohol threshold for DUI to 0.08; the phasing in of a 10-year "look back" for felony DUI in place of the current 5-year "look back"; collection of treatment costs; and requiring vehicle forfeiture for second and subsequent convictions for DUI or refusal to submit to a chemical test. Each issue is addressed separately below. The department also anticipates an increase in the number of driving with a suspended or

Prepared by: Joan M. Kasson Phone 465-5370
Division: Attorney General's Office Date/Time 4/13/01 2:25 PM
Approved by: Kathryn Daughheteo for Bruce M. Botelho, Attorney General Date 4/13/01
Agency: Department of Law

For distribution information, call the Governor's Legislative Office

FISCAL NOTE #22

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. CSHB 4 (FIN)

ANALYSIS CONTINUATION

revoked driver's license misdemeanor charges will occur as a result of the increased fines and license revocation penalties; however, the impact is too speculative to quantify.

Reduce blood alcohol threshold for DUI from 1.0 to 0.08 percent by weight.

In FY00, the Criminal Division accepted for prosecution 3,218 misdemeanor and 213 felony DUI referrals by law enforcement throughout the state. Recently received statistics from the Anchorage Police Department indicate there would be about a 6 percent increase in DUI referrals due to the lowering of the blood alcohol threshold to 0.08. Experience has varied in other states that have reduced from 0.10 to 0.08 the limit for driving while intoxicated (California, Maine, Oregon, and Utah). Some states have experienced a 20 to 40 percent increase in DUI cases. We believe a conservative estimate for the increase is about 10 percent. This would result in 322 additional misdemeanor and 21 felony DUI cases, which are much more time-consuming to prosecute than misdemeanors. The Department of Law assumes that municipalities which presently prosecute misdemeanor DUI will amend their ordinances to mirror the change in state law. If this does not occur, the estimated number of misdemeanor prosecutions is understated.

Much of the anticipated increase in prosecutions will occur in southcentral Alaska. Because Anchorage is the hub from which prosecutors are sent to assist other offices in times of overload, it will be necessary to add one new full-time attorney position to the Criminal Division's Anchorage District Attorney's Office.

The Collections unit in the Civil Division's Collections and Support section collects judgments for criminal fines, cost of incarceration for DUI offenders, and cost of court appointed counsel. The change to 0.08 as the threshold for DUI offenses will increase the number of judgments the unit is required to collect annually. Assuming an 80-85 percent conviction rate, the unit anticipates receiving 280 judgments for criminal fines as a result of this change, and 280 judgments for the cost of incarceration. In addition, approximately 80 percent of the offenders are expected to have judgments for the cost of court appointed counsel, 220 in all.

In order to process and collect the estimated 780 new judgments each year, Collections unit personnel must enter the judgment data into the collections data base, post payments received, prepare PFD attachment packets for the court system and Department of Revenue, enter adjustments and process refunds when necessary, respond to phone calls from defendants, court personnel, prosecutors, and other state agencies, prepare satisfactions of judgments, and prepare quarterly or annual reporting of collections data. Much of this work can be handled by existing staff. However, the additional data entry and phone calls will require an additional half-time Administrative Clerk II.

Collection of the cost of treatment

The bill requires the state to seek reimbursement from a person's permanent fund dividend if they do not pay the cost of alcohol or substance abuse treatment required under CSHB 4 (JUD) themselves. Corrections anticipates 240 felons will require treatment in the first year, with the number increasing by 38 each year as the increased look back period for felony DUI is phased in, reaching a total of 390 after 5-years. The addition of these treatment judgments to the Collections unit caseload, when combined with the 780 new judgments discussed in the 0.08 BAC section, will require the Administrative Clerk II position be full-time, rather than half-time.

Increase "look back" for felony DUI from 5-years to 10-years

Under current law, for the purposes of charging an offender with felony DUI, the state can only "look back" 5-years for the first two offenses. If any of the prior offenses are older than 5-years, the charge remains a misdemeanor. This section will phase in a 10-year look back period for felony DUI, one year at a time, over the next five years.

Based on Division of Motor Vehicle (DMV) data, it is estimated that increasing the limit to 10-years for how old prior convictions must be in order for the third offense to be charged as felony DUI will result in approximately 240 new felony DUI referrals per year when fully phased in. The Criminal Division estimates approximately 95 percent of these will be accepted for prosecution, based on acceptance rates for current felony DWI prosecutions. This would mean approximately 225 new felony prosecutions in all. For the purposes of this fiscal note, the Department of Law assumes the new felonies will phase in evenly over the 5-year phase in period: 45 new felony prosecutions in FY02, 90 in FY03, 135 in FY04, 180 in FY05, and 225 in FY06.

Felony prosecutions are much more resource intensive than misdemeanor prosecutions. Because the penalties are so much higher, defendants are more likely to vigorously challenge the charge, and less likely to settle prior to trial. The Criminal Division anticipates it would need two new FTE attorney positions to handle these new felony cases, to both screen the referrals and prosecute those that are accepted. These positions would phase in as the number of new felony referrals increase. We anticipate that one new FTE attorney for the Anchorage DAO would be necessary in FY03, and one new FTE attorney for the Fairbanks DAO in FY 05.

ANALYSIS CONTINUATION

Vehicle forfeiture

Upon conviction of a second or subsequent DUI or refusal to take a chemical test, this section would require the court to order forfeiture of the motor vehicle or aircraft used in the commission of the offense. Forfeiture proceedings require a motion for forfeiture be filed with the court, and a hearing date set by the court upon receipt of the motion. Once the hearing date is set, the state must notify anyone who might have an ascertainable ownership or security interest in the vehicle or aircraft about the proceeding. A person claiming an ownership or security interest may then intervene and appear at the hearing in order to prove to the court they should be paid for their interest.

The Criminal Division estimates there will be 800 forfeiture hearings per year as a result of enactment of this section: approximately 100 to 150 per year in Kenai, in Palmer, and in Fairbanks, and approximately 100 per year in Anchorage. (Although the Municipality of Anchorage prosecutes misdemeanor DUI, the Department of Law prosecutes all felonies.) The remaining hearings would be spread throughout the rest of the state. Preparation for these hearings will involve research on ownership interests and paperwork. The Criminal Division estimates it will need to add four new FTE paraprofessional positions, one each in Anchorage, Kenai, Fairbanks, and Palmer, and 1 new FTE attorney position in Fairbanks to handle these cases. In addition, 2 new legal secretary positions will be necessary, one each in Anchorage and Kenai.

All position costs except the Collections unit position are based on the department's FY02 cost allocation plan, and include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Collections unit positions are specialized, and are not recovered through the cost allocation plan. The standard cost does not include one-time new equipment purchases, and \$6,500 per position is included. Proportionate support position funding is included in the standard attorney and paraprofessional cost schedule at a rate of approximately one support position for every three professional positions. Position authorizations for the support positions are required, however, and the two FTE legal secretary positions discussed in the vehicle forfeiture section above are requested, along with \$6,500 for one-time equipment costs for each position. The remaining clerical support funding embedded in the rate will be used to reduce clerical support vacancy so that the other new attorneys' clerical burdens can be handled. A summary of line-item costs by position for each section of CSHB 4 (JUD) narrated above follows:

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
<u>0.08 BAC (10 percent caseload Increase)</u>							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
	100 1 FTE Attorney	121.1	121.1	121.1	121.1	121.1	121.1
	200	0.4	0.4	0.4	0.4	0.4	0.4
	300	18.7	18.7	18.7	18.7	18.7	18.7
	400	1.6	1.6	1.6	1.6	1.6	1.6
	500	6.5					
	Total 1004 General Fund	148.3	141.8	141.8	141.8	141.8	141.8
Civil Division: Collections & Support (2210)							
	100 1 PFT Admin Clerk II	17.4	17.4	17.4	17.4	17.4	17.4
	200 (1/2 cost shown in	0.0	0.0	0.0	0.0	0.0	0.0
	300 Treatment Cost section)	7.0	7.0	7.0	7.0	7.0	7.0
	400	1.0	1.0	1.0	1.0	1.0	1.0
	500	6.5					
	Total 1005 GF/Program Receipts	31.9	25.4	25.4	25.4	25.4	25.4
0.08 BAC Total		180.2	167.2	167.2	167.2	167.2	167.2
<u>Collection of Treatment Costs</u>							
Civil Division: Collections & Support (2210)							
	100 1/2 cost Admin Clerk II	17.4	17.4	17.4	17.4	17.4	17.4
	200 shown in 0.08 section						
	300						
	400						
	500						
	Total 1005 GF/Program Receipts	17.4	17.4	17.4	17.4	17.4	17.4

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. CSHB 4 (FIN), FN #22

ANALYSIS CONTINUATION

Component	Position	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Phase in 10-year Look Back							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
100	1 FTE Attorney		121.1	121.1	121.1	121.1	121.1
200			0.4	0.4	0.4	0.4	0.4
300			18.7	18.7	18.7	18.7	18.7
400			1.6	1.6	1.6	1.6	1.6
500			6.5				
Total 1004 General Fund		0.0	148.3	141.8	141.8	141.8	141.8
Criminal Division: 4rd Judicial District (2201)							
100	1 FTE Attorney				121.1	121.1	121.1
200					0.4	0.4	0.4
300					18.7	18.7	18.7
400					1.6	1.6	1.6
500					6.5		
Total 1004 General Fund		0.0	0.0	0.0	148.3	141.8	141.8
Felony Look Back Total		0.0	148.3	141.8	290.1	283.6	283.6
Vehicle Forfeitures							
Criminal Division: 3rd Judicial District: Anchorage (2261)							
100	1 FTE Paraprofessional	78.7	78.7	78.7	78.7	78.7	78.7
200	1 PFT Legal Secy	0.2	0.2	0.2	0.2	0.2	0.2
300		12.2	12.2	12.2	12.2	12.2	12.2
400		1.1	1.1	1.1	1.1	1.1	1.1
500		13.0					
Total 1004 General Fund		105.2	92.2	92.2	92.2	92.2	92.2
Criminal Division: 3rd Judicial District: Outside Anchorage (2279)							
100	2 FTE Paraprofessional	157.4	157.4	157.4	157.4	157.4	157.4
200	1 PFT Legal Secy	0.4	0.4	0.4	0.4	0.4	0.4
300		24.4	24.4	24.4	24.4	24.4	24.4
400		2.2	2.2	2.2	2.2	2.2	2.2
500		19.5					
Total 1004 General Fund		203.9	184.4	184.4	184.4	184.4	184.4
Criminal Division: 4rd Judicial District (2201)							
100	1 FTE Attorney	199.8	199.8	199.8	199.8	199.8	199.8
200	1 FTE Paraprofessional	0.6	0.6	0.6	0.6	0.6	0.6
300		30.9	30.9	30.9	30.9	30.9	30.9
400		2.7	2.7	2.7	2.7	2.7	2.7
500		13.0					
Total 1004 General Fund		247.0	234.0	234.0	234.0	234.0	234.0
Forfeiture Total		556.1	510.6	510.6	510.6	510.6	510.6

FISCAL NOTE #22

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. CSHB 4 (FIN)

ANALYSIS CONTINUATION

Component Position

FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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CSHB 4 (JUD) by component

Criminal Division: 3rd Judicial District: Anchorage (2261)

100	199.8	320.9	320.9	320.9	320.9	320.9
200	0.6	1.0	1.0	1.0	1.0	1.0
300	30.9	49.6	49.6	49.6	49.6	49.6
400	2.7	4.3	4.3	4.3	4.3	4.3
500	19.5	6.5	0.0	0.0	0.0	0.0
Total 1004 General Fund	253.5	382.3	375.8	375.8	375.8	375.8

Criminal Division: 3rd Judicial District: Outside Anchorage (2279)

100	157.4	157.4	157.4	157.4	157.4	157.4
200	0.4	0.4	0.4	0.4	0.4	0.4
300	24.4	24.4	24.4	24.4	24.4	24.4
400	2.2	2.2	2.2	2.2	2.2	2.2
500	19.5	0.0	0.0	0.0	0.0	0.0
Total 1004 General Fund	203.9	184.4	184.4	184.4	184.4	184.4

Criminal Division: 4rd Judicial District (2201)

100	199.8	199.8	199.8	320.9	320.9	320.9
200	0.6	0.6	0.6	1.0	1.0	1.0
300	30.9	30.9	30.9	49.6	49.6	49.6
400	2.7	2.7	2.7	4.3	4.3	4.3
500	13.0	0.0	0.0	6.5	0.0	0.0
Total 1004 General Fund	247.0	234.0	234.0	382.3	375.8	375.8

CRIMINAL DIVISION TOTAL

704.4	800.7	794.2	942.5	936.0	936.0
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Civil Division: Collections & Support (2210)

100	34.8	34.8	34.8	34.8	34.8	34.8
200	0.0	0.0	0.0	0.0	0.0	0.0
300	7.0	7.0	7.0	7.0	7.0	7.0
400	1.0	1.0	1.0	1.0	1.0	1.0
500	6.5					
Total 1005 GF/Program Receipts	49.3	42.8	42.8	42.8	42.8	42.8

CIVIL DIVISION TOTAL

49.3	42.8	42.8	42.8	42.8	42.8
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CSHB 4 (JUD) SUMMARY

100	591.8	712.9	712.9	834.0	834.0	834.0
200	1.6	2.0	2.0	2.4	2.4	2.4
300	93.2	111.9	111.9	130.6	130.6	130.6
400	8.6	10.2	10.2	11.8	11.8	11.8
500	58.5	6.5	0.0	6.5	0.0	0.0

DEPARTMENT TOTAL

753.7	843.5	837.0	985.3	978.8	978.8
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1004 GF

704.4	800.7	794.2	942.5	936.0	936.0
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1005 GF/Prgm

49.3	42.8	42.8	42.8	42.8	42.8
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PFT

9	10	10	11	11	11
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PPT

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 21
Bill Version: CSHB 4(FIN)
(H) Publish Date: 4/28/01

Revision Date/Time: 4/13/01: 2:00 pm Dept. Affected: Corrections
Title: An Act relating to offenses involving operating a BRU: Administration & Operations
motor vehicle, aircraft, or watercraft while under the influence... Component: All
Sponsor: Representative Rokeberg
Requester: House Finance Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual	780.0	875.0	970.0	1,065.0	1,160.0	1,160.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	2,804.7	3,335.8	4,081.9	4,785.2	5,447.9	5,447.9
TOTAL OPERATING	3,584.7	4,210.8	5,051.9	5,850.2	6,607.9	6,607.9

CAPITAL EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
CHANGE IN REVENUES ()	436.1	454.1	474.1	492.1	512.0	512.0

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF	3,148.6	3,756.7	4,577.8	5,358.1	6,095.9	6,095.9
1005 GF/Program Receipts	120.0	138.0	158.0	176.0	196.0	196.0
1037 GF/Mental Health						
Other - 1156 Receipt supported serv.	316.1	316.1	316.1	316.1	316.0	316.0
TOTAL	3,584.7	4,210.8	5,051.9	5,850.2	6,607.9	6,607.9

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Candace Brower
Division: Commissioner's Office
Approved by: Margaret Pugh
Agency: Department of Corrections

Phone 465-4652
Date/Time 4/05/01/4:30 pm
Date 4/5/01

For distribution information, call the Governor's Legislative Office

FISCAL NOTE #21

**STATE OF ALASKA
2001 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS**

**BILL NO. CSHB 4 (FIN)
PAGE 2 of 5
DATE 04/12/01**

This bill will make extensive changes in the current statutes regarding driving while intoxicated (including a name change to driving while under the influence of an alcoholic beverage, inhalant, or controlled substance). Because of the volume of the bill, we will only address the specific sections that affect the Department of Corrections.

Sec. 4. Changes the presumptive sentencing regarding Manslaughter by adding a provision for Manslaughter as a result of DWI. It will change the presumptive sentence from 5 to 7 years. This change will result in an increased cost to DOC of \$107,360 in FY05 and \$211,640 in subsequent years. This is based on Dept. of Law's estimate that there are 9 convictions a year for Manslaughter or Criminally Negligent Homicide (as part of a DWI). They agree that it is safe to assume 5 convictions a year for Manslaughter. Offenders are currently receiving 5-year sentences. With good time, they are serving 1205 days. The increase will begin in the 4th year of the sentence. The 5 offenders would serve an additional 244 days the 4th year and an additional 237 days the 5th year. In the 5th year the 244 days and the 237 will start "stacking" as offenders convicted in FY03 begin serving their extended time.

FY05 = 244 days X 5 offenders X \$88.00/day = \$107,360.

FY06 = 244 days X 5 offenders X \$88.00/day + the above 5 offenders remaining 237 days X 5 X \$88.00 = \$104,280 for a total of \$211,640. FY07 = \$211,640.

Sec. 28. Reduces the threshold for presumption of DWI from .10 to .08. It is estimated by the Department of Law that although this may not result in a significantly large increase in arrests, it will increase convictions by 10%. In FY00 there were 4118 statewide misdemeanor convictions for DWI and 200 felony convictions.

Misdemeanors

413	X	69%	=	285	X	3	X	\$64.00	=	\$54,720.00				
413	X	20%	=	83	X	20	X	\$64.00	=	\$106,240.00				
413	X	8%	=	33	X	73	X	\$64.00	+	36	X	\$112.00	=	\$287,742.00
413	X	2%	=	8	X	64	X	\$64.00	+	64	X	\$112.00	=	\$90,112
413	X	1%	=	4	X	75	X	\$64.00	+	75	X	\$112.00	=	\$52,800
Totals		100%		413										\$591,614.00

Felons

20 X 352 X \$88.00 = \$619,520.

591,614
\$1,211,134.00

FISCAL NOTE #21

STATE OF ALASKA
2001 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB 4(FIN)
PAGE 3 of 5
DATE 04/11/01

FY02	FY03	FY04	FY05	FY06	FY07	
1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	Cost of Incarceration
0	<u>33,967</u>	<u>67,934</u>	<u>101,901</u>	<u>101,901</u>	<u>101,901</u>	Probation Costs
1,211,134	1,245,101	1,279,068	1,313,035	1,313,035	1,313,035	Subtotal
0	<u>-61,320</u>	<u>-61,320</u>	<u>-61,320</u>	<u>-61,320</u>	<u>-61,320</u>	less savings for homicide.
1,211,134	1,183,781	1,217,748	1,251,715	1,251,715	1,251,715	Total

If we multiply 413 misdemeanants (10% of total) by the percentages reflected in DMV 2000 statistics for 1st, 2nd, 3rd, 4th, and 5th time offenders, we come up with an estimate of how many of those offenders might be newly convicted under a .08 law. All 1st and 2nd time offenders go to the CRC so we utilized that cost of care for our calculations. Utilizing a snapshot done on 10/25/00 of our DWI population, we averaged the sentences being served for 3rd, 4th and 5th time non-felony offenders and estimated proportions of time served in CRCs and hard beds to come up with a total cost.

Assuming 20 new felons convicted under this threshold, and utilizing the average sentence for DWI felons, we estimated: 20 X 352 days X \$88/day = \$619,520. The total for misdemeanants and felons then is \$1,211,134.

Felony DWI offenders are usually given an average of 3 years probation. Probation costs will not be incurred until after completion of sentence so will not be felt until the 2nd and subsequent years. The daily cost for probationers is \$5.17/day. If 18 of the 20 felons are on probation the second year, the cost would be \$33,967. It would be necessary to add \$67,934 the third year and \$101,901 the fourth year. After that it would level off as the first probationers would drop off.

The Department of Corrections expects a 15% decrease in the incarceration rate for manslaughter/negligent homicides as a result of this legislation, beginning the second year. It will take time for the public to become aware of lowered BAC and to change behaviors. That would result in an annual savings, beginning in FY03, of \$61,320 (or 1.5 persons incarcerated @ \$112/day per year.)

Sec. 29. This section increases the sentence for 2nd time offenders from 20 days to 30 days unless the court orders the person to perform 10 days community service as authorized under AS 12.55.055. In FY00 there were an estimated 824 second time DWI offenders. We assume that one-half will be ordered to complete 10 days community work service in lieu of jail time. The other half will serve their extra 10 days in the CRC. Including statutory good time, 412 offenders will serve 7 days @ \$64.00/day for a total of \$184,576.

Sec. 31. This section requires treatment to occur as much as possible while the offender is incarcerated. This applies to felony DWI offenders. It is estimated that there will be approximately 240 felony offenders in FY02. Treatment experts indicate that someone who has reached felony status as a DWI offender will almost certainly require intensive outpatient treatment or residential treatment services. We estimate that currently, 11 felony DWI offenders a year receive residential treatment through our therapeutic community at Wildwood Correctional Center. Another 21 receive intensive outpatient treatment. Wildwood Correctional Center has the capacity to facilitate another therapeutic community that would accommodate another 60 offenders per year at a cost of \$380,000. Another \$30,000 would be needed for transitional funding. If we back out the felony DWI offenders currently receiving treatment (32) and subtract the 60

FISCAL NOTE #21

STATE OF ALASKA
2001 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB 4(FIN)
PAGE 4 of 5
DATE 04/11/01

offenders who could be treated at an additional therapeutic community, the remaining 148 felony DWI offenders would need intensive outpatient treatment at a cost of \$2500 per offender for a total of \$375,000. The total treatment component to accommodate the felony DWI offender population would be \$780,000. This amount is reflected in the contractual section of the fiscal note since all substance abuse treatment is contracted out to private providers.

This section also requires that offenders pay for their cost of treatment up to \$10,000 unless they are deemed indigent. For those who are deemed indigent, and those who are unable/unwilling to pay, the state shall seek reimbursement from the offenders Permanent Fund Dividend. However, felons do not receive PFDs for the qualifying year(s) during which they serve their sentence. It is estimated that perhaps 25% of the felony offenders would be able to pay \$2,000 and the others would be indigent or unable to pay. The total revenue to the State of Alaska is estimated to be \$120,000 the first year, \$138,000 the second year, \$158,000 the third year, \$176,000 the fourth year and levels off at \$196,000 the fifth year.

Sec. 32. This section increases the amount the offender is required to pay for his incarceration from up to \$1,000 to up to \$2,000. This does not make a large difference in revenue since the current minimum sentence for second time offenders is 20 days. With good time, someone would serve 13 days. This is served in a Community Residential Center @ \$64.00/day. That totals \$832. Offenders are already required to pay up to \$1,000 for the cost of care. If the penalty is increased to 30 days, then the increase in cost of care will be made up for by the additional requirement. The requirement for payment is for misdemeanors only. If one half of the 824 second time offenders opt for the 30 day sentence, they would pay an additional \$280 each for a total of \$115,360.

Sec. 33. This section increases the 5-year look-back to a 10-year look-back, phasing it in over a 5-year period. Previously, in order to become a felon, an offender had to have two prior DWI convictions within the preceding 5 years. This will gradually expand the look-back to 10 years, one year at a time over the next five years. This will reduce the fiscal impact that would have been felt if the system had to absorb what would be (by DMV and DOL figures) an estimated 190 new convicted felons in the first year. Utilizing Department of Law's logic, by the end of the five-year period, when the full ten-year look-back is achieved, the system will be adding the full 190 additional felons each year. These will be first time felony offenders. If they receive the 180 day minimum sentence proposed in this legislation, and presuming they receive their good time, they would each serve 120 days of incarceration. This would total \$401,280 for the first year phase-in. We will then assume that each new year of the phase-in will add an additional 38 new felons until the 10 year look-back is satisfied. In FY03 the number of new felons will be 76 at a cost of \$802,560. In FY04 there will be 114 for a cost of \$1,203,840. FY05 will include 152 new felons for a cost of \$1,605,120 and FY06 reaches full look-back for 190 new felons at a cost of \$2,006,400.

In addition, this section increases the minimum sentences for felony DWI offenders. Using 240 as the number of expected convicted DWI felons in FY02, and estimating that 80% of those will be third time offenders, 192 will serve an additional 40 days. Utilizing the cost of \$88/day (an average cost of ½ time in a CRC and ½ time in a hard bed) the cost for third time offenders will be \$675,840. Estimating the 15% will be 4th time offenders, that would result in 36 offenders serving an additional 80 days, the cost for fourth time offenders is \$253,440. The remaining 5% (12 offenders) will serve an additional 53 days for the cost of \$55,968. The total cost of this provision for the first fiscal year will be \$985,248. Utilizing the same formula and filling in the number of felons each year, the increased cost of higher penalties is as follows: FY03 \$1,142,416 FY04 \$1,289,024 FY05 \$1,449,712 and in FY06 \$1,599,440.

Sec. 34. This section takes away the language in the current statute that provides a 10 year look-back for second time offenders. It is estimate that 3% of the 824 second time offenders will be affected by this removal. The result will be an additional 26 offenders serving a term for second time offense rather than first for a total of \$22,464. This is based on the assumption that 13 will serve 13 days @ \$64.00/day and

FISCAL NOTE #21

STATE OF ALASKA
2001 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB 4(FIN)
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13 will serve 20 days @ \$64.00/day for a total of \$27,456. Subtracting the 3 day sentence they would have served anyway as a first time offender, (3X26XS64 =\$4992) the total for this provision is \$22,464.

The changes in revenues reflected in the fiscal note include:

\$120,000 in FY02 for inmate payment for treatment;

\$316,128 (\$200,768 for .08 legislation and \$115,360 for increased sentencing for 2nd time offenders.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 20
 Bill Version: CSHB 4 (FIN)
 (H) Publish Date: 4/28/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to offenses involving operating a motor vehicle..." BRU: Legal & Advocacy
 Sponsor: Representative Rokeberg Component: Public Defender Agency
 Requester: (H) FIN Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	337.8	381.1	422.9	470.5	470.5	470.5
Travel	11.9	13.7	15.4	17.2	17.2	17.2
Contractual	62.4	75.6	88.7	101.9	101.9	101.9
Supplies	7.1	8.1	9.0	10.0	10.0	10.0
Equipment	37.8	7.0	7.0	7.0	4.6	4.6
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	457.0	485.5	543.0	606.6	604.2	604.2

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	457.0	485.5	543.0	606.6	604.2	604.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	457.0	485.5	543.0	606.6	604.2	604.2

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	5.5	6.0	6.5	7.0	7.0	7.0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB4(JUD) is an omnibus bill making significant changes to driving while under the influence (DUI) laws.

The changes in the bill that will have the most fiscal impact on the Public Defender Agency are:

- Sec. 28 (Reducing blood alcohol level to .08 from .10 for DUIs);
 - Secs. 33 & 47 (Phasing in a 10-year "look-back" period for prior convictions for felony DUI & refusal);
 - Secs. 29,33,42,47, & 52 (Mandating vehicle forfeiture for second and subsequent DUIs and Refusals);
- and the various Sections that increase fines, penalties, license revocation periods.

(Analysis continued on Pages 2 through 4)

Prepared by: Barbara Brink, Director Phone (907) 334-4414
 Division: Public Defender Agency Date/Time 04/13/01
 Approved by: Jim Duncan, Commissioner Date 4/13/01
 Agency: Department of Administration

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ANALYSIS: (Fiscal Note No. 20, continued)

Sec. 28 - Reducing blood alcohol level to .08 from .10 for DUIs.

The Public Defender Agency accepts the Department of Law's estimate of a 10 percent increase in prosecutions as a result of reducing the blood alcohol level threshold for DUIs from .10 to .08. This is a conservative estimate. As the Department of Law points out, experience in other states varies. But in Maine, as state similar to Alaska in some respects (smaller population, Northern climate), there was about a 20 percent increase in prosecutions. The Public Defender Agency will be appointed in about 75% of the cases. Using Department of Law estimate of the number of prosecutions, the Agency will be appointed to an additional 242 misdemeanor cases and 16 felony cases. We will need one additional full-time attorney to handle this increased caseload. Because our Palmer office handles a significant number of DUI cases, we will place the attorney at that office. (See the spreadsheet below for the costs of this position.)

Secs. 33 & 47 - Phasing in a 10-year "look-back" period for prior convictions for felony DUI.

This section would phase in a 10-year "look-back" for prior convictions. Again, the Public Defender Agency accepts the Department of Law's estimate of the number of new cases that would result from this change in the law. As above, we estimate that we will be appointed in about 75% of these cases. The end result is that by FY06, the Public Defender Agency will have an increased caseload of 182 felony DUIs. We will eventually need two additional attorneys to handle this caseload. Because the effect of this provision will be felt beginning in FY02 and, we will add a half-time attorney in Anchorage in FY02, add a half-time attorney in Palmer in FY03, make the half-time attorney in Anchorage full time in FY04, and add a half-time attorney in Fairbanks in FY05. (See the spreadsheet below for the costs of these positions.)

Secs. 29,33,42,47, & 52 - Mandatory Vehicle Forfeiture.

These sections would require vehicle forfeiture upon conviction of a third or subsequent DUI or Refusal. Forfeiture or immobilization would be mandatory after a second conviction for DUI or Refusal. Forfeiture would also be required after a felony DUI or Refusal conviction. These hearings would be part of the sentencing in a criminal case, so defendants would have a right to assistance of counsel. Unlike most of the work the Public Defender Agency currently does, these hearings involve complicated issues of ownership and security interests. The Public Defender Agency would not have as much legal work to do in these hearings as the Department of Law, and, again, we will only be appointed in 75% of the cases. Nevertheless, we will need three paraprofessionals to effectively represent defendants if this provision is enacted. We would place Paralegals in our Anchorage, Fairbanks, and Palmer offices. These offices have the greatest number of DUI cases. (See the spreadsheet below for the costs of these positions.)

Various Sections Increasing Fines, Penalties, and License Revocation Periods

There are a number of sections that increase fines, penalties, and license revocation periods. For example, in Sec. 29 and 33, the mandatory minimum fines for DUIs are increased to \$1,500 for a first offense over .10, \$3,000 for a second offense, and \$10,000 for a felony DUI. Another example, in Sec. 33, is the permanent license revocation for felony DUI. (Although, under Sec. 35, the license can be restored in 10 years if the defendant does not have additional criminal violations and meets other requirements.)

A number of Public Defender Agency clients will not be able to pay large fines. Therefore there will likely be additional probation revocation cases Agency attorneys will have to cover. Also, we are concerned about the effect on our caseload of the increased license revocation periods. Some people will chose to drive even though they do not have a license. Therefore, we are certain that we will have more Driving with License Revoked cases.

Although the Public Defender Agency cannot quantify the fiscal impact that these provisions will have, we are certain that there will be a significant, albeit indeterminate, impact.

PUBLIC DEFENDER AGENCY
HB 4 FISCAL NOTE #20

0.08	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	98.9	98.9	98.9	98.9	98.9	98.9
Travel	3.7	3.7	3.7	3.7	3.7	3.7
Contractual	27.3	27.3	27.3	27.3	27.3	27.3
Supplies	2.2	2.2	2.2	2.2	2.2	2.2
Equipment	8.5	0.8	0.8	0.8	0.8	0.8
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	140.6	132.9	132.9	132.9	132.9	132.9
POSITIONS						
Full-time	1	1	1	1	1	1
Part-time						
Temporary						

Forfeiture	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	197.1	197.1	197.1	197.1	197.1	197.1
Travel	6.5	6.5	6.5	6.5	6.5	6.5
Contractual	22.0	22.0	22.0	22.0	22.0	22.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	26.0	2.6	2.6	2.6	2.6	2.6
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	255.6	232.2	232.2	232.2	232.2	232.2
POSITIONS						
Full-time	4	4	4	4	4	4
Part-time						
Temporary						

Ten Year Look-Back	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	41.8	85.1	126.9	174.5	174.5	174.5
Travel	1.7	3.5	5.2	7.0	7.0	7.0
Contractual	13.1	26.3	39.4	52.6	52.6	52.6
Supplies	0.9	1.9	2.8	3.8	3.8	3.8
Equipment	3.3	3.6	3.6	3.6	1.2	1.2
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	60.8	120.4	177.9	241.5	239.1	239.1
POSITIONS						
Full-time	0.5	1.0	1.5	2.0	2.0	2.0
Part-time						
Temporary						

TOTAL PUBIC DEFENSE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	337.8	381.1	422.9	470.5	470.5	470.5
Travel	11.9	13.7	15.4	17.2	17.2	17.2
Contractual	62.4	75.6	88.7	101.9	101.9	101.9
Supplies	7.1	8.1	9.0	10.0	10.0	10.0
Equipment	37.8	7.0	7.0	7.0	4.6	4.6
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	457.0	485.5	543.0	606.6	604.2	604.2
POSITIONS						
Full-time	5.5	6.0	6.5	7.0	7.0	7.0
Part-time						
Temporary						

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 19
 Bill Version: CSHB 4 (FIN)
 (H) Publish Date: 4/28/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to offenses involving operating BRU: Motor Vehicles
a motor vehicle, aircraft, or watercraft while under the..." Component: _____
 Sponsor: Representative Rokeberg
 Requester: H (FIN) Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	153.8	153.8	153.8	153.8	153.8	153.8
Travel						
Contractual	24.4	22.2	22.2	22.2	22.2	22.2
Supplies	6.8	1.4	1.4	1.4	1.4	1.4
Equipment	21.6	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	206.6	177.4	177.4	177.4	177.4	177.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1005)	347.5	347.5	347.5	347.5	347.5	347.5
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	206.6	177.4	177.4	177.4	177.4	177.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	206.6	177.4	177.4	177.4	177.4	177.4

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

See Page 2 for detailed analysis.

Prepared by: Charles R. Hosack Phone 269-5559
 Division: Motor Vehicles Date/Time April 6, 2001
 Approved by: Jim Duncan, Commissioner Date 4/6/01
 Agency: Department of Administration

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COMMITTEE COPY

This bill will have a fiscal impact in two separate areas of the division.

1. Administrative Hearings

Before DMV can take any action on a driver license or vehicle registration, it must offer the person affected an opportunity to contest the action in an administrative hearing. There are four sections in this bill that will increase the number of hearings conducted.

Section 7 of the bill requires DMV to revoke the registration of any vehicle operated in a DUI offense (5400 arrests in 2000). Offenders, owners, and co-owners may request a hearing on this revocation. First time offenders may request limited registration privileges in the last 60 days of the registration revocation. Sections 35 and 48 require the surrender of license plates for all vehicles owned by the offender. Co-owners may request a hearing to contest this action. Section 28 of the bill lowers the BAC threshold to .08. The state estimates that this will increase DUI arrests by 5-15% and many of those offenders will request a hearing and then appeal the new .08 BAC to superior court.

Cases are now scheduled for hearing 30 – 45 days out. The division's 2 hearing officers are fully occupied with the current caseload. Adding cases without additional staffing will push hearing dates out 60 days or more. The timeliness of the hearings is a critical factor since the offender is allowed to continue to drive while awaiting a hearing. These hearings are a quasi-judicial process and will require one additional hearing officer and one support person. All correspondence related to the hearing must be sent by registered mail and this will increase postage costs.

		First Year	On-going Years
1 PFT Hearing Officer, range 16	\$55.1	\$55.1	
1 PFT position for admin support, range 10		\$39.5	\$39.5
Equipment and associated costs		\$17.4	\$ 2.8
Postage (5000 letters @ 3.60)		\$18.0	\$18.0
Total Cost		\$130.0	\$115.4

2. Sections 33 and 47 Registration Revocation on All Vehicles Owned by Felony Offenders
 Sections 35 and 48 Surrender of License Plates for Repeat Offenders

These four sections are grouped together because the work actions are the same. DMV must either revoke registrations or require the surrender of license plates. Each action requires researching the vehicle records, making multiple entries in the record, and, in the case of revocations, sending notice to the vehicle owners and issuing a new registration. Additional work will be required to reinstate the registrations after the revocation period.

		First Year	On-going Years
1.5 PFT position for admin support, range 10		\$59.2	\$59.2
Equipment and associated costs		\$17.4	\$ 2.8
Total Cost (First Year)		\$76.6	\$62.0

3. Revenue

The license reinstatement fees for DWI offenders is increased by \$100 for first time offenders and by \$250 for repeat offenders. On average there are 3200 first time offenders and 1500 repeat offenders each year. Approximately 50% of these will reinstate the license. The remainder either leave the state or find the cost of the required insurance unaffordable. The combined revenue for those that do reinstate is estimated to be \$347,500 annually.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 16
Bill Version: CSHB 4(JUD)
(H) Publish Date: 4/5/01

Revision Date/Time (Note if correction) Revision dated 3/8/01 Dept. Affected _____
Title Omnibus DWI Bill BRU Alaska Court System
Component Trial Courts
Sponsor Rep. Norman Rokeberg
Requester House Transportation Committee Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	352.1	362.0	362.0	362.0	362.0	362.0
Travel						
Contractual	16.5	24.8	35.2	43.5	53.8	53.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	368.6	386.8	397.2	405.5	415.8	415.8

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	368.6	386.8	397.2	405.5	415.8	415.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	368.6	386.8	397.2	405.5	415.8	415.8

Estimate of current year (FY2001) cost: 0.0

POSITIONS

Full-time	4	4	4	4	4	4
Part-time	4	4	4	4	4	4
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 4 (TRA) makes several changes to the statutes relating to the offense of driving while intoxicated. Some of those changes will have a fiscal impact on the court system.

The bill lowers the BAC necessary for a DWI violation under AS 28.35.030(a)(2) from .1 to .08. National studies show that this change typically results in a 10% increase in DWI filings. Based on that assumption, the court system would see an additional 500 misdemeanors and 28 felony filings a year.

The bill also imposes a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 45 new felony filings in year one, 90 in year two, 135 in year three, 180 in year four, and 225 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate. Because the felony DWI load in Anchorage is already beyond the superior court's capacity, this note provides for a new superior court judge.

Finally, the bill calls for mandatory vehicle forfeiture for all second and subsequent DWI offenders. A court hearing is required for each forfeiture. The Department of Law estimates that this change will result in 800 forfeiture hearings. This note is based on that estimate and assumes that each hearing will last 15 minutes.

Prepared by: Douglas Wooliver Phone 463-4750
Division Alaska Court System Date/Time 3/08/01 @ 11:00 A.M.
Approved by: Stephanie Cole Date _____
Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

Increase in 45 - 225 New Felonies FY02 thru FY06:

	FY02	FY03	FY04	FY05	FY06
Superior Court:					
Jury Costs	10,340	18,612	28,952	37,224	47,564
Superior Court Judge	138,467	142,300	142,300	142,300	142,300
Law Clerk for Superior Court Judge	48,130	49,400	49,400	49,400	49,400
Secretary	41,997	43,050	43,050	43,050	43,050
In-Court Clerk	41,997	43,050	43,050	43,050	43,050
	<u>270,591</u>	<u>277,800</u>	<u>277,800</u>	<u>277,800</u>	<u>277,800</u>
Fiscal Note Total for 45 - 225 New Felonies	280,931	296,412	306,752	315,024	325,364

Vehicle Forfeitures:

800 new hearings, 287 of which would be handled in conjunction with a superior court case (felony)

513 hearings @ 15 minutes/hearing = 128.25 hours of hearing time (one month)

	FY02	FY03	FY04	FY05	FY06
District Court:					
District Court Judge Pro Tem (1 Month)	10,084	10,449	10,449	10,449	10,449
In-Court Clerk PPT (1 Month)	3,500	3,588	3,588	3,588	3,588
	<u>13,584</u>	<u>14,037</u>	<u>14,037</u>	<u>14,037</u>	<u>14,037</u>
Fiscal Note for Vehicle Forfeitures	13,584	14,037	14,037	14,037	14,037

500 New Misdemeanors and 3 Felony Trials at .08:

	FY02	FY03	FY04	FY05	FY06
Superior Court:					
Jury Costs	6,204	6,204	6,204	6,204	6,204
District Court Judge Pro Tem (5 Months)	50,419	52,245	52,245	52,245	52,245
In-Court Clerk PPT (5 Months)	17,499	17,940	17,940	17,940	17,940
	<u>67,918</u>	<u>70,185</u>	<u>70,185</u>	<u>70,185</u>	<u>70,185</u>
Fiscal Note for 500 Misdemeanors + 3 Felony Trials	74,122	76,389	76,389	76,389	76,389

Cumulative Fiscal Note:

Personal Services	352,092	362,022	362,022	362,022	362,022
Contractual	16,544	24,816	35,156	43,428	53,768
	<u>368,636</u>	<u>386,838</u>	<u>397,178</u>	<u>405,450</u>	<u>415,790</u>
Cumulative Total	368,636	386,838	397,178	405,450	415,790
Funding Source:					
1004 GF	368,636	386,838	397,178	405,450	415,790
Positions:					
Full-time	4	4	4	4	4
Part-time	4	4	4	4	4

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 12
Bill Version: CSHB 4 (JUD)
(H) Publish Date: 4/5/01

Revision Date/Time (Note if correction): March 6, 2001 Dept. Affected: Health & Social Services
Title: Relating to operating motor vehicles under the BRU: Juvenile Justice
influence Component: Bethel Youth Facility
Sponsor: Representative Rokeberg
Requester: House (TRA) Component Number: 319

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 33 of the bill was amended to delete a provision which would have required an additional six month period of incarceration for persons convicted of driving under the influence. With this provision deleted from the H-TRA committee substitute, there would be a zero fiscal impact on DJJ through CSHB4(TRA).

Prepared by: George Buhite, Director
Division: Juvenile Justice
Approved by: Elmer A. Lindstrom, Special Assistant
Agency: Department of Health & Social Services

Phone 465-2212
Date/Time 3/6/01 4:42 PM
Date 3/6/01 4:42 PM

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 11
Bill Version: CSHB 4 (JUD)
(H) Publish Date: 4/5/01

Revision Date/Time (Note if correction): March 6, 2001 Dept. Affected: Health & Social Services
Title: Relating to operating motor vehicles under the BRU: Juvenile Justice
influence Component: Johnson Youth Facility
Sponsor: Representative Rokeberg
Requester: House (TRA) Component Number: 267

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 33 of the bill was amended to delete a provision which would have required an additional six month period of incarceration for persons convicted of driving under the influence. With this provision deleted from the H-TRA committee substitute, there would be a zero fiscal impact on DJJ through CSHB4(TRA).

Prepared by: George Buhite, Director Phone 465-2212
Division: Juvenile Justice Date/Time 3/6/01 4:33 PM
Approved by: Elmer A. Lindstrom, Special Assistant Date 3/6/01 4:33 PM
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: CSHB 4 (TRA)
(H) Publish Date: 2/28/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: An Act relating to offenses involving operating BRU: Alcohol & Drug Abuse Svcs
a motor vehicle Component: Alcohol/Drug Abuse Grants
Sponsor: Rep Rokeberg
Requester: House (TRA) Component Number: 1239

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	582.2	582.2	582.2	582.2	582.2	582.2
Miscellaneous						
TOTAL OPERATING	582.2	582.2	582.2	582.2	582.2	582.2

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	582.2	582.2	582.2	582.2	582.2	582.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	582.2	582.2	582.2	582.2	582.2	582.2

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Section 26 lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs and subsequently for treatment. Of these additional cases DHSS estimates that 75% would be treated in a public program. Due to existing wait capacity and waitlist an additional \$582.2 is required to fund the capacity required to provide the mandated treatment required.

Prepared by: Ernest Turner, Director Phone 465-2071
Division: Alcoholism and Drug Abuse Date/Time 2/26/01 4:30 PM
Approved by: Elmer A. Lindstrom, Special Assistant Date 3/1/01 8:45 AM
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSHB 4(TRA)
(H) Publish Date: 2/28/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: An Act relating to offenses involving operating a motor vehicle BRU: Alcohol & Drug Abuse Svcs
Sponsor: Rep Rokeberg Component: Alcohol Safety Action Program
Requester: House (TRA) Component Number: 305

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	60.0	60.0	60.0	60.0	60.0	60.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	52.4	52.4	52.4	52.4	52.4	52.4
Miscellaneous						
TOTAL OPERATING	112.4	112.4	112.4	112.4	112.4	112.4

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	112.4	112.4	112.4	112.4	112.4	112.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	112.4	112.4	112.4	112.4	112.4	112.4

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 26 lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs (ASAP) and subsequently for treatment. Of these additional cases DHSS estimates that 100% would be referred to an ASAP. The costs to handle these additional cases is \$112.4. We estimate that 65-70% of these cases will be handled by the ASAP office in Anchorage, which is operated by employees of the Division of Alcoholism and Drug Abuse.

Prepared by: Ernest Turner, Director Phone 465-2071
Division: Alcoholism and Drug Abuse Date/Time 2/26/01 4:30 PM
Approved by: Elmer A. Lindstrom, Special Assistant Date 3/1/01 8:40 AM
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

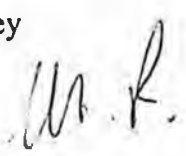
State Capitol
Juneau, Alaska 99801-1182
Deliveries to 129 6th St., Rm. 329

MEMORANDUM

April 24, 2002

SUBJECT: Proof of motor vehicle insurance
(SCS CSHB 4 () Draft Version "Q")

TO: Senator Dave Donley
Attn: Jos

FROM: Michael F. Ford 
Legislative Counsel

You have asked for an explanation of amendment Q.2, relating to proof of motor vehicle insurance. The amendment adds a new paragraph to Sec. 28.01.015(a) (Sec. 6 of the bill). The new paragraph would allow a municipality to adopt an ordinance providing for impoundment or forfeiture of a motor vehicle that was driven by a person that failed to carry proof of insurance as required by AS 28.22.019.

The amendment also adds (as Sec. 20) a new provision of law (AS 28.22.019) that requires a person driving a motor vehicle to carry proof of valid motor vehicle insurance and to exhibit the proof on demand of a peace officer. Proof of motor vehicle insurance would include a copy of a valid policy, an insurance card issued by an insurer, or electronic certification of coverage. Note that the language also allows a person to avoid conviction if after being cited the person produces proof of insurance that was valid at the time of the arrest or citation. The amendment also allows municipalities to require display of a decal indicating compliance with the proof of insurance requirement or to impose a higher fine for failure to comply with the proof of insurance requirement. A person convicted of violating Sec. 28.22.019 would face a penalty (under AS 28.40.050) of a fine up to \$500, jail time of up to 90 days, or both, as well as loss of driver's license and vehicle registration.

Please contact me if you have further questions.

MFF:med
02-408.med

Enclosure

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


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

MEMORANDUM

April 10, 2002

SUBJECT: Driving while intoxicated (SCS CSHB 4 () Draft Version "E")

TO: Representative Norman Rokeberg
Attn: Janet

FROM: Michael F. Ford 
Legislat. Counsel

You have asked if the legislature could constitutionally create a driving while intoxicated crime that punishes first time D.W.I offenders with a blood alcohol level of .08 or more and punishes second or subsequent offenders with a blood alcohol level of .04 or more. I think you can. Such a penalty scheme would apply equally to each type of offender and would have an arguable rational basis as an effort to impose a higher standard against repeat offenders. This is a policy issue within the power of the legislature to decide.

Please contact me if you have further questions.

MFF:med
02-362.med

Enclosure

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

JUDICIARY COMMITTEE CHAIRMAN
LABOR & COMMERCE COMMITTEE MEMBER
LEGISLATIVE COUNCIL MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM MEMBER

website: <http://www.akrepublicans.org/Rokeberg.htm>



INTERIM
716 WEST 4TH AVENUE, SUITE 350
ANCHORAGE, AK 99501
PHONE (907) 269-0111
FAX (907) 269-0110

SESSION:
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-4968
FAX (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

Corrected SPONSOR STATEMENT SCSCSHB 4 (), 22-Is0046Q, Ford, 4/22/02 Omnibus Drunk Driving Legislation

Alaska has one of the toughest drunk driving laws in the United States, but many of our state's habitual drunk drivers are not getting the message. SCSCSHB 4() strengthens these laws.

Poor judgment and chemical dependency are the primary causes of habitual drinking and driving. These people *kill, injure, and maim* Alaskans causing untold grief, pain, suffering, and economic loss. Estimates show that the average 1998 alcohol-related fatality in Alaska cost \$5.1 million (\$1.7 million in monetary costs and \$3.4 million in quality of life losses) while the average 1998 injured survivor experienced approximated \$126,000 in costs (\$52,000 in monetary costs and \$74,000 in quality of life losses). These figures are from the Public Services Research Institute and were produced under a National Highway Traffic Safety Administration Partners in Progress Cooperative Agreement and are figures for Alaska.

Over the past two years, Alaska has witnessed a rash of tragic deaths and injuries. A public outcry resulted in the 2000 establishment of the Municipality of Anchorage's DUI Task Force. Many recommendations of this Task Force are embodied in SCS SHB 4 ().

SCS SHB 4 (FIN) increases fines for misdemeanor offenses; increases fines for felony offenses; establishes mandatory vehicle forfeiture for felony offenses; permits local governments to adopt ordinances stricter than state laws concerning driving under the influence, driving while license revoked or suspended, and driving without insurance; establishes increased time limits for maintenance of SR-22 insurance; permits the court to order a convicted person, while incarcerated or as a condition of probation or parole, to take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage; adds "inhalants" to the list of substances that can result in charges of driving while intoxicated; permits the court, in misdemeanor cases of driving under the influence or refusal to submit to a chemical test, to reduce up to 50% of the minimum fines and suspend up to 75% of the mandatory minimum sentence when a person successfully completes a court-ordered treatment program (minimum 18 consecutive month duration); and increases fees, fines and cost caps in various areas of the law to enhance revenue to offset associated costs.

SCS SHB 4 (FIN) contains both the "stick" (punitive revision of law) and the "carrot" (flexibility for the judicial system to in giving out misdemeanor sentences and fines). Enactment of this legislation will send a strong and clear message: **DO NOT DRINK AND DRIVE.**

Your support of this important legislation would be appreciated.

ED 7:04/23/02

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

JUDICIARY COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER

website: http://www.akrepublicans.org/Rokeberg_3.htm



INTERIM
716 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, AK 99501
PHONE (907) 269-0111
FAX (907) 269-0119

SESSION
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1162
PHONE (907) 465-4968
FAX (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SECTIONAL ANALYSIS

SCS CSHB 4 (), 22-LS0046/Q, Ford, 4/22/02

An Act relating to motor vehicles and to operating a motor vehicle, aircraft, or watercraft; and providing for an effective date.

Prepared by Representative Norman Rokeberg

- Section 1:** Finding and intent section.
- Section 2:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 3:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 4:** Adds new subsection setting forth that the presumptive sentence for manslaughter as a result of driving while under the influence of an alcoholic beverage, inhalant or controlled substance is seven years.
- Section 5:** Changes references from driving while "intoxicated" to driving "while under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 6:** Adds new section permitting municipalities to adopt local ordinances concerning municipal impoundment and forfeiture for: drunk driving; refusal to submit to chemical test; driving while license canceled, suspended, revoked, or in violation of a limitation; or driving without insurance. Municipality may include a fee for administrative costs and the municipal law may be more stringent than or the same as state law.
- Section 7:** Requires the department of administration to refuse to register a vehicle if the applicant fails to register the vehicle using the applicant's full first, middle, and last name or a business name.

- Section 8:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 9:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 10:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 11:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law.
- Section 12:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 13:** Amends minimum periods of license revocation to reflect references to new provisions in AS 28.35.030(n)(3) and 28.35.032(p)(3).
- Section 14:** Requires that the court shall furnish the Division of Motor Vehicles with information on a driving conviction within five working days.
- Section 16:** Requires a person who loses their driver's license for DUI or refusal to submit to a chemical test to meet the alcoholism screening, evaluation, referral, and program requirements under AS 28.35.030(h) imposed under AS 28.15.181(a)(5) or (8) in order to have license reissued.
- Section 17:** Doubles driver's license reinstatement fees for those convicted of DUI or refusal.
- Section 18:** Amends the driving while license suspended, revoked, or cancelled to add language regarding discretionary vehicle forfeiture.
- Section 19:** Amends motor vehicle insurance laws by requiring proof of financial responsibility for varying lengths of time depending on the number of times a person has been convicted or driving under the influence.
- Section 20:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 21:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law. Also changes references to "driving while intoxicated" to while "under the influence of an alcoholic beverage, inhalant or controlled substance."

- Section 22:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of the commercial motor vehicle implied consent law.
- Section 23:** In commercial motor vehicle section, changes "intoxicated" to "under the influence of an alcoholic beverage". Changes references from "intoxicating liquor" to "alcoholic beverage".
- Section 24:** Changes "intoxicating liquor" to "an alcoholic beverage".
- Section 25:** Changes references from "intoxicated" to while "under the influence of an alcoholic beverage, inhalant or controlled substance".
- Section 26:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Adds "an alcoholic beverage" and "inhalant" to list of items that constitutes crime of driving while "under the influence of an alcoholic beverage, inhalant or controlled substance".
- Section 27:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Changes the penalties (sentence and fine) for misdemeanor DUI. Adds watercraft to list of items that may be forfeited. Permits court to order person, while incarcerated or on probation or parole, to take a drug or combination of drugs intended to prevent consumption of an alcoholic beverage.
- Section 28:** Changes law to establish that treatment providers must provide the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Such information may only be used in connection with court proceedings involving the defendant's treatment and is otherwise confidential.
- Section 29:** Increases the limit imposed on the cost of imprisonment required to be paid by a person convicted of DUI. Clarifies where imprisonment may be served for misdemeanor DUIs, including electronic monitoring.
- Section 30:** Felony DUI section. Increases the fines for a conviction under this section. Mandates vehicle forfeiture. Permanently revokes, subject to restoration privileges set forth under Section 32. Revokes vehicle registration for all vehicles owned by the person convicted. Permits a co-owner to register the vehicle in that person's name.
- Section 31:** Adds definition for "inhalant".

- Section 32:** Adds provisions relating to restoration of a driver's license following a DUI conviction. Establishes that court may suspend, upon successful completion of a court-ordered program (1) up to 75% of the mandatory minimum sentence; and (2) up to 50% of the minimum fines. Establishes that this does not apply to a person who has already participated in a court-ordered program two or more times. Describes what constitutes "court-ordered" treatment. Designates the Director of the Division of Motor Vehicles or designee as a person eligible to request and receive criminal justice information.
- Section 33:** Makes technical amendments relating to implied consent law. Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of the implied consent law.
- Section 34:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of administering a breath test under the implied consent law.
- Section 35:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of administering a breath or blood test under the implied consent law when there is a motor vehicle accident that causes death or serious physical injury.
- Section 36:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 37:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 38:** Changes refusal section to mirror DUI section on fines and penalties for misdemeanors. Provides that court may order a person, while incarcerated or as condition of probation or parole, to take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage.
- Section 39:** Changes refusal section to mirror DUI section on treatment. Changes law to establish that treatment providers must provide the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Such information may only be used in connection with court proceedings involving the defendant's treatment and is otherwise confidential.
- Section 40:** Technical amendment to AS 28.35.032(j).

- Section 41:** Changes refusal section on imprisonment costs to mirror DUI section. Increases the limit imposed on the cost of imprisonment required to be paid by a person convicted of refusal. Clarifies where imprisonment may be served and use of electronic monitoring system.
- Section 42:** Changes refusal section on felony charges to mirror DUI section. Increases the fines for felony refusal. Mandates vehicle forfeiture. Permanently revokes, subject to restoration privileges under Section 43, driver's license. Revokes vehicle registration for all vehicles owned by the person convicted. Permits a co-owner to register the vehicle in that person's name.
- Section 43:** Changes refusal section on driver's license revocation to mirror DUI section. Adds provisions relating to restoration of a driver's license. . Establishes that court may suspend, upon successful completion court-ordered treatment program: (1) up to 75% of mandatory minimum sentence; and (2) up to 50% of the minimum fines. Establishes that reduced fines and sentences not available for those who have participated in a court-ordered treatment program two or more times. Defines "court-ordered treatment". Establishes that Director of Division of Motor Vehicles may request and receive criminal justice information in order to carry out the license restoration provisions.
- Section 44:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage or controlled substance."
- Section 45:** Requires the police to inform a person undergoing a chemical test for intoxication of their right to have an independent chemical test and requires the department to make reasonable and good-faith efforts to assist the person to obtain an independent test.
- Section 46:** Changes reference to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 47:** Changes language concerning forfeiture of vehicle or aircraft, including description of what "disposal" methods may be used.
- Section 48:** Amends statutes to include watercraft.
- Section 49:** Amends definition of "alcohol safety action program".
- Section 50:** Changes driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant, or controlled substance".
- Section 51:** Permits the Department of Health and Social Services to develop, implement, and designate an alcohol safety action program.

- Section 52:** Adds standards for alcohol safety action programs to current statute.
- Section 53:** Adds requirements concerning approval of and inspection of alcohol safety action programs.
- Section 54:** Repeals AS 28.35.038 (municipal impoundment and forfeiture) as is covered elsewhere in this legislation. See Section 6.
- Section 55:** Establishes a pilot drunk driver treatment program within the Department of Corrections for July 1, 2002 to June 30, 2007. Requires report from the Department to the Legislature by January 1, 2005.
- Section 56:** Applicability section.
- Section 57:** Effective date is July 1, 2002.

ED 8:04/23/02

CHANGES FROM
Senate Finance (E) Version
To Blank CS (Q) Version, 22-LS0046(Q), Ford, 4/22/02
Prepared by Rep. Norman Rokeberg
April 23, 2002

1. Page 2, line 9: Technical change to correct typo: "amount" changed to "among"
2. Page 6: Section 10 of Version E deleted per Amendment #14. This deleted reference to a distinguishing mark on a driver's license.
3. Page 18, line 28: Amendment #15 amended: Language deleted concerning felony driving under the influence as this is covered under last year's Therapeutic Court bill (HB 172).
4. Page 21, lines 1 and 2: Amendment #15 amended: Language deleted concerning felony driving under the influence as this is covered under last year's Therapeutic Court bill (HB 172).
5. Page 21, line 3: Amendment #15 amended: Deleted "successfully completed" and inserted "participated in".
6. Page 26, line 31: Amendment #15 amended: Language deleted concerning felony refusal to submit to chemical test as this is covered under last year's Therapeutic Court bill (HB 172).
7. Page 28, lines 9 and 10: Amendment #15 amended: Language deleted concerning felony refusal to submit to chemical test as this is covered under last year's Therapeutic Court bill (HB 172).
8. Page 28, line 11: Amendment #15 amended: Deleted "successfully completed" and inserted "participated in".
9. Page 28, lines 14-18: Technical amendment. This language, which gives the director of the Division of Motor Vehicles the ability to check criminal justice information when considering whether to reissue a revoked driver's license, was inadvertently left out. It mirrors the language contained on page 21, lines 18-22.
10. Page 30, line 13: Technical amendment. Deletes reference to statutes concerning driving while license revoked as this statute is not subject to mandatory forfeiture under this bill.
11. Page 31, lines 10-13: Amendment #15 amended. Adds new subsection 5 referring to ability to transfer forfeited vehicles to charitable organizations.

**CHANGES FROM
(M) Version
To Blank CS (E) Version, 22-LS0046E, Ford, 4/10/02
Prepared by Rep. Norman Rokeberg
April 11, 2002**

The major changes in the E version are:

- A. Definition and parameters of court-ordered treatment program.
- B. Distinguishing mark on face of license for repeat DUI offenders.
- C. Elimination of the limited license provisions in (M) version.
- D. Provisions for length of time offender must maintain proof of financial responsibility/SR-22 insurance.
- E. Pilot Drunk Driver Program for Department of Corrections

Specific locations of changes are:

1. Page 2, line 12-13. The (A)-(R) subsections contained in the M version are deleted in this version. The language in (2) is also changed.
2. Page 5, Line 11: After "applicant's", the word "full" is inserted.
3. Page 5, line 12: After "name.", the sentence referring to initials has been deleted.
4. Page 6, Lines 5-22: New Section 10 referring to distinguishing mark on the face of the license for persons convicted more than once of driving under the influence.
5. Page 9, line 7: Reference to subsections referring to limited license provisions contained in M has been deleted.
6. Page 9: Sections 14, 16, 17 from the M version have been removed. Section 16 in this version (E) version has been changed. This reflects the removal of the provisions for the limited licensing for driving while license suspended, driving under the influence, and refusal to submit to a chemical sobriety test.
7. Page 10: Former Section 19 from the M version has been removed in connection with elimination of limited license provisions.

8. Page 12, line 26 through Page 13, line 3: Adds new section 20 regarding insurance. Requires offenders to secure SR-22 insurance for:

5 years for 1st conviction
10 years for the 2nd conviction
20 years for the 3rd conviction
Indefinitely for 4th conviction

9. Page 21, line 18, through Page 22, line 5: Inserts new language concerning ability of judge to suspend fines and sentences as follows:

- a. Upon successful completion of a court-ordered treatment program, court may suspend:
up to 75% of the mandatory minimum sentence and
up to 75% of the minimum fines
- b. Provides that a person who has already successfully completed a court-ordered treatment program two or more times is not eligible for the reduction in mandatory minimum sentence or fines
- c. "Court-ordered treatment program" means:
 - i. Treatment program for person who consumes alcohol or drugs;
 - ii. Program that requires participation for at least 18 consecutive months;
 - iii. Program that includes planning and treatment for alcohol or drug addiction;
 - iv. Program that includes emphasis on personal responsibility;
 - v. Program that provides in-court recognition of progress and sanctions for relapses;
 - vi. Program that requires payment of restitution to victims and completion of community work service;
 - vii. Program that includes physician approved treatment of physical addiction and treatment of the psychological causes of addiction;
 - viii. Program that includes a monitoring program and physical placement or houses; and
 - ix. Program that requires adherence to conditions of probation.

10. **Page 25, lines 20-23: Former subsection (4) in M version concerning discretionary vehicle forfeiture has been deleted as it is already addressed in (3) of E version.**
11. **Page 28, line 27 through page 29, line 2: Inserts new language concerning ability of judge to suspend fines and sentences as follows:**
 - a. **Upon successful completion of a court-ordered treatment program, court may suspend:
up to 75% of the mandatory minimum sentence
and
up to 75% of the minimum fines**
 - b. **Provides that a person who has already successfully completed a court-ordered treatment program two or more times is not eligible for the reduction in mandatory minimum sentence or fines**
 - c. **Refers to AS 28.35.030(q) for definition of "court-ordered treatment" [see #9(c)(i)-(ix) above]**
12. **Page 34, lines 18-30: New Section 36. Provides for pilot program in Department of Corrections using a drug or combination of drugs intended to prevent consumption of an alcoholic beverage. Participants are those who have been convicted of violating AS 28.35.030 (driving under the influence) or AS 28.35.032 (refusal to submit to chemical sobriety test). Program begins July 1, 2002, and ends June 30, 2007, with a report due to the Legislature on January 1, 2005.**

**REP. ROKEBERG'S SUGGESTED FISCAL NOTES
SCS CS HB 4 (), VERSION M
APRIL 9, 2002**

<u>Agency</u>	<u>Expenditure</u>	<u>Revenue</u>
Court	0	0
Public Safety	111.3	57.2
Corrections	115.0	cannot estimate
Law	56.0	
Administration		
Motor Vehicles	104.5	347.5
Public Defender	56.0	
Health & Social Services	previous zero fiscal note	
 Total	 442.8	 404.7
 Expenditures:	 442.8	
Minus Revenue	(404.7)	
	38.1	

Note: The above revenue estimates do not include revenue generated by increased fines in Version M.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCS CSHB 4 (), M.
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Motor Vehicles & Drunk Driving BRU Alaska Court System
 Component Trial Courts
 Sponsor Rep. Norman Rokeberg
 Requester Senate Finance Committee Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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)

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 (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Previous fiscal notes from the Court System have indicated "Because the costs associated with the felony hearings were captured through other legislation last year, . . .". Therefore, this fiscal note is zero.

Prepared by: Representative Norman Rokeberg Phone 465-4968
 Division _____ Date/Time 4/9/02 7:39 AM
 Approved by: _____ Date 4/9/2002
 Agency _____

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCS CSHB 4 (), M Versic
 () Publish Date: _____

Revision Date/Time (Note If correction): _____ Dept. Affected: Public Safety
 Title Motor Vehicles and Drunk Driving BRU AST Detachment
 Component AST Detachment
 Sponsor Representative Norman Rokeberg
 Requester Senate Finance Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	111.3	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	57.2					
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	111.3					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	111.3	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	1					
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Program Operational Costs: \$66.3

Fiscal Note dated 4/2/02, 10:41 AM indicated Vehicle Forfeited on 3rd offense/refusal only costs were \$44,735.

Revenue from 4/2/02 fiscal note is reduced and calculated at 260 convictions at \$220 each (based upon Anchorage Police Dept fee).

Prepared by: Representative Norman Rokeberg Phone 465-4958
 Division _____ Date/Time 4/9/02 7:42 AM
 Approved by: _____ Date 4/9/2002
 Agency _____

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCS CSHB 4 (), M Versic
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title Motor Vehicles and Drunk Driving BRU Administration & Operations
 Component All
 Sponsor Representative Norman Rokeberg
 Requester Senate Finance Committee Component No. 694

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	115.0					
TOTAL OPERATING	115.0	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	115.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	115.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Of the amount above, \$100.0 is for the pilot program for naltrexone.

Prepared by: Representative Norman Rokeberg Phone 465-4968
 Division _____ Date/Time 4/9/02 7:45 AM
 Approved by: _____ Date 4/9/2002
 Agency _____

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCS CSHB 4 (), M Versic
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title Motor Vehicles and Drunk Driving BRU Criminal Division
Component Judicial Districts
Sponsor Representative Norman Rokeberg
Requester Senate Finance Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	47.0					
Travel						
Contractual						
Supplies	9.0					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	56.0	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	56.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	56.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	1					
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This would fund one paralegal position to accomplish the felony forfeiture program. Supplies would include computer, desk, etc. and would be a one-time cost.

Prepared by: Representative Norman Rokeberg
Division: _____
Approved by: _____
Agency: _____

Phone 465 4968
Date/Time 4/9/02 7:47 AM
Date 4/9/2002

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCS CSHB 4 (), M Versio
 () Publish Date: _____

Revision Date/Time (Note if correction): _____
 Title Motor Vehicles and Drunk Driving
 Sponsor Representative Norman Rokeberg
 Requester Senate Finance Committee

Dept. Affected: Administration
 BRU Motor Vehicles
 Component Motor Vehicles
 Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	104.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	347.5					
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	104.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	104.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	2					
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This is based on M version, with amendment. Previous fiscal note reduced by 50% due to changes made in M version. Revenue amounts remain the same.

Prepared by: Representative Norman Rokeberg
 Division: _____
 Approved by: _____
 Agency: _____

Phone 465-4968
 Date/Time 4/9/02 7:39 AM
 Date 4/9/2002

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCS CSHB 4 (), M Versic
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title Motor Vehicles and Drunk Driving BRU Legal and Advocacy Services
 Component Public Defender Agency
 Sponsor Representative Norman Rokeberg
 Requester Senate Finance Committee Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	47.0					
Travel						
Contractual						
Supplies	9.0					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	56.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	56.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	56.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	1					
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This would fund one paralegal position for the felony forfeiture program. Supplies would include computer, desk, etc., and are one-time costs.

Prepared by: Representative Norman Rokeberg Phone 465-4968
 Division: _____ Date/Time 4/9/02 7:48 AM
 Approved by: _____ Date 4/9/2002
 Agency: _____

**CHANGES FROM
Senate Finance (H) Version
To Blank CS (M) Version, 22-LS0046\M, Ford, 4/8/02
Prepared by Rep. Norman Rokebeig
April 8, 2002**

**Red = Needed amendment
Blue = Discussion Point**

The major changes in the M version are:

- A. Deletion of general registration plate seizure program**
- B. Deletion of language concerning mandated treatment while incarcerated.**
- C. Eliminates all increased minimum sentences except for manslaughter.**
- D. Eliminates all mandatory forfeiture language for misdemeanors. Retains discretionary language for misdemeanors. Retains mandatory forfeiture for felonies.**
- E. Adds language giving ability of courts to permit limited driver's licenses in misdemeanor cases. Requirements are set forth.**

The particular changes are as noted below:

- 1. Page 3, line 17: After "Anchorage Weitness Court" adds "or other similar Alaska nonprofit corporation".**
- 2. Page 6, line 12: After "name." Adds: "An applicant may not use initials when registering a vehicle." Language requested by DMV.**
- 3. Page 6: Former Section 8 in H version concerning "Seizure of registration plates resulting from chemical sobriety tests and refusal to submit to tests" is deleted as are associated language elsewhere in the bill.**
- 4. Page 8: Former Sections 12-13 of H version deleted. These sections contained language regarding the registration plate seizure program.**
- 5. Page 9, lines 20 and 21: After "(n)(3)" added: "and (q)". After "(p)(3)" added "and (s)," to refer to new driver's license reinstatement language.**
- 6. Page 9, line 31: New bolded language added to refer to driver's license reinstatement.**
- 7. Page 10, line 12: after (28.15.181(b)) added: ", (e), or (d)" in connection with #5 above.**
- 8. Page 10, lines 26-28. After "limitation" added new language**

referring to #5 above. This language needs to be amended as follows: after "therapeutic court" add "or other court-ordered treatment" to make it consistent with other changes in the bill.

9. Page 11, lines 3-31: This language adds the ability of the court, when dealing with misdemeanors, to grant limited license privileges in certain specific instances. This is to be used in conjunction with therapeutic court or court-ordered treatment programs and would, for example, allow a limited license so that a person meeting the requirements could drive to work. Suggested by Partner for Progress and the Anchorage Wellness Court.

10. Page 12, line 1: Needs same amendment as set forth in 8 above.

11. Page 12, lines 2-6. Part of the limited driver's license reinstatement described in 9 above.

12. Page 14: Mandatory forfeiture for misdemeanors eliminated. Discretionary forfeiture language retained.

13. Page 18, line 18: Increased sentence and community service language deleted.

14. Page : Mandatory forfeiture language for misdemeanors deleted.

15. Page 19: Former Section 32 in H version deleted. This section mandated that treatment was to occur, as much as possible, while person incarcerated and that up to \$10,000 in treatment costs would be required to be reimbursed to the state.

16. Page 20, line 29: Reference to subsection changed to (q) to agree with changes in this version.

17. Page 21, lines 2-6: Increased felony minimum sentences deleted.

18. Page 22, lines 12-13: Legal Services has concluded that the former language referencing "under the influence of an alcoholic beverage, inhalant, or controlled substance" should be deleted. The concern was that an argument would be made that someone could argue that this language described a particular crime that was not titled the same so the more generic language approach is utilized in this version.

19. Page 22, lines 20-21: See #18 above.