Fiscal Note

State of Alaska
2019 Legislative Session

Bill Version:	SCS CSHB 49(FIN)
Fiscal Note Number:	34
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Identifier: HB049CS(FIN)AM-DPS-CJISP-05-09-19
Title: CRIMES; SENTENCING;DRUGS;THEFT; REPORTS
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (S) FIN

Department: Department of Public Safety
Appropriation: Statewide Support
Allocation: Criminal Justice Information Systems Program
OMB Component Number: 3200

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2020**	**FY 2020**	**FY 2021**	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Fund Source (Operating Only)

None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimated SUPPLEMENTAL (FY2019) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2020) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account?

(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/20

Why this fiscal note differs from previous version/comments:

This version reflects changes made by House Floor amendments included in version G.A.

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Division: Commissioner's Office — Date: 05/09/2019
Approved By: Dan Spencer, Administrative Services Director — Date: 05/09/19
Agency: Office of Management and Budget

REPORTED OUT OF SFC 05/13/2019

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2019 LEGISLATIVE SESSION

Analysis

This bill makes several changes to current law relating to sex offenders and sex offender registration requirements. Specifically, the bill amends the definition of “sex offender or child kidnapper” under AS 12.63.100(6) to include a person who is required to register as a sex offender under the laws of another jurisdiction; and amends the definition of “sex offense” under AS 12.63.100(7) to include the offense of indecent viewing or production of a picture under AS 11.61.123 when punished as a class B or C felony, and offenses in which a person is required to register as a sex offender under the laws of another jurisdiction.

The bill also requires DPS to adopt regulations outlining the process for determining the duration of such offender's duty to register in Alaska, including taking into consideration the period of registration required in the other jurisdiction and providing for tolling or "pausing" of the registration period if out of compliance or incarcerated.

AS 18.65.087 authorizes the Department of Public Safety (DPS) to maintain a central registry of persons required to register as sex offenders and child kidnappers under AS 12.63.010. Within DPS, the Sex Offender/Child Kidnapper Registry office validates, verifies, and notifies sex offenders of the registration requirements. Currently, a person required to register as a sex offender in another jurisdiction is only required to register in Alaska if that person was convicted of an offense that is similar to a sex offense as defined in AS 12.63.100.

This bill also amends uncodified law to require the Alaska Court System to transmit to the Department of Public Safety (DPS) certain records related to involuntary commitments and adjudications of mental illness or mental incompetence that were issued on or after January 1, 1981, for inclusion in the National Instant Criminal Background Check System (NICS). Under current law, the Alaska Court System may only provide such records from October 2014 forward.

The NICS is a national system that checks available records in three databases to determine if prospective firearm buyers are disqualified from receiving firearms. A NICS check includes a check of the following three databases that are maintained by the FBI: Interstate Identification Index (III or "Triple I"), a database on criminal history record information; National Crime Information Center (NCIC) which includes information on persons subject to civil protection orders and arrest warrants; and NICS Index which includes the information contributed by federal and state agencies identifying persons prohibited from possessing firearms who are not included in the III or NCIC, such as persons with a prohibiting mental health history.

When information about involuntary commitments and adjudications of mental illness or mental incompetence is provided to the NICS, the FBI can deny firearm transfers to persons with disqualifying mental health histories both in the state where the record was created and in other states to which the person may have subsequently moved.

These records are maintained in a separate database to protect the confidentiality of the records and to ensure they are only available for the purposes outlined under AS 47.30.907.

Should this bill pass, DPS anticipates the increase in the number of additional persons who would be required to register as sex offenders in Alaska would be manageable in terms of requiring additional staff or resources, and any additional workload related to transmission of records from the court system can be absorbed with existing staff. Therefore, a zero fiscal note is being submitted.

DPS estimates the regulation process associated with sex offender registration requirements would take no longer than twelve months from the bill's effective date to complete. Therefore, a July 1, 2020, date has been identified as the date by which the regulations would be adopted by.