

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	SCS CSHB 49(FIN)
Fiscal Note Number:	21
(S) Publish Date:	5/13/2019

Identifier: HB049SCSCS(FIN)AM-DOA-OPA-5-13-19  
 Title: CRIMES; SENTENCING;DRUGS;THEFT;  
 REPORTS  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: (S) Finance

Department: Department of Administration  
 Appropriation: Legal and Advocacy Services  
 Allocation: Office of Public Advocacy  
 OMB Component Number: 43

## 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				
			FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
<b>OPERATING EXPENDITURES</b>	<b>FY 2020</b>	<b>FY 2020</b>					
Personal Services	558.5		558.5	558.5	558.5	558.5	558.5
Travel	12.1		12.1	12.1	12.1	12.1	12.1
Services	117.3		117.3	117.3	117.3	117.3	117.3
Commodities	6.8		6.8	6.8	6.8	6.8	6.8
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>694.7</b>	<b>0.0</b>	<b>694.7</b>	<b>694.7</b>	<b>694.7</b>	<b>694.7</b>	<b>694.7</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	694.7		694.7	694.7	694.7	694.7	694.7
<b>Total</b>	<b>694.7</b>	<b>0.0</b>	<b>694.7</b>	<b>694.7</b>	<b>694.7</b>	<b>694.7</b>	<b>694.7</b>

## Positions

Full-time	5.0		5.0	5.0	5.0	5.0	5.0
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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? No

If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version/comments:

Updated analysis to reflect the Senate Finance committee substitute.

Prepared By: James Stinson, Director  
 Division: Office of Public Advocacy  
 Approved By: Cheryl Lowenstein, Director  
 Agency: Office of Management and Budget

Phone: (907)269-3504  
 Date: 05/13/2019  
 Date: 05/13/19

REPORTED OUT OF  
SFC 05/13/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2019 LEGISLATIVE SESSION**Analysis**

This bill increases sentencing ranges, removes the provisions automatically adjusting theft thresholds for inflation, creates some new crimes, and increases the charge level and penalties for a number of crimes.

There are new crimes created by this bill for generalized threats, fraudulent use of identification documents, possession of motor vehicle theft tools, removal of electronic monitoring devices in broader circumstances, and harassment in broader circumstances. This bill increases penalties for drug possession convictions. This bill adds restrictions to discretionary parole eligibility and removes the presumption of release. This bill makes changes to how bail determinations, including the use of third-party custodians, are made and eliminates credit given for pre-trial electronic monitoring in certain circumstances.

The Department of Law has reported an expected increase in referrals from law enforcement for drug related crime as a result of increasing charge levels and penalties for certain drug related crimes. With the prioritization of certain drug crime prosecutions, and increases in prosecutorial positions, there is anticipated caseload and workload growth. The Department of Law anticipates felony drug cases to increase to the levels they were at in 2016 and estimates an increase of least 740 felony cases annually.

Additionally, the Department of Law has predicted an increase in cases as a result of the recriminalization of driving with a canceled, suspended, or revoked license. In addition to increased workload as a result of increased case filings, cases with increased penalties and higher charging levels require more litigation throughout all stages of litigation, but particularly increased jury trials, contested sentencing hearings, and post-conviction litigations.

Office of Public Advocacy (OPA) receives approximately 25% of the cases referred to the Public Defender Agency as conflict cases. OPA has seen workload growth and increased appointments in recent fiscal years and is unable to absorb additional workload with the current staffing. OPA anticipates needing three new attorneys and two new support staff to address the workload increases resulting from passage of this legislation.