

14CPO2 - Statement of Costs

Estimated costs to the State of Alaska for the implementation of “An Act to Define Criminal Penalties for Public Officials”

Multi Agency Cost Summary

Agency	Cost
Department of Law	Unknown
Department of Public Safety	Unknown
Department of Administration	Unknown
Alaska Court System	Unknown
Department of Corrections	Unknown
Office of the Lieutenant Governor	\$9,000
Office of the Lieutenant Governor- Division of Elections	\$73,765
TOTAL	Minimum of \$82,675

Estimate of costs to the criminal justice agencies of the state

As required by AS 15.45.090(a)(4), the Department of Law and the Office of Management and Budget have prepared the following statement of costs to the State of Alaska to implement the law proposed by this ballot initiative.

The ballot initiative would make it a Class A felony for a public official to regulate or legislate competitive advantages for, or direct appropriations to, themselves, their family, and certain others. This act would also make it a Class A felony to profit by inducing public officials to commit such acts.

The initiative is broadly written and lacks sufficient definition to adequately estimate costs to the state if it were to become law. The act potentially criminalizes what may currently be considered lawful activities of public officials or certain individuals interacting with public officials. There is no definition of “public official” in the Criminal Code (Title 11 of the Alaska Statutes). But, there is a definition of “public servant” in the Criminal Code -- AS 11.81.900(b)(54), which reads:

AS 11.81.900(b)(54)

. . .

(b) In this title, unless otherwise specified or unless the context requires otherwise,

. . .

(54) “public servant” means each of the following, whether compensated or not, but does not include jurors or witnesses:

(A) an officer or employee of the state, a municipality or other political subdivision of the state, or a governmental instrumentality of the state, including legislators, members of the judiciary, and peace officers;

(B) a person acting as an advisor, consultant, or assistant at the request of, the direction of, or under contract with the state, a municipality or other political subdivision of the state, or another governmental instrumentality; in this subparagraph "person" includes an employee of the person;

(C) a person who serves as a member of the board or commission created by statute or by legislative, judicial, or administrative action by the state, a municipality or other political subdivision of the state, or a governmental instrumentality;

(D) a person nominated, elected, appointed, employed, or designated to act in a capacity defined in (A) - (C) of this paragraph, but who does not occupy the position.

The Alaska Criminal Code provides little guidance as to what activities constitute “inducing a public official to commit such acts”. It is impossible to estimate the level of activity that is currently legal that could be considered illegal under this proposed law.

When crimes are added to the Alaska Criminal Code, the State agencies most often impacted are the Department of Public Safety, the Department of Law, the Department of Administration’s Office of Public Advocacy and Public Defender

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Agency, the Alaska Court System, and the Department of Corrections. Some or all of these entities could require additional resources should the initiative result in an increase in criminal charges, investigation, prosecution, and incarceration. However, it is a matter of speculation as to the potential workload that could be created for these agencies since the number of violations that would occur if this initiative became law is unknown.

As a general rule, the amount of state resources required to investigate, prosecute and detain a felony offender is significantly more expensive for the agencies involved than costs incurred for a misdemeanor offender. For example, Class A felonies are crimes such as kidnapping where the victim is released unharmed, arson in the first degree, and robbery at gunpoint. The presumptively correct sentence for these types of crimes is a range of five to eight years of incarceration at an average cost of \$135 per day.

Estimate of costs: Office of the Lieutenant Governor and Division of Elections

As required by AS 15.45.090(a)(4), the Alaska Office of the Lieutenant Governor has prepared the following statement of costs to implement the proposed ballot initiative.

Office of the Lieutenant Governor

Assuming the initiative is placed on the ballot, the minimum cost to conduct public hearings concerning the initiative in two communities in each of four judicial districts is estimated to be \$9,000.

Lt. Governor's Office estimate by category:

<u>Travel</u>	<u>\$ 9,000</u>
Total	\$ 9,000

Estimated travel expenses include round-trip air transportation, per diem and other associated travel costs for the Lieutenant Governor and staff to travel to seven communities in Alaska: It is assumed one of the hearings would be in Anchorage which would not involve travel costs.

Division of Elections

As required by AS 15.45.090(a)(3), the Division of Elections has prepared the following statement of costs to implement the proposed ballot initiative.

The minimum cost to the Division of Elections associated with certification of the initiative application and review of the initiative petition, excluding legal costs to the state and the costs to the state of any challenge to the validity of the petition, is estimated to be \$73,765.

Division of Elections estimate by category:

Personal Services	\$72,465
<u>Printing Services</u>	<u>\$ 1,300</u>
Total	\$73,765

Personal services expenses associated with certification of the initiative application and review of initiative petition:

Eight (8) temporary employees @ 2,520 hours: \$43,895
Three (3) full-time employees @ 522 hours: \$28,570

Printing service expenses associated with certification of the initiative application and review of initiative petition:

Printing booklets: \$1,300