



ALASKA NATIONAL GUARD
JOINT FORCES HEADQUARTERS
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JOINT BASE ELMENDORF - RICHARDSON AK 99505-0800

14 April 2015

Maximum Punishments Matrix: A Comparison between Maximum Allowable Punishments in the Alaska Code of Military Justice, the Federal UCMJ, and offenses cognizable under civilian law as modified by SB 91.

Note: These punishments available in Courts-Martial, NOT in Nonjudicial Punishment.

From the Sectional Analysis of SB 91

Section 72 12.55.125(c) - *Sentences of Imprisonment for Felonies (Amended)*

Maintains the maximum sentence for non-sex Class A felonies at 20 years, while reducing the presumptive range for a first felony conviction to three to six years, a first felony conviction if the defendant uses a dangerous instrument or the offense is directed at a first responder to five to nine years, a second felony conviction to eight to twelve years, and a third felony conviction to thirteen to twenty years. Conforms to refer to the realigned misconduct involving controlled substances statutes.

Section 73

12.55.125(d) - *Sentences of Imprisonment for Felonies (Amended)*

Maintains the maximum sentence for non-sex Class B felonies at 10 years, while reducing the presumptive range for a first felony conviction to zero to two years, a second felony conviction to two to five years, and a third felony conviction to four to 10 years. Conforms to refer to the realigned misconduct involving controlled substances statutes.

Section 74

12.55.125(e) - *Sentences of Imprisonment for Felonies (Amended)*

Maintains the maximum sentence for non-sex Class C felonies at 5 years, while reducing the presumptive range for a first felony conviction to a suspended term of imprisonment of up to eighteen months, a second felony conviction to one to three years, and a third felony conviction to two to five years.

Section 77

12.55.135 – *Sentences of Imprisonment for Misdemeanors (Amended)*

Provides that the court may not impose a sentence of imprisonment or suspended imprisonment for a person convicted of theft in the fourth degree; concealment of merchandise ; removal of identification marks; unlawful possession; **issuing a bad check**; or criminal simulation who has not been convicted of one of these theft offenses at least twice.

| Offense | Maximum | Maximum | Maximum Punishments |
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| | Punishment ACMJ | Punishment UCMJ | Civilian Law: SB 91 |
|---|---------------------------------------|---------------------------------------|--|
| | (years refer to years of confinement) | (years refer to years of confinement) | SB 91 Provision highlighted in bold. Other verbiage already in Alaska Statutes. |
| Drunken or reckless operation of a vehicle, aircraft, or vessel (first two offenses) | 1 years; Dishonorable Discharge | 18 months; Dishonorable Discharge | <p>“(b) Except as provided under (n) of this section, driving while under the influence of an alcoholic beverage, inhalant, or controlled substance is a class A misdemeanor. ...</p> <p>“(1) the court shall impose a minimum sentence of imprisonment of</p> <p>(A) not less than 72 consecutive hours and a fine of not less than \$1,500 if the person has not been previously convicted;</p> <p>(B) not less than 20 days and a fine of not less than \$3,000 if the person has been previously convicted once...”</p> <p>SB 91:</p> <p>(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than</p> <p>(1) one year, if the</p> <p>(A) conviction is for a crime with a mandatory minimum term of 30 days or more of active imprisonment;</p> |



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| | | | <p>(B) trier of fact finds the aggravating factor that the conduct constituting the offense was among the most serious conduct included in the definition of the offense;</p> <p>(C) defendant has past criminal convictions for conduct violative of criminal laws, punishable as felonies or misdemeanors, similar in nature to the offense for which the defendant is being sentenced; or ...</p> <p>(2) 30 days.</p> |
| Drunken or reckless operation of a vehicle, aircraft, or vessel (third and subsequent offenses) | 5 years; Dishonorable Discharge | 18 months; Dishonorable Discharge | <p>“A person is guilty of a class C felony if the person is convicted under (a) of this section and either has been previously convicted two or more times since January 1, 1996, and within the 10 years preceding the date of the present offense...”</p> <p>SB91:</p> <p>“(1) if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, probation, with a suspended term of imprisonment of zero to 18 months...”</p> |
| Wrongful use, possession, etc., | 1 year; Dishonorable Discharge | 5 years; Dishonorable Discharge | |



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| of controlled substance (possession) | | | |
| Wrongful use, possession, etc., of controlled substance (manufacturing, distributing, importing) | 5 years; Dishonorable Discharge | 15 years; Dishonorable Discharge | |
| Wrongful use, possession, etc., of controlled substance (Marijuana) | No confinement; Dishonorable Discharge | 2 years for possession; 10 years for production/distribution; Dishonorable Discharge | |
| Riot or breach of peace | 1 year; Dishonorable Discharge | 10 years; Dishonorable Discharge | (b) Riot is a class C felony SB 91: “if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, probation, with a suspended term of imprisonment of zero to 18 months” |
| Sex assault (sexual act) | 10 years; Dishonorable Discharge | 30 years; Dishonorable Discharge | |
| Sex assault (sexual contact) | 5 years; Dishonorable Discharge | Aggravated sexual contact: 20 years; Dishonorable Discharge Abusive Sexual contact: 7 years; Dishonorable Discharge | |
| Stalking | 3 years; Dishonorable Discharge | 3 years; Dishonorable Discharge | (c) Stalking in the second degree is a class A misdemeanor. |



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| | | | <p>SB 91:</p> <p>(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than</p> <p>(1) one year, if the</p> <p>(A) conviction is for a crime with a mandatory minimum</p> <p>term of 30 days or more of active imprisonment;</p> <p>(B) trier of fact finds the aggravating factor that the conduct constituting the offense was among the most serious conduct included in the definition of the offense;</p> <p>(C) defendant has past criminal convictions for conduct violative of criminal laws, punishable as felonies or misdemeanors, similar in nature to the offense for which the defendant is being sentenced; or ...</p> <p>(2) 30 days.</p> |
| Other sexual misconduct (indecent viewing, visual recording, or broadcasting) | 1 year; Dishonorable Discharge | Viewing: 1 year; Dishonorable Discharge Recording: 5 years; Dishonorable Distributing: 7 years; Dishonorable | (1) Class C felony if the person viewed or shown in a picture was, at the time of the viewing or production of the picture, a minor; SB91: “(1) if the offense is a first felony conviction and does not involve circumstances described |



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| | | | <p>in (4) of this subsection, probation, with a suspended term of imprisonment of zero to 18 months..."</p> <p>(2) Class A misdemeanor if the person viewed or shown in a picture was, at the time of the viewing or production of the picture, an adult.</p> <p>SB91: 1 year or 30 days.</p> |
| Other sexual misconduct (compelling another to engage in prostitution) | 10 years; Dishonorable Discharge | 12 years; Dishonorable Discharge | <p>Promoting Prostitution in the First Degree is a class A Felony (except if against a child).</p> <p>SB 91 does not alter the sentencing for this type of sex offense.</p> <p>Section (i) of AS 12.55.125: (A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was</p> <p>(i) less than 13 years of age, 25 to 35 years;</p> <p>(ii) 13 years of age or older, 20 to 30 years;</p> <p>Promoting Prostitution in the Second Degree is a Class B Felony.</p> <p>SB 91: (d) Except as provided in (i) of this section, a defendant convicted of a class B</p> |



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| | | | felony may be sentenced to a definite term of imprisonment of not more than 10 years... (1) if the offense is a first felony conviction and does not involve 19 circumstances described in (2) of this subsection, zero [ONE] to two [THREE] years... |
| Other sexual misconduct (indecent exposure) | 1 year; Dishonorable Discharge | 1 year; Dishonorable Discharge | |
| Larceny and wrongful appropriation (permanent) | 1 year; Dishonorable Discharge | 5 years; Dishonorable Discharge | |
| Larceny and wrongful appropriation (temporary) | 6 months; Dishonorable Discharge | 2 years; Dishonorable Discharge | |
| Forgery | 1 year; Dishonorable Discharge | 5 years; Dishonorable Discharge | |
| Making, drawing, or uttering check, draft, or order without sufficient funds | 1 year; Dishonorable Discharge | 5 years; Bad Conduct Discharge | SB 91: Section 77 12.55.135 – Sentences of Imprisonment for Misdemeanors (Amended) Provides that the court may not impose a sentence of imprisonment or suspended imprisonment for a person convicted of... issuing a bad check... |
| Perjury | 1 year; Dishonorable Discharge | 5 years, Dishonorable Discharge | |



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