

Alaska State Legislature



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CSSB 151 FASD AS A MITIGATING FACTOR IN SENTENCING Explanation of Changes

SHSS

From version X to O

- Removal of Section 1 which set out a definition of mental disease or defect.
- Section (18) there has been some debate over previously convicted felons, and how this can be applied.
- Addition of section (20) which adds FASD as a mitigating factor, defines it and sets out how it can be diagnosed.

SJUD

From version O to U

- Section (18), page 3, lines 13-14 has been deleted, which makes this mitigator applicable to felons, however in section (20) crimes against a person and arson are not eligible for a mitigating factor.
- Section (20), page 3, line 20 and 21 the language exempting arson and crimes against a person was added. The intent of this bill is to provide flexibility for non-violent offenders who are affected by FASD. If an assault or arson has occurred, this mitigator would not apply.
- Section (20), page 3, line 30 has been deleted. It is not outlined for other mitigating factors how mental disease or defect is determined. This can be done as it is now; through clear and convincing evidence, the court can find someone to be suffering from a mental disease or defect.

SFIN

No changes

HHSS

CS to HB 367

The companion bill introduced by the HHSS committee adopted a CS conforming to CSSB 151.