

# Alaska State Legislature



*Interim:*

716 West 4th Ave.  
Anchorage, Alaska 99501  
(907) 269-0199

*Session:*

State Capitol Building  
Juneau, Alaska 99801-1182  
(907) 465-4945

## Senator Kevin Meyer Senate District O

### SPONSOR STATEMENT FOR SB 151

*“An Act relating to inclusion of fetal alcohol spectrum disorders, traumatic and acquired brain injury and intellectual disability in the definition of ‘mental disease or defect’; and relating to mitigation at sentencing in a criminal case for a defendant affected by a mental disease or defect.”*

SB 151 would include Fetal Alcohol Spectrum Disorders (FASD) and Traumatic and Acquired Brain Injury (A/TBI) as *impaired brain function* under the state’s existing definition of *mental disease or defect*. If SB 151 passed, FASD and A/TBI could apply as a mitigating factor in sentencing. This would allow some flexibility in sentencing for those who are affected by FASD or A/TBI when there is clear and convincing evidence that the defendant has an *impaired brain function* as defined under *mental disease or defect*.

SB 151 does not require a judge to use the mitigating factor and it DOES NOT automatically adjust a presumptive sentence. The defense would have to prove that the defendant’s disability *significantly affected the defendant’s conduct* and *substantially impaired judgment, behavior, and capacity to recognize reality* in order to apply the mitigating factor.

Evidence shows that directing people with mental illness and other brain disorders to supported services, both inside and outside of Corrections, significantly reduces the high financial and social costs associated with re-incarceration and recidivism. Felons and repeat offenders with an FASD and/or A/TBI are more likely to stop committing crimes when they are given the same supports that benefit people with mental illness and other disabilities, which can include Therapeutic Court, housing and employment assistance, case management, counseling and rehabilitation.