

To the Honorable Rep. Wes Keller and the House Judicial Committee:

As a concerned citizen, I am seeing many injustices in the sentencing of our citizens that greatly concern me and the status of those who thus become inmates in our prison for unjustifiable reasons. I would like to share some ideas for possible changes for you to look at as you are considering SB64 in the House Judiciary Committee this week.

I have been doing some extensive reading and listening to committee meetings regarding SB64 and Legislative Resolve 12. As I have talked with unnamed Corrections Officers and other concerned individuals, I have come up with one very important identifying item to look at. **The redefinition of a sexual crime.** That is a critical piece in all of this Legislation. Then the Court System can deal justly with real people in this state and find that they aren't all criminals as they see them now!

Starting with SB64, I would like to use specific lines where I can see the need to closely look at the possibility for redefinition:

Sec.44.19.645 Powers and duties of the Commission

I would like to see the Alaska Criminal Justice Commission consider the following points in this bill:

- 1) **make recommendations for improving criminal sentencing practices** – less jail time and more treatment time based on the need and allow faith-based centers to be used.
- 2) **consider statutes and court rules related to sentencing of criminal defendants in misdemeanor and felony cases** - are many of these cases really felony cases.
- 3) **sentencing practices of the judiciary, including use of presumptive sentences**- redefine what a felon case is - don't just presume that is the judgment they should receive.
- 4) **means of promoting uniformity and proportionality in sentencing** – some one who has seduced 6 or more girls to his boat and drugged and raped them gets only 15 years while another case in inappropriate touching gets the same.
- 5) **alternatives to traditional forms of incarceration** – programs like TLC and other treatment programs.
- 6) **crime and incarceration rates, including the rate of violent crime, in this state compared to other states, and best practices adopted by other states that have proven to be successful in reducing recidivism** – we supposedly have more crime because so many cases are charged with a prison sentence and not all are charged correctly.

Let's learn from Texas and other states who have improved and have a lower recidivism rate and less crime because of the changes they have made by allowing the lesser criminals to go home and start their lives over before they are totally embittered by the system.

- 7) **accumulate and compile information concerning sentencing practices; and recommend legislative and administrative action on sentencing practices** – I know our Legislature is very busy, but I see the great need for this to happen as soon as can be done. Lives are being destroyed every day because of our inconsistencies and incorrect sentencing practice.

It is suggested in the next section of **SB64** to base those recommendations on the following factors and I concur strongly:

- 1) **the seriousness of each offense in relation to other offenses**, i.e., is stealing a \$1000 in the same category as robbing a bank of \$50,000 or is touching a breast the same as aggravated assault and forcible rape? 'Make the punishment fit the crime.'
- 2) **The effect of an offender's prior criminal history on sentencing** – an outstanding citizen in the community, with no previous record and strong backing from the community and church should be considered for a lesser sentence or treatment as compared to someone who is a repeat offender already.
- 3) **The need to rehabilitate criminal offenders** - this is great and is needed but, except for the TLC program which is only for the Medium Facility and for offenders that are there for over two years, and IF there is room for them, can they get any treatment. There is no treatment for others. Why not let them get treatment and not send them to prison. It is not helping them, only makes them worse.
- 4) **The elimination of unjustified disparity in sentences** – feel like this has been touched on already. Here is the great need for redefinition of what a sex crime is. And then sentence the lower crimes at a less harsh level.
- 5) **The effect of sentencing on reducing the rate of recidivism in the state** – I have found that unless an inmate is able to go through a treatment program, has already changed their own life with a personal relationship with God, or has major family and community support, recidivism will be high. And they are not getting help on the inside.

I apologize for the long-windedness and details, but I am trusting this will be of help to you.

Let's now look briefly at **Legislative Resolve 21 with HCR 12 as its source.**

Here are specific lines I am concerned for the need to look at:

- 1) **relating to the crime of sexual assault** – redefine what it is.
- 2) **relating to the crime of unlawful contact** – is this really a sexual crime that deserves a felon charge for the rest of their lives?
- 3) **Relating to the use of evidence of sexual conduct concerning victims of certain crimes** – if there is no DNA, the charge should not be a felon.
- 4) **Relating to the definition of “sexual felony” for sentencing and probation for conviction of certain crimes** – if redefined, the true sexual felony would be more accurate and other cases would be lesser charges or even just have treatment.
- 5) **Relating to the definition of “sex offense” regarding sex offender registration** – if this would be redefined we would have a more accurate picture on the registration list.
- 6) **Relating to the definition of “victim counseling centers” for disclosure of certain communications concerning sexual assault or domestic violence** – there should only need to be disclosure of information if there could be a potential problem for harm to that person or to another individual. We all have things we need to talk about to someone. The State does not need to concern itself with all of these thoughts of the offender.
- 7) **Relating to remission of sentences for certain sexual felony offenders** – once a redefinition has been done, there could definitely be sentences cut back or even completely excused because of the time already served. Let's let these people have their lives back.

Thank you for taking the time to read the ideas I wanted to share with you. I trust this will be of benefit as you are working through these bills. If I can answer any more questions, you can pass them on to Rep. Keller, or he may be able to answer them as I have spoken with him several times already.

With the highest respect for all you are doing,

An Anonymous but very concerned Citizen