

The background features abstract, overlapping green geometric shapes in various shades of green, creating a modern, layered effect. The shapes are primarily triangular and polygonal, with some areas appearing more translucent than others.

Sentencing

House Judiciary Hearing - HB205

March 18, 2016

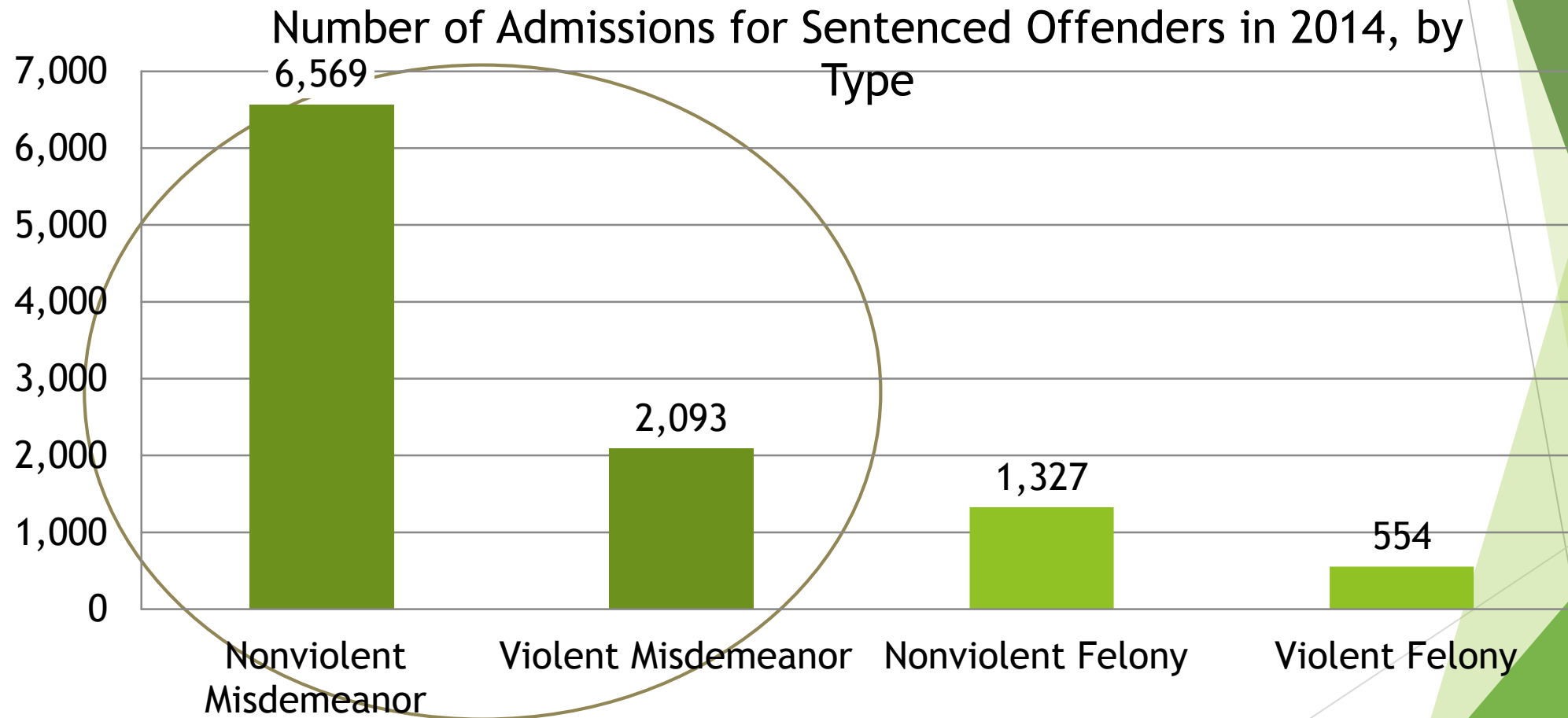
Limit the use of prison for lower-level misdemeanor offenders

Recommendation 5

Sections Addressed:

- ▶ Sec.13/30/31: Highway obstruction = violation
- ▶ Sec.22/23/24: Failure to appear = violation
- ▶ Sec.25/26/27: Violation of condition of release = violation
- ▶ Sec.28: Disorderly conduct penalty no longer 10 days
- ▶ Sec.29: Attending animal fights = violation
- ▶ Sec.32: Unlawful gambling = violation
- ▶ Sec.79: Presumptive range of 0-30 days for class A misdemeanors (exceptions)
- ▶ Sec.80: Max. imprisonment for class B misdemeanors is 10 days
- ▶ Sec.81: Sentences of imprisonment for misdemeanors
- ▶ Sec.86/87: 2nd time DWLS mandatory min. is 10 days, no mandatory for 1st time
- ▶ Sec.89: 1st time DUI serves EM
- ▶ Sec.92: 1st time refusal to submit to chemical test serves EM
- ▶ Sec.93/94/95: Municipality can't levy a greater penalty than the state

Vast Majority of Admissions to Prison Are Misdemeanants



Source: Alaska Dept. of Corrections

Limit the Use of Prison For Lower Level Misdemeanor Offenders

- ▶ **Emphasize alternatives to prison for lower-level misdemeanor offenders, including:**
 - ▶ Diverting first- and second-time theft under \$250 dollar offenders from prison;
 - ▶ Requiring first-time DUI offenders to serve their sentences on electronic monitoring;
 - ▶ Reclassifying certain low-level misdemeanor bs as violations;
- ▶ **Lower the penalty for misdemeanor Bs to 10 days;**
- ▶ **Presumptively set a zero to thirty day sentencing range for misdemeanor As, allowing courts to sentence above this range if an aggravating factor is proven**

Revise drug penalties to focus severe punishments on higher-level drug offenders

Recommendation Six

Sections Addressed:

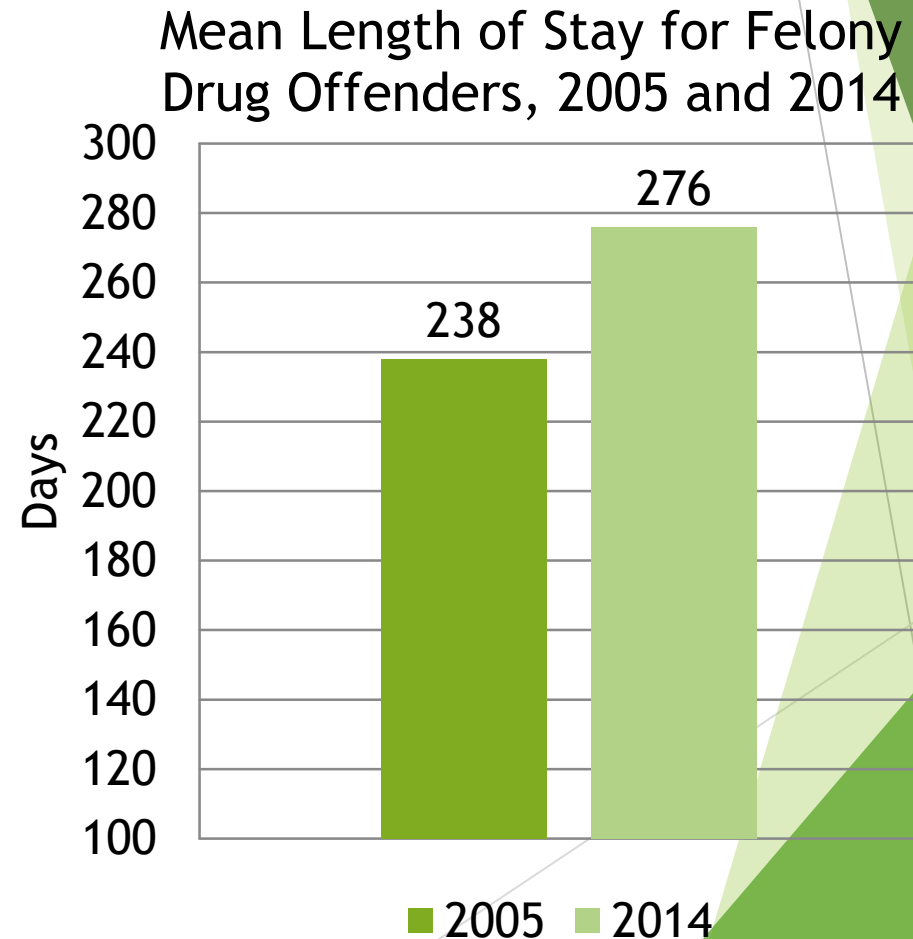
- ▶ Sec.1/2/40/55/141: Conforming
- ▶ Sec.33/34/35: Manufacture or delivery of >2.5 grams of a IA, IIA, or IIIA or manufacture of methamphetamine or methamphetamine precursors are MICS 3rd Degree
- ▶ Sec.36/37: Manufacture or delivery of less <2.5 grams of a IA, IIA, or IIIA controlled substance, or any amount of a schedule IVA or VA controlled substance are MICS 2nd Degree
- ▶ Sec.38/39: Consolidates simple possession of IA, IIA, IIIA, IVA and VA controlled substances into MICS 5th degree

Over Last Decade, More Offenders Entering Prison for Drug Crimes, Staying Longer

Over past 10 years-

- admissions to prison for drug offenses have grown by 35%,
- length of stay for Alaska's felony drug offenders has increased by 16%.

Source: Alaska Dept. of Corrections



Long Prison Sentences for Drug Offenders Are Ineffective

► Low deterrent value

- The chances of a typical street-level drug transaction being detected are about 1 in 15,000, providing a limited deterrent.

► Little impact on recidivism

- Studies show that for many offenders, serving longer sentences has little impact on recidivism. In addition, severe punishments such as felony convictions and prison terms may have criminogenic effects, causing offenders to be more likely to commit crimes in the future.

Source: Alaska Dept. of
Corrections

Revise Drug Penalties to Focus on Higher-Level Offenders

- ▶ **Reclassify simple possession as a misdemeanor offense**
 - ▶ Limit the maximum penalty for first- and second-time possession to one and six month suspended sentences, respectively;
- ▶ **Create a tiered commercial drug statute: more than 2.5 grams is a more serious offense than sale of less than 2.5 grams**
- ▶ **Align penalties for sale of heroin with penalties for sale of other serious drugs, such as methamphetamine and cocaine.**

Source: Alaska Criminal Justice Commission

Utilize inflation-adjusted property thresholds

Recommendation Seven

Sections Addressed:

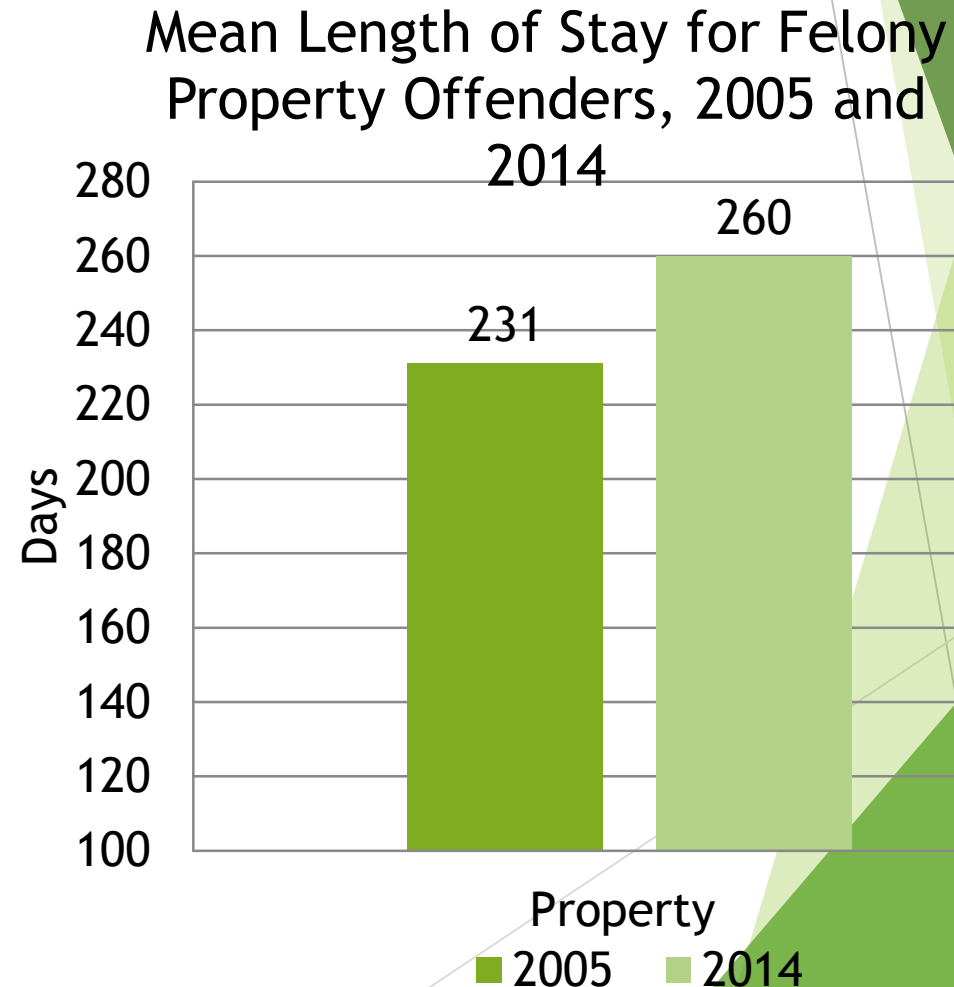
- ▶ Sec.14/15/16: Increases the threshold value for criminal mischief to \$2,000
- ▶ Sec.17: Increases the threshold value for criminal simulation to \$2,000
- ▶ Sec.18: Increases the threshold value for misapplication of property to \$2,000
- ▶ Sec.19: Increases the threshold value for defrauding creditors to \$2,000
- ▶ Sec.20: Court to reference most recent property threshold set by the AJC
- ▶ Sec.21: AJC annual calculation of inflation adjustment

Over Last Decade, More Offenders Entering Prison for Property Crimes, Staying Longer

Over past 10 years-

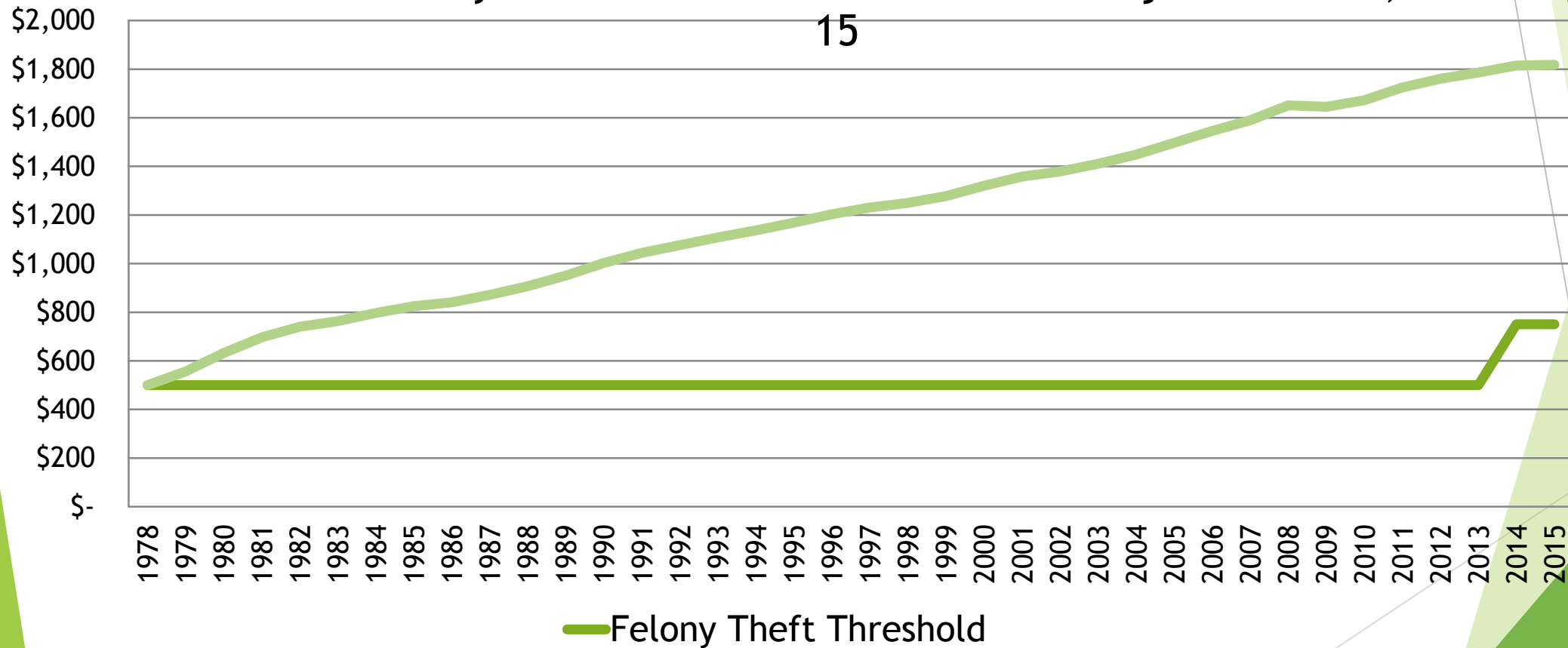
- admissions to prison for property offenses have grown by 16%; and
- length of stay for Alaska's felony property offenders has increased by 13%.

Source: Alaska Dept. of Corrections



Felony Theft Threshold Has Not Kept Pace with Inflation

Alaska's Felony Theft Threshold and Inflation-Adjusted Value, 78-15



Source: Bureau of Labor Statistics

Raising the Felony Theft Threshold Does Not Increase Crime Rate

- ▶ Increases in felony theft threshold not linked to crime
 - ▶ Between 2001 and 2011, 23 states raised their felony theft thresholds. In these 23 states, the change in threshold had no impact, up or down, in the state's overall property crime rate.
 - ▶ In fact, property and larceny crime rates *fell* slightly more in the states that raised their thresholds than the 27 states that did not.

Source: Alaska Criminal Justice Commission

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Align non-sex felony presumptive ranges with prior presumptive terms

Recommendation Eight

Sections Addressed:

- ▶ Sec.76: Class A felony presumptive ranges
- ▶ Sec.77: Class B felony presumptive ranges
- ▶ Sec.78: Class C felony presumptive ranges

In 2005, Alaska Moved From Presumptive Terms to Presumptive Ranges

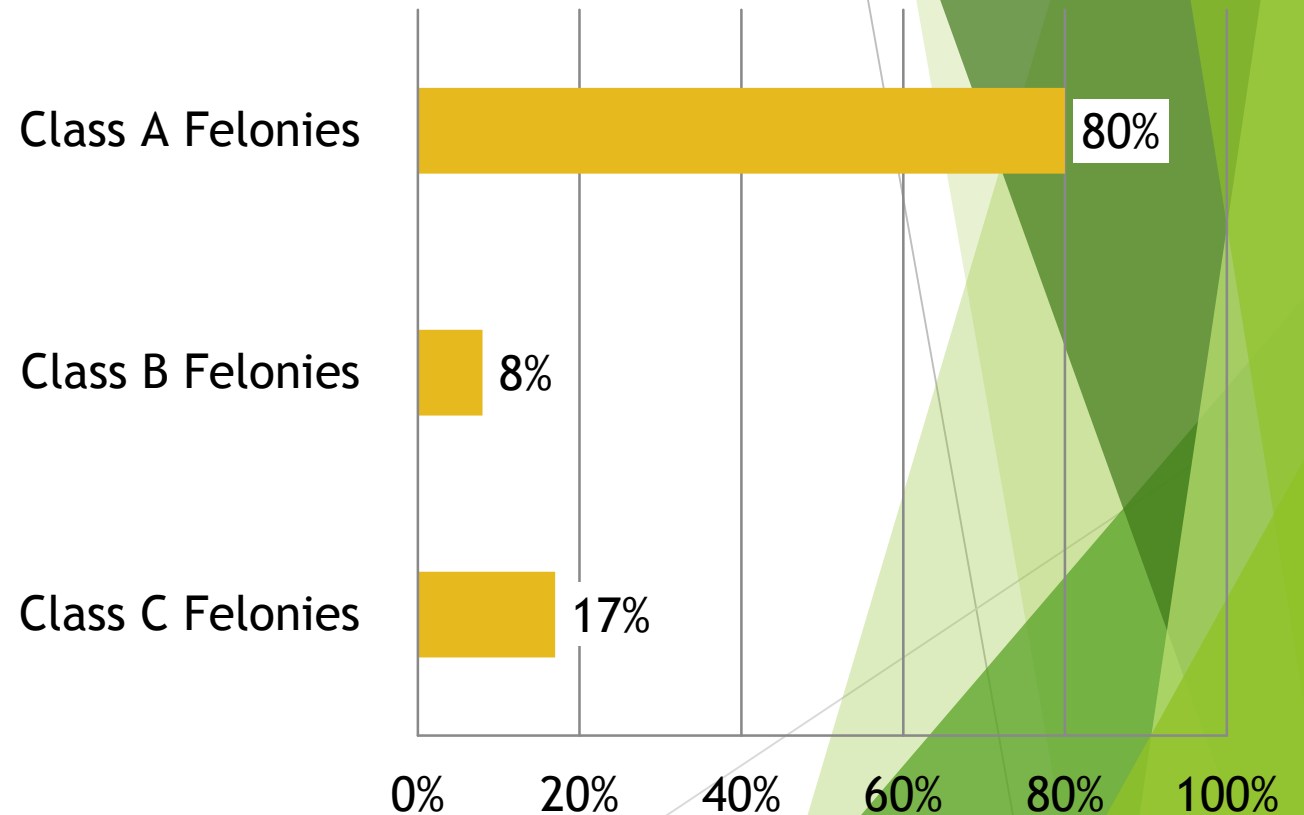
Felony Class	Presumptive Term (2005)	Presumptive Ranges (Current)
A Felony		
First	[5] - 20 years	[5 - 8] - 20 years
First/Enhanced	[7] - 20 years	[7 - 11] - 20 years
Second	[10] - 20 years	[10 - 14] - 20 years
Third	[15] - 20 years	15 - 20 years
B Felony		
First	[n/a] - 10 years	[1 - 3] - 10 years
First/Enhanced	[n/a] - 10 years	[2 - 4] - 10 years
Second	[4] - 10 years	[4 - 7] - 10 years
Third	[6] - 10 years	6 - 10 years
C Felony		
First	[n/a] - 5 years	[0 - 2] - 5 years
Second	[2] - 5 years	[2 - 4] - 5 years
Third	[3] - 5 years	3 - 5 years

Source: Alaska Criminal Justice Commission

2005 Change in Felony Sentencing Led to Increases in Length of Stay Behind Bars

From 2004 to 2014, average length of stay for:

- Class A felonies grew 80 percent;
- Class B felonies grew 8 percent; and
- Class C felonies grew 17 percent.



Source: Alaska Dept. of Corrections

Align Ranges with Prior Terms

Felony Class	Presumptive Term	Presumptive Ranges (Current)	ACJC Recommendation
A Felony			
First	[5] - 20 years	[5 - 8] - 20 years	[3 - 6] - 20 years
First/Enhanced	[7] - 20 years	[7 - 11] - 20 years	[5 - 9] - 20 years
Second	[10] - 20 years	[10 - 14] - 20 years	[8 - 12] - 20 years
Third	[15] - 20 years	15 - 20 years	13 - 20 years
B Felony			
First	[n/a] - 10 years	[1 - 3] - 10 years	[0 - 2] - 10 years
First/Enhanced	[n/a] - 10 years	[2 - 4] - 10 years	[1 - 3] - 10 years
Second	[4] - 10 years	[4 - 7] - 10 years	[2 - 5] - 10 years
Third	[6] - 10 years	6 - 10 years	4 - 10 years
C Felony			
First	[n/a] - 5 years	[0 - 2] - 5 years	[0 - 18 months susp.] - 10 years
Second	[2] - 5 years	[2 - 4] - 5 years	[1 - 3] - 5 years
Third	[3] - 5 years	3 - 5 years	2 - 5 years

Source: Alaska Criminal Justice Commission

Expand and streamline the use of discretionary parole

Recommendation Nine

Sections Addressed:

- ▶ Sec.59: Administrative parole in sentencing reports
- ▶ Sec.62: Probation revocation process
- ▶ Sec.75: Restrict eligibility for administrative parole
- ▶ Sec.100: Mandatory parole not limited by administrative/special medical parole
- ▶ Sec.101: Condition of parole
- ▶ Sec.102: Eligibility for administrative parole, release
- ▶ Sec.103: Conditions for prisoners on parole
- ▶ Sec.104: Creation of administrative parole
- ▶ Sec.106: Expansion of discretionary parole
- ▶ Sec.107: Eligibility for discretionary parole
- ▶ Sec.108/109: Granting of discretionary parole, revocation
- ▶ Sec.110: Inmate case plan, re-entry plan pre-parole
- ▶ Sec.111: Parole application process

- ▶ Sec.112/113/114/138: Victim Notification
- ▶ Sec.115: Hearing process for discretionary parole
- ▶ Sec.116: Conditions of release for administrative parole
- ▶ Sec.117/118/119/120/121: Mandatory conditions of parole
- ▶ Sec.122: Commissioner responsible for implementing administrative parole
- ▶ Sec.123: Parole Board custody of parolees
- ▶ Sec.124: Reduces the period of time before a parolee becomes eligible for unconditional discharge from parole

Parole Eligibility Applied Inconsistently

Current Parole Eligibility

Offense	No prior felony	One prior felony	Two prior felonies
Unclassified Felony	Eligible	Eligible	Eligible
A Felony	Not eligible	Not eligible	Not eligible
B Felony	Eligible	Not eligible	Not eligible
C Felony	Eligible	Eligible	Not eligible

Source: Alaska Criminal Justice Commission

For Those Who are Eligible, Parole Underutilized

- On any given month in 2014, an average of 463 inmates were eligible for discretionary parole, and an average of only 15 parole hearings were held.
- Anecdotal reports point to long waits for parole hearings and archaic and confusing application procedures as reasons why offenders choose not to apply for parole.

Source: Alaska Dept. of Corrections

Expand and Streamline Discretionary Parole

- ▶ Extend discretionary parole eligibility to all felony offenders except class A and Unclassified felony offenders with prior felony convictions;
- ▶ Streamline parole hearings for lower-level felonies (first time class C and B felony offenders); and
- ▶ Require that any other offender who is parole eligible receives a hearing at least 90 days before his or her eligibility date.

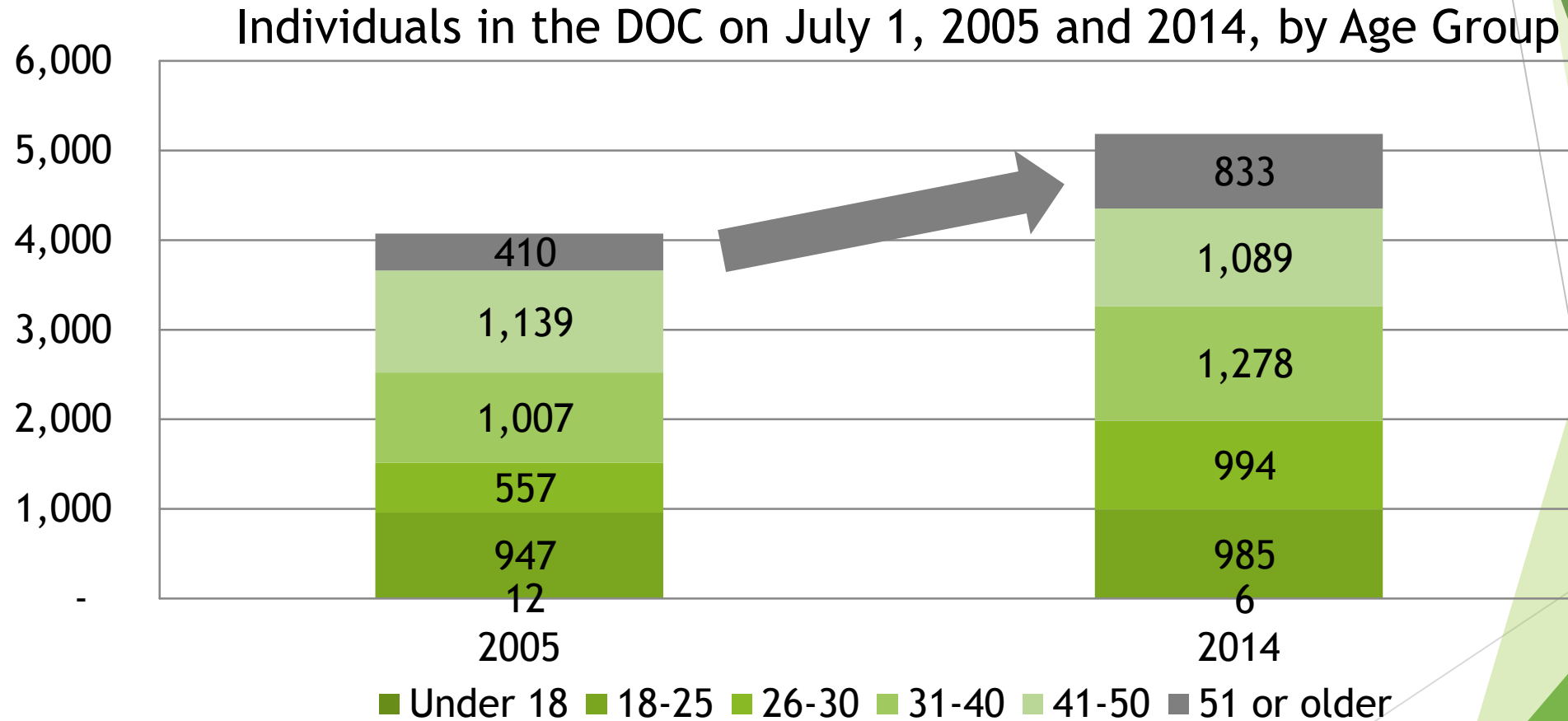
Implement a specialty parole option for long-term geriatric inmates

Recommendation 10

Sections Addressed:

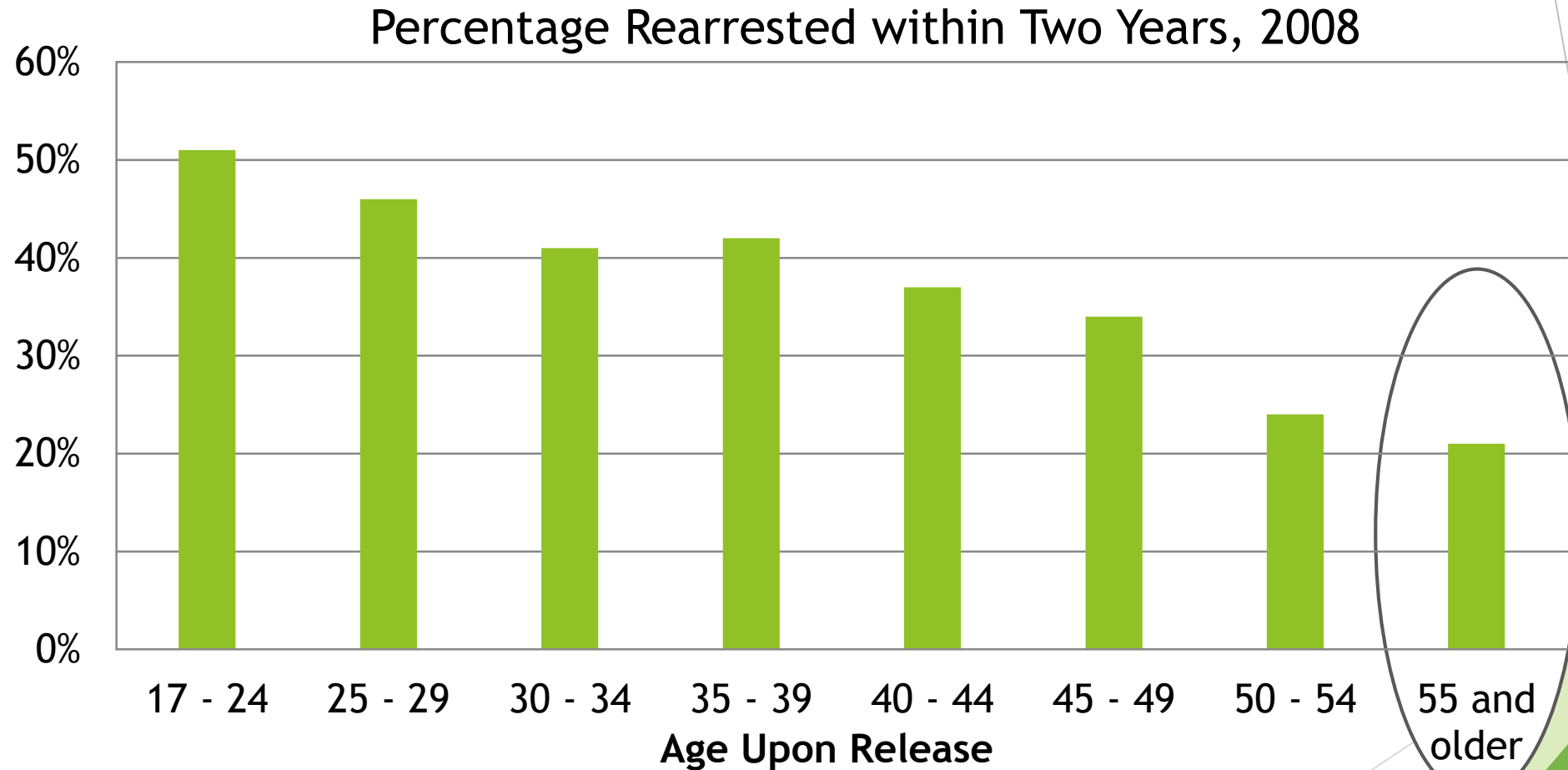
- ▶ Sec.105: Expansion of discretionary parole to inmates at 55 years of age after 10 years of their sentence

Alaska's Prison Population Aging Quickly Over Last 10 Years



Source: Alaska Dept. of Corrections

Oldest Offenders Expensive to House, Least Likely to Recidivate Upon Release



Source: Alaska Judicial Council

Implement a specialty parole valve for long-term geriatric inmates

- ▶ Provide for automatic parole hearings for offenders who are over 55 and have served more than 10 years of their sentence.
- ▶ Still discretionary - up to parole board

Source: Alaska Criminal Justice Commission

Incentivize completion of treatment for sex offenders with an earned time policy

Recommendation Eleven

Sections Addressed:

- ▶ Sec.136: Earned credit for treatment

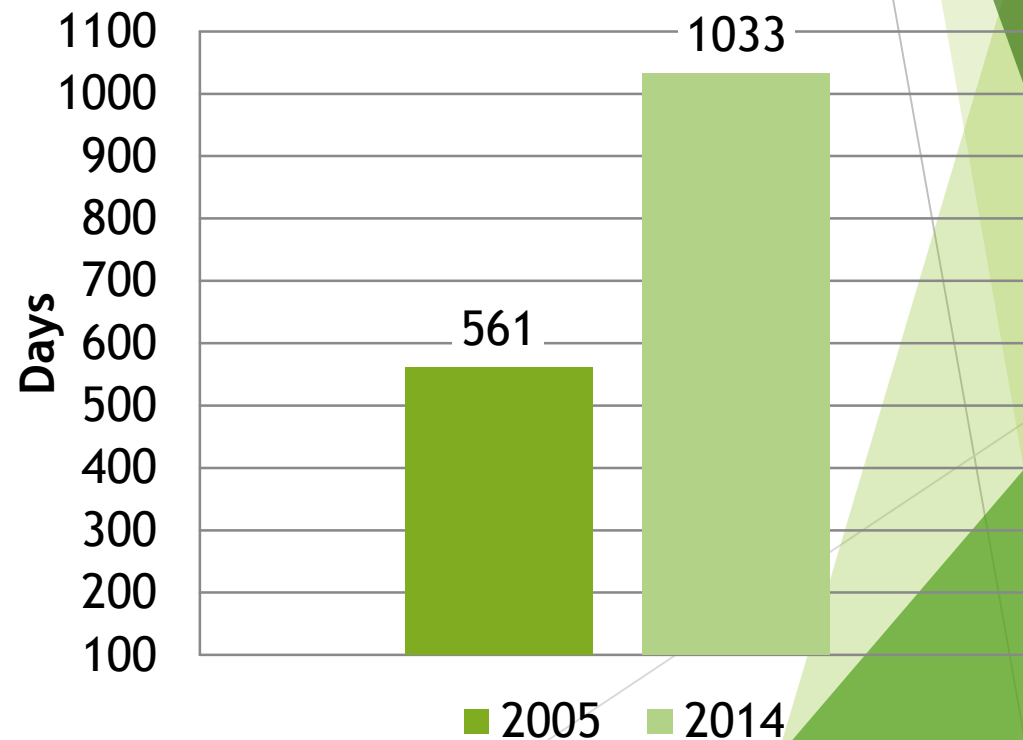
Over Last Decade, Sex Offender Length of Stay Nearly Doubled

Over past 10 years-

- length of stay for Alaska's felony sex offenders has increased by 86%; and
- Alaska's sex offender population has grown by 38%.

Source: Alaska Dept. of Corrections

Mean Length of Stay for Felony Sex Offenders, 2005 and 2014



Sex Offender Treatment Proven to Work, But Underfunded in Alaska

- ▶ **Sex offender treatment proven to work**
 - ▶ A cost-benefit analysis compiling all credible evaluations of sex offender treatment found that in-prison treatment had a cost-benefit ratio of \$1.87 (i.e. for every \$1 spent on treatment, there is a \$1.87 dollar benefit returned to the state and state residents).
- ▶ **In Alaska, need for treatment outstrips supply**
 - ▶ Currently, the waitlist for in-prison sex offender treatment is at least four years long - need more beds

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Questions?