

Alaska State Legislature

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Resources Committee

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Rules Committee



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SENATE BILL 91

SUMMARY OF CHANGES

Omnibus Criminal Law & Procedure; Corrections

Version Y.A to X

- 1) Felony theft threshold lowered from \$2000 to \$1000 and adjusted for inflation every five years.
- 2) Failure to appear after missing a court date for thirty days or more can no longer be charged as a Class C felony; instead will always be a Class A Misdemeanor.
- 3) Additional crimes have been added to the affirmative defense to prostitution for someone who is cooperating with law enforcement.
- 4) Establishes an affirmative defense to the crime of sex trafficking to ensure a prostitute cannot be charged with trafficking themselves.
- 5) Reestablishes the weight threshold between class B felony drug distribution and class C felony drug distribution at 2.5 grams and removes references to dosage units and aggregate weight.
- 6) Reclassifies simple possession of GHB as a Class A misdemeanor, in line with simple possession of other types of drugs.
- 7) Removes the 120 cap on pretrial credit while on electronic monitoring.
- 8) Provides additional guidance to the courts in crediting time spent pretrial in residential treatment.
- 9) Increases the maximum fine that may be imposed for a Class A misdemeanor from \$10,000 to \$25,000.
- 10) Changes maximum probation term lengths as follows: five years for an unclassified felony that is not a sex offense (was 10); three years for any other non-sex felony (was five), and then sets any misdemeanor involving domestic violence at two years.
- 11) Includes misdemeanants in the early discharge provisions.
- 12) Does not exclude failure to complete batterer's intervention and special conditions of probation for sex offenders from the definition of technical violation.
- 13) Does not increase the mandatory minimum for murder I and murder II by 5 years.
- 14) Does not exclude non-DV related Assault 4 from the misdemeanor A presumptive range.

- 15) Includes a provision to conduct a national criminal background check to determine eligibility for a commercial marijuana license.
- 16) Prohibits the court from publishing case information regarding a suspended entry of judgement when all criminal charges were dismissed.
- 17) Relaxes driver's license requirements for areas that are off the road system and where no DMV office exists.
- 18) Does not include misdemeanants in the earned compliance credits policy.
- 19) Requires probation officers to set up a restitution plan based on the probationer's income and ability to pay if the court has not already set a restitution payment schedule.
- 20) Does not require DOC to consult with the Office of Victims' Rights on the pretrial release recommendation regulations.
- 21) Does not exclude criminally negligent homicide from the administrative parole policy.
- 22) Does not exclude unclassified felons and sexual felons from the geriatric parole policy, and sets the age of eligibility at 55 (was 60).
- 23) Does not exclude unclassified sexual offenses from eligibility for discretionary parole, and sets eligibility at 1/3 of the sentence (was 1/2).
- 24) Does not require the parole board to consult with a corrections officer designated by the Commissioner before making a release decision.
- 25) Allows sex offenders to earn good time credit if they have completed any required treatment programming.
- 26) Does not include a requirement that the Department of Corrections partner with non-profit organizations to assist in prisoner re-entry.
- 27) Does not establish the recidivism reduction fund and designate fifty percent of marijuana tax revenue to recidivism reduction programs.
- 28) Does not require the Alaska Criminal Justice Commission to review and analyze sexual offense statutes and make recommendations to the legislature, or to review the potential for partnering with tribes and tribal organizations to provide pretrial probation and parole services in underserved areas of the state.
- 29) Does not include language requiring DHSS to use a competitive procurement process when contracting with vendors for the 24/7 Sobriety program.
- 30) Includes requirements for the Alaska Criminal Justice Commission to study the following topics: the effectiveness of Alaska's driving while impaired laws; enhancing financial recovery of victim's restitution; and the potential for using social impact bonds to reduce recidivism.