



# ALASKA STATE LEGISLATURE

## SENATE JUDICIARY COMMITTEE

SEN. JOHN COGHILL  
Chair  
State Capitol, Room 119  
Juneau, AK 99801  
(907) 465-3719  
sen.john.coghill@akleg.gov

Sen. Pete Kelly  
Sen. Kevin Meyer  
Sen. Mia Costello  
Sen. Bill Wielechowski

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### SENATE BILL 55

#### SECTIONAL SUMMARY

Omnibus Crime/Corrections

#### **Section 1**

*AS 11.46.280(d) – Issuing a bad check.*

Removes inadvertent inflation-adjustment of \$25,000.

#### **Section 2**

*AS 11.46.285(b) – Fraudulent use of an access device.*

Removes inadvertent inflation-adjustment of \$25,000.

#### **Section 3**

*AS 11.46.730(c) – Defrauding creditors.*

Removes inadvertent inflation-adjustment of \$25,000.

#### **Section 4**

*AS 11.71.050(a) – Misconduct involving controlled substances in the fourth degree*

Eliminates penalty overlap for possession of less than an ounce of a VIA controlled substance and excludes two forms of felony possession of a controlled substance from the offense of misconduct involving a controlled substance in the fourth degree, to conform to MICS 2 and 3.

#### **Section 5**

*AS 12.55.011(b) – Victim and community involvement in sentencing.*

Clarifies that the court shall only provide the form to the victim if practicable.

#### **Section 6**

*AS 12.55.015(a) – Authorized sentences; forfeiture.*

Provides explicit authority to the court to suspend an entry of judgment.

**Section 7**

*AS 12.55.045(l) – Restitution and compensation.*

Ensures that a restitution order is not discharged and remains enforceable when a proceeding is dismissed under a suspended entry of judgment.

**Section 8**

*AS 12.55.078(a) – Suspended entry of judgment.*

Clarifies that the court may not impose a sentence of imprisonment in a suspended entry of judgment.

**Section 9**

*AS 12.55.078(d) – Suspended entry of judgment.*

Clarifies when the court shall discharge and dismiss proceedings in a suspended entry of judgment and clarifies that a person who has successfully completed probation and the requirements of a suspended entry of judgment is not convicted of a crime.

**Section 10**

*AS 12.55.078(f) – Suspended entry of judgment.*

Clarifies that the crimes for which SEJ may not be used are the crimes currently charged, not prior convictions.

**Section 11**

*AS 12.55.090(c) – Granting of probation*

Clarifies that the maximum probation term for a felony sex offense is 15 years, while all other unclassified felonies have a maximum probation term of 10 years.

**Section 12**

*AS 18.65.865(b) – Service of process; forms for petitions and orders; fees; warnings; notification; and pending civil or criminal actions.*

Updates the maximum fine that may be imposed under this section to conform to an increase in the maximum fine for a class A misdemeanor.

**Section 13**

*AS 18.66.130(d) – Specific protective orders.*

Updates the maximum fine that may be imposed under this section to conform to an increase in the maximum fine for a class A misdemeanor.

**Section 14**

*AS 28.15.165(e) – Administrative revocations and disqualifications resulting from chemical sobriety tests and refusals to submit to tests.*

Clarifies that the dismissal of all charges, regardless of prejudice, serves to meet the requirement of this section.

**Section 15**

*AS 44.19.645(g) – Powers and duties of the commission*

Requires the Department of Corrections to report certain data to the Alaska Criminal Justice Commission regarding earned compliance credits for parolees.

**Section 16**

*AS 47.37.040 – Duties of the department.*

Authorizes the Alcohol Safety Action Program to accept referrals from the court for minor consuming/possession and similar offenses.

**Section 17**

*AS 33.16.120(h) – Rights of certain victims in connection with parole.*

Resolves a drafting error that requires the Department of Corrections to provide notifications for hearings that will not occur.

**Section 18**

*Uncodified law - applicability*

This section contains applicability provisions.

**Section 19**

*Uncodified law - applicability*

This section contains applicability provisions clarifying that no decisions made by the Board of Parole prior to January 1, 2017 that extended the period of supervision beyond the maximum release date are to be construed as invalidated by the passage of SB 91 (2016).

There is further clarification that the earned compliance credit for parolees does not apply to time served prior to January 1, 2017.

**Section 20**

*Uncodified law - effective date*

This bill takes effect immediately.