



# Department of Law

## SB 54 Highlights

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# Criminal Justice Reform

- In 2015, the Alaska Criminal Justice Commission found that Alaska's prison population was growing at an unsustainable rate (27% increase between 2005-2014).
- 2 out of every 3 inmates released from prison returned to prison within 3 years (a 66% recidivism rate).
- ACJC found that the criminal justice system had an overreliance on incarceration, which contributed to unsustainable costs and high rate of recidivism.

# Criminal Justice Reform

- Criminal Justice Reform attempts to address these issues through alternatives to incarceration when appropriate.
- Administration continues to support reform efforts

# Sentencing is a discretionary judicial function with five goals

- Sentencing considerations:
  - Rehabilitation
  - Isolation
  - Deterrence of offender after release
  - Deterrence of others
  - Community condemnation and reaffirmation of societal norms
- *State v. Chaney*; AS 12.55.005
- Under the Alaska Constitution, judges must balance the defendant's reformation against the need to protect the public and rights of victims.

AK CONSTITUTION Art. I, § 12

# Sentencing is a individualized process

- Judges engage in an individualized process that is tailored to the specific offender under the specific circumstances of the offense.
- Specific Factors:
  - Acceptance or denial of responsibility
  - Substance abuse
  - Prior criminal activity
  - Effect on the victim, victim's family, and community
  - Post-offense behavior
  - Motivation for criminal behavior
  - Restitution

# SB 54 goals

## Balance

Reduced Reliance on  
Incarceration

Increased Judicial Discretion  
On a Case-by-case Analysis



# First Time Class C Felonies

**Increase judicial discretion from only probation to 0-1 year in jail**

**Authorizes up to one year to improve public safety and ensure rehabilitation**

Former Law

**0-2 years**

Current Law

**Probation**

SB54

**0-1 year**

- **Class C felonies encompass a wide range of conduct.**
- **0-1 must include both active and suspended time**
- **First felony conviction, not first conviction.**
- **Authorize judges to order residential treatment.**

# Thefts under \$250

## Increases judicial discretion for repeat offenders

- Public concern that current law has limited available consequences for repeat offenders

	<u>Former Law</u>	<u>Current Law</u>	<u>SB54</u>
<b>1<sup>st</sup></b>	<b>0-90 days</b>	<b>Fine and Probation</b>	<b>5 days suspended</b>
<b>2<sup>nd</sup></b>	<b>0-90 days</b>	<b>Fine and Probation</b>	<b>0-5 days</b>
<b>3<sup>rd</sup>+</b>	<b>0-365 days</b>	<b>5 days suspended</b>	<b>0-10 days</b>

- Judge's discretion – No jail in cases that warrant it,  
Up to 5 or 10 days in cases that warrant it
- Provides necessary tool to discourage repeat offenders from violating the law.



# Violating Conditions of Release

**Increases judicial discretion to hold a person who violates conditions of release**

- **Confusion on the part of law enforcement about whether they can arrest for a violation.**
- **Reluctant to hold a person when no jail authorized for violation**

## Former Law

**0-90 days/0-365 days**

## Current Law

**Violation**

## SB54

**0-5 days**

**SB 54 returns violating conditions of release to a misdemeanor. It will be punishable by up to 5 days in jail.**