

Senate Bill 54

An Overview

SB 54 Summary

1. Violation of Conditions of Release (VCOR)
2. Sex Trafficking
3. C-Felony Sentencing
4. Sex Offender Probation
5. A-Misdemeanor Sentencing
6. B-Misdemeanor Sentencing (Theft 4)
7. No Valid Operator's License (NVOL)
8. Pretrial Risk Assessments
9. Alcohol Safety Action Program

Violation of Conditions of Release (VCOR)

Sections 1, 2, 9

SB 91

Reclassified VCOR as an arrestable, detainable violation, rather than a misdemeanor.

SB 54

Returns VCOR to a misdemeanor punishable by 0-5 days active imprisonment.

Sex Trafficking

Sections 3, 4, 5, 13, 14, 20, 22

SB 91

HB 349 (inserted into SB 91) created an inadvertent loophole to prosecution of sex trafficking in the 3rd and 4th degrees.

SB 54

Repeals inadvertent loophole and addresses over-broadness of sex trafficking statutes.

C-Felony

Section 6

SB 91

Established a presumptive range of 0-18 months suspended imprisonment for first-time felony offenders.

SB 54

Establishes a presumptive range of 0-365 days active imprisonment for first-time felony offenders.

Sex Offender Probation

Section 7

SB 91

Eliminated conflicting probation term lengths, leaving no minimums.

SB 54

Requires felony sex offenders serve minimum terms of probation depending on severity of offense:

- 15 years for an unclassified felony
- 10 years for an A or B felony
- 5 years for a C felony

Class A Misdemeanors

Sections 8, 11, 12

SB 91

Established a 0-30 day presumptive sentencing range, allowing 0-1 year for certain offenses and repeat convictions.

SB 54

Allows for a 0-60 day sentence for offenders with one prior similar conviction and 0-1 year for third and subsequent convictions. Includes a 5-year “look back” period.

Theft 4

Section 10

SB 91

Reduced first- and second-time theft offenses under \$250 to non-jailable misdemeanors, and 0-5 days *suspended* imprisonment for third or subsequent offenses.

SB 54

Provides for 0-5 days suspended imprisonment for a first offense, 0-5 days active imprisonment for a second offense, and 0-10 days active imprisonment for third or subsequent offense.

No Valid Operator's License (NVOL)

Section 15

SB 91

Reclassified driving with a suspended license (DWLS) to a violation when the underlying suspension is not related to DUI.

SB 54

Similarly reclassifies driving without a valid license to an infraction.

Pretrial Risk Assessments

Section 17

SB 91

Required assessment of every defendant for risk prior to a pretrial release decision.

SB 54

Limits assessment to defendants in custody after arrest.

Alcohol Safety Action Program

Section 21

SB 91

Limited referrals to DUI and Refusal offenders.

SB 54

Expands referrals to include drug possession offenders.

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Questions?