

Senate State Affairs Committee - Agency Questions for SB 32

- Department of Law (Suggested agency)
 1. **Section 28:** What was the average sentence length for disorderly conduct both pre- and post- SB 91? From the time of arrest, what is the average amount of time that a person is in custody for a disorderly conduct charge? (Presume no prior convictions or mitigators or aggravators)
 2. **Section 32:** How was the threshold for 1A and 2A drug position determined? How did the Department determine the threshold to show personal use versus intent to distribute?
 3. **Section 32 (page 20, lines 2-5):** what language does the Department suggest to clarify this language so it ensures the legal marijuana and industrial hemp statutes are not overridden?
 4. **During the SSTA hearing on Thursday, April 4, Mr. Skidmore stated that the proposed drug sentencing factors in the impact the drug has in the community in which is possessed or traffic, as well as the street price of the drug.**
 - How is this determined? Are there equal protection issues? Are people in rural areas sentenced differently (with steeper sentence) than in urban areas? Did this exist pre and/or post SB 91?
 - “Under SB 32, return trafficking of heroine to class A felony offense. A person would be set to a presumptive term of 5-8 years. the court can find that if an offense was trafficking a large amount, versus small amount... those allow them to depart from that presumptive range.
- Alaska Criminal Justice Commission (Suggested? Whoever collects the data – Law?)
 1. **Section 3:** When was the theft threshold last adjusted for inflation, prior to the latest reforms? Is it rounded to the nearest \$50/100 increment?
 2. **Section 22:** For violating conditions of release, SB 32 raises max sentence from 5 to 90 days for misdemeanors, or 5 days to 1 year for felonies. What was averaged sentencing for those pre/post SB91?
 3. **Section 22:** How many people have violated their conditions of release because of failure to appear both before and since SB 91?
 4. **Section 32:** When people are arrested with drugs in their possession, what is the average amount on person?
 5. **Section 45:** Before SB 91, how often would a first time DUI offender be placed in a CRC? How long would they be there?
 6. How many days, on average, were low level property crimes sentenced before SB 91?
- Public Defenders Agency (suggested)
 - **Sections 24-26:** What is the purpose of collecting DNA data upon arrest, as opposed to when being charged after indictment? What happens to an individual’s DNA, taken at time of arrest, if the charges against the person are dropped or the person is found to be not guilty? Provide some examples of crimes that would require DNA collection upon arrest under this bill.

1. **Section 42 & 43:** Will increasing the presumptive sentence for A and B misdemeanors impact the ability of public defenders to work with the judge and prosecution to reach deals?
 2. **Section 55 (#6- pages 33-34):** Is there a risk to presumed innocence of a defendant if a prior conviction is presented as evidence to a grand jury when they are an element of the offense charged?
 3. How often does a defender plead down from a major to a minor offense?
 4. How has SB 91 impacted PDA's dialogue with judges and prosecutors?
- Department of Corrections (Suggested)
 1. **Section 19-20:** How often are electronic monitors removed or tampered? How do you differentiate between electronic monitors that have been tampered with and ones that are faulty?
 2. **Section 45:** Do you have an estimate in the cost savings and impact to recidivism for first-time DUI's on electronic monitoring? Why send first-time DUI offenders to CRC as opposed to electronic monitoring?
 3. Can the department provide an estimate of the cost of electronic monitoring on probation/parole versus CRC?
 - Department of Public Safety (Suggested)
 - **Section 49:** Why is there a cutoff date for October 1, 1981, for providing involuntary commitment data to DPS? How will this data be used?