

Pre-SB 91	SB 91	SB 54	HB 312	Governor's Bill	HB 49
es (SB 33)					
Bail determined at court's discretion, except there was a rebuttable presumption of dangerousness for the most serious offenses, <i>i.e.</i> , U, A, sex and DUI felonies. An offender entitled to have bail reviewed after 48 hours after the initial setting. The inability to post bail was not a basis to seek a bail review.	Required bail decisions to be determined by a person's risk level (from the risk assessment tool) and offense committed. Established <u>mandatory release</u> for certain offenders assessed as low-moderate risk. Allowed a person to have their bail setting reviewed simply because they are unable to pay it. Repealed the rebuttable presumption that certain offenders charged with the highest offenses are such a risk to the community that no amount of bail will secure their compliance with their conditions of release.	Repealed mandatory release for certain offenders.	Return presumption to pre-SB 91 law a) Remove inability to pay as a reason for the court to review a bail setting; b) Limit number of hearings; c) Reestablish the presumption of public safety focus for bail release; and d) Eliminate the use of the risk assessment tool (*The elimination of the risk assessment tool is a natural result of the repeal of the Pre-trial Enforcement Division (PED) as PED prepared risk assessment tool for court.*) <i>SB 33 sec. 3-9</i>	Return presumption to pre-SB 91 law a) Remove inability to pay as a reason for the court to review a bail setting; b) Limit number of hearings; c) Reestablish the presumption of public safety focus for bail release; and d) The risk assessment tool one of 12 factors for the court to consider. Tool no longer controls presumption the court must apply HB 49 sec. 47-50	
Did not exist. Under certain circumstances, court could require a third-party custodian to monitor offender on bail	Established the Pre-trial Enforcement Division. Restricted the third-party custodian system to use only in places where PED was not available.	Clarified that PED can file complaints.	Dissolve PED unit, but give probation officers authority to supervise pre-trial and allow DOC to contract for EM by private companies. Also reinstate the third party custodian system to prior status and allows pre-trial release to private EM companies with DOC supervision. <i>SB 33 sec. 2-3, 6, 8, 17-22</i>	Pretrial services is the same as current law (SB 91) because AS 33.07 is not repealed. Option for third-party custodian is same as SB 33. HB 49 sec. 50	
Arraignment required to occur within <u>48</u> hours.	Required all defendants to be arraigned within <u>24</u> hours of arrest.		Return to requiring arraignments to occur within 48 hours of arrest. <i>SB 33 sec. 2 and 16</i>	Same as SB 33. HB 49 sec. 46	

Pre-SB 91	SB 91	SB 54	HB 312	Governor's Bill	HB 145
Pre-Trial Bail Issues (SB 33)					
Jail Credit for Pre-trial EM and Treatment	Pre-trial EM was <u>ineligible</u> for jail credit. Pre-trial treatment was eligible day-for-day credit against jail term if met <i>Nygren</i> conditions.	Capped the amount of jail credit that could be awarded for pre-trial EM at 360 days for the most serious offenses (robbery, assault, etc.). Loosen <i>Nygren</i> requirements to allow for more treatment to qualify for credit.		EM will once again be ineligible for jail credit. Credit for time spent in a treatment facility will be capped at six months. <i>SB 33 sec. 11-14, and 25</i>	HB 49 removes changes to law on electronic monitoring. If HB 14 is enacted it will be the law in this area.
Videoconferencing	Limited use at court hearings.			Encourage the use of videoconferencing, where the technology exists, for all pretrial hearings for all in-custody defendants. <i>SB 33 sec. 1, and 24-25</i>	Same as SB 33. HB 49 sec. 1, 97, and 98
Criminal Rule 45	Speedy trial rule requires permission from both the defendant <u>and</u> his counsel before a trial continuance can be granted.			Allow defendant's counsel to agree to trial continuances as this is a tactical decision and the defendant should not have veto power over this. The court will still be required to determine that there is good reason to delay the trial. <i>SB 33 sec. 26</i>	Not in HB 49
TPC	Person is disqualified if they may be called as a witness. Conviction in previous three years of a crime under AS 11.41	Person is disqualified if reasonable probability that the state will call them as a witness		Returns to language of disqualification when may be called to cover witnesses of either party. Unconditional discharge in previous five years for a felony, or crime under AS 11.41 <i>SB 33 sec. 9</i>	Same as SB 33. HB 49 sec. 51, 52
Truth in sentencing	Law required a written report of estimated release date for offender if eligible for full good time reduction for mandatory parole and estimated eligibility date for discretionary parole			The information in the written report about release date for mandatory parole and eligibility date for discretionary parole must now be stated orally on the record in addition to being in the written report. <i>SB 33 sec. 10</i>	Not in HB 49