

	Pre-SB 91	SB 91	SB 54	HB 312	Governor's Bill	HB 49
Classification and Sentencing (SB 32)						
Drug Possession	<p>Possession of any amount of schedule IA and most IIA drugs and varying amounts of some schedule IIIA, IVA, VA, VIA drugs was a <u>class C felony</u>.</p> <p>Possession of smaller amounts of schedule IIIA, IVA, VA, VIA (more than an ounce) drugs was a <u>class A misdemeanor</u>.</p> <p>Possession of less than six grams or less of “spice” was a <u>class B misdemeanor</u>.</p>	Reduced possession of all classifications of drugs, except GHB, to a class A misdemeanor punishable by a suspended sentence on the first two convictions.		<p>Reenacts drug laws in effect prior to SB 91. Possession of any amount of schedule IA and most IIA drugs and varying amounts of some schedule IIIA, IVA, VA, VIA drugs will be a <u>class C felony</u>.</p> <p>Possession of smaller amounts of schedule IIIA, IVA, VA, VIA (more than an ounce) drugs will be a <u>class A misdemeanor</u>.</p> <p>Possession of less than six grams or less of “spice” will be a <u>class B misdemeanor</u>.</p> <p><i>SB 32 sec. 29-33</i></p>	<p>Drug possession remains a class A misdemeanor. Sentencing increased to up to 1 year as a possible sentence.</p> <p>On the third offense within 10 years the person can be charged with a class C felony.</p> <p><i>HB 49 Sec. 44 and 46</i></p>	
Drug Distribution	<p>Distribution of any amount of schedule IA drugs (heroin) or IIA (meth), or possession of chemicals used to make meth was a <u>class A felony</u>.</p> <p>Distribution of any amount of schedule IIA and IIIA drugs and the distribution of any amount of schedule IVA or VA, or VIA drugs to certain minors was a <u>class B felony</u>.</p>	Repealed the class A felony crime of distributing any amount of a schedule IA controlled substance. Established a weight threshold for distribution crimes. Also repealed enhanced sentencing structure for making meth around children.		<p>Return distribution of drugs to class B and A felonies from the current C and B and remove quantity as an element.</p> <p>Reenact statutes combatting methamphetamine manufacture and distribution, including enhanced sentencing structure for making meth around children.</p> <p><i>SB 32 sec. 26-30 and sec. 38-39 Conforming 1-2, 45-46</i></p>	<p>Same as SB 32.</p> <p><i>HB 49 Sec. 41-47</i></p>	
Misdemeanor Sentencing (Class A) (Class B) (Disorderly Conduct)	<p>0-365 day sentencing range for A misdemeanors.</p> <p>0-90 day sentencing range for all class B misdemeanors.</p> <p>0-10 days sentencing range for Disorderly Conduct.</p>	<p>Created a 0-30 day presumptive sentencing range for most class A misdemeanors. Established aggravators for misdemeanors.</p> <p>0-10 days sentencing range for class B misdemeanors.</p> <p>0-24 hour sentencing range for Disorderly Conduct.</p>	Established 5-year look back period for misdemeanor aggravators.	<p>Remove 30-day presumptive sentence for A misdemeanors and return discretion to judges to impose 0-365 days.</p> <p>Sentences for B misdemeanors returned to pre- SB 91 status (0-90 days).</p> <p>0-10 days sentencing range for Disorderly Conduct.</p> <p><i>SB 32 sec. 25, 39-40</i></p>	<p>Removes 30-day presumptive sentence for A misdemeanors and returns discretion to judges to impose 0-365 days. (Same as SB 32).</p> <p>Caps most class B misdemeanors at 30 days.</p> <p><i>HB 49 sec. 66-67</i></p>	

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Sentencing	Most felony offenses were subject to the following presumptive range: A felony: 5-8, 10-14, 15-20(max) B felony: 1-3, 4-7, 6-10(max) C felony: 0-2, 2-4, 3-5(max)	Reduced the presumptive sentencing ranges for all felony offenses except sex offenses, Murder 1 and Murder 2. Mandated probationary (no jail) sentence for first-time class C felony conviction.	Returned sentencing range for first class C felonies to 0-2 years. (Same as 1 st B felony.) Restored enhanced sentencing range for conduct directed at a first responder.		Return felony sentences to what they were prior to SB 91: A felony: 5-8, 10-14, 15-20(max). B felony: 1-3, 4-7, 6-10(max). C felony: 0-2, 2-4, 3-5(max). Murder 1 and 2 sentencing increases enacted in SB 91 will remain. <i>SB 32 sec. 35-37</i>	Increases felony presumptive sentences by approximately 1 year. A felony: 4-7, 9-13, 14-20(max). B felony: 1-3, 2-6, 5-10(max). C felony: 0-2, 1-4, 2-5(max). Murder 1 and 2 sentencing increases enacted in SB 91 will remain the same. <i>HB 49 sec. 58-59</i>
Probation Length	Felony sex offense: 25 years maximum. Any other offense: 10 years maximum.	Reduced the maximum allowable probation lengths for all offenses except non-sex unclassified offenses.			Return probation lengths to what they were before SB 91: Felony sex offense: 25 years maximum. Any other offense: 10 years maximum. <i>SB 32 sec. 34 and 38</i>	Same as SB 32. <i>HB 49 sec. 55</i>
Inflation Adjustments to Felony Threshold for Property Offenses	Legislature adjusts the threshold \$\$ amount for a felony property crime via debating and enacting legislation	The \$\$ amount is adjusted automatically by the Judicial Council based on numbers from the Dept. of Commerce.			Return authority to the legislature to adjust the amount by passing legislation. <i>SB 32 sec. 3-18</i>	Same as SB 32. <i>HB 49 sec. 9-25</i>
Failure to Appear (FTA)	A class C felony if the underlying offense was a felony. A class A misdemeanor if underlying offense was a misdemeanor.	Made FTA a violation unless the person does not contact the court within 30 days of missing a hearing or has an intent to avoid prosecution.			Remove the 30 day "grace" period for FTA to ensure better enforcement for defendants appearing in court for the hearings, including trial. FTA would be a class C felony if the underlying offense was a felony; a class A misdemeanor if the underlying offense was a misdemeanor. <i>SB 32 sec. 21-22</i>	Same as SB 32. <i>HB 49 sec. 29-30</i>

Violating Conditions of Release (VCOR)	A class A misdemeanor if underlying offense was a felony. A class B misdemeanor if	Reduced VCOR to a violation punishable by a fine of up to \$1,000.	Established 5-day maximum sentence.	Return VCOR to what it was prior to SB 91: A class A misdemeanor if underlying offense was a	VCOR is a B misdemeanor punishable by up to 30 days in jail.
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	underlying offense was a misdemeanor.				felony. A class B misdemeanor if underlying offense was a misdemeanor. <i>SB 32 sec. 23</i>	<i>HB 49 sec. 63</i>
Escape	Removing an EM device post sentencing is a B felony if sentenced for a felony and an A misdemeanor if sentenced for a misdemeanor. Removing an EM device pretrial is the crime of violating conditions of release.				Make removing an EM device a crime if under the jurisdiction of Division of Juvenile Justice for a felony. Make removing an EM device a crime if serving a sentence for a misdemeanor or if on EM pretrial a class C felony. <i>SB 32 sec. 19-20</i>	Same as SB 32. <i>HB 49 sec. 27-28</i>
Terroristic Threatening	Only applies to a false threat.				Applies to <i>real</i> or false threat when an emergency response occurs such as evacuating a building. <i>SB 32 sec. 24</i>	Applies to <i>real</i> or false threat when an emergency response occurs such as evacuating a building. (Slightly different wording than in SB 32). <i>HB 49 sec. 31</i>
DWLS	Classified as a crime with mandatory minimum sentence of: 10/10 – 1 st offense 80 hrs of CWS and \$500 fine 10 day minimum for a second offense 20/10 day if suspended for a 1 st DUI with 80 hrs of CWS and \$500 fine 30 day minimum if for a 2 nd , 3 rd , etc. DUI with \$1000	Decriminalized DWLS unless suspension was for a DUI.			Re-criminalizes all DWLS conduct. Sentencing is simplified 10/10 days for a 1 st 10 day minimum for a second or more. No added added penalty for suspended for a DUI and not re-enact CWS requirement or fines. <i>SB 32 sec. 41-42</i>	Same as SB 32. <i>HB 49 sec. 71</i>
Admitting Prior Conviction at GJ	Alaska Criminal Rule 6 (r) allowed use of APSIN to establish existence of a prior conviction in Felony DUI cases at Grand Jury				Create efficiency expanding use of APSIN to establish existence prior conviction that is an element any offense at Grand Jury <i>SB 32 sec. 47</i>	Same as SB 32. <i>HB 49 sec. 96</i>
DUI	DOC commissioner had discretion to determine where the person serves their time.	Required a person to serve their sentence for a first DUI on electronic monitoring (EM) or on house arrest.			Eliminate electronic monitoring as <u>mandatory</u> for 1 st DUI. Return placement discretion to	Not in HB 49

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					commissioner of the Dept. of Corrections. <i>SB 32 sec. 43-44</i>	
Driver's License Re-instatement						Allows a person who has had a license revoked due to a felony DUI to get their license back if they had not also been convicted of homicide or assault along with the DUI and has not committed another criminal offense in the preceding 10 years. <i>HB 49 sec. 72-73</i>