

**SENATE BILL NO. 236**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATORS TOBIN, Kawasaki

Introduced: 2/9/26

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act creating a veteran sentencing program; relating to release procedures;  
2 amending Rules 35 and 43, Alaska Rules of Criminal Procedure; and providing for an  
3 effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 12.25 is amended by adding a new section to read:

6 **Sec. 12.25.145. Veteran status.** Immediately after arrest, an officer shall  
7 question the prisoner in custody as to whether the prisoner is a veteran. In this section,  
8 "veteran" has the meaning given in AS 26.10.080(d).

9 \* **Sec. 2.** AS 12.30.006 is amended by adding a new subsection to read:

10 (h) At the first appearance before a judicial officer, the court shall inform the  
11 person about the veteran sentencing program established under AS 12.55.057. The  
12 prosecuting authority may use a state or federal database to confirm a person's veteran  
13 status or the person or the person's counsel may provide the person's report of  
14 separation or military identification during a court proceeding to provide confirmation

1 of the person's veteran status. In this subsection, "veteran" has the meaning given in  
2 AS 26.10.080(d).

3 \* **Sec. 3.** AS 12.55.015(a) is amended to read:

4 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing  
5 sentence on a defendant convicted of an offense, may singly or in combination

6 (1) impose a fine when authorized by law and as provided in  
7 AS 12.55.035;

8 (2) order the defendant to be placed on probation under conditions  
9 specified by the court that may include provision for active supervision;

10 (3) impose a definite term of periodic imprisonment, but only if an  
11 employment obligation of the defendant preexisted sentencing and the defendant  
12 receives a composite sentence of not more than two years to serve;

13 (4) impose a definite term of continuous imprisonment;

14 (5) order the defendant to make restitution under AS 12.55.045;

15 (6) order the defendant to carry out a continuous or periodic program  
16 of community work under AS 12.55.055;

17 (7) suspend execution of all or a portion of the sentence imposed under  
18 AS 12.55.080;

19 (8) suspend entry of judgment under AS 12.55.078 or suspend  
20 imposition of sentence under AS 12.55.085;

21 (9) order the forfeiture to the commissioner of public safety or a  
22 municipal law enforcement agency of a deadly weapon that was in the actual  
23 possession of or used by the defendant during the commission of an offense described  
24 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

25 (10) order the defendant, while incarcerated, to participate in or  
26 comply with the treatment plan of a rehabilitation program that is related to the  
27 defendant's offense or to the defendant's rehabilitation if the program is made available  
28 to the defendant by the Department of Corrections;

29 (11) order the forfeiture to the state of a motor vehicle, weapon,  
30 electronic communication device, or money or other valuables, used in or obtained  
31 through an offense that was committed for the benefit of, at the direction of, or in

1 association with a criminal street gang;

2 (12) order the defendant to have no contact, either directly or  
3 indirectly, with a victim or witness of the offense until the defendant is  
4 unconditionally discharged;

5 (13) order the defendant to refrain from consuming alcoholic  
6 beverages for a period of time;

7 **(14) set aside a conviction or reduce a felony to a misdemeanor**  
8 **under AS 12.55.057.**

9 \* **Sec. 4.** AS 12.55 is amended by adding a new section to read:

10 **Sec. 12.55.057. Veteran sentencing program.** (a) Notwithstanding any other  
11 provision of law, if an eligible veteran is found guilty of or pleads guilty to an offense  
12 that is eligible for probation and is a misdemeanor or a class C felony and the veteran  
13 agrees to participate in the veteran sentencing program, the court may, in its  
14 discretion, proceed under the veteran sentencing program under terms and conditions  
15 determined by the court under this section.

16 (b) A veteran is eligible for participation in the veteran sentencing program if  
17 there are one or more indicators of mental or physical symptoms of a condition from  
18 military service that may have contributed to an offense.

19 (c) A veteran is ineligible for participation in the veteran sentencing program  
20 if the court finds that the veteran's participation would not reasonably ensure public  
21 safety, based on an individual assessment of the veteran and consideration of the  
22 availability of supervision, treatment, and other programs in the community.

23 (d) The veteran sentencing program may consist of

24 (1) probation;

25 (2) evidence-based treatment tailored to address specific challenges  
26 facing veterans, including post-traumatic stress disorder, traumatic brain injury,  
27 military sexual trauma, or another mental health condition;

28 (3) a case plan that

29 (A) is developed with input from the court, the veteran, the  
30 veteran's probation officer, and, if necessary, a mental health professional;

31 (B) includes a mental health professional's assessment of the

1 veteran's specific needs and risks;

2 (C) contains clear and individualized supervision and treatment  
3 goals, including guidelines that detail the program rules, consequences for rule  
4 violation, and incentives for compliance.

5 (e) The court shall

6 (1) establish the conditions for the veteran's participation in the veteran  
7 sentencing program;

8 (2) conduct a final hearing to make findings as to whether a veteran  
9 has successfully completed the veteran sentencing program.

10 (f) Following successful completion of the veteran sentencing program, the  
11 court may

12 (1) set aside the conviction;

13 (2) reduce the veteran's felony to a misdemeanor; or

14 (3) expunge the conviction from the veteran's record.

15 (g) Trauma suffered by a veteran that is not a condition from military service  
16 may not be used to deny the existence of a condition from military service if a  
17 condition from military service exists.

18 (h) In this section,

19 (1) "condition from military service" means a substance use disorder,  
20 military sexual trauma, traumatic brain injury, post-traumatic stress disorder, or other  
21 mental health condition that is related to an individual's military service;

22 (2) "mental health professional" has the meaning given in  
23 AS 47.30.915;

24 (3) "veteran" has the meaning given in AS 26.10.080(d).

25 \* **Sec. 5.** AS 12.55.155(d) is amended by adding a new paragraph to read:

26 (22) the defendant is a veteran of the armed forces of the United States  
27 and has experienced an overseas deployment, exposure to danger, or a service-  
28 connected disability rating or has received individual merit earned during service;  
29 nothing in this paragraph is intended to limit the application of (18) or (20)(B) of this  
30 subsection.

31 \* **Sec. 6.** AS 44.19.645(a) is amended to read:

1 (a) The commission shall

2 (1) contract for data analysis, research, reports, or studies necessary to  
3 understand the functions, operations, and outcomes of the criminal justice system in  
4 the state, including studies that consider

5 (A) statutes, court rules, and court decisions relevant to  
6 sentencing of criminal defendants in misdemeanor and felony cases;

7 (B) the needs and views of crime victims;

8 (C) means of promoting uniformity, proportionality, and  
9 accountability in sentencing;

10 (D) alternatives to traditional forms of incarceration;

11 (E) the efficacy of parole and probation in ensuring public  
12 safety, achieving rehabilitation, and reducing recidivism;

13 (F) the adequacy, availability, and effectiveness of treatment  
14 and rehabilitation programs;

15 (G) crime and incarceration rates, including the rate of violent  
16 crime and the abuse of controlled substances, in this state compared to other  
17 states, and best practices adopted by other states that have proven to be  
18 successful in reducing recidivism;

19 (2) review the information collected under (1) of this subsection to  
20 identify areas for improving the efficiencies and effectiveness of the criminal justice  
21 system;

22 (3) if requested by the legislature, the governor, or the chief justice of  
23 the supreme court, provide the results of data analysis, studies, or research or make  
24 recommendations for improving criminal sentencing practices and criminal justice  
25 practices, including rehabilitation and restitution; [AND]

26 (4) submit the annual report required under AS 44.19.647;

27 **(5) track outcome data, including the number of participants who**  
28 **successfully complete the program, recidivism rates, and the housing and**  
29 **employment status of veterans who participate in the veteran sentencing**  
30 **program established under AS 12.55.057; and**

31 **(6) conduct ongoing evaluations of the veteran sentencing program**

1           established under AS 12.55.057, and occasionally solicit independent evaluations  
2           that employ causal methods.

3           \* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5           INDIRECT COURT RULE AMENDMENT. (a) AS 12.55.057, enacted by sec. 4 of  
6 this Act, has the effect of amending Rule 35, Alaska Rules of Criminal Procedure, by creating  
7 the veteran sentencing program, under which a court may consider and reduce a criminal  
8 sentence.

9           (b) AS 12.55.057, enacted by sec. 4 of this Act, has the effect of amending Rule 43,  
10 Alaska Rules of Criminal Procedure, by creating an alternate procedure for when the court  
11 may dismiss charges.

12          \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
13 read:

14          CONDITIONAL EFFECT. This Act takes effect only if sec. 7 of this Act receives the  
15 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of  
16 Alaska.

17          \* **Sec. 9.** This Act takes effect July 1, 2027.