

HB 189

CRIM. CONV. OVERTURNED: RECEIVE PAST PFD

Alaska House State Affairs
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Sponsor

Representative Donna Mears

Staff

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PFD Ineligibility

Under **AS 43.23.005** subsection (d) An individual is not eligible for a Permanent Fund Dividend [PFD] for a dividend year when:

- (1) During the qualifying year, the individual was sentenced as a result of conviction in this state [Alaska] of a felony
- (2) During all or part of the qualifying year, the individual was incarcerated as a result of the conviction in this state [Alaska] of a
 - (A) felony; or
 - (B) Misdemeanor if the individual has been convicted of
 - (i) A prior felony as defined in AS 11.81.900
 - (ii) Two or more prior misdemeanors as defined in AS 11.81.900

Updates to AS 43.23

HB 189 seeks to return past PFDs to those who have been **exonerated** for the years they were previously deemed ineligible under AS 43.23.005 (d) if:

The individual's conviction is **vacated** or **reversed**, and

- (1) The charges are later **dismissed**, or
- (2) The individual is retried and found **not guilty**

This change would not apply to those who take plea deals

Time Frame:

Those eligible would have **one year** to apply after the dismissal or not guilty finding.

Those who were exonerated before enactment of this policy would have **one year** after the effective date of this legislation to apply.

PFD Prior Year Liability Fund

Current amount in fund: **\$1,700,754.53** (as of 2024)

Cost of returning PFDs to the Fairbanks Four: Approximately \$100,000

The Fairbanks Four were ineligible for a PFD for 18 years while incarcerated.

The Alaska Innocence Project has done research on who this bill would impact, and they estimate that, in addition to the Fairbanks Four, one individual would also qualify for past PFDs.

The Prior Years Dividend Liability Fund would most likely cover the cost of HB 189



Questions?