

30th Alaska State Legislature

Judiciary Committee
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Select Committee on Legislative
Ethics
Joint Armed Services Committee



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Senator John Coghill

SENATE BILL 54 **SECTIONAL SUMMARY** Crime and Sentencing Version T

Section 1

AS 11.46.140(a) - Theft in the third degree.

Adds an element to the crime of theft in the third degree, whereby a person who has been convicted of two prior thefts or concealment of merchandise under \$250 in the past five years has committed the crime of theft in the third degree, which is a class A misdemeanor.

Section 2

AS 11.46.220(c) - Concealment of merchandise.

Adds an element to the crime of concealment of merchandise, whereby a person who has been convicted of two prior thefts or concealment of merchandise under \$250 in the past five years has committed the crime of class A misdemeanor concealment of merchandise.

Section 3

AS 11.56.757(a) – Violation of condition of release.

Reclassifies the offense of violation of conditions of release to a crime.

Section 4

AS 11.56.757(b) – Violation of condition of release.

Reclassifies the offense of violation of condition of release to a crime.

Section 5

AS 11.66.130(a) – Sex trafficking in the third degree.

Restructures the elements of the offense of sex trafficking in the third degree and applies the compensation definition.

Section 6

AS 11.66.135(a) – Sex trafficking in the fourth degree.

Establishes an additional element to the offense of sex trafficking in the fourth degree requiring a person receive compensation for prostitution services rendered by another.

Section 7

AS 11.66.150 – Definitions.

Establishes a definition for “compensation” that applies to sex trafficking in the third and fourth degrees.

Section 8

AS 11.71.140(c) - Schedule IA.

Classifies U-47700 as a schedule IA controlled substance.

Section 9

AS 11.71.170 - Schedule IVA.

Classifies tramadol and related substances as a schedule IVA controlled substance.

Section 10

AS 12.30.006(b) - Release procedures.

Allows the court to delay a bail decision for up to 48 hours for some class C felonies to allow the prosecuting authority to demonstrate risk to public safety, regardless of the risk assessment score.

Section 11

AS 12.30.011 - Release before trial.

Requires the court to alter its bail schedule to include a condition that a correctional facility shall conduct a chemical test on a person pending release, and may detain that person until the person's breath has less than 0.08 blood alcohol content.

Section 12

AS 12.55.025(a) - Sentencing procedures.

Conforms to the elimination of administrative parole.

Section 13

AS 12.55.115 - Fixing eligibility for discretionary or administrative parole at sentencing.

Conforms to the elimination of administrative parole.

Section 14

AS 12.55.125(c) - Sentences of imprisonment for felonies.

Increases the presumptive sentencing range for enhanced first felony convictions that are class A felonies from five to nine years, to seven to 11 years.

Section 15

AS 12.55.125(e) – Sentences of imprisonment for felonies.

Increases the presumptive sentencing range for a class C felony that is a first felony conviction from 18 months of suspended imprisonment to up to 1 year of active imprisonment.

Section 16

AS 12.55.125(q) – Sentences of imprisonment for felonies.

Establishes mandatory minimum probation term lengths for felony sex offenders. 15 years for an unclassified felony; 10 years for a class A or B felony; and 5 years for a class C felony.

Section 17

AS 12.55.135(a) – Sentences of imprisonment for misdemeanors.

Increases the sentencing range for a class A misdemeanor from zero to 30 days to zero to 60 days if the defendant has one previous conviction for a similar offense. This section also increases the sentencing range for distributing an explicit image of a minor on an Internet website that is accessible to the public.

Section 18

AS 12.55.135(b) – Sentences of imprisonment for misdemeanors.

Allows the court to sentence violation of conditions of release to up to 5 days of imprisonment.

Section 19

AS 12.55.135(l) – Sentences of imprisonment for misdemeanors.

A person convicted of theft in the fourth degree (and similar offenses) may be sentenced up to 10 days of active imprisonment and up to 6 months of probation for third and subsequent convictions. A person convicted a second time may be sentenced up to 5 days of active imprisonment and up to 6 months of probation. A person convicted for the first time may be sentenced up to 5 days of suspended imprisonment and up to 6 months of probation.

Section 20

AS 12.55.135(p) - Sentences of imprisonment for misdemeanors.

Increases the disorderly conduct sentencing range from up to 24 hours to up to 5 days.

Section 21

AS 12.55.135(p) – Sentences of imprisonment for misdemeanors.

Creates a process for establishing the new aggravating factor for class A misdemeanors.

Section 22

AS 12.55.145(a) – Prior convictions.

Establishes a 5-year “look back” period when counting prior convictions to sentencing an offender convicted of a class A misdemeanor.

Section 23

AS 12.63.100(6) – Definitions.

Updates the statute reference in the definition of “sex offense” to conform to changes to sex trafficking in the third degree.

Section 24

AS 18.67.101 – Incidents and offenses to which this chapter applies.

Updates the statute reference to conform to changes to sex trafficking in the third degree.

Section 25

AS 28.15.011 – Drivers must be licensed.

Reduces the offense of No Valid Operator’s License to an infraction.

Section 26

AS 33.07.010 – Pretrial services program; establishment.

Limits the assessment of pretrial risk to defendants brought into custody, or any defendant if requested by prosecution.

Section 27

AS 33.16.010(c) - Parole.

Conforms to the elimination of administrative parole.

Section 28

AS 33.16.010(d) - Parole.

Conforms to the elimination of administrative parole.

Section 29

AS 33.16.060(a) - Duties of the board.

Conforms to the elimination of administrative parole.

Section 30

AS 33.16.090(a) - Eligibility for discretionary parole and minimum terms to be served.

Conforms to the elimination of administrative parole.

Section 31

AS 33.16.100(f) - Granting of discretionary parole.

Conforms to the elimination of administrative parole.

Section 32

AS 33.16.120(f) - Rights of certain victims in connection with parole.

Conforms to the elimination of administrative parole.

Section 33

AS 33.16.130(a) - Parole procedures.

Conforms to the elimination of administrative parole.

Section 34

AS 33.16.130(c) - Parole procedures.

Deletes language giving the Board of Parole permissive authority to hold discretionary parole hearings following a denial.

Section 35

AS 33.16.130(c) - Parole procedures.

Conforms to the elimination of administrative parole.

Section 36

AS 33.16.150(a) - Conditions of parole.

Conforms to the elimination of administrative parole.

Section 37

AS 33.16.150(b) - Conditions of parole.

Conforms to the elimination of administrative parole.

Section 38

AS 33.16.150(e) - Conditions of parole.

Conforms to the elimination of administrative parole.

Section 39

AS 33.16.150(f) - Conditions of parole.

Conforms to the elimination of administrative parole.

Section 40

AS 33.16.150(g) - Conditions of parole.

Conforms to the elimination of administrative parole.

Section 41

AS 33.16.150(h) - Conditions of parole.

Conforms to the elimination of administrative parole.

Section 42

AS 33.16.180 - Duties of the commissioner.

Conforms to the elimination of administrative parole.

Section 43

AS 33.16.200 - Custody of parolee.

Conforms to the elimination of administrative parole.

Section 44

AS 33.30.061 – Commissioner to designate facility.

Allows the commissioner to return a prisoner to a correctional facility if the prisoner violates the terms and conditions of home confinement.

Section 45

AS 34.03.360(10) – Definitions.

Updates a statute reference in the definition of “illegal activity involving a place of prostitution” to conform to changes to sex trafficking in the third degree.

Section 46

AS 44.19.645(g) – Powers and duties of the commission.

Conforms to the elimination of administrative parole.

Section 47

AS 47.37.040 - Duties of the department.

Expands referrals to all persons who have been referred by a court in connection with a charge or conviction of a misdemeanor involving the use of alcohol or a controlled substance.

Section 48

Repealed statutes

Repeals duplicative felony DUI sentencing provisions and certain sex trafficking statutes.

Section 49

Uncodified law

Applicability provisions.

Section 50

Effective date

Sections 10, 11, and 26 take effect January 1, 2018.

Section 51

Effective date

Except for section 50, this bill takes effect immediately.