



HB 295 Highlights

- In January of 2018, “Phase III” of SB91 went into effect. Phase III substantially changed the method of determining appropriate bail and release conditions.
- Under the new system, bail is largely based upon a defendant’s charge and risk level, as determined by a pretrial services officer. Pretrial services officers will assess a person’s risk using the Alaska 2 Scale (AK-2S) pretrial risk assessment tool, which will inform the release recommendation made to the court.
 - **The AK-2S tool *does not* take into account a person’s out-of-state criminal history.**
- The pretrial services officer’s bail and release recommendation *limits the court’s discretion* in setting specific bail *in some cases*. In other words, the court is *statutorily prohibited* from imposing a monetary bail amount.
- **HB 295** gives the court the flexibility to consider a person’s out-of-state criminal history *only* for those persons who fall into the red highlighted categories below, *if* the tool has not already taken it into account.

	Misdemeanors [exceptions ¹]	Class C felonies [exceptions ²]	DUI/refusal	FTA/VCOR	Other
Low - risk	Mandatory OR	Mandatory OR	Presumptive OR	Presumptive OR	Presumptive OR
Mod - risk	Mandatory OR	Presumptive OR	Presumptive OR	Presumptive OR	SB authorized
High - risk	Presumptive OR	Presumptive OR	Presumptive OR	SB authorized	SB authorized

¹ Exceptions: person offenses, sex offenses, domestic violence offenses, driving under the influence / refusal to submit to a chemical test, failure to appear in court, violation of a condition of release.

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- Given Alaska’s transient population, our courts need the discretion to consider all relevant information when determining what bail and release conditions will best protect the public and ensure the person’s appearance in court.