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Governor Bill Walker
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January 17, 2018

The Honorable Pete Kelly
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Kelly,

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill that would allow a judicial officer to consider out-of-state criminal history when determining bail and release conditions.

In January of 2018, the “Phase III” of criminal justice reform went into effect. This phase substantially changes the method for determining appropriate bail and release conditions. Under the new system, bail is largely dependent upon a person’s charge and risk level, as determined by a pretrial services officer using a risk assessment tool. Persons charged with certain misdemeanors, and who are assessed as low to moderate risk, must be released on their own recognizance or on an unsecured bond. Further, persons charged with certain class C felonies and who are assessed as low risk must also be released on their own recognizance or on an unsecured bond. The judge has no discretion to impose monetary bail in these situations.

Unfortunately, the risk assessment tool does not take into account a person’s out-of-state criminal history. Therefore, judges are prohibited from imposing monetary bail for these individuals, regardless of what their out-of-state criminal history looks like. This is problematic given Alaska’s transient population, especially in the summer months.

This bill would remove the provisions of law requiring release on a person’s own recognizance or an unsecured bond and return discretion if the person has an out-of-state criminal history that has not been used in determining the person’s risk level by the risk assessment tool. This will allow a judge to consider a person’s full criminal history before making an appropriate release decision both for the offender and the public at-large.

For a Safer Alaska, I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in blue ink that reads "Bill Walker".

Bill Walker
Governor

Enclosure