

# 28<sup>th</sup> Alaska State Legislature

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## Senate Judiciary Committee

### SPONSOR STATEMENT Omnibus Crime/Corrections/Recidivism Bill Version M

Senate Bill 64 implements proven-practices to reduce recidivism and cut the cost of corrections while maintaining public safety.

**24/7 Sobriety Program** is an evidence-based program that is proven to reduce recidivism and keep the public safe. 24/7 Sobriety is court-ordered for certain offenders during pre-trial or probation. Hallmarks of the program include twice-a-day alcohol testing and swift and certain sanctions if alcohol is consumed. 24/7 Sobriety is modeled after programs in South Dakota, North Dakota, and Montana that have proven to reduce domestic violence and drunk driving.

**Probation and Parole Accountability with Certain Enforcement (P.A.C.E.)** is an intensive form of probation/parole for felons who are at high risk of violating the conditions of their probation/parole. The program relies on swift and certain sanctions to deter a probationer or parolee from using drugs or otherwise violating their probation requirements.

Offenders on P.A.C.E. are 55% less likely to be arrested for a new crime, 72% less likely to use drugs, 61% less likely to skip appointments, and ultimately 53% less likely to have their probation revoked. P.A.C.E. leads to 48% fewer days in prison. SB 64 expands the program statewide.

**Recidivism Reduction Fund:**  $\frac{2}{3}$  of offenders return to prison within 3 years. To address Alaska's high rate of recidivism, recently-released individuals must have access to a structured and sober environment, treatment, and employment opportunities. This section is established to fund transitional re-entry programs for those recently released from prison.

**Felony Theft Threshold** was established at \$500 in 1978. The threshold has never been adjusted for inflation, despite \$500 being equal to \$1800 today. SB 64 increases the threshold from \$500 to \$750.

**Custodial Interference:** SB 64 creates a criminal offense of custodial interference in the second degree when a non-relative attempts to take a child from a lawful custodian without permission. This section closes a statutory “loophole” and creates a more serious criminal offense for impersonating a parent or attempted child abduction.

**Alaska Criminal Justice Commission** is established to analyze and evaluate the effect of laws and practices within the state’s criminal justice system. This would effectively restore the Alaska Sentencing Commission that existed in the early 1990’s.

**Credit for Time Served in Residential Treatment** incentivizes people to seek and pay for their own treatment. A person will receive credit against a sentence for time spent in a residential treatment facility, but must remain on the grounds of the facility unless given permission to leave for purposes directly related to their treatment.

**Assessments of Prisoners:** This section requires the Department of Corrections to conduct a risk-needs assessment on all offenders incarcerated 30 days or longer. This will help the department better understand the offender population and link inmates to treatment within the facilities.

**PTSD Mitigating Factor:** SB 64 creates a new mitigating factor allowing a judge to take into consideration whether the offense was related to combat-related PTSD or traumatic brain injury. If a nexus is found between the mental disorder and the crime, it could result in a lesser sentence. The offender would have the burden of proving that he or she suffers from combat-related PTSD or combat-related traumatic brain injury. This mitigator is not available for crimes of serious injury such as assault or sexual crimes.

**Limited Licenses** allow felony DUI offenders the privilege to drive, if they agree to an ignition interlock device, 24/7 Sobriety, and obtaining insurance. This limited license encourages those with lifetime revocations to seek treatment and participate in alcohol monitoring, rather than driving without a license and endangering the public.

**Confidentiality of Criminal Records:** CourtView indefinitely shows arrest and charging records for persons who were never convicted or incarcerated. SB 108 was incorporated into SB 64, which makes certain court records confidential. A person is not a criminal if acquitted at trial or if their case is dismissed. In American jurisprudence, we are all to be considered innocent until proven guilty. This section reinforces that presumption of innocence by making court records confidential for those not found guilty.

**Electronic Monitoring** is an effective and inexpensive approach to offender supervision. This section gives the Department of Corrections the ability to place first-time DUI offenders on electronic monitoring for the 72-hour mandatory minimum. This is an option that currently exists for municipalities like Anchorage, but is not available to the rest of the state in Alaska statute. E.M. costs \$21/day, compared to \$158/day for a hard prison bed.