

ALASKA STATE LEGISLATURE



SENATOR FRED DYSON SENATE DISTRICT F

SPONSOR STATEMENT FOR SB 56

An Act relating to certain crimes involving controlled substances; and providing for an effective date

Alaska's prison population is currently growing at one of the fastest rates in the nation. Despite the \$250 million Goose Creek Correctional Center, the Department of Corrections estimates that all available prison beds will again be full in 2016. Simultaneously, per inmate incarceration costs have risen from \$110/day to \$147/day, now equaling more than \$50,000/inmate per year. Since 2005, the DOC's operating budget has spiked nearly 94%, from \$167M to over \$323M. Finally, and perhaps most troubling, Alaska's prison beds are increasingly filled with non-violent offenders.

With our prisons packed and the cost of incarceration skyrocketing, we must seek responsible ways to slow prison population growth while preserving public safety. According to DOC data, from 2002 to 2011, non-violent offenders have been the fastest growing segment in our prison population; drug and alcohol offenses account for a substantial portion of this growth. A recent study by an Alaskan researcher concluded that a significant driver of Alaska's prison population growth is the rise in admissions for non-violent, small-quantity drug offenders, particularly felony offenders convicted of non-distributive possession. Reforming our drug policy could reduce this driver of prison growth and save the state millions of dollars. This conclusion is supported by leading justice reform policy groups, recent DOC Dep. Commissioner Carmen Gutierrez, and Legislative Research Services who concur that the fiscal burden of our current drug laws is significant.

SB 56 creates an escalating punishment regime, similar to Alaska's approach to DUI's, reclassifying the initial possession of non-distributive (small quantity) amounts of Schedule IA (e.g. heroin, codeine, oxycodone) and IIA substances (e.g. methamphetamine, mushrooms, cocaine) from a Class C Felony to a Class A Misdemeanor. This reclassification preserves a serious criminal penalty for drug possession, but allows first time offenders to avoid the collateral consequences and longer prison sentences of a felony. It also protects law enforcement's ability to aggressively pursue distributors and repeat offenders.

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Comparative analysis of states where small quantity possession is already a misdemeanor indicates that reclassification should have minimal impact on public safety. Misdemeanor states actually have slightly *lower* rates of violent crime, property crime and drug use, as well as higher rates of drug treatment (proven more effective than jail time in breaking addiction). Finally, this reform will benefit offenders and their families by removing the stigma of a felony conviction, markedly improving employment prospects, professional licensing, and housing opportunities, all variables strongly correlated with decreased alcoholism, domestic violence and recidivism.

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