

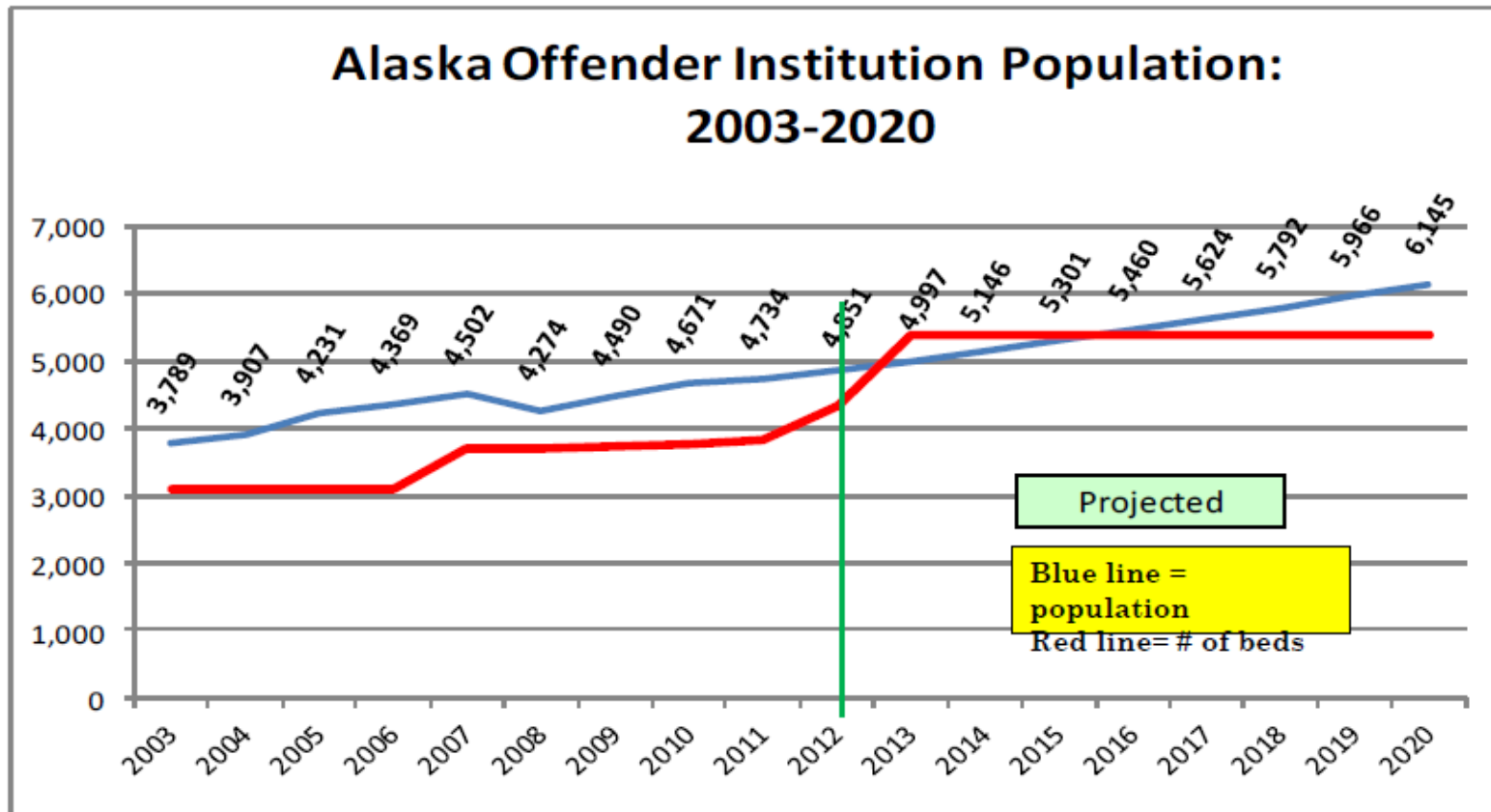
Reclassifying Nonviolent, Small Quantity Possession

Potential Impact on Alaska's
Budget and Society

Reclassification of Drug Possession

- HB 178 creates an “Escalating Punishment” system, similar to the State’s approach to DUI’s or DV4’s (Domestic Violence in the 4th Degree). Key features:
 - Reclassification of small quantity, nonviolent possession to a misdemeanor
 - “3-strikes” Rule. Repeat offenses= felony.
 - Strict quantity limits; over the limit = implied distribution = felony.
 - No restrictions placed on law enforcement or prosecutors to pursue drug dealers, regardless of quantity (i.e., any evidence of selling drugs = felony).
- This should lead to reductions in:
 - Prison admissions
 - Legal and adjudication costs
 - Low-risk offenders being placed on felony probation
 - Collateral consequences for simple possession offenders
 - Reduction in indirect costs, such as welfare costs
- Significant cost savings while maintaining public safety.

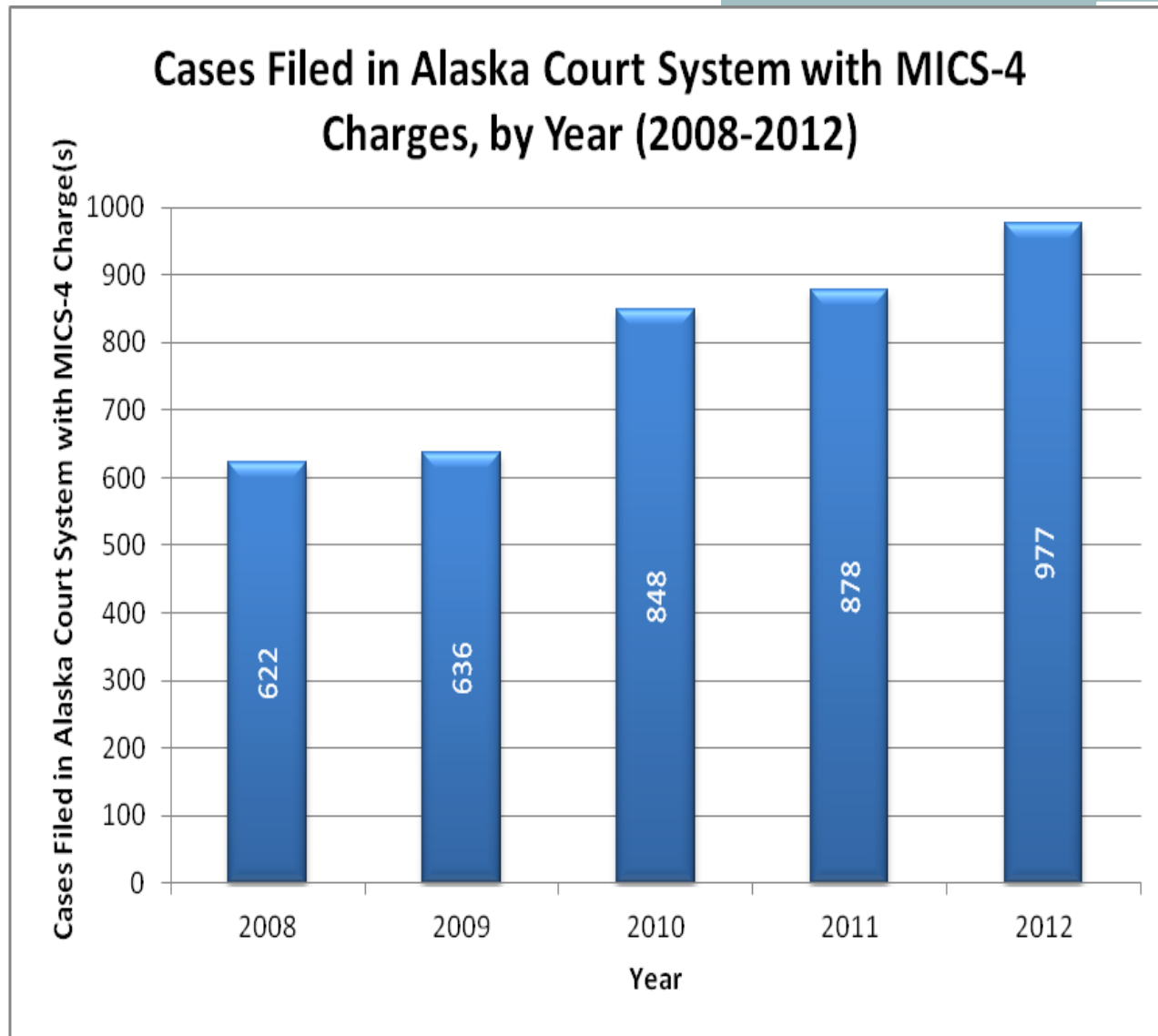
Alaska's Prison Population Growth



From 2003 to 2012, the annual average inmate population grew slightly less than 3% per year. Projections are based on a 3% growth rate. Based on this rate, inmate population is estimated to reach 6,145 by 2020. **(Note: Stated differently, the DOC population grew by approximately 28% in the decade preceding 2012. According to US Census Data, the total population of Alaska grew by just 13.3% from 2000 to 2010, a similar period.)**

Drivers of Alaska's Prison Population Growth

1. Increased admission for Felony Theft in the Second Degree—theft of property valued over \$500—and increased sentence lengths associated with these offenses.
 2. A 63% rise in prison admission for drug offenders, particularly felony offenders convicted of possession offenses.
>>Addressed by Representative Isaacson's HB 178.
 3. Increase in Petitions to Revoke Probation (PTRP's) and probation violations.
>>Connected to number of offenders on felony probation; greatly impacted by HB 178.
- Source: DOC Memo, *Factors Driving Alaska's Prison Population Growth*, at 1 (August 24, 2012).



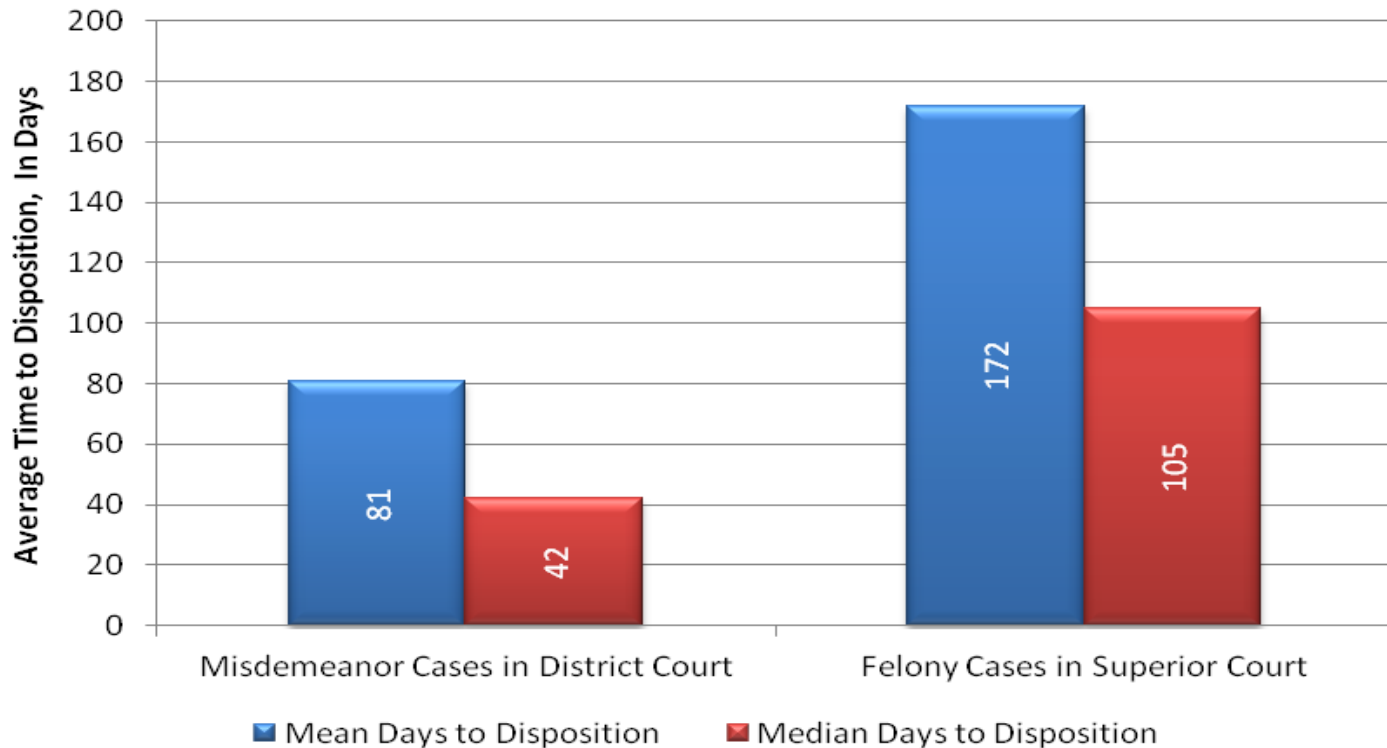
- MICS-4 (Misconduct Involving a Controlled Substance in the 4th Degree) is currently classified as a Class C Felony.

Collateral Consequences from Small-quantity Drug Felonies

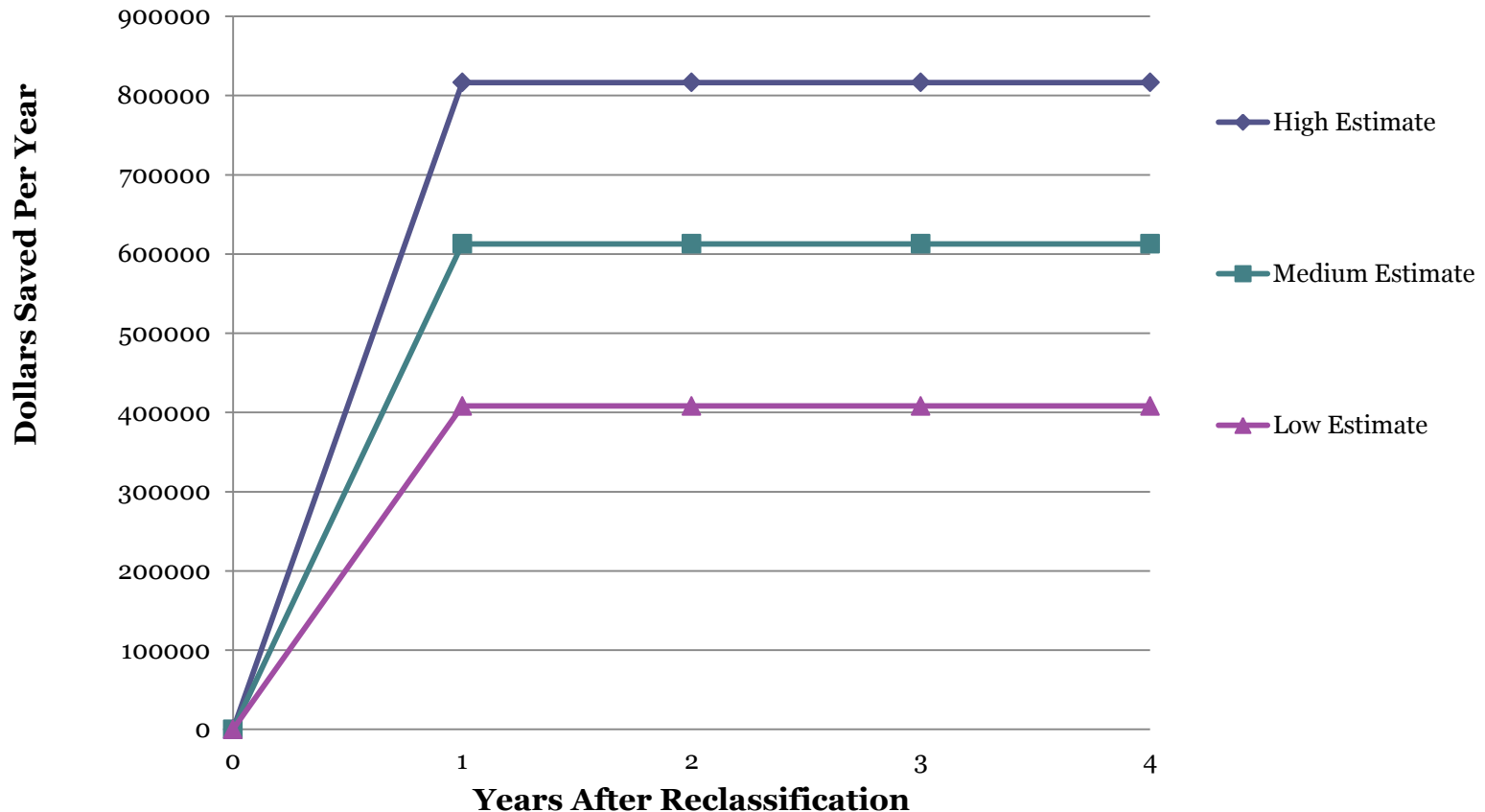
- First and foremost, barrier to employment:
 - Medicare/Medicaid facilities → federal law
 - Anchorage School District → district policy
 - North Slope → Private HR decision
- Difficulty finding housing
- Inability to qualify for certain federal benefits, like Food Stamps
- Ineligible to become a Village Public Safety Officer
- Other barriers: stretched to 26 pages of appendices in full report
- HB 178 allows Alaskans to avoid many of these consequences if they are not repeat offenders.

Reduced Legal and Adjudication Costs

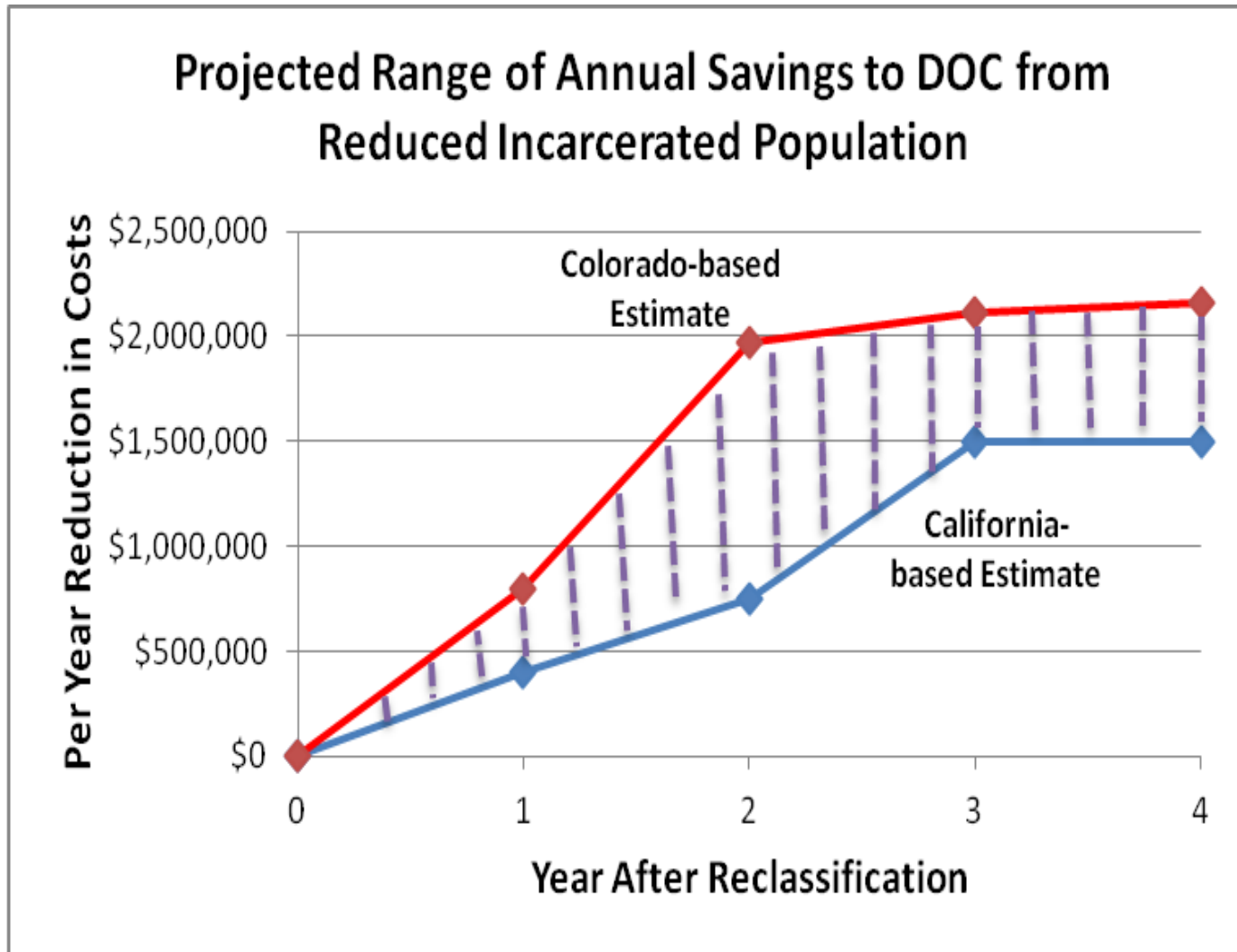
**Days to Disposition: Felonies in
Anchorage Superior Court versus Misdemeanors in
Anchorage District Court**
(Cases Closed 07/01/2011 to 06/30/2012)



Annual Savings from Reduced Legal and Adjudication Costs

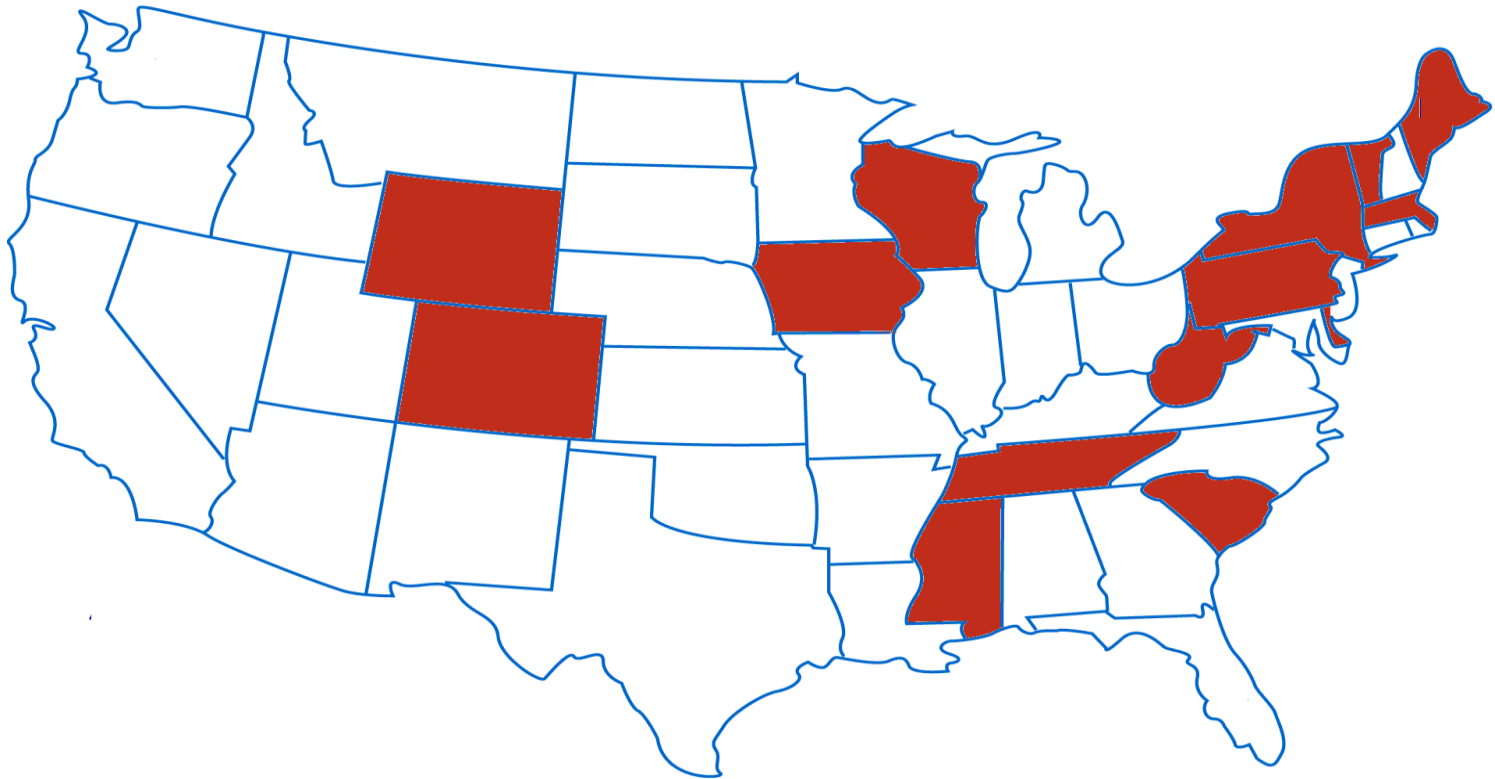


Even Assuming \$0 in savings from the Department of Law, projected savings still amount to \$408,000, \$613,000 or \$817,000 per year.



- Conservative estimates. The Legislative Research Service identified approximately \$14M in annual costs, the majority of which came from DOC.

Public Safety: Map of Lower-48 States Where Drug Possession is a Misdemeanor



Public Safety: Statistical Comparison

	States in which Possession is a Felony	States in which Possession is a Misdemeanor
Rate of Violent Crime Per 100,000	397.5	376.4
Rate of Property Crime Per 100,000	3,071.9	2,913.2
Incarceration Rate Per 100,000	401.23	372.20
Illicit Drug Use, Excluding Marijuana	3.61%	3.55%
Drug Treatment Admission Rates Per 100,000	431.69	512.65
Rates of rape, physical violence, and/or stalking by an intimate partner with a female victim in 2010 (percent reporting)	36.23%	35.5%

Conclusions

- Predicted outcomes from HB 178:
 - Minimal impact on public safety.
 - Large reduction in collateral consequences for offenders and improvement in employability.
 - Reduction in Probation Officer caseloads.
 - Between \$5.77 and \$10.31 million in savings to the State over four years, increasing thereafter (LRS estimates considerably larger).