



Department of Law

SB 54 Highlights

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Criminal Justice Reform

- In 2015, the Alaska Criminal Justice Commission found that Alaska's prison population was growing at an unsustainable rate (27% increase between 2005-2014).
- 2 out of every 3 inmates released from prison returned to prison within 3 years (a 66% recidivism rate).
- ACJC found that the criminal justice system had an overreliance on incarceration, which contributed to unsustainable costs and high rate of recidivism.

Criminal Justice Reform

- Criminal Justice Reform attempts to address these issues through alternatives to incarceration when appropriate.
- Administration continues to support reform efforts

Sentencing is a discretionary judicial function with five goals

- Sentencing considerations:
 - Rehabilitation
 - Isolation
 - Deterrence of offender after release
 - Deterrence of others
 - Community condemnation and reaffirmation of societal norms
- *State v. Chaney*; AS 12.55.005
- Under the Alaska Constitution, judges must balance the defendant's reformation against the need to protect the public and rights of victims.

AK CONSTITUTION Art. I, § 12

Sentencing is a individualized process

- Judges engage in an individualized process that is tailored to the specific offender under the specific circumstances of the offense.
- Specific Factors:
 - Acceptance or denial of responsibility
 - Substance abuse
 - Prior criminal activity
 - Effect on the victim, victim's family, and community
 - Post-offense behavior
 - Motivation for criminal behavior
 - Restitution

SB 54 goals

Balance

Reduced Reliance on
Incarceration

Increased Judicial Discretion
On a Case-by-case Analysis



First Time Class C Felonies

Increase judicial discretion from only probation to 0-1 year in jail

Authorizes up to one year to improve public safety and ensure rehabilitation

Former Law

0-2 years

Current Law

Probation

SB54

0-1 year

- **Class C felonies encompass a wide range of conduct.**
- **0-1 must include both active and suspended time**
- **First felony conviction, not first conviction.**
- **Authorize judges to order residential treatment.**

Thefts under \$250

Increases judicial discretion for repeat offenders

- Public concern that current law has limited available consequences for repeat offenders

	<u>Former Law</u>	<u>Current Law</u>	<u>SB54</u>
1 st	0-90 days	Fine and Probation	5 days suspended
2 nd	0-90 days	Fine and Probation	0-5 days
3 rd +	0-365 days	5 days suspended	0-10 days

- Judge's discretion – No jail in cases that warrant it,
Up to 5 or 10 days in cases that warrant it
- Provides necessary tool to discourage repeat offenders from violating the law.

Violating Conditions of Release

Increases judicial discretion to hold a person who violates conditions of release

- Confusion on the part of law enforcement about whether they can arrest for a violation.
- Reluctant to hold a person when no jail authorized for violation

Former Law

0-90 days/0-365 days

Current Law

Violation

SB54

0-5 days

SB 54 returns violating conditions of release to a misdemeanor. It will be punishable by up to 5 days in jail.