



## HB 49 Classification and Sentencing Highlights

- **Drug Possession** - Makes it a felony to possess the most dangerous controlled substances (*i.e.*, heroin, methamphetamine, cocaine, PCP, etc.).
- **Drug Distribution** - Returns distribution of most dangerous drugs to class B and A felonies from the current C and B levels and removes quantity as an element.
- **Methamphetamine Manufacturing and Distribution** - Re-enacts the statutes combatting methamphetamine manufacturing and distribution.
- **A Misdemeanor Sentencing** - Remove 30-day presumptive sentence for A misdemeanors and returns discretion to judges to impose 0-365 days. Also increases the sentencing range for B misdemeanors from 0-10 days to 0-90 days.
- **Threats** - Creates a generalized terroristic threatening statute to address threats of harm even when not a false threat such as school shootings.
- **Felony Sentences** – Returns felony sentences to where they were before July, 2016.

Felony Level	Current Law	SB 32
Class A	First Felony: 3-6 (20 max) Second Felony: 8-12 (20 max) Third Felony: 13-20 (20 max)	First Felony: 5-8 (20 max) Second Felony: 10-14 (20 max) Third Felony: 15-20 (20 max)
Class B	First Felony: 0-2 (10 max) Second Felony: 2-5 (10 max) Third Felony: 4-10 (10 max)	First Felony: 1-3 (10 max) Second Felony: 4-7 (10 max) Third Felony: 6-10 (10 max)
Class C	First Felony: 0-2 (5 max) Second Felony: 1-4 (5 max) Third Felony: 2-5 (5 max)	First Felony: 0-2 (5 max) Second Felony: 2-4 (5 max) Third Felony: 3-5 (5 max)

- **Probation Lengths** – Increases the maximum probation length for sex felonies to 25 years and 10 years for all other offenses.
- **Failure to Appear** - Removes the 30 day grace period for FTA to ensure better enforcement for defendants appearing in court for the hearings, including trial.

- ***DUI Mandatory EM for 1<sup>st</sup>*** – Eliminates electronic monitoring or house arrest as being mandatory for 1<sup>st</sup> DUI returning discretion back to the commissioner of the department of corrections.
- ***APSIN Use at Grand Jury*** - Allows APSIN (rap sheet) to be used at grand jury when an element of the offense requires proof of prior convictions.
- ***Enforcement for DNA of Arrested*** - Makes it a class A misdemeanor to refuse to provide a buccal swab upon arrest.
- ***Involuntary Commitments*** – Requires the Alaska Court System to transmit information regarding involuntary commitments that have occurred since October 1, 1981 to the Department of Public Safety.