



**House Bill 10 – An Act Relating to Misconduct Involving A Controlled Substance;
Providing For
Substitution of Judgment; And Relating to Sentencing**

Sponsor Statement

As Alaska looks to end the opioid and drug abuse epidemic, it needs innovative solutions to help those struggling with addiction recover and return to leading productive lives.

House Bill 10 seeks to be a piece of the puzzle by creating an incentive for drug offenders to seek rehabilitation instead of continued criminal behavior.

House Bill 10 first converts the repeat possession of IA and IIA controlled substances from misdemeanor to felony charges.

A judge may then propose to vacate an offender’s felony possession conviction, resulting instead in a misdemeanor charge, upon the completion of a treatment program.

This option for a felony-to-misdemeanor conversion is known as a “substitution of judgement”. If the offender does not successfully complete their court-approved rehabilitation, their felony conviction would stand.

This path for a substitution of judgment does not apply to offenders charged with other crimes at the time of their possession conviction, including gun-related crimes, nor is it an option available to offenders more than once.

Those involved in law enforcement and criminal justice recognize the need for offenders who are consistently culpable of drug possession to get treatment for their underlying addiction.

However, Alaskans struggling with addiction often need a push to enter a program and turn their lives around. House Bill 10 aims to provide an accountable, responsible mechanism to help treat addiction in our state, and provide for increased public safety and productivity.

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