

SENATE FINANCE COMMITTEE  
FOURTH SPECIAL SESSION  
November 10, 2017  
8:09 a.m.

8:09:10 AM

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 8:09 a.m.

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair  
Senator Anna MacKinnon, Co-Chair  
Senator Click Bishop, Vice-Chair  
Senator Peter Micciche  
Senator Donny Olson  
Senator Gary Stevens  
Senator Natasha von Imhof

MEMBERS ABSENT

None

ALSO PRESENT

Senator John Coghill, Sponsor, Senate Bill 54; Jordan Shilling, Staff, Senator John Coghill; John Skidmore, Director, Criminal Division, Department of Law; Walt Monegan, Commissioner, Department of Public Safety; Quinlan Steiner, Director, Public Defender Agency, Department of Administration; Nancy Meade, General Counsel, Alaska Court System; Susanne DiPietro, Director, Alaska Judicial Council, Advisor, Alaska Criminal Justice Commission; Shawnda O'Brien, Assistant Commissioner, Finance Management Services, Department of Health and Social Services; Senator Tom Begich; Senator Bert Stedman; Representative Andy Josephson; Representative Gabrielle LeDoux; Senator Cathy Giessel.

PRESENT VIA TELECONFERENCE

Dean Williams, Commissioner, Department of Corrections, Ohio; April Wilkerson, Admin Services Director, Department of Corrections, Juneau.

SUMMARY

^OVERVIEW: SB 54 and FISCAL NOTES

[8:10:21 AM](#)

SENATOR JOHN COGHILL, SPONSOR, SENATE BILL 54, introduced himself.

Co-Chair MacKinnon noted the legislators in the gallery.

Senator Coghill acknowledged his wife's birthday. He stated that SB 54 was originally a 16 page bill and had increased to a 46 page bill. He stated that the Senate had passed the bill with 25 sections with six major policies. The bill had returned to the Senate with 84 sections and 24 major policies. He stated that there were 113 amendments offered on the floor, and 28 passed.

Senator Coghill explained the policies in the latest version of the bill.

Co-Chair Hoffman asked that sections be identified. Senator Coghill replied that he did not have the ability to identify the sections as he addressed the major policies. He stated that he could provide the amendments.

Co-Chair MacKinnon announced that the committee had an amendment summary and the department would address the issues following his testimony.

Senator Coghill continued to address the policies in the bill.

[8:19:07 AM](#)

JORDAN SHILLING, STAFF, SENATOR JOHN COGHILL, stated that there was a change in the mental state required to prosecute an individual for riding in a stolen car. He stated that, under current law, the mental state was "knowingly." That was reduced to "with criminal negligence", which was the lowest culpable mental state in statute.

Senator Coghill completed the policy changes. He noted that there were some major changes. He announced that some of

the changes were easily acceptable, and some were problematic.

Co-Chair MacKinnon queried additional comments. Mr. Schilling replied that he did not have additional comments.

Senator Stevens wondered whether there were constitutional concerns. Senator Coghill replied that the class C felon was the most problematic because it overlapped class D felons. He stated that there was a due process concern. The read, "the end result of the overlap could be that the court, reverting the sentence scheme in place to a law made previously." He restated that there was a substantive due process issue in an overlapping sentence where the lower crime may have a higher penalty than the higher crime. He deferred to the Department of Law for more information. He felt that the issue would be a litigated.

Co-Chair MacKinnon noted some additional legislators in the room.

JOHN SKIDMORE, DIRECTOR, CRIMINAL DIVISION, DEPARTMENT OF LAW, stated that the Department of Law did see any additional fiscal impact because of the changes. He stated that the tramadol amendment might give the Department of Law additional cases, but those would be absorbed into the department.

Co-Chair MacKinnon stressed that the bill was not an appropriation bill. She stated that there were not genuine fiscal notes. She remarked that Alaskans were not feeling safe, so the prosecution of criminals was important. She furthered that, due to the current fiscal situation, there was an expectation that all departments do the best they can with their available resources. She remarked the appropriation bill would come from the governor's budget or in the form of a supplemental request for consideration in the next legislative cycle. She stressed that all the fiscal notes were in draft form in anticipation of actions by the governor in a future budget.

[8:25:26 AM](#)

Co-Chair MacKinnon queried more information on the fiscal note. Mr. Skidmore replied that the Department of Law fiscal note was a zero fiscal note. He agreed to discuss the changes. He announced that he would address the House

additions to the bill, rather than the changes to the adopted policies.

Co-Chair MacKinnon looked at Fiscal Note 8, OMB 2202.

Mr. Skidmore stated that Section 1 addressed the Alaska Criminal Justice Commission working with law enforcement to train them on criminal justice reform efforts. He stated that it was a legislative intent section, so there was no fiscal note for the Department of Law. The increase in felony property threshold for behaviors like theft and criminal mischief was decreased from \$1000 to \$750. He stated that those cases would be evaluated and prosecuted, regardless of the threshold. He announced that Department of Law did not support the reduction in the threshold, but the change did not affect the fiscal impact for the Department of Law. He stated that the changing of the threshold was found in Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, and 18. He stated that joyriding was found in Section 12. The change altered the mental state from "knowing" to "criminal negligence." He stressed that cases referred to the Department of Law for joyriding were still evaluated. The change in the mental state would not have a fiscal impact on the Department of Law. He looked at Section 13, which was a mandatory 25 hours of community work service for criminal mischief. He stated that a mandatory minimum of criminal mischief would not impact whether there was prosecution. He looked at Sections 24 and 25, which was addition to the controlled substances. He stated that Department of Law supported that addition. He announced that Department of Law did not see a fiscal impact with that addition. He looked at Section 26, which added certain C felonies to the list of crimes for which a person may be held for up to 48 hours to assess the flight risk or danger of that individual before they were released on bail. That addition also did not have a fiscal impact on the Department of Law. He addressed Section 27, which was referred to as the "Sober Law." The provision gave the Supreme Court the authority or requirement to set as a condition in a bail schedule that someone not be released until that person sobered up. The amendment defined "sobered up" to a 0.08 percent blood alcohol level, or until a third party was able to provide care. He stated that there was no fiscal note for the Department of Law, although he encouraged a discussion with the Department of Corrections (DOC) about that issue. He looked at the issue that eliminated administrative parole, which were addressed

in a number of sections. He stated that the elimination of administrative parole had no fiscal impact on the Department of Law.

[8:30:59 AM](#)

Vice-Chair Bishop asked for a restatement of the definition of "sobered up." Mr. Skidmore replied that the sober law allowed for the Supreme Court to set a bail schedule with a condition that said, "an individual who was arrested for a crime related to alcohol, and at the time the person is arrested that person is under the influence of alcohol, that person should not be released until one of two conditions has been met: A) they are below a 0.08 percent blood alcohol level, or B) there was a third person capable of providing care to that individual with consent."

Vice-Chair Bishop surmised that someone with below a 0.08 percent blood alcohol level could drive away. Mr. Skidmore replied that 0.08 percent was the legal limit in the state for driving. He stated that he did not want to categorically say that it was permissible for a person to drive at that rate, because there was a subsection of the DUI statute that addressed whether a person was impaired to drive. He stated that alcohol could affect different people differently. He remarked that some people could have a blood alcohol level of below 0.08 who should not drive. He furthered that the law stated that if a person was below 0.08, there was a legal threshold that no one should drive above that level.

Vice-Chair Bishop surmised that the bail officer or the court would make that recommendation whether the person could drive. He stated that the limit for a commercial vehicle was 0.04 percent blood alcohol level. Mr. Skidmore agreed. He stated that the 0.08 percent that the other body inserted was in response to concerns about a condition that courts would impose before the criminal justice reform. He stated that some courts would set a condition that said that a person should not be released until they were sober. He remarked that after the criminal justice reform, there was an examination of authority for issuing that condition. He explained that there was concern that there was not a statutory legal authority to impose such a condition, so the courts no longer used that condition.

[8:35:53 AM](#)

Co-Chair MacKinnon surmised that there was a process in place to address that issue. Mr. Skidmore replied in the affirmative, but there was no final decision on the issue.

Co-Chair MacKinnon announced that the documents were available online. She requested that there be an explanation of whether the amendments reverted to before SB 91, or whether there was an increase in crime in statute.

Mr. Skidmore explained that the threshold was the only item that went backwards. He restated that the Department of Law did not support that change. He stated that there were several subsections related to administrative parole.

Co-Chair Hoffman looked at the Class C felonies, where there was no a differentiation between first, second, and third-time felonies. He wondered whether the administration supported the house version related to Class C felonies. He remarked that some of his constituents felt that the change from zero to 90 days, and the amount was important to consider. He stressed that his constituents represented approximately 17 percent of the population, but 60 percent of the population in the criminal system.

Co-Chair MacKinnon stressed that the committee was not debating SB 54.

Co-Chair Hoffman felt that it was an important point because the bill was specifically on the call from the governor.

[8:42:43 AM](#)

Mr. Skidmore stressed that the Senate passed zero to one-year for a Class C felony, which was requested by prosecutors and law enforcement. He stated that the Department of Law did not support the House version.

Senator Stevens queried more information about a lower crime having a higher penalty. Mr. Skidmore replied that the sentences should follow the severity of the crime.

Senator Micciche referred to a question about changes that became law before SB 91. He used the example of petty theft, and increased sentences. He asked if the list had expanded from what was stated earlier.

Mr. Skidmore explicated that he had referred to changes pertaining to amendments made by the other body. Theft sentences would be rolled back further than had been set by the committee earlier.

Senator Micciche clarified that there were aspects of the amended SB 54 that needed work, but he did not like the term "moving backwards."

[8:47:37 AM](#)

Mr. Skidmore noted that the elimination of administrative parole did not have an impact on the Department of Law. He stated that clarifying that a person not be released on electronic monitoring after conviction, but prior to sentencing had no fiscal impact on the Department of Law. He stated that adding six months before a probation or parole officer was required to make a recommendation for termination did not have a fiscal impact on the Department of Law. The increase in the presumptive range for a class A felony, when a first responder was the victim, did not have a fiscal impact on the Department of Law. He stated that there were a few others, but stressed that the changes did not have a fiscal impact on the Department of Law.

Co-Chair MacKinnon felt that the Senate version of the bill was tougher on crime. She understood the concern that C felonies were treated differently.

[8:50:08 AM](#)

Co-Chair MacKinnon surmised that there was a sliding scale for a judge on the Class C felonies. Mr. Skidmore replied that a Class C felony had a maximum of five years in jail. He stated that a first-time C felony, under the House version, would allow for the judge's discretion for zero to two years. He stated that a second-time C felony would be one to four years, with the judge's discretion. He stated that a third or more offense would be two to five years. He explained that each of the ranges could be further adjusted based on aggravators or mitigators.

Co-Chair MacKinnon surmised that a judge used their discretion to apply the law based on the circumstances of an individual case. She wondered whether the same exercise was available for a judge on a Class B felony. Mr. Skidmore

replied that a first B felony was zero to five years under current law. He explained that the same range for Classes B and C created a problem. He felt that there should be a tiered structure, so that a lower level crime had a lower tier than the higher level crimes. He stressed that it was a policy matter. He shared that the administration recommended the Senate version, which was zero to one year.

Co-Chair MacKinnon shared that she had received complaints from people who felt that it was unfair to have the same sentence for each level of felony, because the judge would ultimately make the determination. Mr. Skidmore stressed that there was a legal issue to having the sentence level the same in statute. He hoped that the legislature would find a tiered structure to avoid litigation.

[8:55:34 AM](#)

Senator Micciche shared that he had researched Title 11 and Title 12. He had never seen so many notes and decisions in precedence, and stressed that criminal law was not a simple matter. He felt that many aspects of the changes could result in a challenge, even though the Class C changes seemed more likely to be challenged. Mr. Skidmore replied that it was correct to say that defendants in a criminal case could challenge any law. He stated that it did not necessarily mean that there was an issue within the law. He was attempting to make the distinction that the same sentencing range for Class B and C felony was a problem.

Senator Olson shared that there was a fear that the ACLU would file a lawsuit. He furthered that the legislature was motivated by public outcry. He remarked that the judicial system was less affected by the political motivations. He wondered why the courts should not make that determination. Mr. Skidmore replied that it was the prerogative to set the laws. He stressed that he always wanted to avoid litigation.

[9:00:17 AM](#)

Co-Chair MacKinnon shared that almost 10 percent of the House were attorneys. She had confidence that they had thoroughly thought through their votes.

Mr. Skidmore remarked that there was a requirement that the Judicial Council and the Commission study risk factors for

criminal activity. He continued to address the fiscal impacts.

[9:06:05 AM](#)

Senator von Imhof wondered whether it was important to address the Class C felonies directly through statute at the beginning of session, thereby avoiding a lawsuit. Mr. Skidmore replied that the litigation would already begin between the current day and the upcoming session. He stressed that the legislature did not normally have an easy process.

Co-Chair MacKinnon wondered whether the DOL had been asked the questions in the other body related to the Class C felonies. Mr. Skidmore replied that he was never asked whether it would be constitutional or have problems.

Co-Chair MacKinnon restated that there were four attorneys on the House floor.

Co-Chair Hoffman wondered whether Mr. Skidmore was a member of the Commission. Mr. Skidmore replied that he was not a member of the Commission. He provided advice to the Attorney General.

Co-Chair Hoffman wondered whether any of the issues on the House floor were addressed by the Commission.

[9:11:23 AM](#)

WALT MONEGAN, COMMISSIONER, DEPARTMENT OF PUBLIC SAFETY, introduced himself. He announced that he was a member of the Commission, and there were many days of debate. He remarked that the issue of the Class C felony was an animated discussion. He stated that he had submitted a suggestion that it be one year. He stated that the police officers and state troopers who had the first contact with the aggressors and victims.

[9:16:37 AM](#)

Commissioner Monegan highlighted the "sober law." He stressed that the individuals were always entitled to the constitutional rights, and were not guilty until proven to be so. He noted that there was a tragic incident where a person died, because they were released while intoxicated.

Co-Chair MacKinnon looked at Fiscal Note 9, OMB 2325, which was a zero fiscal note. She wondered whether there the troopers implementing the law. Commissioner Monegan replied in the affirmative.

[9:20:02 AM](#)

Co-Chair MacKinnon stressed that the Courts should be able prosecute based on the current bill. Mr. Skidmore agreed.

Co-Chair MacKinnon wondered whether people could be held accountable for bad actions. Mr. Skidmore replied in the affirmative.

Co-Chair MacKinnon stressed that the committee was not debating SB 54.

Co-Chair Hoffman remarked that the Commission had spent many hours on the issue. He pointed out that there were issues in SB 91 that were attempting to address in SB 54. He stressed that the legislature knew that additional issues needed to be addressed. He wondered whether the issues on the House floor without public hearings could be better addressed by the Commission. Commissioner Monegan agreed, and explained that the commission meetings were open to the public.

Co-Chair Hoffman agreed that the issues should have received more considerable debate and public input.

Commissioner Monegan explained that if litigation defaulted to SB 91 there would be a continued period of time of intense criminal activity.

[9:25:03 AM](#)

DEAN WILLIAMS, COMMISSIONER, DEPARTMENT OF CORRECTIONS, OHIO (via teleconference), introduced himself.

Co-Chair MacKinnon looked at the draft fiscal note from the Department of Corrections (DOC). She remarked that it was an extensive four page fiscal note.

Commissioner Williams shared that there were a number of changes in the current bill. He stressed that there would

be undoubted fiscal impacts to the department. He shared that some of the changes would increase costs.

Co-Chair MacKinnon asked for information about Section 27.

Commissioner Williams stated that there was a working group to address the issue. He stressed that there was not yet a consensus on the issue. He wanted to let the process finish in the working group.

Co-Chair MacKinnon wondered whether Commissioner Williams wanted to address the fiscal note.

Commissioner Williams deferred to Ms. Wilkerson.

[9:29:51 AM](#)

APRIL WILKERSON, ADMIN SERVICES DIRECTOR, DEPARTMENT OF CORRECTIONS, JUNEAU (via teleconference), referred to the draft fiscal analysis that included all of the House changes.

Co-Chair MacKinnon agreed.

Ms. Wilkerson stated that it was an indeterminate fiscal note.

Co-Chair MacKinnon announced that the committee had the draft fiscal note. She understood that the House provided different fiscal notes.

Ms. Wilkerson explained that the indeterminate draft fiscal analysis carried a range of impact that the changes would have on DOC incarcerated population. She shared that the department anticipated from 108 persons per day to 208 persons per day, however that number could be impacted by elements of SB 91 that had not been implemented or fully implemented such as the pre-trial division and diversion situations that were continuing to be developed.

Co-Chair MacKinnon wanted to understand the fiscal note.

Ms. Wilkerson explained the fiscal note.

[9:37:40 AM](#)

Ms. Wilkerson continued to explain the fiscal note.

Co-Chair MacKinnon wondered whether there was data to support the 75 average case load. Ms. Wilkerson deferred to Commissioner Williams.

Commissioner Williams explained that it was a recommendation from the other body.

Co-Chair MacKinnon wondered whether there was a state average or national average for case load. Commissioner Williams replied that there was some national data from other states, which he believed was the basis for the other recommendation from the House.

Co-Chair MacKinnon did some calculations related to parole work and case load. He wondered whether there was a typical or broad situation. Commissioner Williams responded that it was very broad.

[9:45:30 AM](#)

Co-Chair MacKinnon remarked that she had been told that the language was odd, because it said, "the average." She noted that there was a cap, but there could be management based on the language included by the House. She queried continued comments on the fiscal note. Ms. Wilkerson replied that she summarized the fiscal impact.

Co-Chair MacKinnon wondered whether the House actions could be implemented, keep people in jail, or correctly monitor those individuals. Commissioner Williams replied that DOC would do the best possible to manage whatever they were given. He stressed that the changes would drive the costs further, and remarked that if there may be more people in the system with the same amount of money. He stressed that it was his job to keep the prisons safe. He did not want an untenable situation because of lack of funding.

Co-Chair MacKinnon remarked that any implementation costs would come in the budget proposal or a supplemental budget.

[9:51:08 AM](#)

QUINLAN STEINER, DIRECTOR, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION, introduced himself. He stated that he had been a member of the Commission from its inception. He stated that the recommendations rolled back

some of the reforms and initiative that were originally recommended. He stated that the fiscal impact of the changes put an upward pressure on costs. He remarked that increasing penalties increased the amount of work necessary to review the case to become comfortable with negotiations.

9:57:12 AM

Mr. Steiner noted that he was concerned with the "sober law." He felt that it could create a situation where there was not a good relation between the 0.08 level and a person's safe release on their own. He stated that there may be a situation where a person could not drive, but that does not mean that a person could not care for themselves and going home. He addressed the concern about a situation where people were detoxing in custody, which may not be the best and most appropriate place to detox. He stressed that it was the reason that the Commission had an entire subcommittee on that one issue. He remarked that it had broad participation including health care providers. He stressed that the issue crossed a number of statutory schemes. He shared that the preferred method was a commitment proceeding to deal with someone who was intoxicated to the point where they could not care for themselves.

10:00:01 AM

Co-Chair MacKinnon wondered whether there was advice offered to the other body about the issue. Mr. Steiner replied that he was available in committee and on the floor. He shared that he answered questions from representatives throughout the process. He felt that he did not talk to the floor as a whole. He could not speculate about what of his comments made and impact.

Co-Chair MacKinnon surmised that some of the concerns were debated on the House floor. Mr. Steiner replied that some of the concerns were addressed.

Co-Chair MacKinnon wondered whether the 25-hour issue was addressed. Mr. Steiner replied that he was not present for the debate of that issue.

Co-Chair MacKinnon wondered whether there was participation in the earned compliance issue. Mr. Steiner replied that he could not recall whether he offered comments on that issue.

Co-Chair MacKinnon wanted to understand the House thought process. She remarked that the Senate had waited 48 hours to ensure that the administration had time to document any concerns. She stressed that there was an indication by some that the process moving too quickly. She remarked that there were some residents of Alaska who felt that perpetrators had more rights than the victims of the crime. She wanted to ensure that all were held accountable for crimes. She queried comments on that issue. Mr. Steiner stated that he was present for the earned compliance in the House Finance Committee, and offered comments on that issue. He understood some of the concerns about the rights of perpetrators. He stated that he had voted for some of the recommendations, because the concerns about the legitimacy and the evenness of the scheme were appropriate.

Co-Chair MacKinnon surmised that "voting" referred to the Commission. Mr. Steiner agreed.

Co-Chair MacKinnon wondered whether the issues had been properly vetted, and not quick decisions. Mr. Steiner

[10:05:34 AM](#)

Co-Chair Hoffman remarked that the problems that exist as a result of decisions made late at night regarding the Class C felonies was problematic, and may have issues related to the constitution. He felt that reverting to SB 91 may eliminate the fixes from the Senate. He stressed that the problems with criminal behavior would continue to exist. He queried the problems in reverting to the provisions in SB 91 for Class C felonies. Mr. Steiner replied that there would be litigation unless there would be a resolution. He stressed that there was a strong argument that it was a constitutional violation, which could result in striking that provision. He remarked that the provision did not work well with the entire scheme.

Co-Chair Hoffman stressed that it was a major issue in trying to make the correction in SB 54. He hoped to correct the issue.

[10:09:51 AM](#)

Senator von Imhof wondered whether SB 54 statutes would hold in effect until a lawsuit was settled. Mr. Steiner

replied that the Public Defender Agency would not file a lawsuit. He stated that motions would be filed in every case to declare the provision unconstitutional.

Senator von Imhof surmised that SB 54 would be law until otherwise addressed. Mr. Steiner agreed.

Vice-Chair Bishop requested a meeting about community work service because he had an idea related to that issue.

Senator Micciche wondered whether criminal law could be retroactively applied. Mr. Steiner replied that it would be litigated before sentencing.

Senator Micciche wondered whether the new statute could be applied retroactively to cases that were in flux between the current day and passage of new legislation. Mr. Steiner responded that lowering the penalties retroactively is probably permissible, but did not normally occur. He stated that it was normally lowered from current point forward. He stated that raising penalties retroactively was a clear violation.

[10:14:33 AM](#)

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, announced that the Court System submitted a zero fiscal note. She stated that, generally, the court was able to apply any statutory changes to sentences lengths or definitions of crimes. She noted that a number of provisions in the bill would affect the Court System. She felt that there was a virtual promise of litigation of the Class C felony range, and would have a change on every Class C felony sentencing until it resolved. She remarked that it would not be resolved by an individual superior court felony case, but would likely go to the Supreme Court. She stated that the first Class C felony in this form would have lengthy motions on both side, and a judge would decide the manner with other judges deciding differently. She remarked that some may decide that the best result was that the statute be invalidated, and revert to SB 91, in which case that Class C felon first-timer with no aggravators would be granted probation (SB 91), and another judge may decide differently. She felt that with inconsistencies it would reach the Supreme Court. She remarked that often the legislature would not like the Supreme Court decision. She looked at Section 27, which

told the Court System that it was required to include in the bail schedule that the correctional facility shall test every person due to be released to determine their level of sobriety, and only release them only if they were below a 0.08 blood alcohol level or if someone was there to provide care. She stated that the court would take that statutory direction. She remarked that it involved a court rule change, and through and oversight there was not court rule change, nor the two-thirds vote required under the constitution to make the rule change.

Co-Chair MacKinnon wondered whether Ms. Meade had provided advice that the items be included in the bill. Ms. Meade replied that she was not in the committee when those provisions were added in the House Judicial Committee. She mentioned the problem off the record, and it was not resolved.

Co-Chair MacKinnon wondered whether the issue was raised in the House Finance Committee. Ms. Meade replied that she did not address the issue in the Finance Committee, and was not asked the questions in that committee.

Co-Chair MacKinnon asked whether a memo was issued. Ms. Meade replied that she did not typically issue memos. She mentioned it to a few people. She felt that it was the province of Legislative Legal to point out those problems.

Ms. Meade looked at the Community Work Service provision that passed on the House Floor with very little discussion. She remarked that the 24 hours of required community work service could create some problems. She remarked that community work service was unavailable in some areas of the state. She stressed that there must be infrastructure or supervisor to ensure that the service occurred.

[10:21:44 AM](#)

Co-Chair MacKinnon remarked that Legislative Legal should have advised the House that a court rule change might be needed, and agreed to take it under consideration.

Senator Stevens wondered whether there was a concern with maintaining a job while performing community service. Ms. Meade replied that it was not a Commission recommendation. She stated that the concern was a policy issue.

[10:24:44 AM](#)

SUSANNE DIPIETRO, DIRECTOR, ALASKA JUDICIAL COUNCIL, ADVISOR, ALASKA CRIMINAL JUSTICE COMMISSION, explained some recommendations issued by the commission in January 2017 related to SB 91. She stated that the recommendations were incorporated into SB 54. She remarked that many provisions were added and changed in the meantime.

Co-Chair Hoffman remarked that his question was answered by the commissioner.

Ms. DiPietro stated that the Commission recommended zero to 90 days for the first-time Class C felony.

Co-Chair MacKinnon invited someone to explain the fiscal note.

SHAWNDA O'BRIEN, ASSISTANT COMMISSIONER, FINANCE MANAGEMENT SERVICES, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, explained the fiscal note from Department of Health and Social Services (DHSS).

Co-Chair MacKinnon stated that there was an additional zero fiscal note.

Senator Coghill thanked the committee.

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ADJOURNMENT

[10:29:20 AM](#)

The meeting was adjourned at 10:29 a.m.