

**SB**

**64**

<TARGET><BILL>SB 64</BILL><SUBJECT>SB  
64</SUBJECT><COMM>SFIN28</COMM></TARGET>

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/14/14

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

**Finance Committee** considered SENATE BILL NO. 64

## SB 64-OMNIBUS CRIME/CORRECTIONS BILL

"An Act establishing the Alaska Sentencing Commission; relating to jail-time credit for offenders in court-ordered treatment programs; allowing a reduction of penalties for offenders successfully completing court-ordered treatment programs for persons convicted of driving while under the influence or refusing to submit to a chemical test; relating to court termination of a revocation of a person's driver's license; relating to limitation of drivers' licenses; relating to conditions of probation and parole; and providing for an effective date."

and recommends:

- be replaced with CS SB 64 ( FIN ) [ ] Same Title  New Title
- [ ] adopt previous CS \_\_\_\_\_ ( \_\_\_\_\_ ) [ ] Same Title [ ] New Title
- [ ] attached amendment(s)
- [ ] adopt \_\_\_\_\_ Letter of Intent
- [ ] further referral to \_\_\_\_\_ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
SFIN/DHS	✓			
SFIN/DHS	✓			
SFIN/COR	✓			
COR	✓			
CRT	✓			
CRT			✓	

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
GOV			✓	13
LAW			✓	11
ADM			✓	10
ADM			✓	9
ADM			✓	8

[ ] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Hoffman	✓			
Arna Fairclough	FAIRCLOUGH				X
	Dunbar				X
Clair Bishop	Bishop				X
	Orson			✓	
CO-CHAIR:	Kelly	✓			
CO-CHAIR:	Meyer	✓			

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: SB 64  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB064CS(FIN)-DHSS-ASS-03-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Finance Committee

Department: Department of Health and Social Services  
Appropriation: Departmental Support Services  
Allocation: Administrative Support Services  
OMB Component Number: 320

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services	93.0		93.0	93.0	93.0	93.0	93.0	93.0
Travel								
Services	2.0		2.0	2.0	2.0	2.0	2.0	2.0
Commodities	1.0		1.0	1.0	1.0	1.0	1.0	1.0
Capital Outlay	5.0							
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>101.0</b>	<b>0.0</b>	<b>96.0</b>	<b>96.0</b>	<b>96.0</b>	<b>96.0</b>	<b>96.0</b>	<b>96.0</b>

**Fund Source (Operating Only)**

1002 Fed Rcpts	30.3		28.8	28.8	28.8	28.8	28.8
1007 I/A Rcpts	70.7		67.2	67.2	67.2	67.2	67.2
<b>Total</b>	<b>101.0</b>	<b>0.0</b>	<b>96.0</b>	<b>96.0</b>	<b>96.0</b>	<b>96.0</b>	<b>96.0</b>

**Positions**

Full-time	1.0		1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary							

**Change in Revenues**

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version. The Grants Administration II position will be partially funded with federal funds as well as inter-agency receipts backed with GF from the Department of Corrections/Recidivism Reduction Grants appropriation.

Prepared By: Co-Chair Senator Kelly Phone: (907)465-3753  
Senate Finance Committee Date: 03/13/2014  
Co-Chair Senator Meyer  
Senate Finance Committee

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB064(FIN)

**Analysis**

Section 29 of CS SB 64 version "S" adds a new chapter to AS 47, *Welfare, Social Services and Institutions*.

AS 47.38.100, *Recidivism reduction grant program and fund*, under Article 2 of the new chapter, establishes in the general fund a new recidivism reduction fund to promote the rehabilitation through transitional re-entry programs of incarcerated persons and those recently released from correctional facilities. The Commissioner of DHSS, in cooperation with the Commissioner of Corrections, may offer grants directly from this non-lapsing fund. Programs proposed under this recidivism reduction grants program must meet a series of specific statutory requirements.

The Division of Behavioral Health estimates that the addition of the new grant program to its array of behavioral health grant programs will necessitate addition of one centralized full-time Grants Administration II position, geographically and organizationally located in the Juneau Finance and Management Services/Grants & Contracts section, and accounted for within the Administrative Support Services component, as follows:

\$ 93.0	one full-time, Juneau-based Grants Administration II position, range 17, step A-B
\$ 2.0	share of increased DOA chargeback
\$ 1.0	office supplies
<u>\$ 5.0</u>	one-time capital outlay for work station
\$101.0	

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: SB 64  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB064CS(FIN)-DHSS-ASAP-03-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Finance Committee

Department: Department of Health and Social Services  
Appropriation: Behavioral Health  
Allocation: Alcohol Safety Action Program (ASAP)  
OMB Component Number: 305

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services	96.5		96.5	96.5	96.5	96.5	96.5	96.5
Travel	6.6		6.6	6.6	6.6	6.6	6.6	6.6
Services	775.1		775.1	775.1	775.1	775.1	775.1	775.1
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>878.2</b>	<b>0.0</b>	<b>878.2</b>	<b>878.2</b>	<b>878.2</b>	<b>878.2</b>	<b>878.2</b>	<b>878.2</b>

**Fund Source (Operating Only)**

1004 Gen Fund	781.7		781.7	781.7	781.7	781.7	781.7
1007 I/A Rcpts	96.5		96.5	96.5	96.5	96.5	96.5
<b>Total</b>	<b>878.2</b>	<b>0.0</b>	<b>878.2</b>	<b>878.2</b>	<b>878.2</b>	<b>878.2</b>	<b>878.2</b>

**Positions**

Full-time	1.0		1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary							

**Change in Revenues**

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Fiscal note was revised to include costs identified in later versions of the bill. The inter-agency receipts included in this fiscal note are backed with GF from the Department of Corrections/Recidivism Reduction Grants appropriation to fund the Program Coordinator responsible for writing the requests for Recidivism Reduction grant proposals.

Prepared By: Co-Chair Senator Kelly Phone: (907)465-3753  
Senate Finance Committee Date: 03/13/2014  
Co-Chair Senator Meyer  
Senate Finance Committee

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB064(FIN)

Analysis

AS 47.38.020 requires the Commissioner of the Department of Health & Social Services (DHSS), in cooperation with the Commissioner of Corrections (DOC) to establish a program for defendants with release conditions, and offenders with conditions of probation or parole, to monitor and report any use of controlled substances or alcoholic beverages by participants of this program.

The Division of Behavioral Health anticipates impact from this provision due to the approval and monitoring duties by the Alcohol Safety Action Program of services provided through testing agencies.

A portion of the individuals who are referred to this program are or have been involved with the Alcohol Safety Action Program (ASAP) so therefore should have only a minimal impact on the current service levels or needs. Those misdemeanor offenders that are affected by the latest version (S) of this bill are most likely already participating in the Alcohol Safety Action Program so there would only be an additional monitoring assignment to the testing agency which would result in a minor increase in workload for ASAP personnel, whose role is limited to receiving notifications when program participants do not adhere to program requirements and responding with notifications to the court system of such.

While treatment programming will/may be a component of this testing process, it does not appear to significantly increase the need for new treatment programs.

As SB64(S) is currently drafted, the 24/7 Sobriety monitoring program would be available to defendants who are out on bail and have been charged with an alcohol or controlled substance related offense which is an unclassified felony, class "A" felony, or a sexual felony. The program would also be available for defendants who have been charged with DUI or refusal and other alcohol related offenses, or with a crime involving domestic violence. The 24/7 Sobriety monitoring program may also be ordered as a condition of probation. According to the Department of Corrections in FY2013 there were 2,432 offenders identified that met the criteria outlined in SB64(S). It is estimated that a third of those offenders would also qualify as indigent and unable to afford to participate in the program without financial assistance. The fees that can be collected from offenders with an ability to pay will be paid directly by the offender to the private testing agency.

Sec. 47.38.100 includes the development, implementation, and monitoring of the Recidivism Reduction grant program and fund, by the Department of Health and Social Services. This addition will require a minimum of one additional ASAP Program Coordinator (to monitor and manage both the Recidivism grant program and the identified private testing programs) and one additional Grants Manager within the DHSS section of Grants & Contracts.

Assumptions

24/7 Sobriety:

- Total eligible in FY13: 2,432
- Estimated rural: 75
- Estimated urban: 2,357
- Estimated indigent: 1/3 of the total eligible
- Daily cost for rural: \$10/day + \$20 initial fee
- Daily cost for urban: \$5/day + \$20 initial fee
- Recommended duration: 180 days (6 months)

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB064(FIN)

**Analysis Continued**

Recidivism Reduction Grant Program:

- Grant funding will not be appropriated to DHSS. The proposed legislation establishes the new grant fund within the general fund and allows the commissioner to make grants from the fund directly, without a direct appropriation to the department.
- Grants administration tasks are the responsibility of DHSS Department Support Services. One Grants Administrator II position and associated costs are included in a separate Administrative Support Services fiscal note.
- Grant management tasks are the responsibility of DHSS Behavioral Health. One ASAP Program Coordinator I position will be required to manage the grants.
- Six new grant sites are assumed.

Costs

- **Personal Services: \$96,467**

One FTE Program Coordinator I (R18/B) Based in Anchorage, this position would be responsible for writing the requests for proposals for the Recidivism Reduction grants and monitoring effectiveness.

- **Contractual: \$775,120**

- 24/7 fees to testing agencies for indigent population: \$768,620
  - Urban:* 786 client count (2,357/3) multiplied by \$5/day multiplied by 180 days + \$20 multiplied by 786 client count = \$723,120
  - Rural:* 25 (75/3) client count multiplied by \$10/day multiplied by 180 days + \$20 multiplied by 25 client count = \$45,500

- Ancillary costs to support one 1 FTE: \$6,500

- **Travel: \$6,640**

Travel to 6 grant agencies and 2 testing sites outside the Anchorage bowl for program monitoring

- Airfare: \$500 x 8 trips = \$4,000
- Car rental: \$35/day x 1 day x 8 trips = \$280
- Hotel: \$175/night x 1 night x 8 trips = \$1,400
- Per Diem: \$60/day x 2 days x 8 trips = \$960

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: SB 64  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB064CS (FIN) - DOC RRG 3-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Finance

Department: Department of Corrections  
Appropriation: Recidivism Reduction Grants  
Allocation: Recidivism Reduction Grants  
OMB Component Number:

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services	500.0		500.0	500.0	500.0	500.0	500.0	500.0
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>500.0</b>	<b>0.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>

**Fund Source (Operating Only)**

1004 Gen Fund	500.0		500.0	500.0	500.0	500.0	500.0	500.0
<b>Total</b>	<b>500.0</b>	<b>0.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

**Change in Revenues**

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial Version

Prepared By: Co-Chair Senator Kelly Phone: (907)465-3753  
Senate Finance Committee Date: 03/13/2014  
Co-Chair Senator Meyer  
Senate Finance Committee

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. SB64

**Analysis**

This fiscal note appropriates money to DOC for Recidivism Reduction Grants, which will be administered via RSA to H&SS. Carry forward language may be added to the FY16 operating bill to ensure any unspent balance does not lapse.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: SB 64  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB064CS(FIN)-DOC-OC-03-12-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Finance

Department: Department of Corrections  
Appropriation: Administration and Support  
Allocation: Office of the Commissioner  
OMB Component Number: 694

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>					
Personal Services	1,241.5		1,741.0	2,240.4	2,240.4	2,240.4	2,240.4
Travel	23.0		23.0	23.0	23.0	23.0	23.0
Services	241.2		268.7	296.2	296.2	296.2	296.2
Commodities	98.0		116.6	135.2	135.2	135.2	135.2
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>1,603.7</b>	<b>0.0</b>	<b>2,149.3</b>	<b>2,694.8</b>	<b>2,694.8</b>	<b>2,694.8</b>	<b>2,694.8</b>

**Fund Source (Operating Only)**

1004 Gen Fund	1,603.7		2,149.3	2,694.8	2,694.8	2,694.8	2,694.8
<b>Total</b>	<b>1,603.7</b>	<b>0.0</b>	<b>2,149.3</b>	<b>2,694.8</b>	<b>2,694.8</b>	<b>2,694.8</b>	<b>2,694.8</b>

**Positions**

Full-time	14.0		25.0	25.0	25.0	25.0	25.0
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes  
If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/15

**Why this fiscal note differs from previous version:**

This fiscal note reflects the changes made in the Senate Finance Committee. This version increases the number of offenders receiving a risk assessment under the Department of Corrections. In addition, this version will transfer the development and administration of the 24/7 Sobriety Program and the Recidivism Reduction Grant fund to the Department of Health and Social Services.

Prepared By: April Wilkerson, Director	Phone: (907)465-3460
Division: Administrative Services - Department of Corrections	Date: 03/12/2014 10:00 AM
Approved By: Leslie Houston, Deputy Commissioner	Date: 03/12/14
Agency: Department of Corrections	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB64(FIN)

**Analysis**

**Custodial Interference**

This section broadens the definition of custodial interference in the second degree by including instances where a person represents to a lawful custodian of a child or incompetent person that that person has a legal right to take or keep the child or incompetent person. This crime requires that the person not be a relative of the child and for them to know that they do not have a legal right to the child or incompetent person. Custodial interference in the second degree is a class A misdemeanor and punishable by a term of imprisonment of not more than one year.

The instances which would fall under this new section are relatively few; therefore, there would be no fiscal impact to the Department.

**Theft**

This section updates the thresholds for certain property crimes which have not been updated since 1978. Due to the rising costs in goods, it is relatively easy to commit a theft crime in which the valuation exceeds \$500; a class C felony. SB 64 raises these thresholds to be more aligned with current cost. This section will potentially reduce some felony level crimes to misdemeanors which may result in shorter sentence lengths. It is possible that the Department may see a reduction in mandays if this legislation should pass.

The Department will closely monitor the future fiscal impacts of this legislation.

**PACE for Probation and Parole**

The bill also codifies the PACE program. Alaska PACE is an evidence based practice (EBP) project for probation and parole, aimed at long-term discretionary parolees and moderate to high-risk offenders. PACE notifies offenders that violations will have consequences; requires frequent randomized drug and/or alcohol tests; and responds to violations with swift, certain and short terms of incarceration.

The Department currently has a model for the PACE program and is comfortable with expanding the program statewide. However, statewide implementation of this program would require the addition of 14 new positions consisting of 8 Adult Probation Officers, 5 Criminal Justice Technicians, and 1-Office Assistant. The personnel associated with this expansion would be stationed in Anchorage, Fairbanks, Bethel, Juneau, Kenai, Ketchikan, and Palmer and would be able to serve the surrounding areas.

The anticipated positions and annual costs for statewide implementation is being requested in FY2015 and are:

\$1,241.5 Personal Services  
\$ 23.0 Travel  
\$ 241.2 Contractual Services  
\$ 98.0 Commodities  
\$1,603.7 Annual Total

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB64(FIN)

**Analysis Continued**

**Risk-Needs Assessments**

This legislation requires the Department to perform a risk-needs assessment on all offenders who have been sentenced to 30 days or more. Currently, the Department is increasing the number of offenders who receive as risk-needs assessments, however, it is anticipated that 11 new Adult Probation Officer positions would be needed to support the additional assessment requirements of this section. These positions would be added within 10 of the institutional facilities located in Anchorage, Bethel, Eagle River, Fairbanks, Juneau, Kenai, Ketchikan, Nome, Plamer, and Sutton and one position added to the Central Classification and Furlough Unit in Anchorage.

The anticipated annual costs for statewide implementation is:

\$ 998.9 Personal Services  
\$ 0.0 Travel  
\$ 55.0 Contractual Services  
\$ 37.2 Commodities  
\$1,091.1 Annual Total

This section of the bill has a delayed effective date of January 1, 2016. This will allow the Department time to prepare for this new requirement of this section, funding to support this legislation is split with 50% being requested in FY2016 and the remaining 50% requested in FY2017.

**24/7 Sobriety**

This version will transfer the development and administration of the 24/7 Sobriety program to the Department of Health and Social Services (H&SS). With H&SS administering this program there should be no impact to the Department of Corrections.

**Recidivism Reduction Grant Fund**

This version will establish the Recidivism Reduction Grant Fund under the Department of Health and Social Services (H&SS). With H&SS administering this program there should be no impact to the Department of Corrections.

# FISCAL NOTE

**STATE OF ALASKA**  
**2014 LEGISLATIVE SESSION**

Bill Version       CSSB64        
 Fiscal Note Number \_\_\_\_\_  
 ( ) Publish Date \_\_\_\_\_

Identifier (file name) SB064CS(FIN)-AJC-3-13-14 Dept. Affected Alaska Court System  
 Title OMNIBUS CRIME/CORRECTIONS BILL Appropriation Judicial Council  
 Allocation Judicial Council  
 Sponsor Senate Judiciary Committee  
 Requester Senate Judiciary Committee OMB Component Number 771

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	FY15 Appropriation Requested	Included in Governor's FY15 Request	Out-Year Cost Estimates					
			FY15	FY16	FY17	FY18	FY19	FY20
<b>OPERATING EXPENDITURES</b>								
Personal Services	126.3		126.3	126.3	126.3	126.3	0.0	
Travel	21.5		21.5	21.5	21.5	21.5	0.0	
Services	38.4		38.4	38.4	38.4	38.4	0.0	
Commodities	5.0		1.6	1.6	1.6	1.6	0.0	
Capital Outlay								
Grants, Benefits								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>191.2</b>	<b>0.0</b>	<b>187.8</b>	<b>187.8</b>	<b>187.8</b>	<b>187.8</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE		(Thousands of Dollars)						
		FY15	FY16	FY17	FY18	FY19	FY20	
1002	Federal Receipts							
1003	GF Match							
1004	GF	191.2	187.8	187.8	187.8	187.8	0.0	
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
<b>TOTAL</b>		<b>191.2</b>	<b>187.8</b>	<b>187.8</b>	<b>187.8</b>	<b>187.8</b>	<b>0.0</b>	

POSITIONS							
	FY15	FY16	FY17	FY18	FY19	FY20	
Full-time	1	1	1	1	0	0	
Part-time	1	1	1	1	0		
Temporary							

**CHANGE IN REVENUES**

Estimated SUPPLEMENTAL (FY14) operating costs       0.0       (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY15) costs       0.0       (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?       No        
 If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Updated to reflect changes in a new CS to SB64(FIN) that creates a Criminal Justice Commission of ten members which would sunset after four years.

To

Prepared by Susanne DiPietro, Executive Director Phone 279-2526  
 Division Alaska Judicial Council Date/Time 3/13/14 11:41 AM  
 Approved by Susanne DiPietro, Executive Director Date 3/13/2014  
Alaska Judicial Council

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB64

**Analysis**

CSSB64(FIN) creates a Criminal Justice Commission of ten members which would sunset after four years.

Sections 25 and 30 of the CS require the Alaska Judicial Council to provide staff and administrative support to the ten-member commission. For this, the Alaska Judicial Council will need to hire a half-time research analyst at range 18A, and an attorney to work 30 hours per week at range 20A. A 30 hour/week attorney is need to be a stable and consistent liaison to the commissioners, policy makers, and the public. The attorney will guide the work and research agenda of the commission, and provide information to state policy makers as requested. The attorney also will research existing law and best practices from elsewhere (for example, Texas), work with the research analyst to define the scope and direction of the necessary data collection and analysis, and assist the commissioners in their efforts to bring forward ideas and proposals to decrease costs while promoting public safety.

The Council will need to rent office space and provide parking for the Commission staff (\$38,400/year). This note assumes that the Council will be able to locate office space adjacent to its current offices, so that the Commission will use many of the Judicial Council's existing office resources (for example, the AJC server and the copier). The Council also will need to purchase supplies and equipment for the two Commission staff (PCs, printer, and phones in the first year, and general office supplies in subsequent years).

This note includes a travel budget for commission members to attend an estimated four in-person meetings per year. The Council would arrange and pay for travel costs of Commission members as authorized for boards and commissions under AS39.20.180. The travel budget also includes a small amount (\$1500/year) for staff travel in anticipation that one meeting per year will be held in Juneau.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: SB 64  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB064CS(FIN)-ACS-TRC-03-12-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Finance

Department: Alaska Court System  
Appropriation: Alaska Court System  
Allocation: Trial Courts  
OMB Component Number: 768

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

**Change in Revenues**

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Updated to reflect changes made in the Senate Finance Committee in new CS
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Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	03/10/2014 08:00 AM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	03/10/14
Agency:	Alaska Court System		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB064(FIN)

### Analysis

The CS for Senate Bill 64(FIN) would make numerous changes to Alaska's criminal and corrections statutes. The changes are not expected to have a fiscal impact on the Alaska Court System, which submits this zero fiscal note.

Sections 1-3 expand the definitions of the **crime of custodial interference** and the defenses available for charges of that crime. The number of cases that this will impact is expected to be small; the changes will not have any fiscal impact on the court system.

Sections 4-19 amend the definitions for the various **theft/property crimes** to raise the dollar threshold amount; Section 12 also clarifies how prior theft convictions will be counted. The increases in dollar amounts that have the potential to impact the court system are those that raise from \$500 to \$1200 the value of property that must be stolen or damaged before a theft or property crime is categorized as a felony. This will have the effect of recharacterizing theft of property that is valued between \$500 and \$1200, which is a Class C felony under current law, into a Class A misdemeanor instead.

These changes could impact the court if they result in a significant number of cases moving from the superior court, where felonies are handled and the relative cost per case is higher, to the district court, where misdemeanors are handled and the cost per case is lower. However, a review of available information shows that, because of the way cases in this category are prosecuted and processed, the majority of property crimes impacted by this bill are already resolved in the district court, or are dismissed or resolved early in the life of the case, or are otherwise handled in a way that does not impact the court significantly. In addition, it is expected that the actual number of cases in this category is quite low. Because of these factors, sections 4-19 of the bill will not have a measurable fiscal impact on the court system.

Sections 20-22 of CSSB 64(FIN) allow a judicial officer to impose an additional specific **condition on defendants who are released on bail** if they are charged with serious crimes that are alcohol or drug-related, crimes involving domestic violence, drug crimes, or crimes of driving under the influence or refusal to take a chemical breath test. The condition would require the defendant to comply with a program established by the Department of Health and Human Services (Section 29, new AS 47.38.010-.020) for daily testing of the person for alcohol or substance abuse (sometimes referred to as a "24/7 program"). Similarly, Section 24 allows a new condition of probation that would require the defendant to comply with the DHSS's 24/7 testing program. Imposing this as a bail condition or condition of probation for appropriate defendants would not have a fiscal impact on the court system.

Section 23 of CSSB 64 (FIN) clarifies the test for determining whether certain treatment programs qualify for **credit against a sentence of imprisonment**. The courts can apply the revised test without fiscal impact.

Under Section 25, the Department of Corrections will establish a program for probationers to be more closely monitored and to be reported to the probation officer if they violate the terms of their probation. The court then would review the petition, schedule a prompt hearing, and take other appropriate action (referred to as a "**PACE program**"). This is expected to result in a higher number of court hearings in all courts statewide on petitions to revoke probation. The court is unable to predict the number of increased court hearings that will result from this change, but at this time anticipates that it can absorb the increase in the number of hearings and associated workload without a fiscal impact.

Sections 26-28 concern **parole conditions and required risk/needs assessments** for prisoners. These will not have a fiscal impact on the court system.

In addition to requiring DHSS to establish the "24/7" program, Section 29 also establishes a **recidivism reduction grant program** to be administered by the DHSS. This will not have a fiscal impact on the court system.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 13  
(S) Publish Date: 2/14/14

Identifier: SB064-OOG-EO-2-14-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Judiciary

Department: Office of the Governor  
Appropriation: Executive Operations  
Allocation: Executive Office  
OMB Component Number: 6

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial fiscal note.

Prepared By:	Guy Bell, Director of Administrative Services	Phone:	(907)465-3876
Division:	Administrative Services	Date:	02/14/2014 09:00 AM
Approved By:	Guy Bell, Director of Administrative Services	Date:	02/14/14
Agency:	Office of the Governor		

FISCAL NOTE ANALYSIS #13

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

**Analysis**

Section 30 of SB 64 creates the Alaska Criminal Justice Commission in the Office of the Governor. In the same section, the Alaska Judicial Council is required to provide staff and administrative support to the Commission. For the purpose of this fiscal note, it is assumed that all fiscal impact associated with Section 30 will be borne by the Alaska Judicial Council.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 11  
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-LAW-CRIM-02-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: (S) JUDICIARY

Department: Department of Law  
Appropriation: Criminal Division  
Allocation: Criminal Justice Litigation  
OMB Component Number: 2202

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?  No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

The new version adds the provisions raising the threshold amounts for certain theft offenses. It deletes the portion of the former bill that addressed limited drivers licenses for persons in therapeutic court and the return of driving privileges for persons who complete therapeutic court.

Prepared By:	Loretta Withington, Division Operations Manager	Phone:	(907)465-5427
Division:	Department of Law	Date:	02/13/2014 11:25 AM
Approved By:	Michael C. Geraghty, Attorney General	Date:	02/13/14
Agency:	Department of Law		

FISCAL NOTE ANALYSIS #11

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

**Analysis**

CSSB 64(JUD) raises the threshold amounts for theft in the second, third, and fourth degrees. Under current law, for example, theft in the second degree prohibits theft of property valued at \$500 or more; the bill raises this to property valued at \$750 or more.

The bill prohibits a person who is not a relative of a child or has no legal right to do so to represent to the lawful custodian that the person has a legal right to take or keep a child or an incompetent person.

CSSB 64(JUD) requires the Department of Corrections to establish a program for persons being considered for bail release or as a condition of probation for unclassified felonies, class A felonies, sexual felonies, and crimes involving domestic violence that involved drugs or alcohol to be tested twice a day for use of alcohol or drugs. The program requires notice to the probation officer, prosecutor, or local law enforcement office within 24 hours if the person fails to appear for an appointment required by the program or tests positive for alcohol or drugs. The bill also requires the Parole Board to establish a similar program for parolees.

The bill clarifies the law regarding when a person in a treatment program may get credit against a term of incarceration for time spent in the treatment program.

CSSB 64(JUD) creates the Alaska Criminal Justice Commission to evaluate the sentencing laws and practices of the state. The commission would conduct this evaluation until June 30, 2019. It would be staffed by the Alaska Judicial Council.

No fiscal impact is anticipated by the Department of Law.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 10  
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-DOA-OPA-02-13-2014  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **No**  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Updated for new version of the bill.

Prepared By: Richard Allen, Director	Phone: (907)269-3504
Division: Office of Public Advocacy	Date: 02/13/2014 08:30 PM
Approved By: Curtis Thayer, Commissioner	Date: 02/13/14
Agency: Department of Administration	

FISCAL NOTE ANALYSIS #10

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

**Analysis**

Senate Bill 064 is a Senate Judiciary Committee-sponsored bill which has two main substantive parts. The first part, in Section 2, adds new sections to AS 22.20 by creating an Alaska Sentencing Commission, with a defined public policy mission to research sentencing laws, practices and innovations and make recommendations to decision makers for changes in Alaska's sentencing laws and practices. The other part, in Sections 1 and Sections 3-7, modifies requirements for satisfying a sentence through time spent in a residential treatment program and modifies penalties for certain driving-related, substance-abuse related, offenses in Titles 12, 28 and 33. Sections 8-10 implement the bill and provide for an immediate effective date.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 9  
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-DOA-DMV-02-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Judiciary

Department: Department of Administration  
Appropriation: Motor Vehicles  
Allocation: Motor Vehicles  
OMB Component Number: 2348

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

The sections of this bill that related to DMV have been removed from version 28-LS0116H.

Prepared By: Amy Erickson, Director  
Division: Division of Motor Vehicles  
Approved By: Curtis Thayer, Commissioner  
Agency: Department of Administration

Phone: (907)269-5559  
Date: 02/13/2014 09:00 AM  
Date: 02/13/14

FISCAL NOTE ANALYSIS #9

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

**Analysis**

The current version of the bill has removed all of the sections that related to DMV. Therefore this bill has no impact on the operations of DMV and we are submitting a zero fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 8  
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-DOA-PDA-02-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

**Fund Source (Operating Only)**

None								
<b>Total</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Updated for new version of the bill.
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Prepared By:	Quinlan Steiner, Public Defender	Phone:	(907)334-4414
Division:	Public Defender Agency	Date:	02/12/2014 04:50 PM
Approved By:	Curtis Thayer, Commissioner	Date:	02/13/14
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS #8

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

**Analysis**

SB 64 amends the current requirements imposed on defendants applying for credit towards a sentence for time spent in a treatment program. The bill will expand the conditions under which a defendant's treatment may qualify towards credit.

Additionally, the bill raises the felony threshold for theft and other property crimes from \$500 to \$1000 and the A misdemeanor threshold from \$50 to \$250, adds conduct by non-relatives to the definition of custodial interference, and creates a criminal justice commission and outlines the commission's purpose and organization.

This legislation is not expected to have a fiscal impact on the Public Defender Agency. The Agency, therefore, submits a zero fiscal note.

**CS FOR SENATE BILL NO. 64(FIN)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-EIGHTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): SENATE JUDICIARY COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to theft and property offenses; relating to the definition of 'prior**  
2 **convictions' for certain theft offenses; establishing the Alaska Criminal Justice**  
3 **Commission and providing an expiration date; relating to the crime of custodial**  
4 **interference; relating to the duties of the Alaska Judicial Council; relating to jail-time**  
5 **credit for offenders in court-ordered treatment programs; relating to conditions of**  
6 **release, probation, and parole; relating to duties of the commissioner of corrections and**  
7 **board of parole; establishing a fund for reducing recidivism in the Department of**  
8 **Health and Social Services; requiring the commissioner of health and social services to**  
9 **establish programs for persons on conditions of release or probation that require testing**  
10 **for controlled substances and alcoholic beverages; requiring the board of parole to**  
11 **establish programs for persons on parole that require testing for controlled substances**  
12 **and alcoholic beverages; relating to the duties of the Department of Health and Social**

1 Services; and providing for an effective date."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 11.41.320(a) is amended to read:

4 (a) A person commits the crime of custodial interference in the first degree if  
5 the person violates AS 11.41.330(a)(1) [AS 11.41.330] and causes the child or  
6 incompetent person to be

7 (1) removed from the state; or

8 (2) kept outside the state.

9 \* Sec. 2. AS 11.41.330(a) is amended to read:

10 (a) A person commits the crime of custodial interference in the second degree  
11 if

12 (1) [,] being a relative of a child under 18 years of age or a relative of  
13 an incompetent person and knowing that the person has no legal right to do so, the  
14 person takes, entices, or keeps that child or incompetent person from a lawful  
15 custodian with intent to hold the child or incompetent person for a protracted period;  
16 or

17 (2) not being a relative of a child under 18 years of age or a  
18 relative of an incompetent person and knowing that the person has no legal right  
19 to do so, the person represents to the lawful custodian that the person has a legal  
20 right to take or keep the child or incompetent person.

21 \* Sec. 3. AS 11.41.330(b) is amended to read:

22 (b) The affirmative defense of necessity under AS 11.81.320 does not apply to  
23 a prosecution for custodial interference under (a)(1) [(a)] of this section if the  
24 protracted period for which the person held the child or incompetent person exceeded  
25 the shorter of the following:

26 (1) 24 hours; or

27 (2) the time necessary to report to a peace officer or social service  
28 agency that the child or incompetent person has been abused, neglected, or is in  
29 imminent physical danger.

30 \* Sec. 4. AS 11.46.130(a) is amended to read:

1 (a) A person commits the crime of theft in the second degree if the person  
2 commits theft as defined in AS 11.46.100 and

3 (1) the value of the property or services is \$1,200 [\$500] or more but  
4 less than \$25,000;

5 (2) the property is a firearm or explosive;

6 (3) the property is taken from the person of another;

7 (4) the property is taken from a vessel and is vessel safety or survival  
8 equipment;

9 (5) the property is taken from an aircraft and the property is aircraft  
10 safety or survival equipment;

11 (6) the value of the property is \$250 [\$50] or more but less than \$1,200  
12 [\$500] and, within the preceding five years, the person has been convicted and  
13 sentenced on two or more separate occasions in this or another jurisdiction of

14 (A) an offense under AS 11.46.120, or an offense under  
15 another law or ordinance with similar elements;

16 (B) a crime set out in this subsection or an offense under  
17 another law or ordinance with similar elements;

18 (C) an offense under AS 11.46.140(a)(1), or an offense under  
19 another law or ordinance with similar elements; or

20 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an  
21 offense under another law or ordinance with similar elements; or

22 (7) the property is an access device.

23 \* **Sec. 5.** AS 11.46.140(a) is amended to read:

24 (a) A person commits the crime of theft in the third degree if the person  
25 commits theft as defined in AS 11.46.100 and

26 (1) the value of the property or services is \$250 [\$50] or more but less  
27 than \$1,200 [\$500]; **or**

28 (2) [REPEALED]

29 (3) the value of the property is less than \$250 [\$50] and, within the  
30 past five years, the person has been convicted and sentenced on two or more separate  
31 occasions in this or another jurisdiction of theft or concealment of merchandise, or an

1 offense under another law or ordinance with similar elements.

2 \* **Sec. 6.** AS 11.46.150(a) is amended to read:

3 (a) A person commits the crime of theft in the fourth degree if the person  
4 commits theft as defined in AS 11.46.100 and the value of the property or services is  
5 less than \$250 [\$50].

6 \* **Sec. 7.** AS 11.46.220(c) is amended to read:

7 (c) Concealment of merchandise is

8 (1) a class C felony if

9 (A) the merchandise is a firearm;

10 (B) the value of the merchandise is \$1,200 [\$500] or more; or

11 (C) the value of the merchandise is \$250 [\$50] or more but less  
12 than \$1,200 [\$500] and, within the preceding five years, the person has been  
13 convicted and sentenced on two or more separate occasions in this or another  
14 jurisdiction of

15 (i) the offense of concealment of merchandise under  
16 this paragraph or (2)(A) of this subsection, or an offense under another  
17 law or ordinance with similar elements; or

18 (ii) an offense under AS 11.46.120, 11.46.130, or  
19 11.46.140(a)(1), or an offense under another law or ordinance with  
20 similar elements;

21 (2) a class A misdemeanor if

22 (A) the value of the merchandise is \$250 [\$50] or more but less  
23 than \$1,200 [\$500]; or

24 (B) the value of the merchandise is less than \$250 [\$50] and,  
25 within the preceding five years, the person has been convicted and sentenced  
26 on two or more separate occasions of the offense of concealment of  
27 merchandise or theft in any degree, or an offense under another law or  
28 ordinance with similar elements;

29 (3) a class B misdemeanor if the value of the merchandise is less than  
30 \$250 [\$50].

31 \* **Sec. 8.** AS 11.46.260(b) is amended to read:

1 (b) Removal of identification marks is

2 (1) a class C felony if the value of the property on which the serial  
3 number or identification mark appeared is \$1,200 [\$500] or more;

4 (2) a class A misdemeanor if the value of the property on which the  
5 serial number or identification mark appeared is \$250 [\$50] or more but less than  
6 \$1,200 [\$500];

7 (3) a class B misdemeanor if the value of the property on which the  
8 serial number or identification mark appeared is less than \$250 [\$50].

9 \* **Sec. 9.** AS 11.46.270(b) is amended to read:

10 (b) Unlawful possession is

11 (1) a class C felony if the value of the property on which the serial  
12 number or identification mark appeared is \$1,200 [\$500] or more;

13 (2) a class A misdemeanor if the value of the property on which the  
14 serial number or identification mark appeared is \$250 [\$50] or more but less than  
15 \$1,200 [\$500];

16 (3) a class B misdemeanor if the value of the property on which the  
17 serial number or identification mark appeared is less than \$250 [\$50].

18 \* **Sec. 10.** AS 11.46.280(d) is amended to read:

19 (d) Issuing a bad check is

20 (1) a class B felony if the face amount of the check is \$25,000 or more;

21 (2) a class C felony if the face amount of the check is \$1,200 [\$500] or  
22 more but less than \$25,000;

23 (3) a class A misdemeanor if the face amount of the check is \$250  
24 [\$50] or more but less than \$1,200 [\$500];

25 (4) a class B misdemeanor if the face amount of the check is less than  
26 \$250 [\$50].

27 \* **Sec. 11.** AS 11.46.285(b) is amended to read:

28 (b) Fraudulent use of an access device is

29 (1) a class B felony if the value of the property or services obtained is  
30 \$25,000 or more;

31 (2) a class C felony if the value of the property or services obtained is

1           \$1,200 [\$50] or more but less than \$25,000;

2                           (3) a class A misdemeanor if the value of the property or services  
3           obtained is less than \$1,200 [\$50].

4 \* **Sec. 12.** AS 11.46.295 is amended to read:

5           **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
6           convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or  
7           11.46.140(a)(3), or in prosecuting the crime of concealment of merchandise under  
8           AS 11.46.220(c),

9                           (1) a conviction for an offense under another law or ordinance with  
10           similar elements is a conviction of an offense having elements similar to those of an  
11           offense defined as such under Alaska law at the time the offense was committed;

12                           (2) a conviction for an offense under Alaska law where the value of  
13           the property or services for the offense was lower than the value of property or  
14           services for the offense under current Alaska law, is a prior conviction for that  
15           offense; and

16                           (3) the [. THE] court shall consider the date of a prior conviction as  
17           occurring on the date that sentence is imposed for the prior offense.

18 \* **Sec. 13.** AS 11.46.360(a) is amended to read:

19                           (a) A person commits the crime of vehicle theft in the first degree if, having  
20           no right to do so or any reasonable ground to believe the person has such a right, the  
21           person drives, tows away, or takes

22   (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft  
23           of another;

24   (2) the propelled vehicle of another and

25   (A) the vehicle or any other property of another is damaged in a  
26           total amount of \$1,200 [\$500] or more;

27   (B) the owner incurs reasonable expenses as a result of the loss  
28           of use of the vehicle, in a total amount of \$1,200 [\$500] or more; or

29   (C) the owner is deprived of the use of the vehicle for seven  
30           days or more;

31   (3) the propelled vehicle of another and the vehicle is marked as a

1 police or emergency vehicle; or

2 (4) the propelled vehicle of another and, within the preceding seven  
3 years, the person was convicted under

4 (A) this section or AS 11.46.365;

5 (B) former AS 11.46.482(a)(4) or (5);

6 (C) former AS 11.46.484(a)(2);

7 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft  
8 of a propelled vehicle; or

9 (E) a law or ordinance of this or another jurisdiction with  
10 elements substantially similar to those of an offense described in (A) - (D) of  
11 this paragraph.

12 \* **Sec. 14.** AS 11.46.482(a) is amended to read:

13 (a) A person commits the crime of criminal mischief in the third degree if,  
14 having no right to do so or any reasonable ground to believe the person has such a  
15 right,

16 (1) with intent to damage property of another, the person damages  
17 property of another in an amount of \$1,200 [\$500] or more;

18 (2) the person recklessly creates a risk of damage in an amount  
19 exceeding \$100,000 to property of another by the use of widely dangerous means; or

20 (3) the person knowingly

21 (A) defaces, damages, or desecrates a cemetery or the contents  
22 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,  
23 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or  
24 memorial appears to be abandoned, lost, or neglected;

25 (B) removes human remains or associated burial artifacts from  
26 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,  
27 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

28 \* **Sec. 15.** AS 11.46.484(a) is amended to read:

29 (a) A person commits the crime of criminal mischief in the fourth degree if,  
30 having no right to do so or any reasonable ground to believe the person has such a  
31 right

1 (1) with intent to damage property of another, the person damages  
2 property of another in an amount of \$250 [\$50] or more but less than \$1,200 [\$500];

3 (2) the person tampers with a fire protection device in a building that is  
4 a public place;

5 (3) the person knowingly accesses a computer, computer system,  
6 computer program, computer network, or part of a computer system or network;

7 (4) the person uses a device to descramble an electronic signal that has  
8 been scrambled to prevent unauthorized receipt or viewing of the signal unless the  
9 device is used only to descramble signals received directly from a satellite or unless  
10 the person owned the device before September 18, 1984; or

11 (5) the person knowingly removes, relocates, defaces, alters, obscures,  
12 shoots at, destroys, or otherwise tampers with an official traffic control device or  
13 damages the work upon a highway under construction.

14 \* **Sec. 16.** AS 11.46.486(a) is amended to read:

15 (a) A person commits the crime of criminal mischief in the fifth degree if,  
16 having no right to do so or any reasonable ground to believe the person has such a  
17 right,

18 (1) with reckless disregard for the risk of harm to or loss of the  
19 property or with intent to cause substantial inconvenience to another, the person  
20 tampers with property of another;

21 (2) with intent to damage property of another, the person damages  
22 property of another in an amount less than \$250 [\$50]; or

23 (3) the person rides in a propelled vehicle knowing it has been stolen  
24 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

25 \* **Sec. 17.** AS 11.46.530(b) is amended to read:

26 (b) Criminal simulation is

27 (1) a class C felony if the value of what the object purports to represent  
28 is \$1,200 [\$500] or more;

29 (2) a class A misdemeanor if the value of what the object purports to  
30 represent is \$250 [\$50] or more but less than \$1,200 [\$500];

31 (3) a class B misdemeanor if the value of what the object purports to

1 represent is less than \$250 [\$50].

2 \* **Sec. 18.** AS 11.46.620(d) is amended to read:

3 (d) Misapplication of property is

4 (1) a class C felony if the value of the property misapplied is \$1,200  
5 [\$500] or more;

6 (2) a class A misdemeanor if the value of the property misapplied is  
7 less than \$1,200 [\$500].

8 \* **Sec. 19.** AS 11.46.730(c) is amended to read:

9 (c) Defrauding creditors is a class A misdemeanor unless that secured party,  
10 judgment creditor, or creditor incurs a pecuniary loss of \$1,200 [\$500] or more as a  
11 result to the defendant's conduct, in which case defrauding secured creditors is

12 (1) a class B felony if the loss is \$25,000 or more;

13 (2) a class C felony if the loss is \$1,200 [\$500] or more but less than  
14 \$25,000.

15 \* **Sec. 20.** AS 12.30.011(b) is amended to read:

16 (b) If a judicial officer determines that the release under (a) of this section will  
17 not reasonably assure the appearance of the person or will pose a danger to the victim,  
18 other persons, or the community, the officer shall impose the least restrictive condition  
19 or conditions that will reasonably assure the person's appearance and protect the  
20 victim, other persons, and the community. In addition to conditions under (a) of this  
21 section, the judicial officer may, singly or in combination,

22 (1) require the execution of an appearance bond in a specified amount  
23 of cash to be deposited into the registry of the court, in a sum not to exceed 10 percent  
24 of the amount of the bond;

25 (2) require the execution of a bail bond with sufficient solvent sureties  
26 or the deposit of cash;

27 (3) require the execution of a performance bond in a specified amount  
28 of cash to be deposited in the registry of the court;

29 (4) place restrictions on the person's travel, association, or residence;

30 (5) order the person to refrain from possessing a deadly weapon on the  
31 person or in the person's vehicle or residence;

1 (6) require the person to maintain employment or, if unemployed,  
2 actively seek employment;

3 (7) require the person to notify the person's lawyer and the prosecuting  
4 authority within two business days after any change in employment;

5 (8) require the person to avoid all contact with a victim, a potential  
6 witness, or a codefendant;

7 (9) require the person to refrain from the consumption and possession  
8 of alcoholic beverages;

9 (10) require the person to refrain from the use of a controlled substance  
10 as defined by AS 11.71, unless prescribed by a licensed health care provider with  
11 prescriptive authority;

12 (11) require the person to be physically inside the person's residence,  
13 or in the residence of the person's third-party custodian, at time periods set by the  
14 court;

15 (12) require the person to keep regular contact with a law enforcement  
16 officer or agency;

17 (13) order the person to refrain from entering or remaining in premises  
18 licensed under AS 04;

19 (14) place the person in the custody of an individual who agrees to  
20 serve as a third-party custodian of the person as provided in AS 12.30.021;

21 (15) if the person is under the treatment of a licensed health care  
22 provider, order the person to follow the provider's treatment recommendations;

23 (16) order the person to take medication that has been prescribed for  
24 the person by a licensed health care provider with prescriptive authority;

25 (17) order the person to comply with any other condition that is  
26 reasonably necessary to assure the appearance of the person and to assure the safety of  
27 the victim, other persons, and the community;

28 **(18) require the person to comply with a program established**  
29 **under AS 47.38.020 if the person has been charged with an alcohol-related or**  
30 **substance abuse-related offense that is an unclassified felony, a class A felony, a**  
31 **sexual felony, or a crime involving domestic violence.**

1 \* **Sec. 21.** AS 12.30.016(b) is amended to read:

2 (b) In a prosecution charging a violation of AS 04.11.010, 04.11.499,  
3 AS 28.35.030, or 28.35.032, a judicial officer may order the person

4 (1) to refrain from

5 (A) consuming alcoholic beverages; or

6 (B) possessing on the person, in the person's residence, or in  
7 any vehicle or other property over which the person has control, alcoholic  
8 beverages;

9 (2) to submit to a search without a warrant of the person, the person's  
10 personal property, the person's residence, or any vehicle or other property over which  
11 the person has control, for the presence of alcoholic beverages by a peace officer who  
12 has reasonable suspicion that the person is violating the conditions of the person's  
13 release by possessing alcoholic beverages;

14 (3) to submit to a breath test when requested by a law enforcement  
15 officer;

16 (4) to provide a sample for a urinalysis or blood test when requested by  
17 a law enforcement officer;

18 (5) to take a drug or combination of drugs intended to prevent  
19 substance abuse;

20 (6) to follow any treatment plan imposed by the court under  
21 AS 28.35.028;

22 **(7) to comply with a program established under AS 47.38.020.**

23 \* **Sec. 22.** AS 12.30.016(c) is amended to read:

24 (c) In a prosecution charging a violation of AS 11.71 or AS 11.73, a judicial  
25 officer may order the person

26 (1) to refrain from

27 (A) consuming a controlled substance; or

28 (B) possessing on the person, in the person's residence, or in  
29 any vehicle or other property over which the person has control, a controlled  
30 substance or drug paraphernalia;

31 (2) to submit to a search without a warrant of the person, the person's

1 personal property, the person's residence, or any vehicle or other property over which  
 2 the person has control, for the presence of a controlled substance or drug paraphernalia  
 3 by a peace officer who has reasonable suspicion that the person is violating the terms  
 4 of the person's release by possessing controlled substances or drug paraphernalia;

5 (3) to enroll in a random drug testing program, at the person's expense,  
 6 to detect the presence of a controlled substance, with testing to occur not less than  
 7 once a week, and with the results being submitted to the court and the prosecuting  
 8 authority;

9 (4) to refrain from entering or remaining in a place where a controlled  
 10 substance is being used, manufactured, grown, or distributed;

11 (5) to refrain from being physically present at, within a two-block area  
 12 of, or within a designated area near, the location where the alleged offense occurred or  
 13 at other designated places, unless the person actually resides within that area; or

14 (6) to refrain from the use or possession of an inhalant;

15 **(7) to comply with a program established under AS 47.38.020.**

16 \* **Sec. 23.** AS 12.55.027(c) is amended to read:

17 (c) To qualify for credit against a sentence of imprisonment for **a day** [TIME]  
 18 spent in a treatment program, the treatment program and the facility of the treatment  
 19 program must impose substantial restrictions on a person's liberty **on that day** that are  
 20 equivalent to incarceration, including the requirement that a participant in the program

21 (1) must live in a residential facility operated by the program;

22 (2) must be confined at all times to the grounds of the facility or be in  
 23 the physical custody of an employee of the facility, except for

24 **(A) court appearances;**

25 **(B) [,] meetings with counsel;**

26 **(C) employment, vocational training, or community**  
 27 **volunteer** [, AND] work required by the treatment program [AND  
 28 APPROVED IN ADVANCE BY THE COURT]; **and**

29 **(D) periods during which residents are permitted to leave**  
 30 **the facility for rehabilitative purposes directly related to the person's**  
 31 **treatment, so long as the periods during which the residents are permitted**

1           to leave the facility are expressly limited as to both time and purpose by  
2           the treatment program;

3           (3) is subject to disciplinary sanctions by the program if the participant  
4           violates rules of the program and facility; sanctions must be in writing and available  
5           for court review; and

6           (4) is subject to immediate arrest, without warrant, if the participant  
7           leaves the facility without permission.

8   \* **Sec. 24.** AS 12.55.100(a) is amended to read:

9           (a) While on probation and among the conditions of probation, the defendant  
10          may be required

11                 (1) to pay a fine in one or several sums;

12                 (2) to make restitution or reparation to aggrieved parties for actual  
13          damages or loss caused by the crime for which conviction was had, including  
14          compensation to a victim that is a nonprofit organization for the value of labor or  
15          goods provided by volunteers if the labor or goods were necessary to alleviate or  
16          mitigate the effects of the defendant's crime;

17                 (3) to provide for the support of any persons for whose support the  
18          defendant is legally responsible;

19                 (4) to perform community work in accordance with AS 12.55.055;

20                 (5) to participate in or comply with the treatment plan of an inpatient  
21          or outpatient rehabilitation program specified by either the court or the defendant's  
22          probation officer that is related to the defendant's offense or to the defendant's  
23          rehabilitation; and

24                 (6) to satisfy the screening, evaluation, referral, and program  
25          requirements of an agency authorized by the court to make referrals for rehabilitative  
26          treatment or to provide rehabilitative treatment;

27                 (7) to comply with a program established under AS 47.38.020.

28   \* **Sec. 25.** AS 22.20 is amended by adding a new section to article 4 to read:

29                 **Sec. 22.20.210. Alaska Criminal Justice Commission.** The judicial council  
30          shall provide staff and administrative support to the Alaska Criminal Justice  
31          Commission established in AS 44.19.641.

1 \* **Sec. 26.** AS 33.05.020 is amended by adding a new subsection to read:

2 (f) The commissioner shall establish a program for offenders on probation for  
3 a felony offense who have conditions of probation that include not consuming  
4 controlled substances or alcoholic beverages and who have been identified as being at  
5 moderate to high risk as identified by a risk-needs assessment. The commissioner shall  
6 adopt regulations to implement the program. The program shall

7 (1) include random testing for controlled substances and alcoholic  
8 beverage use;

9 (2) require that the probation officer file a petition with the court  
10 seeking appropriate sanctions by the close of the next business day if a probationer

11 (A) fails to appear for an appointment as directed by the  
12 probation officer; or

13 (B) tests positive for the use of controlled substances, inhalants,  
14 or alcoholic beverages; and

15 (3) include a means to notify the court, by the close of the next  
16 business day, that a petition to revoke probation has been filed on a probationer placed  
17 in the program by the commissioner so that the court may review the petition,  
18 schedule a prompt hearing, address a request for a warrant provided by the probation  
19 officer, or take other action the court considers appropriate.

20 \* **Sec. 27.** AS 33.16.060 is amended by adding a new subsection to read:

21 (c) The board shall establish a program for a parolee who has conditions of  
22 parole that include not consuming controlled substances or alcoholic beverages and  
23 who has been identified as being at moderate to high risk as identified by a risk-needs  
24 assessment. The program must

25 (1) include random testing for controlled substance and alcoholic  
26 beverage use;

27 (2) require that a parole officer file a parole violation report by the  
28 close of the next business day if a parolee

29 (A) fails to appear for an appointment as directed by the parole  
30 officer; or

31 (B) tests positive for the use of controlled substances or

1 alcoholic beverages; and

2 (3) include a means to notify the board by the close of the next  
3 business day that a parole violation report has been filed on a parolee placed in the  
4 program by the board.

5 \* **Sec. 28.** AS 33.16.150(b) is amended to read:

6 (b) The board may require as a condition of special medical, discretionary, or  
7 mandatory parole, or a member of the board acting for the board under (e) of this  
8 section may require as a condition of mandatory parole, that a prisoner released on  
9 parole

10 (1) not possess or control a defensive weapon, a deadly weapon other  
11 than an ordinary pocket knife with a blade three inches or less in length, or  
12 ammunition for a firearm, or reside in a residence where there is a firearm capable of  
13 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly  
14 weapon," "defensive weapon," and "firearm" have the meanings given in  
15 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

16 (2) refrain from possessing or consuming alcoholic beverages;

17 (3) submit to reasonable searches and seizures by a parole officer, or a  
18 peace officer acting under the direction of a parole officer;

19 (4) submit to appropriate medical, mental health, or controlled  
20 substance or alcohol examination, treatment, or counseling;

21 (5) submit to periodic examinations designed to detect the use of  
22 alcohol or controlled substances; **the periodic examinations may include testing**  
23 **under the program established under AS 33.16.060(c);**

24 (6) make restitution ordered by the court according to a schedule  
25 established by the board;

26 (7) refrain from opening, maintaining, or using a checking account or  
27 charge account;

28 (8) refrain from entering into a contract other than a prenuptial contract  
29 or a marriage contract;

30 (9) refrain from operating a motor vehicle;

31 (10) refrain from entering an establishment where alcoholic beverages

1 are served, sold, or otherwise dispensed;

2 (11) refrain from participating in any other activity or conduct  
3 reasonably related to the parolee's offense, prior record, behavior or prior behavior,  
4 current circumstances, or perceived risk to the community, or from associating with  
5 any other person that the board determines is reasonably likely to diminish the  
6 rehabilitative goals of parole, or that may endanger the public; in the case of special  
7 medical parole, for a prisoner diagnosed with a communicable disease, comply with  
8 conditions set by the board designed to prevent the transmission of the disease.

9 \* **Sec. 29.** AS 33.30.011 is amended to read:

10 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

11 (1) establish, maintain, operate, and control correctional facilities  
12 suitable for the custody, care, and discipline of persons charged or convicted of  
13 offenses against the state or held under authority of state law; each correctional facility  
14 operated by the state shall be established, maintained, operated, and controlled in a  
15 manner that is consistent with AS 33.30.015;

16 (2) classify prisoners;

17 (3) for persons committed to the custody of the commissioner,  
18 establish programs, including furlough programs that are reasonably calculated to

19 (A) protect the public and the victims of crimes committed by  
20 prisoners;

21 (B) maintain health;

22 (C) create or improve occupational skills;

23 (D) enhance educational qualifications;

24 (E) support court-ordered restitution; and

25 (F) otherwise provide for the rehabilitation and reformation of  
26 prisoners, facilitating their reintegration into society;

27 (4) provide necessary

28 (A) medical services for prisoners in correctional facilities or  
29 who are committed by a court to the custody of the commissioner, including  
30 examinations for communicable and infectious diseases;

31 (B) psychological or psychiatric treatment if a physician or

1 other health care provider, exercising ordinary skill and care at the time of  
2 observation, concludes that

3 (i) a prisoner exhibits symptoms of a serious disease or  
4 injury that is curable or may be substantially alleviated; and

5 (ii) the potential for harm to the prisoner by reason of  
6 delay or denial of care is substantial; and

7 (C) assessment or screening of the risks and needs of  
8 offenders who may be vulnerable to harm, exploitation, or recidivism as a  
9 result of fetal alcohol syndrome, fetal alcohol spectrum disorder, or  
10 another brain-based disorder;

11 (5) establish minimum standards for sex offender treatment programs  
12 offered to persons who are committed to the custody of the commissioner; [AND]

13 (6) provide for fingerprinting in correctional facilities in accordance  
14 with AS 12.80.060; and

15 (7) establish a program to conduct assessments of the risks and  
16 needs of offenders sentenced to serve a term of incarceration of 30 days or more.

17 \* **Sec. 30.** AS 44.19 is amended by adding new sections to read:

18 **Article 6. Alaska Criminal Justice Commission.**

19 **Sec. 44.19.641. Creation of commission.** The Alaska Criminal Justice  
20 Commission is established in the Office of the Governor.

21 **Sec. 44.19.642. Membership; staff.** (a) The commission consists of 10  
22 members as follows:

23 (1) the chief justice of the Alaska Supreme Court or another active or  
24 retired justice of the supreme court or an active or retired judge of the court of appeals  
25 designated by the chief justice;

26 (2) an active or retired superior court judge designated by the chief  
27 justice for a three-year term;

28 (3) an active or retired district court judge designated by the chief  
29 justice for a three-year term;

30 (4) a member of the Alaska Native community designated by the  
31 Alaska Native Justice Center for a three-year term;

1 (5) the attorney general or a designee of the attorney general;  
2 (6) the public defender or a designee of the public defender;  
3 (7) a private attorney appointed by the governor for a three-year term;  
4 (8) a chief of a municipal law enforcement agency appointed by the  
5 governor for a three-year term;

6 (9) one nonvoting member, serving ex officio, who is a member of the  
7 senate appointed by the president of the senate; and

8 (10) one nonvoting member, serving ex officio, who is a member of  
9 the house of representatives appointed by the speaker of the house of representatives.

10 (b) A member appointed under (a)(7) or (8) of this section serves at the  
11 pleasure of the governor and may be reappointed.

12 (c) The commission shall, by majority vote of the membership, elect a chair  
13 and other officers it considers necessary from among its membership to serve on a  
14 yearly basis.

15 (d) The Alaska Judicial Council shall provide staff and administrative support  
16 to the commission.

17 **Sec. 44.19.643. Compensation.** Members of the commission serve without  
18 compensation but are entitled to per diem and travel expenses authorized for boards  
19 and commissions under AS 39.20.180.

20 **Sec. 44.19.644. Meetings.** A majority of the members constitutes a quorum for  
21 conducting business and exercising the powers of the commission. The commission  
22 shall meet at least quarterly, at the call of the chair, at the request of the majority of the  
23 members, or at a regularly scheduled time as determined by a majority of the  
24 members. The commission shall keep a record of its proceedings and make these  
25 records available for public inspection.

26 **Sec. 44.19.645. Powers and duties of the commission.** (a) The commission  
27 shall evaluate the effect of sentencing laws and practices on the criminal justice  
28 system to evaluate whether sentences provide for protection of the public, community  
29 condemnation of the offender, the rights of victims of crimes, restitution from the  
30 offender, and the principle of reformation. The commission shall make  
31 recommendations for improving criminal sentencing practices. In formulating its

1 recommendations, the commission shall consider

2 (1) statutes and court rules related to sentencing of criminal defendants  
3 in misdemeanor and felony cases;

4 (2) sentencing practices of the judiciary, including use of presumptive  
5 sentences;

6 (3) means of promoting uniformity and proportionality in sentencing;

7 (4) alternatives to traditional forms of incarceration;

8 (5) the use of parole and probation in sentencing criminal defendants  
9 and to ensure public safety;

10 (6) the adequacy, availability, and effectiveness of treatment and  
11 rehabilitation programs;

12 (7) crime and incarceration rates, including the rate of violent crime, in  
13 this state compared to other states, and best practices adopted by other states that have  
14 proven to be successful in reducing recidivism;

15 (8) the relationship between sentencing priorities and correctional  
16 resources;

17 (9) truth and certainty in statutes and sentencing practices; and

18 (10) the effectiveness of the state's current methodologies for the  
19 collection and dissemination of criminal justice data.

20 (b) The commission may

21 (1) select and retain the services of consultants whose advice is  
22 considered necessary to assist the commission in obtaining information;

23 (2) accumulate and compile information concerning sentencing  
24 practices; and

25 (3) recommend legislative and administrative action on sentencing  
26 practices.

27 **Sec. 44.19.646. Methodology.** In making recommendations, the commission  
28 shall

29 (1) solicit and consider information and views from a variety of  
30 constituencies to represent the broad spectrum of views that exist with respect to  
31 possible approaches to sentencing criminals in the state; and

1 (2) base recommendations on the following factors:

2 (A) the seriousness of each offense in relation to other offenses;

3 (B) the effect of an offender's prior criminal history on  
4 sentencing;

5 (C) the need to rehabilitate criminal offenders;

6 (D) the need to confine offenders to prevent harm to the public;

7 (E) the extent to which criminal offenses harm victims and  
8 endanger the public safety and order;

9 (F) the effect of sentencing in deterring an offender or other  
10 members of society from future criminal conduct;

11 (G) the effect of sentencing as a community condemnation of  
12 criminal acts and as a reaffirmation of societal norms;

13 (H) the elimination of unjustified disparity in sentences;

14 (I) the resources available to agencies in the criminal justice  
15 system; and

16 (J) the effect of sentencing on reducing the rate of recidivism in  
17 the state.

18 **Sec. 44.19.647. Annual report and recommendations.** The commission shall  
19 submit to the governor and the legislature an annual report of its proceedings for the  
20 previous calendar year and may submit recommendations for legislative and  
21 administrative action. Reports and recommendations provided under this section shall  
22 be submitted not later than January 1 of each year.

23 **Sec. 44.19.649. Definition.** In AS 44.19.641 - 44.19.649, "commission" means  
24 the Alaska Criminal Justice Commission.

25 \* **Sec. 31.** AS 44.66.010(a) is amended by adding a new paragraph to read:

26 (10) Alaska Criminal Justice Commission (AS 44.19.642) - June 30,  
27 2018.

28 \* **Sec. 32.** AS 47 is amended by adding a new chapter to read:

29 **Chapter 38. Alcohol and Substance Abuse Accountability.**

30 **Article 1. Alcohol and Substance Abuse Monitoring and Treatment for Persons Released**  
31 **on Bail or on Probation.**

1           **Sec. 47.38.010. Cooperation with the Department of Corrections.** The  
 2 department shall cooperate with the Department of Corrections in establishing and  
 3 conducting programs to provide treatment for alcoholics, intoxicated persons, drug  
 4 abusers, and inhalant abusers who are on conditions of release as provided in  
 5 AS 12.30 or on probation.

6           **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The  
 7 commissioner, in cooperation with the commissioner of corrections, shall establish a  
 8 program for certain persons with release conditions ordered as provided under  
 9 AS 12.30, or offenders with conditions of probation, that include not consuming  
 10 controlled substances or alcoholic beverages.

11           (b) The commissioner shall adopt regulations to implement the program.

12           (c) The commissioner shall include in the program

13                   (1) a requirement for twice-a-day testing, in person if practicable, for  
 14 alcoholic beverage use and random testing for controlled substances;

15                   (2) a means to provide the probation officer, prosecutor's office, or  
 16 local law enforcement agency with notice within 24 hours, so that a complaint may be  
 17 filed alleging a violation of AS 11.56.757, a petition may be filed with the court  
 18 seeking appropriate sanctions and may be scheduled by the court for a prompt hearing,  
 19 or an arrest warrant may be issued for the person on release or offender with  
 20 conditions of probation provided in this subsection, if the person or offender

21                           (A) fails to appear for an appointment as required by the  
 22 program requirements; or

23                           (B) tests positive for the use of controlled substances or  
 24 alcoholic beverages; and

25                   (3) a requirement that the person or offender pay, based on the person's  
 26 or offender's ability under financial guidelines established by the commissioner, for  
 27 the cost of participating in the program.

28           (d) The department shall provide or conduct the testing required under (c) of  
 29 this section.

30                   **Article 2. Recidivism Reduction Grant Program.**

31           **Sec. 47.38.100. Recidivism reduction grant program and fund.** (a) The

1 recidivism reduction fund is established in the general fund to promote the  
 2 rehabilitation through transitional re-entry programs of persons incarcerated for  
 3 offenses and recently released from correctional facilities. The fund consists of money  
 4 appropriated to the fund.

5 (b) Appropriations to the fund do not lapse.

6 (c) The commissioner, in cooperation with the commissioner of corrections,  
 7 may make grants from the fund for programs that the commissioner of corrections  
 8 determines have, as a primary focus, rehabilitation and reduction of recidivism  
 9 through transitional re-entry for persons incarcerated for offenses and recently  
 10 released from correctional facilities. To qualify for a grant under this section, a  
 11 program shall

12 (1) include case management;

13 (2) require sober living;

14 (3) provide, on-site or by referral, treatment for substance abuse or  
 15 mental health treatment;

16 (4) require employment, educational programming, vocational  
 17 training, or community volunteer work as approved by the director of the treatment  
 18 program; and

19 (5) limit residential placements in the program to a maximum of one  
 20 year.

21 (d) The commissioner and the commissioner of corrections shall prepare a  
 22 joint annual report on the fund and grant program, and notify the legislature on or  
 23 before January 15 of each year that the report is available. The report must include the  
 24 balance of the fund, a summary of the grants provided from the fund, and the effects  
 25 on recidivism for program participants.

### 26 **Article 3. General Provisions.**

27 **Sec. 47.38.199. Definitions.** In this chapter,

28 (1) "commissioner" means the commissioner of health and social  
 29 services;

30 (2) "department" means the Department of Health and Social Services.

31 \* **Sec. 33.** AS 22.20.210 is repealed June 30, 2018.

1     \* **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           APPLICABILITY. (a) AS 11.41.320(a), as amended by sec. 1 of this Act,  
4 AS 11.41.330(a), as amended by sec. 2 of this Act, AS 11.41.330(b), as amended by sec. 3 of  
5 this Act, AS 11.46.130(a), as amended by sec. 4 of this Act, AS 11.46.140(a), as amended by  
6 sec. 5 of this Act, AS 11.46.150(a), as amended by sec. 6 of this Act, AS 11.46.220(c), as  
7 amended by sec. 7 of this Act, AS 11.46.260(b), as amended by sec. 8 of this Act,  
8 AS 11.46.270(b), as amended by sec. 9 of this Act, AS 11.46.280(d), as amended by sec. 10  
9 of this Act, AS 11.46.285(b), as amended by sec. 11 of this Act, AS 11.46.295, as amended  
10 by sec. 12 of this Act, AS 11.46.360(a), as amended by sec. 13 of this Act, AS 11.46.482(a),  
11 as amended by sec. 14 of this Act, AS 11.46.484(a), as amended by sec. 15 of this Act,  
12 AS 11.46.486(a), as amended by sec. 16 of this Act, AS 11.46.530(b), as amended by sec. 17  
13 of this Act, AS 11.46.620(d), as amended by sec. 18 of this Act, AS 11.46.730(c), as amended  
14 by sec. 19 of this Act, AS 12.30.011(b), as amended by sec. 20 of this Act, AS 12.30.016(b),  
15 as amended by sec. 21 of this Act, AS 12.30.016(c), as amended by sec. 22 of this Act, and  
16 AS 12.55.027(c), as amended by sec. 23 of this Act apply to offenses occurring on or after the  
17 effective date of secs. 1 - 28 and 30 - 34 of this Act.

18           (b) The changes made to AS 12.55.100(a), as amended by sec. 24 of this Act,  
19 AS 33.05.020, as amended by sec. 26 of this Act, AS 33.16.060, as amended by sec. 27 of this  
20 Act, and AS 33.16.150(b), as amended by sec. 28 of this Act, AS 47.38.020, as enacted by  
21 sec. 32 of this Act, apply to convictions occurring before, on, or after the effective date of  
22 secs. 1 - 28 and 30 - 34 of this Act for offenses occurring before, on, or after the effective date  
23 of secs. 1 - 28 and 30 - 34 of this Act.

24     \* **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to  
25 read:

26           TRANSITIONAL PROVISIONS. The initial designations and appointments to the  
27 Alaska Criminal Justice Commission under AS 44.19.642, added by sec. 30 of this Act, shall  
28 be made and the first meeting of the commission shall be held not later than September 30,  
29 2014. The first report required under AS 44.19.647, added by sec. 30 of this Act, shall be  
30 submitted not later than February 1, 2016.

31     \* **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITIONAL PROVISIONS: REGULATIONS. (a) The Department of  
3 Corrections may adopt regulations necessary to implement AS 33.05.020(f), added by sec. 26  
4 of this Act.

5 (b) The board of parole may adopt regulations necessary to implement  
6 AS 33.16.060(c), added by sec. 27 of this Act, and AS 33.16.150(b), as amended by sec. 28 of  
7 this Act.

8 (c) The Department of Health and Social Services may adopt regulations necessary to  
9 implement AS 47.38.010 - 47.38.199, added by sec. 32 of this Act.

10 (d) The regulations adopted under (a) - (c) of this section take effect under AS 44.62  
11 (Administrative Procedure Act), but not before July 1, 2014.

12 \* **Sec. 37.** Section 29 of this Act takes effect January 1, 2016.

13 \* **Sec. 38.** Section 36 of this Act takes effect immediately under AS 01.10.070(c).

14 \* **Sec. 39.** Sections 1 - 28 and 30 - 34 of this Act take effect July 1, 2014.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 8  
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-DOA-PDA-02-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

### Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

### Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

### Positions

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

### ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **No**  
If yes, by what date are the regulations to be adopted, amended or repealed?

### Why this fiscal note differs from previous version:

Updated for new version of the bill.

Prepared By:	<u>Quinlan Steiner, Public Defender</u>	Phone:	<u>(907)334-4414</u>
Division:	<u>Public Defender Agency</u>	Date:	<u>02/12/2014 04:50 PM</u>
Approved By:	<u>Curtis Thayer, Commissioner</u>	Date:	<u>02/13/14</u>
Agency:	<u>Department of Administration</u>		

FISCAL NOTE ANALYSIS #8

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

**Analysis**

SB 64 amends the current requirements imposed on defendants applying for credit towards a sentence for time spent in a treatment program. The bill will expand the conditions under which a defendant's treatment may qualify towards credit.

Additionally, the bill raises the felony threshold for theft and other property crimes from \$500 to \$1000 and the A misdemeanor threshold from \$50 to \$250, adds conduct by non-relatives to the definition of custodial interference, and creates a criminal justice commission and outlines the commission's purpose and organization.

This legislation is not expected to have a fiscal impact on the Public Defender Agency. The Agency, therefore, submits a zero fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 9  
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-DOA-DMV-02-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Judiciary

Department: Department of Administration  
Appropriation: Motor Vehicles  
Allocation: Motor Vehicles  
OMB Component Number: 2348

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated **SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
*(discuss reasons and fund source(s) in analysis section)*

Estimated **CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

The sections of this bill that related to DMV have been removed from version 28-LS0116H.

Prepared By:	Amy Erickson, Director	Phone:	(907)269-5559
Division:	Division of Motor Vehicles	Date:	02/13/2014 09:00 AM
Approved By:	Curtis Thayer, Commissioner	Date:	02/13/14
Agency:	Department of Administration		

**FISCAL NOTE ANALYSIS #9**

**STATE OF ALASKA  
2014 LEGISLATIVE SESSION**

**BILL NO.** CSSB 64(JUD)

**Analysis**

The current version of the bill has removed all of the sections that related to DMV. Therefore this bill has no impact on the operations of DMV and we are submitting a zero fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 10  
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-DOA-OPA-02-13-2014  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Updated for new version of the bill.

Prepared By: Richard Allen, Director	Phone: (907)269-3504
Division: Office of Public Advocacy	Date: 02/13/2014 08:30 PM
Approved By: Curtis Thayer, Commissioner	Date: 02/13/14
Agency: Department of Administration	

**FISCAL NOTE ANALYSIS #10**

**STATE OF ALASKA  
2014 LEGISLATIVE SESSION**

**BILL NO. CSSB 64(JUD)**

**Analysis**

Senate Bill 064 is a Senate Judiciary Committee-sponsored bill which has two main substantive parts. The first part, in Section 2, adds new sections to AS 22.20 by creating an Alaska Sentencing Commission, with a defined public policy mission to research sentencing laws, practices and innovations and make recommendations to decision makers for changes in Alaska's sentencing laws and practices. The other part, in Sections 1 and Sections 3-7, modifies requirements for satisfying a sentence through time spent in a residential treatment program and modifies penalties for certain driving-related, substance-abuse related, offenses in Titles 12, 28 and 33. Sections 8-10 implement the bill and provide for an immediate effective date.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 11  
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-LAW-CRIM-02-13-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: (S) JUDICIARY

Department: Department of Law  
Appropriation: Criminal Division  
Allocation: Criminal Justice Litigation  
OMB Component Number: 2202

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

The new version adds the provisions raising the threshold amounts for certain theft offenses. It deletes the portion of the former bill that addressed limited drivers licenses for persons in therapeutic court and the return of driving privileges for persons who complete therapeutic court.

Prepared By: <u>Loretta Withington, Division Operations Manager</u>	Phone: <u>(907)465-5427</u>
Division: <u>Department of Law</u>	Date: <u>02/13/2014 11:25 AM</u>
Approved By: <u>Michael C. Geraghty, Attorney General</u>	Date: <u>02/13/14</u>
Agency: <u>Department of Law</u>	

## FISCAL NOTE ANALYSIS #11

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

### Analysis

CSSB 64(JUD) raises the threshold amounts for theft in the second, third, and fourth degrees. Under current law, for example, theft in the second degree prohibits theft of property valued at \$500 or more; the bill raises this to property valued at \$750 or more.

The bill prohibits a person who is not a relative of a child or has no legal right to do so to represent to the lawful custodian that the person has a legal right to take or keep a child or an incompetent person.

CSSB 64(JUD) requires the Department of Corrections to establish a program for persons being considered for bail release or as a condition of probation for unclassified felonies, class A felonies, sexual felonies, and crimes involving domestic violence that involved drugs or alcohol to be tested twice a day for use of alcohol or drugs. The program requires notice to the probation officer, prosecutor, or local law enforcement office within 24 hours if the person fails to appear for an appointment required by the program or tests positive for alcohol or drugs. The bill also requires the Parole Board to establish a similar program for parolees.

The bill clarifies the law regarding when a person in a treatment program may get credit against a term of incarceration for time spent in the treatment program.

CSSB 64(JUD) creates the Alaska Criminal Justice Commission to evaluate the sentencing laws and practices of the state. The commission would conduct this evaluation until June 30, 2019. It would be staffed by the Alaska Judicial Council.

No fiscal impact is anticipated by the Department of Law.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 64(JUD)  
Fiscal Note Number: 13  
(S) Publish Date: 2/14/14

Identifier: SB064-OOG-EO-2-14-14  
Title: OMNIBUS CRIME/CORRECTIONS BILL  
Sponsor: JUDICIARY  
Requester: Senate Judiciary

Department: Office of the Governor  
Appropriation: Executive Operations  
Allocation: Executive Office  
OMB Component Number: 6

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated **SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
*(discuss reasons and fund source(s) in analysis section)*

Estimated **CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial fiscal note.

Prepared By: <u>Guy Bell, Director of Administrative Services</u>	Phone: <u>(907)465-3876</u>
Division: <u>Administrative Services</u>	Date: <u>02/14/2014 09:00 AM</u>
Approved By: <u>Guy Bell, Director of Administrative Services</u>	Date: <u>02/14/14</u>
Agency: <u>Office of the Governor</u>	

**FISCAL NOTE ANALYSIS #13**

**STATE OF ALASKA  
2014 LEGISLATIVE SESSION**

**BILL NO.** CSSB 64(JUD)

**Analysis**

Section 30 of SB 64 creates the Alaska Criminal Justice Commission in the Office of the Governor. In the same section, the Alaska Judicial Council is required to provide staff and administrative support to the Commission. For the purpose of this fiscal note, it is assumed that all fiscal impact associated with Section 30 will be borne by the Alaska Judicial Council.

ADOPTED 3/13/14

28-LS0116L  
Gardner  
3/12/14

**CS FOR SENATE BILL NO. 64(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to theft and property offenses; relating to the definition of 'prior  
2 convictions' for certain theft offenses; establishing the Alaska Criminal Justice  
3 Commission and providing an expiration date; relating to the crime of custodial  
4 interference; relating to the duties of the Alaska Judicial Council; relating to jail-time  
5 credit for offenders in court-ordered treatment programs; relating to conditions of  
6 release, probation, and parole; relating to duties of the commissioner of corrections and  
7 board of parole; establishing a fund for reducing recidivism in the Department of  
8 Health and Social Services; requiring the commissioner of health and social services to  
9 establish programs for persons on conditions of release or probation that require testing  
10 for controlled substances and alcoholic beverages; requiring the board of parole to  
11 establish programs for persons on parole that require testing for controlled substances  
12 and alcoholic beverages; relating to the duties of the Department of Health and Social

1 Services; and providing for an effective date."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 11.41.320(a) is amended to read:

4 (a) A person commits the crime of custodial interference in the first degree if  
5 the person violates AS 11.41.330(a)(1) [AS 11.41.330] and causes the child or  
6 incompetent person to be

7 (1) removed from the state; or

8 (2) kept outside the state.

9 \* Sec. 2. AS 11.41.330(a) is amended to read:

10 (a) A person commits the crime of custodial interference in the second degree  
11 if

12 (1) [,] being a relative of a child under 18 years of age or a relative of  
13 an incompetent person and knowing that the person has no legal right to do so, the  
14 person takes, entices, or keeps that child or incompetent person from a lawful  
15 custodian with intent to hold the child or incompetent person for a protracted period;

16 or

17 (2) not being a relative of a child under 18 years of age or a  
18 relative of an incompetent person and knowing that the person has no legal right  
19 to do so, the person represents to the lawful custodian that the person has a legal  
20 right to take or keep the child or incompetent person.

21 \* Sec. 3. AS 11.41.330(b) is amended to read:

22 (b) The affirmative defense of necessity under AS 11.81.320 does not apply to  
23 a prosecution for custodial interference under (a)(1) [(a)] of this section if the  
24 protracted period for which the person held the child or incompetent person exceeded  
25 the shorter of the following:

26 (1) 24 hours; or

27 (2) the time necessary to report to a peace officer or social service  
28 agency that the child or incompetent person has been abused, neglected, or is in  
29 imminent physical danger.

30 \* Sec. 4. AS 11.46.130(a) is amended to read:

1 (a) A person commits the crime of theft in the second degree if the person  
2 commits theft as defined in AS 11.46.100 and

3 (1) the value of the property or services is \$1,200 [\$500] or more but  
4 less than \$25,000;

5 (2) the property is a firearm or explosive;

6 (3) the property is taken from the person of another;

7 (4) the property is taken from a vessel and is vessel safety or survival  
8 equipment;

9 (5) the property is taken from an aircraft and the property is aircraft  
10 safety or survival equipment;

11 (6) the value of the property is \$250 [\$50] or more but less than \$1,200  
12 [\$500] and, within the preceding five years, the person has been convicted and  
13 sentenced on two or more separate occasions in this or another jurisdiction of

14 (A) an offense under AS 11.46.120, or an offense under  
15 another law or ordinance with similar elements;

16 (B) a crime set out in this subsection or an offense under  
17 another law or ordinance with similar elements;

18 (C) an offense under AS 11.46.140(a)(1), or an offense under  
19 another law or ordinance with similar elements; or

20 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an  
21 offense under another law or ordinance with similar elements; or

22 (7) the property is an access device.

23 \* Sec. 5. AS 11.46.140(a) is amended to read:

24 (a) A person commits the crime of theft in the third degree if the person  
25 commits theft as defined in AS 11.46.100 and

26 (1) the value of the property or services is \$250 [\$50] or more but less  
27 than \$1,200 [\$500]; or

28 (2) [REPEALED]

29 (3) the value of the property is less than \$250 [\$50] and, within the  
30 past five years, the person has been convicted and sentenced on two or more separate  
31 occasions in this or another jurisdiction of theft or concealment of merchandise, or an

1 offense under another law or ordinance with similar elements.

2 \* **Sec. 6.** AS 11.46.150(a) is amended to read:

3 (a) A person commits the crime of theft in the fourth degree if the person  
4 commits theft as defined in AS 11.46.100 and the value of the property or services is  
5 less than \$250 [\$50].

6 \* **Sec. 7.** AS 11.46.220(c) is amended to read:

7 (c) Concealment of merchandise is

8 (1) a class C felony if

9 (A) the merchandise is a firearm;

10 (B) the value of the merchandise is \$1,200 [\$500] or more; or

11 (C) the value of the merchandise is \$250 [\$50] or more but less  
12 than \$1,200 [\$500] and, within the preceding five years, the person has been  
13 convicted and sentenced on two or more separate occasions in this or another  
14 jurisdiction of

15 (i) the offense of concealment of merchandise under  
16 this paragraph or (2)(A) of this subsection, or an offense under another  
17 law or ordinance with similar elements; or

18 (ii) an offense under AS 11.46.120, 11.46.130, or  
19 11.46.140(a)(1), or an offense under another law or ordinance with  
20 similar elements;

21 (2) a class A misdemeanor if

22 (A) the value of the merchandise is \$250 [\$50] or more but less  
23 than \$1,200 [\$500]; or

24 (B) the value of the merchandise is less than \$250 [\$50] and,  
25 within the preceding five years, the person has been convicted and sentenced  
26 on two or more separate occasions of the offense of concealment of  
27 merchandise or theft in any degree, or an offense under another law or  
28 ordinance with similar elements;

29 (3) a class B misdemeanor if the value of the merchandise is less than  
30 \$250 [\$50].

31 \* **Sec. 8.** AS 11.46.260(b) is amended to read:

- 1 (b) Removal of identification marks is
- 2 (1) a class C felony if the value of the property on which the serial
- 3 number or identification mark appeared is \$1,200 [\$500] or more;
- 4 (2) a class A misdemeanor if the value of the property on which the
- 5 serial number or identification mark appeared is \$250 [\$50] or more but less than
- 6 \$1,200 [\$500];
- 7 (3) a class B misdemeanor if the value of the property on which the
- 8 serial number or identification mark appeared is less than \$250 [\$50].

9 \* **Sec. 9.** AS 11.46.270(b) is amended to read:

- 10 (b) Unlawful possession is
- 11 (1) a class C felony if the value of the property on which the serial
- 12 number or identification mark appeared is \$1,200 [\$500] or more;
- 13 (2) a class A misdemeanor if the value of the property on which the
- 14 serial number or identification mark appeared is \$250 [\$50] or more but less than
- 15 \$1,200 [\$500];
- 16 (3) a class B misdemeanor if the value of the property on which the
- 17 serial number or identification mark appeared is less than \$250 [\$50].

18 \* **Sec. 10.** AS 11.46.280(d) is amended to read:

- 19 (d) Issuing a bad check is
- 20 (1) a class B felony if the face amount of the check is \$25,000 or more;
- 21 (2) a class C felony if the face amount of the check is \$1,200 [\$500] or
- 22 more but less than \$25,000;
- 23 (3) a class A misdemeanor if the face amount of the check is \$250
- 24 [\$50] or more but less than \$1,200 [\$500];
- 25 (4) a class B misdemeanor if the face amount of the check is less than
- 26 \$250 [\$50].

27 \* **Sec. 11.** AS 11.46.285(b) is amended to read:

- 28 (b) Fraudulent use of an access device is
- 29 (1) a class B felony if the value of the property or services obtained is
- 30 \$25,000 or more;
- 31 (2) a class C felony if the value of the property or services obtained is

1 \$1,200 [\$50] or more but less than \$25,000;

2 (3) a class A misdemeanor if the value of the property or services  
3 obtained is less than \$1,200 [\$50].

4 \* Sec. 12. AS 11.46.295 is amended to read:

5 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
6 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or  
7 11.46.140(a)(3), or in prosecuting the crime of concealment of merchandise under  
8 AS 11.46.220(c),

9 (1) a conviction for an offense under another law or ordinance with  
10 similar elements is a conviction of an offense having elements similar to those of an  
11 offense defined as such under Alaska law at the time the offense was committed;

12 (2) a conviction for an offense under Alaska law where the value of  
13 the property or services for the offense was lower than the value of property or  
14 services for the offense under current Alaska law, is a prior conviction for that  
15 offense; and

16 (3) the [. THE] court shall consider the date of a prior conviction as  
17 occurring on the date that sentence is imposed for the prior offense.

18 \* Sec. 13. AS 11.46.360(a) is amended to read:

19 (a) A person commits the crime of vehicle theft in the first degree if, having  
20 no right to do so or any reasonable ground to believe the person has such a right, the  
21 person drives, tows away, or takes

22 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft  
23 of another;

24 (2) the propelled vehicle of another and

25 (A) the vehicle or any other property of another is damaged in a  
26 total amount of \$1,200 [\$500] or more;

27 (B) the owner incurs reasonable expenses as a result of the loss  
28 of use of the vehicle, in a total amount of \$1,200 [\$500] or more; or

29 (C) the owner is deprived of the use of the vehicle for seven  
30 days or more;

31 (3) the propelled vehicle of another and the vehicle is marked as a

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police or emergency vehicle; or

(4) the propelled vehicle of another and, within the preceding seven years, the person was convicted under

- (A) this section or AS 11.46.365;
- (B) former AS 11.46.482(a)(4) or (5);
- (C) former AS 11.46.484(a)(2);
- (D) AS 11.46.120 - 11.46.140 of an offense involving the theft

of a propelled vehicle; or

(E) a law or ordinance of this or another jurisdiction with elements substantially similar to those of an offense described in (A) - (D) of this paragraph.

\* **Sec. 14.** AS 11.46.482(a) is amended to read:

(a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with intent to damage property of another, the person damages property of another in an amount of \$1,200 [\$500] or more;

(2) the person recklessly creates a risk of damage in an amount exceeding \$100,000 to property of another by the use of widely dangerous means; or

(3) the person knowingly

(A) defaces, damages, or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected;

(B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected.

\* **Sec. 15.** AS 11.46.484(a) is amended to read:

(a) A person commits the crime of criminal mischief in the fourth degree if, having no right to do so or any reasonable ground to believe the person has such a right

1 (1) with intent to damage property of another, the person damages  
2 property of another in an amount of \$250 [\$50] or more but less than \$1,200 [\$500];

3 (2) the person tampers with a fire protection device in a building that is  
4 a public place;

5 (3) the person knowingly accesses a computer, computer system,  
6 computer program, computer network, or part of a computer system or network;

7 (4) the person uses a device to descramble an electronic signal that has  
8 been scrambled to prevent unauthorized receipt or viewing of the signal unless the  
9 device is used only to descramble signals received directly from a satellite or unless  
10 the person owned the device before September 18, 1984; or

11 (5) the person knowingly removes, relocates, defaces, alters, obscures,  
12 shoots at, destroys, or otherwise tampers with an official traffic control device or  
13 damages the work upon a highway under construction.

14 \* Sec. 16. AS 11.46.486(a) is amended to read:

15 (a) A person commits the crime of criminal mischief in the fifth degree if,  
16 having no right to do so or any reasonable ground to believe the person has such a  
17 right,

18 (1) with reckless disregard for the risk of harm to or loss of the  
19 property or with intent to cause substantial inconvenience to another, the person  
20 tampers with property of another;

21 (2) with intent to damage property of another, the person damages  
22 property of another in an amount less than \$250 [\$50]; or

23 (3) the person rides in a propelled vehicle knowing it has been stolen  
24 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

25 \* Sec. 17. AS 11.46.530(b) is amended to read:

26 (b) Criminal simulation is

27 (1) a class C felony if the value of what the object purports to represent  
28 is \$1,200 [\$500] or more;

29 (2) a class A misdemeanor if the value of what the object purports to  
30 represent is \$250 [\$50] or more but less than \$1,200 [\$500];

31 (3) a class B misdemeanor if the value of what the object purports to

1 represent is less than \$250 [\$50].

2 \* **Sec. 18.** AS 11.46.620(d) is amended to read:

3 (d) Misapplication of property is

4 (1) a class C felony if the value of the property misapplied is \$1,200  
5 [\$500] or more;

6 (2) a class A misdemeanor if the value of the property misapplied is  
7 less than \$1,200 [\$500].

8 \* **Sec. 19.** AS 11.46.730(c) is amended to read:

9 (c) Defrauding creditors is a class A misdemeanor unless that secured party,  
10 judgment creditor, or creditor incurs a pecuniary loss of \$1,200 [\$500] or more as a  
11 result to the defendant's conduct, in which case defrauding secured creditors is

12 (1) a class B felony if the loss is \$25,000 or more;

13 (2) a class C felony if the loss is \$1,200 [\$500] or more but less than  
14 \$25,000.

15 \* **Sec. 20.** AS 12.30.011(b) is amended to read:

16 (b) If a judicial officer determines that the release under (a) of this section will  
17 not reasonably assure the appearance of the person or will pose a danger to the victim,  
18 other persons, or the community, the officer shall impose the least restrictive condition  
19 or conditions that will reasonably assure the person's appearance and protect the  
20 victim, other persons, and the community. In addition to conditions under (a) of this  
21 section, the judicial officer may, singly or in combination,

22 (1) require the execution of an appearance bond in a specified amount  
23 of cash to be deposited into the registry of the court, in a sum not to exceed 10 percent  
24 of the amount of the bond;

25 (2) require the execution of a bail bond with sufficient solvent sureties  
26 or the deposit of cash;

27 (3) require the execution of a performance bond in a specified amount  
28 of cash to be deposited in the registry of the court;

29 (4) place restrictions on the person's travel, association, or residence;

30 (5) order the person to refrain from possessing a deadly weapon on the  
31 person or in the person's vehicle or residence;

1 (6) require the person to maintain employment or, if unemployed,  
2 actively seek employment;

3 (7) require the person to notify the person's lawyer and the prosecuting  
4 authority within two business days after any change in employment;

5 (8) require the person to avoid all contact with a victim, a potential  
6 witness, or a codefendant;

7 (9) require the person to refrain from the consumption and possession  
8 of alcoholic beverages;

9 (10) require the person to refrain from the use of a controlled substance  
10 as defined by AS 11.71, unless prescribed by a licensed health care provider with  
11 prescriptive authority;

12 (11) require the person to be physically inside the person's residence,  
13 or in the residence of the person's third-party custodian, at time periods set by the  
14 court;

15 (12) require the person to keep regular contact with a law enforcement  
16 officer or agency;

17 (13) order the person to refrain from entering or remaining in premises  
18 licensed under AS 04;

19 (14) place the person in the custody of an individual who agrees to  
20 serve as a third-party custodian of the person as provided in AS 12.30.021;

21 (15) if the person is under the treatment of a licensed health care  
22 provider, order the person to follow the provider's treatment recommendations;

23 (16) order the person to take medication that has been prescribed for  
24 the person by a licensed health care provider with prescriptive authority;

25 (17) order the person to comply with any other condition that is  
26 reasonably necessary to assure the appearance of the person and to assure the safety of  
27 the victim, other persons, and the community;

28 **(18) require the person to comply with a program established**  
29 **under AS 47.38.020 if the person has been charged with an alcohol-related or**  
30 **substance abuse-related offense that is an unclassified felony, a class A felony, a**  
31 **sexual felony, or a crime involving domestic violence.**

1 \* **Sec. 21.** AS 12.30.016(b) is amended to read:

2 (b) In a prosecution charging a violation of AS 04.11.010, 04.11.499,  
3 AS 28.35.030, or 28.35.032, a judicial officer may order the person

4 (1) to refrain from

5 (A) consuming alcoholic beverages; or

6 (B) possessing on the person, in the person's residence, or in  
7 any vehicle or other property over which the person has control, alcoholic  
8 beverages;

9 (2) to submit to a search without a warrant of the person, the person's  
10 personal property, the person's residence, or any vehicle or other property over which  
11 the person has control, for the presence of alcoholic beverages by a peace officer who  
12 has reasonable suspicion that the person is violating the conditions of the person's  
13 release by possessing alcoholic beverages;

14 (3) to submit to a breath test when requested by a law enforcement  
15 officer;

16 (4) to provide a sample for a urinalysis or blood test when requested by  
17 a law enforcement officer;

18 (5) to take a drug or combination of drugs intended to prevent  
19 substance abuse;

20 (6) to follow any treatment plan imposed by the court under  
21 AS 28.35.028;

22 (7) to comply with a program established under AS 47.38.020.

23 \* **Sec. 22.** AS 12.30.016(c) is amended to read:

24 (c) In a prosecution charging a violation of AS 11.71 or AS 11.73, a judicial  
25 officer may order the person

26 (1) to refrain from

27 (A) consuming a controlled substance; or

28 (B) possessing on the person, in the person's residence, or in  
29 any vehicle or other property over which the person has control, a controlled  
30 substance or drug paraphernalia;

31 (2) to submit to a search without a warrant of the person, the person's

1 personal property, the person's residence, or any vehicle or other property over which  
 2 the person has control, for the presence of a controlled substance or drug paraphernalia  
 3 by a peace officer who has reasonable suspicion that the person is violating the terms  
 4 of the person's release by possessing controlled substances or drug paraphernalia;

5 (3) to enroll in a random drug testing program, at the person's expense,  
 6 to detect the presence of a controlled substance, with testing to occur not less than  
 7 once a week, and with the results being submitted to the court and the prosecuting  
 8 authority;

9 (4) to refrain from entering or remaining in a place where a controlled  
 10 substance is being used, manufactured, grown, or distributed;

11 (5) to refrain from being physically present at, within a two-block area  
 12 of, or within a designated area near, the location where the alleged offense occurred or  
 13 at other designated places, unless the person actually resides within that area; or

14 (6) to refrain from the use or possession of an inhalant;

15 **(7) to comply with a program established under AS 47.38.020.**

16 \* Sec. 23. AS 12.55.027(c) is amended to read:

17 (c) To qualify for credit against a sentence of imprisonment for **a day** [TIME]  
 18 spent in a treatment program, the treatment program and the facility of the treatment  
 19 program must impose substantial restrictions on a person's liberty **on that day** that are  
 20 equivalent to incarceration, including the requirement that a participant in the program

21 (1) must live in a residential facility operated by the program;

22 (2) must be confined at all times to the grounds of the facility or be in  
 23 the physical custody of an employee of the facility, except for

24 **(A) court appearances;**

25 **(B) [,] meetings with counsel;**

26 **(C) employment, vocational training, or community**  
 27 **volunteer** [, AND] work required by the treatment program [AND  
 28 APPROVED IN ADVANCE BY THE COURT]; **and**

29 **(D) periods during which residents are permitted to leave**  
 30 **the facility for rehabilitative purposes directly related to the person's**  
 31 **treatment, so long as the periods during which the residents are permitted**

1 to leave the facility are expressly limited as to both time and purpose by  
2 the treatment program;

3 (3) is subject to disciplinary sanctions by the program if the participant  
4 violates rules of the program and facility; sanctions must be in writing and available  
5 for court review; and

6 (4) is subject to immediate arrest, without warrant, if the participant  
7 leaves the facility without permission.

8 \* **Sec. 24.** AS 12.55.100(a) is amended to read:

9 (a) While on probation and among the conditions of probation, the defendant  
10 may be required

11 (1) to pay a fine in one or several sums;

12 (2) to make restitution or reparation to aggrieved parties for actual  
13 damages or loss caused by the crime for which conviction was had, including  
14 compensation to a victim that is a nonprofit organization for the value of labor or  
15 goods provided by volunteers if the labor or goods were necessary to alleviate or  
16 mitigate the effects of the defendant's crime;

17 (3) to provide for the support of any persons for whose support the  
18 defendant is legally responsible;

19 (4) to perform community work in accordance with AS 12.55.055;

20 (5) to participate in or comply with the treatment plan of an inpatient  
21 or outpatient rehabilitation program specified by either the court or the defendant's  
22 probation officer that is related to the defendant's offense or to the defendant's  
23 rehabilitation; and

24 (6) to satisfy the screening, evaluation, referral, and program  
25 requirements of an agency authorized by the court to make referrals for rehabilitative  
26 treatment or to provide rehabilitative treatment;

27 (7) to comply with a program established under AS 47.38.020.

28 \* **Sec. 25.** AS 22.20 is amended by adding a new section to article 4 to read:

29 **Sec. 22.20.210. Alaska Criminal Justice Commission.** The judicial council  
30 shall provide staff and administrative support to the Alaska Criminal Justice  
31 Commission established in AS 44.19.641.

1 \* **Sec. 26.** AS 33.05.020 is amended by adding a new subsection to read:

2 (f) The commissioner shall establish a program for offenders on probation for  
3 a felony offense who have conditions of probation that include not consuming  
4 controlled substances or alcoholic beverages and who have been identified as being at  
5 moderate to high risk as identified by a risk-needs assessment. The commissioner shall  
6 adopt regulations to implement the program. The program shall

7 (1) include random testing for controlled substances and alcoholic  
8 beverage use;

9 (2) require that the probation officer file a petition with the court  
10 seeking appropriate sanctions by the close of the next business day if a probationer

11 (A) fails to appear for an appointment as directed by the  
12 probation officer; or

13 (B) tests positive for the use of controlled substances, inhalants,  
14 or alcoholic beverages; and

15 (3) include a means to notify the court, by the close of the next  
16 business day, that a petition to revoke probation has been filed on a probationer placed  
17 in the program by the commissioner so that the court may review the petition,  
18 schedule a prompt hearing, address a request for a warrant provided by the probation  
19 officer, or take other action the court considers appropriate.

20 \* **Sec. 27.** AS 33.16.060 is amended by adding a new subsection to read:

21 (c) The board shall establish a program for a parolee who has conditions of  
22 parole that include not consuming controlled substances or alcoholic beverages and  
23 who has been identified as being at moderate to high risk as identified by a risk-needs  
24 assessment. The program must

25 (1) include random testing for controlled substance and alcoholic  
26 beverage use;

27 (2) require that a parole officer file a parole violation report by the  
28 close of the next business day if a parolee

29 (A) fails to appear for an appointment as directed by the parole  
30 officer; or

31 (B) tests positive for the use of controlled substances or

1                   alcoholic beverages; and

2                   (3) include a means to notify the board by the close of the next  
3 business day that a parole violation report has been filed on a parolee placed in the  
4 program by the board.

5 \* Sec. 28. AS 33.16.150(b) is amended to read:

6                   (b) The board may require as a condition of special medical, discretionary, or  
7 mandatory parole, or a member of the board acting for the board under (e) of this  
8 section may require as a condition of mandatory parole, that a prisoner released on  
9 parole

10                   (1) not possess or control a defensive weapon, a deadly weapon other  
11 than an ordinary pocket knife with a blade three inches or less in length, or  
12 ammunition for a firearm, or reside in a residence where there is a firearm capable of  
13 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly  
14 weapon," "defensive weapon," and "firearm" have the meanings given in  
15 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

16                   (2) refrain from possessing or consuming alcoholic beverages;

17                   (3) submit to reasonable searches and seizures by a parole officer, or a  
18 peace officer acting under the direction of a parole officer;

19                   (4) submit to appropriate medical, mental health, or controlled  
20 substance or alcohol examination, treatment, or counseling;

21                   (5) submit to periodic examinations designed to detect the use of  
22 alcohol or controlled substances; **the periodic examinations may include testing**  
23 **under the program established under AS 33.16.060(c);**

24                   (6) make restitution ordered by the court according to a schedule  
25 established by the board;

26                   (7) refrain from opening, maintaining, or using a checking account or  
27 charge account;

28                   (8) refrain from entering into a contract other than a prenuptial contract  
29 or a marriage contract;

30                   (9) refrain from operating a motor vehicle;

31                   (10) refrain from entering an establishment where alcoholic beverages

1 are served, sold, or otherwise dispensed;

2 (11) refrain from participating in any other activity or conduct  
3 reasonably related to the parolee's offense, prior record, behavior or prior behavior,  
4 current circumstances, or perceived risk to the community, or from associating with  
5 any other person that the board determines is reasonably likely to diminish the  
6 rehabilitative goals of parole, or that may endanger the public; in the case of special  
7 medical parole, for a prisoner diagnosed with a communicable disease, comply with  
8 conditions set by the board designed to prevent the transmission of the disease.

9 \* **Sec. 29.** AS 33.30.011 is amended to read:

10 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

11 (1) establish, maintain, operate, and control correctional facilities  
12 suitable for the custody, care, and discipline of persons charged or convicted of  
13 offenses against the state or held under authority of state law; each correctional facility  
14 operated by the state shall be established, maintained, operated, and controlled in a  
15 manner that is consistent with AS 33.30.015;

16 (2) classify prisoners;

17 (3) for persons committed to the custody of the commissioner,  
18 establish programs, including furlough programs that are reasonably calculated to

19 (A) protect the public and the victims of crimes committed by  
20 prisoners;

21 (B) maintain health;

22 (C) create or improve occupational skills;

23 (D) enhance educational qualifications;

24 (E) support court-ordered restitution; and

25 (F) otherwise provide for the rehabilitation and reformation of  
26 prisoners, facilitating their reintegration into society;

27 (4) provide necessary

28 (A) medical services for prisoners in correctional facilities or  
29 who are committed by a court to the custody of the commissioner, including  
30 examinations for communicable and infectious diseases;

31 (B) psychological or psychiatric treatment if a physician or

1 other health care provider, exercising ordinary skill and care at the time of  
2 observation, concludes that

3 (i) a prisoner exhibits symptoms of a serious disease or  
4 injury that is curable or may be substantially alleviated; and

5 (ii) the potential for harm to the prisoner by reason of  
6 delay or denial of care is substantial; and

7 (C) assessment or screening of the risks and needs of  
8 offenders who may be vulnerable to harm, exploitation, or recidivism as a  
9 result of fetal alcohol syndrome, fetal alcohol spectrum disorder, or  
10 another brain-based disorder;

11 (5) establish minimum standards for sex offender treatment programs  
12 offered to persons who are committed to the custody of the commissioner; [AND]

13 (6) provide for fingerprinting in correctional facilities in accordance  
14 with AS 12.80.060; and

15 (7) establish a program to conduct assessments of the risks and  
16 needs of offenders sentenced to serve a term of incarceration of 30 days or more.

17 \* Sec. 30. AS 44.19 is amended by adding new sections to read:

18 **Article 6. Alaska Criminal Justice Commission.**

19 **Sec. 44.19.641. Creation of commission.** The Alaska Criminal Justice  
20 Commission is established in the Office of the Governor.

21 **Sec. 44.19.642. Membership; staff.** (a) The commission consists of 10  
22 members as follows:

23 (1) the chief justice of the Alaska Supreme Court or another active or  
24 retired justice of the supreme court or an active or retired judge of the court of appeals  
25 designated by the chief justice;

26 (2) an active or retired superior court judge designated by the chief  
27 justice for a three-year term;

28 (3) an active or retired district court judge designated by the chief  
29 justice for a three-year term;

30 (4) a member of the Alaska Native community designated by the  
31 Alaska Native Justice Center for a three-year term;

- 1 (5) the attorney general or a designee of the attorney general;
- 2 (6) the public defender or a designee of the public defender;
- 3 (7) a private attorney appointed by the governor for a three-year term;
- 4 (8) a chief of a municipal law enforcement agency appointed by the
- 5 governor for a three-year term;
- 6 (9) one nonvoting member, serving ex officio, who is a member of the
- 7 senate appointed by the president of the senate; and
- 8 (10) one nonvoting member, serving ex officio, who is a member of
- 9 the house of representatives appointed by the speaker of the house of representatives.

10 (b) A member appointed under (a)(7) or (8) of this section serves at the

11 pleasure of the governor and may be reappointed.

12 (c) The commission shall, by majority vote of the membership, elect a chair

13 and other officers it considers necessary from among its membership to serve on a

14 yearly basis.

15 (d) The Alaska Judicial Council shall provide staff and administrative support

16 to the commission.

17 **Sec. 44.19.643. Compensation.** Members of the commission serve without

18 compensation but are entitled to per diem and travel expenses authorized for boards

19 and commissions under AS 39.20.180.

20 **Sec. 44.19.644. Meetings.** A majority of the members constitutes a quorum for

21 conducting business and exercising the powers of the commission. The commission

22 shall meet at least quarterly, at the call of the chair, at the request of the majority of the

23 members, or at a regularly scheduled time as determined by a majority of the

24 members. The commission shall keep a record of its proceedings and make these

25 records available for public inspection.

26 **Sec. 44.19.645. Powers and duties of the commission.** (a) The commission

27 shall evaluate the effect of sentencing laws and practices on the criminal justice

28 system to evaluate whether sentences provide for protection of the public, community

29 condemnation of the offender, the rights of victims of crimes, restitution from the

30 offender, and the principle of reformation. The commission shall make

31 recommendations for improving criminal sentencing practices. In formulating its

1 recommendations, the commission shall consider

2 (1) statutes and court rules related to sentencing of criminal defendants  
3 in misdemeanor and felony cases;

4 (2) sentencing practices of the judiciary, including use of presumptive  
5 sentences;

6 (3) means of promoting uniformity and proportionality in sentencing;

7 (4) alternatives to traditional forms of incarceration;

8 (5) the use of parole and probation in sentencing criminal defendants  
9 and to ensure public safety;

10 (6) the adequacy, availability, and effectiveness of treatment and  
11 rehabilitation programs;

12 (7) crime and incarceration rates, including the rate of violent crime, in  
13 this state compared to other states, and best practices adopted by other states that have  
14 proven to be successful in reducing recidivism;

15 (8) the relationship between sentencing priorities and correctional  
16 resources;

17 (9) truth and certainty in statutes and sentencing practices; and

18 (10) the effectiveness of the state's current methodologies for the  
19 collection and dissemination of criminal justice data.

20 (b) The commission may

21 (1) select and retain the services of consultants whose advice is  
22 considered necessary to assist the commission in obtaining information;

23 (2) accumulate and compile information concerning sentencing  
24 practices; and

25 (3) recommend legislative and administrative action on sentencing  
26 practices.

27 **Sec. 44.19.646. Methodology.** In making recommendations, the commission  
28 shall

29 (1) solicit and consider information and views from a variety of  
30 constituencies to represent the broad spectrum of views that exist with respect to  
31 possible approaches to sentencing criminals in the state; and

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- (2) base recommendations on the following factors:
  - (A) the seriousness of each offense in relation to other offenses;
  - (B) the effect of an offender's prior criminal history on sentencing;
  - (C) the need to rehabilitate criminal offenders;
  - (D) the need to confine offenders to prevent harm to the public;
  - (E) the extent to which criminal offenses harm victims and endanger the public safety and order;
  - (F) the effect of sentencing in deterring an offender or other members of society from future criminal conduct;
  - (G) the effect of sentencing as a community condemnation of criminal acts and as a reaffirmation of societal norms;
  - (H) the elimination of unjustified disparity in sentences;
  - (I) the resources available to agencies in the criminal justice system; and
  - (J) the effect of sentencing on reducing the rate of recidivism in the state.

**Sec. 44.19.647. Annual report and recommendations.** The commission shall submit to the governor and the legislature an annual report of its proceedings for the previous calendar year and may submit recommendations for legislative and administrative action. Reports and recommendations provided under this section shall be submitted not later than January 1 of each year.

**Sec. 44.19.649. Definition.** In AS 44.19.641 - 44.19.649, "commission" means the Alaska Criminal Justice Commission.

\* **Sec. 31.** AS 44.66.010(a) is amended by adding a new paragraph to read:

- (10) Alaska Criminal Justice Commission (AS 44.19.642) - June 30, 2018.

\* **Sec. 32.** AS 47 is amended by adding a new chapter to read:

**Chapter 38. Alcohol and Substance Abuse Accountability.**

**Article 1. Alcohol and Substance Abuse Monitoring and Treatment for Persons Released on Bail or on Probation.**

1           **Sec. 47.38.010. Cooperation with the Department of Corrections.** The  
2 department shall cooperate with the Department of Corrections in establishing and  
3 conducting programs to provide treatment for alcoholics, intoxicated persons, drug  
4 abusers, and inhalant abusers who are on conditions of release as provided in  
5 AS 12.30 or on probation.

6           **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The  
7 commissioner, in cooperation with the commissioner of corrections, shall establish a  
8 program for certain persons with release conditions ordered as provided under  
9 AS 12.30, or offenders with conditions of probation, that include not consuming  
10 controlled substances or alcoholic beverages.

11           (b) The commissioner shall adopt regulations to implement the program.

12           (c) The commissioner shall include in the program

13                   (1) a requirement for twice-a-day testing, in person if practicable, for  
14 alcoholic beverage use and random testing for controlled substances;

15                   (2) a means to provide the probation officer, prosecutor's office, or  
16 local law enforcement agency with notice within 24 hours, so that a complaint may be  
17 filed alleging a violation of AS 11.56.757, a petition may be filed with the court  
18 seeking appropriate sanctions and may be scheduled by the court for a prompt hearing,  
19 or an arrest warrant may be issued for the person on release or offender with  
20 conditions of probation provided in this subsection, if the person or offender

21                           (A) fails to appear for an appointment as required by the  
22 program requirements; or

23                           (B) tests positive for the use of controlled substances or  
24 alcoholic beverages; and

25                   (3) a requirement that the person or offender pay, based on the person's  
26 or offender's ability under financial guidelines established by the commissioner, for  
27 the cost of participating in the program.

28           (d) The department shall provide or conduct the testing required under (c) of  
29 this section.

30           **Article 2. Recidivism Reduction Grant Program.**

31           **Sec. 47.38.100. Recidivism reduction grant program and fund.** (a) The

1 recidivism reduction fund is established in the general fund to promote the  
2 rehabilitation through transitional re-entry programs of persons incarcerated for  
3 offenses and recently released from correctional facilities. The fund consists of money  
4 appropriated to the fund.

5 (b) Appropriations to the fund do not lapse.

6 (c) The commissioner, in cooperation with the commissioner of corrections,  
7 may make grants from the fund for programs that the commissioner of corrections  
8 determines have, as a primary focus, rehabilitation and reduction of recidivism  
9 through transitional re-entry for persons incarcerated for offenses and recently  
10 released from correctional facilities. To qualify for a grant under this section, a  
11 program shall

12 (1) include case management;

13 (2) require sober living;

14 (3) provide, on-site or by referral, treatment for substance abuse or  
15 mental health treatment;

16 (4) require employment, educational programming, vocational  
17 training, or community volunteer work as approved by the director of the treatment  
18 program; and

19 (5) limit residential placements in the program to a maximum of one  
20 year.

21 (d) The commissioner and the commissioner of corrections shall prepare a  
22 joint annual report on the fund and grant program, and notify the legislature on or  
23 before January 15 of each year that the report is available. The report must include the  
24 balance of the fund, a summary of the grants provided from the fund, and the effects  
25 on recidivism for program participants.

### 26 **Article 3. General Provisions.**

#### 27 **Sec. 47.38.199. Definitions.** In this chapter,

28 (1) "commissioner" means the commissioner of health and social  
29 services;

30 (2) "department" means the Department of Health and Social Services.

31 \* **Sec. 33.** AS 22.20.210 is repealed June 30, 2018.

1 \* **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3 APPLICABILITY. (a) AS 11.41.320(a), as amended by sec. 1 of this Act,  
4 AS 11.41.330(a), as amended by sec. 2 of this Act, AS 11.41.330(b), as amended by sec. 3 of  
5 this Act, AS 11.46.130(a), as amended by sec. 4 of this Act, AS 11.46.140(a), as amended by  
6 sec. 5 of this Act, AS 11.46.150(a), as amended by sec. 6 of this Act, AS 11.46.220(c), as  
7 amended by sec. 7 of this Act, AS 11.46.260(b), as amended by sec. 8 of this Act,  
8 AS 11.46.270(b), as amended by sec. 9 of this Act, AS 11.46.280(d), as amended by sec. 10  
9 of this Act, AS 11.46.285(b), as amended by sec. 11 of this Act, AS 11.46.295, as amended  
10 by sec. 12 of this Act, AS 11.46.360(a), as amended by sec. 13 of this Act, AS 11.46.482(a),  
11 as amended by sec. 14 of this Act, AS 11.46.484(a), as amended by sec. 15 of this Act,  
12 AS 11.46.486(a), as amended by sec. 16 of this Act, AS 11.46.530(b), as amended by sec. 17  
13 of this Act, AS 11.46.620(d), as amended by sec. 18 of this Act, AS 11.46.730(c), as amended  
14 by sec. 19 of this Act, AS 12.30.011(b), as amended by sec. 20 of this Act, AS 12.30.016(b),  
15 as amended by sec. 21 of this Act, AS 12.30.016(c), as amended by sec. 22 of this Act, and  
16 AS 12.55.027(c), as amended by sec. 23 of this Act apply to offenses occurring on or after the  
17 effective date of secs. 1 - 28 and 30 - 34 of this Act.

18 (b) The changes made to AS 12.55.100(a), as amended by sec. 24 of this Act,  
19 AS 33.05.020, as amended by sec. 26 of this Act, AS 33.16.060, as amended by sec. 27 of this  
20 Act, and AS 33.16.150(b), as amended by sec. 28 of this Act, AS 47.38.020, as enacted by  
21 sec. 32 of this Act, apply to convictions occurring before, on, or after the effective date of  
22 secs. 1 - 28 and 30 - 34 of this Act for offenses occurring before, on, or after the effective date  
23 of secs. 1 - 28 and 30 - 34 of this Act.

24 \* **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to  
25 read:

26 TRANSITIONAL PROVISIONS. The initial designations and appointments to the  
27 Alaska Criminal Justice Commission under AS 44.19.642, added by sec. 30 of this Act, shall  
28 be made and the first meeting of the commission shall be held not later than September 30,  
29 2014. The first report required under AS 44.19.647, added by sec. 30 of this Act, shall be  
30 submitted not later than February 1, 2016.

31 \* **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITIONAL PROVISIONS: REGULATIONS. (a) The Department of  
3 Corrections may adopt regulations necessary to implement AS 33.05.020(f), added by sec. 26  
4 of this Act.

5 (b) The board of parole may adopt regulations necessary to implement  
6 AS 33.16.060(c), added by sec. 27 of this Act, and AS 33.16.150(b), as amended by sec. 28 of  
7 this Act.

8 (c) The Department of Health and Social Services may adopt regulations necessary to  
9 implement AS 47.38.010 - 47.38.199, added by sec. 32 of this Act.

10 (d) The regulations adopted under (a) - (c) of this section take effect under AS 44.62  
11 (Administrative Procedure Act), but not before July 1, 2014.

12 \* **Sec. 37.** Section 29 of this Act takes effect January 1, 2016.

13 \* **Sec. 38.** Section 36 of this Act takes effect immediately under AS 01.10.070(c).

14 \* **Sec. 39.** Sections 1 - 28 and 30 - 34 of this Act take effect July 1, 2014.

# SFIN CS for SB 64 (JUD)

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## Fiscal Notes: SFIN CSSB64 VER S TO CSSB 64 (JUD) VER L

### SFIN CSSB 64 VER L

### CSSB 64 (JUD) VER D

**Department of Corrections**

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OMB# 694  
1,603.7 in FY 15  
2,149.3 in FY 16  
2,694.8 in out years  
14 full time positions in FY 15  
25 full time positions in out years

OMB# TBA  
500.0

**Department of Health & Social Services**

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OMB# 305  
878.2 in FY 15  
878.2 in out years  
1 full time position  
OMB#320  
101.0 in FY15  
96.0 in out years  
1 full time position

**Alaska Court System**

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OMB#771  
191.2 in FY15  
187.8 in out years  
1 full time position  
1 half time position

**Department of Corrections**

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OMB#694  
6,603.3 in FY15  
7,148.9 in FY16  
7,694.4 in out years  
20 full time positions in FY 15  
31 full time positions in out years

**Department of Health & Social Services**

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OMB#305  
0

**Alaska Court System**

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OMB#771 Fiscal Note #6  
320.9 in FY 15  
320.9 in out years  
3 full time positions

## SFIN CS for SB 64 (JUD)

### SFIN CS for SB 64 version L makes the following changes:

- **Adds the Alaska Criminal Justice Commission**  
This is found in the original Senate Judiciary version D. However there are three significant changes:
  - There are 10 members instead of 12
  - Sunset in 2018
  - Audit (AS 44.66.010)
  
- **Errors**
  - Moved the FAS/FAS language
  - Removed the word "residential"
  - Added the word "educational programming"
  
- **Fiscal Notes**
  - There are now five new fiscal notes
  - Replaces three fiscal notes
  - Reflects changes from last hearing on version S
  - Has a costs savings

CSSSB 64 Compare	FY2015	FY2016	Out Years	Positions
OMB#694	6,603.3	7,148.9	7,694	
OMB#771	320.9	320.9	320.9	
<b>Version D</b>	<b>6,924.2</b>	<b>7,469.8</b>	<b>8,014.9</b>	<b>23-34 FT</b>
OMB#694	1,603.7	2,149.3	2,694.8	
OMB TBA	500.0	500.0	500.0	
OMB#305	878.2	878.2	878.2	
OMB#320	101.0	96.0	96.0	
OMB#771	191.2	187.8	187.8	
<b>Version L</b>	<b>3,274.1</b>	<b>3,811.3</b>	<b>4,356.8</b>	<b>17.5-28.5 FT</b>

ADOPTED 3/11/14

28-LS0116S  
Gardner  
3/10/14

**CS FOR SENATE BILL NO. 64(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATE JUDICIARY COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to theft and property offenses; relating to the definition of 'prior**  
2 **convictions' for certain theft offenses; relating to the crime of custodial interference;**  
3 **relating to jail-time credit for offenders in court-ordered treatment programs; relating**  
4 **to conditions of release, probation, and parole; relating to duties of the commissioner of**  
5 **corrections and board of parole; establishing a fund for reducing recidivism in the**  
6 **Department of Health and Social Services; requiring the commissioner of health and**  
7 **social services to establish programs for persons on conditions of release or probation**  
8 **that require testing for controlled substances and alcoholic beverages; requiring the**  
9 **board of parole to establish programs for persons on parole that require testing for**  
10 **controlled substances and alcoholic beverages; relating to the duties of the Department**  
11 **of Health and Social Services; and providing for an effective date."**

12 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

1 \* Section 1. AS 11.41.320(a) is amended to read:

2 (a) A person commits the crime of custodial interference in the first degree if  
3 the person violates AS 11.41.330(a)(1) [AS 11.41.330] and causes the child or  
4 incompetent person to be

5 (1) removed from the state; or

6 (2) kept outside the state.

7 \* Sec. 2. AS 11.41.330(a) is amended to read:

8 (a) A person commits the crime of custodial interference in the second degree  
9 if

10 (1) [,] being a relative of a child under 18 years of age or a relative of  
11 an incompetent person and knowing that the person has no legal right to do so, the  
12 person takes, entices, or keeps that child or incompetent person from a lawful  
13 custodian with intent to hold the child or incompetent person for a protracted period;  
14 or

15 (2) not being a relative of a child under 18 years of age or a  
16 relative of an incompetent person and knowing that the person has no legal right  
17 to do so, the person represents to the lawful custodian that the person has a legal  
18 right to take or keep the child or incompetent person.

19 \* Sec. 3. AS 11.41.330(b) is amended to read:

20 (b) The affirmative defense of necessity under AS 11.81.320 does not apply to  
21 a prosecution for custodial interference under (a)(1) [(a)] of this section if the  
22 protracted period for which the person held the child or incompetent person exceeded  
23 the shorter of the following:

24 (1) 24 hours; or

25 (2) the time necessary to report to a peace officer or social service  
26 agency that the child or incompetent person has been abused, neglected, or is in  
27 imminent physical danger.

28 \* Sec. 4. AS 11.46.130(a) is amended to read:

29 (a) A person commits the crime of theft in the second degree if the person  
30 commits theft as defined in AS 11.46.100 and

31 (1) the value of the property or services is \$1,200 [\$500] or more but

1 less than \$25,000;

2 (2) the property is a firearm or explosive;

3 (3) the property is taken from the person of another;

4 (4) the property is taken from a vessel and is vessel safety or survival  
5 equipment;

6 (5) the property is taken from an aircraft and the property is aircraft  
7 safety or survival equipment;

8 (6) the value of the property is \$250 [\$50] or more but less than \$1,200  
9 [\$500] and, within the preceding five years, the person has been convicted and  
10 sentenced on two or more separate occasions in this or another jurisdiction of

11 (A) an offense under AS 11.46.120, or an offense under  
12 another law or ordinance with similar elements;

13 (B) a crime set out in this subsection or an offense under  
14 another law or ordinance with similar elements;

15 (C) an offense under AS 11.46.140(a)(1), or an offense under  
16 another law or ordinance with similar elements; or

17 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an  
18 offense under another law or ordinance with similar elements; or

19 (7) the property is an access device.

20 \* Sec. 5. AS 11.46.140(a) is amended to read:

21 (a) A person commits the crime of theft in the third degree if the person  
22 commits theft as defined in AS 11.46.100 and

23 (1) the value of the property or services is \$250 [\$50] or more but less  
24 than \$1,200 [\$500]; or

25 (2) [REPEALED]

26 (3) the value of the property is less than \$250 [\$50] and, within the  
27 past five years, the person has been convicted and sentenced on two or more separate  
28 occasions in this or another jurisdiction of theft or concealment of merchandise, or an  
29 offense under another law or ordinance with similar elements.

30 \* Sec. 6. AS 11.46.150(a) is amended to read:

31 (a) A person commits the crime of theft in the fourth degree if the person

1 commits theft as defined in AS 11.46.100 and the value of the property or services is  
2 less than \$250 [\$50].

3 \* Sec. 7. AS 11.46.220(c) is amended to read:

4 (c) Concealment of merchandise is

5 (1) a class C felony if

6 (A) the merchandise is a firearm;

7 (B) the value of the merchandise is \$1,200 [\$500] or more; or

8 (C) the value of the merchandise is \$250 [\$50] or more but less  
9 than \$1,200 [\$500] and, within the preceding five years, the person has been  
10 convicted and sentenced on two or more separate occasions in this or another  
11 jurisdiction of

12 (i) the offense of concealment of merchandise under  
13 this paragraph or (2)(A) of this subsection, or an offense under another  
14 law or ordinance with similar elements; or

15 (ii) an offense under AS 11.46.120, 11.46.130, or  
16 11.46.140(a)(1), or an offense under another law or ordinance with  
17 similar elements;

18 (2) a class A misdemeanor if

19 (A) the value of the merchandise is \$250 [\$50] or more but less  
20 than \$1,200 [\$500]; or

21 (B) the value of the merchandise is less than \$250 [\$50] and,  
22 within the preceding five years, the person has been convicted and sentenced  
23 on two or more separate occasions of the offense of concealment of  
24 merchandise or theft in any degree, or an offense under another law or  
25 ordinance with similar elements;

26 (3) a class B misdemeanor if the value of the merchandise is less than  
27 \$250 [\$50].

28 \* Sec. 8. AS 11.46.260(b) is amended to read:

29 (b) Removal of identification marks is

30 (1) a class C felony if the value of the property on which the serial  
31 number or identification mark appeared is \$1,200 [\$500] or more;

1 (2) a class A misdemeanor if the value of the property on which the  
2 serial number or identification mark appeared is \$250 [\$50] or more but less than  
3 \$1,200 [\$500];

4 (3) a class B misdemeanor if the value of the property on which the  
5 serial number or identification mark appeared is less than \$250 [\$50].

6 \* Sec. 9. AS 11.46.270(b) is amended to read:

7 (b) Unlawful possession is

8 (1) a class C felony if the value of the property on which the serial  
9 number or identification mark appeared is \$1,200 [\$500] or more;

10 (2) a class A misdemeanor if the value of the property on which the  
11 serial number or identification mark appeared is \$250 [\$50] or more but less than  
12 \$1,200 [\$500];

13 (3) a class B misdemeanor if the value of the property on which the  
14 serial number or identification mark appeared is less than \$250 [\$50].

15 \* Sec. 10. AS 11.46.280(d) is amended to read:

16 (d) Issuing a bad check is

17 (1) a class B felony if the face amount of the check is \$25,000 or more;

18 (2) a class C felony if the face amount of the check is \$1,200 [\$500] or  
19 more but less than \$25,000;

20 (3) a class A misdemeanor if the face amount of the check is \$250  
21 [\$50] or more but less than \$1,200 [\$500];

22 (4) a class B misdemeanor if the face amount of the check is less than  
23 \$250 [\$50].

24 \* Sec. 11. AS 11.46.285(b) is amended to read:

25 (b) Fraudulent use of an access device is

26 (1) a class B felony if the value of the property or services obtained is  
27 \$25,000 or more;

28 (2) a class C felony if the value of the property or services obtained is  
29 \$1,200 [\$50] or more but less than \$25,000;

30 (3) a class A misdemeanor if the value of the property or services  
31 obtained is less than \$1,200 [\$50].

1 \* Sec. 12. AS 11.46.295 is amended to read:

2           **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
3 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or  
4 11.46.140(a)(3), or in prosecuting the crime of concealment of merchandise under  
5 AS 11.46.220(c),

6           **(1)** a conviction for an offense under another law or ordinance with  
7 similar elements is a conviction of an offense having elements similar to those of an  
8 offense defined as such under Alaska law at the time the offense was committed;

9           **(2)** a conviction for an offense under Alaska law where the value of  
10 the property or services for the offense was lower than the value of property or  
11 services for the offense under current Alaska law, is a prior conviction for that  
12 offense; and

13           **(3)** the [. THE] court shall consider the date of a prior conviction as  
14 occurring on the date that sentence is imposed for the prior offense.

15 \* Sec. 13. AS 11.46.360(a) is amended to read:

16           (a) A person commits the crime of vehicle theft in the first degree if, having  
17 no right to do so or any reasonable ground to believe the person has such a right, the  
18 person drives, tows away, or takes

19                   (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft  
20 of another;

21                   (2) the propelled vehicle of another and

22                           (A) the vehicle or any other property of another is damaged in a  
23 total amount of \$1,200 [\$500] or more;

24                           (B) the owner incurs reasonable expenses as a result of the loss  
25 of use of the vehicle, in a total amount of \$1,200 [\$500] or more; or

26                           (C) the owner is deprived of the use of the vehicle for seven  
27 days or more;

28                   (3) the propelled vehicle of another and the vehicle is marked as a  
29 police or emergency vehicle; or

30                   (4) the propelled vehicle of another and, within the preceding seven  
31 years, the person was convicted under

- 1 (A) this section or AS 11.46.365;  
2 (B) former AS 11.46.482(a)(4) or (5);  
3 (C) former AS 11.46.484(a)(2);  
4 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft  
5 of a propelled vehicle; or  
6 (E) a law or ordinance of this or another jurisdiction with  
7 elements substantially similar to those of an offense described in (A) - (D) of  
8 this paragraph.

9 \* Sec. 14. AS 11.46.482(a) is amended to read:

10 (a) A person commits the crime of criminal mischief in the third degree if,  
11 having no right to do so or any reasonable ground to believe the person has such a  
12 right,

13 (1) with intent to damage property of another, the person damages  
14 property of another in an amount of \$1,200 [\$500] or more;

15 (2) the person recklessly creates a risk of damage in an amount  
16 exceeding \$100,000 to property of another by the use of widely dangerous means; or

17 (3) the person knowingly

18 (A) defaces, damages, or desecrates a cemetery or the contents  
19 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,  
20 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or  
21 memorial appears to be abandoned, lost, or neglected;

22 (B) removes human remains or associated burial artifacts from  
23 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,  
24 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

25 \* Sec. 15. AS 11.46.484(a) is amended to read:

26 (a) A person commits the crime of criminal mischief in the fourth degree if,  
27 having no right to do so or any reasonable ground to believe the person has such a  
28 right

29 (1) with intent to damage property of another, the person damages  
30 property of another in an amount of \$250 [\$50] or more but less than \$1,200 [\$500];

31 (2) the person tampers with a fire protection device in a building that is

1 a public place;

2 (3) the person knowingly accesses a computer, computer system,  
3 computer program, computer network, or part of a computer system or network;

4 (4) the person uses a device to descramble an electronic signal that has  
5 been scrambled to prevent unauthorized receipt or viewing of the signal unless the  
6 device is used only to descramble signals received directly from a satellite or unless  
7 the person owned the device before September 18, 1984; or

8 (5) the person knowingly removes, relocates, defaces, alters, obscures,  
9 shoots at, destroys, or otherwise tampers with an official traffic control device or  
10 damages the work upon a highway under construction.

11 \* Sec. 16. AS 11.46.486(a) is amended to read:

12 (a) A person commits the crime of criminal mischief in the fifth degree if,  
13 having no right to do so or any reasonable ground to believe the person has such a  
14 right,

15 (1) with reckless disregard for the risk of harm to or loss of the  
16 property or with intent to cause substantial inconvenience to another, the person  
17 tampers with property of another;

18 (2) with intent to damage property of another, the person damages  
19 property of another in an amount less than \$250 [\$50]; or

20 (3) the person rides in a propelled vehicle knowing it has been stolen  
21 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

22 \* Sec. 17. AS 11.46.530(b) is amended to read:

23 (b) Criminal simulation is

24 (1) a class C felony if the value of what the object purports to represent  
25 is \$1,200 [\$500] or more;

26 (2) a class A misdemeanor if the value of what the object purports to  
27 represent is \$250 [\$50] or more but less than \$1,200 [\$500];

28 (3) a class B misdemeanor if the value of what the object purports to  
29 represent is less than \$250 [\$50].

30 \* Sec. 18. AS 11.46.620(d) is amended to read:

31 (d) Misapplication of property is

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- (1) a class C felony if the value of the property misapplied is \$1,200 [\$500] or more;
- (2) a class A misdemeanor if the value of the property misapplied is less than \$1,200 [\$500].

\* Sec. 19. AS 11.46.730(c) is amended to read:

(c) Defrauding creditors is a class A misdemeanor unless that secured party, judgment creditor, or creditor incurs a pecuniary loss of \$1,200 [\$500] or more as a result to the defendant's conduct, in which case defrauding secured creditors is

- (1) a class B felony if the loss is \$25,000 or more;
- (2) a class C felony if the loss is \$1,200 [\$500] or more but less than \$25,000.

\* Sec. 20. AS 12.30.011(b) is amended to read:

(b) If a judicial officer determines that the release under (a) of this section will not reasonably assure the appearance of the person or will pose a danger to the victim, other persons, or the community, the officer shall impose the least restrictive condition or conditions that will reasonably assure the person's appearance and protect the victim, other persons, and the community. In addition to conditions under (a) of this section, the judicial officer may, singly or in combination,

- (1) require the execution of an appearance bond in a specified amount of cash to be deposited into the registry of the court, in a sum not to exceed 10 percent of the amount of the bond;
- (2) require the execution of a bail bond with sufficient solvent sureties or the deposit of cash;
- (3) require the execution of a performance bond in a specified amount of cash to be deposited in the registry of the court;
- (4) place restrictions on the person's travel, association, or residence;
- (5) order the person to refrain from possessing a deadly weapon on the person or in the person's vehicle or residence;
- (6) require the person to maintain employment or, if unemployed, actively seek employment;
- (7) require the person to notify the person's lawyer and the prosecuting

1 authority within two business days after any change in employment;

2 (8) require the person to avoid all contact with a victim, a potential  
3 witness, or a codefendant;

4 (9) require the person to refrain from the consumption and possession  
5 of alcoholic beverages;

6 (10) require the person to refrain from the use of a controlled substance  
7 as defined by AS 11.71, unless prescribed by a licensed health care provider with  
8 prescriptive authority;

9 (11) require the person to be physically inside the person's residence,  
10 or in the residence of the person's third-party custodian, at time periods set by the  
11 court;

12 (12) require the person to keep regular contact with a law enforcement  
13 officer or agency;

14 (13) order the person to refrain from entering or remaining in premises  
15 licensed under AS 04;

16 (14) place the person in the custody of an individual who agrees to  
17 serve as a third-party custodian of the person as provided in AS 12.30.021;

18 (15) if the person is under the treatment of a licensed health care  
19 provider, order the person to follow the provider's treatment recommendations;

20 (16) order the person to take medication that has been prescribed for  
21 the person by a licensed health care provider with prescriptive authority;

22 (17) order the person to comply with any other condition that is  
23 reasonably necessary to assure the appearance of the person and to assure the safety of  
24 the victim, other persons, and the community;

25 (18) require the person to comply with a program established  
26 under AS 47.38.020 if the person has been charged with an alcohol-related or  
27 substance abuse-related offense that is an unclassified felony, a class A felony, a  
28 sexual felony, or a crime involving domestic violence.

29 \* Sec. 21. AS 12.30.016(b) is amended to read:

30 (b) In a prosecution charging a violation of AS 04.11.010, 04.11.499,  
31 AS 28.35.030, or 28.35.032, a judicial officer may order the person

- 1 (1) to refrain from  
2 (A) consuming alcoholic beverages; or  
3 (B) possessing on the person, in the person's residence, or in  
4 any vehicle or other property over which the person has control, alcoholic  
5 beverages;  
6 (2) to submit to a search without a warrant of the person, the person's  
7 personal property, the person's residence, or any vehicle or other property over which  
8 the person has control, for the presence of alcoholic beverages by a peace officer who  
9 has reasonable suspicion that the person is violating the conditions of the person's  
10 release by possessing alcoholic beverages;  
11 (3) to submit to a breath test when requested by a law enforcement  
12 officer;  
13 (4) to provide a sample for a urinalysis or blood test when requested by  
14 a law enforcement officer;  
15 (5) to take a drug or combination of drugs intended to prevent  
16 substance abuse;  
17 (6) to follow any treatment plan imposed by the court under  
18 AS 28.35.028;  
19 (7) to comply with a program established under AS 47.38.020.

20 \* Sec. 22. AS 12.30.016(c) is amended to read:

- 21 (c) In a prosecution charging a violation of AS 11.71 or AS 11.73, a judicial  
22 officer may order the person  
23 (1) to refrain from  
24 (A) consuming a controlled substance; or  
25 (B) possessing on the person, in the person's residence, or in  
26 any vehicle or other property over which the person has control, a controlled  
27 substance or drug paraphernalia;  
28 (2) to submit to a search without a warrant of the person, the person's  
29 personal property, the person's residence, or any vehicle or other property over which  
30 the person has control, for the presence of a controlled substance or drug paraphernalia  
31 by a peace officer who has reasonable suspicion that the person is violating the terms

1 of the person's release by possessing controlled substances or drug paraphernalia;

2 (3) to enroll in a random drug testing program, at the person's expense,  
3 to detect the presence of a controlled substance, with testing to occur not less than  
4 once a week, and with the results being submitted to the court and the prosecuting  
5 authority;

6 (4) to refrain from entering or remaining in a place where a controlled  
7 substance is being used, manufactured, grown, or distributed;

8 (5) to refrain from being physically present at, within a two-block area  
9 of, or within a designated area near, the location where the alleged offense occurred or  
10 at other designated places, unless the person actually resides within that area; or

11 (6) to refrain from the use or possession of an inhalant;

12 (7) to comply with a program established under AS 47.38.020.

13 \* Sec. 23. AS 12.55.027(c) is amended to read:

14 (c) To qualify for credit against a sentence of imprisonment for a day [TIME]  
15 spent in a treatment program, the treatment program and the facility of the treatment  
16 program must impose substantial restrictions on a person's liberty on that day that are  
17 equivalent to incarceration, including the requirement that a participant in the program

18 (1) must live in a residential facility operated by the program;

19 (2) must be confined at all times to the grounds of the facility or be in  
20 the physical custody of an employee of the facility, except for

21 (A) court appearances;

22 (B) [,] meetings with counsel;

23 (C) employment, vocational training, or community  
24 volunteer [, AND] work required by the treatment program [AND  
25 APPROVED IN ADVANCE BY THE COURT]; and

26 (D) periods during which residents are permitted to leave  
27 the facility for rehabilitative purposes directly related to the person's  
28 treatment, so long as the periods during which the residents are permitted  
29 to leave the facility are expressly limited as to both time and purpose by  
30 the treatment program;

31 (3) is subject to disciplinary sanctions by the program if the participant

1 violates rules of the program and facility; sanctions must be in writing and available  
2 for court review; and

3 (4) is subject to immediate arrest, without warrant, if the participant  
4 leaves the facility without permission.

5 \* Sec. 24. AS 12.55.100(a) is amended to read:

6 (a) While on probation and among the conditions of probation, the defendant  
7 may be required

8 (1) to pay a fine in one or several sums;

9 (2) to make restitution or reparation to aggrieved parties for actual  
10 damages or loss caused by the crime for which conviction was had, including  
11 compensation to a victim that is a nonprofit organization for the value of labor or  
12 goods provided by volunteers if the labor or goods were necessary to alleviate or  
13 mitigate the effects of the defendant's crime;

14 (3) to provide for the support of any persons for whose support the  
15 defendant is legally responsible;

16 (4) to perform community work in accordance with AS 12.55.055;

17 (5) to participate in or comply with the treatment plan of an inpatient  
18 or outpatient rehabilitation program specified by either the court or the defendant's  
19 probation officer that is related to the defendant's offense or to the defendant's  
20 rehabilitation; and

21 (6) to satisfy the screening, evaluation, referral, and program  
22 requirements of an agency authorized by the court to make referrals for rehabilitative  
23 treatment or to provide rehabilitative treatment;

24 (7) to comply with a program established under AS 47.38.020.

25 \* Sec. 25. AS 33.05.020 is amended by adding a new subsection to read:

26 (f) The commissioner shall establish a program for offenders on probation for  
27 a felony offense who have conditions of probation that include not consuming  
28 controlled substances or alcoholic beverages and who have been identified as being at  
29 moderate to high risk as identified by a risk-needs assessment. The commissioner shall  
30 adopt regulations to implement the program. The program shall

31 (1) include random testing for controlled substances and alcoholic

1 beverage use;

2 (2) require that the probation officer file a petition with the court  
3 seeking appropriate sanctions by the close of the next business day if a probationer

4 (A) fails to appear for an appointment as directed by the  
5 probation officer; or

6 (B) tests positive for the use of controlled substances, inhalants,  
7 or alcoholic beverages; and

8 (3) include a means to notify the court, by the close of the next  
9 business day, that a petition to revoke probation has been filed on a probationer placed  
10 in the program by the commissioner so that the court may review the petition,  
11 schedule a prompt hearing, address a request for a warrant provided by the probation  
12 officer, or take other action the court considers appropriate.

13 \* Sec. 26. AS 33.16.060 is amended by adding a new subsection to read:

14 (c) The board shall establish a program for a parolee who has conditions of  
15 parole that include not consuming controlled substances or alcoholic beverages and  
16 who has been identified as being at moderate to high risk as identified by a risk-needs  
17 assessment. The program must

18 (1) include random testing for controlled substance and alcoholic  
19 beverage use;

20 (2) require that a parole officer file a parole violation report by the  
21 close of the next business day if a parolee

22 (A) fails to appear for an appointment as directed by the parole  
23 officer; or

24 (B) tests positive for the use of controlled substances or  
25 alcoholic beverages; and

26 (3) include a means to notify the board by the close of the next  
27 business day that a parole violation report has been filed on a parolee placed in the  
28 program by the board.

29 \* Sec. 27. AS 33.16.150(b) is amended to read:

30 (b) The board may require as a condition of special medical, discretionary, or  
31 mandatory parole, or a member of the board acting for the board under (e) of this

1 section may require as a condition of mandatory parole, that a prisoner released on  
2 parole

3 (1) not possess or control a defensive weapon, a deadly weapon other  
4 than an ordinary pocket knife with a blade three inches or less in length, or  
5 ammunition for a firearm, or reside in a residence where there is a firearm capable of  
6 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly  
7 weapon," "defensive weapon," and "firearm" have the meanings given in  
8 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

9 (2) refrain from possessing or consuming alcoholic beverages;

10 (3) submit to reasonable searches and seizures by a parole officer, or a  
11 peace officer acting under the direction of a parole officer;

12 (4) submit to appropriate medical, mental health, or controlled  
13 substance or alcohol examination, treatment, or counseling;

14 (5) submit to periodic examinations designed to detect the use of  
15 alcohol or controlled substances; the periodic examinations may include testing  
16 under the program established under AS 33.16.060(c);

17 (6) make restitution ordered by the court according to a schedule  
18 established by the board;

19 (7) refrain from opening, maintaining, or using a checking account or  
20 charge account;

21 (8) refrain from entering into a contract other than a prenuptial contract  
22 or a marriage contract;

23 (9) refrain from operating a motor vehicle;

24 (10) refrain from entering an establishment where alcoholic beverages  
25 are served, sold, or otherwise dispensed;

26 (11) refrain from participating in any other activity or conduct  
27 reasonably related to the parolee's offense, prior record, behavior or prior behavior,  
28 current circumstances, or perceived risk to the community, or from associating with  
29 any other person that the board determines is reasonably likely to diminish the  
30 rehabilitative goals of parole, or that may endanger the public; in the case of special  
31 medical parole, for a prisoner diagnosed with a communicable disease, comply with

1 conditions set by the board designed to prevent the transmission of the disease.

2 \* Sec. 28. AS 33.30.011 is amended to read:

3 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

4 (1) establish, maintain, operate, and control correctional facilities  
5 suitable for the custody, care, and discipline of persons charged or convicted of  
6 offenses against the state or held under authority of state law; each correctional facility  
7 operated by the state shall be established, maintained, operated, and controlled in a  
8 manner that is consistent with AS 33.30.015;

9 (2) classify prisoners;

10 (3) for persons committed to the custody of the commissioner,  
11 establish programs, including furlough programs that are reasonably calculated to

12 (A) protect the public and the victims of crimes committed by  
13 prisoners;

14 (B) maintain health;

15 (C) create or improve occupational skills;

16 (D) enhance educational qualifications;

17 (E) support court-ordered restitution; and

18 (F) otherwise provide for the rehabilitation and reformation of  
19 prisoners, facilitating their reintegration into society;

20 (4) provide necessary

21 (A) medical services for prisoners in correctional facilities or  
22 who are committed by a court to the custody of the commissioner, including  
23 examinations for communicable and infectious diseases;

24 (B) psychological or psychiatric treatment if a physician or  
25 other health care provider, exercising ordinary skill and care at the time of  
26 observation, concludes that

27 (i) a prisoner exhibits symptoms of a serious disease or  
28 injury that is curable or may be substantially alleviated; and

29 (ii) the potential for harm to the prisoner by reason of  
30 delay or denial of care is substantial;

31 (5) establish minimum standards for sex offender treatment programs

1 offered to persons who are committed to the custody of the commissioner; [AND]

2 (6) provide for fingerprinting in correctional facilities in accordance  
3 with AS 12.80.060; and

4 (7) establish a program to conduct assessments of the risks and  
5 needs of offenders sentenced to serve a term of incarceration of 30 days or more,  
6 including offenders who may be vulnerable to harm, exploitation, or recidivism  
7 as a result of fetal alcohol syndrome, fetal alcohol spectrum disorder, or another  
8 brain-based disorder.

9 \* Sec. 29. AS 47 is amended by adding a new chapter to read:

10 **Chapter 38. Alcohol and Substance Abuse Accountability.**

11 **Article 1. Alcohol and Substance Abuse Monitoring and Treatment for Persons Released**  
12 **on Bail or on Probation.**

13 **Sec. 47.38.010. Cooperation with the Department of Corrections.** The  
14 department shall cooperate with the Department of Corrections in establishing and  
15 conducting programs to provide treatment for alcoholics, intoxicated persons, drug  
16 abusers, and inhalant abusers who are on conditions of release as provided in  
17 AS 12.30 or on probation.

18 **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The  
19 commissioner, in cooperation with the commissioner of corrections, shall establish a  
20 program for certain persons with release conditions ordered as provided under  
21 AS 12.30, or offenders with conditions of probation, that include not consuming  
22 controlled substances or alcoholic beverages.

23 (b) The commissioner shall adopt regulations to implement the program.

24 (c) The commissioner shall include in the program

25 (1) a requirement for twice-a-day testing, in person if practicable, for  
26 alcoholic beverage use and random testing for controlled substances;

27 (2) a means to provide the probation officer, prosecutor's office, or  
28 local law enforcement agency with notice within 24 hours, so that a complaint may be  
29 filed alleging a violation of AS 11.56.757, a petition may be filed with the court  
30 seeking appropriate sanctions and may be scheduled by the court for a prompt hearing,  
31 or an arrest warrant may be issued for the person on release or offender with

1 conditions of probation provided in this subsection, if the person or offender

2 (A) fails to appear for an appointment as required by the  
3 program requirements; or

4 (B) tests positive for the use of controlled substances or  
5 alcoholic beverages; and

6 (3) a requirement that the person or offender pay, based on the person's  
7 or offender's ability under financial guidelines established by the commissioner, for  
8 the cost of participating in the program.

9 (d) The department shall provide or conduct the testing required under (c) of  
10 this section.

11 **Article 2. Recidivism Reduction Grant Program.**

12 **Sec. 47.38.100. Recidivism reduction grant program and fund.** (a) The  
13 recidivism reduction fund is established in the general fund to promote the  
14 rehabilitation through transitional re-entry programs of persons incarcerated for  
15 offenses and recently released from correctional facilities. The fund consists of money  
16 appropriated to the fund.

17 (b) Appropriations to the fund do not lapse.

18 (c) The commissioner, in cooperation with the commissioner of corrections,  
19 may make grants from the fund for programs that the commissioner of corrections  
20 determines have, as a primary focus, rehabilitation and reduction of recidivism  
21 through transitional re-entry for persons incarcerated for offenses and recently  
22 released from correctional facilities. To qualify for a grant under this section, a  
23 program shall

24 (1) include case management;

25 (2) require sober living;

26 (3) provide, on-site or by referral, residential treatment for substance  
27 abuse or mental health treatment;

28 (4) require employment, vocational training, or community volunteer  
29 work as approved by the director of the treatment program; and

30 (5) limit residential placements in the program to a maximum of one  
31 year.

1 (d) The commissioner and the commissioner of corrections shall prepare a  
2 joint annual report on the fund and grant program, and notify the legislature on or  
3 before January 15 of each year that the report is available. The report must include the  
4 balance of the fund, a summary of the grants provided from the fund, and the effects  
5 on recidivism for program participants.

6 **Article 3. General Provisions.**

7 **Sec. 47.38.199. Definitions.** In this chapter,

8 (1) "commissioner" means the commissioner of health and social  
9 services;

10 (2) "department" means the Department of Health and Social Services.

11 \* **Sec. 30.** The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 **APPLICABILITY.** (a) AS 11.41.320(a), as amended by sec. 1 of this Act,  
14 AS 11.41.330(a), as amended by sec. 2 of this Act, AS 11.41.330(b), as amended by sec. 3 of  
15 this Act, AS 11.46.130(a), as amended by sec. 4 of this Act, AS 11.46.140(a), as amended by  
16 sec. 5 of this Act, AS 11.46.150(a), as amended by sec. 6 of this Act, AS 11.46.220(c), as  
17 amended by sec. 7 of this Act, AS 11.46.260(b), as amended by sec. 8 of this Act,  
18 AS 11.46.270(b), as amended by sec. 9 of this Act, AS 11.46.280(d), as amended by sec. 10  
19 of this Act, AS 11.46.285(b), as amended by sec. 11 of this Act, AS 11.46.295, as amended  
20 by sec. 12 of this Act, AS 11.46.360(a), as amended by sec. 13 of this Act, AS 11.46.482(a),  
21 as amended by sec. 14 of this Act, AS 11.46.484(a), as amended by sec. 15 of this Act,  
22 AS 11.46.486(a), as amended by sec. 16 of this Act, AS 11.46.530(b), as amended by sec. 17  
23 of this Act, AS 11.46.620(d), as amended by sec. 18 of this Act, AS 11.46.730(c), as amended  
24 by sec. 19 of this Act, AS 12.30.011(b), as amended by sec. 20 of this Act, AS 12.30.016(b),  
25 as amended by sec. 21 of this Act, AS 12.30.016(c), as amended by sec. 22 of this Act, and  
26 AS 12.55.027(c), as amended by sec. 23 of this Act apply to offenses occurring on or after the  
27 effective date of secs. 1 - 27, 29, and 30 of this Act.

28 (b) The changes made to AS 12.55.100(a), as amended by sec. 24 of this Act,  
29 AS 33.05.020, as amended by sec. 25 of this Act, AS 33.16.060, as amended by sec. 26 of this  
30 Act, and AS 33.16.150(b), as amended by sec. 27 of this Act, AS 47.38.020, as enacted by  
31 sec. 29 of this Act, apply to convictions occurring before, on, or after the effective date of

1 secs. 1 - 27, 29, and 30 of this Act for offenses occurring before, on, or after the effective date  
2 of secs. 1 - 27, 29, and 30 of this Act.

3 \* Sec. 31. The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 TRANSITIONAL PROVISIONS: REGULATIONS. (a) The Department of  
6 Corrections may adopt regulations necessary to implement AS 33.05.020(f), added by sec. 25  
7 of this Act.

8 (b) The board of parole may adopt regulations necessary to implement  
9 AS 33.16.060(c), added by sec. 26 of this Act, and AS 33.16.150(b), as amended by sec. 27 of  
10 this Act.

11 (c) The Department of Health and Social Services may adopt regulations necessary to  
12 implement AS 47.38.010 - 47.38.199, added by sec. 29 of this Act.

13 (d) The regulations adopted under (a) - (c) of this section take effect under AS 44.62  
14 (Administrative Procedure Act), but not before July 1, 2014.

15 \* Sec. 32. Section 28 of this Act takes effect January 1, 2016.

16 \* Sec. 33. Section 31 of this Act takes effect immediately under AS 01.10.070(c).

17 \* Sec. 34. Sections 1 - 27, 29, and 30 of this Act take effect July 1, 2014.

# SFIN CS for SB 64 (JUD)

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Side by side comparison: SFIN CSSB64 VER S TO CSSB 64 (JUD) VER D

**SFIN CSSB 64 VER S**

**CSSB 64 (JUD) VER D**

**Felony Threshold: \$1,200**

Sections 4-11, 13-19

**Felony Threshold: \$750**

Sections 4-11, 13-19

**24/7 Sobriety Testing**

Section 20, page 10, (18) AS 47.38.020

Section 21, page 11, (7) AS 47.38.020

Throughout document

**24/7 Sobriety Testing**

Section 20, page 10, (18) AS 33.05.020(g)

Section 21, page 11, (7) AS 33.05.020(g)

Throughout document

**Recidivism Reduction Fund**

Section 29, page 18, line 11: 47.38.100

**Recidivism Reduction Fund**

Section 30, page 18, lines 2: 33.30.045

**Alaska Criminal Justice Commission**

Deleted

**Alaska Criminal Justice Commission**

Section 31, page 18-22

**FAS/FASD Assessment**

Section 28, page 17, (7) "fetal alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based disorder"

**FAS/FASD Assessment**

None offered

## SFIN CS for SB 64 (JUD)

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### SFIN CS for SB 64 (JUD) makes the following changes:

- **Increases the felony theft level from \$750 to \$1,200**  
There was consensus to move the felony theft level.
- **Moves the 24/7 Sobriety testing program from Department of Corrections to the Department of Health and Social Services\***  
There is a pilot program currently in Health and Social Services, a three year pilot project for 24/7 alcohol/drug testing in the communities of Anchorage/Matsu/Fairbanks
- **Moves the Recidivism Reduction Fund from Department of Corrections to the Department of Health and Social Services\***  
As we heard in public testimony from the Department of Corrections, they do not have granting/receipt authority to do this and would have to ramp up some infrastructure to do so. The program will be a better fit in HSS.
- **Completely removes the Alaska Criminal Justice Commission\***  
After committee discussion it was pointed out that some of the same outcomes could be accomplished with a taskforce or some other means rather than have another ongoing commission, which costs money that could be better used in programming. There are several organizations that could be tasked with evaluating or studying recidivism in Alaska—in fact some already have: UAA Justice Center, Alaska Native Justice Center, Alaska Immigration Justice Project, the Recidivism Working Group, or ISER.
- **Adds language to correctional screening for fetal alcohol syndrome, fetal alcohol spectrum disorder or another brain-based disorder**  
This was done in consultation with both co-chairs, the vice chair and the Alaska Mental Trust Authority.
- *Changes should result in a substantially reduced fiscal note from the Department of Corrections, a new fiscal note from the Department of Health and Social Services that while it will note costs, will be less than what the Department of Corrections proposed. It is anticipated that the Alaska Court System would submit a zero fiscal note.*



# LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature  
Division of Legal and Research Services  
State Capitol, Juneau, AK 99801

(907) 465-3991 phone  
(907) 465-3908 fax  
research@legis.state.ak.us

## Research Brief

TO: Senator John Coghill  
FROM: Patricia Young, Manager  
DATE: March 10, 2014  
RE: Value of Property Stolen for Classifying Theft as a Felony Offense  
*LRS Report 14.310*

***You wished to know the monetary value of stolen property at which theft becomes a felony offense.***

For the purposes of this report, we look at non-aggravated theft only. Table 1 shows the value threshold at which laws in each state currently classify theft as a felony offense, in descending order of value. Table 2, on the following page, provides the same information listed by state. As you will see, the majority of states classify theft as a felony offense when the value of the property stolen exceeds \$500, with \$1,000 being the most frequently established threshold value.

**Table 1: Value Threshold for Felony Theft, by Value**

Indiana*	IC 35-43-4-2	class D felony	Ohio	R.C. § 2913.02	\$ 1,000
Wisconsin	W.S.A. 943.20	\$ 2,500	Oregon	O.R.S. § 164.055	\$ 1,000
Colorado	CRSA 18-4-401	\$ 2,000	South Dakota	SDCL § 22-30A-17	\$ 1,000
Connecticut	CT ST 53a-124	\$ 2,000	West Virginia	W. Va. Code, § 61-3-13	\$ 1,000
Pennsylvania	18 Pa.C.S.A. § 3903	\$ 2,000	Wyoming	W.S.1977 § 6-3-402	\$ 1,000
South Carolina	Code 1976 § 16-13-30	\$ 2,000	California	Cal Penal Code 487	\$ 950
Delaware	11 Del C 841	\$ 1,500	Vermont	13 V.S.A. § 2502	\$ 900
Georgia	GCA 16-8-12	\$ 1,500	Washington	West's RCWA 9A.56.040	\$ 750
Montana	MCA 45-6-301	\$ 1,500	Nevada	N.R.S. 205.0835	\$ 650
Rhode Island	Gen.Laws 1956, § 11-41-5	\$ 1,500	Alabama	Ala Code 13A-8-4	\$ 500
Texas	V.T.C.A., Penal Code § 31.03	\$ 1,500	Alaska	AS § 11.46.130	\$ 500
Utah	U.C.A. 1953 § 76-6-412	\$ 1,500	Illinois	720 ILCS 5/16-1	\$ 500
Arizona	ARS 13-1802	\$ 1,000	Kentucky	KRS 514.030	\$ 500
Arkansas	ACA 5-36-103	\$ 1,000	Louisiana*	LSA-RS 14:67	\$ 500
Idaho	IC 18-2407	\$ 1,000	Mississippi	Miss Code Ann 97-17-41	\$ 500
Iowa	ICA 714.2	\$ 1,000	Missouri	VAMS 570.030	\$ 500
Kansas	KSA 21-5801	\$ 1,000	Nebraska	Neb.Rev.St. § 28-518	\$ 500
Maine	17 AMRSA 353	\$ 1,000	New Jersey	N.J.S.A. 2C:20-2	\$ 500
Maryland	ACM 7-104	\$ 1,000	New Mexico	N. M. S. A. 1978, § 30-16-1	\$ 500
Michigan	MCLA 750-356	\$ 1,000	Oklahoma	21 Okl.St. Ann. § 1704	\$ 500
Minnesota	MSA 609.52	\$ 1,000	Tennessee	T. C. A. § 39-14-105	\$ 500
New Hampshire	N.H. Rev. Stat. § 637:11	\$ 1,000	Florida	FSA 812.014	\$ 300
New York	McKinney's Penal Law § 155.30	\$ 1,000	Hawaii	HRS 708-832	\$ 300
North Carolina	N.C.G.S.A. § 14-72	\$ 1,000	Massachusetts	MGLA 266-30	\$ 250
North Dakota	NDCC, 12.1-23-05	\$ 1,000	Virginia	VA Code Ann. § 18.2-95	\$ 200

**Notes:** All theft in Indiana is classified as a felony. Louisiana law does not classify crimes into misdemeanor and felony; however, crimes punishable by imprisonment of one year or more are typically considered serious offenses, or felonies.

**Source:** Westlaw

**Table 2: Value Threshold for Felony Theft, by State**

Alabama	Ala Code 13A-8-4	\$ 500	Montana	MCA 45-6-301	\$ 1,500
Alaska	AS § 11.46.130	\$ 500	Nebraska	Neb.Rev.St. § 28-518	\$ 500
Arizona	ARS 13-1802	\$ 1,000	Nevada	N.R.S. 205.0835	\$ 650
Arkansas	ACA 5-36-103	\$ 1,000	New Hampshire	N.H. Rev. Stat. § 637:11	\$ 1,000
California	Cal Penal Code 487	\$ 950	New Jersey	N.J.S.A. 2C:20-2	\$ 500
Colorado	CRSA 18-4-401	\$ 2,000	New Mexico	N. M. S. A. 1978, § 30-16-1	\$ 500
Connecticut	CT ST 53a-124	\$ 2,000	New York	McKinney's Penal Law § 155.30	\$ 1,000
Delaware	11 Del C 841	\$ 1,500	North Carolina	N.C.G.S.A. § 14-72	\$ 1,000
Florida	FSA 812.014	\$ 300	North Dakota	NDCC, 12.1-23-05	\$ 1,000
Georgia	GCA 16-8-12	\$ 1,500	Ohio	R.C. § 2913.02	\$ 1,000
Hawaii	HRS 708-832	\$ 300	Oklahoma	21 Okl.St. Ann. § 1704	\$ 500
Idaho	IC 18-2407	\$ 1,000	Oregon	O.R.S. § 164.055	\$ 1,000
Illinois	720 ILCS 5/16-1	\$ 500	Pennsylvania	18 Pa.C.S.A. § 3903	\$ 2,000
Indiana	IC 35-43-4-2	class D felony	Rhode Island	Gen.Laws 1956, § 11-41-5	\$ 1,500
Iowa	ICA 714.2	\$ 1,000	South Carolina	Code 1976 § 16-13-30	\$ 2,000
Kansas	KSA 21-5801	\$ 1,000	South Dakota	SDCL § 22-30A-17	\$ 1,000
Kentucky	KRS 514.030	\$ 500	Tennessee	T. C. A. § 39-14-105	\$ 500
Louisiana*	LSA-RS 14:67	\$ 500	Texas	V.T.C.A., Penal Code § 31.03	\$ 1,500
Maine	17 AMRSA 353	\$ 1,000	Utah	U.C.A. 1953 § 76-6-412	\$ 1,500
Maryland	ACM 7-104	\$ 1,000	Vermont	13 V.S.A. § 2502	\$ 900
Massachusetts	MGLA 266-30	\$ 250	Virginia	VA Code Ann. § 18.2-95	\$ 200
Michigan	MCLA 750-356	\$ 1,000	Washington	West's RCWA 9A.56.040	\$ 750
Minnesota	MSA 609.52	\$ 1,000	West Virginia	W. Va. Code, § 61-3-13	\$ 1,000
Mississippi	Miss Code Ann 97-17-41	\$ 500	Wisconsin	W.S.A. 943.20	\$ 2,500
Missouri	VAMS 570.030	\$ 500	Wyoming	W.S.1977 § 6-3-402	\$ 1,000

**Notes:** All theft in Indiana is classified as a felony. Louisiana law does not classify crimes into misdemeanor and felony; however, crimes punishable by imprisonment of one year or more are typically considered serious offenses, or felonies.

**Source:** Westlaw

We hope this is helpful. If you have questions or need additional information, please let us know.

## Doniece Gott

---

**From:** Sen. Pete Kelly  
**Sent:** Saturday, March 08, 2014 2:51 PM  
**To:** Senate Finance Committee  
**Subject:** FW: Big Bobs Flooring -Senate Bill 64

Public testimony



Joe Byrnes  
Staff for Senator Pete Kelly  
907-456-3709



---

**From:** Big Bobs Flooring [<mailto:bigbobsflooring@yahoo.com>]  
**Sent:** Saturday, March 08, 2014 10:18  
**To:** Sen. Pete Kelly  
**Subject:** Big Bobs Flooring -Senate Bill 64

Hi Pete,

I understand it cost to prosecute this crime, but as you raise the level from \$500-\$750 it will cost us more(Business).

People and gangs will push the limit as you raise the limit which cost us money. My Brother see this a lot in the banking world. You change policy and the criminal change with the policy to max their profit at our(business) cost because they know there it no real punishment.

We need to let criminals know that we will not let them keep getting away with this crime. If you keep moving it up where will it stop and as a business we will have to make it hard and take longer to serve our customer to protect our losses.

Pat Bell

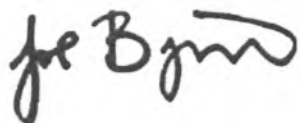
Big Bob's Flooring  
660 E Dowling Road  
Anchorage, AK 99518  
Tel. 907-561-2121  
Fax. 907-561-2134  
email: [bigbobsflooring@yahoo.com](mailto:bigbobsflooring@yahoo.com)

## Doniece Gott

---

**From:** Sen. Pete Kelly  
**Sent:** Saturday, March 08, 2014 2:56 PM  
**To:** Senate Finance Committee  
**Subject:** FW: SB 64

Public testimony



*Joe Byrnes*

Staff for Senator Pete Kelly  
907-456-3709



---

**From:** Barbara Dilley [<mailto:akrecrnt@alaska.net>]  
**Sent:** Friday, March 07, 2014 19:46  
**To:** Sen. Pete Kelly  
**Subject:** SB 64

Senator Kelly,

Please oppose SB 64. As a small business owner, I feel this hurts ME more than the offender.

Thank you!

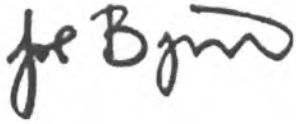
Barbara Dilley, Owner  
Alaska Recreational  
PO Box 592  
Soldotna, Ak 99669

**Doniece Gott**

---

**From:** Sen. Pete Kelly  
**Sent:** Saturday, March 08, 2014 2:57 PM  
**To:** Senate Finance Committee  
**Subject:** FW: SB 64

Public testimony



Joe Byrnes  
Staff for Senator Pete Kelly  
907-456-3709



---

**From:** Wanda Vandergriff [<mailto:wanda@ketchikan-lodging.com>]  
**Sent:** Friday, March 07, 2014 13:44  
**To:** Sen. Pete Kelly  
**Subject:** SB 64

Please do not pass SB 64. Small Business owners cannot afford to have this limit increased from \$500 to \$750.

thank you,

Wanda Vandergriff

\*\*\*\*\*  
Wanda Vandergriff - Almost Home Vacation Rentals  
412 D1 Loop Rd N  
Ketchikan, AK 99901-9202  
Reservation Line: (800) 987-5337 (from land line)  
Business Line/Fax: (907) 247-5337 (from mobile)  
Cell Phone or Text Messages: (907) 617-4514  
Web Page: <http://ketchikan-lodging.com>  
\*\*\*\*\*

Check availability and Book online!

## Doniece Gott

---

**From:** John Weedman <[johnw@westernautojuneau.com](mailto:johnw@westernautojuneau.com)>  
**Sent:** Friday, March 07, 2014 4:19 PM  
**To:** Senate Finance Committee  
**Subject:** SB64

Senator Kevin Meyers  
Senator Pete Kelly  
Senate Finance Chairs

\$750 in merchandise or other assets stolen from my store represents the net profit we 'hope' to realize from \$25,000 in sales. Or to put it another way, my store would have served 650 to 700 customers for nothing.

There is substantial evidence that shoplifting rings are becoming very sophisticated; they are aware of the felony limits and will steal up to that amount. Thus, while there might be potential savings in judicial processes, businesses would see an increase in the amount of theft in goods.

Simply inflation-proofing crime is poor public policy, and therefore, I respectfully oppose any increase above the \$500 felony threshold.

Respectfully

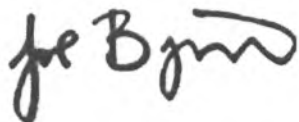
Mr. John Weedman  
Owner/Manager  
Western Auto Marine  
4331 Taku Blvd  
Juneau AK 99801  
Email: [johnw@westernautojuneau.com](mailto:johnw@westernautojuneau.com)

**Doniece Gott**

---

**From:** Sen. Pete Kelly  
**Sent:** Friday, March 07, 2014 11:17 AM  
**To:** Senate Finance Committee  
**Subject:** FW: SB 64

Public testimony



Joe Byrnes  
Staff for Senator Pete Kelly  
907-456-3709



---

**From:** Michael Ferris [<mailto:Mike@aesalaska.com>]  
**Sent:** Friday, March 07, 2014 10:53  
**To:** Sen. Pete Kelly; Sen. Kevin Meyer; Sen. John Coghill  
**Cc:** Sen. Hollis French  
**Subject:** SB 64

I am a small business owner with offices in Anchorage and Fairbanks. I strongly oppose any increase in the felony thresholds about \$750. For a large business \$750 might not be a lot of money but for a small business like mine it will cause significant harm. I employ 6 employees in Anchorage and 4 employees in Fairbanks.

Again please OPPOSE SB 64 and help support small businesses like mine.

Michael Ferris

**Michael S. Ferris**

**Xerox Sales Agent**

**Alaska Enterprise Solutions, Inc.**

**Xerox Authorized Sales Agent**

# NFIB

The Voice of Small Business.®

ALASKA

March 7, 2014

The Honorable Anna Fairclough  
State Capitol Building  
Juneau, Alaska 99801-1182

RE: Senate Bill 64

Dear Senator Fairclough:

Thank you for raising the question about the basis for the concerns small businesses have with raising the dollar threshold for determining felony theft.

There are several concerns NFIB members have raised. Prices of merchandise and tools have not always followed inflation. The cost of electronics has dropped significantly so that at \$750 many TVs can be taken before the theft would become a felony. Taking a TV is not a minor discretion. It takes intent to take what is not yours with the full knowledge that it is wrong. The same is true of tools used in the construction industry. For small businesses the cost of the TV comes out of the owner's pocket. For the person in construction, the cost comes out the person's pocket and limits the ability to be productive at the job. For the small business, these are significant issues.

Enforcement is also a concern. While we have no reason to question how anyone does their job and certainly not anyone's intention or honor, the facts are that property crimes get a lower priority and misdemeanors are a lower priority than felonies. When we are talking about your money vs. my money, my money is more precious to me. It is the same with small businesses. The \$250 more reduced to the misdemeanor is their money, not some far off corporation's money. The sense of violation remains high and the sense of protection goes down.

NFIB members voted over 60% in 2010 to maintain the \$500 level, but its leadership recognized there is some need and reason to increase the level in 2014. They believe that a 50% increase in the level is a significant step. We very much appreciate Senator Coghill's willingness to listen to our concerns and we do appreciate his concerns.

Our members are sympathetic to the issues raised by those concerned about the long-term impact of youthful bad decisions. Perhaps developing a program to expunge a felony record after rehabilitation should be examined.

Senator Fairclough

March 7, 2014

Page 2

If savings or differences in costs are to be examined, comparing an \$800 felony and an \$800 misdemeanor is hardly significant. The misdemeanor will be less costly. A more meaningful comparison will be the savings moving from \$500 to \$750. We believe that there will be significant savings to the state and higher losses to businesses. NFIB, however, has agreed to this trade off.

Again, we appreciate your willingness to consider the concerns of small businesses in Alaska.

Sincerely yours,



Dennis L. DeWitt  
Alaska State Director

Cc: NFIB/AK Leadership Council  
Senator John Coghill  
Senator Meyer, Co-Chair, Senate Finance Committee  
Senator Kelly, Co-Chair, Senate Finance Committee

# Senate Bill 64

"Improving public safety while saving money"

## The cost of 1 prisoner in Texas

Yearly: \$ 21,391

Daily: \$ 59

## The cost of 1 prisoner in Alaska

Yearly: \$ 57,914

Daily: \$ 158



# 2/3

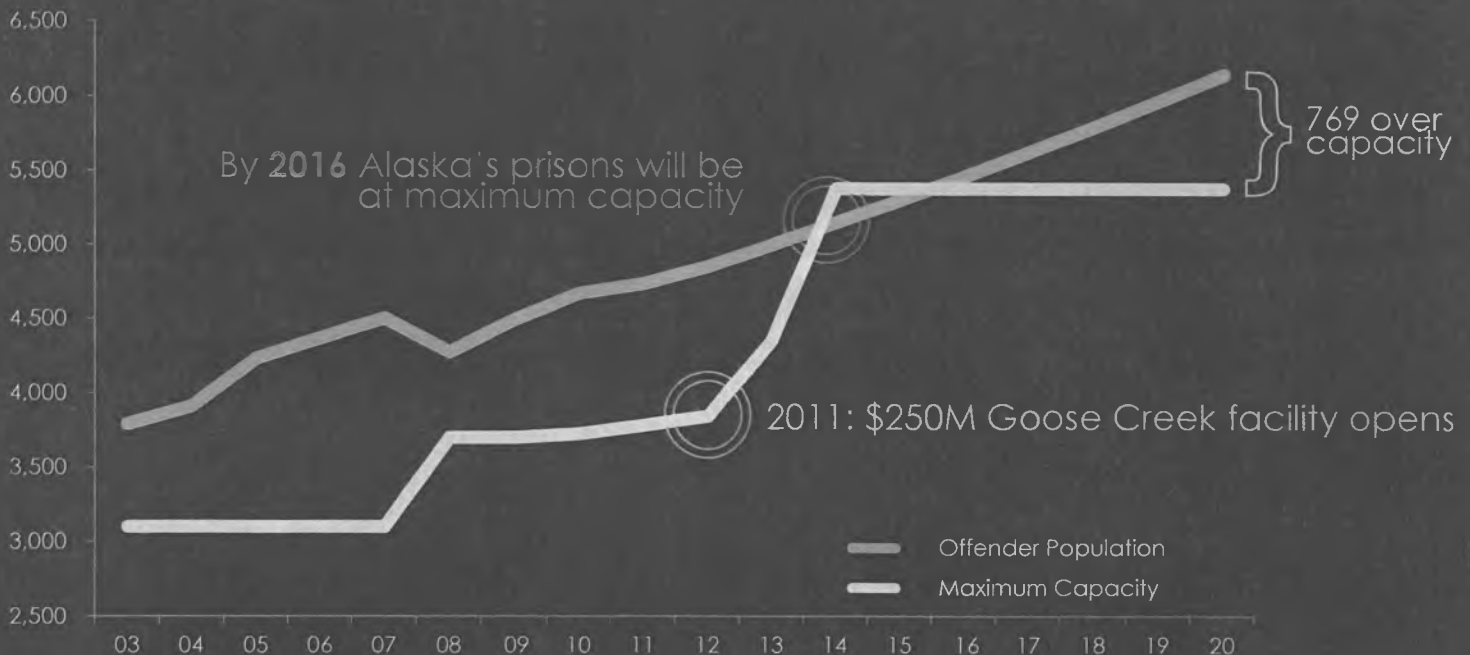
Of Alaska's prisoners  
**will return to  
prison.**  
This is higher than  
**any state.**



Alaska's  
**prison population**  
is growing at

# 4X

the rate of the  
**state's population**



## THE FISCAL CASE FOR CORRECTIONS REFORM

In terms of corrections policy, Alaska is at a crossroads. The Alaska Department of Corrections (DOC) opened the Goose Creek Correctional Center at a cost of \$250 million to Alaskans with an annual operating budget of \$50 million. If the state's prison population continues to grow at its current rate of 3% per year, the state's prisons will be operating yet again, at full capacity in three years, 2016. This creates an inescapable reality; the state must today either start planning to build a new prison, recommit to incarcerating out-of-state, or look at proven best practice approaches that more effectively address criminality, reduce recidivism and thereby build healthier, safer Alaskan communities.

1. Crime in Alaska has decreased. All of the violent crime index offense totals and the property crime index offense totals decreased in 2011. The crime rate, which relates the incidence of crime to population, likewise experienced similar decreases as the index offense totals. <sup>1</sup>
2. Yet, Alaska's prison population continues to grow by 3% per year. Since 2005, the hard bed prison population grew from 4,231 to 4,961 in 2012. At this current rate, DOC's inmate population will reach 6,313 by 2020.
3. Not only has DOC's prison population continued to grow while the crime rate has dropped but so has the number of Alaskans under the jurisdiction of DOC. In 1982, 1 in 80 Alaskans were under the jurisdiction of the department. By 2007 that number had grown to 1 in 38 and by 2009 to 1 in 32. <sup>2</sup>
4. At this rate, by 2016 DOC will be at 100% capacity even with GCCC. It costs more than 250 million to build and 50k per year to operate.
5. Since 2005, DOC's budget has grown from \$166.698.3 to 323.191.7 in 2013. This is an average of more than 5.5% growth each year. DOC's agency operations accounts for the state's fifth highest user of GF funds exceeded only by HSS, EED, U of A, and DOT.
6. The 2012 daily cost to incarcerate in a hard prison bed per inmate per day is \$135.00 up from \$110.00 in 2005.

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<sup>1</sup> Department of Public Safety Uniform Crime Report, 2011, p. 29, found at: <http://dps.alaska.gov/statewide/ucr.aspx>

<sup>2</sup> *One in 31: The Long Reach of American Corrections*, March 2009, 24 by The Pew Public Safety Project found at: [http://www.pewtrusts.org/our\\_work\\_report\\_detail.aspx?id=49694](http://www.pewtrusts.org/our_work_report_detail.aspx?id=49694)

7. The average length of stay in prison for a felony offender has increased. In 2002, the average length of stay for a felon was 6.60 years. By 2011, that had grown to 7.20 years.
8. The number of nonviolent incarcerated offenders has increased from 42% in 2002 to 62% in 2011.
9. Felony Theft in the Second Degree is the third greatest reason for felony admission. Prison admission for these crimes has increased from 875 in 2002 to 1037 in 2011. In short, the number of Felony C Theft convictions has been steadily increasing at a faster pace than all other convictions. In 2011, felony property offenses represented 32% of all felony cases filed with the court system. The length of the sentence imposed for Felony C Theft has also been steadily increasing since 2005.
10. Incarceration for both misdemeanor and felony drug offenses has increased by 63% since 2002, from 967 admissions to 1,574 in 2010. During this same period, admissions for felony drug offenses have risen by over 81%. In 2011, 348 admissions for Misconduct Involving a Controlled Substance (possession), a class C felony offense, were for offenders between the ages of 18 to 29 years of age.
11. Current effectiveness of Alaska's return for the money spent on the criminal justice system: Two out of three prisoners released from custody return to custody within three years of release for a re-arrest, reconviction or remand on a Petition to Revoke Probation. <sup>3</sup>
12. The above analysis does not take into account the money spent on the Dept of Law, PDs and OPA criminal defense attorneys, courts, etc.

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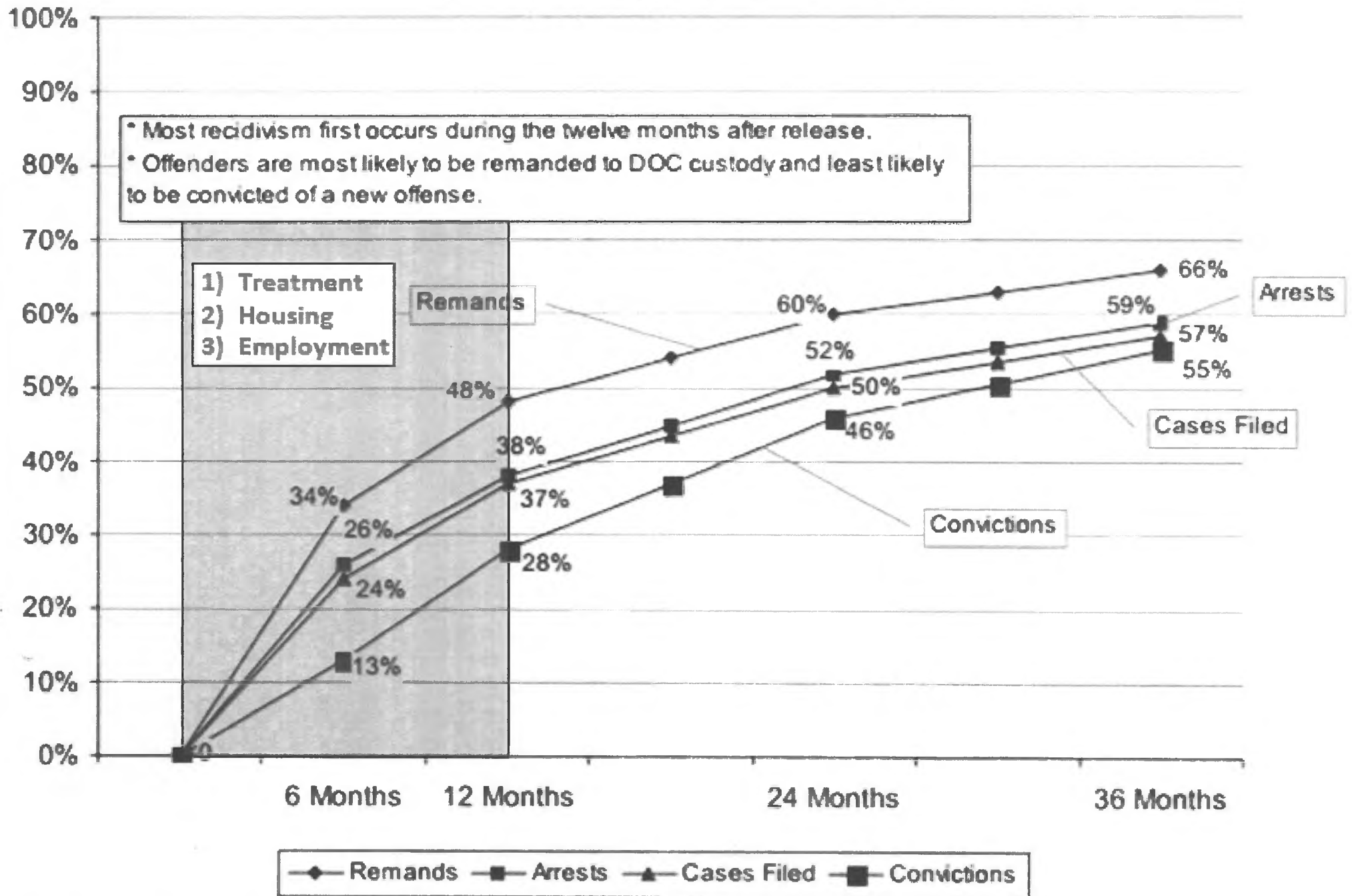
<sup>3</sup> *Criminal Recidivism in Alaska*, Alaska Judicial Council (January 2007). This study was updated by the *Criminal Recidivism in Alaska*, 2008 and 2009, Alaska Judicial Council (November 2011) study which followed released prisoners for two years and found the recidivism rate had remained about the same.

# Sentencing and Corrections Reforms in Justice Reinvestment States

	2013			2012				2011				2010			2009			2008			2007			Total							
	OR	SD	WV	KS	MO	DE	GA	PA	HI	OK	AR	KY	AL	LA	NC	OH	SC	NH	MI	IL	WI	AZ	PA		CT	RI	VT	KS	NV	TX	
Sentencing/Pretrial	Reclassify/redefine drug offenses	✓	✓				✓				✓	✓			✓	✓															7
	Reclassify/redefine property offenses	✓	✓				✓				✓	✓				✓	✓													6	
	Establish /expand presumptive probation for certain offenses	✓	✓						✓			✓																✓		6	
	Revise sentencing enhancements						✓					✓					✓													4	
	Revise mandatory minimums	✓					✓		✓					✓			✓													5	
	Reduce crack-powder cocaine disparity																✓													2	
	Revise sentencing guidelines/establish sentencing commission																					✓								3	
	Improve pretrial release systems			✓			✓		✓			✓																		4	
	Establish presentence assessment			✓			✓	✓		✓		✓															✓			6	
	Revise drug-free school zone											✓					✓													2	
Release	Authorize risk-reduction sentencing															✓	✓						✓							3	
	Revise parole hearing/decision/eligibility standards				✓				✓		✓	✓		✓		✓	✓	✓						✓	✓					10	
	Expand good/earned-time prison credits /re-entry leave	✓			✓		✓	✓						✓	✓	✓	✓	✓							✓		✓	✓	11		
	Establish/expand geriatric or medical parole										✓			✓			✓												4		
Community Corrections	Establish earned discharge (probation/parole)	✓	✓		✓	✓					✓	✓				✓	✓	✓				✓							10		
	Authorize performance incentive funding	✓						✓			✓	✓				✓	✓				✓					✓			8		
	Authorize administrative jail sanctions			✓	✓	✓					✓	✓		✓	✓	✓	✓	✓												9	
	Authorize graduated responses for violations		✓	✓	✓	✓	✓	✓			✓	✓		✓	✓	✓	✓	✓									✓	✓	13		
	Cap revocation time				✓	✓	✓	✓	✓	✓			✓			✓														8	
	Establish/improve electronic monitoring			✓	✓		✓				✓	✓		✓			✓									✓			6		
	Establish mandatory reentry supervision			✓	✓					✓		✓				✓	✓													8	
	Require/improve risk-needs assessment	✓	✓	✓			✓	✓		✓		✓	✓		✓	✓	✓	✓			✓	✓				✓				15	
	Require evidence-based practices		✓				✓	✓	✓			✓	✓			✓					✓	✓				✓			✓	11	
	Reform/pilot specialty courts (HOPE, drug courts, etc.)	✓	✓	✓			✓				✓	✓	✓	✓	✓															8	
Sustainability	Reduce probation terms								✓																	✓			2		
	Improve interventions such as sub abuse/mental health/CBT		✓	✓	✓		✓								✓	✓				✓	✓		✓		✓	✓	✓	✓	13		
	Require fiscal impact statements	✓	✓									✓					✓				✓									5	
	Establish leadership/board qualification requirements													✓			✓													2	
	Require data collection/performance measurement	✓	✓	✓	✓		✓		✓	✓	✓	✓		✓	✓	✓	✓			✓		✓								15	
	Establish measures to streamline/improve efficiency of system		✓	✓			✓	✓			✓	✓		✓	✓	✓	✓						✓	✓						11	
Improve restitution/victim notification systems		✓					✓	✓								✓													4		
Establish oversight council	✓	✓			✓		✓									✓													5		

**Notes:** The Justice Reinvestment Initiative is supported by The Pew Charitable Trusts and the U.S. Department of Justice, Bureau of Justice Assistance. Intensive technical assistance to the states is provided by Pew, the Council of State Governments Justice Center, the Vera Institute of Justice, and other partners. Reforms include those enacted in legislation and by executive or court order. Reforms in GA were enacted in 2012 and 2013; LA reforms in 2011 and 2012; CT reforms in 2004 and 2008. Policy reforms in each state were developed by bipartisan, inter-branch working groups and based on analyses of the states' specific criminal justice challenges. The number of policy reforms in a state does not correspond with the impact on prison populations or costs. For more details about policies, impacts, and reinvestments, see individual state pages at [www.pewstates.org/publicsafety](http://www.pewstates.org/publicsafety).

## Months to First Arrest, Filing, Conviction and Custody Within First Three Years of Release



## Department of Corrections - Key Performance Indicators

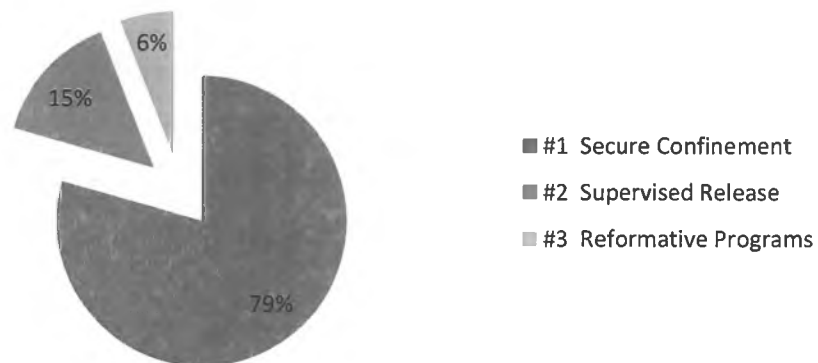
	FT Positions	Total Funds
#1 Secure Confinement	1591	265,134,400.00
#2 Supervised Release	189	49,126,200
#3 Reformative Programs	81	19,806,200
<b>Total:</b>	<b>1861</b>	<b>334,066,800.00</b>

Source: Office of Budget and Management, 2013

### Positions by Performance Indicator



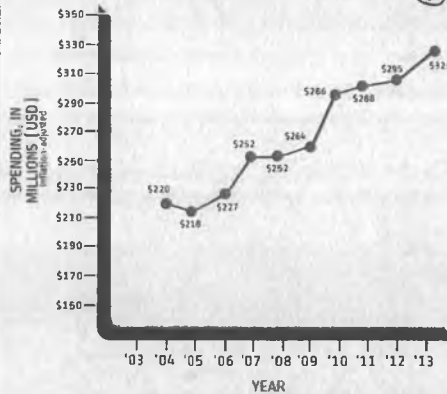
### Funding by Performance Indicator



# ALASKA'S CORRECTIONS SYSTEM

Growing inmate population, rising costs, high recidivism rate, and no end in sight.

Alaska's corrections spending has grown nearly **50%** in **10** years 



## POOR RETURN FOR TAXPAYERS



**MORE THAN HALF OF ADULT OFFENDERS RETURN TO PRISON WITHIN 3 YEARS** for committing a new crime or for violating the terms of their release.



**BETWEEN 1991 AND 2011, THE NUMBER OF ALASKANS BEHIND BARS GREW**



**FASTER** than the state population

Opened in 2012 for **\$240 MILLION**, the Goose Creek Correctional Complex is almost full.



annual operating costs: **\$50 MILLION** 

To learn more about the conservative case for criminal justice reform, visit [www.rightoncrime.com](http://www.rightoncrime.com)



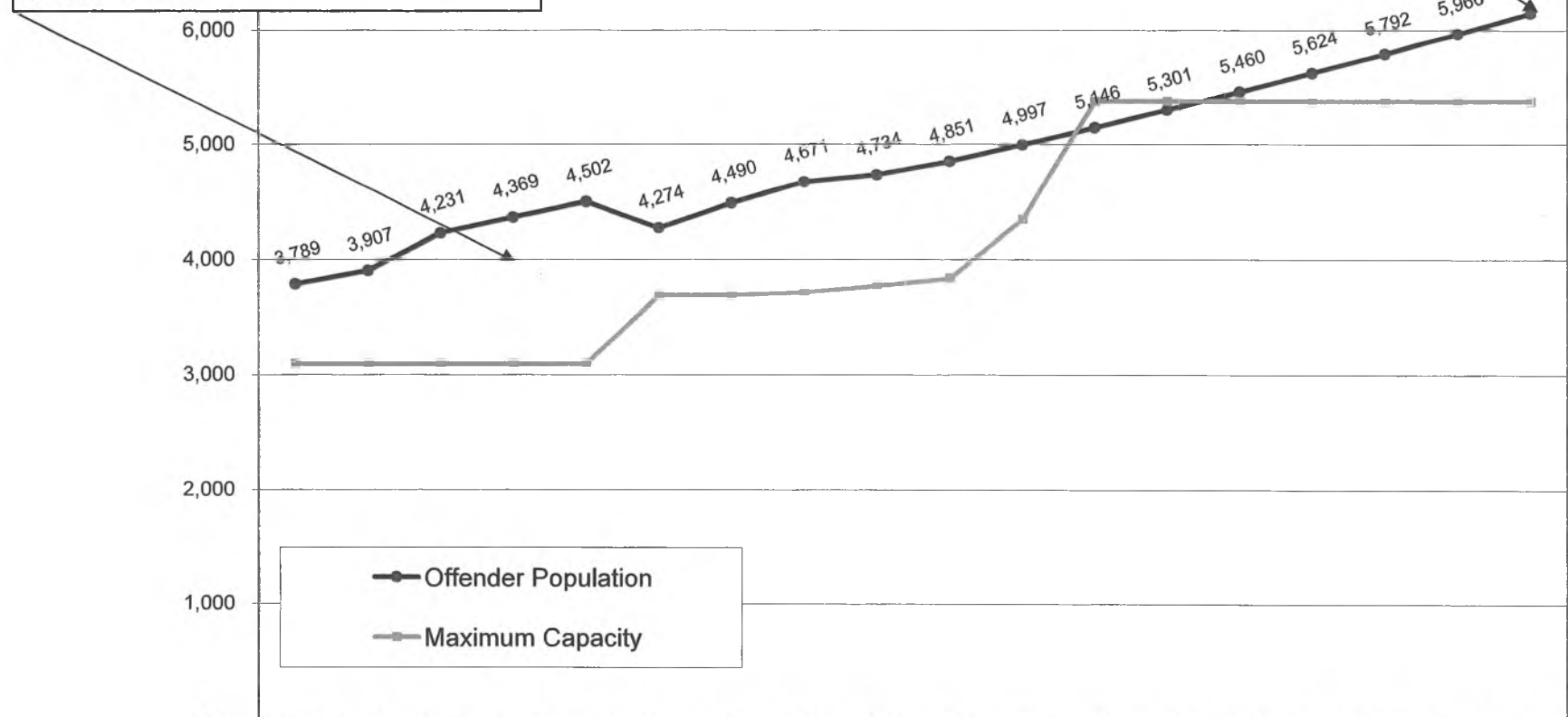
facebook.com/rightoncrime  
@rightoncrime

Sources: U.S. Census Bureau, Bureau of Justice Statistics; National Prisoner Statistics (NPS); Alaska Office of Management and Budget, State of Recidivism: The Revolving Door of America's Prisons; Alaska Department of Corrections; University of Alaska Anchorage

# Alaska Institutional Inmate Population FY03-FY20

Excess institutional inmate population was contracted to out-of-state prisons until Goose Creek Correctional Center became fully operational in FY14.

Institutional inmate population is projected to exceed capacity by 769 beds in FY20.



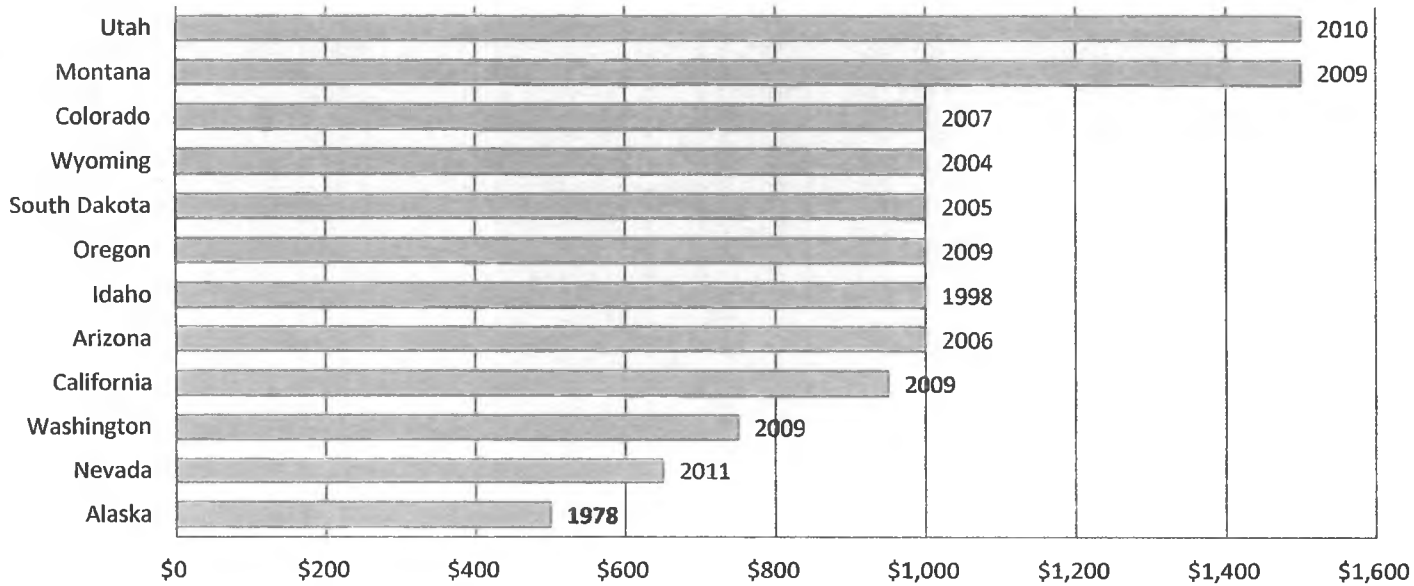
	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
Offender Population	3,789	3,907	4,231	4,369	4,502	4,274	4,490	4,671	4,734	4,851	4,997	5,146	5,301	5,460	5,624	5,792	5,966	6,145
Maximum Capacity	3,098	3,098	3,098	3,098	3,098	3,696	3,696	3,722	3,778	3,840	4,353	5,376	5,376	5,376	5,376	5,376	5,376	5,376
Over (Under) Capacity	(691)	(809)	(1,133)	(1,271)	(1,404)	(578)	(794)	(949)	(956)	(1,011)	(644)	230	75	(84)	(248)	(416)	(590)	(769)
GF Budget FnlBud Column (in millions)	\$166.9	\$165.5	\$170.2	\$187.5	\$210.4	\$218.4	\$227.5	\$247.5	\$256.3	\$271.6	\$305.6	\$313.6	\$336.5	\$361.0	\$387.2	\$415.4	\$445.6	\$478.1

\* FY14 enacted budget (does not include management plan adjustments)

\*\*FY15-FY20 budget projections based on DOC annual average GF growth rate of 7.3%

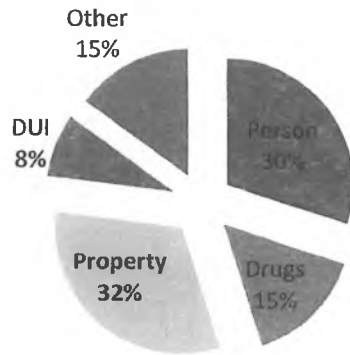
Based on the approximate 3% population growth rate experienced between FY03-FY12, the institutional inmate population is expected to reach 6,145 by FY20.

### Theft Felony Thresholds in Western U.S. and Year of Adoption



Alaska	\$500
Nevada	\$650
Washington	\$750
California	\$950
Arizona	\$1,000
Idaho	\$1,000
Oregon	\$1,000
South Dakota	\$1,000
Wyoming	\$1,000
Colorado	\$1,000
Montana	\$1,500
Utah	\$1,500

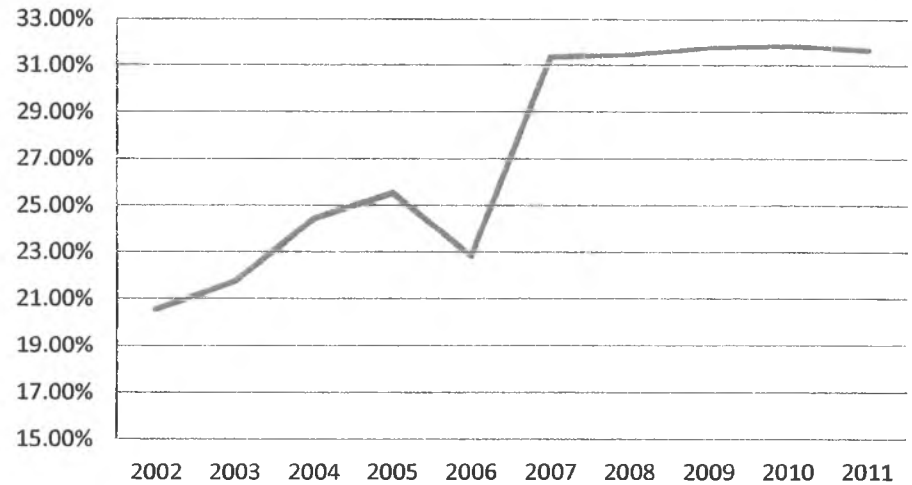
### AK Felonies by Case Type FY11



### U.S. Dollar Inflation

	1978	2011
\$50		\$173.06
\$500		\$1730.61

### Property Crimes as a Percentage of All Felonies



## 24x7 SOBRIETY MONITORING PROGRAM

1. Use of the 24x7 monitoring program is a growing trend in criminal justice initiatives across the United States and abroad. Alcohol and drug offenders are monitored in 24/7 by a variety of testing methodologies with the goal of long term positive behavior change achieved by extended sobriety. The program represents a commitment to working with chronic DUI and substance abusers and is an alternative to jail and prison incarceration saving millions in tax dollars each year.
  2. **The model for 24x7 Sobriety Monitoring is an evidence-based abstinence program\*\***, that includes:
    - a. A focus on personal responsibility and accountability of the offender,
    - b. A focus on change, behavior modification, and choices made by the offender,
    - c. Continued poly-substance use testing and monitoring of the offender,
    - d. Daily data collection and communication, using web-based client management software,
    - e. Uses predetermined, immediate, measured, and sure consequences for non-compliance by the offender,
    - f. All testing fees paid by the participant are low and affordable making indigency inconsequential for courts,
    - g. 24/7 is self funding and also qualifies for NHTSA (MAP 21) grants funds through the Office of Highway Safety to help grow programs. 24x7 became an approved NHTSA program in the 2014 federal highway bill.
  3. The 24x7 Sobriety Program is being used by the courts in several states as a condition of bond, sentencing, as a condition of probation, use by family courts, in cases of domestic violence, child welfare, parole services, and driver license reinstatements.
    - 24x7 statewide programs have been established in South Dakota, North Dakota and Montana through demonstration programs and passing legislation.
    - Demonstration program(s) are currently in operation in Missouri, Arkansas, Washington, Iowa, Wisconsin, and some jurisdictions in the United Kingdom.
    - Demonstration programs and/or legislation are pending in: Alaska, Nebraska, Idaho, Utah, New Mexico, Wyoming, Minnesota, Missouri, Hawaii, Georgia, and Florida.
  4. The 24x7 Sobriety Monitoring Program provides less opportunity for tampering and manipulating the system because in this program, the monitoring operator is not the user for the vast majority of the participants. The monitoring options used in this program require face-to-face observation of the conducted test or are testing methodologies that remotely monitor sobriety if the offender cannot present to the testing site.
  5. The 24x7 program uses several approved testing methodologies to measure use of alcohol or drugs to make sure that the participants are following the program guidelines. The tools include:
    - Personal breath testing (PBT) or evidentiary devices, recommended for twice-daily (seven days a week) for alcohol
    - Trans-dermal alcohol monitoring
    - Drug sweat patches
    - Urine or blood tests (random or scheduled)Additionally, participants may be required by the court to use more than one testing/monitoring method.
- \*\*Of the tools available, PBTx2 is the most common monitoring tool used (85% of all alcohol testing).**
6. While on the program: participants remain in society, conduct their daily lives, work, pay their fees, and fulfill their responsibilities, as **long as they are program compliant and pass the sobriety testing.**
  7. If participants do not show up for a scheduled test, or if a test shows consumed alcohol or other drugs, then probation, parole or bond may be instantly revoked and participant may be immediately jailed. Sanctions should be swift, certain, and measured. Sanctions most often afford a reinstatement into the program.

Examples of successful recommended sanctions for violations, include, but are not limited to:

- First violation: Immediate 12 hours incarceration, followed by return to program monitoring, with no mandatory reappearance before the court;
- Second violation: Immediate 24 hours incarceration, followed by return to program monitoring, with no mandatory reappearance before the court;

- Third violation: Incarceration and Mandatory appearance before the court to determine consequences of repeated violations.
8. **Program Cost-Effectiveness:** The 24x7 program is based on a participant pay (user-funded) model with formal adopted rules and procedures. The web-based 24x7 management software coordinates data, testing sites, and communicates information to all agencies that touch the system and administer the project. No taxpayer dollars are necessary to operate. Flexibility is built into the business model and allows the testing agency to utilize existing or new resources to maximize efficiencies. Price points for testing have been kept low eliminating the need for indigence considerations by the courts.
9. Examples of projected costs to the participants for the 24/7 demonstration project monitoring options include:
- \$2.00 for each PBT conducted. If there is a positive reading on an initial test, a second test will be conducted after 15 minutes, at no additional cost to the participant.
  - \$10.00 (est.) per day for transdermal alcohol monitoring. Initial set up fee and activation and de-activation fees apply.
  - \$40.00 (est.) for each drug sweat patch. Patch may be worn for 7-10 days unless outer seal is compromised.
  - \$10 (est.) for each UA screen

National contact: **Bill Mickelson**, Mickelson Consulting Group LLC, (24x7 Project Coordinator), Office 605 224-5321, Cell 605 280-4548, or email [blmick@pie.midco.net](mailto:blmick@pie.midco.net) (the 24/7 website: <http://www.24x7sober.com/>)

**NOTE:** South Dakota's 24x7 Sobriety program was pioneered by former South Dakota Attorney General Larry Long and has now been in effect since February of 2005. Special Attorney General Bill Mickelson assisted with development, implementation, and management of the project.

*"The 24x7 program works like an electric fence works. The punishment is swift, 100% certain, but not severe. And that seems to be why the program is effective. I also think there is a therapeutic effect for offenders involved in a twice-daily program with a community of participants like themselves. They don't feel singled out and they have others involved daily in addressing their addiction problem. It's been gratifying to me to hear from family members of offenders who see a real difference in their son or daughter or spouse as they become sober again and are able to sustain it over time. I believe that the 24x7 sobriety program, which allows us to gather and analyze data related to these repeat offenders, will help us make real strides in the future in balancing punitive and treatment options that can help end the cycle and move people to permanent sobriety."* Former South Dakota Attorney General, and current circuit Judge Larry Long, South Dakota.

**\*Program Effectiveness:** Evidenced in a study by the RAND Corporation, the 24x7 Sobriety Project is showing favorable results in reducing problem drinking and improving public health outcomes. As published in the American Journal of Public Health in November 2012, the first year's analysis of a four year study showed that between 2005 and 2010 there was a significant reduction in crashes, DUI recidivism (12%), decline in domestic violence, and a positive effect on mortality for counties that adopted 24/7. Additional analysis is being done on 30,000 participants, cost benefit analysis, and the impact on health care systems where 24/7 is implemented. The peer reviewed and evidence based 24/7 publication by the RAND Corporation is available through the [American Journal of Public Health](#). \*\* In South Dakota, 85% of the participants monitored for alcohol were on twice a day testing and 15% were placed on transdermal devices. The Rand Study cited above was based on this distribution.

<http://www.rand.org/health/feature/24-7.html>

In the [Mountain Plains Evaluations](#), researchers documented the [dramatic decrease in recidivism](#) for multiple DUI offenders placed on the program. The data was generated from participants that **only participated in the twice a day testing portion of the program**. In further studies from the Mountain Plains firm, 24x7 alcohol testing studies confirmed that twice per day testing had lasting and long term positive effects on DUI recidivism versus use of a transdermal device. See study results at the link below:

<http://apps.sd.gov/atg/dui247/247stats.htm>

South Dakota program statistics from February 2005 to January 2014:

- 2x per day alcohol breath testing, 31,930 participants, 6.59 million tests administered, pass rate 99.2%
- Transdermal alcohol testing, 6,087 participants, 945,915 days monitored, 77% fully compliant (vendor information)
- Ignition Interlock alcohol testing, 213 participants, 307,987 tests administered, 99.4% (vendor reporting tests passed)
- UA drug testing, 3,849 participants, 94,669 tests administered, 96.4% pass rate
- Drug patch testing, 222 participants, 2,230 tests administered, 85% pass rate

JANUARY 2010



THE  
**PEW**  
CENTER ON THE STATES

# The Impact of Hawaii's HOPE Program on Drug Use, Crime and Recidivism



## The HOPE Program

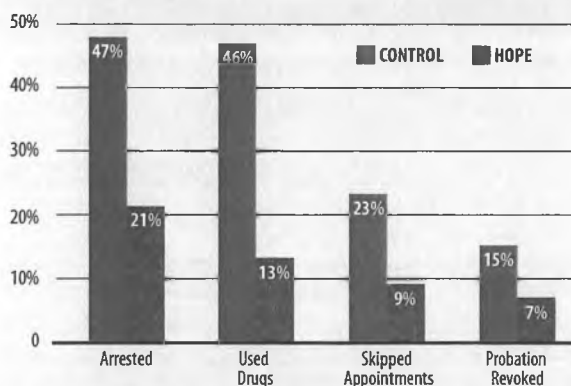
Launched in 2004, Hawaii's Opportunity Probation with Enforcement (HOPE) program aims to reduce crime and drug use among criminal offenders. HOPE identifies probationers who are likely to violate their conditions of community supervision; notifies them that detected violations will have consequences; conducts frequent and random drug tests; responds to detected violations (including failed drug tests and skipped probation meetings) with swift, certain and short terms of incarceration; responds to absconding probationers with warrant service and sanctions; and mandates drug treatment upon request or for those probationers who do not abstain from drug use while on the testing and sanctions regimen.

By 2009, more than 1,500 probationers (one in every six felony probationers in Oahu) were enrolled in HOPE. The Public Safety Performance Project of the Pew Center on the States and the National Institute of Justice of the U.S. Department of Justice collaborated to produce this summary of an evaluation conducted to assess HOPE's effectiveness.

### Results

In a one-year, randomized controlled trial, HOPE probationers were 55 percent less likely to be arrested for a new crime, 72 percent less likely to use drugs, 61 percent less likely to skip appointments with their supervisory officer and 53 percent less likely to have their probation revoked. As a result, they also served or were sentenced to, on average, 48 percent fewer days of incarceration than the control group (Exhibit 1).<sup>1</sup>

Exhibit 1. HOPE Program Outcomes



### Evaluation Structure

Adult probation officers in Honolulu identified 507 men and women on probation who showed an elevated risk of violating probation conditions based on a widely used risk assessment instrument and prior behavior while under supervision. Office supervisors deemed 493 of these probationers eligible.<sup>2</sup> In October 2007, random assignment by computer placed 330 probationers (two-thirds of

In this  
Brief:

What is the HOPE  
Program?

The Impact on Drug  
Use, Crime and  
Recidivism

How was the Evaluation  
Structured?

the eligible group) into HOPE (the “treatment group”) while 163 remained on probation-as-usual (the “control group”). This randomized controlled trial followed an intent-to-treat design: all probationers assigned to the treatment group were included in the evaluation regardless of what occurred after assignment. Due to randomization, the treatment and control groups were not statistically different in terms of age, sex, race or ethnicity, assessed risk level and criminal history (Exhibit 2).<sup>3</sup>

The evaluation was conducted by Dr. Angela Hawken of Pepperdine University, with funding from the National Institute of Justice. The full evaluation report is available online at <http://www.ncjrs.gov/pdffiles1/nij/grants/229023.pdf>.

Additional research could focus on which program components are most important, what types of offenders respond best, and whether the outcomes are sustained after probation supervision ends.

*Launched in 2006, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.*

*NIJ is the research, development and evaluation agency of the U.S. Department of Justice and is dedicated to researching crime control and justice issues.*

	HOPE	Control
Average age (median)	36.1 (35.2)	35.4 (34.4)
Male	75%	71%
Asian/Polynesian	65%	64%
Caucasian	16%	14%
Black	5%	3%
Portuguese	1%	2%
Puerto Rican	1%	1%
Other or Unknown	11%	14%
Percent assessed high risk	46.7%	44.1%
Average prior arrests (median)	17 (13)	16.4 (12)
Most serious prior charge: drug	35%	33%
Most serious prior charge: property	30%	34%
Most serious prior charge: violent	22%	22%
Most serious prior charge: other	14%	11%

<sup>1</sup> All reported differences across groups are significant at the .01 level. To determine the rate of skipped appointments, the evaluator calculated the percent of skipped appointments for each probationer and then averaged those percentages. The same method—giving equal weight to each probationer—was used for rate of detected drug use. Using another method, she also calculated the rates for total skipped appointments divided by total appointments (control group = 18 percent, HOPE = 5 percent) and total positive drug screens divided by total drug screens (control group = 41 percent, HOPE = 9 percent). Because of the one-year observation period, figures for days incarcerated include both served and sentenced days in both jail and prison. If not all sentenced days are served, then the percentages may change for both HOPE and control probationers.

<sup>2</sup> The 14 excluded probationers included 10 who had been transferred or were preparing to transfer to another unit; two who were pending deportation; one who was deceased; and one who was pending transfer to drug court.

<sup>3</sup> Baseline HOPE and control group statistics are not significantly different at the .05 level.



The Pew Center on the States is a division of The Pew Charitable Trusts that identifies and advances effective solutions to critical issues facing states. Pew is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public and stimulate civic life.

[www.pewcenteronthestates.org](http://www.pewcenteronthestates.org)

# 28<sup>th</sup> Alaska State Legislature

**Senator John Coghill, Chairman**  
State Capitol Building  
Room 119  
Juneau, AK 99801-1182  
(907) 465-3717



**Senator Lesil McGuire**  
**Vice-Chair**  
State Capitol Building  
Room 103  
Juneau, AK 99801-1182  
(907) 465-2995

## Senate Judiciary Committee

### **SPONSOR STATEMENT** **Omnibus Crime/Corrections Bill** **Version D**

Senate Bill 64 implements proven-practices to reduce recidivism and cut the cost of corrections while maintaining public safety.

**24/7 Sobriety Program:** In an effort to reduce recidivism, a 24/7 Sobriety program is proposed for certain offenders during pre-trial or on probation. Hallmarks of the program include twice-a-day alcohol testing and swift and certain punishment if alcohol is consumed. 24/7 Sobriety is modeled after similar evidence-based programs in South Dakota, North Dakota, and Montana that have proven successful in reducing drunk driving and domestic violence.

**Criminal Justice Commission:** Establishes a commission to review, analyze and evaluate the effect of laws and practices within the state's criminal justice system.

**Probation and Parole Accountability with Certain Enforcement (P.A.C.E.):** The Commissioner shall establish a drug testing program for felons who are at high risk of violating their conditions of probation or parole. The program relies on swift and certain punishments to deter a probationer or parolee from using drugs and alcohol or otherwise violating their probation requirements.

**Recidivism Reduction Fund:** To address Alaska's rate of recidivism (2/3 of offenders return to prison within 3 years), a fund established in the Department of Corrections will grant money to transitional re-entry programs. This will help supply funds to residential treatment programs for those recently released from prison. Programs must include work placement, case management, and sober living.

**Felony Theft Threshold:** This bill increases the felony theft threshold from \$500 to \$750. The threshold was established in 1978 and has never been adjusted for inflation.

**Custodial Interference:** This bill creates a criminal offense of custodial interference in the second degree when a non-relative without custodial rights attempts to take or keeps a child from a lawful custodian. Currently, non-custodians who try to take a child can only be charged with criminal trespass. This section closes the loophole and creates a more serious criminal offense for attempted child abduction.

**Credit for Time Served in Residential Treatment:** A person will receive credit against a sentence of imprisonment for time spent in a residential treatment facility. Participants are restricted to the grounds of the facility unless permitted to leave for rehabilitative purposes that are limited to time & purpose. This incentivizes people to seek and pay for their own treatment.

**Expanded Risk-Needs Assessments:** The Department of Corrections would be required to conduct risk-needs assessments on all offenders incarcerated for 30 days or greater. This will improve the ability to link inmates to resources, reduce recidivism and improve policymakers' understanding of the offender population.

# 28<sup>th</sup> Alaska State Legislature

SENATOR  
JOHN COGHILL  
CHAIRMAN

State Capitol, Room 119  
Juneau, Alaska 99801-1182  
(907) 465-3719



SENATOR  
LESIL MCGUIRE  
VICE-CHAIR

State Capitol, Room 103  
Juneau, Alaska 99801-1182  
(907) 465-2995

## Senate Judiciary Committee

### **SECTIONAL ANALYSIS**

#### **Senate Bill 64**

*Omnibus Crime/Corrections Bill  
Version D*

#### **Section 1:**

*This section clarifies that a person commits the crime of custodial interference in the first degree if that person is a relative of the child and removes that child from the state and keeps the child from its legal custodian, despite not having a legal right to do so.*

#### **Section 2:**

*This section makes it a crime of custodial interference in the second degree if a non-relative of a child knowingly and unlawfully represents themselves as having a legal right to take or keep a child. This section establishes a class A misdemeanor for an attempted child abduction, rather than the lesser crime of criminal mischief.*

#### **Section 3:**

*This section clarifies that an affirmative defense of necessity does not apply to a prosecution for custodial interference if the period for which the person held the child exceeded 24 hours if that was the amount of time necessary to report that the child has been neglected, abused, or is in physical danger.*

#### **Section 4:**

*This section will increase the minimum amount of property or services for the crime of theft in the second degree. Theft in the second degree is a class C felony and carries a maximum sentence of up to five years in prison and a fine of up to \$50,000.*

#### **Section 5:**

*This section will increase the minimum amount of property or services for the crime of theft in the third degree. Theft in the third degree is a class A misdemeanor and carries a term of imprisonment of not more than one year and a fine of up to \$10,000.*

**Section 6:**

*This section will increase the minimum amount of property or services for the crime of theft in the fourth degree. Theft in the fourth degree is a class B misdemeanor and is punishable by imprisonment of not more than 90 days and a fine of not more than \$2,000.*

**Section 7:**

*This section will increase the minimum amount of merchandise for the crime of concealment of merchandise for a class C felony, and class A and B misdemeanors.*

**Section 8:**

*This section will increase the minimum amount of property that identification marks are removed from for a class C felony and class A and B misdemeanors.*

**Section 9:**

*This section will increase the minimum amount of unlawful possession of property for a class C felony and class A and B misdemeanors.*

**Section 10:**

*This section will increase the minimum amount of a bad check for a class C felony and class A and B misdemeanors.*

**Section 11:**

*This section will increase the minimum amount of the fraudulent use of an access device for a class C felony and class A misdemeanor.*

**Section 12:**

*Clarifies that, if the property crime felony threshold is adjusted, the new threshold does not retroactively apply to prior offenses.*

**Section 13:**

*This section will increase the minimum amount of property damage and expenses as a result of the loss of use of a vehicle.*

**Section 14:**

*This section will increase the minimum amount of property damage for the crime of criminal mischief in the third degree. Criminal mischief in the third degree is a class C felony.*

**Section 15:**

*This section will increase the minimum amount of property damage for the crime of criminal mischief in the fourth degree. Criminal mischief in the fourth degree is a class A misdemeanor.*

**Section 16:**

*This section will increase the minimum amount of property damage for the crime of criminal mischief in the fifth degree. Criminal mischief in the fifth degree is a class B misdemeanor.*

**Section 17:**

*This section will increase the minimum amount of property damage for the crime of criminal simulation for a class C felony and class A and B misdemeanors.*

**Section 18:**

*This section will increase the amount of the value of the property for the crime of misapplication of the value of property for a class C felony and class A misdemeanor.*

**Section 19:**

*This section will increase the minimum amount for the crime of defrauding creditors under certain conditions for a class A misdemeanor, and class C felony.*

**Section 20:**

*This section establishes a 24/7 Sobriety program that would be available to defendants out on bail who have been charged with alcohol-related or substance abuse-related offenses that are unclassified felonies, class A felonies, sexual felonies, or crimes involving domestic violence. The program requires twice-a-day alcohol monitoring and establishes a means to provide notification of a violation to the probation officer, prosecutor's office, or local law enforcement agency within 24 hours.*

**Section 21:**

*This section establishes a 24/7 Sobriety program that would be available to defendants out on bail who have been charged with DUI or refusal. The program requires twice-a-day alcohol monitoring and establishes a means to provide notification of a violation to*

*the probation officer, prosecutor's office, or local law enforcement agency within 24 hours.*

**Section 22:**

*This section establishes a 24/7 Sobriety program that would be available to defendants out on bail who have been charged with crimes involving controlled substances or imitation controlled substances. The program requires twice-a-day alcohol monitoring and establishes a means to provide notification of a violation to the probation officer, prosecutor's office, or local law enforcement agency within 24 hours.*

**Section 23:**

*An incarcerated person shall receive credit against a sentence of imprisonment for each day spent in a residential treatment facility, provided the person is confined at all times to the grounds of the facility, other than for employment, vocational training, community volunteer, or purposes directly related to the person's treatment, so long as the periods they are permitted to leave the facility are expressly limited as to both time and purpose by the treatment program.*

**Section 24:**

*This section establishes a 24/7 Sobriety program as a condition of probation that can be ordered, which includes twice-a-day alcohol monitoring and establishes a means to provide notification of a violation to the probation officer, prosecutor's office, or local law enforcement agency within 24 hours.*

**Section 25:**

*The judicial council shall provide staff and administrative support to the Alaska Criminal Justice Commission.*

**Section 26:**

*The commissioner shall establish the P.A.C.E. program for felons with conditions of probation that include not consuming drugs or alcohol and who have been identified as being at moderate to high risk by a risk-needs assessment. The program shall include random drug and alcohol testing and requires a probation officer to file a petition to revoke probation by the next business day if the probationer fails to appear for an appointment or tests positive for drugs or alcohol. Subsection (g) also contains the program requirements for 24/7 Sobriety.*

**Section 27:**

*This section directs the parole board to establish the P.A.C.E. program for parolees with conditions of parole that include not consuming drugs or alcohol and who have been*

*identified as being at moderate to high risk by a risk-needs assessment. The program shall include random drug and alcohol testing and requires a parole officer to file a parole violation report by the next business day if the parolee fails to appear for an appointment or tests positive for drugs or alcohol.*

**Section 28:**

*The parole board may require, as a condition of special medical or mandatory parole, a parolee must submit to the P.A.C.E. program.*

**Section 29:**

*The commissioner shall establish a program to conduct assessments of the risks and needs of offenders sentenced to serve a term of incarceration of 30 days or more.*

**Section 30:**

*This section establishes the Recidivism Reduction Grant Fund. The commissioner of corrections may make grants from the fund for programs that have, as a primary focus, rehabilitation and reduction of recidivism through transitional re-entry for persons recently released from correctional facilities. To qualify for a grant under this section, a program shall include case management, sober living, treatment, employment, and a cap on residential placements of 1 year. The commissioner shall prepare an annual report for the legislature by January 15 of each year.*

**Section 31:**

*The Alaska Criminal Justice Commission is established in the Office of the Governor. The commission consists of 12 members as follows:*

- (1) the chief justice of the Alaska Supreme Court or another active or retired justice of the supreme court or court of appeals*
- (2) an active or retired superior court judge designated by the chief justice*
- (3) an active or retired district court judge designated by the chief justice*
- (4) a member of the Alaska Native community designated by the Alaska Native Justice Center*
- (5) the attorney general or designee*
- (6) a private attorney appointed by the governor*
- (7) a chief of a municipal law enforcement agency appointed by the governor*
- (8) the public defender*
- (9) two members of the senate appointed by the president of the senate*
- (10) two members of the house of representatives appointed by the speaker of the house of representatives*

*The commission shall elect a chair and the Alaska Judicial Council shall provide staff and administrative support to the commission.*

*Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for boards and commissions.*

*A majority of the members constitutes a quorum for conducting business and exercising the powers of the commission.*

*The commission shall meet at least quarterly and shall keep a record of its proceedings and make these records available for public inspection.*

**Sec. 44.19.645. Powers and duties of the commission.**

*The commission shall evaluate the effect of sentencing laws and practices on the criminal justice system. In formulating its recommendations, the commission shall consider:*

- (1) statutes and court rules*
- (2) sentencing practices*
- (3) uniformity and proportionality in sentencing*
- (4) alternatives to traditional incarceration*
- (5) the use of parole and probation*
- (6) the effectiveness and availability of rehabilitation programs*
- (7) crime and incarceration rates*
- (8) the relationship between sentencing priorities and correctional resources*
- (9) the effectiveness of the state's current methodologies for the collection and of data*

*The commission may retain the services of consultants to assist the commission.  
The commission may compile information concerning sentencing practices.  
The commission may recommend legislative and administrative action.*

**Sec. 44.19.646. Methodology.**

*The commission shall solicit and consider information and views from a variety of constituencies and base recommendations on the following factors:*

- (A) the seriousness of each offense in relation to other offenses*
- (B) the effect of an offender's prior criminal history*
- (C) The need to rehabilitate criminal offenders*
- (D) The need to confine offenders to prevent harm to the public*
- (E) The extent to which criminal offenses harm victims and endanger public safety*
- (F) The effect of sentencing in deterring an offender or other members of society from future criminal conduct*
- (G) The effect of sentencing as a community condemnation and as an affirmation of societal norms*
- (H) The elimination of unjustified disparity in sentences*
- (I) The resources available to agencies in the criminal justice system*
- (J) The effect of sentencing on reducing the rate of recidivism in the state*

*The commission shall submit to the governor and the legislature an annual report and recommendations by January 1 of each year.*

**Section 32:**

*This section establishes a sunset of June 30, 2019 for the Alaska Criminal Justice Commission.*

**Section 33:**

*APPLICABILITY*

**Section 34:**

*TRANSITIONAL PROVISIONS*

**Section 35:**

*This section clarifies that the Department of Corrections may begin adopting regulations to implement P.A.C.E. and 24/7 Sobriety immediately upon passage of this bill.*

**Section 36:**

*This section establishes a delayed effective date for Section 29.*

**Section 37:**

*This section clarifies that the Department of Corrections may begin adopting regulations to implement P.A.C.E. and 24/7 Sobriety immediately upon passage of this bill.*

**Section 38:**

*This section establishes an effective date of July 1, 2014 for the remaining sections of the bill.*

## **CS SB 64 OMNIBUS CRIME/CORRECTIONS BILL**

### **Explanation of Changes**

#### **(S)STA**

From version N to O

- The Alaska Sentencing Commission (Section 2) was moved from the Alaska Court System to the Office of the Governor.
  - The executive director of the Alaska Native Justice Center was removed.
  - The director of the Division of Juvenile Justice was removed.
  - A member of the Alaska Native community was added.
  - The commissioner of HSS was added.
  - A victims' rights advocate was added.
- In regards to staffing the commission, the Alaska Judicial Council replaced the Office of the Governor.
- Sections 3 & 4: A provision was added indicating that limited license privileges are granted, at a minimum, of either five years or the duration the person is participating in court-ordered treatment program.
- Two sections (6 & 7) were added creating a process for people with limited licenses to have their normal driving privileges restored upon successful completion of therapeutic courts and driving successfully for at least five years without being convicted of an offense since the license was revoked, as well as providing proof of insurance.

#### **(S)JUD**

From version O to D

- Sections relating to limited licenses (Sections 3, 4, 5, 6, & 7 of Version O) were removed.
- Sections 1-3 create a criminal offense of custodial interference in the second degree when a non-relative or individual without custodial rights to a child attempts to take or takes a child from a lawful custodian. Currently non-custodians who try to take a child can only be charged with criminal trespass. This section closes the loophole and creates a more serious criminal offense of non-custodial interference in the second degree.
- Sections 4-19 were added to adjust the felony threshold for property crimes from \$500 to \$750.
- Sections 20-22 were added to establish a 24/7 Sobriety program as a condition of release before trial for offenders who have been charged with an alcohol-related or substance abuse-related offense that is an unclassified felony, a class A felony, a sexual felony, or a crime involving domestic violence.
- Section 23 was amended to clarify what purposes a person can receive credit for time served in a residential treatment facility, provided the periods during which residents are permitted to leave the facility must be for rehabilitative purposes directly related to the person's treatment or for employment, vocational training, or community volunteer.
- Section 24 was added to establish a 24/7 Sobriety program as a condition of probation.

- Section 25 was added to clarify that the Judicial Council shall staff and provide administrative support to the commission.
- Section 26 was added to establish the main components of 24/7 Sobriety and P.A.C.E.
- Sections 27-28 were added to establish P.A.C.E. in the parole board.
- Section 29 was added to require the Department of Corrections to conduct a risk-needs assessment on all offenders serving a term of incarceration of 30 days or more.
- Section 30 establishes the Recidivism Reduction Grant Fund to promote transitional re-entry programs for people recently released from correctional facilities.
- Section 31 experienced several changes to the commission:
  - The name of the commission was changed from the Alaska Sentencing Commission to the Alaska Criminal Justice Commission to better conform to its powers and duties.
  - 1 Senator and 1 Representative were removed from the commission and the remaining legislators were made ex-officio, non-voting members.
  - The member of the Alaska Native community is designated by the Alaska Native Justice Center and no longer appointed by the Governor.
  - The commissioners of corrections, public safety, and health and social services were removed.
  - The director of the office of public advocacy was removed.
  - The victims' rights advocate was removed.
  - A private attorney was added.
  - A chief of a municipal law enforcement agency was added.
  - The Alaska Judicial Council provides staff and administrative support to the commission.
- Section 32 establishes a 5-year sunset on the commission.
- Section 35 gives the Department of Corrections authority to begin adopting regulations to implement sections of the bill.
- Section 36 establishes a 2016 effective date for section 29 of the bill.
- Section 38 establishes an effective date for the bill.



# LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature  
Division of Legal and Research Services  
State Capitol, Juneau, AK 99801

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## Research Brief

TO: Senator John Coghill  
FROM: Roger Withington, Legislative Analyst  
DATE: January 13, 2014  
RE: Estimated Cost of Incarceration Due to Technical Violations of Participants in the Probationer Accountability with Certain Enforcement (PACE) Program Compared to Those Not in the PACE Program  
*LRS Report 14.087*

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***You asked for information the Probation Accountability and Certain Enforcement (PACE) program. Specifically, you asked us to compare the estimated cost of incarceration due to technical violations by probationers participating in the PACE program compared to those who are not in the program.***

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In July 2010, the Anchorage Superior Court, in partnership with a number of other criminal justice agencies, started the Probationer Accountability with Certain Enforcement, or PACE, pilot project.<sup>1</sup> Generally, under this "swift and certain" model, when a probationer violates a condition of his or her probation by, for example, testing positive for drugs or alcohol, failing to appear for a scheduled drug or alcohol test, or missing an appointment with a probation officer, that individual is arrested immediately and brought to court within 72 hours. At the court hearing, the judge imposes a sanction of a short jail term, commonly two to three days. If the offender violates his or her terms again, the process is repeated. In short, every single probation violation is dealt with quickly and a sanction is imposed each time.<sup>2</sup>

In contrast, under "probation as usual," petitions to revoke probation might not be filed or a court hearing held until several probation violations are reported.<sup>3</sup> As a result, the process may take several court hearings over a six-month period and can be generally characterized as anything but "swift and certain."

Kaci Schroeder, Special Assistant to the Commissioner of the Alaska Department of Corrections (DOC), provided us with a comparison of the number of days individuals were incarcerated due to probation violations between probationers participating in the PACE program to those who are not in the program.<sup>4</sup>

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<sup>1</sup> Alaska's Probationer Accountability with Certain Enforcement, or PACE, program is modeled after Hawaii's Project HOPE. Three sources of additional information regarding Hawaii's Project HOPE are <http://hopehawaii.net/>, [http://www.courts.state.hi.us/special\\_projects/hope/about\\_hope\\_probation.html](http://www.courts.state.hi.us/special_projects/hope/about_hope_probation.html), and for description and evaluation of Project HOPE see *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*, at <https://www.ncjrs.gov/pdffiles1/nij/grants/229023.pdf>.

<sup>2</sup> For a summary and preliminary evaluation of the PACE program see *Anchorage PACE: Probation Accountability with Certain Enforcement: A Preliminary Evaluation of the Anchorage Pilot PACE Project*, at <http://www.ajc.state.ak.us/reports/pace2011.pdf>.

<sup>3</sup> In general, the probation revocation process consists of arraignment, counsel appointment, adjudication on the petition to revoke probation, and sentencing to a term of incarceration.

<sup>4</sup> Ms. Schroeder can be contacted at 907-465-1854.

**Table 1: Median and Mean Length of Incarceration for Parole and Probation Violations for PACE Offenders and a Non-PACE Control Group**

Cohort	Cohort Size	Mean Stay in Days	Median Stay in Days
PACE Participants	117	5.95	3.00
Control Group	260	83.28	27.50

**Notes:** The "mean" is one measure of central tendency and is frequently known as an average. The "median," also measure of central tendency, is the "middle" value in the list of numbers ordered from smallest to largest. The median is not overly sensitive to outliers, or extreme values, in a set of data, particularly those data sets that are small. Stay days are inclusive. In other words, if an offender's period of incarceration began on January 1 and ended on January 2, then it is calculated as 2 days even though it is possible the offender only stayed for 24 hours. The PACE cohort consists of a sample of 117 offenders who entered the program from December 27, 2010 through December 11, 2012. The stay days reported represent the days sentenced on the probationer's first violation following the assignment to the PACE program. Also, for the PACE cohort, some probationers were already on "traditional" probation before being placed into the PACE program and may have spent time incarcerated as a result of a probation violation. The Control Group consists of a sample of 260 offenders convicted of a parole or probation violation in calendar year 2010 who also had a prior alcohol related conviction within five years of the probation violation. As with the PACE cohort, the stay days are based on the first probation violation following the probationer's "placement" into the Control Group. Some of these 260 probationers may have already been convicted of a probation violation prior to 2010, and spent time incarcerated as a result. Also, the Control Group may include probationers who were released from supervision because they "flat-timed," or fulfilled the terms of their original sentence while incarcerated for a probation violation

**Source:** Kaci Schroeder, Special Assistant to the Commissioner of the Alaska Department of Corrections, 907-465-1854.

Using the current average daily cost of incarceration of \$158.67, and the mean, or average, number of days these two cohorts spent incarcerated due to a technical violation, the PACE cohort would have accounted for a total incarceration cost of \$110,458, or approximately \$944 per probationer, while the Control Group cohort would have accounted for a total incarceration cost of approximately \$3,435,650, or \$13,214 per probationer.

Using the median number of days these two cohorts spent incarcerated due to a technical violation, the PACE cohort would have accounted for a total incarceration cost of \$55,693, or approximately \$476 per probationer, while the Control Group cohort would have accounted for a total incarceration cost of approximately \$1,134,491, or \$4,363 per probationer.

However, we urge caution when considering these data, particularly any cost differences between the two probation methods. In our view there are a number of deficiencies in this analysis, the most notable of which is the decision by the Department of Corrections to limit the "stay days" reported to the first period of incarceration for both cohorts. In our view, a more accurate way to compare these two cohorts would be to examine the total number of days spent incarcerated due to a probation violation measured during a specific period of time.

The DOC notes that the PACE program is relatively new from a data analysis point of view and since a high number of the original participants are still in PACE, only the first violation was measured. They also note that as PACE matures and more offenders "graduate" from the program, a more comprehensive analysis can be performed.

We hope this is helpful. If you have questions or need additional information, please let us know.



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January 31, 2014

Senator John Coghill  
Alaska State Legislature  
State Capitol Room 119  
Juneau AK, 99801

Dear Chair Coghill and members of the Senate Judiciary Committee,

Thank you for introducing Senate Bill 64 to address Alaska's rising corrections costs while building safer and healthier Alaskan communities. Catholic Social Services (CSS) supports SB 64 because we need better incentives and tools for offenders to successfully reintegrate when they are released from prison. We witness first-hand the impact of our current revolving door prison system where 2 out of 3 Alaskan prisoners return to custody within the first three years of release because their first stop is often Brother Francis Shelter in Anchorage, if they are released in south-central Alaska.

People getting out of prison have a very difficult time – they are often released without any resources and gaining employment and securing housing, due to their criminal record, is challenging. CSS whole heartedly supports key components of the bill that would allow for twice daily alcohol monitoring for certain offenders, the ability to receive credit for time served in a residential substance abuse treatment programs, and the establishment of a Recidivism Reduction Fund to support community re-entry services.

SB 64 is sound legislation because it uses evidence-based practices and a cross-governmental approach to reform by focusing resources on high-risk offenders and supporting mandatory supervision and treatment in the community. If it is possible to cut our rising corrections costs without sacrificing public safety we should absolutely try it.

Catholic Social Services supports SB 64 and thanks you for your leadership on this critical issue.

Sincerely,

Susan Bomalaski, Ph.D, LPC  
Executive Director

CC: State Senate Members Alaska Legislature  
Archbishop Roger Schwietz



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

To: The Honorable John Coghill, Chair, Alaska Senate  
Judiciary Committee;  
The Honorable Wes Keller, Chair Alaska House Judiciary  
Committee; and  
Members of the House and Senate Judiciary Committees

From: Alison Lawrence  
Senior Policy Specialist, Criminal Justice Program, NCSL

Date: Thursday, July 25, 2013

Subject: Senate Bill 64

Terie T. Norelli  
*Speaker*  
*New Hampshire House*  
*President, NCSL*

Patsy Spaw  
*Secretary of the Texas Senate*  
*Staff Chair, NCSL*

William Pound  
*Executive Director*

---

Good afternoon. I'm Alison Lawrence a senior policy specialist with the National Conference of State Legislatures. I specialize in sentencing and corrections laws.

Chairman Coghill and Chairman Keller, thank you for including NCSL in your interim discussion on Senate Bill 64. You asked me to provide you with information on provisions of the bill as they relate to "justice reinvestment". My remarks will focus on the proposed Sentencing Commission and Probation and Parole Accountability with Enforcement program, both of which have been addressed by many of the states that have pursued justice reinvestment.

**Justice Reinvestment**

Today, states have available more and better information about what works to reduce crime and control corrections costs. Legislatures are using this data to inform the policymaking process and enact cost effective measures that reduce offender recidivism and maintain public safety.

Justice Reinvestment is a data-driven process used by a growing number of states. It involves collecting data and analyzing drivers of prison populations and costs. Policies are then developed and adopted to address these factors. This strategy is characterized by reallocating funds to support effective sentencing and corrections policies and, in some states, by reinvesting a portion of savings achieved policies and programs that reduce recidivism.

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Figure 1: The Justice Reinvestment Process

Since 2007, 27 states have amended their sentencing and corrections policies through a process known as “justice reinvestment.” This process typically involves:

- Analyzing jail, prison and community corrections data to identify drivers of corrections growth and spending;
- Developing and adopting policies that effectively manage corrections resources, increase public safety and improve offender accountability; and
- Measuring the impact of policy changes on both public safety and corrections budgets to ensure that projected results and benefits are achieved.

A public-private partnership of the Bureau of Justice Assistance in the Office of Justice Programs and the Public Safety Performance Project of The Pew Charitable Trusts provides states with support and assistance with justice reinvestment initiatives.



Source: Public Safety Performance Project of The Pew Charitable Trusts, 2013.

Since 2007, at least 27 states have enacted justice reinvestment reforms. These reforms have included expanding eligibility for community-based diversion and treatment programs, employing the use of risk assessments and evidence-based practices for improved community supervision, and revising sentence lengths and eligibility for prison release. These efforts have been supported by a public-private partnership of the Bureau of Justice Assistance in the U.S. Department of Justice and The Pew Charitable Trusts.

On the last page I have included a chart that shows South Carolina’s identified prison population drivers and the policy responses adopted by the General Assembly in 2010.

### **Sentencing Commissions and Other Oversight Bodies**

SB 64 proposes establishment of a sentencing commission. A distinguishing feature of some of the most comprehensive sentencing and corrections changes in recent years has been the use of cross-governmental commissions or task forces. These have involved stakeholders from all branches and levels of government to oversee data collection and analysis, and put forth recommendations for legislative and administrative order. In some states, these commissions have been created through executive action, while others, like the proposed sentencing commission, have been codified. These

groups not only make recommendations but will continue to track and evaluate to ensure that policy choices continue to be data-driven and that desired results are achieved.

Connecticut, Illinois and Louisiana have recently created or redefined sentencing commissions to focus their work on improvement of public safety; ensuring sentencing laws and practices are fair, proportional and consist; and increasing efficiency and effectiveness of criminal penalties.

A number of state commissions have oversight responsibility for not only sentencing practices, but also for prison policies, reentry programs and community-based supervision. Some also make funding recommendations. The South Carolina Sentencing Reform Oversight Commission evaluates and tracks savings from policies adopted in their 2010 omnibus act and makes recommendations to the General Assembly on reallocating a portion of the savings.

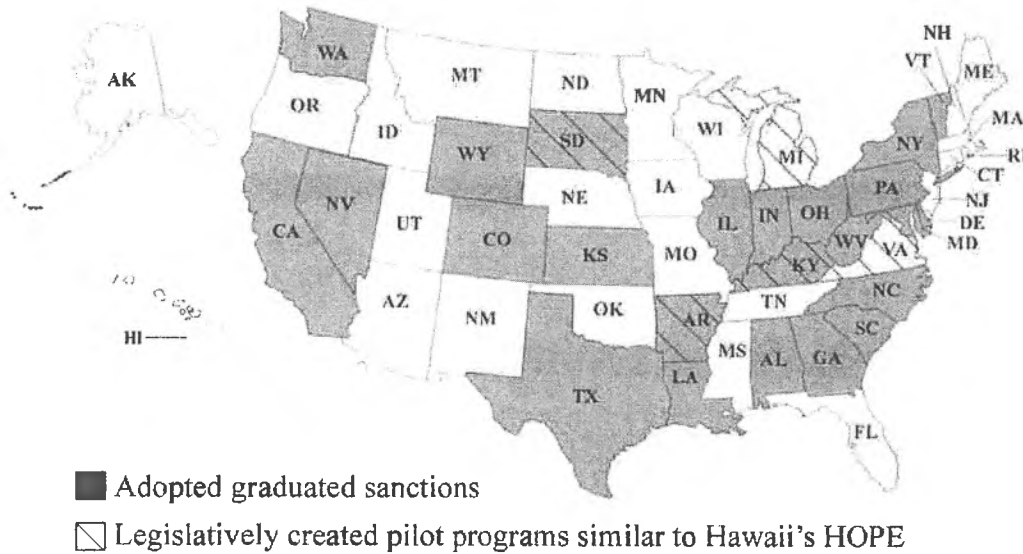
### **Swift and Certain Sanctions for Rule Violations**

Swift and certain non-prison sanctions for probation and parole rule violations is a data-driven policy that many states have adopted in recent years. Data show that offenders who are sent to prison for technical violations contribute substantially to prison populations, and more than half of all state inmates meet the criteria for substance abuse or dependence. Swift and certain sanctions, like the proposed Probation and Parole Accountability with Enforcement program, hold these offenders accountable while allowing them to remain in the community, continue to work, pay restitution and child support, and attend treatment.

At least 17 other states currently operate programs modeled after Hawaii's HOPE. Five of these states—Arkansas, Kentucky, Michigan, South Dakota and Virginia—have passed laws; the others have been created by judicial action. The enacted laws authorize local pilot projects and some have included state general fund appropriations to cover start up costs. The laws include a list of permissible sanctions and require program evaluation and reporting. Arkansas, Kentucky and Virginia laws also require use of a validated risk assessment tool to determine which offenders are high risk.

These HOPE-type programs are similar to another policy, called graduated sanctions. Authorized by more than 20 states in recent years, graduated sanctions operate statewide and are used for most offenders, not just those designated high risk. These policies involve clearly established non-prison sanctions that are delivered quickly, and with the severity of the sanction proportionate to the violation. Sanctions include increased reporting or drug testing requirements, electronic monitoring, participation in treatment, short jail stays and specialized violator facilities. In many of the states, probation and parole officers are authorized to handle the rule violations rather than referring the offender to the court or parole board for formal proceedings. This can decrease the response time for delivering sanctions and clear up crowded dockets.

Figure 2. Laws Authorizing Swift and Certain Sanctions



Maximizing Resources

Making the best use of corrections dollars is a key component of the justice reinvestment process. Effective community supervision policies like swift and certain sanctions help to maximize corrections dollars by allowing agencies to focus resources on the highest risk offenders.

The six states that adopted justice reinvestment legislation in 2012 have a collective projected corrections savings of nearly \$685 million over the next five to 10 years. Savings are expected to be used for increasing availability of treatment options and supervision technology, training for corrections officers on evidence-based practices and risk assessments; and supporting law enforcement and victims services.

Thank you for including NCSL in your discussion. I am happy to provide you or your staff with any additional information as your interim work moves forward.

Figure 3. South Carolina Justice Reinvestment Data and Responses

In 2009, the South Carolina prison population was projected to grow by more than 3,200 inmates by 2014, with an estimated increase of \$141 million in operating costs and an additional \$317 million for construction of new prisons. The corrections population had nearly tripled, and state spending on prisons had increased by more than 500 percent during the past 25 years. A study of the causes of and how to address this unsustainable growth resulted in the General Assembly's Omnibus Crime Reduction and Sentencing Reform Act of 2010.

**Drivers of Prison Growth**

Forty-four percent of prison admissions in 2009 were for low-level offenses and sentences of less than 18 months.

In 1980, 6 percent of the prison population was serving a sentence for a drug crime. By 2009 this had tripled to 20 percent of the prison population.

In 2009, probation and parole violations accounted for 24 percent of prison admissions, 66 percent of which were for non-criminal, technical violations of supervision.

More than half of all inmates released in 2009 left prison without any kind of supervision or access to services.

The parole grant rate declined from a 63 percent approval rate in 1980, to 27 percent in 2000, and 10 percent in 2008.

**Policy Approaches**

Reserved prison space for high-risk, violent offenders, and added to list of "violent crimes." Increased the felony property theft threshold from \$1,000 to \$2,000, thereby reducing numbers of low-level thefts handled as felonies.

Authorized alternatives to incarceration and provided for parole, work release and sentence credits for certain drug offenders. Narrowed the application of enhanced penalties for certain habitual drug offenders.

Required use of evidence-based practices for assessment and supervision of offenders in the community. Authorized administrative sanctions for probation and parole technical violations. Created a fee for drug convictions to fund expansion of drug court programs.

Authorized work release for certain inmates during the last three years of a prison term. Required mandatory reentry supervision for nonviolent offenders during the last 180 days of their sentences.

Required the parole board to use a risk and needs assessment tool for making parole decisions and setting parole conditions. Allowed parole for terminally ill, geriatric or permanently incapacitated inmates.

Source: *Principles of Effective Sentencing and Corrections Policy*, NCSL (2011)

# NFIB

The Voice of Small Business.®

ALASKA

11 February 2014

The Honorable John Coghill  
State Capitol Building  
Juneau, Alaska 99801-1182

RE: Senate Bill 64

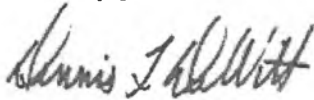
Dear Senator Coghill:

On behalf of the National Federation of Independent Business/Alaska, I wish to respectfully withdraw our Opposition to Senate Bill 64. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

The members of NFIB/Alaska appreciate the willingness you have shown to discuss our concern with the increase of the felony threshold level above the current \$500.00 level. We appreciate that you have only increased the level to \$750.00 in the most recent work draft adopted by the Senate Judiciary Committee.

As a result of this change in the felony level increase, down from the higher initial proposals, we withdraw our opposition.

Sincerely yours,



Dennis L. DeWitt  
Alaska State Director

Cc: NFIB/AK Leadership Council

**PSEA statement of support: SB 64**

The Public Safety Employees Association supports raising the felony threshold limits for property crimes from \$500 to \$1000. PSEA's membership, consisting of municipal and state police officers and troopers, are tasked with the investigation of property crimes in the state. The monetary thresholds for all crimes against property has been unchanged, but the reality is today's economic situation is much different than it was several decades ago. \$500 damage in 2014 is relatively insignificant in comparison to the same crime committed in the 1970's. The mere theft of a cellular phone, a daily investigation facing our membership, is almost always a felony investigation.

PSEA believes raising the felony threshold for crimes against property from \$500 to \$1000 is reflective of inflation over the years. Those persons committing crimes such as stealing cellular phones should be held accountable, but not to such an extreme degree as to require years of incarceration and/or parole. Further, those charged with property crimes in excess of \$1000 should be held accountable, up to and including a substantial jail sentence. Prosecutors, with what will be a lower number of felony cases should be strongly encouraged to maintain these cases at the felony level up to the conviction and sentencing of the violator, and discouraged from lowering the charge to a misdemeanor in exchange for a guilty plea.

PSEA believes all property crimes should be prosecuted vigorously, but the statutes should be fair and reflective of current monetary levels for charging purposes.



**Sgt. Chris Gifford  
Juneau Police Department Employees Association  
PSEA Municipal Chapter President**

## Coghill-backed crime reform bill advances

Matt Buxton/mbuxton@newsminer.com | Posted: Saturday, February 15, 2014 12:00 am

JUNEAU — There's a saying that making and passing a bill is a lot like making sausage. Most if it happens behind doors, in what can only be assumed to be a stomach-churning activity that would kill your appetite.

Bills often appear for one or two hearings, disappear into offices and re-emerge later with a new version ready to pass, sometimes with little explanation of changes.

But that's not what happened for the bipartisan omnibus crime and sentencing reform bill, which advanced out of the Senate Judiciary Committee this week.

Senate Bill 64, which is backed primarily by North Pole Sen. John Coghill, got seven lengthy hearings since lawmakers gaveled in, in January, each seeming much more like a workshop. Representatives from the public defender's office, the department of Law and Corrections spent that time going line by line, evaluating the sweeping reform bill's many programs.

When asked about the treatment of the bill, Coghill, who chairs the Judiciary Committee, said that it was by design.

"It's a methodology that I use, and maybe in Judiciary, it's needed when you're dealing with criminal codes," he said. "They (prosecutors and defense attorneys) litigate on each word, where in many other bills there's a sense of law and tell them what to do, but it's not highly litigated."

That process, he said, paid off with the broad spectrum of politics represented in the names attached to the bill. There's fellow Republican Sen. Fred Dyson but also Democrats Sen. Hollis French and Johnny Ellis, both of Anchorage, who support the bill.

The other unusual endorsements of the bill came from representatives of public defenders and the Department of Law.

The bill includes a 24/7 sobriety program, a criminal justice commission, an expanded probation program for parolees at high-risk of drug abuse, a recidivism reduction fund, raising the felony theft threshold credit for time served in treatment facilities and an expanded risk-assessment program for inmates.

What was left on the chopping block was a program that would have created a limited driver's license for people who lost a license because of a DUI and agreed to exhaustive alcohol monitoring.

The bill came about as the state wrestles with its declining budget and seemingly unending increases for corrections, linked to the state's highest-in-the-nation recidivism rate. Coghill said the aim is that the programs will help keep criminals from committing new crimes and stay out of costly prison cells.

The bill now heads to the Senate Finance Committee, which is the last major stop before a floor vote in the Senate, after which it will head to the House.

Coghill said he's preparing for major work to get it passed into law by the time lawmakers gavel out in April.

"I am committed to get it through," he said. "I've been doing homework, and I've been trying to show them the benefit. That's why you saw me working so deliberatively."

Contact staff writer Matt Buxton at 459-7544. Follow him on Twitter: [@FDNMpolitics](#).



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

Terie T. Norelli  
*Speaker*  
*New Hampshire House*  
*President, NCSL*

Patsy Spaw  
*Secretary of the Texas Senate*  
*Staff Chair, NCSL*

William Pound  
*Executive Director*

To: The Honorable John Coghill, Chair, Alaska Senate  
Judiciary Committee;  
The Honorable Wes Keller, Chair Alaska House Judiciary  
Committee; and  
Members of the House and Senate Judiciary Committees

From: Alison Lawrence  
Senior Policy Specialist, Criminal Justice Program, NCSL

Date: Thursday, July 25, 2013

Subject: Senate Bill 64

Good afternoon. I'm Alison Lawrence a senior policy specialist with the National Conference of State Legislatures. I specialize in sentencing and corrections laws.

Chairman Coghill and Chairman Keller, thank you for including NCSL in your interim discussion on Senate Bill 64. You asked me to provide you with information on provisions of the bill as they relate to "justice reinvestment". My remarks will focus on the proposed Sentencing Commission and Probation and Parole Accountability with Enforcement program, both of which have been addressed by many of the states that have pursued justice reinvestment.

**Justice Reinvestment**

Today, states have available more and better information about what works to reduce crime and control corrections costs. Legislatures are using this data to inform the policymaking process and enact cost effective measures that reduce offender recidivism and maintain public safety.

Justice Reinvestment is a data-driven process used by a growing number of states. It involves collecting data and analyzing drivers of prison populations and costs. Policies are then developed and adopted to address these factors. This strategy is characterized by reallocating funds to support effective sentencing and corrections policies and, in some states, by reinvesting a portion of savings achieved policies and programs that reduce recidivism.

Denver  
7700 East First Place  
Denver, Colorado 80230-7143  
Phone 303.364.7700 Fax 303.364.7800

Washington  
444 North Capitol Street, N.W. Suite 515  
Washington, D.C. 20001  
Phone 202.624.5400 Fax 202.737.1069

Website [www.ncsl.org](http://www.ncsl.org)  
Email [info@ncsl.org](mailto:info@ncsl.org)

Figure 1: The Justice Reinvestment Process

Since 2007, 27 states have amended their sentencing and corrections policies through a process known as "justice reinvestment." This process typically involves:

- Analyzing jail, prison and community corrections data to identify drivers of corrections growth and spending;
- Developing and adopting policies that effectively manage corrections resources, increase public safety and improve offender accountability; and
- Measuring the impact of policy changes on both public safety and corrections budgets to ensure that projected results and benefits are achieved.

A public-private partnership of the Bureau of Justice Assistance in the Office of Justice Programs and the Public Safety Performance Project of The Pew Charitable Trusts provides states with support and assistance with justice reinvestment initiatives.



Source: Public Safety Performance Project of The Pew Charitable Trusts, 2013.

Since 2007, at least 27 states have enacted justice reinvestment reforms. These reforms have included expanding eligibility for community-based diversion and treatment programs, employing the use of risk assessments and evidence-based practices for improved community supervision, and revising sentence lengths and eligibility for prison release. These efforts have been supported by a public-private partnership of the Bureau of Justice Assistance in the U.S. Department of Justice and The Pew Charitable Trusts.

On the last page I have included a chart that shows South Carolina's identified prison population drivers and the policy responses adopted by the General Assembly in 2010.

**Sentencing Commissions and Other Oversight Bodies**

SB 64 proposes establishment of a sentencing commission. A distinguishing feature of some of the most comprehensive sentencing and corrections changes in recent years has been the use of cross-governmental commissions or task forces. These have involved stakeholders from all branches and levels of government to oversee data collection and analysis, and put forth recommendations for legislative and administrative order. In some states, these commissions have been created through executive action, while others, like the proposed sentencing commission, have been codified. These

groups not only make recommendations but will continue to track and evaluate to ensure that policy choices continue to be data-driven and that desired results are achieved.

Connecticut, Illinois and Louisiana have recently created or redefined sentencing commissions to focus their work on improvement of public safety; ensuring sentencing laws and practices are fair, proportional and consist; and increasing efficiency and effectiveness of criminal penalties.

A number of state commissions have oversight responsibility for not only sentencing practices, but also for prison policies, reentry programs and community-based supervision. Some also make funding recommendations. The South Carolina Sentencing Reform Oversight Commission evaluates and tracks savings from policies adopted in their 2010 omnibus act and makes recommendations to the General Assembly on reallocating a portion of the savings.

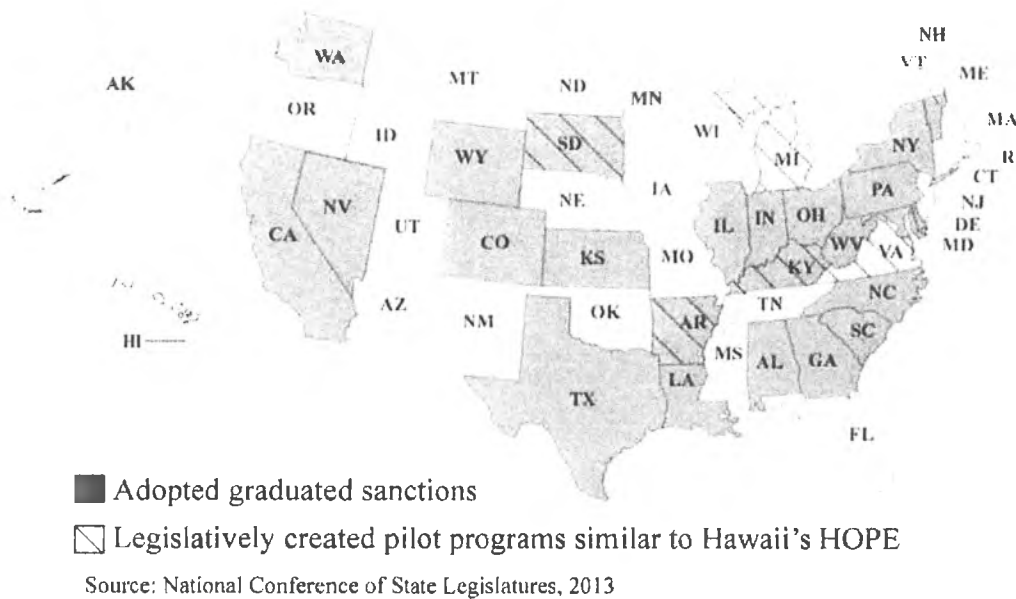
### **Swift and Certain Sanctions for Rule Violations**

Swift and certain non-prison sanctions for probation and parole rule violations is a data-driven policy that many states have adopted in recent years. Data show that offenders who are sent to prison for technical violations contribute substantially to prison populations, and more than half of all state inmates meet the criteria for substance abuse or dependence. Swift and certain sanctions, like the proposed Probation and Parole Accountability with Enforcement program, hold these offenders accountable while allowing them to remain in the community, continue to work, pay restitution and child support, and attend treatment.

At least 17 other states currently operate programs modeled after Hawaii's HOPE. Five of these states—Arkansas, Kentucky, Michigan, South Dakota and Virginia—have passed laws; the others have been created by judicial action. The enacted laws authorize local pilot projects and some have included state general fund appropriations to cover start up costs. The laws include a list of permissible sanctions and require program evaluation and reporting. Arkansas, Kentucky and Virginia laws also require use of a validated risk assessment tool to determine which offenders are high risk.

These HOPE type programs are similar to another policy, called graduated sanctions. Authorized by more than 20 states in recent years, graduated sanctions operate statewide and are used for most offenders, not just those designated high risk. These policies involve clearly established non-prison sanctions that are delivered quickly, and with the severity of the sanction proportionate to the violation. Sanctions include increased reporting or drug testing requirements, electronic monitoring, participation in treatment, short jail stays and specialized violator facilities. In many of the states, probation and parole officers are authorized to handle the rule violations rather than referring the offender to the court or parole board for formal proceedings. This can decrease the response time for delivering sanctions and clear up crowded dockets.

Figure 2. Laws Authorizing Swift and Certain Sanctions



**Maximizing Resources**

Making the best use of corrections dollars is a key component of the justice reinvestment process. Effective community supervision policies like swift and certain sanctions help to maximize corrections dollars by allowing agencies to focus resources on the highest risk offenders.

The six states that adopted justice reinvestment legislation in 2012 have a collective projected corrections savings of nearly \$685 million over the next five to 10 years. Savings are expected to be used for increasing availability of treatment options and supervision technology, training for corrections officers on evidence-based practices and risk assessments; and supporting law enforcement and victims services.

Thank you for including NCSL in your discussion. I am happy to provide you or your staff with any additional information as your interim work moves forward.

Figure 3. South Carolina Justice Reinvestment Data and Responses

In 2009, the South Carolina prison population was projected to grow by more than 3,200 inmates by 2014, with an estimated increase of \$141 million in operating costs and an additional \$317 million for construction of new prisons. The corrections population had nearly tripled, and state spending on prisons had increased by more than 500 percent during the past 25 years. A study of the causes of and how to address this unsustainable growth resulted in the General Assembly's Omnibus Crime Reduction and Sentencing Reform Act of 2010.

Drivers of Prison Growth	Policy Approaches
Forty-four percent of prison admissions in 2009 were for low-level offenses and sentences of less than 18 months.	Reserved prison space for high-risk, violent offenders, and added to list of "violent crimes." Increased the felony property theft threshold from \$1,000 to \$2,000, thereby reducing numbers of low-level thefts handled as felonies.
In 1980, 6 percent of the prison population was serving a sentence for a drug crime. By 2009 this had tripled to 20 percent of the prison population.	Authorized alternatives to incarceration and provided for parole, work release and sentence credits for certain drug offenders. Narrowed the application of enhanced penalties for certain habitual drug offenders.
In 2009, probation and parole violations accounted for 24 percent of prison admissions, 66 percent of which were for non-criminal, technical violations of supervision.	Required use of evidence-based practices for assessment and supervision of offenders in the community. Authorized administrative sanctions for probation and parole technical violations. Created a fee for drug convictions to fund expansion of drug court programs.
More than half of all inmates released in 2009 left prison without any kind of supervision or access to services.	Authorized work release for certain inmates during the last three years of a prison term. Required mandatory reentry supervision for nonviolent offenders during the last 180 days of their sentences.
The parole grant rate declined from a 63 percent approval rate in 1980, to 27 percent in 2000, and 10 percent in 2008.	Required the parole board to use a risk and needs assessment tool for making parole decisions and setting parole conditions. Allowed parole for terminally ill, geriatric or permanently incapacitated inmates.

Source: *Principles of Effective Sentencing and Corrections Policy*, NCSL (2011)



The Alaska Mental Health Trust Authority

March 1, 2014

Senator John Coghill  
State Capitol Room 119  
Juneau AK, 99801

**RE: SB 64 – OMNIBUS CRIME/CORRECTIONS BILL**

Dear Senator Coghill,

The Alaska Mental Health Trust Authority (The Trust) appreciates your leadership in identifying evidenced based smart justice strategies to protect public safety and help Alaskans successfully re-integrate back into our communities. Trust beneficiaries are overrepresented in all parts of the criminal justice system – in their contact with law enforcement, in the courts, in our jails, and in parole and probation caseloads. The problem affects both rural and urban communities of our state.

The Alaska Department of Corrections opened the Goose Creek Correctional Center at a cost of \$250 million to Alaskans with an annual operating budget of \$50 million. If the state's correctional population continues to grow, the state's prisons will be full by 2016. At a time when our state budget faces declining revenue, making the best use of criminal justice dollars is critical to the justice reinvestment process and to improving the overall safety and wellness of our state. The Trust supports SB64; in particular,

- the sections increasing the felony threshold for property related crimes,
- the sections instituting the 24/7 sobriety program,
- the sections instituting the P.A.C.E. program,
- the section requiring the Department of Corrections to conduct a risk-needs assessment on all offenders who have been sentenced to 30 days or more,
- the section establishing a fund for treatment programs that contribute to reducing recidivism, and
- the section allowing credit for time served in residential substance abuse treatment programs.

We appreciate your advocacy on behalf of Alaskans in particular those who are Trust beneficiaries.

Sincerely,

Jeff Jessee, CEO



1326 K Street  
Anchorage, AK 99501  
Ph: (907) 272-2119  
Fax: (907) 272-2893  
fillymcc@aol.com  
www.partnersforprogressak.org

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Senator John Coghill

February 23, 2014

Alaska State Legislature  
State Capitol Room 119  
Juneau, AK, 99801

Dear Senator Coghill:

Partners for Progress much appreciates your leadership in the development of SB 64. Being involved in the process from the start, I saw you and the Judiciary Committee do an exemplary job of studying the issue by listening to testimony from a range of different credible sources from across the political spectrum. It was clear that Alaska is incarcerating many non-violent offenders much longer than necessary, and that this is a costly use of public money no matter where you stand on the subject. Alaska's sentencing legislation is due for reform! You have studied the issues in an open and inclusive manner and gained strong bi-partisan support for measures included in SB 64.

These measures, especially the creation of a Sentencing Commission, use of 24/7 sobriety monitoring for bail and probation, and strengthening the Probation and Parole Accountably with Certain Enforcement (P.A.C.E. Program) are all big steps forward.

Partners for Progress particularly appreciates the Judiciary Committee's recognition of the value of community-based re-entry programs to reduce recidivism. As you may know, last summer we started a transitional re-entry center located near the Anchorage Correctional Complex. Already the Center is intensely busy, serving 40 to 50 people daily. Partners for Progress operates this Center with two non-profit partners, the Alaska Native Justice Center and Nine Star Education and Employment. We coordinate with the Department of Corrections so former prisoners can go directly from prison to transitional housing provided through the Center. Close collaboration with our non-profit partners allows us to provide a strong combination of services to meet the range of needs of individuals with different risk levels, and to hold participants accountable for their own success. We hope that our successful re-entry center in Anchorage will serve as a model for community re-entry centers in other locations.

Over the interim Partners for Progress and the Alaska Therapeutic Court Alumni Group would like to work with you and members of the Judiciary Committee on a separate bill that would engage your knowledge of Smart Justice to address important provisions that would greatly benefit Alaska's felony level therapeutic courts. Again, we thank you and the Judiciary Committee!

Sincerely,

Janet McCabe  
Chair, Partners for Progress



Dear Members of the Senate Judiciary Committee,

Thank you for introducing Senate Bill 64 to address Alaska's rising corrections costs. Today, Alaska faces declining revenue and the need for extreme fiscal restraint. Last year, the Alaska Department of Corrections (DOC) opened the Goose Creek Correctional Center at a cost of \$250 million to Alaskans with an annual operating budget of \$50 million. If the state's prison population continues to grow at its current rate of 3% per year, the state's prisons will be full by 2016.

This creates an inescapable reality, Alaskans must start looking to build and fund another prison, or look at proven best practice approaches that more effectively address criminality, reduce recidivism and build safer and healthier Alaskan communities.

Currently, 2 out of 3 Alaskan prisoners return to custody within the first three years of release at a cost of \$159 dollars per inmate per day. SB 64 aims to determine how Alaskans can get better value for their criminal justice dollars spent by establishing the Alaska Criminal Justice Commission (ACJC). The ACJC will evaluate the effect of laws and practices on the criminal justice system to determine whether those laws and practices provide for maximum public safety while yielding the maximum benefit from our money spent.

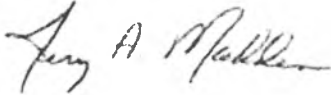
The other provisions in SB 64 are intended to bend the corrections cost curve, and to provide incentives and tools for offenders to help themselves successfully reintegrate once released from supervision. SB 64 updates the felony theft threshold, requires twice daily alcohol monitoring for certain offenders, creates swift and certain sanctions for probation and parole violations, lessens the statutory threshold required before a defendant is eligible to receive credit for time served in a residential substance abuse treatment program, grants limited licenses for individuals who have successfully completed a rigorous court-ordered treatment program, allows first-time DUI offenders to serve their mandatory 72-hour sentence on electronic monitoring, requires assessments for every DOC inmate in custody for 30 days or longer, and establishes the Recidivism Reduction Fund to support community re-entry services.

All of these statutory changes ascribe to the philosophy that has proven true in Texas and a whole host of tough on crime states: low-risk, nonviolent offenders can be effectively supervised in the community at a significantly lower cost, and will help keep prison beds available for violent criminals while holding non-violent offenders accountable for their actions. Research shows that implementation of evidence-based practices leads to an average decrease in crime of between 10% and 20%. Experience in other states further reveals that with the implementation of these evidence-based approaches, states have successfully cut corrections costs and reduced crime while at the same time improving offender outcomes and ensuring public safety.

SB 64 uses evidence-based practices and a cross-governmental approach to reform by focusing resources on high-risk offenders, supporting mandatory supervision and treatment in the community, and using real-time data and information to drive policy-making decisions. Evidence shows that it is possible for Alaska to cut our rising corrections costs without sacrificing public safety. Alaska has a great opportunity to join other states such as Texas, Georgia, and Ohio that have made similar reforms and realized the benefits of lower crime, lower costs, and lives redeemed.

I greatly appreciate your consideration of our perspective on the benefits of SB 64 and appreciate your leadership on this critical issue.

Sincerely,



Jerry Madden

Senior Fellow, Right on Crime

Former Chairman, Texas House of Representatives Corrections Committee

(512) 989-7758

[jmaddeninsurance@aol.com](mailto:jmaddeninsurance@aol.com)

[www.texaspolicy.com](http://www.texaspolicy.com), [www.rightoncrime.com](http://www.rightoncrime.com)

900 Congress, Suite 400

Austin, TX 78701

# JUNEAU REENTRY COALITION

February 27, 2014

Dear Chairman Coghill,

Thank you for introducing Senate Bill 64 to address Alaska's rising corrections costs. Today, Alaska faces declining revenue and the need for extreme fiscal restraint. As you know, last year the Alaska Department of Corrections (DOC) opened the Goose Creek Correctional Center at a cost of \$250 million to Alaskans with an annual operating budget of \$50 million. If the state's prison population continues to grow at its current rate of 3% per year, the state's prisons will be full by 2016.

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All of these statutory changes ascribe to the philosophy that has proven true in Texas and a whole host of tough on crime states: low-risk, nonviolent offenders can be effectively supervised in the community at a significantly lower cost, and will help keep prison beds available for violent criminals while holding non-violent offenders accountable for their actions. Research shows that implementation of evidence-based practices leads to an average decrease in crime of between 10% and 20%. Experience in other states further reveals that with the implementation of these evidence-based approaches, states have successfully cut corrections costs and reduced crime while at the same time improving offender outcomes and ensuring public safety.

SB 64 uses evidence-based practices and a cross-governmental approach to reform by focusing resources on high-risk offenders, supporting mandatory supervision and treatment in the community, and using real-time data and information to drive policy-making decisions. Evidence shows that it is possible for Alaska to cut our rising corrections costs without sacrificing public safety. We can't afford to do nothing.

Juneau Reentry Coalition strongly supports SB 64 and appreciates your leadership on this issue.

Sincerely,

  
Kathryn Chapman, MSW

Chair



February 28, 2014

Senator John Coghill, Jr.  
Alaska State Legislature  
120 4<sup>th</sup> St., State Capitol, Room 3  
Juneau, AK 99801-1182

**Akeela Administrative Office**  
360 West Benson Blvd., Suite 300  
Anchorage, AK 99503-3953  
907-565-1200  
Fax 907-258-6052

**Gateway Center for Human Services**  
3050 Fifth Avenue  
Ketchikan, AK 99901  
907-225-4135  
Fax 907-247-4135

**Substance Abuse Programs:**  
Akerla House Residential  
907-561-5266

**Stepping Stones Residential**  
907-559-0097

**KAR House Residential**  
907-225-3510

**Akeela Co-Ed Outpatient**  
907-562-7483

**Women & Families Outpatient**  
907-279-5000

**Gateway Outpatient**  
907-225-4125

**D.O.C. Prison Programs:**  
907-328-9196

**Mental Health Programs:**  
Anchorage Family Mental Health  
907-562-7438

**Gateway Outpatient**  
907-275-4135

**Gateway Drop Inn Center (CSP)**  
907-228-6534

**Prevention/Intervention Programs:**  
Anchorage - 907-565-1200

**Alcohol Safety Action Program (ASAP)**  
Ketchikan - 907-283-6586  
Ketchikan - 907-228-6504

www.akeela.org  
E-Mail: info@akeela.org

**Membership:**  
Therapeutic Communities of America

Dear Senator Coghill:

This letter serves to demonstrate Akeela's support of SB 64.

Nearly two thirds of all Alaska inmates reoffend within three years of being released from prison. Inmates often reoffend because of the failure of the correctional system to habilitate – not rehabilitate – prisoners. These individuals have often never been habilitated; therefore, the term “rehabilitate” does not appropriately depict the services that this population desperately needs.

An essential need of this population, one that too often the correctional system is not equipped to meet, is behavioral health treatment to address the underlying issues that precipitated their crimes. These individuals have addiction issues and mental health problems that are not being dealt with while they are behind bars. In fact, according to the Indian Law and Order Commission report, more than 95 percent of all crimes committed in rural Alaska can be attributed to alcohol. Therefore, by not providing these individuals with the tools that they need to be successful, we are setting them up for failure.

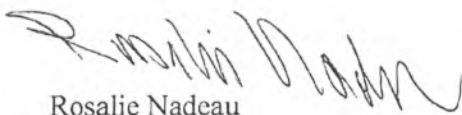
Furthermore, community based substance abuse and culturally appropriate reentry services are desperately lacking in Alaska. If not treated, and not habilitated, this population will continue to reoffend and the recidivism rate in Alaska will continue to rise. Reentry programs are intended to assist offenders in acquiring the life skills needed to succeed in their communities and become law-abiding citizens. The implementation and use of prisoner reentry programs will, in turn, reduce the overall occurrence of offender recidivism. This will result in safe communities, more productive citizens, and less money spent on reoffenders.

SB 64 not only encourages residential substance abuse treatment in lieu of incarceration by giving individuals credit against time served in a residential

treatment facility , but it also creates a recidivism reduction to fund grant money for transitional re-entry programs.

We ask for your thoughtful consideration of SB 64.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosalie Nadeau". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Rosalie Nadeau  
Chief Executive Officer  
Akecla, Inc.



# Nine Star Education & Employment Services

“Developing Alaska’s Workforce”

**Administrative Office**  
730 I Street  
Anchorage, AK 99501  
(907) 279-7827  
F (907) 279-3299  
www.ninestar.com

February 27, 2014

The Office of Senator Coghill

RE: SB 64

**Work Services:**  
5<sup>th</sup> Avenue  
125 W. 5<sup>th</sup> Avenue  
Anchorage, AK 99501  
(907) 644-8259  
  
4<sup>th</sup> & Barrow  
208 E. 4th Ave  
(907) 433-8500  
  
Tudor Road  
2217 E. Tudor Road, #4  
(907) 644-9933

Dear Senator Coghill:

Nine Star Education and Employment Services serves young men and women ages 14-24. Some of these participants and their custodial parents would be influenced positively by SB 64. Our staff have had significant success in working with students to develop employment opportunities as well as obtain high school diplomas. Kids who are negatively affected by other school or institutional environments discover their ability to succeed in our Youth Employment and High School Completion Program in addition to our Reading, Math, and Writing classes as well as our English as a Second Language Program.

Mountain View  
315 N. Price Street  
(907) 297-5422

Our corporation functions under IRS section 501(c)(3). We favor SB 64 and endorse it as a legitimate piece of legislation, which will positively affect our young clients and their parents. We bring to this deliberation the opinions of our twelve-person board of directors in addition to those who have assisted us with community support to pay for our academic and workplace placement delivery for the youth we serve.

**Other Locations:**  
High School Completion  
and Youth Employment  
730 I Street  
(907) 743-6074

Sincerely,

Adult Education/GED  
English as a Second Language  
730 I Street  
(907) 279-7827

David S. Alexander  
President

Returning Citizens’ Center  
1220 E. Street  
(907) 339-9960

Partners Reentry Center  
419 Barrow Street  
(907) 258-1192

Wasilla – Youth Employment  
300 N. Willow Street  
(907) 444-9481

Wasilla – Adult Education  
877 W. Commercial Drive  
(907) 352-2587

**Compassion. Excellence. Collaboration.**

Nine Star’s mission, through education and employment services, is to help Alaskans get a job, keep a job, and advance on the job.



907 793.3600  
907 793.3602  
CITC.org

March 3, 2014

Senate Finance Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Senate Finance Committee Members:

Cook Inlet Tribal Council (CITC) supports passage of Senate Bill 64 (the crime bill, sponsored by the Senate Judiciary Committee), and offers the following comments.

This legislation provides important new innovations to turn around Alaska recidivism rates, save money and make the state safer. CITC has been operating Chanlyut, a rehabilitation program for men recently released from prison, homelessness or substance abuse, for the past six years. Chanlyut is modeled on the successful Delancey Street program from California, and operates on the principle that learning a strong work ethic and responsibility for others is key to turning lives around, without the use of professional staff. Chanlyut is a 24/7 residential program located in Anchorage. Since the start of the program, CITC has saved the state millions of dollars by housing residents who otherwise would have been in a corrections facility, and has many success stories. Of the residents who have entered Chanlyut since January 2009, 70% have not reoffended after leaving the program. Key to the positive impact of the program is both the work component and complete responsibility each man has for the maintenance of the house and the program. Given CITC's experience, the opportunities offered in CSSB 64 (Jud) align with Chanlyut and its operations.

Please let us know if you have any questions or if CITC can provide further assistance.

Sincerely,

  
Gloria O'Neill  
President/CEO

COOK INLET TRIBAL COUNCIL  
3600 SAN JERONIMO DRIVE  
ANCHORAGE ALASKA 99508



# Catholic Social Services

3710 East 20th Avenue, Anchorage, AK 99508 • (907) 222-7300 • fax (907) 258-1091 • [www.cssalaska.org](http://www.cssalaska.org)

January 31, 2014

Senator John Coghill  
Alaska State Legislature  
State Capitol Room 119  
Juneau AK, 99801

Dear Chair Coghill and members of the Senate Judiciary Committee,

Thank you for introducing Senate Bill 64 to address Alaska's rising corrections costs while building safer and healthier Alaskan communities. Catholic Social Services (CSS) supports SB 64 because we need better incentives and tools for offenders to successfully reintegrate when they are released from prison. We witness first-hand the impact of our current revolving door prison system where 2 out of 3 Alaskan prisoners return to custody within the first three years of release because their first stop is often Brother Francis Shelter in Anchorage, if they are released in south-central Alaska.

People getting out of prison have a very difficult time – they are often released without any resources and gaining employment and securing housing, due to their criminal record, is challenging. CSS whole heartedly supports key components of the bill that would allow for twice daily alcohol monitoring for certain offenders, the ability to receive credit for time served in a residential substance abuse treatment programs, and the establishment of a Recidivism Reduction Fund to support community re-entry services.

SB 64 is sound legislation because it uses evidence-based practices and a cross-governmental approach to reform by focusing resources on high-risk offenders and supporting mandatory supervision and treatment in the community. If it is possible to cut our rising corrections costs without sacrificing public safety we should absolutely try it.

Catholic Social Services supports SB 64 and thanks you for your leadership on this critical issue.

Sincerely,

Susan Bomalaski, Ph.D, LPC  
Executive Director

CC: State Senate Members Alaska Legislature  
Archbishop Roger Schwietz

PSEA statement of support: SB 64

The Public Safety Employees Association supports raising the felony threshold limits for property crimes from \$500 to \$1000. PSEA's membership, consisting of municipal and state police officers and troopers, are tasked with the investigation of property crimes in the state. The monetary thresholds for all crimes against property has been unchanged, but the reality is today's economic situation is much different than it was several decades ago. \$500 damage in 2014 is relatively insignificant in comparison to the same crime committed in the 1970's. The mere theft of a cellular phone, a daily investigation facing our membership, is almost always a felony investigation.

PSEA believes raising the felony threshold for crimes against property from \$500 to \$1000 is reflective of inflation over the years. Those persons committing crimes such as stealing cellular phones should be held accountable, but not to such an extreme degree as to require years of incarceration and/or parole. Further, those charged with property crimes in excess of \$1000 should be held accountable, up to and including a substantial jail sentence. Prosecutors, with what will be a lower number of felony cases should be strongly encouraged to maintain these cases at the felony level up to the conviction and sentencing of the violator, and discouraged from lowering the charge to a misdemeanor in exchange for a guilty plea.

PSEA believes all property crimes should be prosecuted vigorously, but the statutes should be fair and reflective of current monetary levels for charging purposes.



Sgt. Chris Gifford  
Juneau Police Department Employees Association  
PSEA Municipal Chapter President



# Senate Bill 64

Omnibus Crime/Corrections Bill

To improve public safety, slow the growth of Alaska's prison population, and save money.

Goose Creek Correctional Center  
Completed in 2011

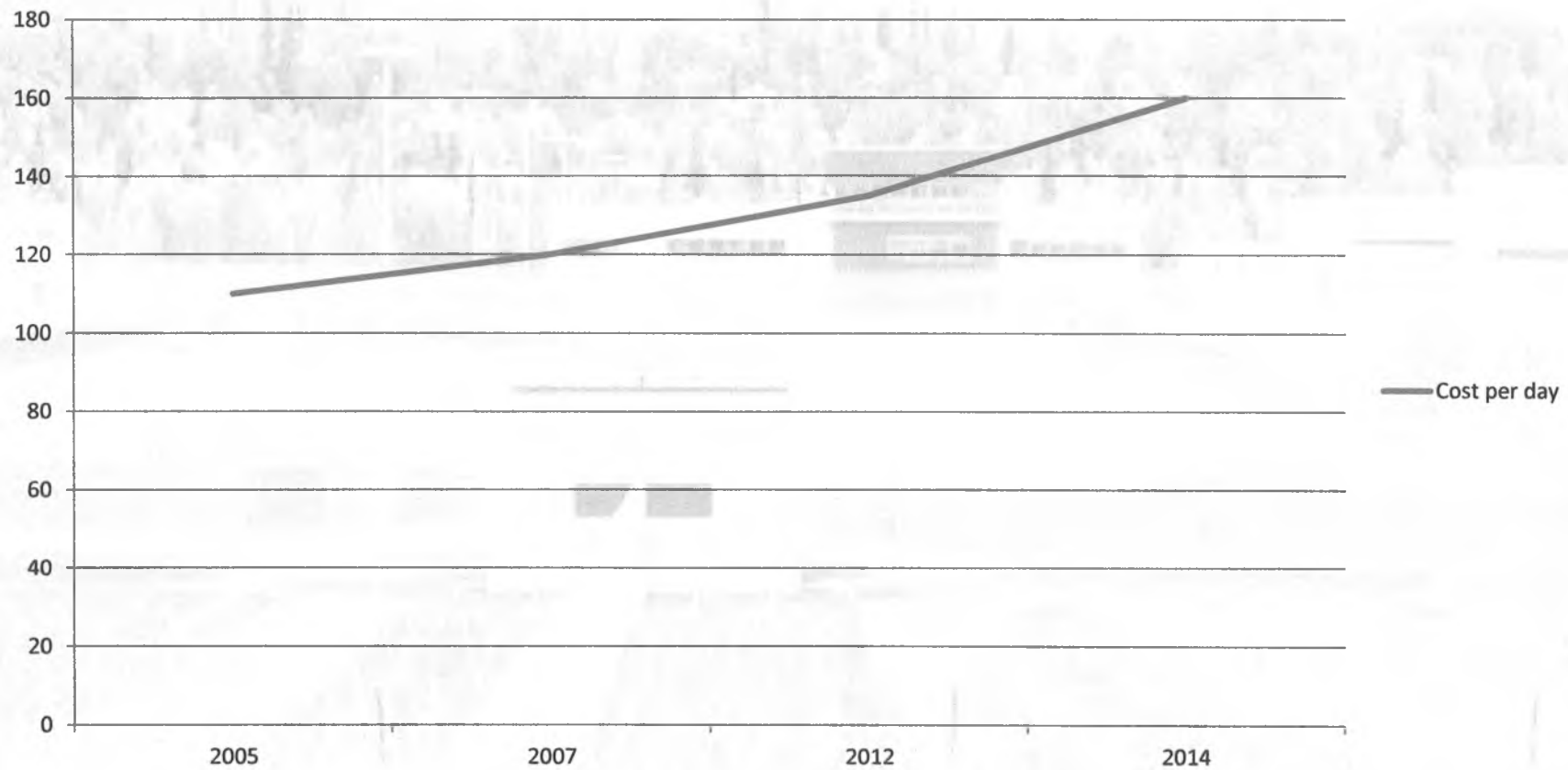
\$250 million

+

\$50 million a year to  
operate

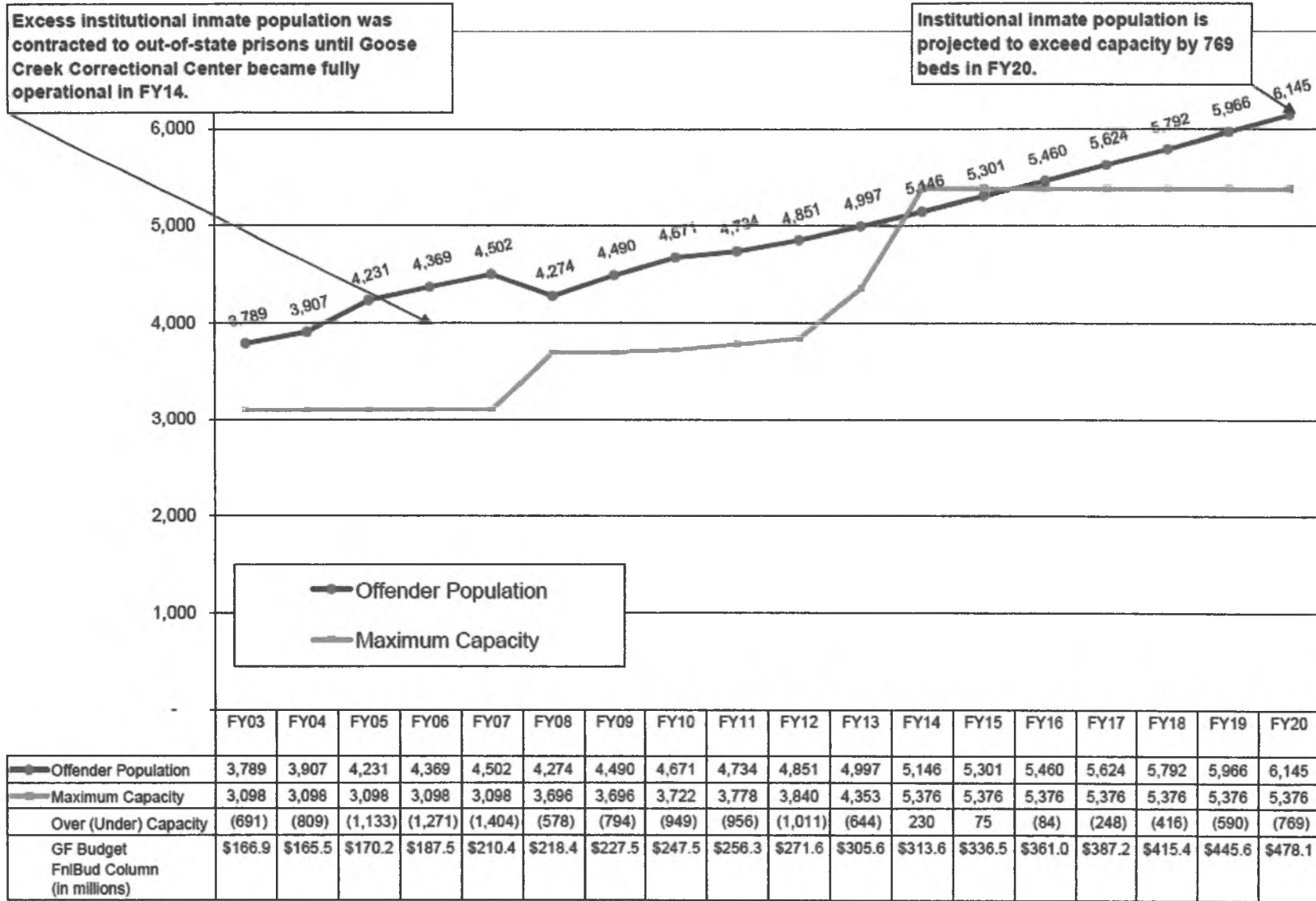
# Cost per Day to Incarcerate

**\$159/day per inmate**



**\$54k per year**

## Alaska Institutional Inmate Population FY03-FY20



\* FY14 enacted budget (does not include management plan adjustments)  
 \*\*FY15-FY20 budget projections based on DOC annual average GF growth rate of 7.3%

Based on the approximate 3% population growth rate experienced between FY03-FY12, the institutional inmate population is expected to reach 6,145 by FY20. 4

# Sentencing and Corrections Reforms in Justice Reinvestment States

Policy Reform	2013				2012				2011				2010			2009		2008				2007			Total							
	OR	SD	WV	KS	MO	DE	GA	PA	HI	OK	AR	KY	AL	LA	NC	OH	SC	NH	MI	IL	WI	AZ	PA	CT		RI	VT	KS	NV	TX		
Sentencing/Pretrial	Reclassify/redefine drug offenses	✓	✓				✓				✓	✓			✓	✓																7
	Reclassify/redefine property offenses	✓	✓				✓				✓					✓	✓														6	
	Establish /expand presumptive probation for certain offenses	✓	✓						✓			✓				✓	✓											✓			6	
	Revise sentencing enhancements						✓					✓			✓	✓	✓														4	
	Revise mandatory minimums	✓					✓		✓					✓		✓	✓														5	
	Reduce crack-powder cocaine disparity															✓	✓														2	
	Revise sentencing guidelines/establish sentencing commission															✓	✓				✓			✓							3	
	Improve pretrial release systems			✓			✓		✓			✓				✓	✓														4	
	Establish presentence assessment			✓			✓	✓		✓		✓				✓	✓					✓				✓					6	
	Revise drug-free school zone											✓					✓														2	
	Authorize risk-reduction sentencing															✓	✓						✓								3	
Release	Revise parole hearing/decision/eligibility standards				✓				✓		✓	✓		✓	✓	✓	✓	✓	✓					✓	✓					10		
	Expand good/earned-time prison credits /re-entry leave	✓			✓		✓	✓						✓	✓	✓	✓	✓	✓						✓		✓	✓		11		
	Establish/expand geriatric or medical parole										✓			✓		✓	✓													4		
Community Corrections	Establish earned discharge (probation/parole)	✓	✓		✓	✓					✓	✓				✓	✓					✓								10		
	Authorize performance incentive funding	✓							✓		✓	✓				✓	✓				✓					✓				8		
	Authorize administrative jail sanctions			✓	✓	✓					✓	✓		✓	✓	✓	✓	✓												9		
	Authorize graduated responses for violations		✓	✓	✓		✓	✓	✓		✓	✓		✓	✓	✓	✓	✓									✓	✓		13		
	Cap revocation time				✓	✓	✓	✓	✓	✓			✓		✓	✓	✓													8		
	Establish/improve electronic monitoring			✓			✓				✓	✓		✓	✓	✓	✓									✓				6		
	Establish mandatory reentry supervision			✓	✓					✓		✓			✓	✓	✓	✓												8		
	Require/improve risk-needs assessment	✓	✓	✓			✓	✓		✓		✓	✓		✓	✓	✓	✓			✓	✓			✓					15		
	Require evidence-based practices	✓	✓	✓			✓	✓	✓			✓	✓		✓	✓	✓	✓							✓			✓		11		
	Reform/pilot specialty courts (HOPE, drug courts, etc.)	✓	✓	✓			✓				✓	✓	✓	✓	✓	✓	✓	✓												8		
Reduce probation terms								✓																	✓				2			
Improve interventions such as sub abuse/mental health/CBT		✓	✓	✓		✓									✓	✓				✓	✓				✓	✓	✓	✓	13			
Sustainability	Require fiscal impact statements	✓	✓									✓					✓				✓									5		
	Establish leadership/board qualification requirements													✓			✓													2		
	Require data collection/performance measurement	✓	✓	✓	✓		✓		✓	✓	✓	✓		✓	✓	✓	✓			✓	✓									15		
	Establish measures to streamline/improve efficiency of system		✓	✓			✓	✓			✓	✓		✓		✓	✓						✓	✓						11		
	Improve restitution/victim notification systems		✓					✓	✓								✓													4		
Establish oversight council	✓	✓			✓	✓										✓													5			

**Notes:** The Justice Reinvestment Initiative is supported by The Pew Charitable Trusts and the U.S. Department of Justice, Bureau of Justice Assistance. Intensive technical assistance to the states is provided by Pew, the Council of State Governments Justice Center, the Vera Institute of Justice, and other partners. Reforms include those enacted in legislation and by executive or court order. Reforms in GA were enacted in 2012 and 2013; LA reforms in 2011 and 2012; CT reforms in 2004 and 2008. Policy reforms in each state were developed by bipartisan, inter-branch working groups and based on analyses of the states' specific criminal justice challenges. The number of policy reforms in a state does not correspond with the impact on prison populations or costs. For more details about policies, impacts, and reinvestments, see individual state pages at [www.pewstates.org/publicsafety](http://www.pewstates.org/publicsafety).

# Goals

- 1) Improve Public Safety
- 2) Reduce Recidivism
- 3) Reduce Cost

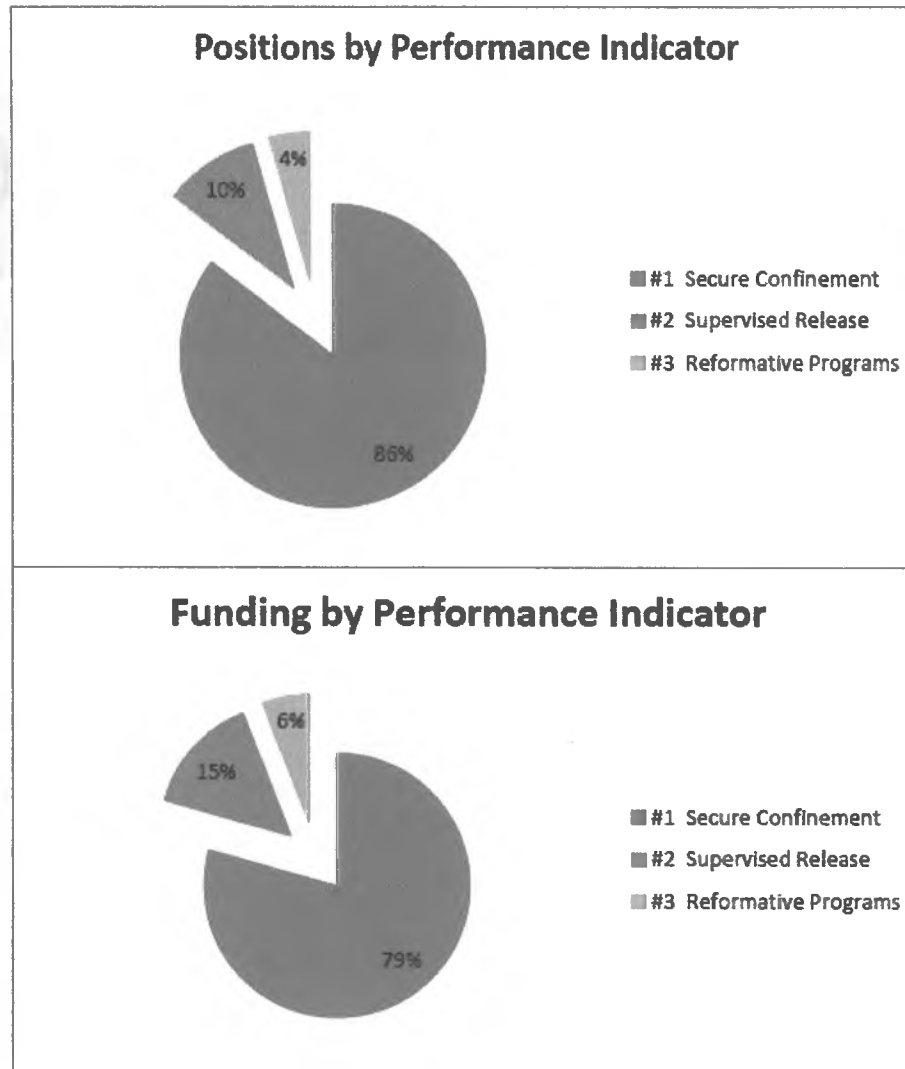
# DOC Mission Statement

The Alaska Department of Corrections provides **secure confinement**, **reformatory programs**, and a process of supervised **community reintegration** to enhance the safety of our communities.

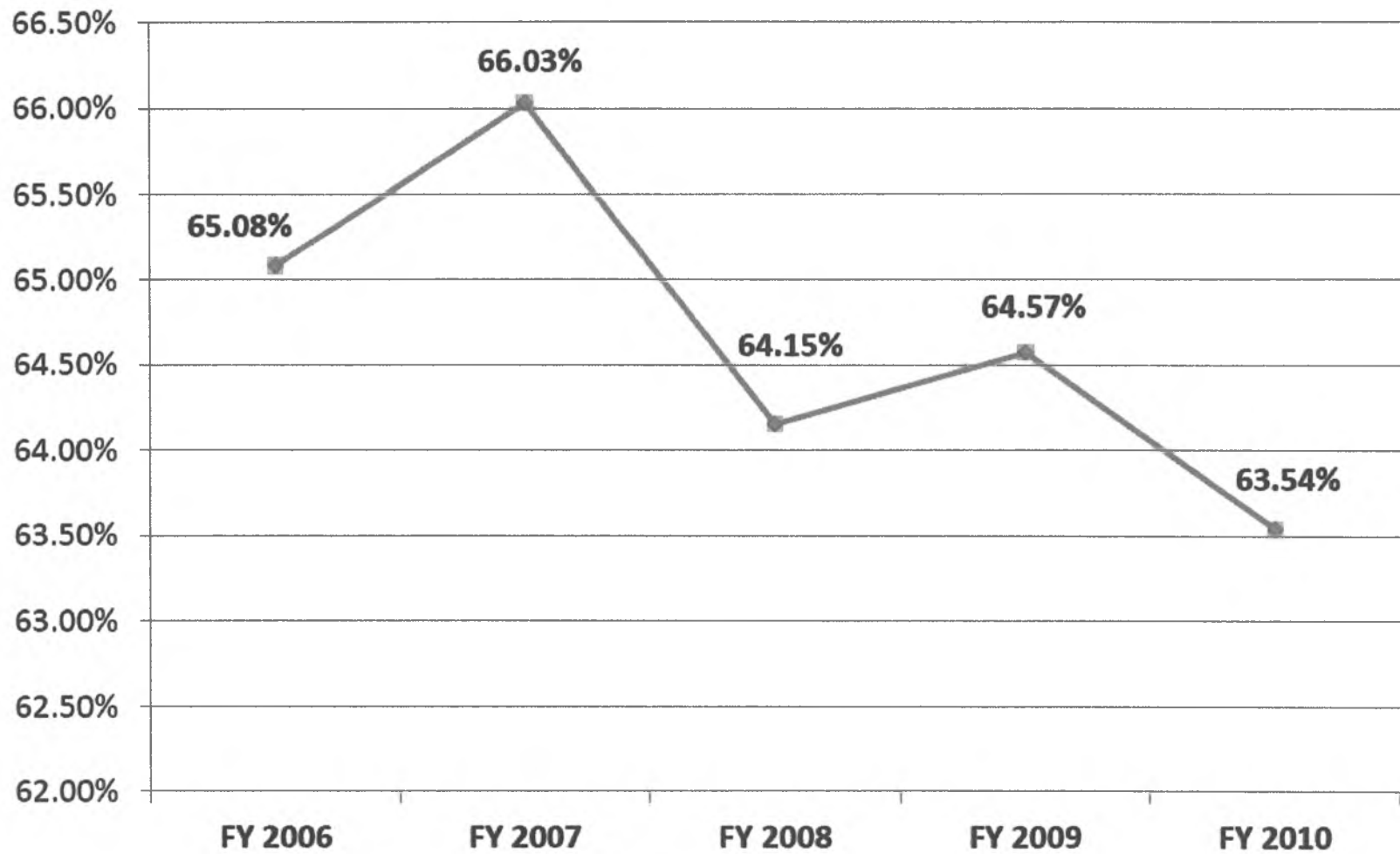
## Department of Corrections - Key Performance Indicators

	FT Positions	Total Funds
#1 Secure Confinement	1591	265,134,400.00
#2 Supervised Release	189	49,126,200
#3 Reformative Programs	81	19,806,200
<b>Total:</b>	<b>1861</b>	<b>334,066,800.00</b>

Source: Office of Budget and Management, 2013



# 1.5% drop in Recidivism



# Bill Components

- 24/7 Sobriety
- Alaska Criminal Justice Commission
- Probation Reform (P.A.C.E.)
- More Risk-Needs Assessments
- Recidivism Reduction Fund
- Stricter penalties for attempted abduction
- Adjusting the Felony Theft Threshold
- Incentivizing Residential Treatment

Sections 1-3

# **CUSTODIAL INTERFERENCE**

# Custodial Interference

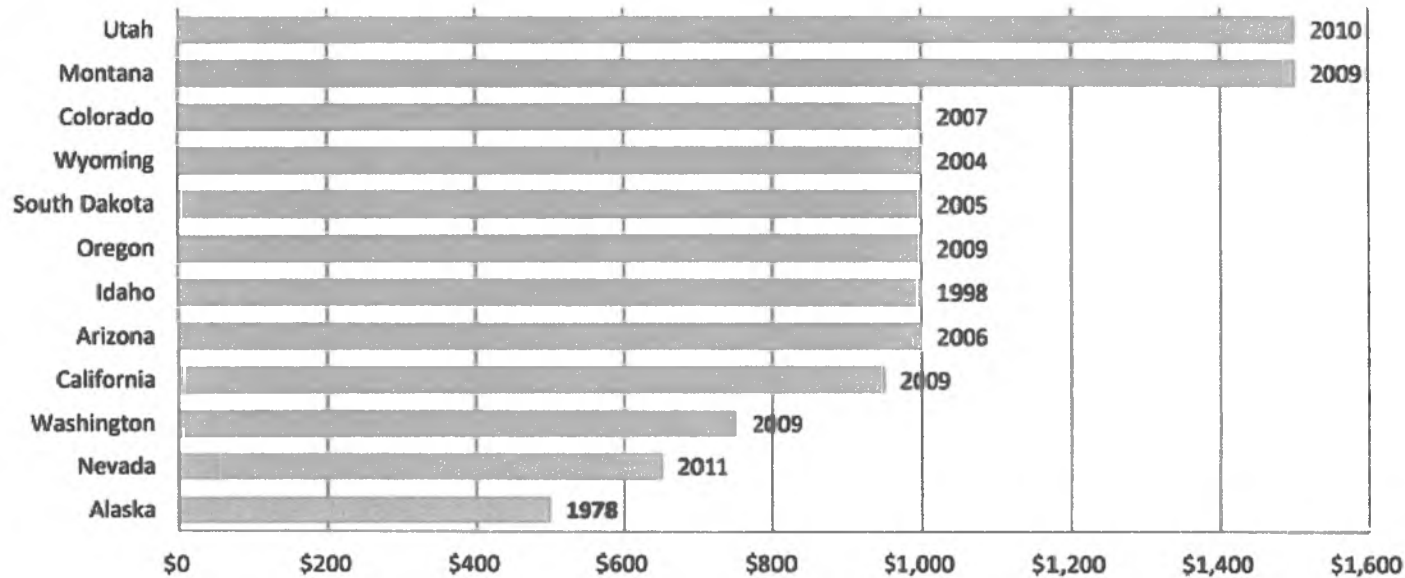
- Currently, if a non-relative of a child represents themselves as the legal custodian of that child, and attempts to abduct the child, that person can only be charged with criminal mischief.
- Sections 1-3 establish this scenario as a crime of custodial interference in the 2<sup>nd</sup> degree – a more severe crime than the only currently available option, which is criminal mischief.

Sections 4-19

# FELONY THEFT THRESHOLD

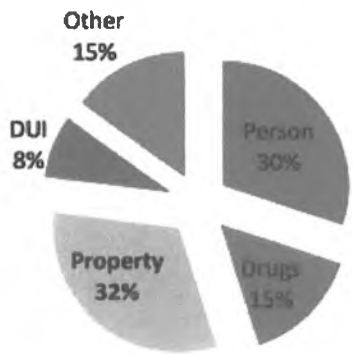
\$500  
1978

### Theft Felony Thresholds in Western U.S. and Year of Adoption



Alaska	\$500
Nevada	\$650
Washington	\$750
California	\$950
Arizona	\$1,000
Idaho	\$1,000
Oregon	\$1,000
South Dakota	\$1,000
Wyoming	\$1,000
Colorado	\$1,000
Montana	\$1,500
Utah	\$1,500

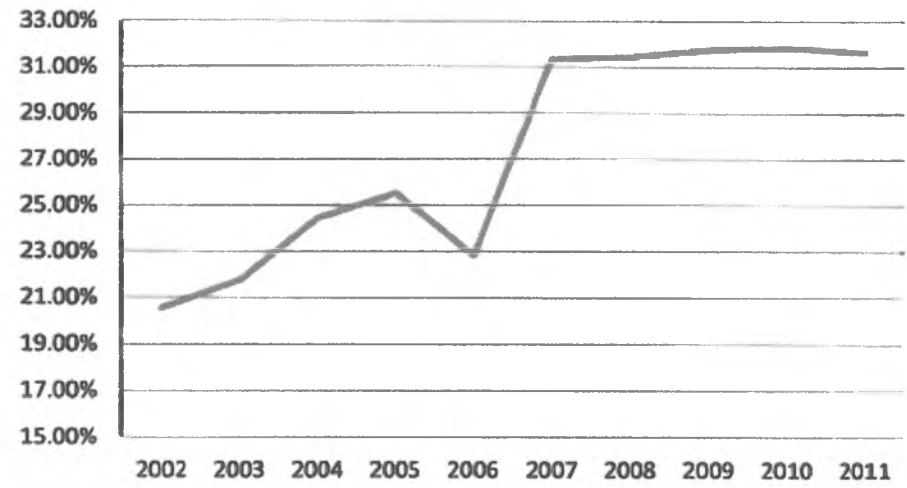
### AK Felonies by Case Type FY11



U.S. Dollar Inflation

	1978	2011
\$50		\$173.06
\$500		\$1730.61

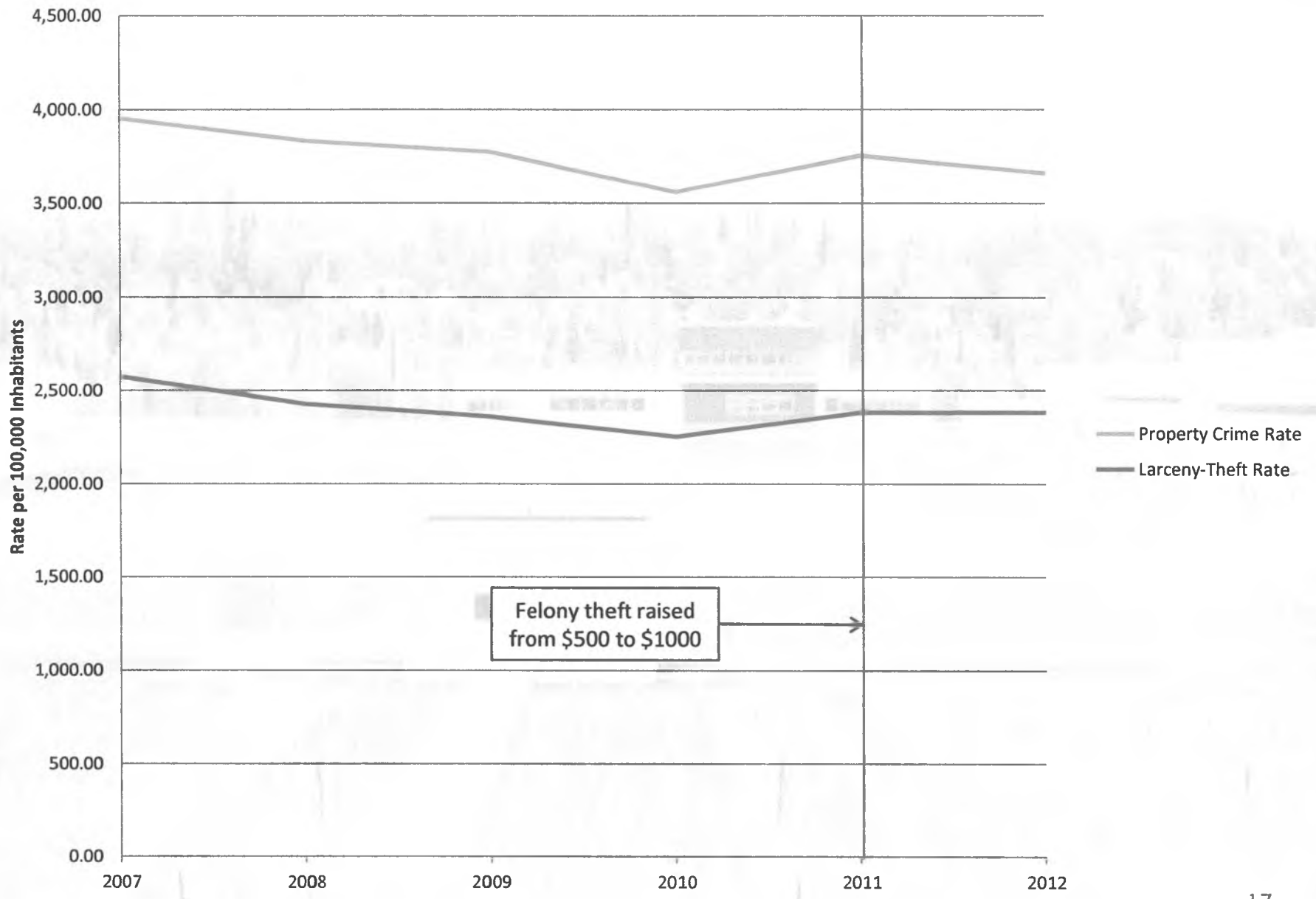
### Property Crimes as a Percentage of All Felonies



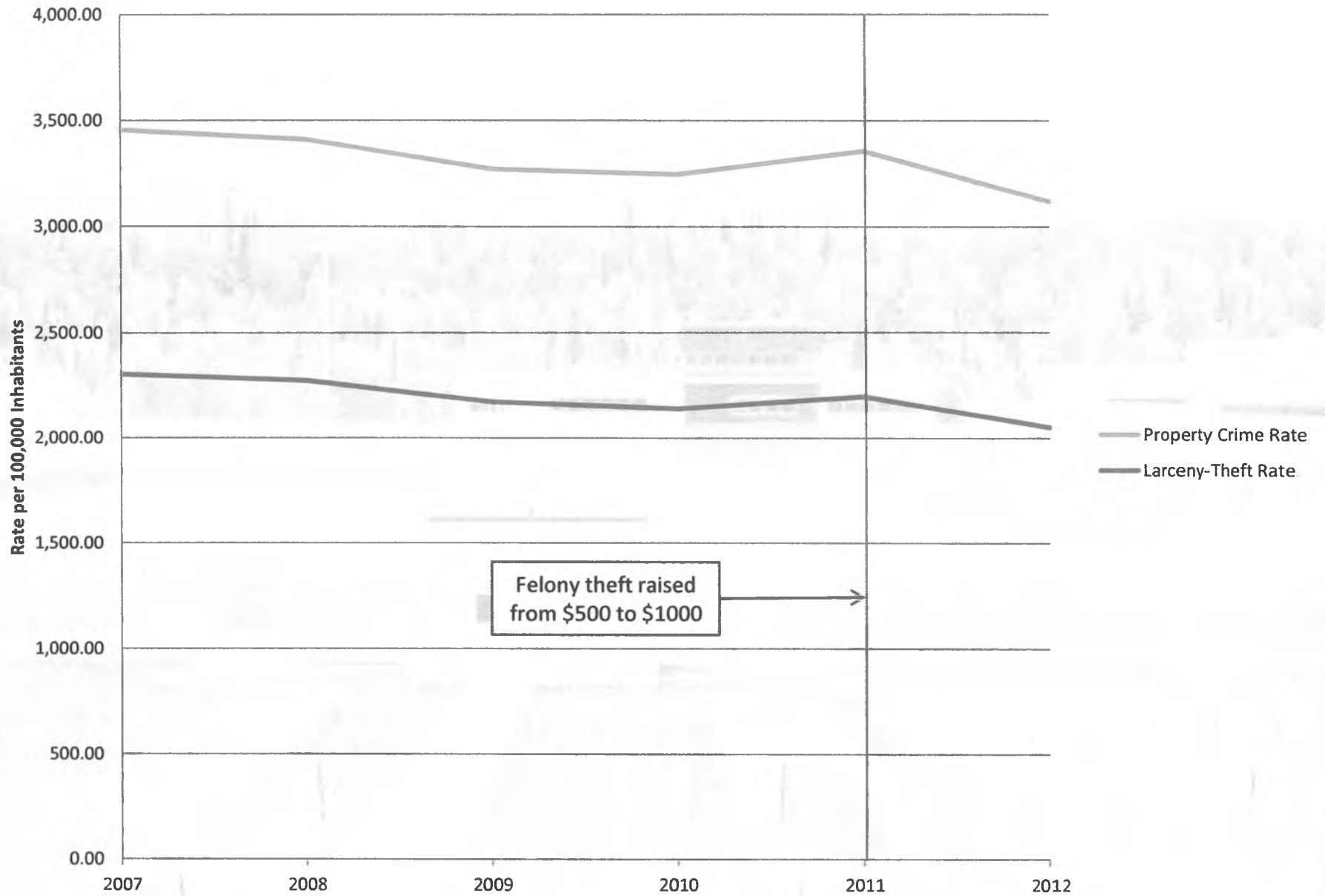
# Raises the Threshold for all property crimes:

- Theft 2<sup>nd</sup> degree
- Theft 3<sup>rd</sup> degree
- Theft 4<sup>th</sup> degree
- Concealment of merchandise
- Removal of identification marks
- Unlawful possession
- Issuing a bad check
- Fraudulent use of an access device
- Vehicle theft in 1<sup>st</sup> degree
- Criminal mischief 3<sup>rd</sup> degree
- Criminal mischief 4<sup>th</sup> degree
- Criminal mischief 5<sup>th</sup> degree
- Criminal simulation
- Misapplication of property
- Defrauding creditors

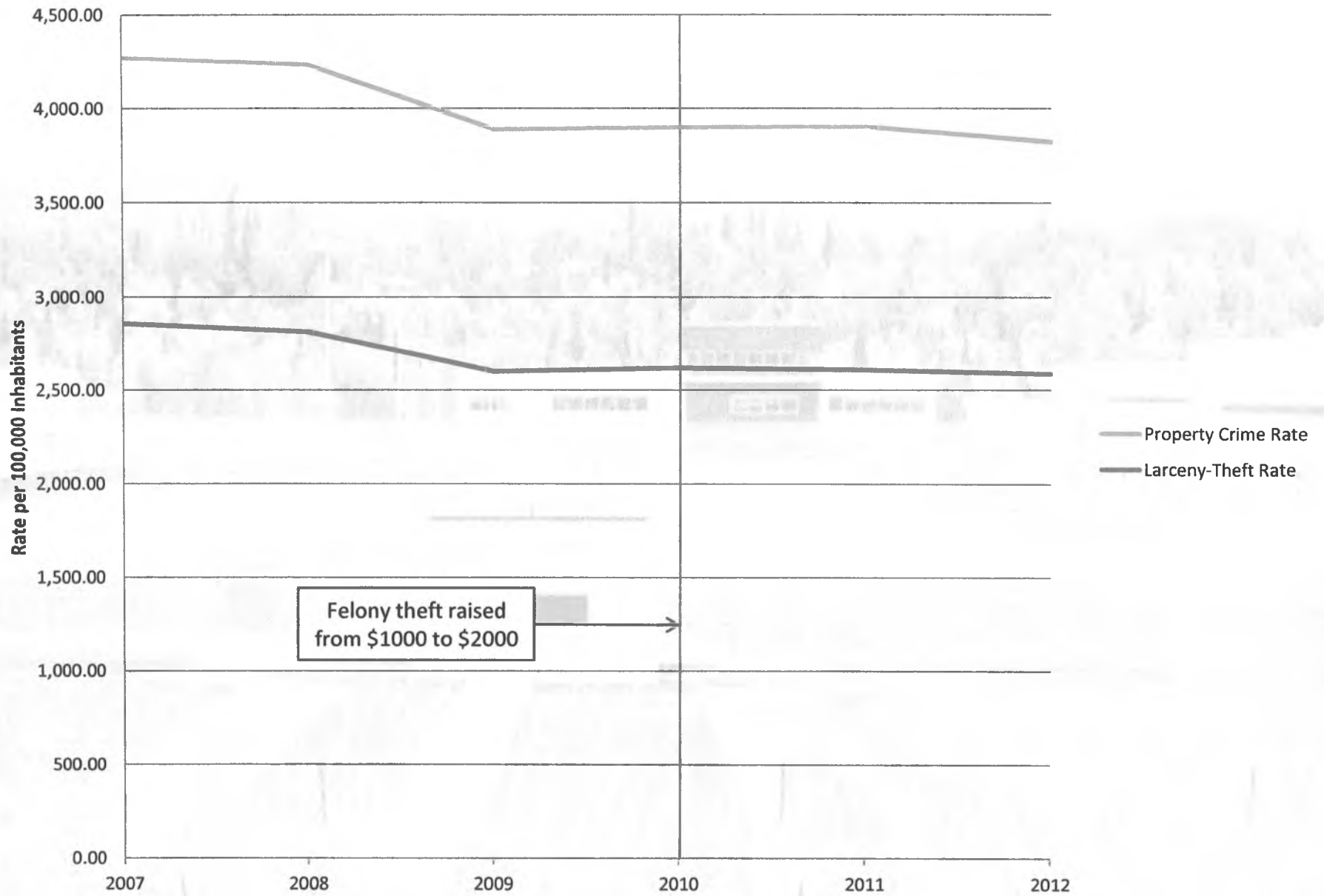
# Property Crime in Arkansas



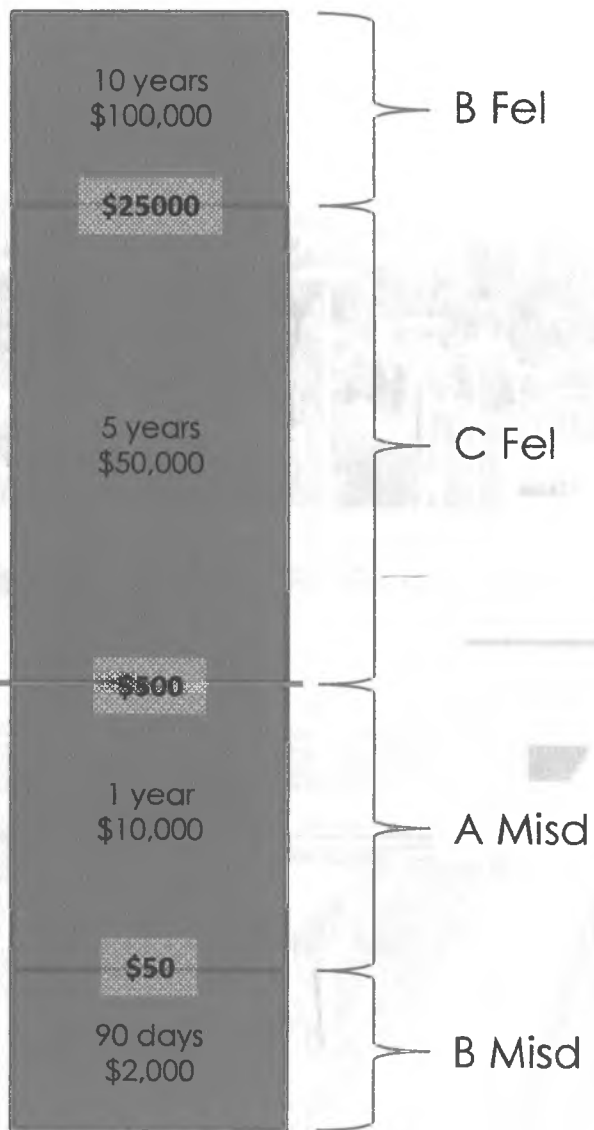
# Property Crime in Ohio



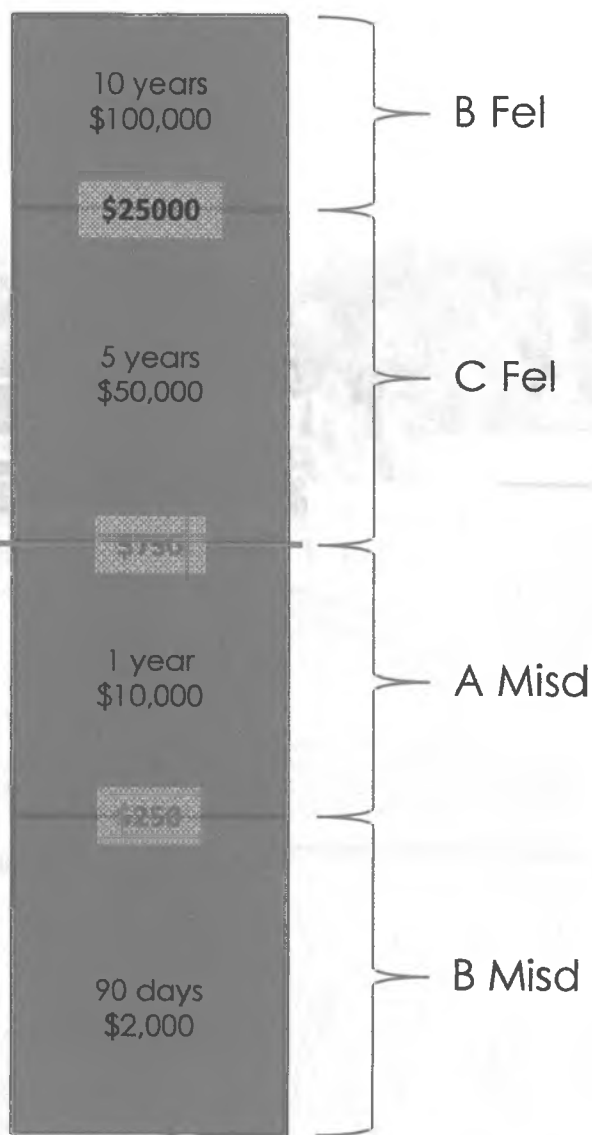
# Property Crime in South Carolina



**Current**



**SB 64**





Sections 20-22 & 24

# 24/7 SOBRIETY

# Applicability

Any crime where alcohol is a factor, like domestic violence, DUI, assault, etc.

1. Pre-trial
2. Post conviction
  - Conditions of probation
  - Parole Board imposed

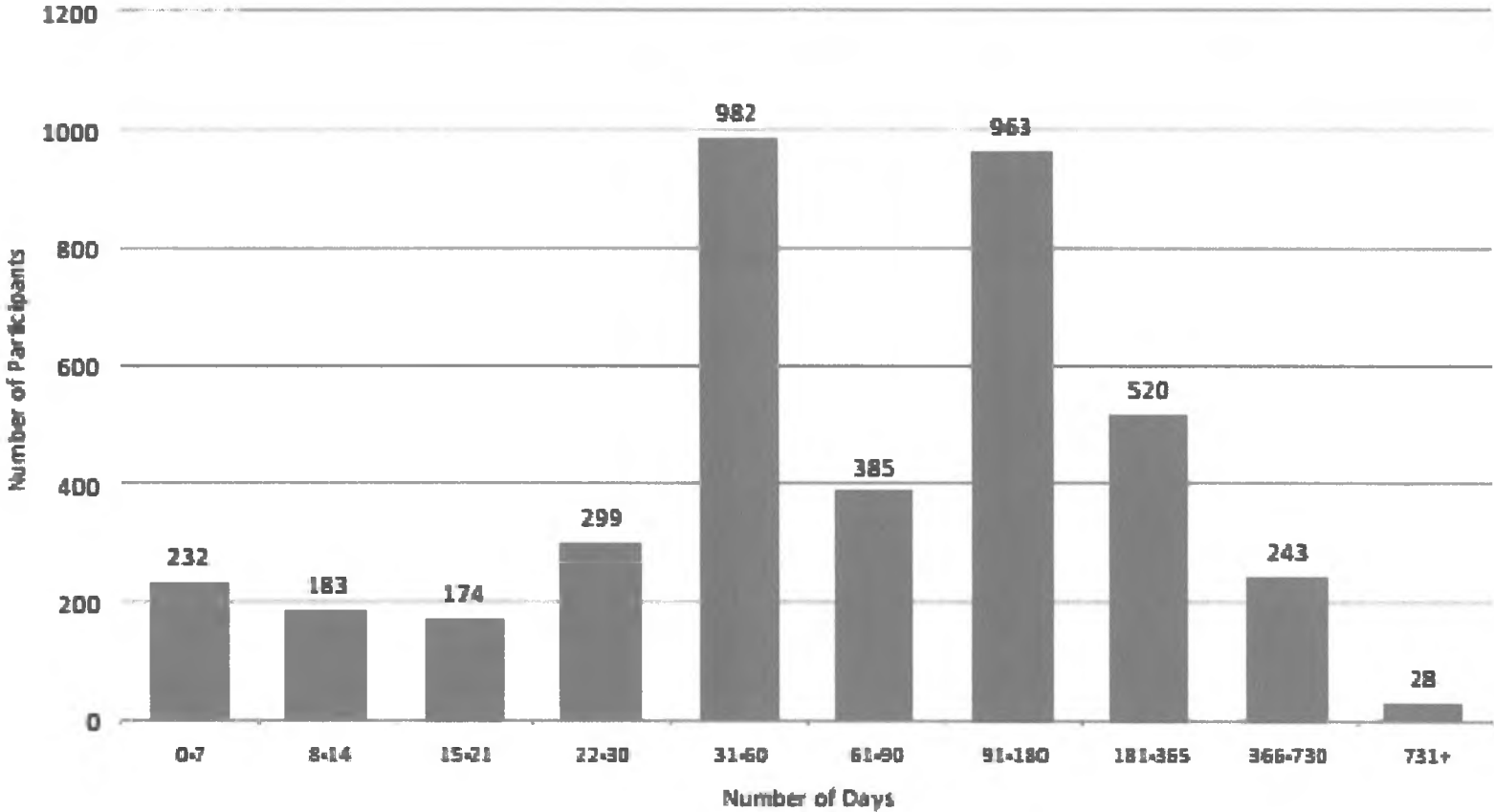
# Main Tenets

- 2x day breathalyzer
  - EM or in-person
- Funded by testing fees (paid by offender)

# Testing Methods



**Figure 7: Number of Days from First Test Date to Last Test Date (n = 4,009)**



# Number of Failed Tests

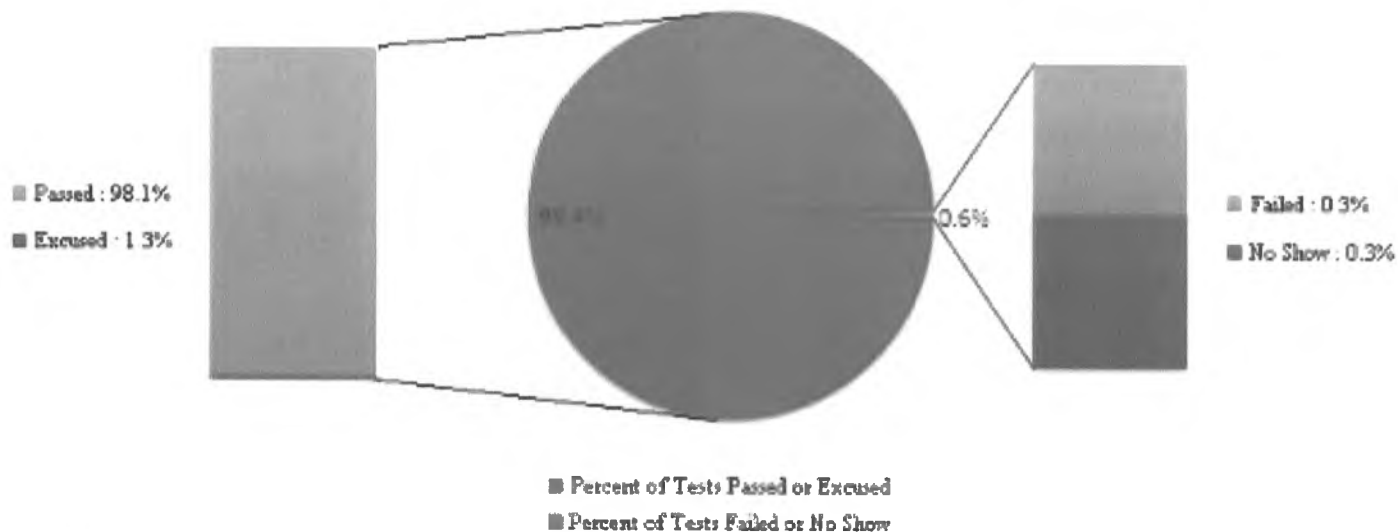
⇒ 55% never fail a test

⇒ 16.7% fail only once

⇒ 12.5% fail only twice

⇒ 16.9% fail three or more times

**Figure 8: Summary of 24/7 Database Recording of Test Results (n = 4,009 participants and 817,926 test records)**

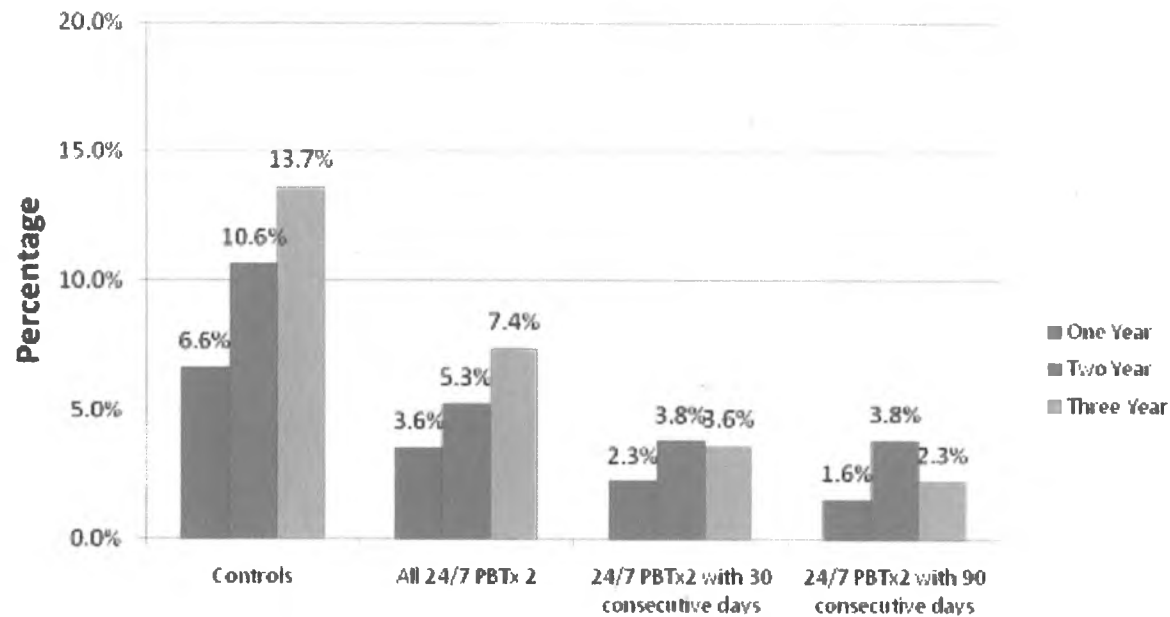


# Effects on Recidivism

**For instance, 24/7 Sobriety Program participants with at least 30 consecutive days of testing when compared to controls documented the following differences in future DUI arrest rates after three years of the arrest that resulted in placement in the program:**

- DUI 2<sup>nd</sup> – 74% reduction in recidivism (13.7% to 3.6%)
- DUI 3<sup>rd</sup> – 44% reduction in recidivism (15.3% to 8.6%)
- DUI 4<sup>th</sup> – 31% reduction in recidivism (15.5% to 10.7%)

**Figure 11: 24/7 Participants Compared to Controls – DUI 2nd to next DUI Offense**





Section 23

# **CREDIT FOR TIME SERVED IN A TREATMENT FACILITY**

## **Nygren Credit**

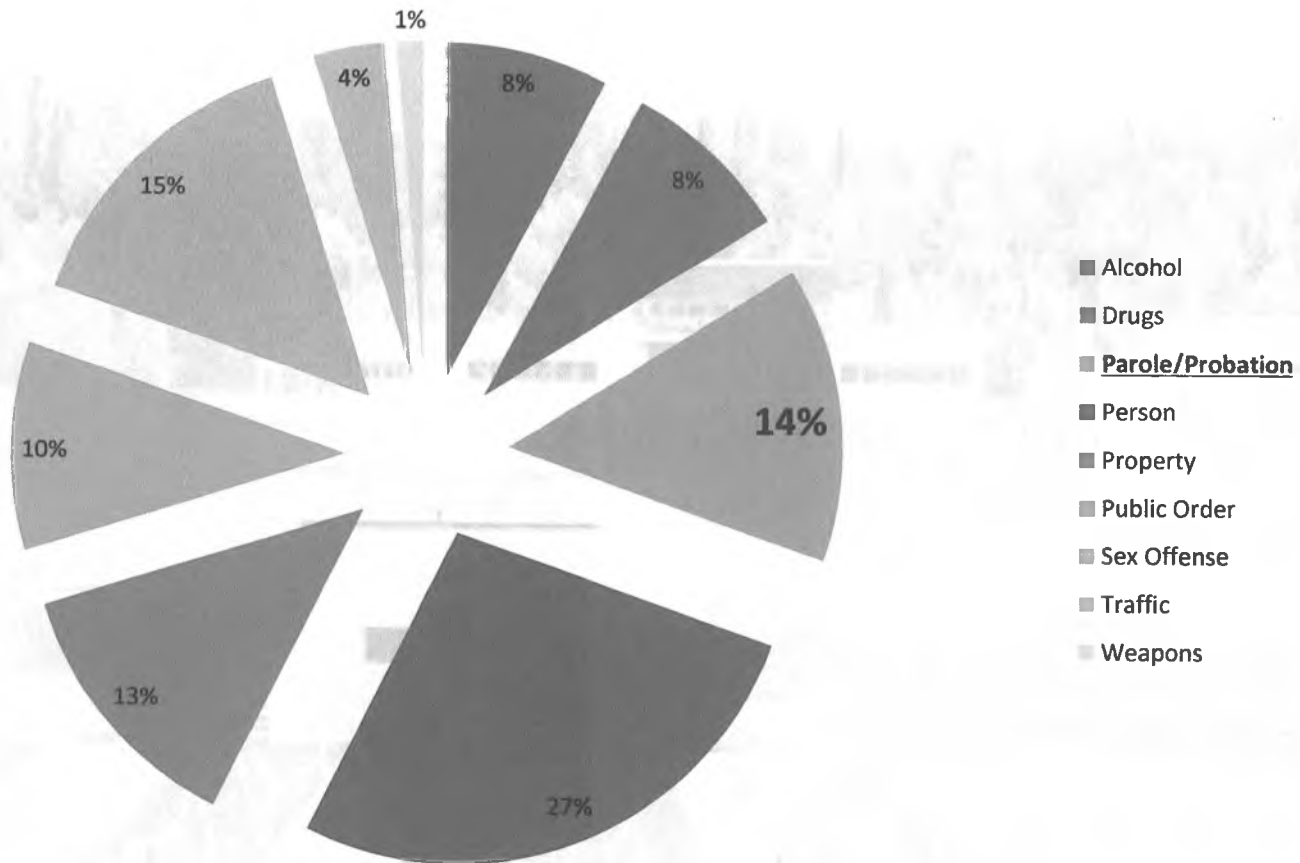
Clarifies and improves the language so that people can get credit for time served in treatment programs.

Less cumbersome than existing language (“work required by the treatment program and approved in advance by the court”).

Sections 26-28

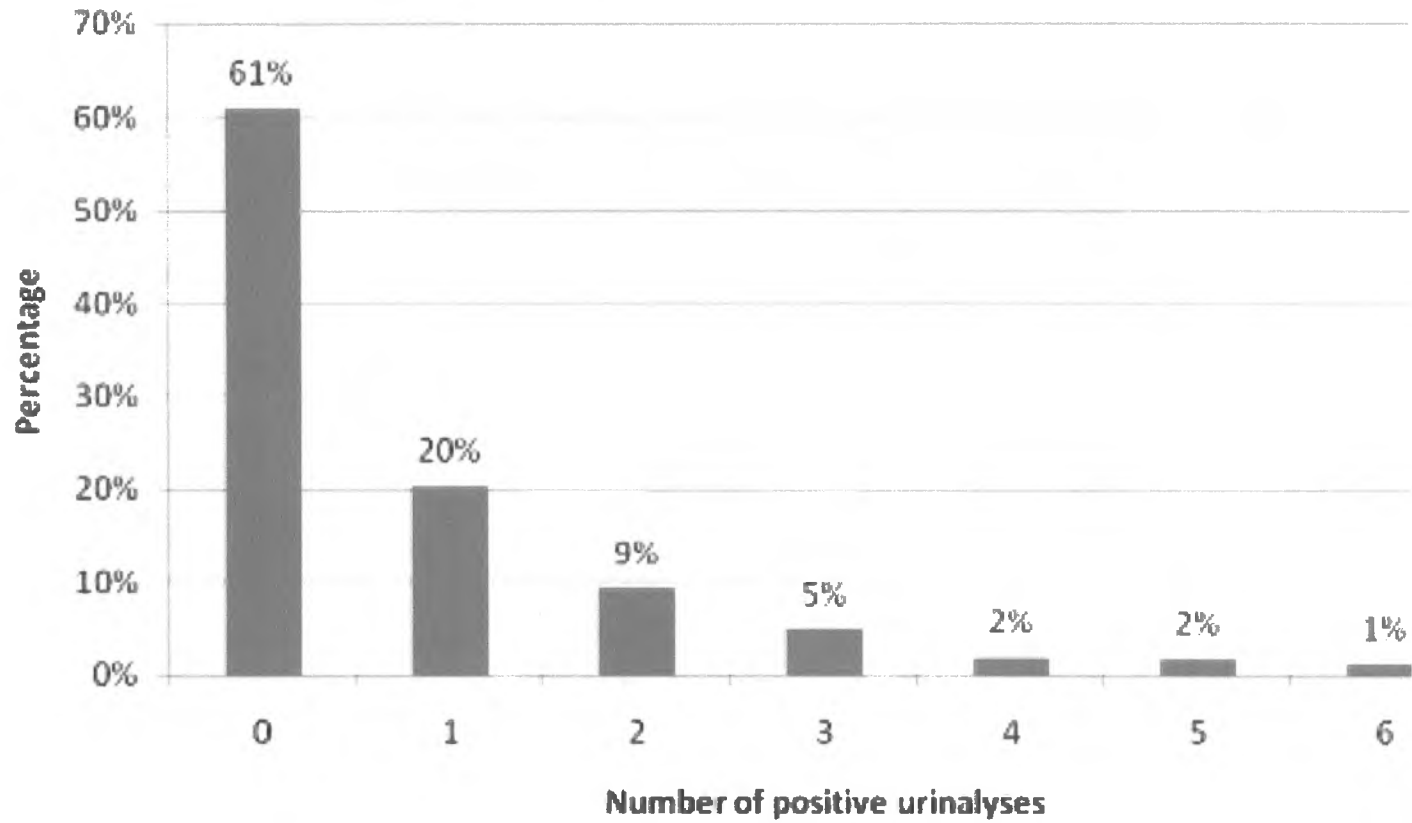
**PROBATIONER ACCOUNTABILITY  
AND CERTAIN ENFORCEMENT  
(PACE)**

## Counts of Offenses for Offenders in Institutions

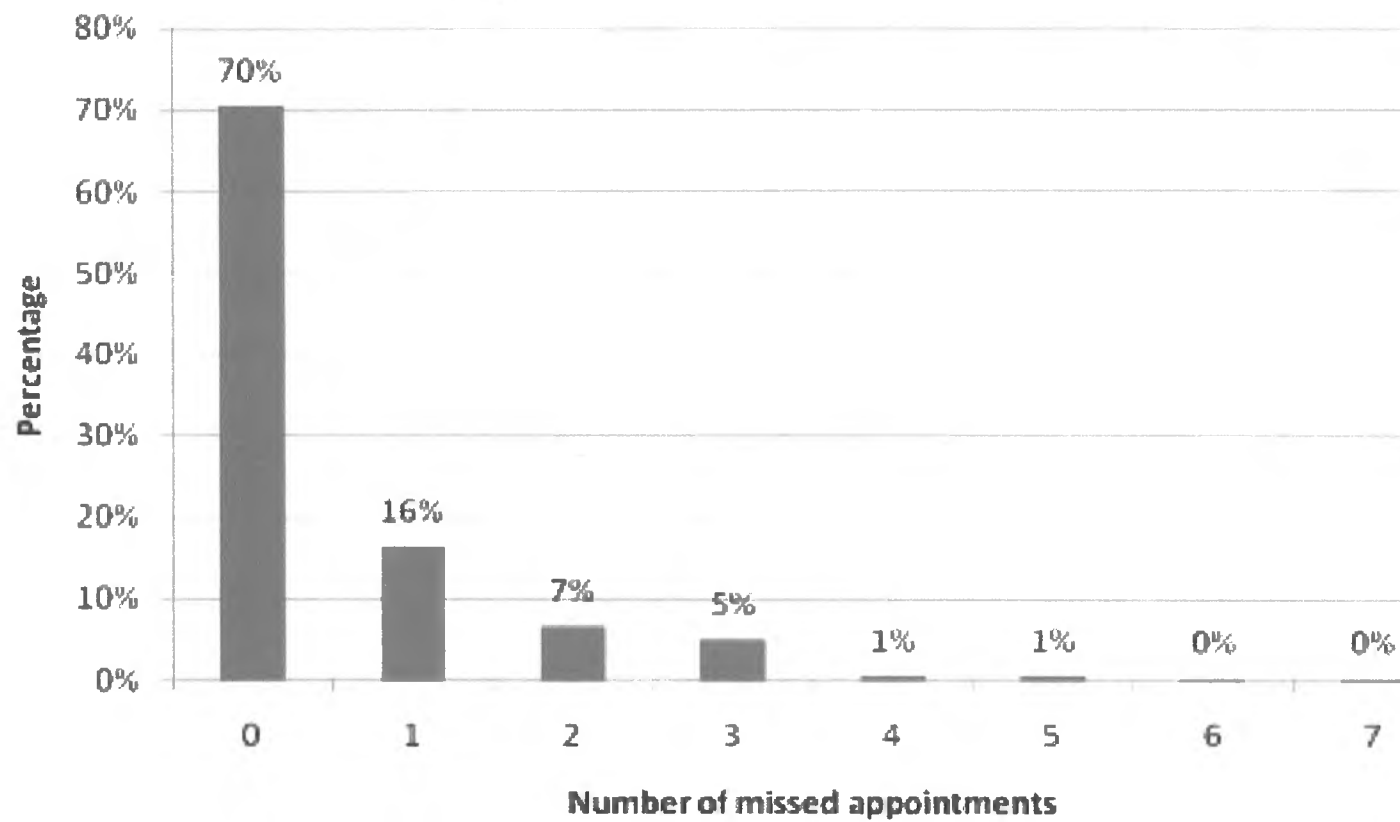


2012 DOC Offender Profile

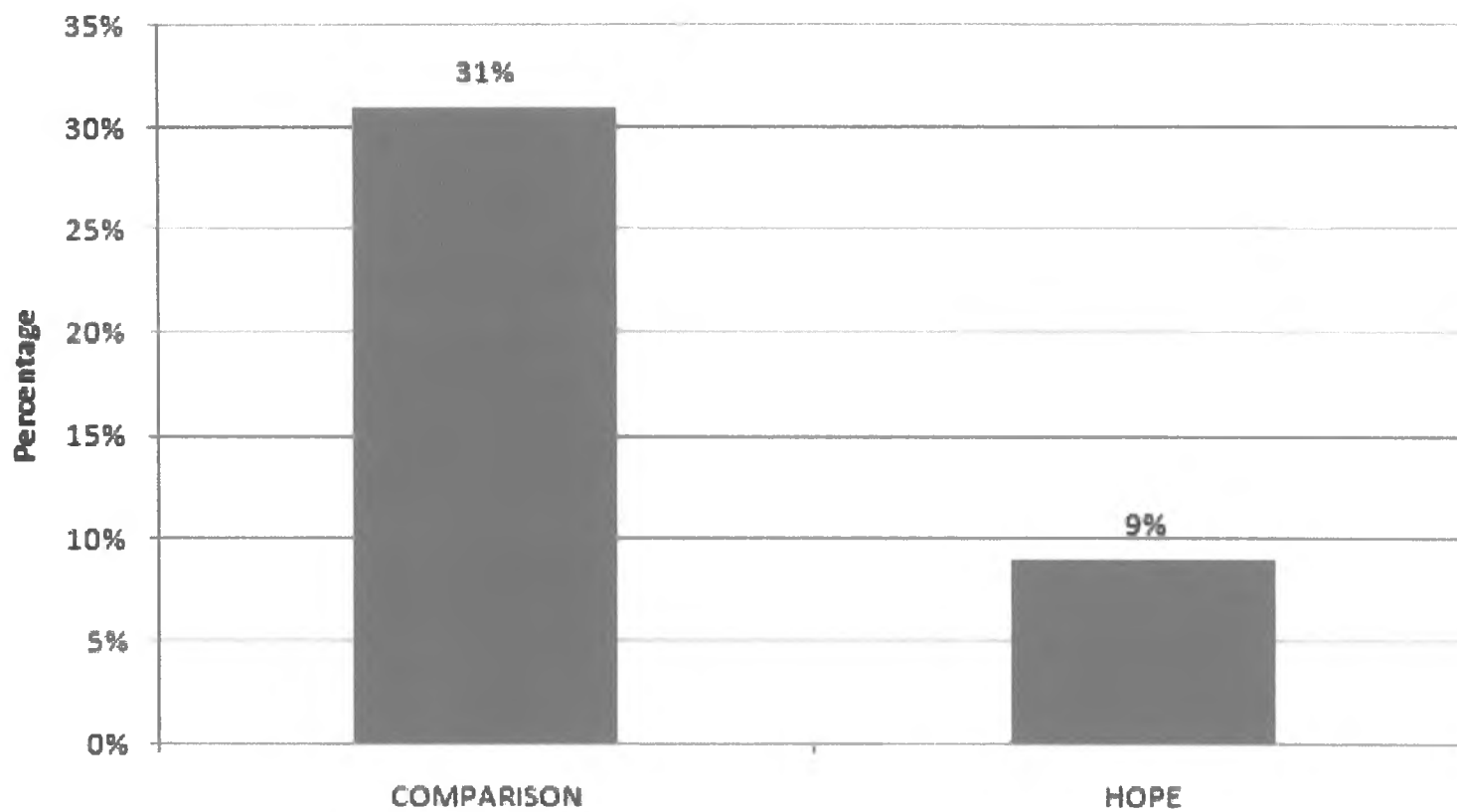
**Figure 2. HOPE Probationers - Number of Positive Urinalyses in 12-months**

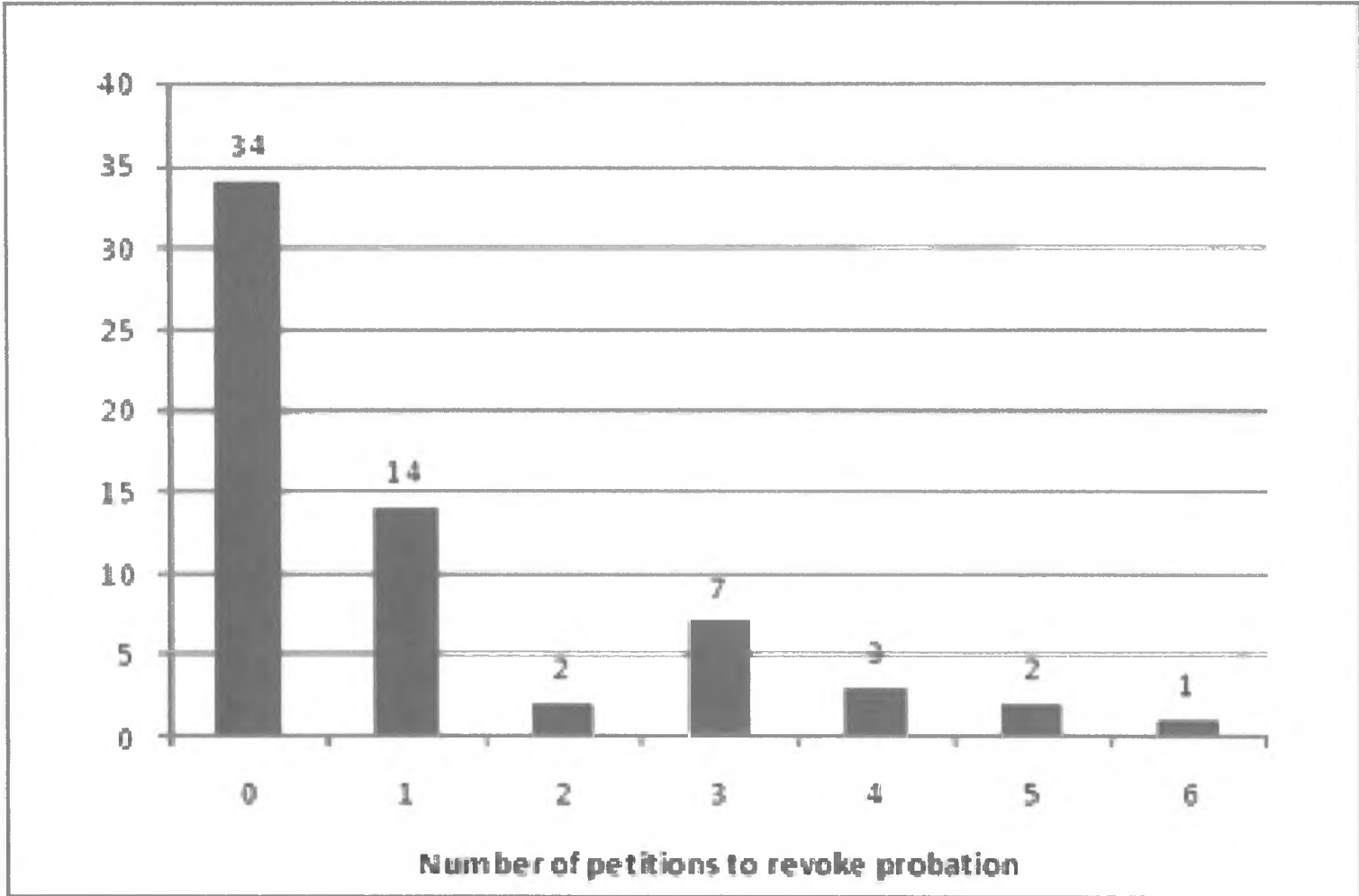


**Figure 4. HOPE Probationers - Number of Missed Appointments in 12-months**



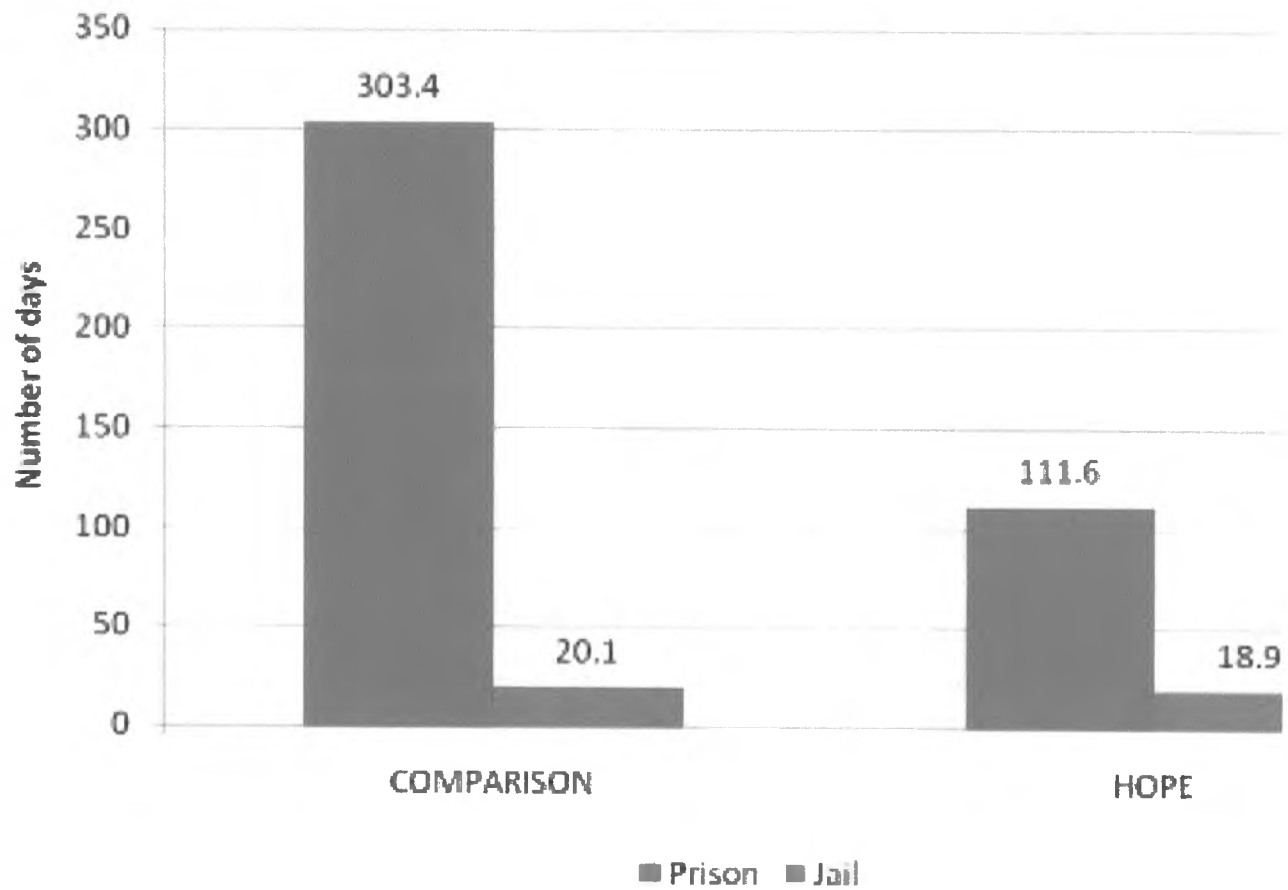
**Figure 5. Probation revocation: HOPE versus Comparison Probationers**





Petitions to revoke probation, during the three months after starting PACE

**Figure 6. Incarceration: HOPE versus Comparison Probationers**





Section 29

# ASSESSMENTS

# Central Eight Criminogenic Needs

Antisocial Attitudes

HX Antisocial Behavior /Low Self-control

Antisocial Peers

Criminal Personality Makeup

Disfunctional Family Relations

Substance Abuse

**School/Work**

**Leisure/Recreation**

The Department shall:

Establish a program to conduct risk-needs assessments on offenders sentenced to serve 30 days or more in prison.

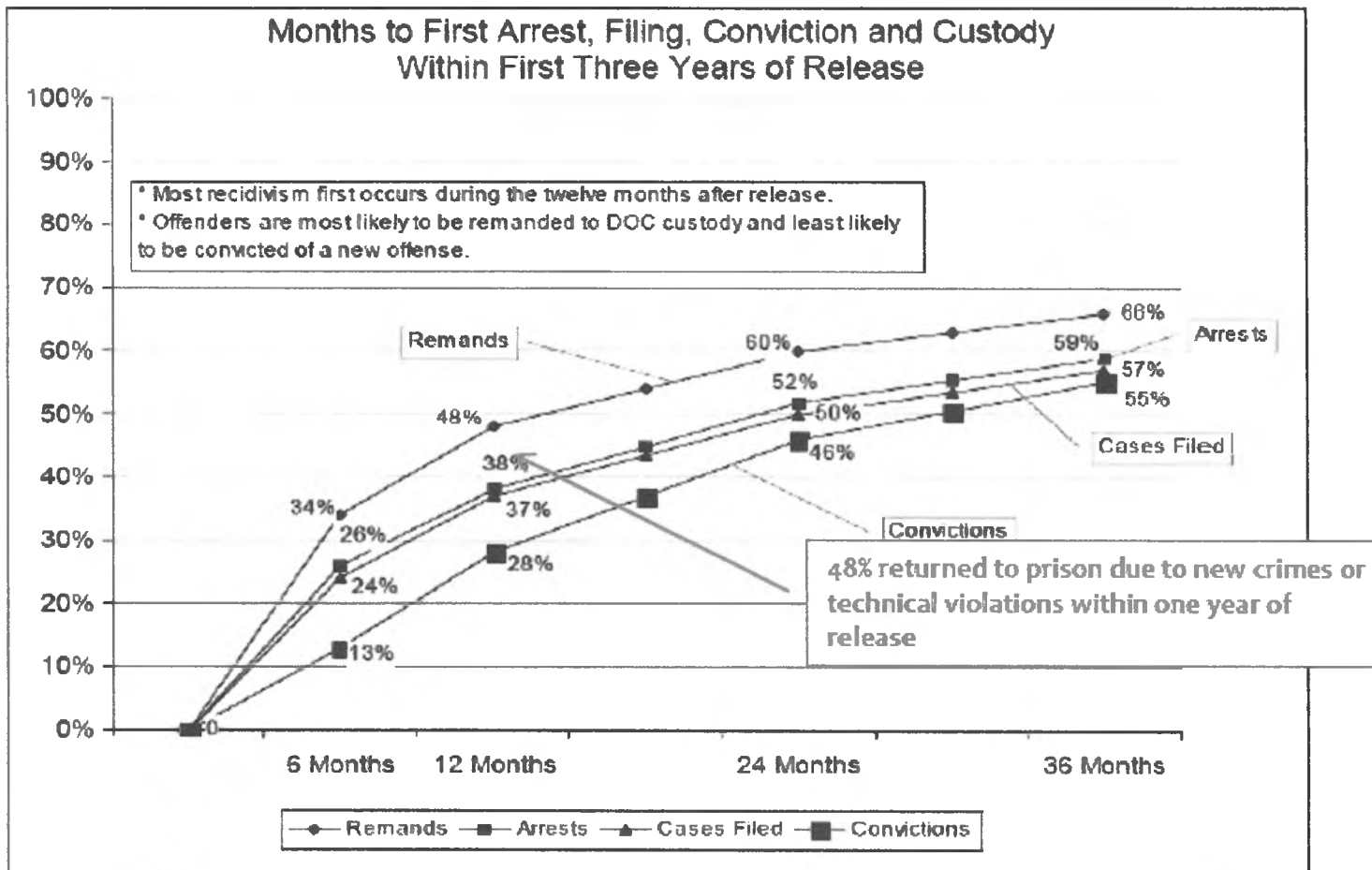


Section 30

# **RECIDIVISM REDUCTION FUND**

# ALASKA RECIDIVISM RATES

The Judicial Council established the release date for each offender in its sample, and then determined how many arrests, cases filed, convictions, and remands to custody the offender had at different times after that release date. This showed how soon after release the offender came into contact with the justice system.



**4. FY10 Performance Measures (2years out):**

	Count	Returned	Recidivism Rate*
FY2010 Control Group	2077	1203	57.92%
Participated in and Completed Program	334	122	36.53%

*\*Percent of offenders returning to incarceration within two years of discharge*

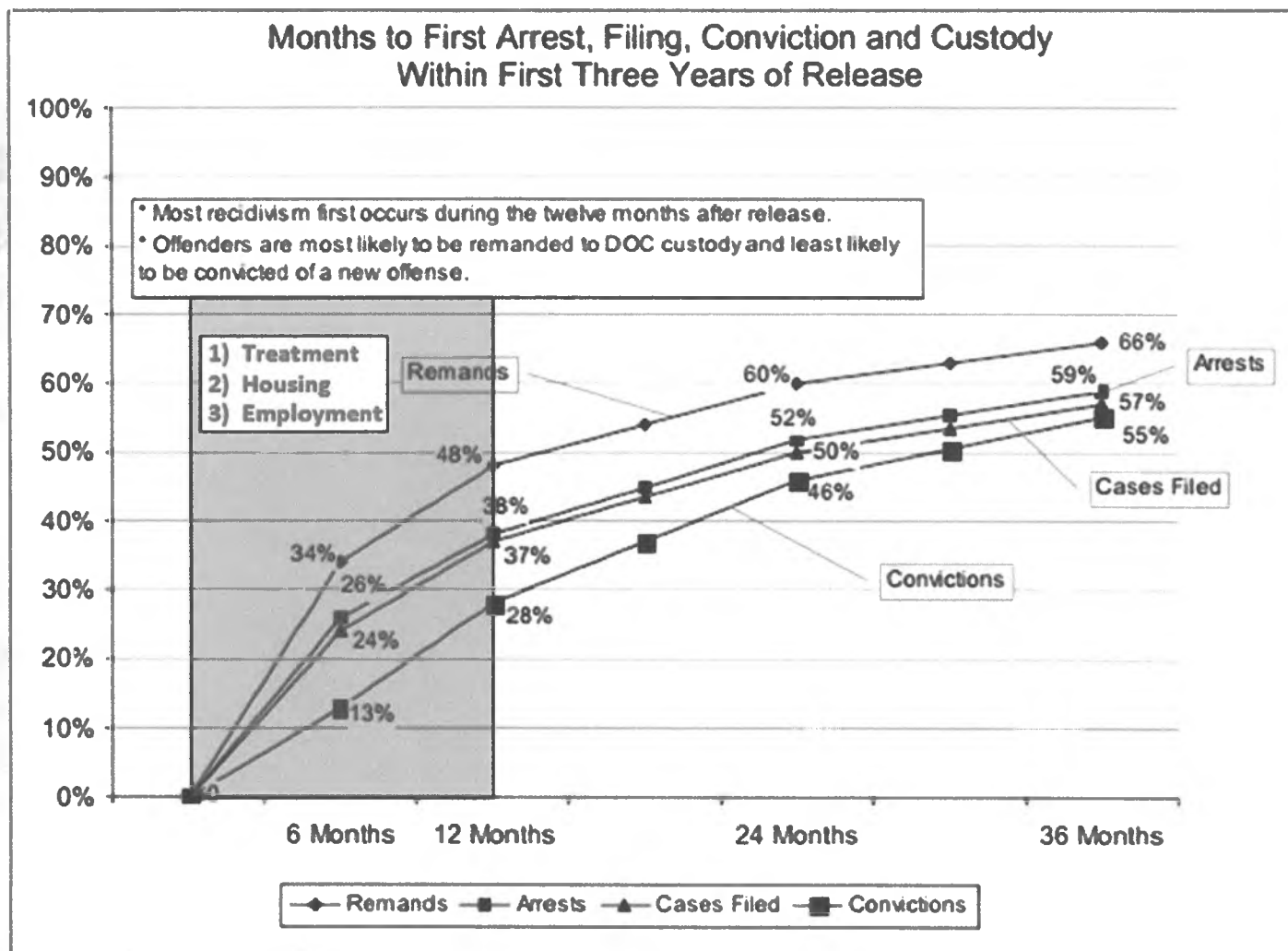
**5. FY11 Performance Measures (1 year out):**

	Count	Returned	Recidivism Rate*
FY2011 Control Group	1877	692	36.87%
Participated in and Completed Program	421	38	9.09%**

*\*Percent of offenders returning to incarceration within one year of discharge.*

*\*\*The majority of these individuals have been out of custody for one year or less. The recidivism rate will rise. Given these results, it appears the state is on the road to match or exceed the 9 to 12% national average for recidivism reduction.*

# Most Recidivism Occurs During the Six Months After Release



# Recidivism Reduction Fund

To promote rehabilitation through transitional re-entry programs for persons recently released from correctional facilities.

## Program Requirements:

- 1) Case Management
- 2) Sober Living
- 3) Treatment for Substance Abuse
- 4) Require Employment, Vocational Ed, or Volunteer
- 5) Limit Residential Placements in the Program to a year.

The commissioner shall prepare an annual report on the fund.



Section 31-32

# **ALASKA CRIMINAL JUSTICE COMMISSION**

# Commission Structure

## Previous CS

- (3) Senators
- (3) Representatives
- (1) Supreme Court Chief Justice
- (1) Superior Court Judge
- (1) District Court Judge
- (1) Member of Alaska Native Community
- (1) Attorney General
- (1) Commissioner of Corrections
- (1) Commissioner of Public Safety
- (1) Commissioner of Health and Social Svcs
- (1) Director of Public Defender Agency
- (1) Director of Office of Public Advocacy
- (1) Victims' Rights Advocate

**17 members**  
**No Sunset**

## Current CS

- (2) Senators
- (2) Representatives
- (1) Supreme Court Chief Justice
- (1) Superior Court Judge
- (1) District Court Judge
- (1) Member of Alaska Native Community
- (1) Attorney General
- (1) Private Attorney
- (1) Chief of Municipal Law Enforcement
- (1) Public Defender

**12 members**  
**5-year Sunset**

# Commission

## Powers & Duties

The commission shall evaluate the criminal justice system to provide for:

- 1) Protection of the Public
- 2) Community Condemnation of the Offender
- 3) Rights of Victims
- 4) Restitution from the Offender
- 5) The Principle of Reformation

Staffed by Alaska Judicial Council

No compensation

Meets at least quarterly

Annual report and recommendations submitted to the legislature no later than January 1 each year.

### **Section 12. Criminal Administration**

**Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crime, restitution from the offender, and the principle of reformation.**

Sections 33-38

# **APPLICABILITY, TRANSITIONAL PROVISIONS, & EFFECTIVE DATES**

# Sections 33-38

- Section 33: changes apply to offenses occurring on or after the effective date of this act.
- Section 34: the first meeting of the commission shall be held no later than Sep. 30 2014.
- Section 35: the Department of Corrections may begin working on regulations immediately upon passage of SB 64.
- Section 36: Establishes a delayed effective date for Section 29 of the bill.
- Section 38: Establishes an overall effective date for the bill of July 1, 2014.

What's on your list today? You'll find it at  
**FredMeyer**

Fred Meyer Stores • P.O. Box 42121 • Portland, OR 97242-0121 • 3800 SE 22nd Ave. • Portland, OR 97202-2999 • 503 232-8844 • www.fredmeyer.com

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Senator Kevin Meyer  
Co-Chair, Senate Finance Committee  
Room 518, State Capitol  
Juneau, AK 99801-1182

Senator Pete Kelly  
Co-Chair, Senate Finance Committee  
Room 516, State Capitol  
Juneau, AK 99801-1182

Dear Co-Chairs Kelly and Meyer,

We are writing today representing Fred Meyer Loss Prevention. Fred Meyer has 11 stores and nearly 3000 employees in Alaska. We request that this letter be placed into the official record with SB 64, and distributed to each member of the Committee in the bill packets.

We encourage you to leave intact the provisions contained in SB 64 that would raise the felony property crime threshold from the current \$500 level to \$750. This level reflects significant cooperation and compromise among interested parties, including the retail sales industry. While FM initially opposed any increase to the existing limit, we recognize the sponsor's desire to deflect some property crime enforcement and corrections expenses in Alaska.

Fred Meyer is a full-line grocery store as well as a general merchandise retailer. We sell many items in our stores that would become prime theft targets should the threshold be higher than the \$750 in SB64.

Theft in our stores no longer fits the traditional definition of shoplifting. It is no longer a person grabbing a carton of milk or eggs or a bottle of wine and stuffing it in their jacket. It's not a young kid, stealing the latest video game or DVD. The days when these kinds of thefts were our primary problem are long gone.

Theft is now a profession. Our problem in today's world is professional, savvy, Organized Retail Crime rings.

At Fred Meyer we sell Dyson Vacuum Cleaners, KitchenAid Mixers, iPads and iPods, LED and Plasma flat screen TVs, Xbox and Wii consoles. These are the items where we face the high theft, and there has not been inflation in these products. In fact, there has been significant deflation. Flat screen TVs used to be \$6000. You can now get 30- and 40-inch flat screen TVs for \$500.

These professional thieves come into our stores and roll out with two Dyson vacuum cleaners, or four flat screen TVs. They take off with 30 or 40 DVDs. They break into our iPod cases and take off with a dozen iPods. They then make a living by selling the items they steal.

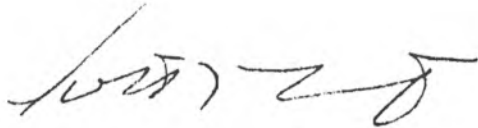
These things happen despite our best and most sophisticated efforts. We have strong and successful theft prevention programs and surveillance in our stores. We invest heavily in staying one step ahead of these professional criminals, and we do a very good job of it. But if any of you have been to a Fred Meyer store on a Thursday or Friday afternoon, you can see how the sheer volume of people in the store makes it possible for a skilled thief to gather multiple items and leave the store before anyone can stop them.

As a retailer, we're trying to get affordable merchandise to the customer, and in today's economy that means doing all we can to keep prices low. The items these professional thieves are stealing are very low margin – there is virtually no margin in TVs or iPods. We sell them because we hope you'll also buy the accessories or grab your groceries while you're there. So when they steal these items from us, that cost simply comes out of the store profit with which we pay wages and benefits to our nearly 3000 employees in Alaska.

We ask you to please leave intact the increase to \$750 and not raise it any further. News that the threshold has been raised will spread like wildfire among our theft and shoplifting community – news of any larger increase will spread even faster and further. At \$750, a young kid who makes a stupid decision and steals a bike or a pair of cool headphones is still only committing a misdemeanor and will get his or her second chance. But more than \$750 allows these professional criminals to walk out of our store with a cartload of infant formula which will be sold on the black market without care for the conditions it has been kept in or whether it's expired. And they will get just a slap on the hand.

We can tell you from experience that the theft community WILL know about any increase and WILL adjust accordingly. This isn't just about protection our profits; it's also about keeping our prices low for consumers and keeping our stores safe. Please leave intact the provisions contained in SB 64 that would raise the felony property crime threshold from the current \$500 level to \$750

Thank you for your time and for the opportunity to submit our thoughts.



**Scott Bringham**  
VP Loss Prevention  
Fred Meyer Stores



**Shawn Crousore**  
Loss Prevention Coordinator  
Fred Meyer Stores Alaska District

Senate Judiciary Committee  
February 25, 2014  
Senate Bill 43

1:51:41 PM

CHRIS NETTELS, President, GeoTek Alaska, Inc., Anchorage, AK, said he was also testifying on behalf of the National Federation of Independent Businesses to ask the committee not to pass SB 43, which would increase the \$500 felony threshold for theft and property offenses. He reported numerous incidents of stealing at his business property, four of which were thefts valued at \$500 or more. In the past two or three years he has seen a significant increase in the numbers of petty thefts valued at \$200 to \$300, but in the last year there have been several thefts valued between \$1,000 and \$3,500.

MR. NETTELS expressed concern that increasing the felony threshold will have the unintended consequence of increasing the numbers of some crimes. He said he understands the argument for increasing the felony threshold because of inflation, but wonders if all laws will be similarly inflation proofed. He also asked if the penalties would drop if deflation occurs.

He concluded that the \$500 felony threshold has served well and he did not support passage of SB 43.

1:54:48 PM

CHAIR COGHILL, speaking as the sponsor, said he certainly had no argument about how violated somebody feels when thievery occurs in their business.

SENATOR DYSON commented that inherent in the foregoing testimony is the notion that thieves know when the value of a theft passes from a misdemeanor to a felony, and make decisions based on that knowledge. He asked if that's a logical deduction.

MR. NETTELS said yes; he opined that if the bill passes, the word will get out and it will encourage people to take on more risk in stealing things.

1:56:49 PM

CHAIR COGHILL asked if he'd had trouble making a case to the police or courts in felony theft cases.

MR. NETTELS said no, although he had never received a follow up call or had any property returned in any of the five reports he filed with the police.

CHAIR COGHILL asked Detective Plummer if the police were more likely to respond to a felony theft report as opposed to a misdemeanor theft report.

1:58:34 PM

}DETECTIVE ROSS PLUMMER, Anchorage Police Department (APD)\* Municipality of Anchorage\* Anchorage, AK, said yes.{ He explained that APD detectives work felony cases and patrol officers are responsible for follow up on misdemeanor cases, but

call volumes leave little time for follow up. If a misdemeanant suspect isn't caught right away or if there isn't a tip that locates the suspect, the chance of closing the case is very small.

CHAIR COGHILL asked if a felony theft would receive more detective-level involvement.

DETECTIVE PLUMMER said yes; felony thefts receive two screenings, one by patrol and the second by detectives, whereas misdemeanor thefts receive just one screening by patrol.

CHAIR COGHILL asked if businesses had a valid fear that raising the felony threshold would cause misdemeanor thefts to receive less police attention.

DETECTIVE PLUMMER acknowledged that there was that chance.

# NFIB

The Voice of Small Business®

ALASKA

February 25, 2013

The Honorable Pete Kelly  
Co-Chair, Finance Committee  
Alaska State Senate  
State Capitol Building  
Juneau, Alaska 99801-1182

RE: Senate Bill 64

Dear Senator Kelly:

On behalf of the National Federation of Independent Business/Alaska, I wish to respectfully inform you of our concern about the felony threshold in Senate Bill 64. In a recent NFIB/Alaska member ballot our membership voted overwhelmingly to oppose any increase in the felony theft threshold. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

NFIB/AK members recognize that \$500 is a significant amount to a small business. We have worked with Senator Coghill and the NFIB/Alaska leadership Council to agree to remove our opposition to an increase to \$750. We still strongly believe the state shouldn't be making it easier for thieves to steal from our businesses by raising the felony theft threshold above that level. There is evidence that theft rings are becoming very sophisticated; they are aware of the felony limits and will steal up to that amount. Thus, while there might be potential savings in judicial processes, businesses would see an increase in the amount of theft in goods. Instances of individuals "stealing to feed their families" are rare, and the courts and prosecutors have enough discretion to handle these circumstances appropriately.

I have attached testimony on this issue from the February 25, 2013 Senator Judiciary Committee. It includes testimony by Chris Nettels, a representative of NFIB as well as Detective Ross Plummer. You will see Mr. Nettels concern, having been a victim of theft – a victim we ought not forget in this legislation. The acknowledgement by Detective Plummer relative to treatment of misdemeanor crimes is particularly significant. He confirmed that businesses have reason to be concerned that misdemeanor thefts receive less police attention.

We believe that simply inflation-proofing crime is poor public policy. Our justice system ought to protect citizens and their property, not reduce the level of risk for thieves.

Sincerely yours,



Dennis L. DeWitt  
Alaska State Director

Cc: Senate Finance Committee  
NFIB/AK Leadership Council