

SB

64

<TARGET><BILL>SB 64</BILL><SUBJECT>SB
64</SUBJECT><COMM>SJUD28</COMM></TARGET>

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 64(JUD)
Fiscal Note Number: 6
(S) Publish Date: 2/14/14

Identifier: CSSB64-AJC-2-14-14
Title: OMNIBUS CRIME/CORRECTIONS BILL
Sponsor: JUDICIARY
Requester: Senate Judiciary Committee

Department: Alaska Court System
Appropriation: Judicial Council
Allocation: Judicial Council
OMB Component Number: 771

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
OPERATING EXPENDITURES								
Personal Services	247.9		247.9	247.9	247.9	247.9	247.9	
Travel	25.0		25.0	25.0	25.0	25.0	25.0	
Services	43.0		43.0	43.0	43.0	43.0	43.0	
Commodities	5.0		5.0	5.0	5.0	5.0	5.0	
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	320.9	0.0	320.9	320.9	320.9	320.9	320.9	0.0

Fund Source (Operating Only)

1004 Gen Fund	320.9		320.9	320.9	320.9	320.9	320.9	
Total	320.9	0.0	320.9	320.9	320.9	320.9	320.9	0.0

Positions

Full-time	3.0		3.0	3.0	3.0	3.0	3.0	
Part-time								
Temporary								

Change in Revenues								

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If yes, by what date are the regulations to be adopted, amended or repealed?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 2nd session to accurately reflect FY15 and out-year costs.
--

Prepared By: <u>E. J. Pavsek, Fiscal Officer</u>	Phone: <u>(907)279-2526</u>
Division: <u>Alaska Judicial Council</u>	Date: <u>02/14/2014 08:00 AM</u>
Approved By: <u>Susanne DiPietro, Executive Director</u>	Date: <u>02/14/14</u>
Agency: <u>Alaska Judicial Council</u>	

FISCAL NOTE ANALYSIS #6

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

Analysis

Section 30 of CSSB 64 creates a criminal justice commission. The commission will evaluate the effects of sentencing laws and practices, report annually to the governor and legislature, and make recommendations for improvements. Sections 24 and 30 require the Alaska Judicial Council to provide staff and administrative support to the criminal justice commission. The commission will meet regularly. The commission's work will require substantial research, including data collection and analysis.

To provide staff and administrative support to the commission and to do the necessary research, the Council will need to hire a full-time research analyst at range 18A, a staff attorney to work 30 hours per week at range 20A, and a full-time secretary at range 11. The Council will need to rent additional office space and purchase supplies and equipment. The Council will require a travel budget to enable commission members to attend an estimated four meetings a year, and to facilitate the commission's research.

Alaska had a sentencing commission for three years in the early 1990's. The Alaska Judicial Council staffed the commission. The Council's average budget to staff the commission for those three years, when adjusted for inflation, was \$341.1. This fiscal note anticipates total costs in the first year to be \$320.9 based on the same level of staffing that the Council used for the prior commission.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 64(JUD)
Fiscal Note Number: 7
(S) Publish Date: 2/14/14

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

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 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services	1,789.9		2,289.4	2,788.8	2,788.8	2,788.8	2,788.8
Travel	23.0		23.0	23.0	23.0	23.0	23.0
Services	4,667.2		4,694.7	4,722.2	4,722.2	4,722.2	4,722.2
Commodities	123.2		141.8	160.4	160.4	160.4	160.4
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	6,603.3	0.0	7,148.9	7,694.4	7,694.4	7,694.4	7,694.4

Fund Source (Operating Only)

1004 Gen Fund	3,298.4		2,752.9	3,298.4	3,298.4	3,298.4	3,298.4
1005 GF/Prgm	3,304.9		4,396.0	4,396.0	4,396.0	4,396.0	4,396.0
Total	6,603.3	0.0	7,148.9	7,694.4	7,694.4	7,694.4	7,694.4

Positions

Full-time	20.0		31.0	31.0	31.0	31.0	31.0
Part-time							
Temporary							

Change in Revenues							

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 Judiciary Committee. This new version added new responsibilities to the Department. The Department is now required to develop and administer the 24/7 Sobriety program, greatly increase the number of offenders receiving a risk-needs assessment, and administer the Recidivism Reduction Grant fund.

Prepared By: <u>April Wilkerson, Director</u>	Phone: <u>(907)465-3460</u>
Division: <u>Administrative Services - Department of Corrections</u>	Date: <u>02/13/2014 07:20 PM</u>
Approved By: <u>Leslie Houston, Deputy Commissioner</u>	Date: <u>02/13/14</u>
Agency: <u>Department of Corrections</u>	

FISCAL NOTE ANALYSIS #7

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

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.

24/7 Sobriety

The 24/7 Sobriety program involves twice-a-day testing for alcohol or controlled substances and swift sanctions for violations.

As drafted, the program would be available to defendants out on bail who have been charged with an alcohol or controlled substance related offense which is an unclassified felony, class A felony, or a sexual felony. It 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. 24/7 Sobriety may also be ordered as a condition of probation. During FY2013 there were approximately 2,432 offenders identified that met the criteria outlined in this section that would have been eligible for placement in this program. Using the current contract rate for offender community supervision of \$10.00 per day per offender the daily costs if all offenders were placed in the program would be \$24.3 per day. If every offender is placed in the program for the average six month period the maximum annual costs would be \$4,396.0 assuming the program would operate under community implemented contracts. This section requires the daily costs to be paid by the offender. Based on this assumption, receipts support services will pay for the 24/7 program as directed by the bill. In the event that these receipts are insufficient to fund the program, additional funds may be needed in order to carry out the requirements in this legislation.

The Department is familiar with this program and feels that it can be implemented as drafted with annual operating costs anticipated for contractual obligations of \$4,396.0. This funding is being requested in FY2015.

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 #7

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

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.

Recidivism Reduction Grant Fund

Finally, the bill establishes the Recidivism Reduction Grant Fund under the Department of Corrections. Grants are to be awarded to programs which have a focus on rehabilitation and recidivism reduction. This would be a new responsibility for the Department. At this time it is not known how much will be appropriated to the fund, however, six new positions with support costs will be needed in order to establish the infrastructure and expertise needed to administer a grant fund. These positions consist of a Grants Administrator III, two Grants Administrators I/II, Accounting Technician, Internal Auditor, and Administrative Assistant.

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

\$ 548.4 Personal Services
\$ 0.0 Travel
\$ 30.0 Contractual Services
\$ 25.2 Commodities
\$ 603.6 Total Annual Costs

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
OPERATING EXPENDITURES	FY 2015	FY 2015					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

--	--	--	--	--	--	--	--

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 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
---------------------------	--	--	--	--	--	--	--

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

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

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

--	--	--	--	--	--	--	--

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

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 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

--	--	--	--	--	--	--	--

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
Division: Department of Law
Approved By: Michael C. Geraghty, Attorney General
Agency: Department of Law

Phone: (907)465-5427
Date: 02/13/2014 11:25 AM
Date: 02/13/14

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: 12
(S) Publish Date: 2/14/14

Identifier: SB064CS(JUD)-DHSS-ASAP-01-31-14
Title: OMNIBUS CRIME/CORRECTIONS BILL
Sponsor: JUDICIARY
Requester: Senate Judiciary 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 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
---------------------------	--	--	--	--	--	--	--

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:

Not applicable, initial version.

Prepared By: <u>Barbara Henjum, Acting Director</u>	Phone: <u>(907)269-3410</u>
Division: <u>Behavioral Health</u>	Date: <u>01/30/2014 05:00 PM</u>
Approved By: <u>Sarah Woods, Deputy Director</u>	Date: <u>01/31/14</u>
Agency: <u>Finance & Management Services</u>	

FISCAL NOTE ANALYSIS #12

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 64(JUD)

Analysis

If enacted, this bill would require the Commissioner of the Department of Corrections (DOC) to establish the "24/7 sobriety" program to help enforce probation conditions that include not consuming alcohol. The 24/7 program will allow participants to be actively involved in their community with continued employment, education, treatment, family and recovery activities while ensuring public safety through twice-a-day testing.

The Division of Behavioral Health does not anticipate fiscal impacts from this provision. While the bill does require persons to comply with testing requirements for controlled substances and alcohol, these services would be provided through testing agencies identified and approved by the DOC and the Alaska Court System. Most of these individuals will have served time with DOC and have been involved with the Alaska Court System. Referrals to these required daily testing programs will come from those agencies. While treatment programming will be a component of this testing process, the Department of Corrections does not anticipate an increase in the use of rehabilitative treatment services under Sec. 19 of the bill.

Those misdemeanor offenders that are affected by the latest version(g) 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 24/7 testing agency which would be a very minor increase in workload for ASAP personnel.

Under Sec. 29 the requirement that the probation officer file a petition with the court when program participants do not adhere to program requirements is already a role of the ASAP Adult Probation Officers so it is not anticipated that this bill will add to the workload of ASAP personnel.

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

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
---------------------------	--	--	--	--	--	--	--

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.

28th 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 G

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. The program relies on swift and certain punishments to deter a probationer 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 \$1,000. The threshold was established in 1978 and has never been adjusted for inflation.

Limited Licenses: SB 64 permits eligible therapeutic court participants (for DUI or refusal) the opportunity to receive a limited license with successful adherence to program requirements. The intent is to encourage those with lifetime revocations to seek treatment and drive under a supervised license, instead of driving without a license or insurance and endangering the public.

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.

28th 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

Section 1:

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 2.

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 3.

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 4.

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 5.

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 6.

This section will increase the minimum amount of unlawful possession of property for a class C felony and class A and B misdemeanors.

Section 7.

This section will increase the minimum amount of a bad check for a class C felony and class A and B misdemeanors.

Section 8.

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 9.

This section will increase the minimum amount of property damage and expenses as a result of the loss of use of a vehicle.

Section 10.

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 11.

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 12.

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 13.

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 14.

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 15.

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 16:

This section establishes the 24/7 Sobriety program as a condition of release before trial, which includes twice a day alcohol monitoring and establishes a means to provide notification to the probation officer, prosecutor's office, or local law enforcement agency of a violation within 24 hours.

Section 17:

This section establishes the 24/7 Sobriety program as a condition of release before trial for certain alcohol-related offenses, which includes twice a day alcohol monitoring and establishes a means to provide notification to the probation officer, prosecutor's office, or local law enforcement agency of a violation within 24 hours.

Section 18:

This section establishes the 24/7 Sobriety program as a condition of release before trial for offenses related to controlled substance abuse, which includes twice a day alcohol monitoring and establishes a means to provide notification to the probation officer, prosecutor's office, or local law enforcement agency of a violation within 24 hours.

Section 19:

An incarcerated person shall receive credit against a sentence of imprisonment for time spent in a residential treatment facility, but is restricted to the grounds of the facility unless permitted to leave for rehabilitative purposes that are limited to time and purpose.

Section 20:

This section establishes the 24/7 Sobriety program as a condition of probation for certain alcohol-related offenses, which includes twice a day alcohol monitoring and establishes a means to provide notification to the probation officer, prosecutor's office, or local law enforcement agency of a violation within 24 hours.

Section 21:

The judicial council shall provide staff and administrative support to the Alaska Criminal Justice Commission.

Section 22:

Any bill that creates a new criminal offense or affects an existing criminal justice practice shall receive a fiscal analysis describing the projected 10-year effect on court, prosecution, public defense, and corrections resources.

Section 23:

The court may terminate a license revocation for DUI or refusal if the person has successfully completed a court-ordered treatment program, has not been charged or convicted of a DUI or refusal since completing the program, and has been granted a limited license and successfully driven under that limited license without having those privileges revoked.

Section 24:

The court may grant limited license privileges if the revocation is for DUI or refusal, and the person is participating in a court-ordered treatment program, provides proof of insurance, is using an ignition interlock device, enrolls in alcohol screening, abstains from alcohol, signs an affidavit testifying to such, and participates in the cost of testing. The court shall immediately revoke the limited license if the person is charged with or convicted of a DUI or refusal or tests positive during a test for the use of alcohol or drugs.

Section 25:

Once the court elects to proceed with this procedure, the defendant shall enter a plea of no "contest" or "guilty." The state and the defendant may enter into a plea agreement and the court shall enter a judgment of conviction. In a judgment of conviction, the court may withhold pronouncement of a period of imprisonment or a fine to provide an incentive for the defendant to complete recommended treatment successfully.

Section 26:

Imprisonment for first-time DUI offense shall be served by either electronic monitoring, a community residential center, or another appropriate place determined by the commissioner of corrections.

Section 27:

Upon request, the department shall review a driver's license revocation for felony DUI and shall restore the driver's license if the person has been granted limited license privileges and has successfully driven under that limited license without having those privileges revoked, the person has successfully completed a court-ordered treatment program, the person has not been convicted of a criminal offense since the license was revoked, and the person provides proof of insurance.

Section 28:

Upon request, the department shall review a driver's license revocation for felony refusal and shall restore the driver's license if the person has been granted limited license privileges and has successfully driven under that limited license without having those privileges revoked, the person has successfully completed a court-ordered treatment program, the person has not been convicted of a criminal offense since the license was revoked, and the person provides proof of insurance.

Section 29:

The commissioner shall establish a program with eligibility requirements for felons with conditions of probation that include not consuming alcohol and who have been identified as being at high risk for violating their conditions of probation. The program shall include random drug testing and requires the probation officer to file a petition to revoke probation if the probationer fails to appear for an appointment, tests positive for drugs or alcohol, or fails any other condition of probation.

Section 30:

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 and provide a report to the legislature by January 15 of the first year of each legislature.

Section 31:

The recidivism reduction fund is established to promote rehabilitation through transitional re-entry programs of persons recently released from correctional facilities. The commissioner 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 incarcerated for offenses and recently released from correctional facilities. To qualify for a grant under this section, a program shall include case management, sober living, residential treatment, employment, and a cap on residential placements of 150 days. The commissioner shall prepare an annual report for the legislature by January 15 of each year.

Section 32:

The Alaska Criminal Justice Commission is established in the Office of the Governor. The commission consists of 11 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) *two members of the senate appointed by the president of the senate*
- (9) *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 33:

The Alaska Criminal Justice Commission is repealed June 30, 2019.

Section 34:

APPLICABILITY

Section 35:

TRANSITIONAL PROVISIONS

Section 36:

Section 30 of this Act takes effect January 1, 2016.

How Texas Tackled Growing Prison Population & Exploding Corrections Budgets

The prison population in Texas had been on the rise for over twenty years. Between 1983 and 1997, the growth in the prison population forced the state to build 108,000 new prison beds at a cost of \$2.3 billion.

In 2007, this population was projected to explode to a level that would exceed their capacity by 3,000 individuals and that number was expected to increase by an additional 14,000 people within five years at a cost of \$523 million to build and operate more prison facilities in the FY08-09 biennium.

In response to the rapidly growing problem, the Texas Legislature requested intensive technical assistance from the Justice Center to implement a justice reinvestment approach to avert an increase in spending on corrections and instead reinvest in strategies to increase public safety.

In 2007, Texas policymakers came up with a legislative package reinvesting the funding that would have otherwise been spent on prison construction and operations into additional treatment and diversion programs.

The components of Texas' new approach included:

- Funding for probation officers to use for outpatient substance abuse treatment for offenders.
- Funding for a mental health Pre-Trial Diversion Program
- Expansion of in-custody substance abuse Therapeutic Communities (like ADOC's RSSAT program).
- A prison dedicated to providing DWI offenders with intensive substance abuse treatment.
- Use of Intermediate sanction facilities for probationers who violate probation conditions.
- Early school intervention programs
- The Nurse Family Partnership program

With these and other measures, the Texas Legislature successfully averted construction all of the previously planned prison beds through 2012.

According to Rep. Madden (*who will be speaking at the Smart Justice Summit in Anchorage on October 3rd, 2011*), the Texas prison population completely leveled off as a result of these initiatives. No shortfall in capacity is predicted until 2013, when the system may need a small number of prison beds compared to the previously predicted need for eight prisons. Moreover, following the adoption of these reforms, Texas' crime rate did not increase, but continued to fall.

For more information on what Texas experienced and more, you can visit the Justice Center's website at <http://justicereinvestment.org/summit/report>.

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. ¹
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. ²
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.

¹ Department of Public Safety Uniform Crime Report, 2011, p. 29, found at: <http://dps.alaska.gov/statewide/ucr.aspx>

² *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

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.³
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.

³ *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

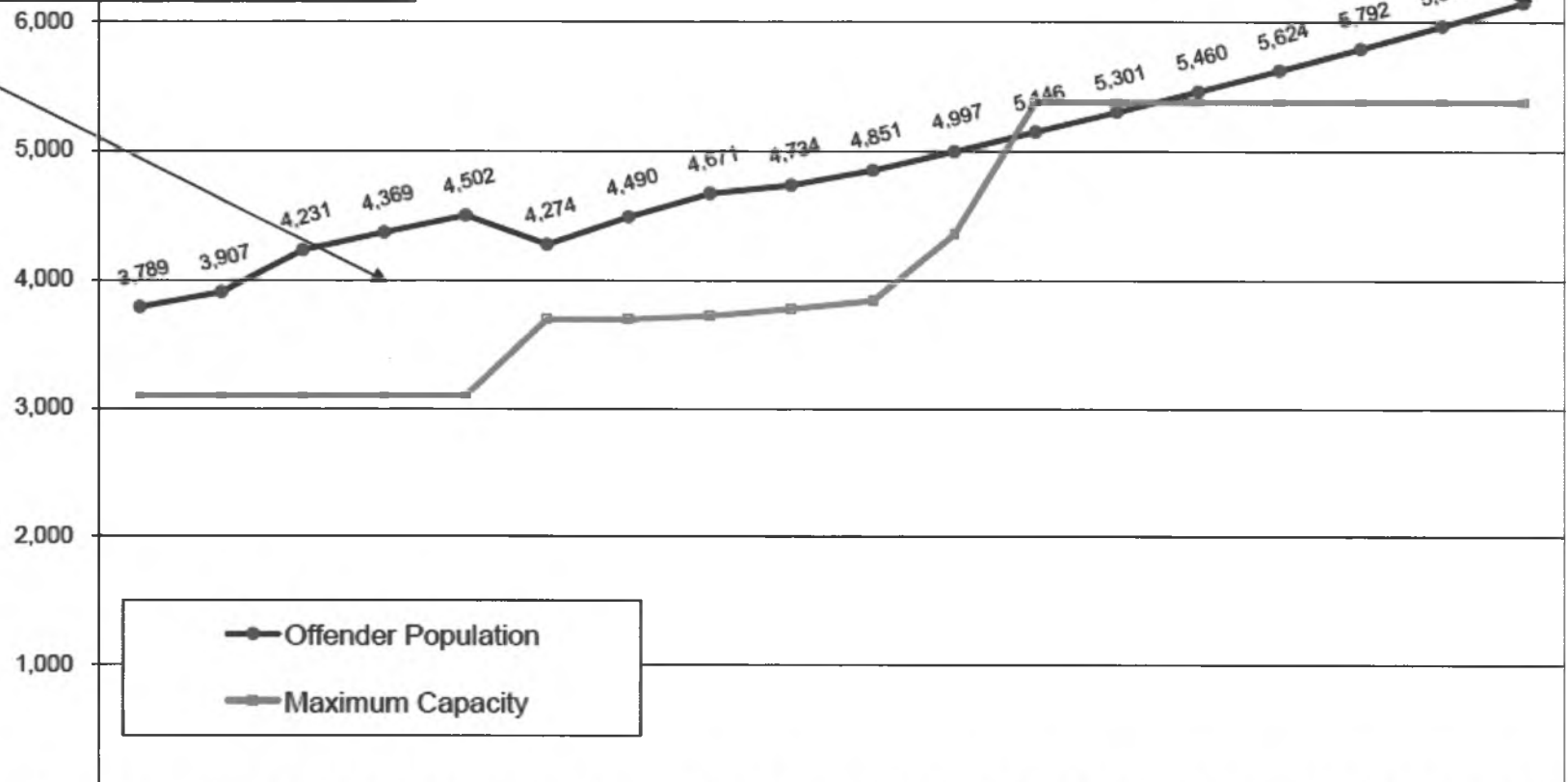
Policy Reform	2013				2012				2011				2010		2009		2008				2007			Total							
	OR	SD	WV	KS	MO	DE	GA	PA	HI	OK	AR	KY	AL	LA	NC	OH	SC	NH	MI	IL	WI	AZ	PA		CT	RI	VT	KS	NV	TX	
Sentencing/Pretrial	Reclassify/redefine drug offenses	✓	✓				✓				✓	✓			✓	✓															7
	Reclassify/redefine property offenses	✓	✓				✓				✓					✓														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.

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%

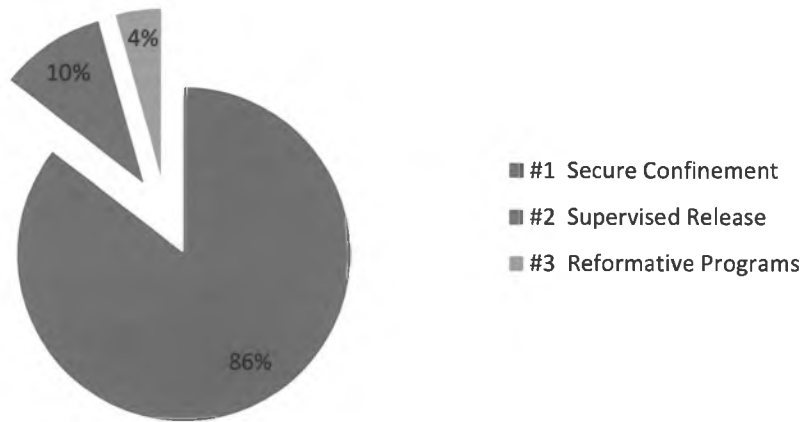
Based on the approximate 3% population growth rate experienced between FY03-FY12, the institutional inmate population is expected to reach 6,145 by FY20.

Department of Corrections - Key Performance Indicators

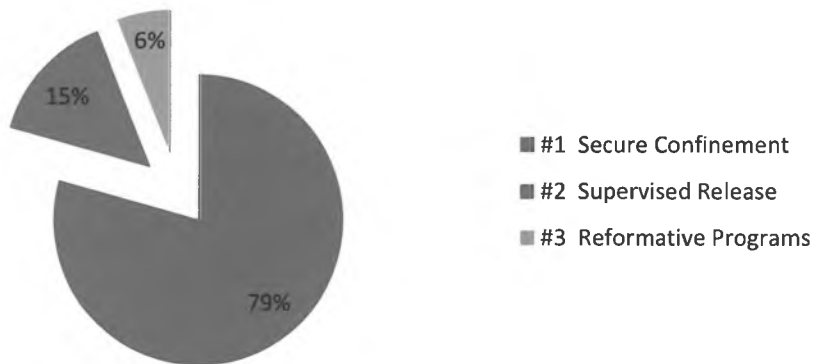
	FT Positions	Total Funds
#1 Secure Confinement	1591	265,134,400.00
#2 Supervised Release	189	49,126,200
#3 Reformatory Programs	81	19,806,200
Total:	1861	334,066,800.00

Source: Office of Budget and Management, 2013

Positions by Performance Indicator



Funding by Performance Indicator



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

"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

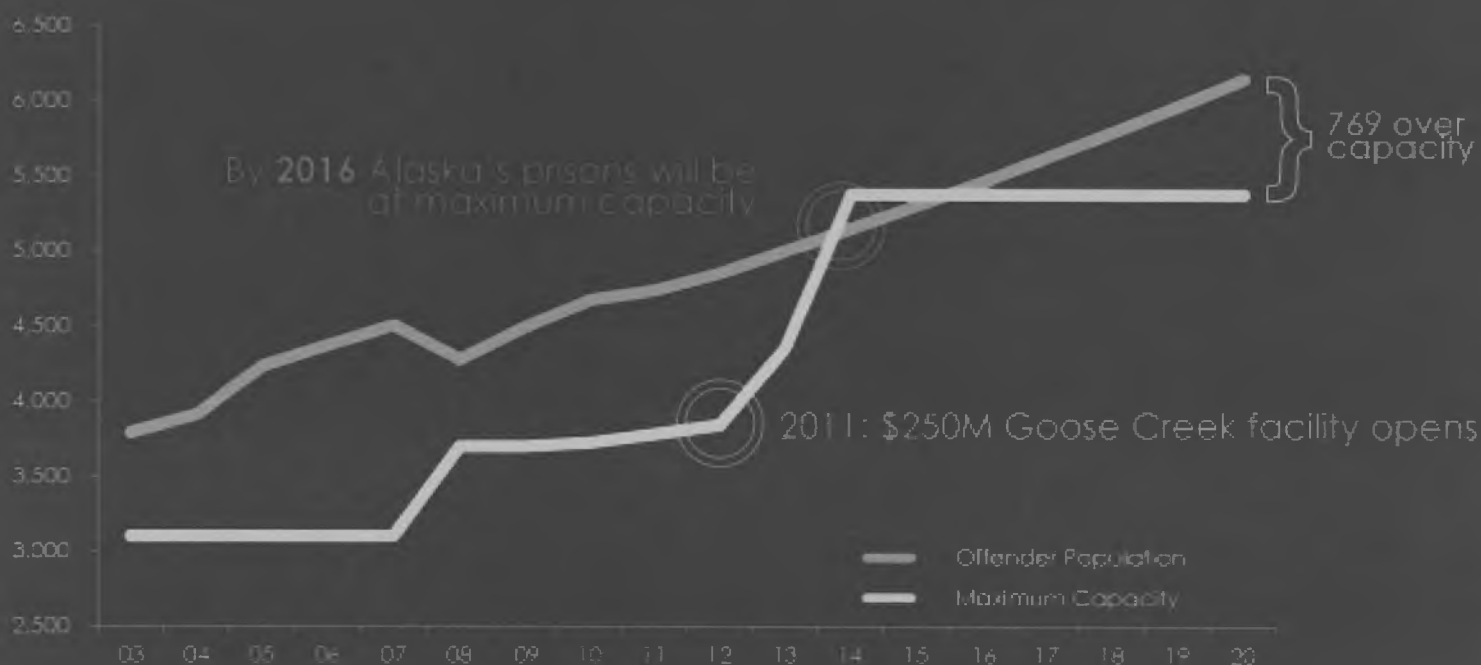
Of Alaska's prisoners
**will return to
prison.**
This is higher than
any state.



Alaska's
prison population
is growing at

4X

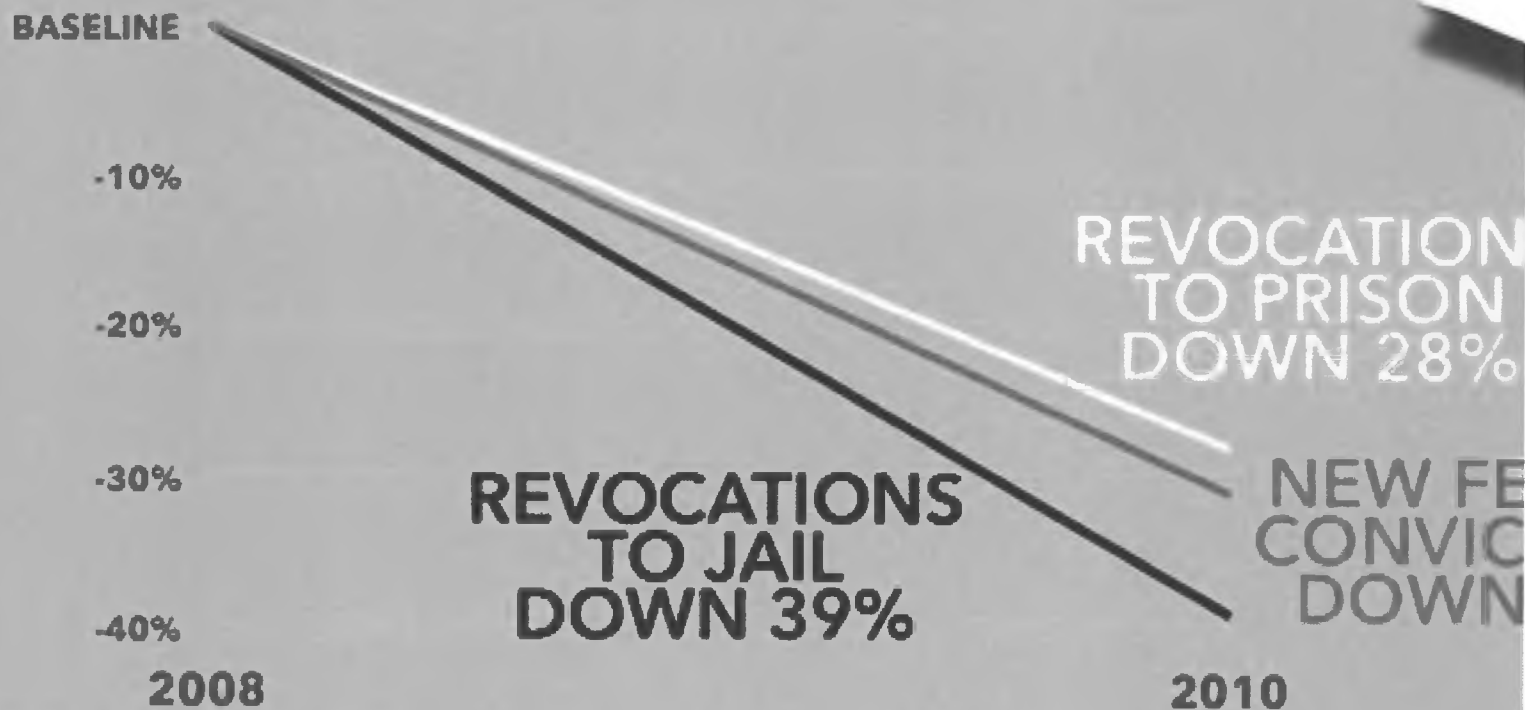
the rate of the
state's population



ARIZONA

A wide array of reforms has reduced new crimes by probationers and saved taxpayers millions of dollars.

36
MILLION
DOLLARS
TAXPAYER
SAVINGS



Safe Communities Act created performance for both probationers state's probation system.

Source: *Pew Center on the States, The Impact of Arizona's Probation Reforms* (Washington, DC: The Pew Charitable Trusts, March 2011).



Now implementing innovative Right
measures statewide in order to lower
rates of offenders, reduce crime
taxpayers millions of dollars.

FLORIDA

POPULATION GROWTH: 1972-2010



PRISON

STATE

2.7x

While Florida's population has grown 2.7-fold since 1972, the state's prison population has multiplied 11.4-fold. If Florida incarcerated people at the same rate as in FY1972-73 (per 100,000), the state's prison population would be 11.4 million, at a cost of \$446 million, instead of the nearly \$2.4 billion Florida spent in FY2010-11.

FY1972-73
RATE

\$446 MILLION

ACTUAL
FY2010-11

\$2.4 B

Orange County, Florida participants who entered drug courts between Oct. 1999 and Oct. 2000. (Department of Justice, *Evaluating Treatment Drug Courts in Kansas City, Missouri and Pensacola, Florida* (2002))



Despite the massive increase in the size and cost of America's correctional system, the national recidivism rate remains stubbornly high.

1 in 104* American adults is behind bars



1930

1940

1950

1960

1970

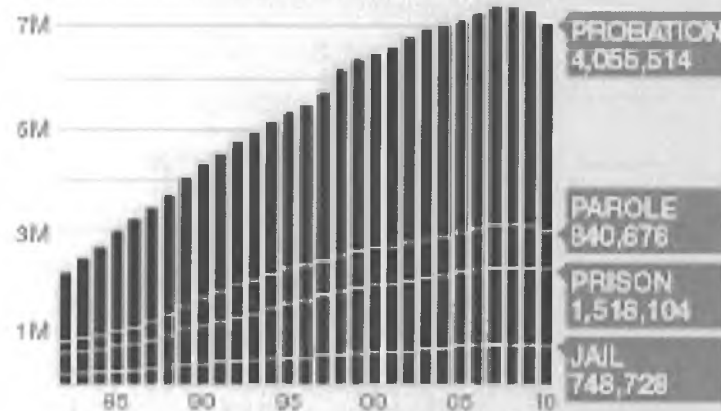
1980

1990

2000

2010

1 in 33* American adults is under correctional control



1 in 4 of the world's inmates is in a U.S. prison or jail



36 European countries with the largest inmate population

1,797,750

United States
2,266,832



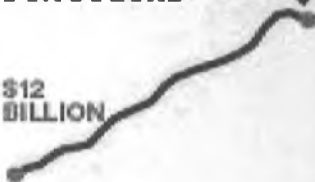
1 in 14 state general fund dollars is spent on corrections

\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$

Total Expenditures for State Corrections

\$52
BILLION

\$12
BILLION



1 in 9 corrections dollars is spent on community supervision

\$\$\$\$\$\$S\$\$\$\$

Total Corrections Spending



1 in 8 state employees works in corrections



Top Five State Employee Functions

467K
Corrections

845K
Higher Ed (Other)

MISSOURI

Missouri leads the nation in annual methamphetamine lab incidents, posing a unique challenge for criminal justice in the Show Me State. Drug courts are lowering recidivism rates for offenders, reducing crime, and saving millions in taxpayer dollars.

COST PER INDIVIDUAL

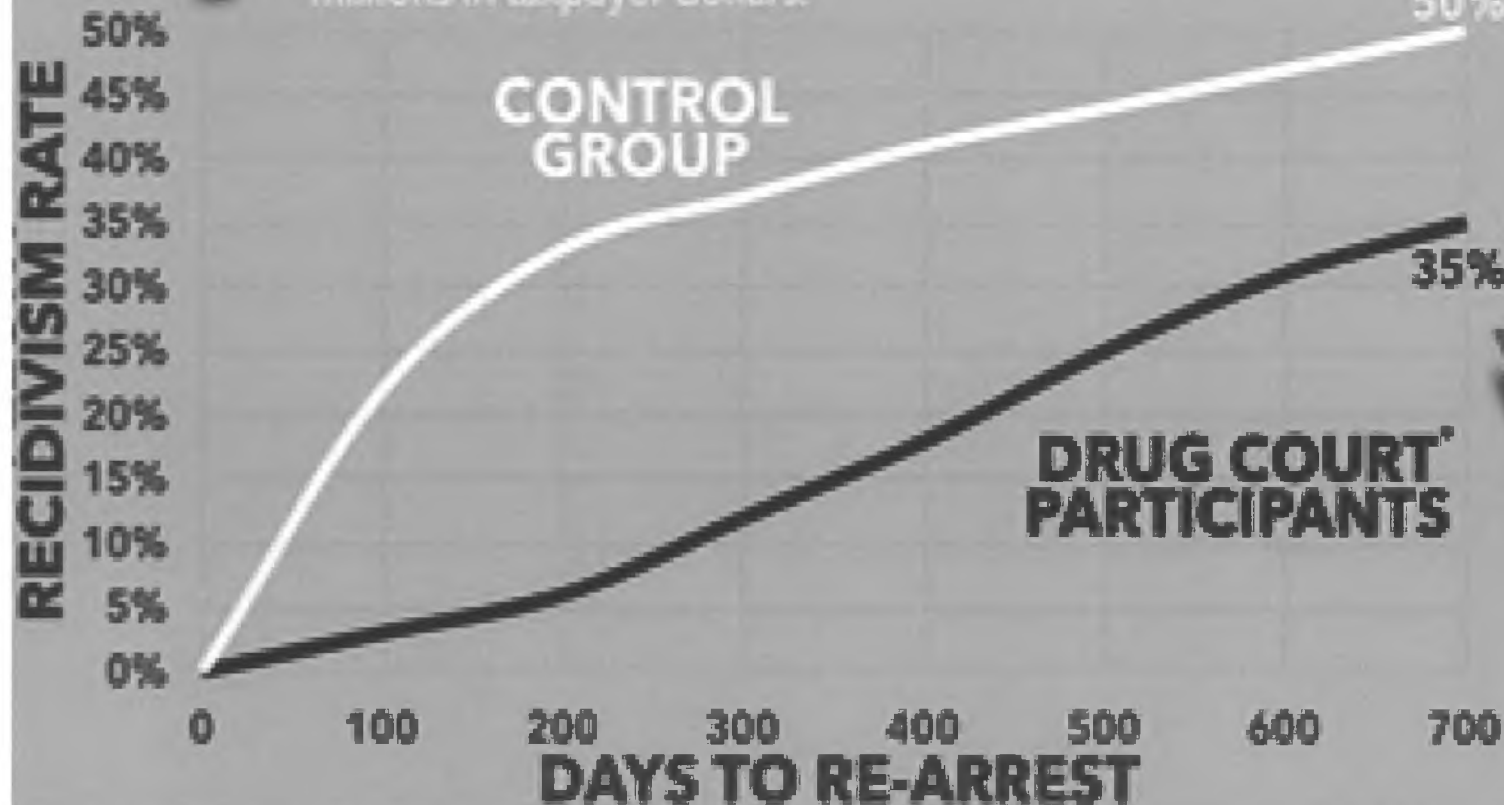
\$15,000
\$12,000
\$9,000
\$6,000
\$3,000
\$0

\$14,538

\$6.19

AVERAGE MISSOURI INMATE

DRUG COURT PARTICIPANT



\$2.80
IN SAVINGS
PER DOLLAR
SPENT ON
DRUG COURTS
AFTER
TWO
YEARS

\$6.19
IN SAVINGS
PER DOLLAR
SPENT ON
DRUG COURTS
AFTER
FOUR
YEARS

son County, Missouri participants who entered drug courts between Oct. 1999 and Oct. 2000.
ces: Missouri Association of Drug Court Professionals & U.S. Department of Justice, *Evaluating
ment Drug Courts in Kansas City, Missouri and Pensacola, Florida (March 2002)*

Missouri

RI
ON

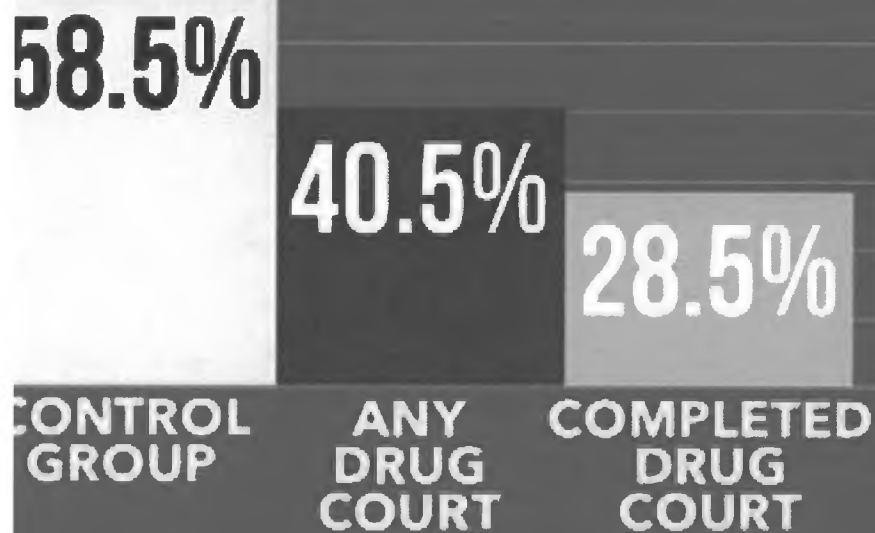
TEXAS

Substance abuse takes a significant toll on Texas families and taxpayers. Specialized Texas Drug Courts are producing significant improvements in offender outcomes, with fewer re-arrests, fewer re-incarcerations, and lower costs.

COST PER INDIV



RE-ARREST RATE



RE-INCARCERATION

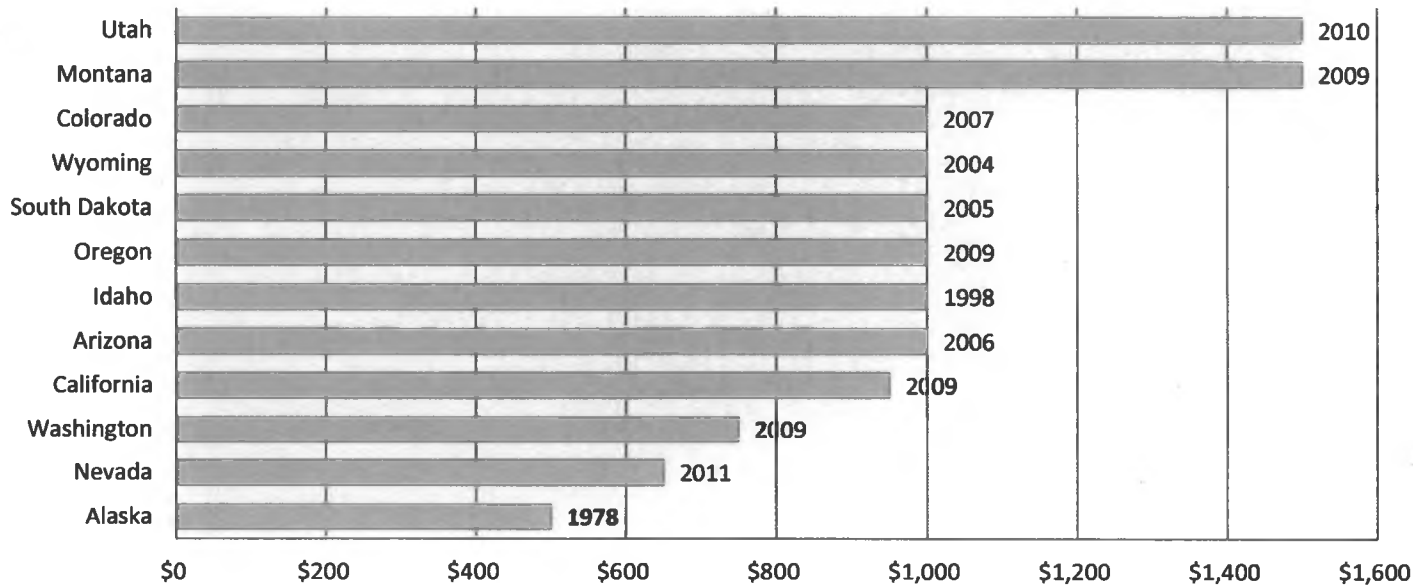


*Three-year incarceration rate.

Source: Texas Public Policy Foundation, *Breaking Addiction without Breaking the Bank* (April 2011).

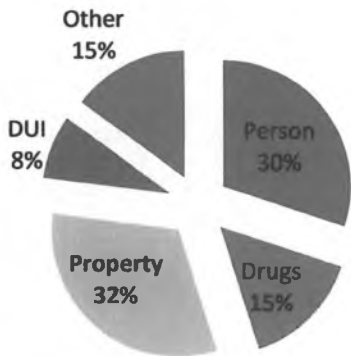


Theft Felony Thresholds in Western U.S. and Year of Adoption



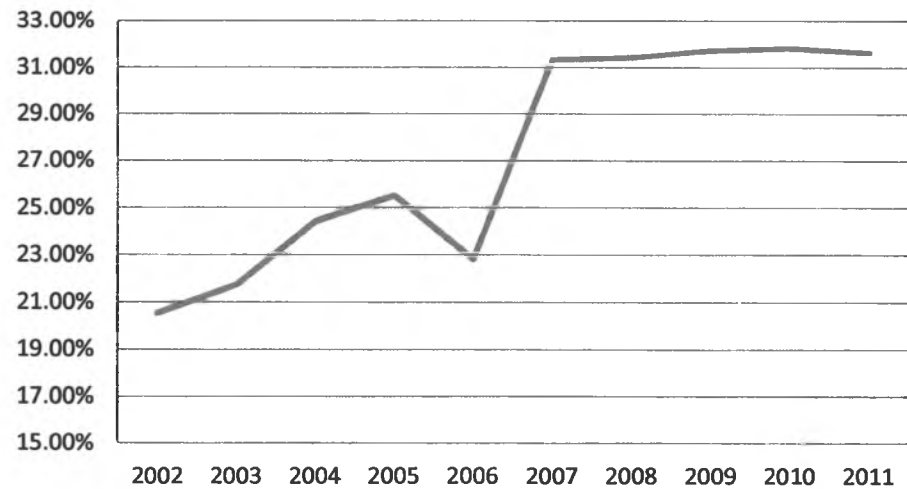
Alaska	\$500
Nevada	\$650
Washington	\$750
California	\$950
Arizona	\$1,000
Idaho	\$1,000
Oregon	\$1,000
South Dakota	\$1,000
Wyoming	\$1,000
Colorado	\$1,000
Montana	\$1,500
Utah	\$1,500

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



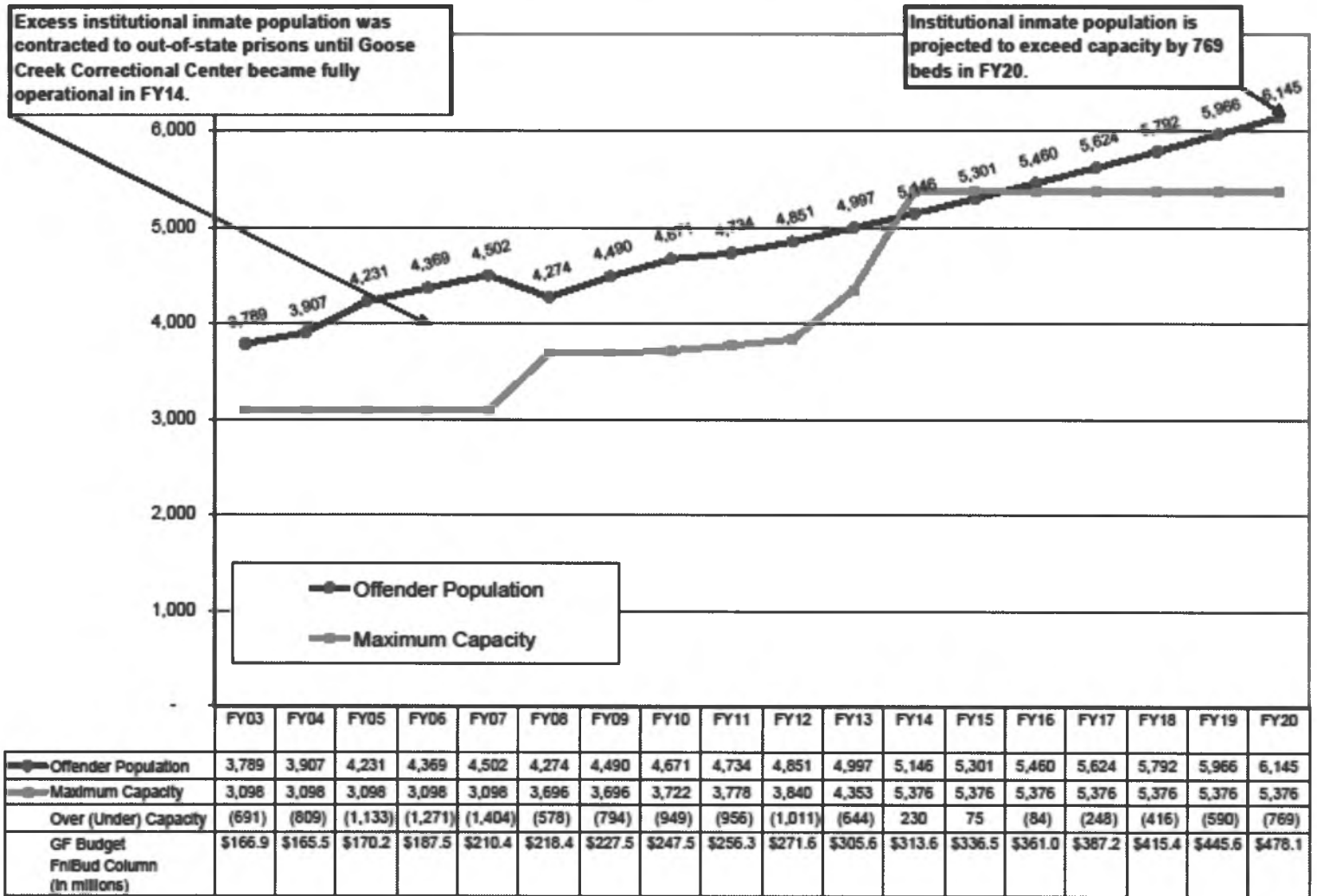


Senate Bill 64

Omnibus Crime/Corrections Bill

To improve public safety, slow the growth of Alaska's prison population, and save money.

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.

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/define drug offenses	✓	✓				✓				✓	✓			✓	✓															7
	Reclassify/define 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 pre-arrest assessment			✓			✓	✓		✓		✓														✓					6
	Revise drug-free school zone											✓						✓													2
	Authorize risk-reduction sentencing														✓	✓								✓							3
Release	Revise parole hearing/factors/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.

Updated July 2013

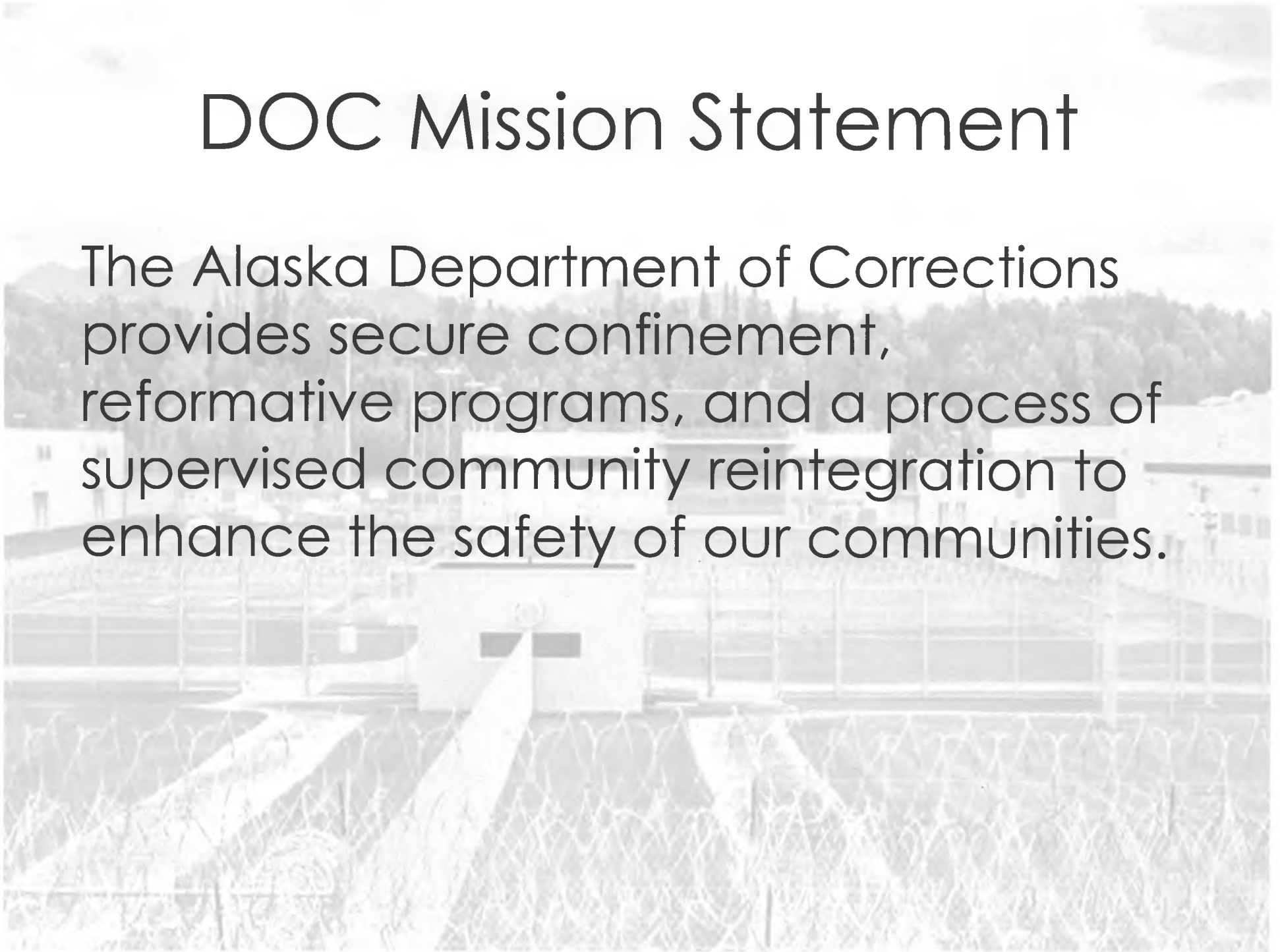
Goals

- 1) Improve Public Safety
- 2) Reduce Recidivism
- 3) Reduce Cost

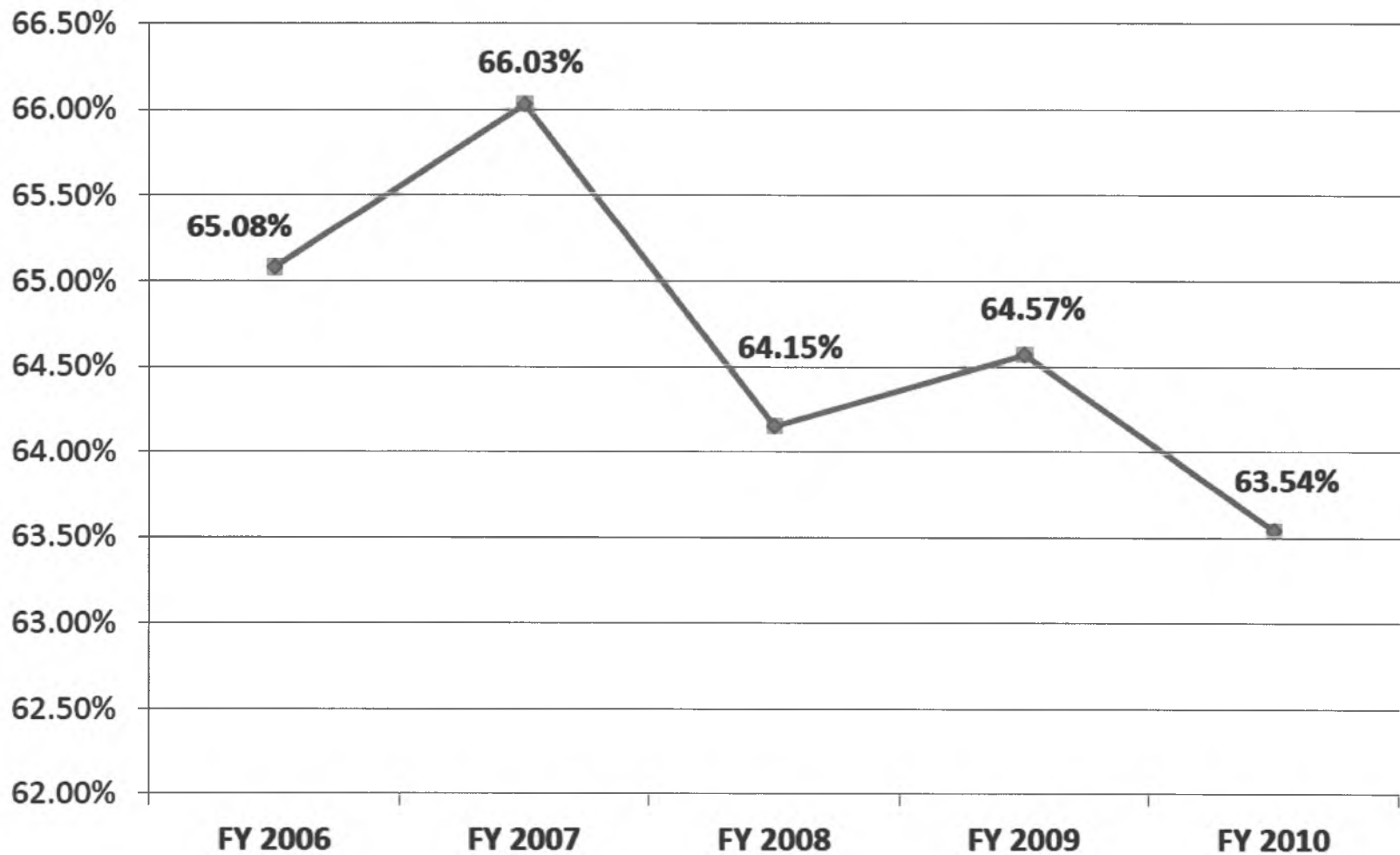


DOC Mission Statement

The Alaska Department of Corrections provides secure confinement, reformatory programs, and a process of supervised community reintegration to enhance the safety of our communities.



1.5% drop in Recidivism

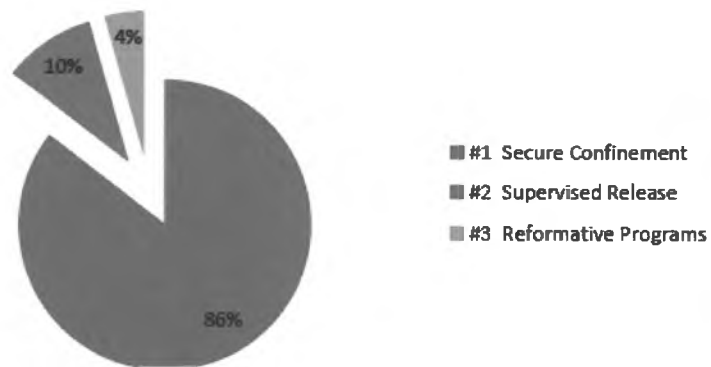


Department of Corrections - Key Performance Indicators

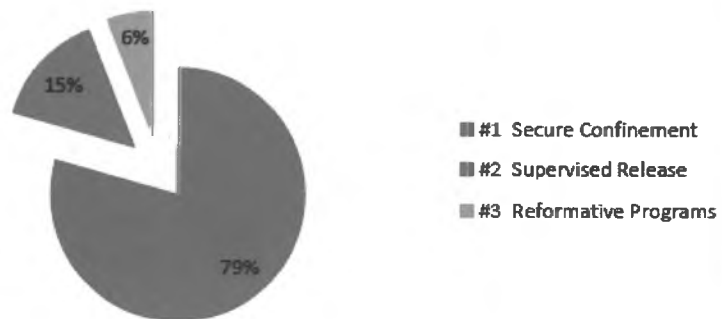
	FT Positions	Total Funds
#1 Secure Confinement	1591	265,134,400.00
#2 Supervised Release	189	49,126,200
#3 Reformative Programs	81	19,806,200
Total:	1861	334,066,800.00

Source: Office of Budget and Management, 2013

Positions by Performance Indicator



Funding by Performance Indicator



Bill Components

- Commission
- Limited License
- 24/7 Sobriety
- P.A.C.E.
- Recidivism Reduction Fund
- Felony Theft Threshold
- Credit for Time Served in Residential Treatment
- More Risk-Needs Assessments



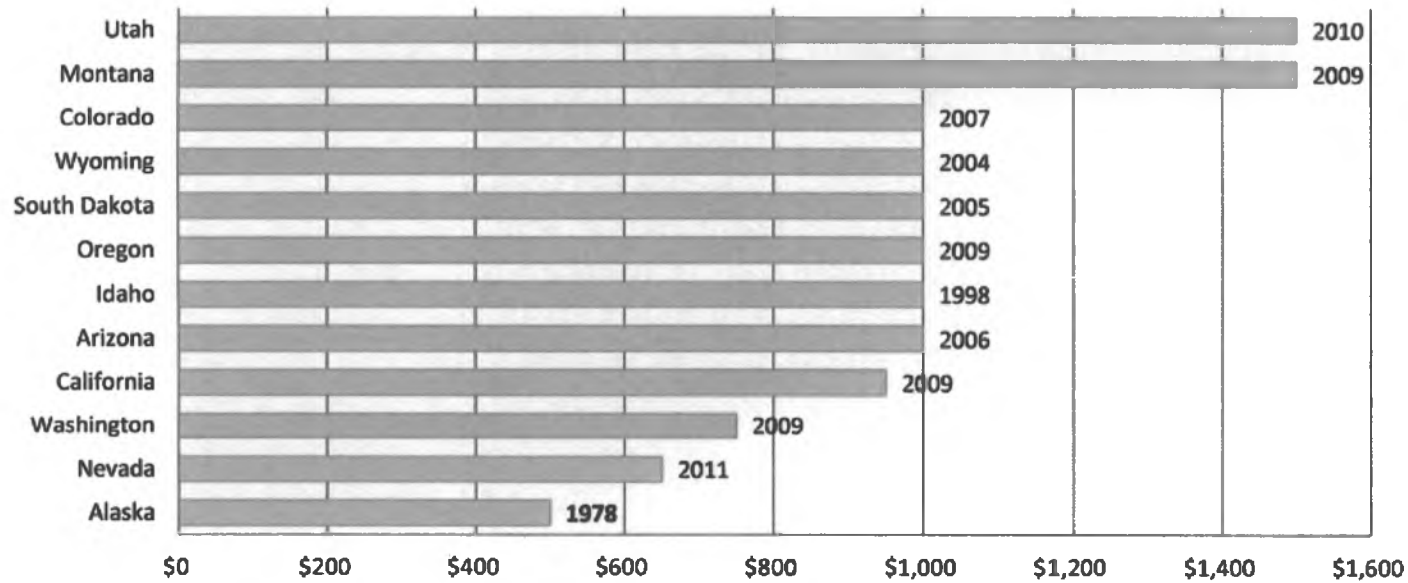
Sections 1-15

FELONY THEFT THRESHOLD

Raises the Threshold for:

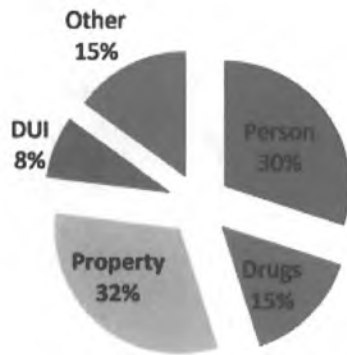
- Theft 2nd degree
- Theft 3rd degree
- Theft 4th degree
- Concealment of merchandise
- Removal of identification marks
- Unlawful possession
- Issuing a bad check
- Fraudulent use of an access device
- Vehicle theft in 1st degree
- Criminal mischief 3rd degree
- Criminal mischief 4th degree
- Criminal mischief 5th degree
- Criminal simulation
- Misapplication of property
- Defrauding creditors

Theft Felony Thresholds in Western U.S. and Year of Adoption



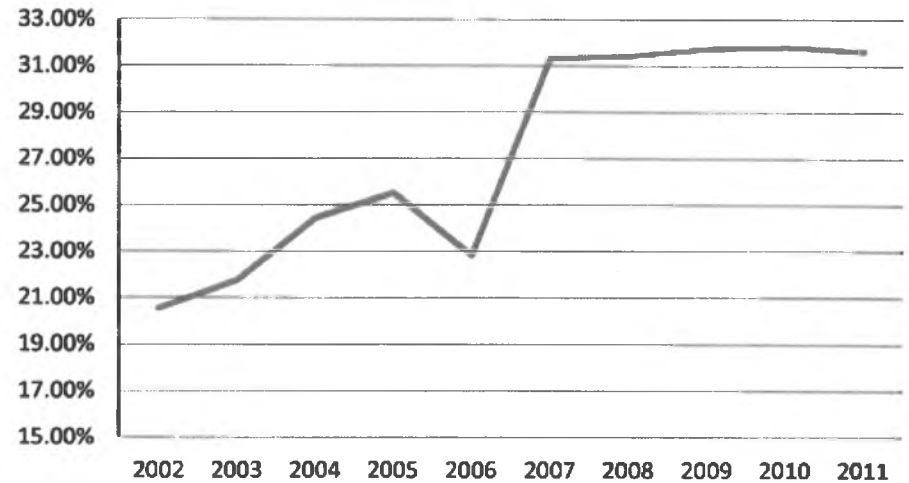
Alaska	\$500
Nevada	\$650
Washington	\$750
California	\$950
Arizona	\$1,000
Idaho	\$1,000
Oregon	\$1,000
South Dakota	\$1,000
Wyoming	\$1,000
Colorado	\$1,000
Montana	\$1,500
Utah	\$1,500

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





Sections 16-18 & 20

24/7 SOBRIETY

Main Tenants

- 2x day breathalyzer
 - EM or in-person
- Swift and certain sanctions
- Used for any crime where alcohol is a factor
- Funded by testing fees (paid by offender)
- Run by DOC/ASAP

Testing Methods



Testing Methods

Detectable Drugs

- Cocaine (2-3 days)
- Opiates (2-3 days)
- Amphetamines (2-4 days)
- Marijuana (7-30 days)
- PCP
- Antidepressants
- Ecstasy



Figure 4: Percent of Participant Records by Offense for 2009 Calendar Year

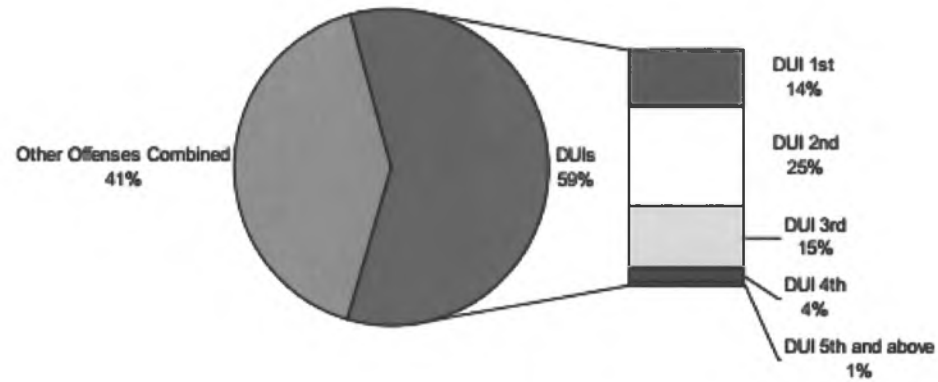


Figure 5: Percent of Participant Records by Offense Group and Calendar Year of Start Date

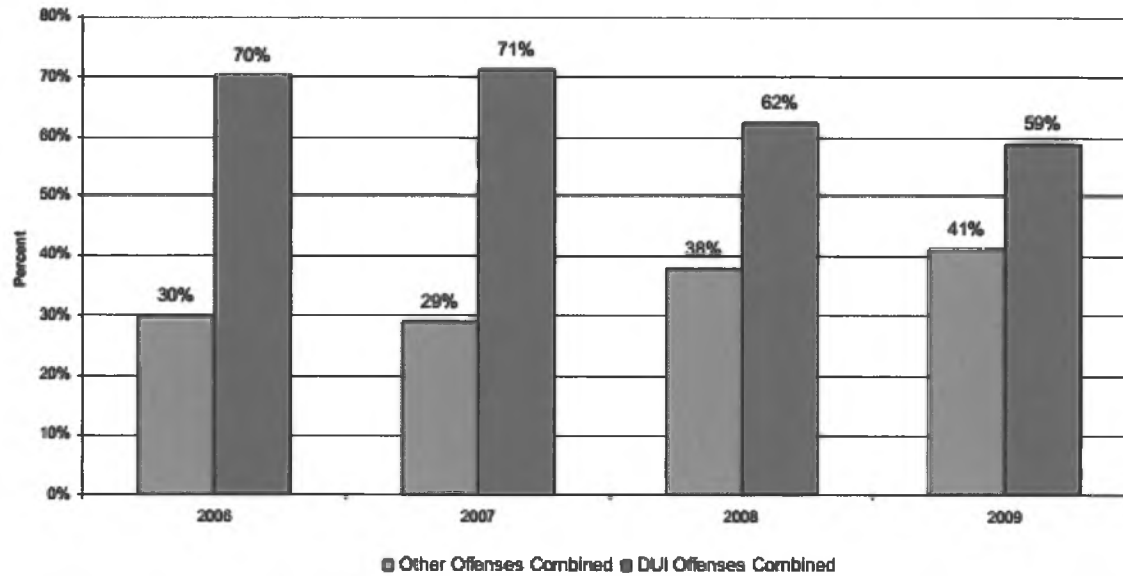
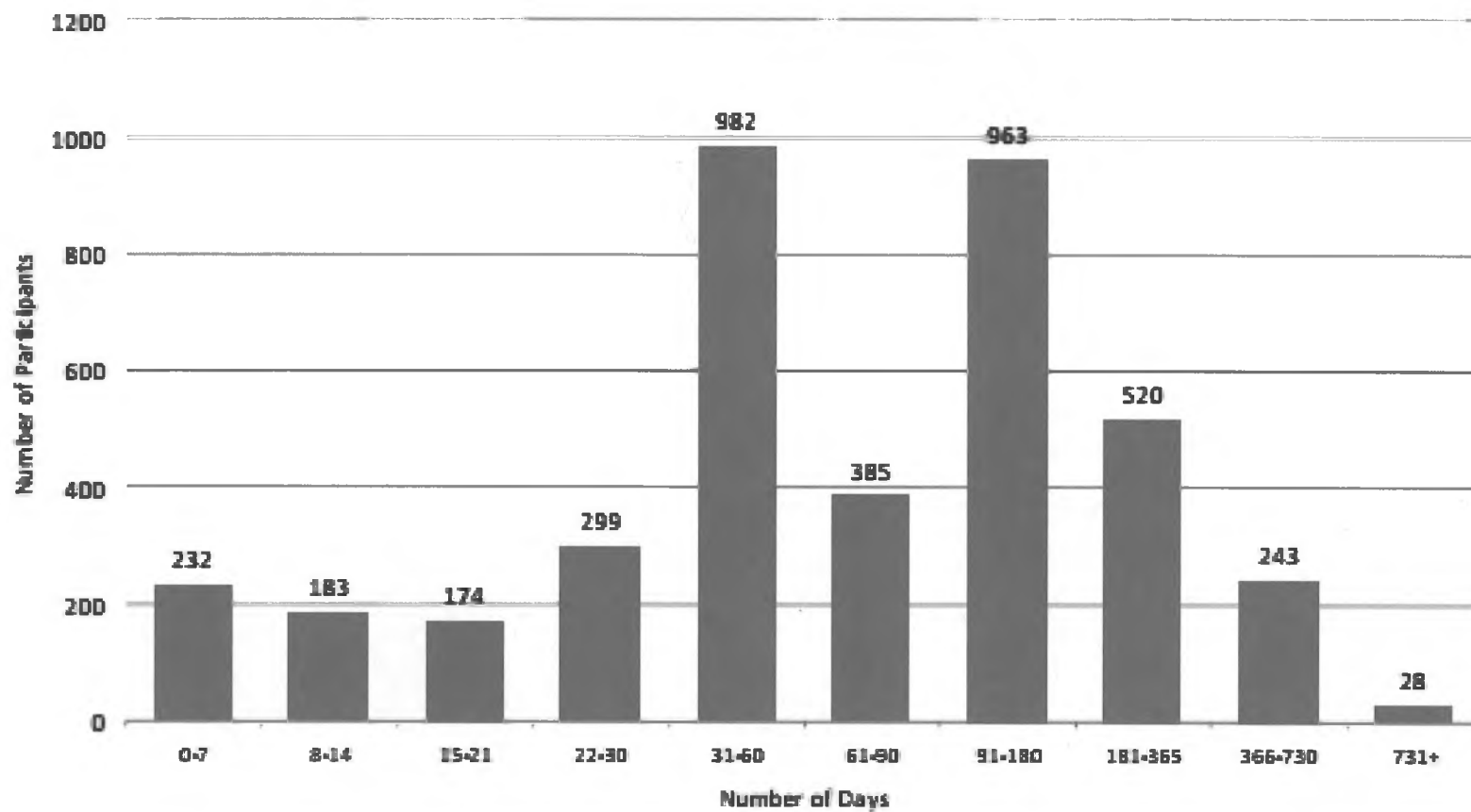


Figure 7: Number of Days from First Test Date to Last Test Date (n = 4,009)

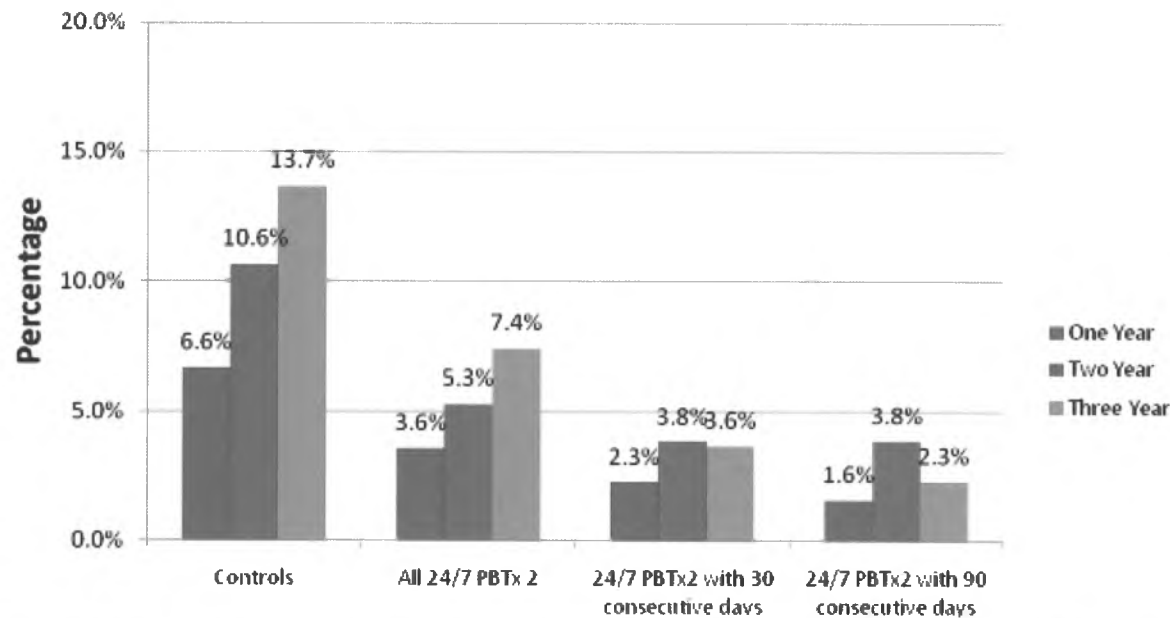


Effects on Recidivism

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 2nd – 74% reduction in recidivism (13.7% to 3.6%)
- DUI 3rd – 44% reduction in recidivism (15.3% to 8.6%)
- DUI 4th – 31% reduction in recidivism (15.5% to 10.7%)

Figure 11: 24/7 Participants Compared to Controls – DUI 2nd to next DUI Offense



Lasting Effects

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 2nd – 74% reduction in recidivism (13.7% to 3.6%)
- DUI 3rd – 44% reduction in recidivism (15.3% to 8.6%)
- DUI 4th – 31% reduction in recidivism (15.5% to 10.7%)

Figure13: 24/7 Participants Compared to Controls – DUI 4th to next DUI Offense

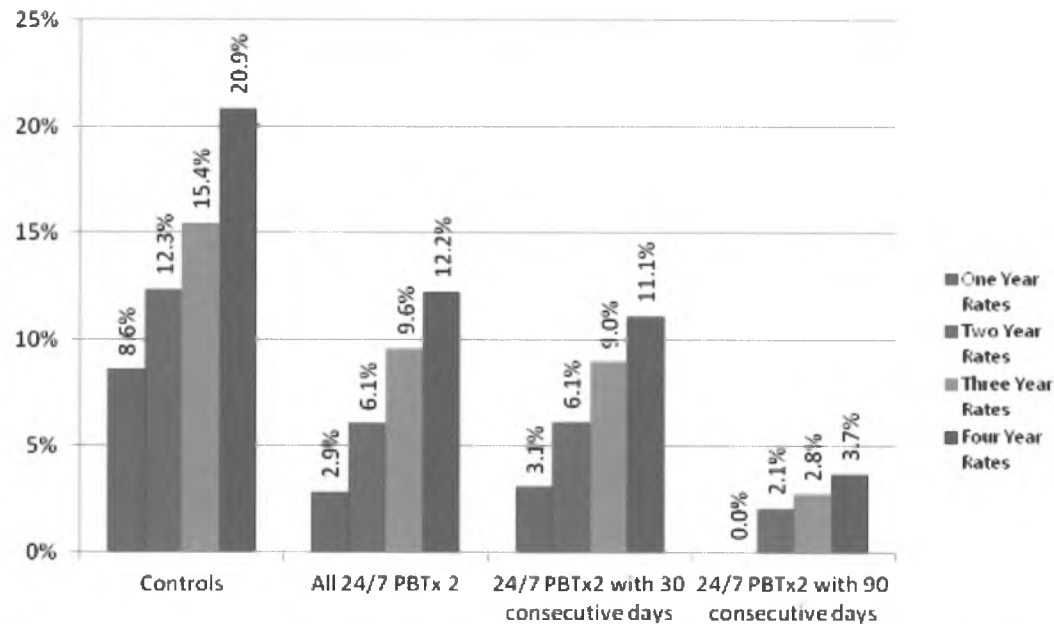
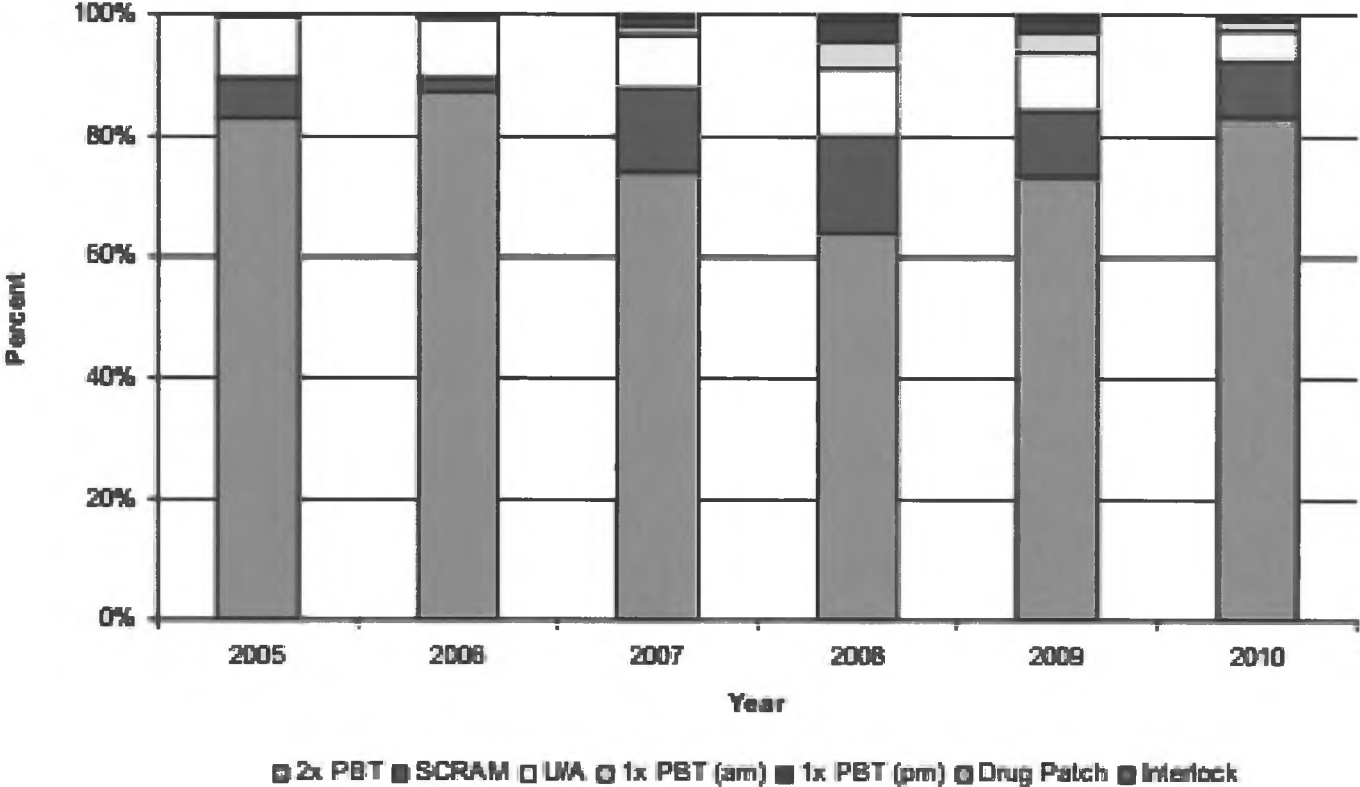


Figure 6: Percent of Test Types Ordered for Participants by Calendar Year of Start Date



Applicability

Any crime where alcohol is a factor, like domestic violence, DUI, assault, etc.

Pre-trial

- Bond conditions

Post conviction

- Conditions of probation
- Parole Board imposed

Number of Failed Tests

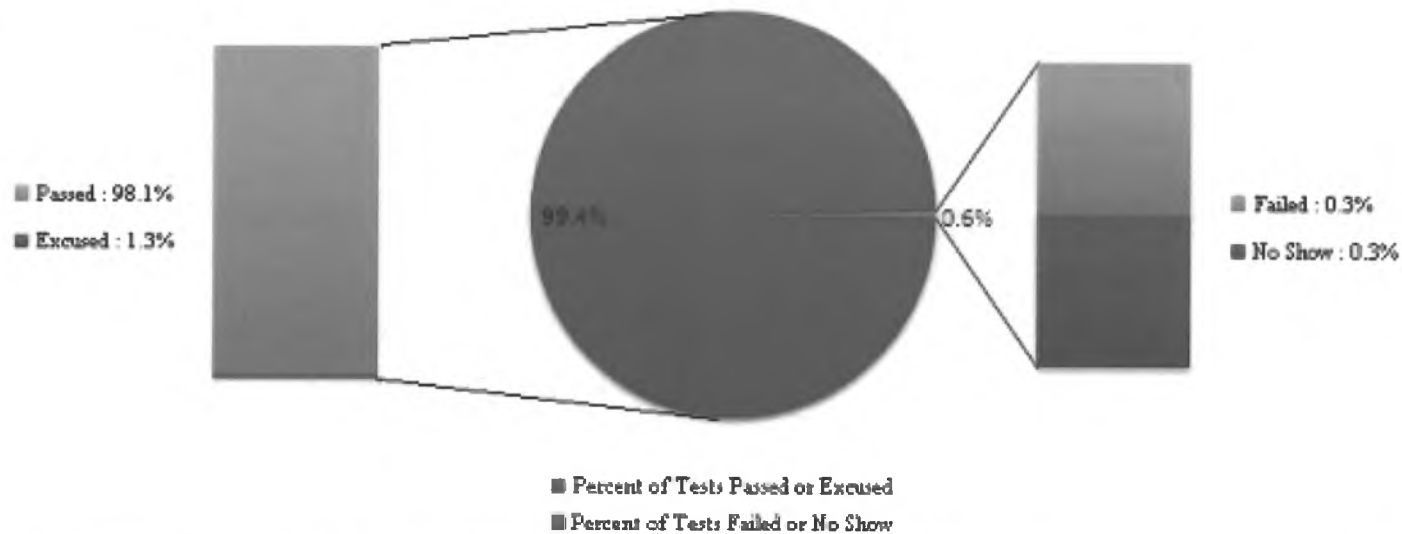
⇒ 55% never fail a test

⇒ 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)





Section 19

CREDIT FOR TIME SERVED IN A TREATMENT FACILITY



Nygren Credit

- Though not a main focus, an important section.
- Section 1 - Refines conditions for people to qualify for credit against a sentence of imprisonment.
 - Clarifies and improves the language so that people can get credit for time served in treatment programs.
 - Less cumbersome than previous existing language (“work required by the treatment program and approved in advance by the court”).




Section 22

FISCAL ANALYSIS OF NEW CRIMES



Any bill that creates a new criminal offense or affects an existing one must be accompanied with a 10-year fiscal analysis of:

- State and local law enforcement resources
- Court caseloads
- Prosecution resources
- Public defense resources
- Corrections resources



Sections 23-25 & 27-28

LIMITED LICENSE

Section 23

The court may terminate a revocation for DUI or refusal if:

- Successfully completed a court-ordered treatment program
- Has not been charged with or convicted of a DUI or refusal since completing the program
- Has been granted limited license privileges and has successfully driven under that limited license without having those privileges revoked

Section 24

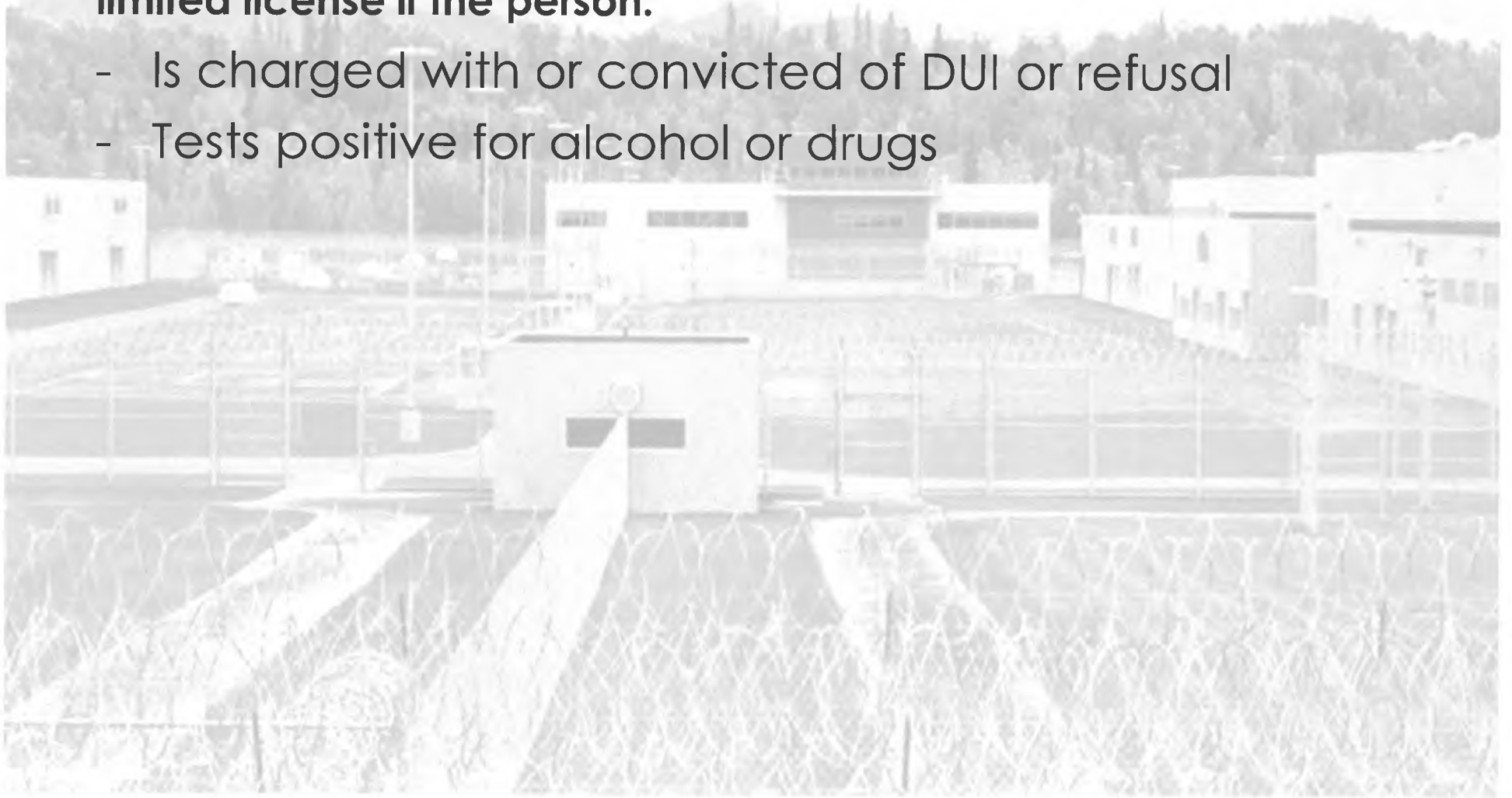
A court revoking a driver's license may grant a limited license if:

- The revocation was for DUI or refusal
- The person is participating in a court-ordered treatment program
- The person provides proof of insurance
- The person has not been previously convicted during the first 30 days of the revocation
- The person shows proof of installation of an ignition interlock device
- The person is enrolled in alcohol screening and testing.
- The person has not previously been granted a limited license.
- The person totally abstains from alcohol.
- The person pays the cost of testing.

Section 24 (cont.)

The court shall immediately revoke a limited license if the person:

- Is charged with or convicted of DUI or refusal
- Tests positive for alcohol or drugs



Section 25

Once the court elects to proceed with this procedure, the defendant shall enter a plea of “no contest” or “guilty.” The state and defendant may enter into a plea agreement and the court shall enter a judgment of conviction. In a judgment of conviction, the court may withhold pronouncement of a period of imprisonment or a fine to provide an incentive for the defendant to complete recommended treatment successfully.

Sections 27-28

The department shall review & restore the driver's license for DUI revocation if:

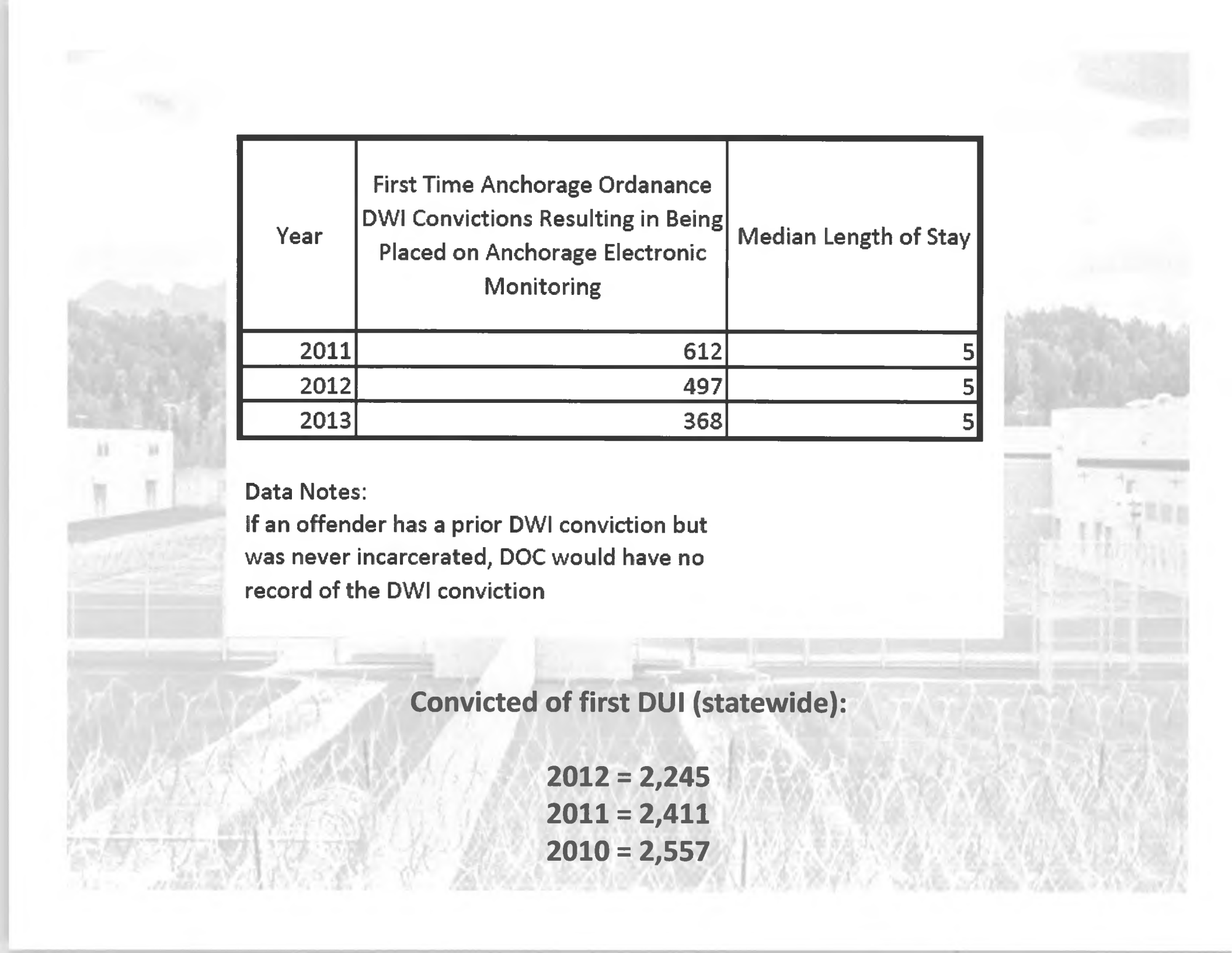
- The person has been granted limited license privileges and has successfully driven under that limited license without having the limited license privileges revoked
- The person has successfully completed a court-ordered treatment program
- The person has not been convicted of a criminal offense since the license was revoked
- Provides proof of insurance

The department shall review & restore the driver's license for Refusal revocation if:

- The person has been granted limited license privileges and has successfully driven under that limited license without having the limited license privileges revoked
- The person has successfully completed a court-ordered treatment program
- The person has not been convicted of a criminal offense since the license was revoked
- Provides proof of insurance



**ELECTRONIC MONITORING FOR
FIRST-TIME DUI**



Year	First Time Anchorage Ordinance DWI Convictions Resulting in Being Placed on Anchorage Electronic Monitoring	Median Length of Stay
2011	612	5
2012	497	5
2013	368	5

Data Notes:

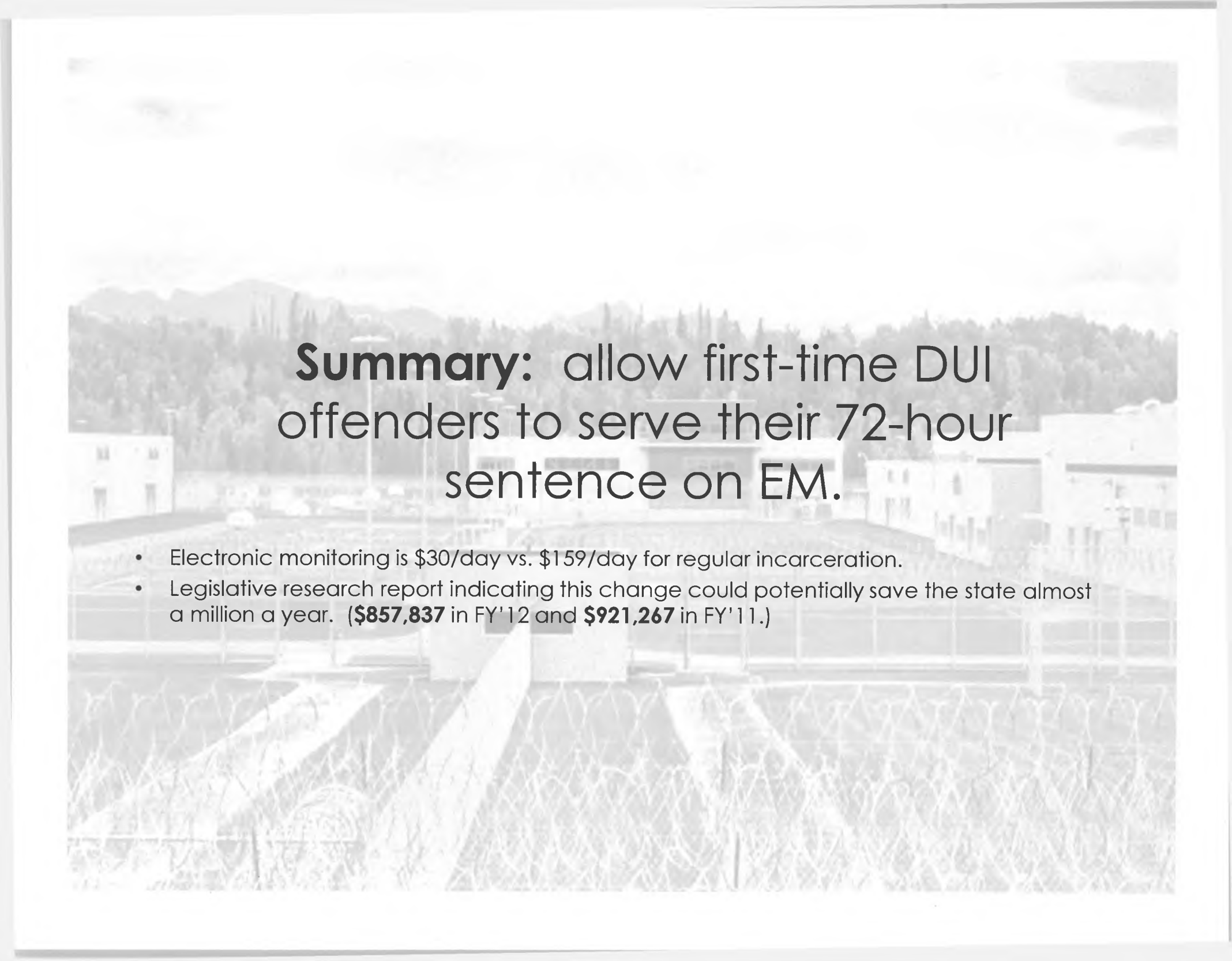
If an offender has a prior DWI conviction but was never incarcerated, DOC would have no record of the DWI conviction

Convicted of first DUI (statewide):

2012 = 2,245

2011 = 2,411

2010 = 2,557



Summary: allow first-time DUI offenders to serve their 72-hour sentence on EM.

- Electronic monitoring is \$30/day vs. \$159/day for regular incarceration.
- Legislative research report indicating this change could potentially save the state almost a million a year. (**\$857,837** in FY'12 and **\$921,267** in FY'11.)



P.A.C.E.



PACE SIDE_BY_SIDE COMPARISONS

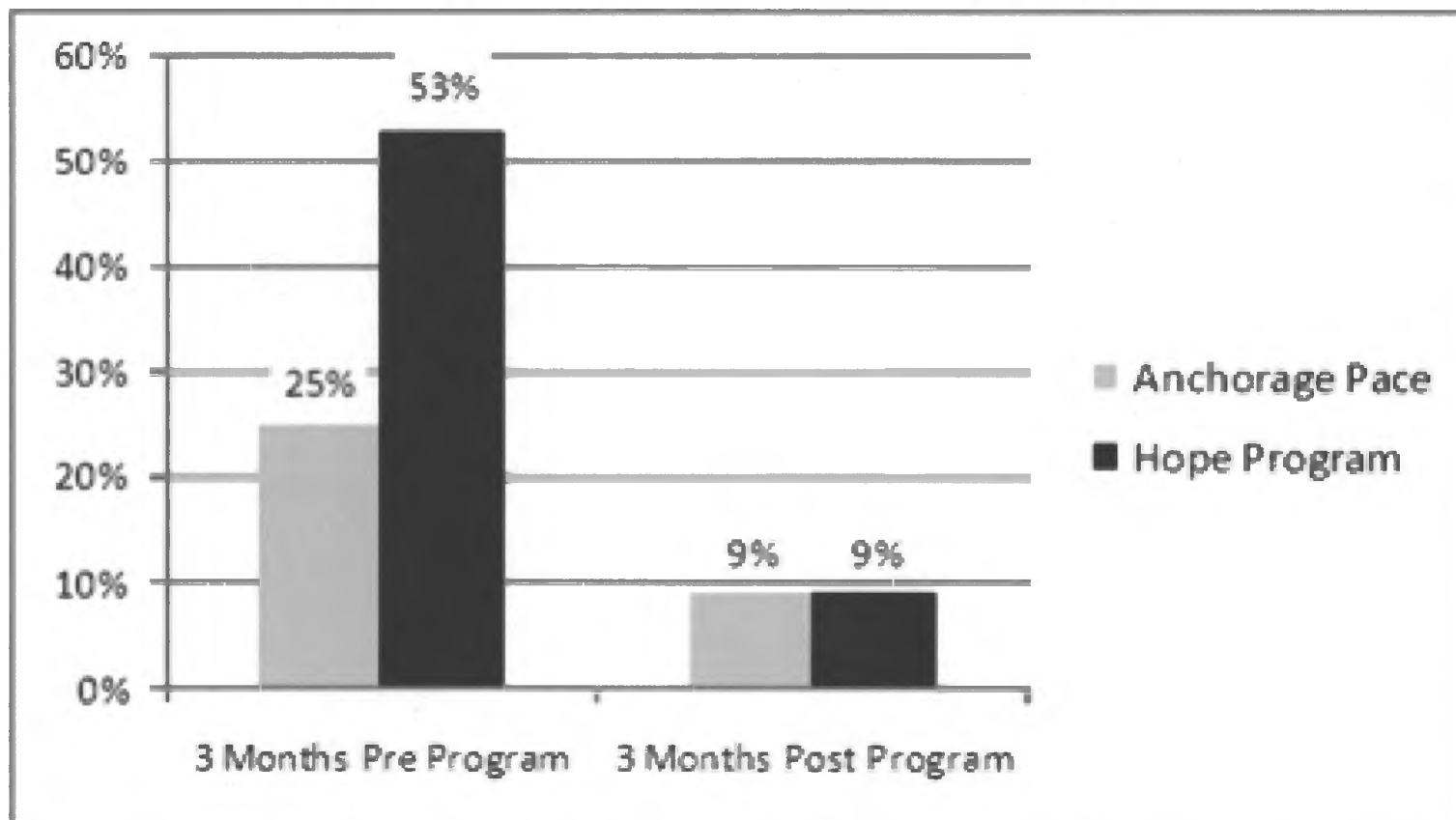
PACE

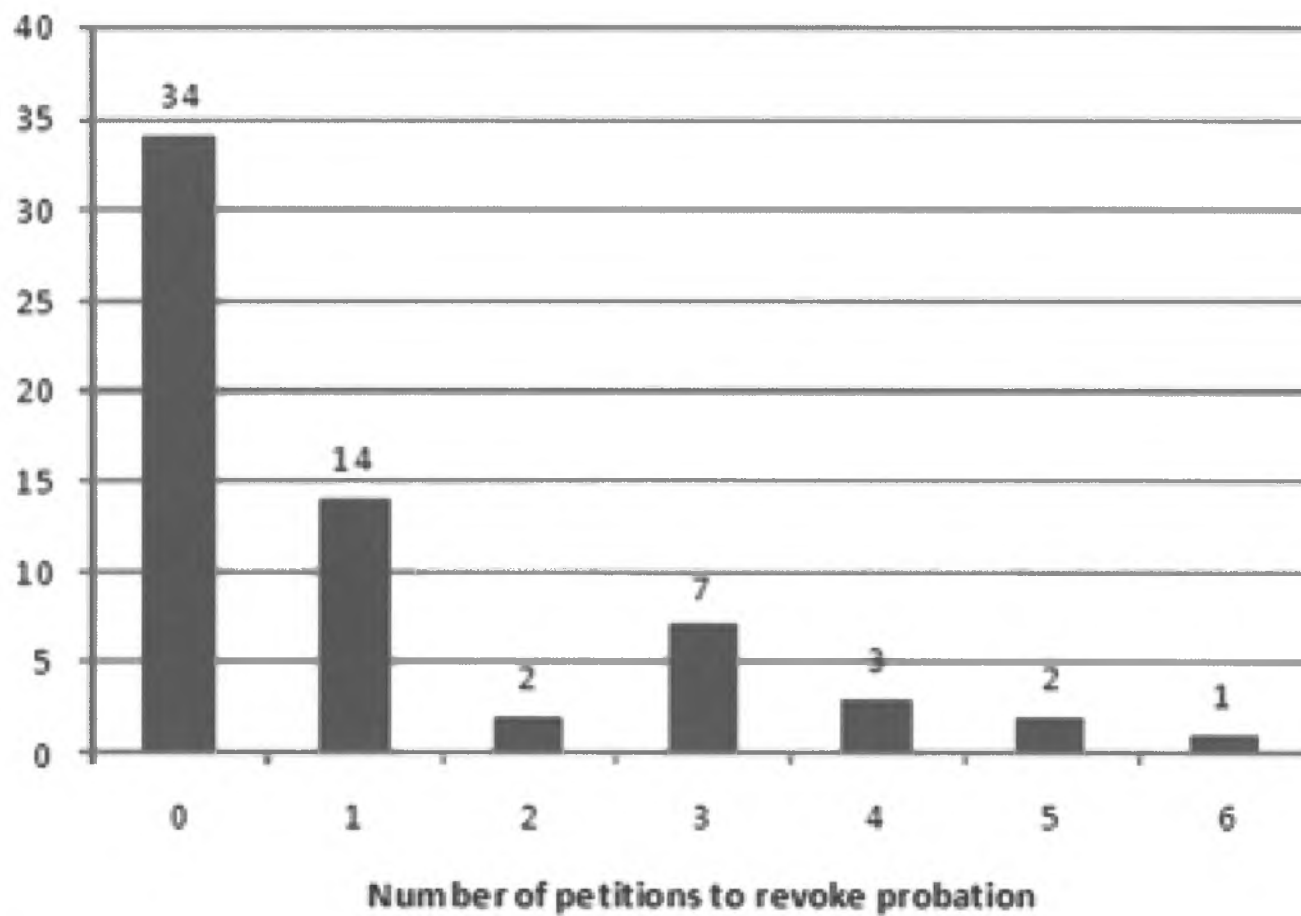
Probation Accountability and
Certain Enforcement (**PACE**)

Alaska PACE was modeled after
Hawaii's Opportunity Probation
with Enforcement (HOPE)
program.


- Section 29 – Directs the DOC to establish a program for probationers that:
 - Uses swift and certain punishment
 - For felons on probation who have been identified as being at high risk for violating the conditions of probation
 - Reduces recidivism

Figure 1
Anchorage PACE participants positive drug tests compared to HOPE¹⁷ positive drug tests, first three months after starting the program





Petitions to revoke probation, during the three months after starting PACE



Conducting risk-needs assessments on offenders.

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

A grayscale photograph of a prison facility. In the foreground, there is a chain-link fence. Behind the fence, there is a large, multi-story building with several windows. The building is surrounded by a dense forest of trees. In the background, there are mountains under a cloudy sky. The text is overlaid on the left side of the image.

The Department shall:

Establish a program to conduct risk-needs assessments on offenders sentenced to serve 30 days or more in prison.

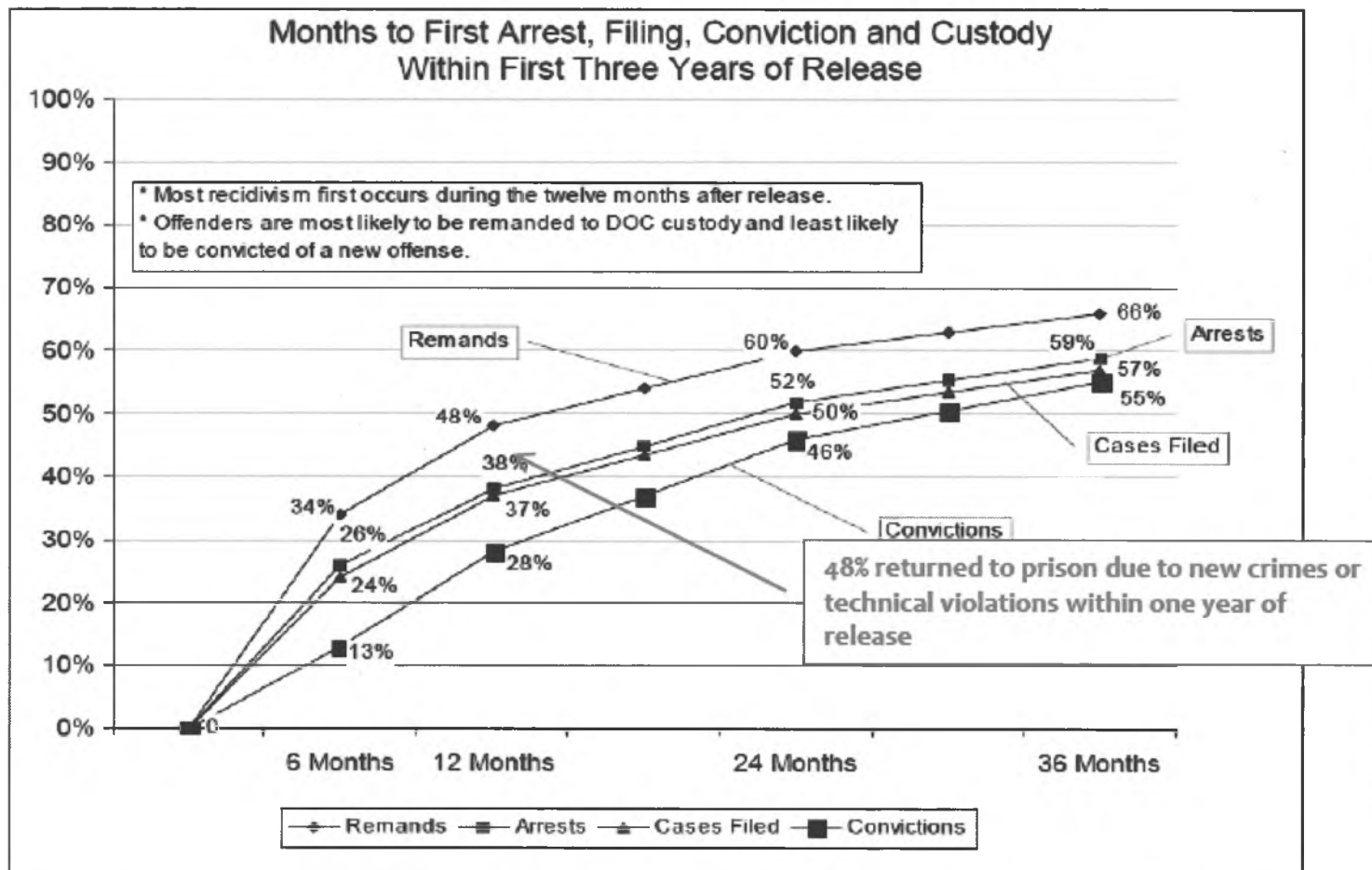


Section 31

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.*

Recidivism Reduction Fund

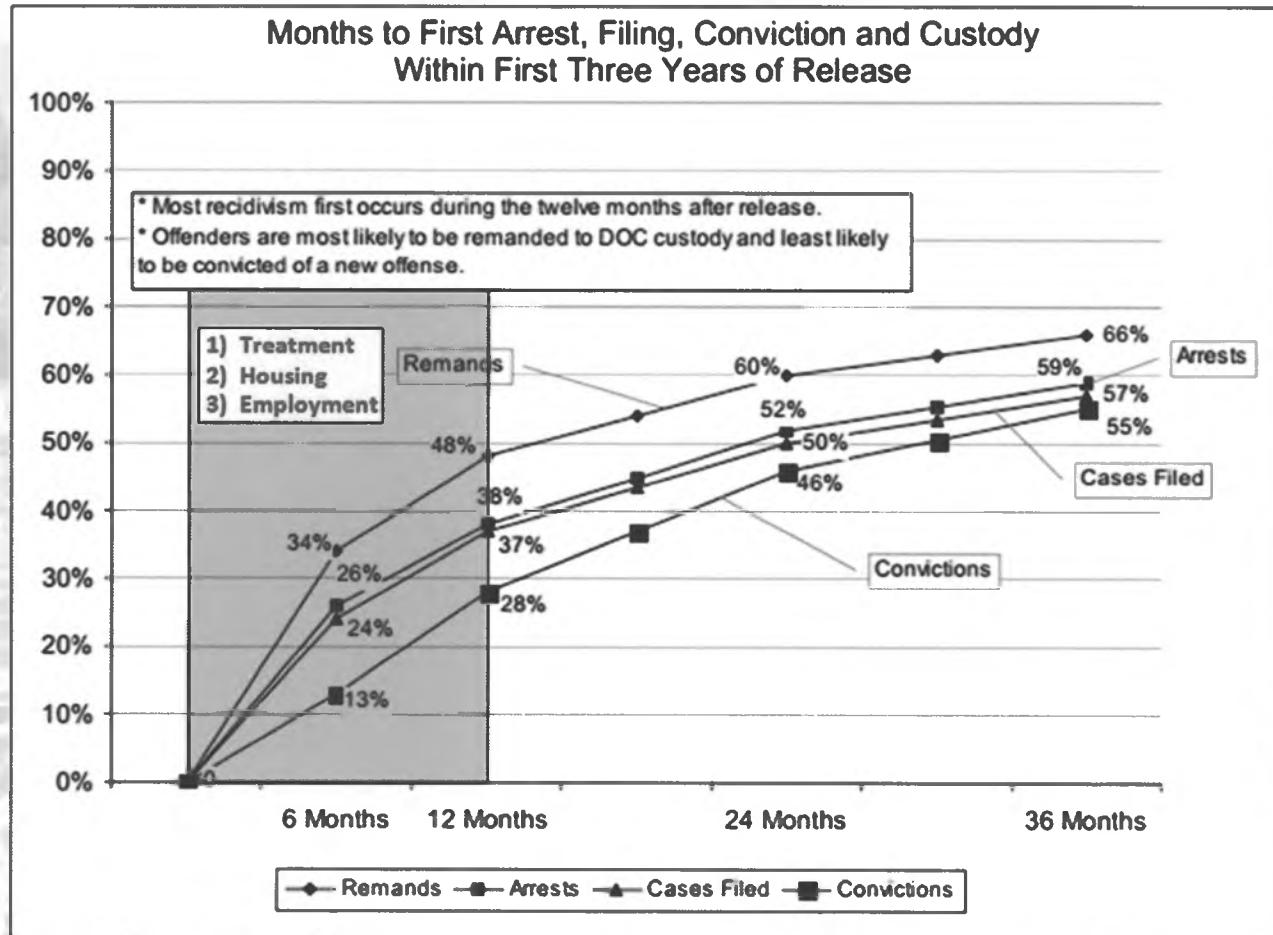
The recidivism reduction fund is established to promote rehabilitation through transitional re-entry programs of persons incarcerated for offenses and recently released from correctional facilities.

Program Requirements:

- 1) Case Management
- 2) Sober Living and Total Abstinence
- 3) Provide Treatment for Substance Abuse
- 4) Require Full-Time Employment
- 5) Limit Residential Placements in the Program to a Maximum of 150 Days

The commissioner shall prepare an annual report on the fund.

Most Recidivism Occurs During the Twelve Months After Release



Alaska Judicial Council Recidivism Study

November 21, 2006



**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

11 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.



Crime goes down.

NOT A TRADEOFF