

SB

91

(FILE 1)

<TARGET><BILL>SB 91</BILL><SUBJECT>SB 91 (FILE
1)</SUBJECT><COMM>SSTA29</COMM></TARGET>

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/3/2016

FURTHER: Judiciary
Finance

Date of 5-Day Notice: 2/4/16
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: MAR 10 2016

State Affairs Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91

SB 91 CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB AID

"An Act relating to criminal law and procedure; relating to controlled substances; relating to probation; relating to sentencing; establishing a pretrial services program with pretrial services officers in the Department of Corrections; relating to permanent fund dividends; relating to electronic monitoring; relating to penalties for violations of municipal ordinances; relating to parole; relating to correctional restitution centers; relating to community work service; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 6, 32, 32.1, 38, 41, and 43, Alaska Rules of Criminal Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal Procedure; and providing for an effective date."

and recommends:

- be replaced with CS SS SB 91 (STA) [] 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
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
AJS			✓	1
DHS	✓			2
DHS	✓			3
DHS	✓			4
DHS	✓			5

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	COGHILL	✓			
	HUGGINS			✓	
	MCGUIRE	✓			
	WIELECHOWSKI				✓
CHAIR:	STOLTZE		✓		

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

Senator Bill Stoltze, Chair
State Capitol, Room 125
Juneau, AK 99801-1182
Phone (907) 465-4958
Fax (907) 465-4928



Official Business

Members:
Sen. John Coghill, Vice Chair
Sen. Charlie Huggins
Sen. Lesil McGuire
Sen. Bill Wielechowski

State Affairs Committee

Schedule for: February 10 – February 14, 2016

Weekly Schedule

REVISED 2/10/2016

+ Thursday, February 11, 2016 - 9:00 am - BUTROVICH - CAP 205

SB 128-PERM. FUND: DEPOSITS; DIVIDEND; EARNINGS

- Discussion of Constitutional Issues --
- Testimony <Invited> --

SB 127-INSURER'S USE OF CREDIT HISTORY/SCORES

- Presentation by Sponsor --
- Public Testimony --

<Bills Previously Heard/Scheduled>

+ Saturday, February 13, 2016 - 10:00 am - BUTROVICH - CAP 205

10:00am – 10:30am

SB 123-USE OF ELECTRONIC DEVICES WHILE DRIVING

- Presentation by Sponsor --
- Public Testimony --

10:30am – 11:30am

SB 91-OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

- Presentation by Sponsor: Senator John Coghill --
- Testimony <Invited>--
 - John Skidmore, Department of Law – Criminal Division
 - Brenda Stanfill, Interior Alaska Center for Non-Violent Living
 - Taylor Winston, Office of Victim's Rights
 - Rick Allen, Office of Public Advocacy

11:30am – 12:00am

<Recess>

12:00 pm

SB 91-OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

-- Public Testimony --

Statewide Public Testimony Begins at Noon*

*Public testimony limited to 2 minutes

**Limited number of Off-Net phone lines available.*

*Public Testimony can be submitted in writing to the following email or fax addresses:

senate.state.affairs@akleg.gov or Fax to 907-465-4928

<Bills Previously Heard/Scheduled>

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Official Business

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Sen. Charlie Huggins
Sen. Lesil McGuire
Sen. Bill Wielechowski

February 13, 2016
Bill Packet Information

SB 123 USE OF ELECTRONIC DEVICES WHILE DRIVING

- Sponsor Statement
- SB 123 - version A
- Backup Documents:
 - NCSL: Texting While Driving State Laws 7-1-15
 - Texting While Driving Charges
 - Texting While Driving Penalties
 - Alaska Dispatch Article - 11-15-15
 - Excerpt from Anchorage Municipal Ordinance 2015-126 (adopted) amending AMC 09.28.050 (effective 1/1/2016)
 - Hands Free Info - Alaska Cell Phone Laws 7-3-08
- Fiscal Notes:
 - DPS-AST 02-08-16 (**Zero**)
 - DOA-OPA 02-09-16 (**Zero**)

SS for SB 91 OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

- Sponsor Statement (*Revised to Sponsor Substitute / Version N*)
- Sectional Analysis - *Version N*
- SB 91 - *Version N*
- Backup Documents:
 - Legislature Letter to Alaska Criminal Justice Commission 9-8-15
 - Alaska Criminal Justice Commission Report - December 2015

(SB 91 Backup Documents - Continued)

- Op-Ed by Americans for Tax Reform & FreedomWorks; Fairbanks Daily News-Miner 9-2-2015
- Op-Ed by Tony Perkins (Family Research Council / Right on Crime); Alaska Dispatch 6-19-2015

- Consolidated Correspondence
 - Letters & Emails of Support & Opposition Through 2/12 (17)

- Fiscal Notes:
 - DHSS-PS 02-06-16 (Zero)
 - DOA-DMV 02-10-16 (Zero)
 - DOA-OPA 02-10-16 (Zero)
 - DOA-PDA 02-10-16 (Zero)
 - DOC-COMM 02-12-16 (Fiscal)
 - DPS-AST 02-08-16 (Zero)
 - DHSS (Forthcoming)
 - LAW (Forthcoming)

<Bills Previously Heard/Scheduled>

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

Senator Bill Stoltze, Chair
State Capitol, Room 125
Juneau, AK 99801-1182
Phone (907) 465-4958
Fax (907) 465-4928



Official Business

Members:
Sen. John Coghill, Vice Chair
Sen. Charlie Huggins
Sen. Lesil McGuire
Sen. Bill Wielechowski

April 2, 2015
Bill Packet Information

SB 74 MEDICAID REFORM/PFD/HSAS/ER USE/STUDIES

<Pending Referral>

- *Documents Forthcoming*

SB 1 REGULATION OF SMOKING

<Initial Presentation by Sponsor>

- Sponsor Statement - CS(HSS) Version
- Sectional Analysis - CS(HSS) Version
- Explanation of Changes from Initial to HSS Version
- SB 1 version \I - CS(HSS)
- SB 1 version \E - Initial (*sponsor substitute*)
- Fiscal Notes:
 - #1 - DOT-MVO 2-6-15 (**Fiscal**)
 - #2 - DOT-IASO 2-6-15 (**Fiscal**)
 - #3 - DOT-SEF 2-6-15 (**Fiscal**)
 - #4 - DOT-TMS 2-6-15 (**Fiscal**)
 - #5 - DCCED-ABC 2-6-15 (**Zero**)
 - #6 - ACS-TRC 2-6-15 (**Zero**)
 - #7 - DHSS-CDPHP 2-6-15 (**Zero**)
 - #8 - DEC-FSS 3-6-15 (**Zero**)
- PowerPoint Presentation by Sponsor
- Supporting Documents:
 - Research Source Documents - Sponsor
 - E-Cigarettes - Sponsor
 - Legal Opinions - Provided by Sponsor
 - AS 44.29.020 - Lethal Effects of Secondhand Smoke
 - SoA Impacts
 - Dittman Research Public Opinion Poll (2012): Statewide Smoke-Free Workplace

- News Coverage - Provided by Sponsor
- News Articles: Secondhand Smoke & E-Cigs - Provided by Sponsor
- Letters to the Editor (Jan-Mar 2015) - Provided by Sponsor
- 2014 Surgeon General Report on Smoking - Executive Summary
- Unique Letters of Support since referral to SSTA (3-13-15 to 3-31-15) (5)
- Form-Letters of Support since referral to SSTA (3-13-15 to 3-31-15) (17)
- Unique Letters of Opposition since referral to SSTA (3-13-15 to 3-31-15) (5)
- Form-Letters of Opposition since referral to SSTA (3-13-15 to 3-31-15) (6)

○ **NOTE: Three large binders accompany the backup/bill packet for SB 1**

These binders include support and opposition letters received by the Senate H&SS Committee and made available to members of that committee.

These binders will be available in the Chairman's office for review/loan to any legislator or staff member. Every attempt is being made to post these documents on BASIS with help from the Print Shop and Information Services.

- Letters of Support
- Resolutions of Support: Statewide Smoke-Free Indoor Workplaces
- Letters of Opposition

SB 58 TRANSPORT NETWORK SVES. & WORKERS COMP

<Pending Referral>

--Public Testimony--

- *Documents Forthcoming*

SB 91 CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB AID

<Initial Presentation by Sponsor>

- Sectional Analysis - Version \H
- SB 91 version \H - *Initial Version*
- Fiscal Notes:
 - DOA-DMV 3-27-15 (**Zero**)
 - DOA-OPA 3-27-15 (**Zero**)
 - DOA-PDA 3-27-15 (**Zero**)
 - DOC-OC 3-31-15 (**Indeterminate**)
 - LAW-CRIM 3-27-15 (**Zero**)
 - *Forthcoming:* HSS

<*Bills Previously Heard/Scheduled*>

STATEMENT TO THE PUBLIC FROM THE CHAIR – 2/13/2016

SB 91

To assist the public in understanding our process, and for folks who may not be familiar with how a sponsor substitute bill works, there are a few points to make on the record:

- The Bill before the Senate State Affairs Committee today is a “sponsor substitute.” Its official designation is Sponsor Substitute for Senate Bill 91.
- You may recall, that last spring, the Committee heard and considered Senate Bill 91, version H. The Committee did not take any formal action or report the bill out of committee.
- *That* bill has been withdrawn by the sponsor, Senator John Coghill, and is no longer in the physical possession of the committee.
- What is before the committee today is the sponsor’s own substitute bill, which replaces SB 91. We will consider the Sponsor Substitute for SB 91 (Version H) as if it were a new bill, and ask the sponsor to walk the committee and the public through the bill. The sponsor may wish to speak about what makes this bill different from the previous SB 91, and what provisions were carried forward.

Alaska State Legislature

Senate Majority Leader

- Armed Services Committee
- Co-Chairman
- Judiciary Committee
- Vice-Chairman
- Resources Committee
- State Affairs Committee
- Legislative Council
- Rules Committee



Senator John Coghill

Session Address:
 State Capitol, Room 119
 Juneau, AK 99801-1182
 (907) 465-3719
 Fax (907) 465-3258

Interim Address:
 1292 Sadler Way, Suite 340
 Fairbanks, AK 99701
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 877-465-3719

www.aksenate.org

SPONSOR STATEMENT

Criminal Law/Procedure; Driv Lic; Pub Aid Version H

Senate Bill 91 aims to use Alaska's limited criminal justice dollars in the most prudent way possible, using cost-effective, evidence based reforms. To accomplish that, the corrections system should emphasize public safety, personal responsibility, work, restitution, and treatment.

SB91 users a number of reforms to address the Department of Corrections' biggest cost drivers: an increased length of prison sentences, non-violent offenders, probation violators, and pre-trial offenders. This can be accomplished by expanding electronic monitoring, reforming probation, and providing incentives for individuals to be productive law-abiding citizens.

SB91 is an effort to be tough on crime and criminal justice spending while holding offenders accountable and giving them a shot at redemption, restitution, personal responsibility, and productivity – a vital step towards achieving a cost-effective system that protects citizens, restores victims, and reforms wrongdoers.

29th Alaska State Legislature

Senate Majority Leader

Senate Armed Services Committee

Co-Chairman

Judiciary Committee

Vice-Chairman

Resources Committee

State Affairs Committee

Legislative Council

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SECTIONAL ANALYSIS

Senate Bill 91

*Criminal Law/Procedure; Driv Lic; Pub Aid
Version H*

Section 1

AS 11.56.740. Violating a protective order.

A person does not commit the crime of violating a protective order if the person who asked for and got the protective order initiates the contact.

Section 2

AS 12.30.011(b). Release before trial.

Creates a new bail condition that allows the judge to order a person to comply with an electronic monitoring program provided in section 4.

Section 3

AS 12.55.015(a). Authorized sentences; forfeiture.

Conforming section to specify that community work service may only be imposed for an offense referred to in 12.55.055(a).

Section 4

AS 12.55.029. Credit for time spent on electronic monitoring toward a service of a sentence.

On order by a judge, provides credit against the total prison term imposed by the court for time spent on pre-trial electronic monitoring. The E.M. program is approved by the Department of Corrections and must impose substantial restrictions on the person's freedom of movement and behavior and must be confined to a residence with GPS monitoring and, if ordered by the court, alcohol monitoring. The defendant is not eligible for credit granted under this section if the person commits a criminal offense while on electronic monitoring,

Section 5

AS 12.55.039. Surcharge.

Increases the police training surcharges that were established in 1998.

Section 6

AS 12.55.055(a). Community work.

A court may order CWS as a probation condition only for crimes under the alcohol title, driving title, or for juveniles, but not for any other crimes.

Section 7

AS 12.55.055(c). Community work.

The court may offer a defendant convicted of an offense the option of performing community work in lieu of a fine. The value of community work in lieu of a fine is the state's minimum wage for each hour.

Section 8

AS 12.55.055. Community work.

The court may not offer a defendant convicted of an offense the option of serving jail time in lieu of performing uncompleted community work. If the defendant fails to complete the assigned community work within 20 days after the date set by the court, the court shall convert those community work hours to a fine, but not to time in prison.

Section 9

AS 12.55.085(b). Suspending imposition of sentence.

At any time a probation officer may administratively sanction a person on probation.

Section 10

AS 12.55.088(a). Modification of sentence.

The court may modify a sentence within five years after the original sentencing and before the unconditional discharge of the defendant.

Section 11

AS 12.55.090(b). Granting of probation.

Conforming to a statute repealed in section 33 which prevents judges from modifying a sentence of probation if it was part of a plea bargain.

Section 12

AS 12.55.090(c). Granting of probation.

A period of probation may not exceed 25 years for a felony sex offense, 10 years for an unclassified or class A felony, and five years for any other offense.

Section 13

AS 12.55.095. Reduction of probation for good conduct.

Conforming new section of law that authorizes the court to reduce the period of probation for a person for good conduct if the person qualifies for the reduction and the reduction is recommended by the Department of Corrections.

Section 14

AS 12.55.110. Notice and grounds for revocation of suspension.

If the court does not revoke probation, the court shall impose a sentence of imprisonment of not more than 10 days for a technical violation, the cumulative amount being 45 days. A "technical violation of probation" is a violation of the conditions of probation, but not the commission of a new crime.

Section 15

AS 12.55.155(d)(17). Factors in aggravation and mitigation.

Expands a mitigating factor at sentencing to be available for certain felons and broadens the court-ordered treatment available to the person to be eligible for the mitigating factor, excluding sex offenders.

Section 16

AS 28.15.165. Administrative revocations and disqualifications resulting from chemical sobriety tests and refusals to submit to tests.

A person whose driver's license has been revoked for testing at .08 or greater on a preliminary breath test (PBT) or refusal to take a PBT may request that the department rescind the revocation. The department shall rescind a revocation if the department finds that the person has supplied proof that they have been acquitted, or all criminal charges against the person relating to the incident have been dismissed with prejudice.

Section 17

AS 28.15.181(f). Court suspensions, revocations, and limitations.

Authorizes the court to terminate a revocation for DUI or refusal if the person has successfully completed the therapeutic court treatment program, has not been convicted of DUI or refusal since completing the program, and has successfully driven for three years on a limited license.

Section 18

AS 28.15.201. Limitation of driver's license.

The court or the department revoking a driver's license may grant limited license privileges if

- The revocation was for a felony conviction.
- The person has successfully participated for at least six months, or successfully completed, the therapeutic court program.
- The person provides proof of insurance.
- The person has an ignition interlock device installed at all times.
- The person is enrolled in or has completed the Alcohol Safety Action Program (ASAP).
- The person has not previously been granted a limited license and had it revoked.

- The person is participating in the 24/7 Sobriety program for a minimum of 120 days from the date the limited license was granted.

The court may immediately revoke the limited license if the person is convicted of a DUI or refusal or the person is not in compliance with the therapeutic court program.

Section 19

AS 28.35.028(b). Court-ordered treatment.

Conforming amendment to account for the limited license option permitted by section 18.

Section 20

AS 28.35.030(o). Operating a vehicle, aircraft or watercraft while under the influence of an alcoholic beverages, inhalant, or controlled substance.

Upon request, the department shall review a driver's license revocation and restore the driver's license if:

- The person has driven successfully on a limited license for three years.
- The person has successfully completed the therapeutic court program.
- The person has not been convicted of a DUI or refusal since the revocation.
- The person has completed the mandatory revocation periods in statute.
- The person provides proof of insurance.

Section 21

AS 33.05.020. Duties of commissioner; probation officers and personnel; ignition interlock devices.

The Department of Corrections shall create an administrative sanction procedure for probationers who commit technical violations of probation. At a minimum, the procedure must require sanctions applied by the probation officer be approved by the commissioner or designee, and provide for a timely judicial review of the sanction imposed. This procedure shall be developed in consultation with the Department of Law, the Public Defender Agency, and the Court System.

Section 22

AS 33.05.025. Probation incentive reduction; time computation.

A probation officer shall recommend to the court a probation incentive reduction for good conduct if the defendant complies successfully with all of the conditions of probation. The month-for-month time credit is not available to a person convicted of a sexual felony or a crime involving domestic violence.

Section 23

AS 33.05.040. Duties of probation officers.

A probation officer shall recommend to the court a probation reduction for a probationer who is eligible for the reduction under Section 22.

Section 24

AS 33.05.070(b). Arrest of probationer.

Conforming section to the authority of the court to modify a sentence of probation.

Section 25

AS 33.16.210. Discharge of parolee.

The parole board shall unconditionally discharge a mandatory parolee if the person successfully completes all treatment programs recommended by the risk and needs assessment and commits no new offenses or serious parole violations during the first two-thirds of the term of mandatory parole.

Section 26

AS 33.20.010(c). Computation of good time.

A prisoner shall receive good time while in a treatment program, in a private residence, or while on electronic monitoring.

Section 27

AS 33.20.025. Earned good time.

A non-violent offender shall receive a deduction of one-sixth the term of imprisonment following the successful completion of rehabilitative programming. A prisoner may only receive this deduction once, and is not eligible for the deduction if the prisoner has been sentenced for a crime against a person, a sexual felony, a mandatory 99-year term of imprisonment.

Section 28

AS 33.30.011. Duties of commissioner.

Conforming section to require the commissioner to approve programs to qualify a prisoner for earned good time credit and establish minimum standards for electronic monitoring programs provided by private vendors.

Section 29

AS 33.30.061(c). Commissioner to designate facility.

The commissioner may not designate a prisoner to serve a term of imprisonment by electronic monitoring if the prisoner is serving a term of imprisonment for a crime involving domestic violence against a household member with whom they are engaged or were engaged in a sexual relationship.

Section 30

AS 33.30.095. Duties of commissioner before release of prisoner.

The commissioner shall establish a program to prepare a prisoner who is serving a sentence of imprisonment exceeding one year for the prisoner's discharge that begins 90 days before the date of the prisoner's discharge. The program must include instruction on obtaining state identification and community resources, as well as an individualized reentry plan and probation orientation.

Section 31

AS 47.27.015. Disqualifying conditions.

A person convicted of a felony drug crime is disqualified from receiving temporary assistance or food stamps unless the person demonstrates to the Department of Health and Social Services that the person is successfully participating (or has completed) probation or parole, is successfully

serving (or has completed) mandatory participation in treatment or has taken action toward rehabilitation.

Section 32

A direct court rule amendment to Criminal Rule 35(b) to authorize the court to modify or reduce a sentence within five years of the original sentencing, but before 180 days of the unconditional discharge of the defendant, to comport with section 10 of the bill.

Section 33

Repeals a provision that prevents a court from granting credit for time spent in a private residence or under electronic monitoring. This section also repeals a provision that limits the discretion of the court to modify a period of probation established through a plea agreement under Rule 11.

Section 34

An indirect court rule amendment changing Rule 32 by directing the court to include a provision in the judgement that community work hours that are not completed shall be converted to a fine.

Section 35

Applicability provisions.

Section 36

Conditional effect: Section 8 of the act goes into effect only if section 34 of the act receives the required two-thirds majority vote to amend a court rule.

Section 37

Establishes an effective date for several sections of the bill of July 1, 2015.

Section 38

Establishes an effective date for section 25 of the bill of January 1, 2016.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB091-DOA-DMV-03-27-15
Title: CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB
AID
Sponsor: COGHILL
Requester: Senate State Affairs

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)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
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

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

Estimated CAPITAL (FY2016) 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? 07/01/17

Why this fiscal note differs from previous version:

Not applicable, Initial version.

Prepared By: Amy Erickson, Director Phone: (907)269-5574
Division: Motor Vehicles Date: 03/27/2015 06:00 PM
Approved By: Sheldon Fisher, Commissioner Date: 03/27/15
Agency: Department of Administration

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

If enacted, SB 91 will allow the DMV to restore an administratively-revoked driver license, privilege to drive, or privilege to obtain a license under certain circumstances and terminate a revocation of a driver's license for eligible individuals and issue a limited license.

Workloads will be appropriately managed for DMV employees to provide these services to limit the fiscal impact. Therefore, a zero fiscal note is submitted.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB091-DOA-OPA-03-27-15
Title: CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB
AID
Sponsor: COGHILL
Requester: Senate State Affairs

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)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
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

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

Estimated CAPITAL (FY2016) 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? N/A
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:	Richard Allen, Director	Phone:	(907)269-3504
Division:	Office of Public Advocacy	Date:	03/27/2015 02:20 PM
Approved By:	Sheldon Fisher, Commissioner	Date:	03/27/15
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

If enacted into law, as drafted, SB 91 would substantially and substantively change the law of the State of Alaska concerning criminal procedure generally and the subjects of sentencing, good time, probation, driving offenses and related licensing actions and two rules of court criminal procedure. The purpose of the bill is to put more emphasis on treatment and community corrections, as opposed to imprisonment alone, in Alaska.

It is likely that the bill would also cause reduction in costs associated with administration of criminal justice, including correction costs, over time. The bill as such does not directly affect the operations or activities of the Office of Public Advocacy (OPA) but if enacted into law would substantially affect the cases of criminal case defendants represented by OPA staff or contract defense attorneys. A zero fiscal note is recommended.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB091-DOA-PDA-03-27-15
Title: CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB
AID
Sponsor: COGHILL
Requester: Senate State Affairs

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)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
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

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

Estimated CAPITAL (FY2016) 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>Quinlan Steiner</u>	Phone: <u>(907)334-4414</u>
Division: <u>Public Defender Agency</u>	Date: <u>03/27/2015 03:00 PM</u>
Approved By: <u>Sheldon Fisher, Commissioner</u>	Date: <u>03/27/2015</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

This bill expands incentives for successful completion of treatment programs by allowing for credit against terms of imprisonment. Additionally, this bill increases amounts of court surcharges from defendants convicted of a crime or violation and provides opportunities for defendants to regain driving privileges in some circumstances.

The Public Defender Agency does not anticipate a financial impact from this legislation. The agency, therefore, submits a zero fiscal note.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB91-DOC-OC-03-31-15
Title: CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB
AID
Sponsor: COGHILL
Requester: Senate State Affairs

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)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	***	***	***	***	***	***	***
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	***	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	***	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) 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?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Prepared By: April Wilkerson
Division: Administrative Services - Department of Corrections
Approved By: Remond Henderson, Deputy Commissioner
Agency: Department of Corrections

Phone: (907)465-3460
Date: 03/31/2015 11:00 AM
Date: 03/31/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB91

Analysis

Section 1 – adds new section to 11.56.740 (d) excluding person violating under AS 18.66.10 (c) (2) clarifying that a person does not violate a protective order if the petitioner for the protective order initiated the contact. *This section may reduce the number of probation violations and the reduction to the incarcerated population regarding protective order violations. However the department is currently unable to quantify the number of current violations or the number of persons currently incarcerated as a result of a violated protective order where the petitioner initiated contact as this information is not tracked in this fashion.*

Section 2 – adds new section to 12.30.011(b)(19) allowing a judicial officer to order a person charged with an offense to comply with an electronic monitoring program approved by the commissioner of corrections. *This section allows the Courts to order a person to an electronic monitoring program approved by the commissioner of Corrections during release prior to trial. Approval of an electronic monitoring program will have no fiscal impact on the department as current standards are in place for the departmentally operated program.*

Section 4 – adds new section to AS 12.55.29 allowing credit for time spent on EM. *This change states that a person may be awarded credit against a sentence of imprisonment for time spent under electronic monitoring while in pre-trial status. To receive this credit the person may not commit a criminal offense while under electronic monitoring and the court imposes substantial restrictions on the persons freedom of movement and behavior while under electronic monitoring. This section will potentially reduce the length of time a person receiving credit is placed under the departments custody. The department is currently unable to quantify any reduction to sentence lengths or impacts to the department under this section.*

Section 5 – amends 12.55.039(a) increases facility surcharge fines. *This section will increase the facility surcharge fines assigned by the Court. These fees are collected by the Court system and a portion is passed over to the department of corrections and supports the cost of incarceration. This section should increase the revenues collected on behalf of the Department of Corrections.*

Section 6 – amends 12.55.055(a) to add community work as a condition of probation or SIS as authorized punishment *This section will add the ability for the courts to include community work as a condition of probation. This will have no impact on the department of corrections.*

Section 7 – amends 12.55.055(c) allowing the Courts to offer community work in lieu of a fine calculated at the state's minimum wage for each hour. *This section will add the ability for the courts to offer community work in lieu of fines to be calculated at the state's minimum wage for each hour of work. This section may impact the department if the cost of incarceration or facility surcharge fines are converted to community work assignments and not assessed and collected by the Courts for pass through to the Department of Corrections for support of operating costs.*

Section 8 – amends 12.55.055 adding that the Courts may not; (g) offer jail time in lieu of uncompleted community work or convert uncompleted community work into a sentence of imprisonment. *This section may reduce the incarcerated population for those offenders who choose to serve jail time in lieu of community work and by those who are incarcerated due to uncompleted community work assigned by the Courts. However the department cannot currently quantify the number of persons impacted by this section.*

Section 9 – amends 12.55.085(b) allowing probation officers to administratively sanction persons using the process provided under 33.05.020 using a matrix and procedure developed by the commissioner, the Department of Law, the Public Defender Agency, and the Alaska Court System. *This section will establish an administrative violation matrix and grant probation officers the authority within the approved matrix to apply these administrative sanctions to those probationers under supervision. This process will assist and standardize the response to violations of conditions of supervision statewide and apply consistent responses throughout the state. The department is currently working to identify sanctions that will streamline processes to identify future impacts to the department.*

Section 10 – amends 12.55.088(a) allowing the courts to reduce a sentence if the request is made no later than 5 years after it was distributed, and the defendant still has at least 180 days of time remaining until unconditional discharge. *This section increases the amount of time allowable for the courts to modify or reduce a sentence from 180 days to 5 years, however, the department is unable to quantify any impact that may occur due to this change.*

Analysis Continued

Section 11 – amends 12.55.090(b) allowing the court to revoke or modify any conditions of probation or change the period of probation. *This section expands the authority of the court when considering revocation or modification of any probation conditions. The department is unable to identify any impacts associated with removing the limitation associated with plea agreements or suspended incarceration. At this time there should be minimal to no impact with this change.*

Section 12 - amends 12.55.090(c) changing the amount of time a person will be on probation with maximums of: 25 years for a felony sex offense, 10 years for an unclassified or class A felony, or five years for any other offense. *This section will limit the amount of time a person may be on probation to five years (excluding: felony sex offense / unclassified felony / A felony) and will have minimal to no impact to the department.*

Section 13 - adds a new section 12.55.095 reducing probation for good conduct if recommended. If the court finds that the probationer qualifies, the person's probation is reduced by one month for each month they qualify for it. If a violation occurs, the court may deduct the month or months in which the violation occurred. *This section establishes and allows the courts to grant good time for probationers. This section will impact the department of corrections as it grants good time for probation which is currently not calculated. This section will require adjustment to the department's time accounting system as well as additional support staff for calculating, tracking, and reporting of probationers qualifying time, however, the department is unable to fully quantify the impact of reduced probation or the full impact of the increased time accounting that may occur due to this change.*

Section 14 – adds new subsection to 12.55.110(c) establishes limiting imprisonment time for technical violations if the court does not revoke probation: not more than 10 days in prison for a technical probation violation resulting from the same crime with cumulative amount of imprisonment a person can receive for technical violations at 45 days for the same crime. *This section establishes maximum incarceration limits for technical probation violations unless the court revokes the probation. While this section may reduce the number of prison days a person is held on a technical violation it may result in requiring the Courts to revoke probation for those that have incurred the maximum 45 days cumulative total. This may increase the overall prison time for probationers. The current average prison stay for technical violations is approximately 70 days, however, the department is unable to identify any reduced prison time or increased prison time associated with offenders who may have probation revocations as a result of this section, therefore, the department is unable to quantify fiscal impact of this section at this time.*

Section 18 – adds new subsection 28.15.201(g) This section allows a person that has had a license revocation for a felony conviction for DUI under AS 28.35.030 to be granted limited license if the person meets certain requirements, including providing proof of installation of an ignition interlock device on every vehicle the person operates. The interlock ignition program is certified by the Department of Corrections. *This section allows limited license privileges with conditions that include the ignition interlock device. This section will have no fiscal impact on the department of corrections as it's currently the certifying agency for ignition interlock devices.*

Section 19 – amends 28.35.028(b) allows the courts to reduce sentences (including imprisonment, fines, or license revocations) based on the persons compliance with treatment plans. *This section may impact the department as it expands the authority of the courts to reduce an offender's sentence to include fines or license revocations. Reducing fines may result in lower revenues collected for facility surcharge or cost of incarceration that may have been collected and passed to the department.*

Section 21 – adds new subsection to 33.05.020(g) requires the commissioner of corrections, after consulting with the Department of Law, the Public Defender Agency, and the Alaska Court System to create an administrative sanction procedure for probationers that commit technical violations. *This section will establish an administrative sanction procedure matrix granting probation officers the authority within the approved matrix to apply these administrative sanctions to those probationers under supervision. This process will assist and standardize the response to violations of conditions of supervision statewide and apply consistent responses throughout the state. The department is currently working to identify sanctions that will streamline processes to identify future impacts to the department.*

Section 22 – adds new section 33.05.025 providing incentives for a reduction in the amount of time a person is required to be on probation for a felony conviction that was not a sexual felony, or a crime of domestic violence. This section requires a probation officer to provide the court a time computation for the reduction of probation showing one month for each month of probation that the defendant successfully completes. This section further requires the commissioner of the commissioner's designee to provide monthly

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB91

Analysis Continued

good time for probation which is currently not calculated. This section will require adjustment to the department's time accounting system as well as additional support staff for calculating, tracking, and monthly reporting of probationers qualifying time, however, the department is unable to fully quantify the impact of reduced probation or the full impact of the increased time accounting and reporting needs that may occur due to this change.

Section 23 - amends 33.05.040 adding (5) requires that a probation officer recommend to the court a probation reduction for a probationer who is eligible for the reduction. *This section will impact the department of corrections as it establishes the requirement for the probation officers to recommend to the courts probation reductions due to good time for probation which is currently not calculated. This section will require adjustment to the department's time accounting system as well as additional support staff for calculating, tracking, and the monthly reporting of probationers qualifying time, however, the department is unable to fully quantify the impact of reduced probation or the full impact of the increased time accounting and reporting needs that may occur due to this change.*

Section 24 - amends 33.05.070(b) allowing the courts to revoke probation if a probationer is arrested and require them to serve the remainder of their sentence incarcerated. *This section expands the authority of the court when considering revocation of probation requiring the probationer to serve incarcerated time. The department is currently unable to quantify the impacts associated with removing the limitation associated with plea agreements or suspended incarceration in this section.*

Section 25 - adds new subsection 33.16.210(c) requires early discharge from mandatory parole if the parolee participates in, and successfully completes, all treatment programs recommended by the risk and needs assessment, and commits no new offenses or serious parole violations during the first two-thirds of their mandatory parole term. *This section will establish requirements for early discharge from mandatory parole after serving two-thirds of the time required. This section will require adjustment to the department's time accounting system, however, the department is unable to fully quantify the impact of reduced parole or the full impact of the increased time accounting that may occur due to this change.*

Section 26 - amends 33.20.010(c) requires a prisoner be awarded a good time deduction for any period spent in a treatment program, a private residence, or while on electronic monitoring. *This section will potentially reduce the length of time a person participating on electronic monitoring or in a treatment program under the department's custody and awarding good time incentives.*

Section 27 - adds new section 33.20.025 allowing for earned good time. This section allows for an earned time credit of one-sixth of the time of imprisonment if a prisoner successfully completes a program approved by the commissioner. This credit is awarded only once and is not available to those convicted under 11.41 homicide, 12.55.125(a) after 06/24/96 murder conviction with 99 years, 12.55.125(i) sexual assault or 12.55.125(l) mandatory 99 year sentence. *This section may increase program participation with this incentive and will potentially reduce the length of time incarcerated. This section will require adjustment to the department's time accounting system as well as additional support staff for calculating, tracking, and reporting of program participation and successful completions. However, the department is unable to fully quantify the impact of this good time incentive, changes to program participation, and the increased time accounting that may occur due to this change. The department will monitor and track for any future fiscal impacts.*

Section 28 - amends 33.30.011 adds (8) and (9) increasing the duties of commissioner to including approving programs to qualify a prisoner for earned good time as listed in section 27 and establishing minimum standards for electronic monitoring for offenders and procedures for approving electronic monitoring programs provided by private contractors. *This section increases the responsibilities of the Commissioner and will have no fiscal impact to the department.*

Section 29 - no impact - amends 33.30.06(c) states that a person may serve their time on electronic monitoring, except in the cases involving domestic violence against a household member as specified in AS 18.66.990(5)(d). *This section expands eligibility for electronic monitoring to persons sentenced for domestic violence when not against a household member. This may increase the number of offenders participating in the program reducing the number of offenders held in an institution or placed at a community residential center. However, the department is currently unable to quantify the number of offenders that would qualify and participate in this program with this change. The department will monitor and track for any future fiscal impacts.*

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB091-LAW-CRIM-03-27-15
Title: CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB
AID
Sponsor: COGHILL
Requester: Senate State Affairs

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)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) 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; not applicable.

Prepared By: Valerie Rose, Budget Analyst
Division: Administrative Services Division
Approved By: Craig W. Richards, Attorney General
Agency: Department of Law

Phone: (907)465-3674
Date: 03/27/2015 04:07 PM
Date: 03/27/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

SB 91 makes several changes to the bail, sentencing, and probation statutes.

The legislation requires the commissioner of the Department of Corrections to work with the Department of Law, the Public Defender Agency and the Court System to develop an administrative sanction procedure for probationers who commit technical violations of probation. It also allows a person to accrue good time credit while on probation in order to reduce their term of probation.

SB 91 allows a person to receive credit towards a term of imprisonment for time spent on electronic monitoring while on pretrial release. It also establishes a program by which persons may obtain additional time off of their sentence if they participate in certain programs offered in the institution. Additionally, the legislation prohibits a court from allowing a defendant to convert uncompleted community work hours into a sentence of imprisonment.

SB 91 also establishes a limited licensing program for persons who have had their license revoked due to a DUI or refusal conviction. This program allows a person to obtain a limited license if they, among other things, successfully complete a court ordered treatment program, provide proof of insurance, and use an interlock device.

Finally, SB 91 allows a person who has been convicted of a felony drug offense to receive temporary assistance or food stamps if they demonstrate that they have taken various steps towards rehabilitation.

The Department of Law does not anticipate a fiscal impact.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

Senator Bill Stoltze, Chair
State Capitol, Room 125
Juneau, AK 99801-1182
Phone (907) 465-4958
Fax (907) 465-4928



Official Business

Members:
Sen. John Coghill, Vice Chair
Sen. Charlie Huggins
Sen. Lesil McGuire
Sen. Bill Wielechowski

February 13, 2016
Bill Packet Information

SB 123 USE OF ELECTRONIC DEVICES WHILE DRIVING

- Sponsor Statement
- SB 123 - version A
- Backup Documents:
 - NCSL: Texting While Driving State Laws 7-1-15
 - Texting While Driving Charges
 - Texting While Driving Penalties
 - Alaska Dispatch Article - 11-15-15
 - Excerpt from Anchorage Municipal Ordinance 2015-126 (adopted) amending AMC 09.28.050 (effective 1/1/2016)
 - Hands Free Info - Alaska Cell Phone Laws 7-3-08
- Fiscal Notes:
 - DPS-AST 02-08-16 (Zero)
 - DOA-OPA 02-09-16 (Zero)

SS for SB 91 OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

- Sponsor Statement (*Revised to Sponsor Substitute / Version N*)
- Sectional Analysis - *Version N*
- SB 91 - *Version N*
- Backup Documents:
 - Legislature Letter to Alaska Criminal Justice Commission 9-8-15
 - Alaska Criminal Justice Commission Report - December 2015

(SB 91 Backup Documents - Continued)

- Op-Ed by Americans for Tax Reform & FreedomWorks; Fairbanks Daily News-Miner 9-2-2015
- Op-Ed by Tony Perkins (Family Research Council / Right on Crime); Alaska Dispatch 6-19-2015

- Consolidated Correspondence
 - Letters & Emails of Support & Opposition Through 2/12 (17)

- Fiscal Notes:
 - DHSS-PS 02-06-16 (**Zero**)
 - DOA-DMV 02-10-16 (**Zero**)
 - DOA-OPA 02-10-16 (**Zero**)
 - DOA-PDA 02-10-16 (**Zero**)
 - DOC-COMM 02-12-16 (**Fiscal**)
 - DPS-AST 02-08-16 (**Zero**)
 - DHSS (Forthcoming)
 - LAW (Forthcoming)

<Bills Previously Heard/Scheduled>

4-2-15

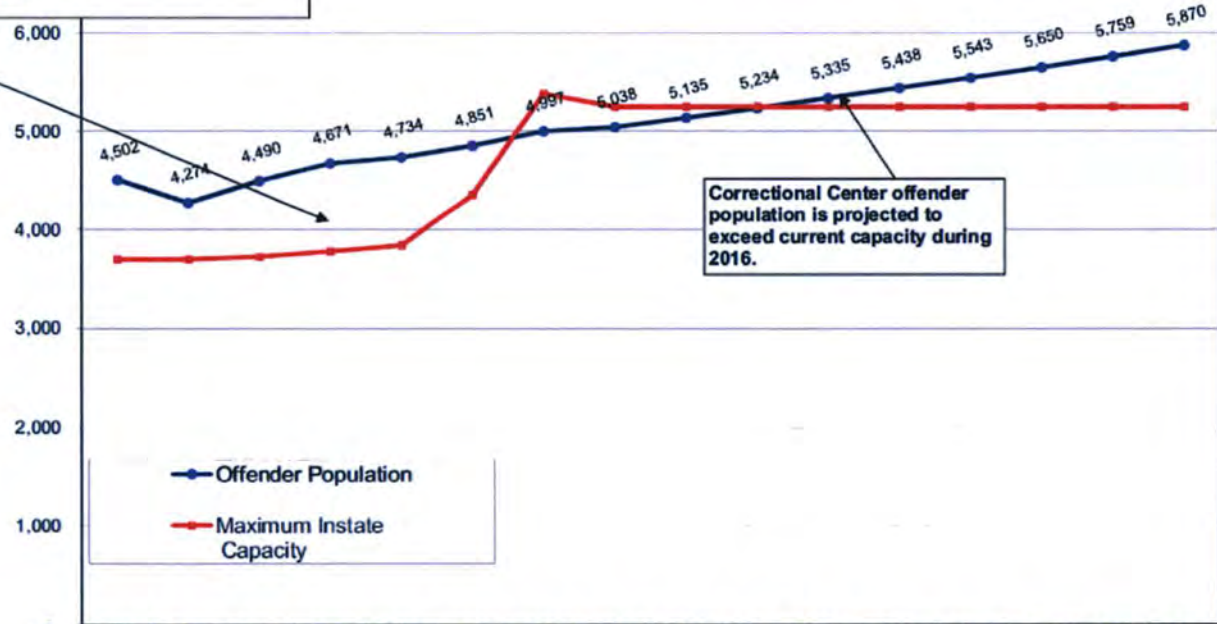
Senate Bill 91

OMNIBUS CRIME/CORRECTIONS BILL



Alaska Institutional Inmate Population FY07-FY22

Excess institutional inmate population was contracted to out-of-state prisons until Goose Creek Correctional Center became fully operational in FY14.



	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22
Offender Population	4,502	4,274	4,490	4,671	4,734	4,851	4,997	5,038	5,135	5,234	5,335	5,438	5,543	5,650	5,759	5,870
Maximum Instate Capacity	3,696	3,696	3,722	3,778	3,840	4,353	5,376	5,248	5,248	5,248	5,248	5,248	5,248	5,248	5,248	5,248
Over (Under) Capacity	(806)	(578)	(768)	(893)	(894)	(498)	379	210	113	14	(87)	(190)	(295)	(402)	(511)	(622)
GF Budget FnlBud Column (in millions)	\$210.4	\$218.4	\$227.5	\$247.5	\$256.2	\$271.6	\$305.6	\$313.9	\$312.9	\$314.9	\$314.9	\$314.9	\$314.9	\$314.9	\$314.9	\$314.9

*FY16-FY22 budget projections assume FY16 Adjusted Base amount with no increases.

101% Capacity

Goose Creek Correctional Center
\$250 Million + \$50 Million Annually
Opened in 2012

DOC has again reached 101% capacity.

Prison population grows at 3% a year.
(4x faster than Alaska's growth)

Alaska is at a crossroads. We must either:

1. Build a new prison;
2. Send inmates out of state;
or
3. Target the drivers of prison population growth.

Factors Driving Prison Growth

- 1. Non-violent population**
- 2. Pretrial population**
- 3. Increased average length of stay**
- 4. Probation violations**

Policies

Electronic Monitoring

Pretrial E.M.
E.M for DV offenders
Good Time E.M.

Probation/Parole

Good Time for Probation
Administrative Sanctions
Probation Caps
Technical Violation Caps
Good Time on Parole

Misc.

Protective Orders
Police Training Surcharge
Community Work Service
Increased Judicial Discretion

Driving

License Revocations
Limited Licenses

Non-Violent Population/Recidivism

Earned Credit

Re-Entry

Food Stamps
Re-Entry Program

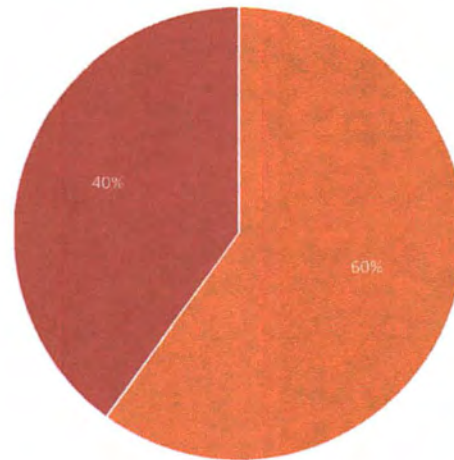
Driving Reforms

1. Administrative License Revocations
2. Limited Licenses

Pre-Trial Population

40% of the prison population is pretrial.

Sentenced vs. Unsentenced



■ Sentenced ■ Unsentenced

Pre-Trial Population

40% of the prison population is pretrial.

Unsentenced Offender Counts and Time Spent

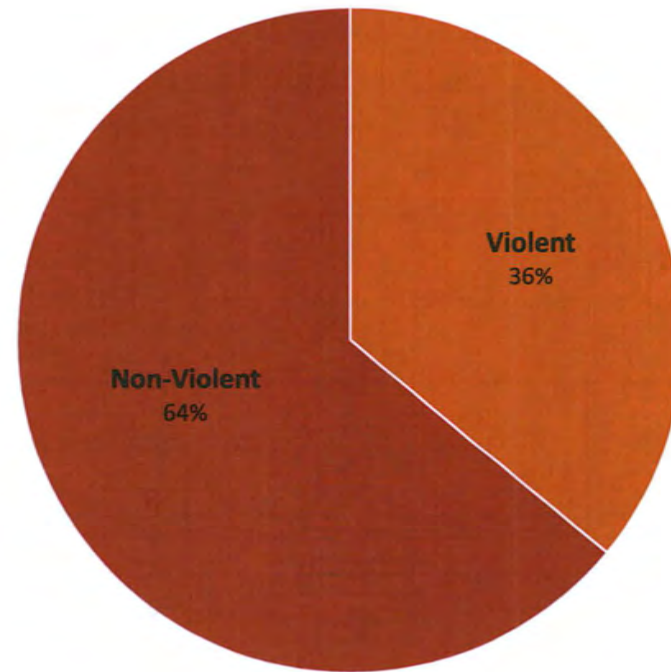
Felony Offense Class	Unsentenced Offenders	Unsentenced Days
Alcohol	45	93
Drugs	134	120
Probation/Parole	352	59
Person	435	205
Property	206	107
Sex Offense	167	296
Weapons	23	120

Other Electronic Monitoring Reforms

1. Good Time on Electronic Monitoring
2. Expanding Electronic Monitoring to Domestic Violence Offenders

Non-violent offenders are filling Alaska's expensive hard prison beds.

Violent vs. Non-Violent



Probation/Parole Reforms

1. Good Time on Probation/Parole
2. Cap on Technical Violation Jail Terms
3. Administrative Sanctions by DOC

Re-Entry

1. Food Stamps
2. Re-Entry Program

Miscellaneous Reforms

1. Expanded Mitigating Factor
2. Community Work Service Reform
3. Protective Orders (Petitioner Contacting Respondent)
4. Police Training Surcharge

Alaska State Legislature

Senate Majority Leader

Joint Armed Services Committee
Co-Chairman
Judiciary Committee
Vice-Chairman
Resources Committee
State Affairs Committee
Legislative Council
Rules Committee



Senator John Coghill

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www.aksenate.org

SENATE BILL 91

SPONSOR STATEMENT

Omnibus Criminal Law & Procedure; Corrections
Version N

Senate Bill 91 implements proven practices to reduce recidivism, keep Alaskans safe, hold offenders accountable, and control corrections spending.

Increased spending on prisons has not brought Alaskans greater public safety: nearly two out of every three inmates who leave prison return to prison within three years. The high rate of recidivism has significantly increased Department of Corrections operating costs to \$324 million in FY 2016, and spurred the opening of the Goose Creek Correctional Center, costing the state \$240 million in construction funds.

Alaska Criminal Justice Commission

Seeking a better public safety return on our state's corrections spending, the legislature established the Alaska Criminal Justice Commission. The Commission included legislators, judges, law enforcement officers, prosecutors, defenders, corrections officials, and members representing crime victims and Alaska Natives. The Commission spent over a year conducting an exhaustive review of the state's pretrial, sentencing, corrections, and community supervision data and systems.

SB 91 Incorporates the Commission's Recommendations

The Commission developed a package of consensus recommendations that will reduce the state's daily prison population by 21 percent over the next 10 years, saving the state \$424 million. SB 91 aims to:

- **Implement evidence-based pretrial practices** by expanding the use of citations in lieu of arrest for lower-level nonviolent offenses; and making changes to bail practices to focus pretrial release decisions more on risk than on ability to pay.

- **Focus prison beds on serious and violent offenders** by diverting nonviolent misdemeanor offenders to alternatives; revising drug crime penalties; adjusting dollar amounts for felony property crimes to account for inflation; realigning sentence ranges in statute, expanding and streamlining parole; and incentivizing sex offenders to complete treatment programming.
- **Strengthen probation and parole supervision** by standardizing sanctions for violations of probation and parole conditions to ensure they are swift, certain, and proportional; establishing incentives to comply with supervision conditions; and focusing treatment resources on high-needs offenders.
- **Improve opportunities for successful reentry** by offering limited licenses to eligible revoked offenders; creating a reentry program within the Department of Corrections; and opting out of the federal ban on food stamps for people convicted of drug crimes.
- **Reinvest** a portion of the savings from these reforms into evidence-based practices designed to improve public safety, control corrections populations, and reduce recidivism, including supervision services, victims' services, violence prevention, treatment services, and reentry services.

Cost of Doing Nothing: \$169 Million

Alaska's prison population grew 27 percent in the last decade, nearly three times faster than the resident population. At this rate, the Department of Corrections projects the need to house an additional 1,416 inmates by 2024, which will cost the state at least \$169 million in new spending. With the disappointing recidivism rates and public safety outcomes the state has been achieving, the cost of doing nothing is too high. I ask for your support.

Senate Bill 91 - Visual Sectional Aid

Provided by Senator Coghill's Office - February 13, 2016

Category	Policy	Rec	Bill Sections
Pretrial	Citation vs. Arrest	1	37-38
Pretrial	Risk-Based Release Decision Making	2	23, 39-48, 55, 132
Pretrial	Pretrial Supervision of High-Risk	3 & 4	91
Sentencing	Misdemeanors	5	8, 10, 13, 18-22, 24-30, 71-73, 77-78, 80, 81, 83-86
Sentencing	Controlled Substances	6	31-36
Sentencing	Felony Theft Threshold	7	1-7, 9, 11-12, 14-17
Sentencing	Presumptive Ranges	8	68-70
Sentencing	Discretionary Parole/Administrative Parole	9	51, 67, 92-96, 98-116, 129
Sentencing	Geriatric Parole	10	97
Sentencing	Sex Offender Treatment Credit	11	127
Comm. Supervision	Graduated Sanctions/Incentives	12	64, 87, 90, 125
Comm. Supervision	Cap Technical Violation Stays	13	49, 52, 54, 66, 118-124, 128
Comm. Supervision	Probation Earned Credit	14	60, 62-63, 65, 88-89, 117
Comm. Supervision	Maximum Probation Terms	15	61
Comm. Supervision	Good-Time on E.M.	16	126
Comm. Supervision	ASAP	17	NOT IN THE BILL
Comm. Supervision	CRC's	18	131
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SENATE BILL 91 SECTIONAL ANALYSIS

Omnibus Criminal Law & Procedure; Corrections
Version N

Section 1

11.46.130(a) - Theft in the Second Degree (Amended)

Increases the threshold value for theft in the second degree from \$750 to \$2,000.

Section 2

11.46.140(a) - Theft in the Third Degree (Amended)

Increases the threshold value for theft in the third degree from \$750 to \$2,000.

Section 3

11.46.220(c) - Concealment of Merchandise (Amended)

Increases the threshold value for concealment of merchandise from \$750 to \$2,000.

Section 4

11.46.260(b) - Removal of Identification Marks (Amended)

Increases the threshold value for removal of identification marks from \$750 to \$2,000.

Section 5

11.46.270(b) - Unlawful Possession (Amended)

Increases the threshold value for unlawful possession from \$750 to \$2,000.

Section 6

11.46.280(d) - Issuing a Bad Check (Amended)

Increases the threshold value for issuing a bad check from \$750 to \$2,000.

Section 7

11.46.285(b) - Fraudulent Use of an Access Device (Amended)

Increases the threshold value for fraudulent use of an access device from \$750 to \$2,000.

Section 8

11.46.330 - Criminal Trespass in the Second Degree (Amended)

Reclassifies the crime of criminal trespass in the second degree to an arrestable violation punishable by up to 24 hours detainment.

Section 9

11.46.360(a) - Vehicle Theft in the First Degree (Amended)

Increases the threshold value for vehicle theft in the first degree from \$750 to \$2,000.

Section 10

11.46.460 - Disregard of a Highway Obstruction (Amended)

Reclassifies the crime of disregard of a highway obstruction to a violation punishable by up to \$1,000 fine.

Section 11

11.46.482(a) - Criminal Mischief in the Third Degree (Amended)

Increases the threshold value for criminal mischief in the third degree from \$750 to \$2,000.

Section 12

11.46.484(a) - Criminal Mischief in the Fourth Degree (Amended)

Increases the threshold value for criminal mischief in the fourth degree from \$750 to \$2,000.

Section 13

11.46.486 - Criminal Mischief in the Fifth Degree (Amended)

Reclassifies the crime of criminal mischief in the fifth degree to an arrestable violation punishable by up to 24 hours detainment.

Section 14

11.46.530(b) - Criminal Simulation (Amended)

Increases the threshold value for criminal simulation from \$750 to \$2,000.

Section 15

11.46.620(d) - Misapplication of Property (Amended)

Increases the threshold value for misapplication of property from \$750 to \$2,000.

Section 16

11.46.730(c) - Defrauding Creditors (Amended)

Increases the threshold value for defrauding creditors from \$750 to \$2,000.

Section 17

AS 11.46.982 - Annual Adjustment for Inflation Increasing the Value of Property or Services as an Element of an Offense (New Section)

Directs the Alaska Judicial Council to annually calculate the increase in value, if any, of the property crime threshold, based on a change in the Consumer Price Index, compiled by the Bureau of Labor Statistics. The Council shall provide notice to various criminal justice and law enforcement agencies.

Section 18

11.56.730(a) - Failure to Appear (Amended)

Conforming to reclassifying several elements of the the crime of failure to appear as a violation punishable by a fine up to \$1,000.

Section 19

11.56.730(c) - Failure to Appear (Amended)

Reclassifies elements of the crime of failure to appear as a violation punishable by a fine up to \$1,000 and forfeiture of any bond.

Section 20

11.56.730 - Failure to Appear (New Subsection)

Reestablishes the crime of failure to appear, a Class A misdemeanor to apply to defendants missing a scheduled hearing to avoid prosecution or to defendants not making contact with the court within 30 days after not appearing at a scheduled hearing,

Section 21

11.56.757(a) - Violation of Condition of Release (Amended)

Conforming to reclassifying the crime of violation of condition of release to a violation punishable by a fine up to \$1,000.

Section 22

11.56.757(b) - Violation of Condition of Release (Amended)

Reclassifies the crime of violation of condition of release to a violation punishable by a fine up to \$1,000.

Section 23

11.56.759(a) - Violation by Sex Offender of Condition of Probation (Amended)

Conforming to renumbered statutes.

Section 24

11.61.110(a) - Disorderly Conduct (Amended)

Conforming to reclassifying the crime of disorderly conduct to an arrestable violation punishable by up to 24 hours detainment.

Section 25

11.61.110(c) - Disorderly Conduct (Amended)

Reclassifies the crime of disorderly conduct to an arrestable violation punishable by up to 24 hours detainment.

Section 26

11.61.120 - Harassment in the Second Degree (Amended)

Reclassifies the crime of harassment in the second degree to an arrestable violation punishable by up to 24 hours detainment.

Section 27

11.61.145(d) - Promoting an Exhibition of Fighting Animals (Amended)

Reclassifies the crime of attending an exhibition of fighting animals as a violation for the second offense. Each subsequent offense is a class A misdemeanor.

Section 28

11.61.150(a) - Obstruction of Highways (Amended)

Conforming to reclassifying the crime of obstruction of highways to a violation punishable by a fine up to \$1,000.

Section 29

11.61.150(c) - Obstruction of Highways (Amended)

Reclassifies the crime of obstruction of highways to a violation punishable by a fine up to \$1,000.

Section 30

11.66.200(c) - Gambling (Amended)

Reclassifies the crime of unlawful gambling to a violation punishable by a fine up to \$1,000.

Section 31

11.71.020(a) - Misconduct Involving a Controlled Substance in the Second Degree (Amended)

Aligns misconduct involving delivery of IA, IIA, and IIIA substances to a person under 19 to be one level higher (Class A Felony) than the same misconduct with IVA, VA, or VIA controlled substances (Class-B Felony). Adds in manufacture of methamphetamine in front of children as an element of misconduct involving a controlled substance in the second degree, rather than exist as an enhanced presumptive range in the sentencing statutes.

Section 32

11.71.030(a) - Misconduct Involving a Controlled Substance in the Third Degree (Amended)

Provides for a weight-based penalty system for manufacture and delivery of IA, IIA, or IIIA controlled substances, whereby offenses relating to greater than 2.5 grams are sentenced under misconduct involving a controlled substance in the third degree.

Section 33

11.71.040(a) - Misconduct Involving a Controlled Substance in the Fourth Degree (Amended)

Consolidates misconduct involving possession of any controlled substance within 500 feet of school grounds and provides that manufacture or delivery of less than 2.5 grams of a IA, IIA, or IIIA controlled substance, or any amount of a schedule IVA or VA controlled substance, is misconduct involving a controlled substance in the fourth degree.

Section 34

11.71.050(a) - Misconduct Involving a Controlled Substance in the Fifth Degree (Amended)

Consolidates simple possession of all schedules of controlled substances into the crime of misconduct involving a controlled substance in the fifth degree, excepting small quantities of specified IIIA drugs as set forth in AS 11.71.060.

Section 35

11.71.210 - Purchase or Receipt of Restricted Amounts of Certain Chemicals

Conforming to delete references to a repealed section of law.

Section 36

11.71.311(a) - Restriction on Prosecution for Certain Persons in Connection with a Drug Overdose (Amended)

Conforming to refer to the realigned misconduct involving controlled substances statutes.

Section 37

12.25.180 - When Peace Officer May Issue Citation or Take Person Before the Court (Amended)

Establishes a presumption to cite and summons to court for non-violent misdemeanors and non-violent class C felonies, unless the officer believes the person is a significant danger to others or at risk of failing to appear in court. Detainment is authorized for up to 24 hours for criminal trespass in the second degree, criminal mischief in the fifth degree, harassment in the second degree, and disorderly conduct. A peace officer with probable cause shall arrest a person for violating conditions of release.

Section 38

12.25.190(b) - When person to be Given Five-Day Notice to Appear in Court (Amended)

Reduces the minimum duration, when issued a citation, before the first appearance from five days to two days.

Section 39

12.30.006(c) - Release Procedures (Amended)

Requires judicial review and reconsideration of the conditions of release for instances where the defendant is detained pre-trial due to those conditions, unless the judicial officer finds that less restrictive release conditions cannot reasonably ensure the appearance of the person in court and safety of the victim, other persons, and the community.

Section 40

12.30.006(d) - Release Procedures (Amended)

Includes a defendant's inability to pay as a factor to be considered at bail review hearings.

Section 41

12.30.006(f) - Release Procedures (Amended)

Conforming to refer to a pretrial services officer's authority to arrest a person without a warrant for violation of conditions of release.

Section 42

12.30.006(h) - Release Procedures (New Subsection)

Directs the first appearance to occur within 24 hours after a person's arrest absent compelling circumstances.

Section 43

12.30.011 - Release Before Trial (Amended)

Limits judicial discretion to detain low- and moderate-risk pretrial defendants charged with non-violent, non-DUI misdemeanors and low-risk pretrial defendants charged with non-violent, non-DUI Class C felonies. This section prevents the use of secured monetary bail for lower-risk defendants while ensuring conditions can be imposed to require defendants to refrain from alcohol consumption, to avoid all contact with victims, and to keep regular contact with a pretrial services officer. In determining the conditions of release, the court shall consider the conditions of release recommended by the pretrial services officer and the person's pretrial risk assessment score.

Section 44

12.30.011 - Release Before Trial (New Subsection)

Creates a presumption of release on personal recognizance or unsecured bond, with appropriate release conditions, for low-risk defendants and for most nonviolent misdemeanor and Class C felony defendants who are not included in Section 43. The court can overcome this presumption and order partially- or fully-secured money bond if it finds on the record that no less restrictive conditions can reasonably assure court appearance and public safety.

Section 45

12.30.016(b) - Release Before Trial in Certain Cases (Amended)

Conforming to authorize a pretrial services officer to search a person's residence for the presence of alcohol under conditions to refrain from alcohol.

Section 46

12.30.016(c) - Release Before Trial in Certain Cases (Amended)

Conforming to authorize a pretrial services officer to search a person's residence for the presence of a controlled substance under conditions to refrain from consuming from controlled substances. A judicial officer may order a defendant to participate in a random drug testing program with testing to occur at least once a week, or random drug testing by the pretrial services division.

Section 47

12.30.021(a) - Third-Party Custodians (Amended)

Restricts availability of third-party custodian release conditions to cases in which pretrial supervision is not available, secured money bond has not been ordered, and no other combination of release conditions can reasonably assure court appearance and public safety.

Section 48

12.30.021(c) - Third-Party Custodians (Amended)

Changes the restrictions on people who are eligible to serve as third-party custodians to prohibit those who are likely to be called as witnesses, as opposed to those who may be called as witnesses.

Section 49

12.30.055 - Persons Appearing on Petition to Revoke (New Subsection)

Requires that probationers and parolees who are in custody awaiting a revocation hearing for a technical violation are released back to probation or parole supervision without bail after serving the maximum allowable time for a revocation.

Section 50

12.55.015(a) - Authorized Sentences; Forfeiture (Amended)

Conforming to reflect new community work service conditions specified under 12.55.055.

Section 51

12.55.025(a) - Sentencing Procedures (Amended)

Conforming to include administrative parole as a type of parole that the court must include in its sentencing report in stating the minimum term of imprisonment the defendant must serve before becoming eligible for parole.

Section 52

12.55.025(c) - Sentencing Procedures (Amended)

Conforming to ensure credit is applied for time spent in custody for a violation of a condition of probation or parole pending a revocation hearing.

Section 53

12.55.027(d) - Credit for Time Spent Toward Service of a Sentence of Imprisonment (Amended)

Limits pretrial credit to 120 days for time spent on electronic monitoring that complies with the Department of Corrections guidelines.

Section 54

AS 12.55.051(a) - Enforcement of Fines and Restitution (Amended)

Conforming to reflect changes to the probation revocation process.

Section 55

12.55.051 - Enforcement of Fines and Restitution (New Subsection)

Authorizes the Department of Law to garnish a permanent fund dividend to collect restitution ordered by the court.

Section 56

12.55.055(a) - Community Work (Amended)

Limits the court to imposing community work service only for offenses where community work is a mandatory component of the penalty for the offense.

Section 57

12.55.055(c) - Community Work (Amended)

Increases the value of an hour of community work from three dollars to the state's minimum wage if the defendant is unable to pay the fine and the court offers the defendant the option of performing community work in lieu of a fine.

Section 58

12.55.055 - Community Work (New Subsection)

Prevents the court from converting community work service into a sentence of imprisonment or offering the defendant the option of serving jail time in lieu of completing community work service.

Section 59

12.55.078 - Suspended Entry of Judgement (New Section)

Establishes a process for suspending an entry of judgement, whereby if a person pleads guilty to a crime, the court may, with the consent of the defense and prosecution, impose conditions of probation without imposing or entering a judgement of guilt. Upon successful completion of probation, the court shall discharge the person and dismiss the case after one year.

Section 60

12.55.090(b) - Granting of Probation (Amended)

Conforming to reflect the new early discharge process.

Section 61

12.55.090(c) - Granting of Probation (Amended)

Limits probation terms to five years for an unclassified felony or felony sex offense, three years for any other felony offense, two years for a second-time DUI or DV-related misdemeanor assault, and one year for all other misdemeanor offenses.

Section 62

12.55.090(c) - Granting of Probation (Amended)

Authorizes the court to alter a term of probation in accordance with the earned compliance policy, or if a probation officer recommends to the court that the probationer be discharged from probation for completing treatment and complying with the conditions of probation

Section 63

12.55.090 - Granting of Probation (New Subsection)

Requires probation officers to recommend early discharge from probation to the court for any probationer who has served at least one year, completed any required treatment, and is currently in compliance with the conditions of probation. The court would maintain discretion to follow or disregard the recommendation. This section also establishes an opportunity for a crime victim to be notified and comment at an early discharge hearing.

Section 64

12.55.100(a) - Conditions of Probation (Amended)

Conforming to ensure that probationers can be required to comply with the graduated sanctions imposed by a probation officer.

Section 65

12.55.100(c) - Conditions of Probation (Amended)

Conforming to accommodate renumbered statutes.

Section 66

12.55.110 - Notice and Grounds for Revocation and Suspension (New Subsection)

Limits the maximum sentence for technical violations of probation for probationers who are not in the PACE program to 3 days for the first revocation, 5 days for the second revocation, 10 days for the third revocation, and up to the remainder of the suspended sentence for the fourth or subsequent revocation. Exceptions are made for absconding and failure to complete sex offender treatment.

Section 67

12.55.115 - Fixing Eligibility for Discretionary Parole at Sentencing (Amended)

Conforming to reference administrative parole among the types of parole that the court has discretion to restrict eligibility.

Section 68

12.55.125(c) - Sentences of Imprisonment for Felonies (Amended)

Truncates the presumptive range for a non-sex class A felony offense that is a first felony conviction from five to eight years (with a maximum of 20) to three to six years (with a maximum of 20). If the defendant uses a dangerous instrument or the offense is directed at a first responder, the presumptive range is five to nine years, with a maximum of twenty. The presumptive range for a non-sex class A felony offense that is a second felony conviction is eight to twelve years, with a maximum of twenty, and for a third felony conviction, thirteen to twenty years.

Section 69

12.55.125(d) - Sentences of Imprisonment for Felonies (Amended)

Truncates the presumptive range for a non-sex class B felony offense that is a first felony conviction from one to three years (with a maximum of ten) to zero to two years (with a maximum of ten). The presumptive range for an enhanced class B felony offense that is a first felony conviction is one to three years, with a maximum of ten. The presumptive range for a non-sex second and third felony

conviction is two to five years (with a maximum of ten) and four to ten years, respectively.

Section 70

12.55.125(e) - Sentences of Imprisonment for Felonies (Amended)

Truncates the presumptive range for a non-sex class C felony offense that is a first felony conviction from zero to two years (with a maximum of five) to a suspended term of imprisonment of zero to eighteen months (with a maximum of five years of active imprisonment). The presumptive range for a non-sex second and third felony conviction would be one to three years and two to five years, respectively.

Section 71

12.55.135(a) - Sentences of Imprisonment for Misdemeanors (Amended)

Provides for a presumptive range of zero to thirty days for class A misdemeanors; allows the presumptive range to be overcome if one of two aggravating factors is proven by the prosecution: (1) the conduct constituting the offense was the most serious included in the definition of the offense; or (2) the defendant has past criminal convictions similar in nature to the offense in question. Additionally, a term of imprisonment of up to one year can be imposed for an assault in the fourth degree involving domestic violence if the defendant has a criminal history of repeated instances of DV-related assault.

Section 72

12.55.135(b) - Sentences of Imprisonment for Misdemeanors (Amended)

Truncates the maximum term of imprisonment for a class B misdemeanor to ten days.

Section 73

12.55.135 - Sentences of Imprisonment for Misdemeanors (Amended)

Provides that the court may not impose a sentence of imprisonment or suspended imprisonment for a person convicted of theft in the fourth degree who has not been convicted of theft in any degree at least twice; concealment of merchandise who has not been convicted of concealment of merchandise at least twice; removal of identification marks who has not been convicted of removal of identification marks at least twice; unlawful possession who has not been convicted of unlawful possession at least twice; issuing a bad check who has not been convicted of issuing a bad check at least twice; criminal simulation who has not been convicted of criminal simulation at least twice.

If the state seeks to establish a fact-based aggravating factor at sentencing, the factor must be established by clear and convincing evidence before the court

sitting without a jury. If the state seeks to establish a law-based aggravating factor at sentencing, the factor must be presented to a trial jury and proved beyond a reasonable doubt, unless the defendant waives trial by jury, stipulates to the existence of the factor, or consents to allow the court to establish the aggravator by clear and convincing evidence without a jury.

Section 74

28.15.165 - Administrative Revocations and Disqualifications resulting from chemical sobriety tests and refusals to submit to tests.

Requires the DMV to restore a person's driver's license if all charges have been dismissed or if the person has been acquitted of driving while under the influence.

Section 75

28.15.181(f) - Court Suspensions, Revocations, and Limitations (Amended)

Allows for the court to terminate a revocation if the person has successfully completed the therapeutic court program, has not been convicted of DUI, and has successfully driven under the limited license for three years without being revoked.

Section 76

28.15.201 - Limitation of Driver's License (New Subsection)

Authorizes the court to grant limited license privileges for felony DUI offenders if the person has completed the therapeutic court program, has proof of insurance, and an installed ignition interlock device. This section allows the court or the department to revoke a limited license if the person is convicted of a DUI or refusal.

Section 77

28.15.291 (Driving While License Suspended)

Conforming to section 78 by differentiating DWLS offenses related to DUI license revocations and those unrelated to DUI license revocations.

Section 78

28.15.291(b) - Driving While License Suspended (Repealed and Reenacted)

Reduces the mandatory minimum for second time DWLS offenders whose license revocation is related to DUI offenses to 10 days. Removes the mandatory minimum for first time DWLS offenders whose license revocation is related to DUI offenses. Reduces the penalty for non-DUI-related DWLS offenses from a misdemeanor to an infraction.

Section 79

28.35.028(b) - Court-Ordered Treatment (Amended)

Authorizes the court to reduce a license revocation for the purposes of granting a limited license to eligible offenders.

Section 80

28.35.030(k) - Operating a Vehicle... Under the Influence (Amended)

Requires first-time DUI offenders to serve a mandatory term of electronic monitoring. If unavailable, imprisonment is determined by the department.

Section 81

28.35.030(l) - Operating a Vehicle... Under the Influence (Amended)

Conforming to provisions requiring a fiscal analysis of legislation that causes an increase or decrease in the prison population. This recommendation was removed, making this conforming section unnecessary.

Section 82

28.35.030(o) - Operating a Vehicle... Under the Influence (Amended)

Requires the department restore a driver's license to a person who has been granted a limited license and has successfully driven for three years without having driving privileges revoked, has successfully completed the therapeutic court program, has not been convicted of a DUI or refusal, and provides proof of insurance.

Section 83

28.35.032(o) - Refusal to Submit to Chemical Test (Amended)

Requires first-time refusal to submit to a chemical test to serve a mandatory term of electronic monitoring. If unavailable, imprisonment is determined by the department.

Section 84

29.10.200(21) - Limitation of Home Rule Powers (Amended)

Conforming to the requirement that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 85

29.25.070(a) - Penalties (Amended)

Conforming to the requirement that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 86

29.25.070 - Penalties (New Subsection)

Requires that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 87

33.05.020 - Duties of Commissioner (New Subsection)

Requires the commissioner to establish an administrative sanction and incentive program to facilitate a prompt and effective response to violations of probation.

Section 88

33.05.025 - Probation Incentive Reduction (New Section)

Establishes a day-for-day earned compliance credit for probationers who are complying with their conditions of probation, including meetings, drug tests, and paying victim restitution.

Section 89

33.05.040 - Duties of Probation Officers (Amended)

Conforming section to include earned compliance credits, administrative sanctions, and early discharge to the duties of probation officers.

Section 90

33.05.080 - Definitions (New Paragraph)

Defines “administrative sanctions and incentives” to mean responses by a probation officer to a probationer’s compliance or noncompliance with the conditions of probation.

Section 91

33.07.010 - Pretrial Services Program (New Section)

Establishes a pretrial services program at the Department of Corrections to conduct pretrial risk assessments, make recommendations to the court regarding release decisions, and supervise pretrial defendants who are released. Directs the Commissioner to adopt a risk assessment tool and relevant training and regulations.

Outlines duties of pretrial services officers to conduct pretrial risk assessments, make recommendations to the court regarding release and conditions of release, and provide supervision for defendants released pretrial. Authorizes pretrial services officers to make pretrial diversion recommendations and to arrest defendants who have failed to appear or violated their release conditions.

Requires pretrial services officers to recommend release on personal recognizance or unsecured bond for nonviolent, non-DV misdemeanor and Class C felony charges, low- or moderate-risk DUI charges, and other low-risk charges, with limited options for departing from this requirement if the pretrial services officer finds that no combination of non-money conditions can reasonably ensure court appearance and public safety.

Section 92

33.16.010(c) - Parole (Amended)

Conforming to include administrative and special medical parole as not limiting eligibility for mandatory parole.

Section 93

33.16.010(d) - Parole (Amended)

Conforming to include prisoners released on administrative parole as being subject to the conditions of parole imposed by the board.

Section 94

33.16.010 Parole (New Subsection)

Provides for a prisoner meeting the eligibility requirements to be released on administrative parole by the board of parole.

Section 95

33.16.060(a) Duties of the Board (Amended)

Conforming to ensure the parole board shall impose conditions on all prisoners released on parole. Additionally, this section requires the board to notify prisoners who are eligible for administrative and discretionary parole at least 90 days before eligibility.

Section 96

33.16.089 - Eligibility for Administrative Parole (New Section)

Creates administrative parole for inmates convicted of a misdemeanor or Class B or C felony who have not been previously convicted of a felony. These inmates are eligible for administrative parole if they complete the requirements of their

case action plan (including following institutional rules and completing treatment requirements) and if no victim requests a hearing.

Section 97

33.16.090(a) - Eligibility for Discretionary Parole and Minimum Terms to be Served (Amended)

Expands eligibility for discretionary parole to all inmates who are over the age of 55 and have served at least 10 years of a sentence.

Section 98

33.16.090(b) - Eligibility for Discretionary Parole and Minimum Terms to be Served (Amended)

Expands eligibility for discretionary parole to all offenders except Class A or Unclassified sex offenders with a prior felony conviction.

Section 99

33.16.100(a) - Granting of Discretionary Parole (Amended)

Conforming to the expansion of eligibility for discretionary parole.

Section 100

33.16.100(b) - Granting of Discretionary Parole (Amended)

Authorizes the parole board to rescind or revise a previously granted parole release date if there is a change in circumstances in a prisoner's preparole report.

Section 101

33.16.100 - Granting of Discretionary Parole (New Subsection)

Authorizes the parole board to grant discretionary parole to a prisoner who has been convicted of more than one felony, except for an unclassified felony, provided the prisoner is eligible for discretionary parole and has met the requirements of their case plan. If the board finds by clear and convincing evidence that the prisoner poses a threat to the public, discretionary parole is denied.

Section 102

33.16.110(a) - Preparole Reports (Amended)

Requires the parole board to consider the inmate's case plan and re-entry plan when evaluating an inmate's suitability for discretionary parole.

Section 103

33.16.120(a) - Rights of Certain Victims in Connection with Parole (Amended)

Conforming to reflect changes to the parole application process.

Section 104

33.15.120(f) - Rights of Certain Victims in Connection with Parole (Amended)

Conforming to ensure victims receive notification for inmates eligible for administrative parole.

Section 105

33.16.120(g) - Rights of Certain Victims in Connection with Parole (Amended)

Conforming to requires the parole board to notify a victim of a crime involving domestic violence thirty days in advance of discretionary and geriatric parole hearings. Additionally, the board shall inform the victim of any decision to grant or deny parole, and notify the victim of release on parole, including mandatory parole.

Section 106

33.16.120 - Rights of Certain Victims in Connection with Parole (New Subsection)

Requires notice to a victim who has a right to receive notice from the parole board and enables the victim to request a hearing before a prisoner is administratively paroled. The notice to the victim must include the procedure for requesting a hearing.

Section 107

33.16.130 - Parole Procedures (Repealed and Reenacted)

Streamlines the hearing process for discretionary parole by requiring the parole board to hold hearings for all prisoners who are eligible, rather than wait for prisoners to determine eligibility and prepare an application prior to a hearing. If the board denies parole, the board shall provide a written plan for addressing all of the factors relevant to the denial. The board shall schedule a subsequent hearing within two years after the first parole eligibility date, and for additional denials, within two years after the most recent hearing.

Section 108

33.16.140 - Order for Parole (Amended)

Conforming to include administrative parole in list of parole types where a parole order is issued by the board that sets out conditions of release.

Section 109

33.16.150(a) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries mandatory conditions of parole.

Section 110

33.16.150(b) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries conditions that can be imposed by the board or a designated member of the board.

Section 111

33.16.150(e) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that can carry conditions imposed by a designated member of the board acting on behalf of the full board.

Section 112

33.16.150(f) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries additional conditions for a prisoner serving a term for a crime involving domestic violence.

Section 113

33.16.150(g) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries the additional condition of electronic monitoring if the prisoner was sentenced with an aggravating factor relating to street gangs.

Section 114

33.16.180 - Duties of the Commissioner (Amended)

Includes administrative parole as a type of parole that the commissioner is responsible for conducting investigations of prisoner eligibility and notifying the board within 30 days after sentencing of potential eligibility. Requires preparation of pre-parole reports and notification to the parole board of compliance or noncompliance with the prisoner's case plan no less than 30 days before the next parole eligibility date or hearing. The commissioner is required to implement and administer a schedule of sanctions and incentives to facilitate a swift and certain response to violations, while including a process for due process considerations. Additionally, the commissioner shall facilitate the application of earned credit for compliance with the conditions of parole.

Section 115

33.16.200 - Custody of Parolee (Amended)

Conforming to include administrative parolees as a type of parolees that the board retains custody of until the expiration of the maximum term of imprisonment to which the parolee is sentenced.

Section 116

33.16.210 - Discharge of Parolee (Amended)

Reduces the period of time before a parolee becomes eligible for unconditional discharge from parole, in some cases to serve a residual period of probation.

Section 117

33.16.210 - Discharge of Parolee (New Subsection)

Requires the board to initiate early discharge if the parolee has completed at least one year on parole, has completed all required treatment programs, and is in compliance with all other conditions. The board shall also grant monthly parole incentive reductions for compliance with conditions imposed by the board.

Section 118

33.16.215 - Sanctions for a Technical Violation of Parole (New Section)

Provides for a system of imprisonment for technical violations not to exceed three days for the first petition to revoke parole; five days for the second petition to revoke parole; 10 days for the third petition to revoke parole; and up to the remainder of the suspended portion of the sentence for a fourth or subsequent petition to revoke parole. For defendants found absconding, the board may impose a period of imprisonment of up to 30 days. For probationers failing to complete sex offender treatment, the board may impose a period of imprisonment up to the remainder of the suspended portion of the sentence. These limits would not apply to parolees enrolled in the PACE program. Additionally, for probationers with court ordered treatment requirements, it is an affirmative defense that the defendant is unable to afford the cost of treatment despite having made good faith efforts.

Section 119

33.16.220(b) - Revocation of Parole (Amended)

Conforming to include the commission of a new offense or failing to complete a sex offender treatment program as conduct that requires a preliminary hearing to determine if a violation of the conditions of parole occurred.

Section 120

33.16.220(f) - Revocation of Parole (Amended)

Conforming to ensure that revocation hearings for technical violations of parole occur within 15 days, while preserving current process for non-technical offenses.

Section 121

33.16.220(i) - Revocation of Parole (Amended)

Conforming to ensure the limits on parole revocations listed in Section 118 apply. Also conforming to ensure that any credits a parolee earned for compliance under Section 88 cannot indirectly be taken away through a board extension of the term of parole.

Section 122

33.16.220 - Revocation of Parole (New Subsection)

Changes the parole hearing process to ensure that revocation hearings for technical violations of parole occur within 15 days

Section 123

33.16.240(e) - Arrest of a Parole Violator (Amended)

Restricts no-bail orders to the commission of new crimes or probation violations that include failure to comply with sex offender treatment.

Section 124

33.16.240 - Arrest of a Parole Violator (New Subsection)

Provides for a parolee arrested for a technical violation to be released without bail upon reaching imprisonment limits.

Section 125

33.16.900 - Definitions (New Paragraph)

Defines “administrative sanctions and incentives” as a response by a parole officer to a parolee’s compliance or noncompliance with the conditions of parole.

Section 126

33.20.010(c) - Computation of Good Time (Amended)

In addition to providing good time credit for time spent in community residential centers, this section extends credit to individuals on electronic monitoring.

Section 127

33.20.010 - Computation of Good Time (New Subsection)

Allows prisoners convicted of a sexual felony to receive earned credit upon completion of treatment requirements listed in the prisoner's case plan.

Section 128

33.30.011 - Duties of Commissioner (Amended)

Requires the commissioner of corrections to establish a program to assess risk levels for pretrial defendants, as well as establish a procedure for providing a written case plan to prisoners within 90 days of sentencing and a reentry plan at least 90 days before release. Additionally, this section establishes standards for electronic monitoring and the approval of private contractors that provide electronic monitoring.

Section 129

33.30.013(a) - Commissioner to Notify Victims (New Subsection)

Requires the Department of Corrections to notify the victim if the parolee is eligible for a parole reduction for compliance with conditions.

Section 130

30.30.095 - Duties of Commissioner Before Release of Prisoner (New Section)

Requires the Department of Corrections to establish a program to prepare a prisoner for re-entry that begins 90 days before the date of release. The program must include a re-entry plan and instruction on resources available in the community and obtaining state identification.

Section 131

33.30.151 - Correctional Restitution Centers (Amended)

Requires CRC's to provide treatment, reduce mixing low and high risk offenders, and adopt quality assurance measures, including standards for assessing risk levels.

Section 132

43.23.065(b) - Exemption of and Levy on Permanent Fund Dividends (Amended)

Conforming to ensure that forfeiture of an appearance or performance bond is not exempted from permanent fund dividend garnishment

Section 133

47.27.015 - Disqualifying Conditions (New Subsection)

Ends the restriction on eligibility for food stamps for persons convicted of drug felonies, provided the individual is compliant with conditions of probation, has completed treatment, or is working toward rehabilitation.

Section 134

Uncodified Law

Amendment to Court Rule 38 of the Alaska Rules of Criminal Procedure providing for hearing reminders to defendants.

Section 135

Uncodified Law

Amendment to Court Rule 41 of the Alaska Rules of Criminal Procedure prohibiting bail schedules for misdemeanors or felonies.

Section 136

Uncodified Law

Repeals Court Rules 41(d) and (e) in conformance with

Section 137

Uncodified Law

Repealed statutes.

Section 138

Uncodified Law

Indirect Court Rule Amendments to the Alaska Rules of Criminal Procedure.

Section 139

Uncodified Law

Applicability provisions.

Section 140

Uncodified Law

Provides that certain sections of the bill are conditional on a two-thirds majority vote of each house.

Section 141

Uncodified Law

Establishes effective dates for Sections 39-48, 55, 91, and 132.

Section 142

Uncodified Law

Establishes effective dates for Sections 20 and 134.

Section 143

Uncodified Law

Establishes effective dates for Sections 135 and 136.

Category	Policy	Rec	Bill Sections
Pretrial	Citation vs. Arrest	1	37-38
Pretrial	Risk-Based Release Decision-Making	2	23, 39-48, 55, 132
Pretrial	Pretrial Supervision of High-Risk	3-4	91
Sentencing	Misdemeanors	5	8, 10, 13, 18-22, 24-30, 71-73, 77-78, 80, 81, 83-86
Sentencing	Controlled Substances	6	31-36
Sentencing	Felony Theft Threshold	7	1-7, 9, 11-12, 14-17
Sentencing	Presumptive Ranges	8	68-70
Sentencing	Discretionary Parole/Administrative Parole	9	51, 67, 92-96, 98-116, 129
Sentencing	Geriatric Parole	10	97
Sentencing	Sex Offender Treatment Credit	11	127
Comm. Supervision	Graduated Sanctions/Incentives	12	64, 87, 90, 125
Comm. Supervision	Cap Technical Violation Stays	13	49, 52, 54, 66, 118-124, 128
Comm. Supervision	Probation Earned Credit	14	60, 62-63, 65, 88-89, 117
Comm. Supervision	Maximum Probation Terms	15	61
Comm. Supervision	Good-Time on E.M.	16	126
Comm. Supervision	ASAP	17	NOT IN THE BILL
Comm. Supervision	CRC's	18	131
Oversight	Council/Performance Measures	19	NOT IN THE BILL
Oversight	Fiscal Analysis on Future Bills	20	NOT IN THE BILL
Crime Victims	Victim Reinvestment Priorities	21	Reinvestment
Other	Limited Driver's License	-	75-76, 79, 82
Other	Administrative License Revocations	-	74

Other	Food Stamps	-	133
Other	Re-Entry Program	-	130
Other	Community Work	-	50, 56-58
Other	Limiting Pretrial Credit to 120 Days	-	53
Other	Suspended Entry of Judgement	-	59

AMENDMENT

OFFERED IN THE SENATE
TO: SSSB 91

BY SENATOR COGHILL

- 1 Page 5, lines 11 - 19:
- 2 Delete all material.
- 3
- 4 Renumber the following bill sections accordingly.
- 5
- 6 Page 7, line 30, through page 8, line 12:
- 7 Delete all material.
- 8
- 9 Renumber the following bill sections accordingly.
- 10
- 11 Page 12, line 17, through page 13, line 7:
- 12 Delete all material.
- 13
- 14 Renumber the following bill sections accordingly.
- 15
- 16 Page 14, line 2, through page 15, line 21:
- 17 Delete all material.
- 18
- 19 Renumber the following bill sections accordingly.
- 20
- 21 Page 15, line 24:
- 22 Delete "third"
- 23 Insert "second [THIRD]"

1

2 Page 16, line 1:

3 Delete "or"

4 Insert "[OR]"

5

6 Page 16, line 7, following "bus":

7 Insert ";

8 (4) manufactures any material, compound, mixture, or
9 preparation that contains10 (A) methamphetamine, or its salts, isomers, or salts of
11 isomers; or12 (B) an immediate precursor of methamphetamine, or its
13 salts, isomers, or salts of isomers;14 (5) possesses an immediate precursor of methamphetamine, or the
15 salts, isomers, or salts of isomers of the immediate precursor of
16 methamphetamine, with the intent to manufacture any material, compound,
17 mixture, or preparation that contains methamphetamine, or its salts, isomers, or
18 salts of isomers;19 (6) possesses a listed chemical with intent to manufacture any
20 material, compound, mixture, or preparation that contains21 (A) methamphetamine, or its salts, isomers, or salts of
22 isomers; or23 (B) an immediate precursor of methamphetamine, or its
24 salts, isomers, or salts of isomers;25 (7) possesses methamphetamine in an organic solution with intent
26 to extract from it methamphetamine or its salts, isomers, or salts of isomers; or27 (8) under circumstances not proscribed under AS 11.71.010(a)(2),
28 delivers29 (A) an immediate precursor of methamphetamine, or the
30 salts, isomers, or salts of isomers of the immediate precursor of
31 methamphetamine, to another person with reckless disregard that the

1 precursor will be used to manufacture any material, compound, mixture,
 2 or preparation that contains methamphetamine, or its salts, isomers, or
 3 salts of isomers; or

4 (B) a listed chemical to another person with reckless
 5 disregard that the listed chemical will be used to manufacture any
 6 material, compound, mixture, or preparation that contains

7 (i) methamphetamine, or its salts, isomers, or salts of
 8 isomers;

9 (ii) an immediate precursor of methamphetamine, or
 10 its salts, isomers, or salts of isomers; or

11 (iii) methamphetamine or its salts, isomers, or salts
 12 of isomers in an organic solution"

13
 14 Page 16, following line 7:

15 Insert new bill sections to read:

16 "* **Sec. 29.** AS 11.71.030(c) is amended to read:

17 (c) Misconduct involving a controlled substance in the second [THIRD]
 18 degree is a class B felony.

19 * **Sec. 30.** AS 11.71.030 is amended by adding new subsections to read:

20 (d) In a prosecution under (a) of this section, possession of more than six
 21 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or
 22 the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that
 23 the person intended to use the listed chemicals to manufacture, aid or abet another
 24 person to manufacture, or deliver to another person who intends to manufacture
 25 methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers
 26 of methamphetamine or its immediate precursors. The prima facie evidence described
 27 in this subsection does not apply to a person who possesses

28 (1) the listed chemicals ephedrine, pseudoephedrine,
 29 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

30 (A) and the listed chemical was dispensed to the person under a
 31 valid prescription; or

1 (B) in the ordinary course of a legitimate business, or an
2 employee of a legitimate business, as a

3 (i) retailer or wholesaler;

4 (ii) wholesale drug distributor licensed by the Board of
5 Pharmacy;

6 (iii) manufacturer of drug products licensed by the
7 Board of Pharmacy;

8 (iv) pharmacist licensed by the Board of Pharmacy; or

9 (v) health care professional licensed by the state; or

10 (2) less than 24 grams of ephedrine, pseudoephedrine,
11 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals,
12 kept in a locked storage area on the premises of a legitimate business or nonprofit
13 organization operating a camp, lodge, school, day care center, treatment center, or
14 other organized group activity, and the location or nature of the activity, or the age of
15 the participants, makes it impractical for the participants in the activity to obtain
16 medicinal products.

17 (e) In this section, "listed chemical" means a chemical described under
18 AS 11.71.200."

19
20 Renumber the following bill sections accordingly.

21
22 Page 16, line 10:

23 Delete "fourth"

24 Insert "**third** [FOURTH]"

25
26 Page 17, line 14:

27 Delete "**IA, IIA,**"

28
29 Page 18, line 11, through page 20, line 14:

30 Delete all material and insert:

31 "* **Sec. 32.** AS 11.71.040(d) is amended to read:

1 (d) Misconduct involving a controlled substance in the **third** [FOURTH]
2 degree is a class C felony.

3 * **Sec. 33.** AS 11.71.050 is amended to read:

4 **Sec. 11.71.050. Misconduct involving a controlled substance in the fourth**
5 **[FIFTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime
6 of misconduct involving a controlled substance in the fifth degree if the person

7 (1) manufactures or delivers, or possesses with the intent to
8 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
9 of an aggregate weight of less than one ounce containing a schedule VIA controlled
10 substance;

11 (2) possesses

12 (A) less than 25 tablets, ampules, or syrettes containing a
13 schedule IIIA or IVA controlled substance;

14 (B) one or more preparations, compounds, mixtures, or
15 substances of an aggregate weight of less than

16 (i) three grams containing a schedule IIIA or IVA
17 controlled substance except a controlled substance in a form listed in
18 (ii) of this subparagraph;

19 (ii) 12 grams but more than six grams containing a
20 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16)
21 that has been sprayed on or otherwise applied to tobacco, an herb, or
22 another organic material; or

23 (iii) 500 milligrams containing a schedule IIA
24 controlled substance listed in AS 11.71.150(e)(11) - (15);

25 (C) less than 50 tablets, ampules, or syrettes containing a
26 schedule VA controlled substance;

27 (D) one or more preparations, compounds, mixtures, or
28 substances of an aggregate weight of less than six grams containing a schedule
29 VA controlled substance; or

30 (E) one or more preparations, compounds, mixtures, or
31 substances of an aggregate weight of one ounce or more containing a schedule

1 VIA controlled substance; [OR]

2 (3) fails to make, keep, or furnish any record, notification, order form,
3 statement, invoice, or information required under AS 17.30; or

4 (4) under circumstances not proscribed under
5 AS 11.71.060(a)(2)(B), possesses any amount of a schedule IA, IIA, IIA, IVA, or
6 VA controlled substance.

7 (b) Misconduct involving a controlled substance in the fourth [FIFTH] degree
8 is a class A misdemeanor.

9 * **Sec. 34.** AS 11.71.060 is amended to read:

10 **Sec. 11.71.060. Misconduct involving a controlled substance in the fifth**
11 **[SIXTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime
12 of misconduct involving a controlled substance in the fifth [SIXTH] degree if the
13 person

14 (1) uses or displays any amount of a schedule VIA controlled
15 substance;

16 (2) possesses one or more preparations, compounds, mixtures, or
17 substances of an aggregate weight of

18 (A) less than one ounce containing a schedule VIA controlled
19 substance;

20 (B) six grams or less containing a schedule IIIA controlled
21 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or
22 otherwise applied to tobacco, an herb, or another organic material; or

23 (3) refuses entry into a premise for an inspection authorized under
24 AS 17.30.

25 (b) Misconduct involving a controlled substance in the fifth [SIXTH] degree
26 is a class B misdemeanor."

27
28 Renumber the following bill sections accordingly.

29
30 Page 20, lines 16 - 17:

31 Delete "AS 11.71.040(a)(4), 11.71.050(a)(4), [AS 11.71.030(a)(3), 11.71.040(a)(3)]

1 OR (4), 11.71.050(a)(2),]"

2 Insert "AS 11.71.030(a)(3), 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3) OR (4),
3 11.71.050(a)(2)],"

4

5 Page 20, lines 23 - 24:

6 Delete "AS 11.71.040(a)(4), 11.71.050(a)(4), [AS 11.71.030(a)(3), 11.71.040(a)(3)
7 OR (4), 11.71.050(a)(2),]"

8 Insert "AS 11.71.030(a)(3), 11.71.040(a), 11.71.050(a)(4) [11.71.040(a)(3) OR (4),
9 11.71.050(a)(2)],"

10

11 Page 21, lines 1 - 2:

12 Delete "AS 11.71.040(a)(4), 11.71.050(a)(4), [AS 11.71.030(a)(3), 11.71.040(a)(3)
13 OR (4), 11.71.050(a)(2),]"

14 Insert "AS 11.71.030(a)(3), 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3) OR (4),
15 11.71.050(a)(2)],"

16

17 Page 22, lines 3 - 8:

18 Delete all material.

19

20 Renumber the following paragraphs accordingly.

21

22 Page 22, line 10, following "AS 11.56.757";:

23 Insert "or"

24

25 Page 22, line 13:

26 Delete "; or"

27 Insert "."

28

29 Page 22, lines 14 - 16:

30 Delete all material.

31

1 Page 39, line 2, following "jurisdiction":

2 Insert "; or"

3 (5) has been convicted of a crime involving domestic violence, as
4 defined by AS 18.66.990"

5

6 Page 39, line 9:

7 Delete "**five**"

8 Insert "**10**"

9

10 Page 39, line 11:

11 Delete "**three**"

12 Insert "**five**"

13

14 Page 39, lines 13 - 18:

15 Delete all material and insert:

16 "(3) four years for a misdemeanor offense involving domestic
17 violence;

18 (4) two years for a misdemeanor offense under AS 28.35.030 or
19 28.35.032, if the person has previously been convicted of an offense under
20 AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or another
21 jurisdiction; or

22 (5) one year for an offense not listed in (1) - (4) of this subsection."

23

24 Page 40, line 6:

25 Delete "and"

26

27 Page 40, line 7, following "probation":

28 Insert "; and

29 (4) has not been convicted of an unclassified felony offense, a sexual
30 felony as defined by AS 12.55.185, or a crime involving domestic violence as defined
31 by AS 18.66.990"

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Page 40, lines 13 - 14:

Delete "If there are numerous victims, the court may limit the number of victims who may give sworn testimony or make an unsworn oral presentation at the hearing."

Page 45, line 7:

Delete "one [TWO] to three [FOUR]"
Insert "two to four"

Page 46, line 14:

Delete "or"

Page 46, line 17, following "offense":

Insert "or"

Page 46, lines 18 - 22:

Delete all material.

Page 46, line 23:

Delete "(iii)"
Insert "(ii)"

Page 46, following line 26:

Insert a new subparagraph to read:
"(C) conviction is for the crime of assault in the fourth degree under AS 11.41.230; or"

Page 57, line 3, following "probation":

Insert "if the person has not been convicted of an unclassified felony offense, a sexual felony as defined by AS 12.55.185, or a crime involving domestic violence as defined by AS 18.66.990"

1

2 Page 63, line 2, following "felony":

3 Insert "that is not a sexual felony as defined in AS 12.55.185,"

4

5 Page 63, line 3, following "jurisdiction":

6 Insert ", "

7

8 Page 64, line 8:

9 Delete "**and**"

10 Insert ";

11

12 Page 64, line 9, following "**judgment**":

13 Insert "**, and has not been convicted of a sexual felony as defined by AS 12.55.185**"

14

15 Page 75, line 21:

16 Delete "and"

17

18 Page 75, line 22, following "parole":

19 Insert "; and

20 (4) has not been convicted of an unclassified felony offense, a sexual
21 felony as defined by AS 12.55.185, or a crime involving domestic violence as defined
22 by AS 18.66.990"

23

24 Page 84, lines 28 - 31:

25 Delete all material and insert:

26 "* **Sec. 136.** AS 11.71.020, 11.71.040(a)(3), 11.71.050(a)(2); and AS 12.30.016(d) are
27 repealed."

28

29 Page 85, line 3:

30 Delete "sec. 42"

31 Insert "sec. 41"

- 1
- 2 Page 85, line 7:
 - 3 Delete "sec. 43"
 - 4 Insert "sec. 42"
 - 5
- 6 Page 85, line 8:
 - 7 Delete "sec. 44"
 - 8 Insert "sec. 43"
 - 9
- 10 Page 85, line 14:
 - 11 Delete "sec. 58"
 - 12 Insert "sec. 57"
 - 13
- 14 Page 85, line 17:
 - 15 Delete "sec. 58"
 - 16 Insert "sec. 57"
 - 17
- 18 Page 85, line 18:
 - 19 Delete "sec. 59"
 - 20 Insert "sec. 58"
 - 21
- 22 Page 85, line 21:
 - 23 Delete "sec. 73"
 - 24 Insert "sec. 72"
 - 25
- 26 Page 85, line 24:
 - 27 Delete "sec. 91"
 - 28 Insert "sec. 90"
 - 29
- 30 Page 86, line 9:
 - 31 Delete all material.

1

2 Renumber the following paragraphs accordingly.

3

4 Page 86, line 10:

5 Delete "sec. 9"

6 Insert "sec. 8"

7

8 Page 86, line 11:

9 Delete "sec. 11"

10 Insert "sec. 10"

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12 Page 86, line 12:

13 Delete "sec. 12"

14 Insert "sec. 11"

15

16 Page 86, line 13:

17 Delete all material.

18

19 Renumber the following paragraphs accordingly.

20

21 Page 86, line 14:

22 Delete "sec. 14"

23 Insert "sec. 12"

24

25 Page 86, line 15:

26 Delete "sec. 15"

27 Insert "sec. 13"

28

29 Page 86, line 16:

30 Delete "sec. 16"

31 Insert "sec. 14"

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Page 86, line 17:

Delete "sec. 19"

Insert "sec. 17"

Page 86, line 18:

Delete "sec. 25"

Insert "sec. 23"

Page 86, line 19:

Delete all material.

Renumber the following paragraphs accordingly.

Page 86, line 20:

Delete "sec. 27"

Insert "sec. 24"

Page 86, line 21:

Delete "sec. 30"

Insert "sec. 27"

Page 86, line 22:

Delete all material.

Renumber the following paragraphs accordingly.

Page 86, line 23:

Delete "sec. 32"

Insert "sec. 28"

1 Page 86, following line 23:

2 Insert a new paragraph to read:

3 "(19) AS 11.71.030(c), as amended by sec. 29 of this Act;"

4

5 Page 86, line 24:

6 Delete "sec. 33"

7 Insert "sec. 31"

8

9 Page 86, line 25:

10 Delete "AS 11.71.050(a)"

11 Insert "AS 11.71.050"

12 Delete "sec. 34"

13 Insert "sec. 33"

14

15 Page 86, following line 25:

16 Insert a new paragraph to read:

17 "(22) AS 11.71.060, as amended by sec. 34 of this Act;"

18

19 Renumber the following paragraphs accordingly.

20

21 Page 86, line 26:

22 Delete "sec. 36"

23 Insert "sec. 35"

24

25 Page 86, line 27:

26 Delete "sec. 77"

27 Insert "sec. 76"

28

29 Page 86, line 28:

30 Delete "sec. 78"

31 Insert "sec. 77"

1

2 Page 86, line 29:

3 Delete "sec. 84"

4 Insert "sec. 83"

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6 Page 86, line 30:

7 Delete "sec. 85"

8 Insert "sec. 84"

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10 Page 86, line 31:

11 Delete "sec. 86"

12 Insert "sec. 85"

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14 Page 87, line 1:

15 Delete "sec. 133"

16 Insert "sec. 132"

17

18 Page 87, line 4:

19 Delete "sec. 10"

20 Insert "sec. 9"

21

22 Page 87, line 5:

23 Delete "sec. 22"

24 Insert "sec. 20"

25

26 Page 87, line 6:

27 Delete "sec. 29"

28 Insert "sec. 26"

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30 Page 87, line 10:

31 Delete "sec. 37"

- 1 Insert "sec. 36"
- 2
- 3 Page 87, line 11:
- 4 Delete "sec. 38"
- 5 Insert "sec. 37"
- 6
- 7 Page 87, line 14:
- 8 Delete "sec. 50"
- 9 Insert "sec. 49"
- 10
- 11 Page 87, line 15:
- 12 Delete "sec. 51"
- 13 Insert "sec. 50"
- 14
- 15 Page 87, line 16:
- 16 Delete "sec. 52"
- 17 Insert "sec. 51"
- 18
- 19 Page 87, line 17:
- 20 Delete "sec. 53"
- 21 Insert "sec. 52"
- 22
- 23 Page 87, line 18:
- 24 Delete "sec. 67"
- 25 Insert "sec. 66"
- 26
- 27 Page 87, line 19:
- 28 Delete "sec. 68"
- 29 Insert "sec. 67"
- 30
- 31 Page 87, line 20:

1 Delete "sec. 69"

2 Insert "sec. 68"

3

4 Page 87, line 21:

5 Delete "sec. 70"

6 Insert "sec. 69"

7

8 Page 87, line 22:

9 Delete "sec. 71"

10 Insert "sec. 70"

11

12 Page 87, line 23:

13 Delete "sec. 72"

14 Insert "sec. 71"

15

16 Page 87, line 24:

17 Delete "sec. 73"

18 Insert "sec. 72"

19

20 Page 87, line 25:

21 Delete "sec. 80"

22 Insert "sec. 79"

23

24 Page 87, line 26:

25 Delete "sec. 83"

26 Insert "sec. 82"

27

28 Page 87, following line 26:

29 Insert new paragraphs to read:

30 "(14) AS 33.16.010(f), enacted by sec. 93 of this Act;

31 (15) AS 33.16.089, enacted by sec. 95 of this Act;"

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Renumber the following paragraphs accordingly.

Page 87, line 27:

Delete "sec. 126"

Insert "sec. 125"

Page 87, line 28:

Delete "sec. 127"

Insert "sec. 126"

Page 87, line 29:

Delete "sec. 49"

Insert "sec. 48"

Page 88, line 4:

Delete "sec. 56"

Insert "sec. 55"

Page 88, line 5:

Delete "sec. 57"

Insert "sec. 56"

Page 88, line 6:

Delete "sec. 58"

Insert "sec. 57"

Page 88, line 7:

Delete "sec. 59"

Insert "sec. 58"

- 1 Page 88, line 12:
- 2 Delete "sec. 54"
- 3 Insert "sec. 53"
- 4
- 5 Page 88, line 13:
- 6 Delete "sec. 60"
- 7 Insert "sec. 59"
- 8
- 9 Page 88, line 14:
- 10 Delete "sec. 61"
- 11 Insert "sec. 60"
- 12
- 13 Page 88, line 15:
- 14 Delete "sec. 62"
- 15 Insert "sec. 61"
- 16
- 17 Page 88, line 16:
- 18 Delete "sec. 63"
- 19 Insert "sec. 62"
- 20
- 21 Page 88, line 17:
- 22 Delete "sec. 64"
- 23 Insert "sec. 63"
- 24
- 25 Page 88, line 18:
- 26 Delete "sec. 66"
- 27 Insert "sec. 65"
- 28
- 29 Page 88, line 19:
- 30 Delete "sec. 88"
- 31 Insert "sec. 87"

1

2 Page 88, line 20:

3 Delete "sec. 89"

4 Insert "sec. 88"

5

6 Page 88, line 24:

7 Delete "sec. 74"

8 Insert "sec. 73"

9

10 Page 88, line 25:

11 Delete "sec. 75"

12 Insert "sec. 74"

13

14 Page 88, line 26:

15 Delete "sec. 76"

16 Insert "sec. 75"

17

18 Page 88, line 27:

19 Delete "sec. 82"

20 Insert "sec. 81"

21

22 Page 88, line 30:

23 Delete "sec. 92"

24 Insert "sec. 91"

25

26 Page 88, line 31:

27 Delete "sec. 93"

28 Insert "sec. 92"

29

30 Page 89, line 1:

31 Delete all material.

1

2 Renumber the following paragraphs accordingly.

3

4 Page 89, line 2:

5 Delete "sec. 95"

6 Insert "sec. 94"

7

8 Page 89, line 3:

9 Delete all material.

10

11 Renumber the following paragraphs accordingly.

12

13 Page 89, line 4:

14 Delete "sec. 97"

15 Insert "sec. 96"

16

17 Page 89, line 5:

18 Delete "sec. 99"

19 Insert "sec. 98"

20

21 Page 89, line 6:

22 Delete "sec. 100"

23 Insert "sec. 99"

24

25 Page 89, line 7:

26 Delete "sec. 101"

27 Insert "sec. 100"

28

29 Page 89, line 8:

30 Delete "sec. 107"

31 Insert "sec. 106"

1

2 Page 89, line 9:

3 Delete "sec. 108"

4 Insert "sec. 107"

5

6 Page 89, line 10:

7 Delete "sec. 109"

8 Insert "sec. 108"

9

10 Page 89, line 11:

11 Delete "sec. 110"

12 Insert "sec. 109"

13

14 Page 89, line 12:

15 Delete "sec. 111"

16 Insert "sec. 110"

17

18 Page 89, line 13:

19 Delete "sec. 112"

20 Insert "sec. 111"

21

22 Page 89, line 14:

23 Delete "sec. 113"

24 Insert "sec. 112"

25

26 Page 89, line 15:

27 Delete "sec. 114"

28 Insert "sec. 113"

29

30 Page 89, line 16:

31 Delete "sec. 115"

1 Insert "sec. 114"

2

3 Page 89, line 17:

4 Delete "sec. 116"

5 Insert "sec. 115"

6

7 Page 89, line 18:

8 Delete "sec. 117"

9 Insert "sec. 116"

10

11 Page 89, line 19:

12 Delete "sec. 118"

13 Insert "sec. 117"

14

15 Page 89, line 20:

16 Delete "sec. 119"

17 Insert "sec. 118"

18

19 Page 89, line 21:

20 Delete "sec. 120"

21 Insert "sec. 119"

22

23 Page 89, line 22:

24 Delete "sec. 121"

25 Insert "sec. 120"

26

27 Page 89, line 23:

28 Delete "sec. 122"

29 Insert "sec. 121"

30

31 Page 89, line 24:

- 1 Delete "sec. 123"
- 2 Insert "sec. 122"
- 3
- 4 Page 89, line 25:
- 5 Delete "sec. 124"
- 6 Insert "sec. 123"
- 7
- 8 Page 89, line 26:
- 9 Delete "sec. 20"
- 10 Insert "sec. 18"
- 11 Delete "secs. 134 - 136"
- 12 Insert "secs. 133 - 135"
- 13
- 14 Page 89, line 27:
- 15 Delete "secs. 20 and 134 - 136"
- 16 Insert "secs. 18 and 133 - 135"
- 17
- 18 Page 89, line 31:
- 19 Delete "sec. 39"
- 20 Insert "sec. 38"
- 21
- 22 Page 90, line 1:
- 23 Delete "sec. 40"
- 24 Insert "sec. 39"
- 25
- 26 Page 90, line 2:
- 27 Delete "sec. 41"
- 28 Insert "sec. 40"
- 29
- 30 Page 90, line 3:
- 31 Delete "sec. 42"

- 1 Insert "sec. 41"
- 2
- 3 Page 90, line 4:
- 4 Delete "sec. 43"
- 5 Insert "sec. 42"
- 6
- 7 Page 90, line 5:
- 8 Delete "sec. 44"
- 9 Insert "sec. 43"
- 10
- 11 Page 90, line 6:
- 12 Delete "sec. 45"
- 13 Insert "sec. 44"
- 14
- 15 Page 90, line 7:
- 16 Delete "sec. 46"
- 17 Insert "sec. 45"
- 18
- 19 Page 90, line 8:
- 20 Delete "sec. 47"
- 21 Insert "sec. 46"
- 22
- 23 Page 90, line 9:
- 24 Delete "sec. 48"
- 25 Insert "sec. 47"
- 26
- 27 Page 90, line 10:
- 28 Delete "sec. 55"
- 29 Insert "sec. 54"
- 30
- 31 Page 90, line 11:

- 1 Delete "sec. 91"
- 2 Insert "sec. 90"
- 3
- 4 Page 90, line 12:
 - 5 Delete "sec. 132"
 - 6 Insert "sec. 131"
 - 7
- 8 Page 90, line 15:
 - 9 Delete "sec. 20"
 - 10 Insert "sec. 18"
 - 11
- 12 Page 90, line 16:
 - 13 Delete "sec. 134"
 - 14 Insert "sec. 133"
 - 15
- 16 Page 90, line 18:
 - 17 Delete "sec. 42"
 - 18 Insert "sec. 41"
 - 19 Delete "sec. 138(a)"
 - 20 Insert "sec. "137(a)"
 - 21
- 22 Page 90, line 21:
 - 23 Delete "sec. 43"
 - 24 Insert "sec. "42
 - 25 Delete "sec. 138(b)"
 - 26 Insert "sec. "137(b)"
 - 27
- 28 Page 90, line 24:
 - 29 Delete "sec. 44"
 - 30 Insert "sec. 43"
 - 31 Delete "sec. 138(b)"

1 Insert "sec. 137(b)"

2

3 Page 90, line 27:

4 Delete "sec. 58"

5 Insert "sec. 57"

6 Delete "sec. 138(c)"

7 Insert "sec. "137(c)"

8

9 Page 90, line 30:

10 Delete "sec. 59"

11 Insert "sec. 58"

12 Delete "sec. 138(d)"

13 Insert "sec. 137(d)"

14

15 Page 91, line 2:

16 Delete "sec. 73"

17 Insert "sec. 72"

18 Delete "sec. 138(e)"

19 Insert "sec. 137(e)"

20

21 Page 91, line 5:

22 Delete "sec. 91"

23 Insert "sec. 90"

24 Delete "sec. 138(f)"

25 Insert "sec. 137(f)"

26

27 Page 91, line 8:

28 Delete "Sections 39 - 48, 55, 91, and 132"

29 Insert "Sections 38 - 47, 54, 90, and 131"

30

31 Page 91, line 9:

- 1 Delete "sec. 20"
- 2 Insert "sec. 18"
- 3 Delete "sec. 134"
- 4 Insert "sec. 133"
- 5
- 6 Page 91, line 11:
- 7 Delete "Sections 135 and 136"
- 8 Insert "Sections 134 and 135"

AMENDMENT

OFFERED IN THE SENATE
TO: SSSB 91

BY SENATOR COGHILL

1 Page 21, line 15:

2 Delete "significant"

3 Delete "[SELF OR]"

4 Insert "self or"

5

6 Page 21, line 17:

7 Delete "[OR TO PROPERTY]"

8 Insert "or to property"

9

10 Page 21, line 21, following "AS 11.41":

11 Insert ", a sexual felony, escape under AS 11.56.300 - 11.56.330, unlawful evasion
12 under AS 11.56.335 or 11.56.340, unlawful contact under AS 11.56.750 or 11.56.755,"

13

14 Page 21, line 23, following "AS 18.66.990":

15 Insert "and "sexual felony" has the meaning given in AS 12.55.185"

16

17 Page 21, line 25:

18 Delete "significant"

19

20 Page 22, following line 16:

21 Insert a new bill section to read:

22 "* **Sec. 38.** AS 12.25.180 is amended by adding a new subsection to read:

23 (c) A person may not bring a civil action for damages for a failure to comply

1 with the provisions of this section."

2

3 Renumber the following bill sections accordingly.

4

5 Page 85, line 3:

6 Delete "sec. 42"

7 Insert "sec. 43"

8

9 Page 85, line 7:

10 Delete "sec. 43"

11 Insert "sec. 44"

12

13 Page 85, line 8:

14 Delete "sec. 44"

15 Insert "sec. 45"

16

17 Page 85, line 14:

18 Delete "sec. 58"

19 Insert "sec. 59"

20

21 Page 85, line 17:

22 Delete "sec. 58"

23 Insert "sec. 59"

24

25 Page 85, line 18:

26 Delete "sec. 59"

27 Insert "sec. 60"

28

29 Page 85, line 21:

30 Delete "sec. 73"

31 Insert "sec. 74"

1

2 Page 85, line 24:

3 Delete "sec. 91"

4 Insert "sec. 92"

5

6 Page 86, line 27:

7 Delete "sec. 77"

8 Insert "sec. 78"

9

10 Page 86, line 28:

11 Delete "sec. 78"

12 Insert "sec. 79"

13

14 Page 86, line 29:

15 Delete "sec. 84"

16 Insert "sec. 85"

17

18 Page 86, line 30:

19 Delete "sec. 85"

20 Insert "sec. 86"

21

22 Page 86, line 31:

23 Delete "sec. 86"

24 Insert "sec. 87"

25

26 Page 87, line 1:

27 Delete "sec. 133"

28 Insert "sec. 134"

29

30 Page 87, line 11:

31 Delete "sec. 38"

- 1 Insert "sec. 39"
- 2
- 3 Page 87, line 14:
- 4 Delete "sec. 50"
- 5 Insert "sec. 51"
- 6
- 7 Page 87, line 15:
- 8 Delete "sec. 51"
- 9 Insert "sec. 52"
- 10
- 11 Page 87, line 16:
- 12 Delete "sec. 52"
- 13 Insert "sec. 53"
- 14
- 15 Page 87, line 17:
- 16 Delete "sec. 53"
- 17 Insert "sec. 54"
- 18
- 19 Page 87, line 18:
- 20 Delete "sec. 67"
- 21 Insert "sec. 68"
- 22
- 23 Page 87, line 19:
- 24 Delete "sec. 68"
- 25 Insert "sec. 69"
- 26
- 27 Page 87, line 20:
- 28 Delete "sec. 69"
- 29 Insert "sec. 70"
- 30
- 31 Page 87, line 21:

- 1 Delete "sec. 70"
- 2 Insert "sec. 71"
- 3
- 4 Page 87, line 22:
- 5 Delete "sec. 71"
- 6 Insert "sec. 72"
- 7
- 8 Page 87, line 23:
- 9 Delete "sec. 72"
- 10 Insert "sec. 73"
- 11
- 12 Page 87, line 24:
- 13 Delete "sec. 73"
- 14 Insert "sec. 74"
- 15
- 16 Page 87, line 25:
- 17 Delete "sec. 80"
- 18 Insert "sec. 81"
- 19
- 20 Page 87, line 26:
- 21 Delete "sec. 83"
- 22 Insert "sec. 84"
- 23
- 24 Page 87, line 27:
- 25 Delete "sec. 126"
- 26 Insert "sec. 127"
- 27
- 28 Page 87, line 28:
- 29 Delete "sec. 127"
- 30 Insert "sec. 128"
- 31

1 Page 87, line 29:

2 Delete "sec. 49"

3 Insert "sec. 50"

4

5 Page 88, line 4:

6 Delete "sec. 56"

7 Insert "sec. 57"

8

9 Page 88, line 5:

10 Delete "sec. 57"

11 Insert "sec. 58"

12

13 Page 88, line 6:

14 Delete "sec. 58"

15 Insert "sec. 59"

16

17 Page 88, line 7:

18 Delete "sec. 59"

19 Insert "sec. 60"

20

21 Page 88, line 12:

22 Delete "sec. 54"

23 Insert "sec. 55"

24

25 Page 88, line 13:

26 Delete "sec. 60"

27 Insert "sec. 61"

28

29 Page 88, line 14:

30 Delete "sec. 61"

31 Insert "sec. 62"

1

2 Page 88, line 15:

3 Delete "sec. 62"

4 Insert "sec. 63"

5

6 Page 88, line 16:

7 Delete "sec. 63"

8 Insert "sec. 64"

9

10 Page 88, line 17:

11 Delete "sec. 64"

12 Insert "sec. 65"

13

14 Page 88, line 18:

15 Delete "sec. 66"

16 Insert "sec. 67"

17

18 Page 88, line 19:

19 Delete "sec. 88"

20 Insert "sec. 89"

21

22 Page 88, line 20:

23 Delete "sec. 89"

24 Insert "sec. 90"

25

26 Page 88, line 24:

27 Delete "sec. 74"

28 Insert "sec. 75"

29

30 Page 88, line 25:

31 Delete "sec. 75"

1 Insert "sec. 76"

2

3 Page 88, line 26:

4 Delete "sec. 76"

5 Insert "sec. 77"

6

7 Page 88, line 27:

8 Delete "sec. 82"

9 Insert "sec. 83"

10

11 Page 88, line 30:

12 Delete "sec. 92"

13 Insert "sec. 93"

14

15 Page 88, line 31:

16 Delete "sec. 93"

17 Insert "sec. 94"

18

19 Page 89, line 1:

20 Delete "sec. 94"

21 Insert "sec. 95"

22

23 Page 89, line 2:

24 Delete "sec. 95"

25 Insert "sec. 96"

26

27 Page 89, line 3:

28 Delete "sec. 96"

29 Insert "sec. 97"

30

31 Page 89, line 4:

- 1 Delete "sec. 97"
- 2 Insert "sec. 98"
- 3
- 4 Page 89, line 5:
 - 5 Delete "sec. 99"
 - 6 Insert "sec. 100"
 - 7
- 8 Page 89, line 6:
 - 9 Delete "sec. 100"
 - 10 Insert "sec. 101"
 - 11
- 12 Page 89, line 7:
 - 13 Delete "sec. 101"
 - 14 Insert "sec. 102"
 - 15
- 16 Page 89, line 8:
 - 17 Delete "sec. 107"
 - 18 Insert "sec. 108"
 - 19
- 20 Page 89, line 9:
 - 21 Delete "sec. 108"
 - 22 Insert "sec. 109"
 - 23
- 24 Page 89, line 10:
 - 25 Delete "sec. 109"
 - 26 Insert "sec. 110"
 - 27
- 28 Page 89, line 11:
 - 29 Delete "sec. 110"
 - 30 Insert "sec. 111"
 - 31

- 1 Page 89, line 12:
- 2 Delete "sec. 111"
- 3 Insert "sec. 112"
- 4
- 5 Page 89, line 13:
- 6 Delete "sec. 112"
- 7 Insert "sec. 113"
- 8
- 9 Page 89, line 14:
- 10 Delete "sec. 113"
- 11 Insert "sec. 114"
- 12
- 13 Page 89, line 15:
- 14 Delete "sec. 114"
- 15 Insert "sec. 115"
- 16
- 17 Page 89, line 16:
- 18 Delete "sec. 115"
- 19 Insert "sec. 116"
- 20
- 21 Page 89, line 17:
- 22 Delete "sec. 116"
- 23 Insert "sec. 117"
- 24
- 25 Page 89, line 18:
- 26 Delete "sec. 117"
- 27 Insert "sec. 118"
- 28
- 29 Page 89, line 19:
- 30 Delete "sec. 118"
- 31 Insert "sec. 119"

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Page 89, line 20:

Delete "sec. 119"

Insert "sec. 120"

Page 89, line 21:

Delete "sec. 120"

Insert "sec. 121"

Page 89, line 22:

Delete "sec. 121"

Insert "sec. 122"

Page 89, line 23:

Delete "sec. 122"

Insert "sec. 123"

Page 89, line 24:

Delete "sec. 123"

Insert "sec. 124"

Page 89, line 25:

Delete "sec. 124"

Insert "sec. 125"

Page 89, line 26:

Delete "secs. 134 - 136"

Insert "secs. 135 - 137"

Page 89, line 27:

Delete "134 - 136"

- 1 Insert "135 - 137"
- 2
- 3 Page 89, line 31:
- 4 Delete "sec. 39"
- 5 Insert "sec. 40"
- 6
- 7 Page 90, line 1:
- 8 Delete "sec. 40"
- 9 Insert "sec. 41"
- 10
- 11 Page 90, line 2:
- 12 Delete "sec. 41"
- 13 Insert "sec. 42"
- 14
- 15 Page 90, line 3:
- 16 Delete "sec. 42"
- 17 Insert "sec. 43"
- 18
- 19 Page 90, line 4:
- 20 Delete "sec. 43"
- 21 Insert "sec. 44"
- 22
- 23 Page 90, line 5:
- 24 Delete "sec. 44"
- 25 Insert "sec. 45"
- 26
- 27 Page 90, line 6:
- 28 Delete "sec. 45"
- 29 Insert "sec. 46"
- 30
- 31 Page 90, line 7:

- 1 Delete "sec. 46"
- 2 Insert "sec. 47"
- 3
- 4 Page 90, line 8:
- 5 Delete "sec. 47"
- 6 Insert "sec. 48"
- 7
- 8 Page 90, line 9:
- 9 Delete "sec. 48"
- 10 Insert "sec. 49"
- 11
- 12 Page 90, line 10:
- 13 Delete "sec. 55"
- 14 Insert "sec. 56"
- 15
- 16 Page 90, line 11:
- 17 Delete "sec. 91"
- 18 Insert "sec. 92"
- 19
- 20 Page 90, line 12:
- 21 Delete "sec. 132"
- 22 Insert "sec. 133"
- 23
- 24 Page 90, line 16:
- 25 Delete "sec. 134"
- 26 Insert "sec. 135"
- 27
- 28 Page 90, line 18:
- 29 Delete "sec. 42"
- 30 Insert "sec. 43"
- 31 Delete "sec. 138(a)"

1 Insert "sec. 139(a)"

2

3 Page 90, line 21:

4 Delete "sec. 43"

5 Insert "sec. 44"

6 Delete "sec. 138(b)"

7 Insert "sec. 139(b)"

8

9 Page 90, line 24:

10 Delete "sec. 44"

11 Insert "sec. 45"

12 Delete "sec. 138(b)"

13 Insert "sec. 139(b)"

14

15 Page 90, line 27:

16 Delete "sec. 58"

17 Insert "sec. 59"

18 Delete "sec. 138(c)"

19 Insert "sec. 139(c)"

20

21 Page 90, line 30:

22 Delete "sec. 59"

23 Insert "sec. 60"

24 Delete "sec. 138(d)"

25 Insert "sec. 139(d)"

26

27 Page 91, line 2:

28 Delete "sec. 73"

29 Insert "sec. 74"

30 Delete "sec. 138(e)"

31 Insert "sec. 139(e)"

1

2 Page 91, line 5:

3 Delete "sec. 91"

4 Insert "sec. 92"

5 Delete "sec. 138(f)"

6 Insert "sec. 139(f)"

7

8 Page 91, line 8:

9 Delete "Sections 39 - 48, 55, 91, and 132"

10 Insert "Sections 40 - 49, 56, 92, and 133"

11

12 Page 91, line 9:

13 Delete "sec. 134"

14 Insert "sec. 135"

15

16 Page 91, line 11:

17 Delete "Sections 135 and 136"

18 Insert "Sections 136 and 137"

AMENDMENT

OFFERED IN THE SENATE
TO: SSSB 91

BY SENATOR COGHILL

1 Page 1, line 9, following "programs;":

2 Insert "relating to the disqualification of persons convicted of felony drug offenses
3 from receiving public assistance;"

4

5 Page 83, following line 22:

6 Insert a new bill section to read:

7 ** Sec. 133. AS 47.05 is amended by adding a new section to read:

8 **Sec. 47.05.035. Disqualification from public assistance for felony drug**
9 **offenses.** (a) A person convicted during a period in which the person is receiving
10 public assistance under AS 47.25 of an offense that is classified as a felony under
11 AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has as an element
12 the possession, use, or distribution of a controlled substance, as defined in
13 AS 11.71.900, is disqualified from receiving public assistance under this title unless
14 the person participates in a testing program implemented by the department at least
15 quarterly, on renewal of public assistance eligibility, and on a random basis for the use
16 of illegal controlled substances. A person subject to this section who tests positive for
17 the illegal use of controlled substances is disqualified from receiving public assistance
18 for six months following the date of notice that the person tested positive for the use of
19 illegal controlled substances.

20 (b) The department shall adopt regulations to implement (a) of this section.
21 The regulations adopted by the department must

22 (1) include an appeal process for a person disqualified under (a) of this
23 section; and

1 (2) provide that, where available, an alcohol safety action program
2 approved under AS 47.37.130 shall perform the drug testing.

3 (c) In this section, "public assistance" means

4 (1) a program that provides

5 (A) day care assistance under AS 47.25.001 - 47.25.095;

6 (B) general relief assistance under AS 47.25.120 - 300; or

7 (C) adult public assistance under AS 47.25.430 - 47.25.615;

8 (2) the Alaska affordable heating program under AS 47.25.621 -
9 47.25.626; or

10 (3) the food stamp program under AS 47.25.975 - 47.25.990."
11

12 Renumber the following bill sections accordingly.
13

14 Page 84, line 2:

15 Delete "or"

16
17 Page 84, line 4, following "program":

18 Insert "; or

19 (4) is in compliance with AS 47.05.035"
20

21 Page 87, line 1:

22 Delete "sec. 133"

23 Insert "sec. 134"
24

25 Page 89, line 26:

26 Delete "secs. 134 - 136"

27 Insert "secs. 135 - 137"
28

29 Page 89, line 27:

30 Delete "134 - 136"

31 Insert "135 - 137"

1

2 Page 90, line 11:

3 Delete "and"

4

5 Page 90, line 13:

6 Delete "."

7 Insert "; and"

8

(14) AS 47.05.035, enacted by sec. 33 of this Act."

9

10 Page 90, line 16:

11 Delete "sec. 134"

12 Insert "sec. 135"

13

14 Page 90, line 18:

15 Delete "sec. 138(a)"

16 Insert "sec. 139(a)"

17

18 Page 90, line 21:

19 Delete "sec. 138(b)"

20 Insert "sec. 139(b)"

21

22 Page 90, line 24:

23 Delete "sec. 138(b)"

24 Insert "sec. 139(b)"

25

26 Page 90, line 27:

27 Delete "sec. 138(c)"

28 Insert "sec. 139(c)"

29

30 Page 90, line 30:

31 Delete "sec. 138(d)"

- 1 Insert "sec. 139(d)"
- 2
- 3 Page 91, line 2:
- 4 Delete "sec. 138(e)"
- 5 Insert "sec. 139(e)"
- 6
- 7 Page 91, line 5:
- 8 Delete "sec. 138(f)"
- 9 Insert "sec. 139(f)"
- 10
- 11 Page 91, line 8:
- 12 Delete "132"
- 13 Insert "133"
- 14
- 15 Page 91, line 9:
- 16 Delete "sec. 134"
- 17 Insert "sec. 135"
- 18
- 19 Page 91, line 11:
- 20 Delete "Sections 135 and 136"
- 21 Insert "Sections 136 and 137"

AMENDMENT

OFFERED IN THE SENATE
TO: SSSB 91

BY SENATOR COGHILL

- 1 Page 2, lines 5 - 6:
2 Delete "adjusted annually for inflation as provided in AS 11.46.982,"
3
4 Page 2, lines 13 - 14:
5 Delete "adjusted annually for inflation as provided in AS 11.46.982,"
6
7 Page 2, line 30:
8 Delete "adjusted annually for inflation as provided in AS 11.46.982"
9
10 Page 3, lines 9 - 10:
11 Delete "adjusted annually for inflation as provided in AS 11.46.982,"
12
13 Page 3, line 12:
14 Delete "adjusted annually for inflation as provided in AS 11.46.982,"
15
16 Page 3, line 23:
17 Delete "adjusted annually for inflation as provided in AS 11.46.982,"
18
19 Page 4, lines 4 - 5:
20 Delete "adjusted annually for inflation as provided in AS 11.46.982,"
21
22 Page 4, lines 7 - 8:
23 Delete "adjusted annually for inflation as provided in AS 11.46.982"

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Page 4, lines 14 - 15:

Delete ", adjusted annually for inflation as provided in AS 11.46.982,"

Page 4, lines 17 - 18:

Delete ", adjusted annually for inflation as provided in AS 11.46.982"

Page 4, lines 24 - 25:

Delete ", adjusted annually for inflation as provided in AS 11.46.982,"

Page 4, lines 28 - 29:

Delete ", adjusted annually for inflation as provided in AS 11.46.982"

Page 5, line 6:

Delete ", adjusted annually for inflation as provided in AS 11.46.982,"

Page 5, lines 9 - 10:

Delete ", adjusted annually for inflation as provided in AS 11.46.982"

Page 5, lines 28 - 29:

Delete ", adjusted annually for inflation as provided in AS 11.46.982,"

Page 5, line 31, through page 6, line 1:

Delete ", adjusted annually for inflation as provided in AS 11.46.982,"

Page 6, line 31, through page 7, line 1:

Delete ", adjusted annually for inflation as provided in AS 11.46.982,"

Page 7, lines 17 - 18:

Delete ", adjusted annually for inflation as provided in AS 11.46.982"

1 Page 8, line 16:

2 Delete "adjusted annually for inflation as provided in AS 11.46.982,"

3

4 Page 8, lines 19 - 20:

5 Delete "adjusted annually for inflation as provided in AS 11.46.982"

6

7 Page 8, lines 25 - 26:

8 Delete "adjusted annually for inflation as provided in AS 11.46.982,"

9

10 Page 8, line 28:

11 Delete "adjusted annually for inflation as provided in AS 11.46.982"

12

13 Page 9, lines 1 - 2:

14 Delete "adjusted annually for inflation as provided in AS 11.46.982,"

15

16 Page 9, lines 5 - 6:

17 Delete "adjusted annually for inflation as provided in AS 11.46.982,"

18

19 Page 9, lines 7 - 25:

20 Delete all material.

21

22 Renumber the following bill sections accordingly.

23

24 Page 85, line 3:

25 Delete "sec. 42"

26 Insert "sec. 41"

27

28 Page 85, line 7:

29 Delete "sec. 43"

30 Insert "sec. 42"

31

- 1 Page 85, line 8:
- 2 Delete "sec. 44"
- 3 Insert "sec. 43"
- 4
- 5 Page 85, line 14:
- 6 Delete "sec. 58"
- 7 Insert "sec. 57"
- 8
- 9 Page 85, line 17:
- 10 Delete "sec. 58"
- 11 Insert "sec. 57"
- 12
- 13 Page 85, line 18:
- 14 Delete "sec. 59"
- 15 Insert "sec. 58"
- 16
- 17 Page 85, line 21:
- 18 Delete "sec. 73"
- 19 Insert "sec. 72"
- 20
- 21 Page 85, line 24:
- 22 Delete "sec. 91"
- 23 Insert "sec. 90"
- 24
- 25 Page 86, line 17:
- 26 Delete "sec. 19"
- 27 Insert "sec. 18"
- 28
- 29 Page 86, line 18:
- 30 Delete "sec. 25"
- 31 Insert "sec. 24"

- 1
- 2 Page 86, line 19:
 - 3 Delete "sec. 26"
 - 4 Insert "sec. 25"
 - 5
- 6 Page 86, line 20:
 - 7 Delete "sec. 27"
 - 8 Insert "sec. 26"
 - 9
- 10 Page 86, line 21:
 - 11 Delete "sec. 30"
 - 12 Insert "sec. 29"
 - 13
- 14 Page 86, line 22:
 - 15 Delete "sec. 31"
 - 16 Insert "sec. 30"
 - 17
- 18 Page 86, line 23:
 - 19 Delete "sec. 32"
 - 20 Insert "sec. 31"
 - 21
- 22 Page 86, line 24:
 - 23 Delete "sec. 33"
 - 24 Insert "sec. 32"
 - 25
- 26 Page 86, line 25:
 - 27 Delete "sec. 34"
 - 28 Insert "sec. 33"
 - 29
- 30 Page 86, line 26:
 - 31 Delete "sec. 36"

- 1 Insert "sec. 35"
- 2
- 3 Page 86, line 27:
- 4 Delete "sec. 77"
- 5 Insert "sec. 76"
- 6
- 7 Page 86, line 28:
- 8 Delete "sec. 78"
- 9 Insert "sec. 77"
- 10
- 11 Page 86, line 29:
- 12 Delete "sec. 84"
- 13 Insert "sec. 83"
- 14
- 15 Page 86, line 30:
- 16 Delete "sec. 85"
- 17 Insert "sec. 84"
- 18
- 19 Page 86, line 31:
- 20 Delete "sec. 86"
- 21 Insert "sec. 85"
- 22
- 23 Page 87, line 1:
- 24 Delete "sec. 133"
- 25 Insert "sec. 132"
- 26
- 27 Page 87, line 5:
- 28 Delete "sec. 22"
- 29 Insert "sec. 21"
- 30
- 31 Page 87, line 6:

- 1 Delete "sec. 29"
- 2 Insert "sec. 28"
- 3
- 4 Page 87, line 10:
- 5 Delete "sec. 37"
- 6 Insert "sec. 36"
- 7
- 8 Page 87, line 11:
- 9 Delete "sec. 38"
- 10 Insert "sec. 37"
- 11
- 12 Page 87, line 14:
- 13 Delete "sec. 50"
- 14 Insert "sec. 49"
- 15
- 16 Page 87, line 15:
- 17 Delete "sec. 51"
- 18 Insert "sec. 50"
- 19
- 20 Page 87, line 16:
- 21 Delete "sec. 52"
- 22 Insert "sec. 51"
- 23
- 24 Page 87, line 17:
- 25 Delete "sec. 53"
- 26 Insert "sec. 52"
- 27
- 28 Page 87, line 18:
- 29 Delete "sec. 67"
- 30 Insert "sec. 66"
- 31

- 1 Page 87, line 19:
- 2 Delete "sec. 68"
- 3 Insert "sec. 67"
- 4
- 5 Page 87, line 20:
- 6 Delete "sec. 69"
- 7 Insert "sec. 68"
- 8
- 9 Page 87, line 21:
- 10 Delete "sec. 70"
- 11 Insert "sec. 69"
- 12
- 13 Page 87, line 22:
- 14 Delete "sec. 71"
- 15 Insert "sec. 70"
- 16
- 17 Page 87, line 23:
- 18 Delete "sec. 72"
- 19 Insert "sec. 71"
- 20
- 21 Page 87, line 24:
- 22 Delete "sec. 73"
- 23 Insert "sec. 72"
- 24
- 25 Page 87, line 25:
- 26 Delete "sec. 80"
- 27 Insert "sec. 79"
- 28
- 29 Page 87, line 26:
- 30 Delete "sec. 83"
- 31 Insert "sec. 82"

- 1
- 2 Page 87, line 27:
 - 3 Delete "sec. 126"
 - 4 Insert "sec. 125"
 - 5
- 6 Page 87, line 28:
 - 7 Delete "sec. 127"
 - 8 Insert "sec. 126"
 - 9
- 10 Page 87, line 29:
 - 11 Delete "sec. 49"
 - 12 Insert "sec. 48"
 - 13
- 14 Page 88, line 4:
 - 15 Delete "sec. 56"
 - 16 Insert "sec. 55"
 - 17
- 18 Page 88, line 5:
 - 19 Delete "sec. 57"
 - 20 Insert "sec. 56"
 - 21
- 22 Page 88, line 6:
 - 23 Delete "sec. 58"
 - 24 Insert "sec. 57"
 - 25
- 26 Page 88, line 7:
 - 27 Delete "sec. 59"
 - 28 Insert "sec. 58"
 - 29
- 30 Page 88, line 12:
 - 31 Delete "sec. 54"

- 1 Insert "sec. 53"
- 2
- 3 Page 88, line 13:
- 4 Delete "sec. 60"
- 5 Insert "sec. 59"
- 6
- 7 Page 88, line 14:
- 8 Delete "sec. 61"
- 9 Insert "sec. 60"
- 10
- 11 Page 88, line 15:
- 12 Delete "sec. 62"
- 13 Insert "sec. 61"
- 14
- 15 Page 88, line 16:
- 16 Delete "sec. 63"
- 17 Insert "sec. 62"
- 18
- 19 Page 88, line 17:
- 20 Delete "sec. 64"
- 21 Insert "sec. 63"
- 22
- 23 Page 88, line 18:
- 24 Delete "sec. 66"
- 25 Insert "sec. 65"
- 26
- 27 Page 88, line 19:
- 28 Delete "sec. 88"
- 29 Insert "sec. 87"
- 30
- 31 Page 88, line 20:

- 1 Delete "sec. 89"
- 2 Insert "sec. 88"
- 3
- 4 Page 88, line 24:
- 5 Delete "sec. 74"
- 6 Insert "sec. 73"
- 7
- 8 Page 88, line 25:
- 9 Delete "sec. 75"
- 10 Insert "sec. 74"
- 11
- 12 Page 88, line 26:
- 13 Delete "sec. 76"
- 14 Insert "sec. 75"
- 15
- 16 Page 88, line 27:
- 17 Delete "sec. 82"
- 18 Insert "sec. 81"
- 19
- 20 Page 88, line 30:
- 21 Delete "sec. 92"
- 22 Insert "sec. 91"
- 23
- 24 Page 88, line 31:
- 25 Delete "sec. 93"
- 26 Insert "sec. 92"
- 27
- 28 Page 89, line 1:
- 29 Delete "sec. 94"
- 30 Insert "sec. 93"
- 31

- 1 Page 89, line 2:
- 2 Delete "sec. 95"
- 3 Insert "sec. 94"
- 4
- 5 Page 89, line 3:
- 6 Delete "sec. 96"
- 7 Insert "sec. 95"
- 8
- 9 Page 89, line 4:
- 10 Delete "sec. 97"
- 11 Insert "sec. 96"
- 12
- 13 Page 89, line 5:
- 14 Delete "sec. 99"
- 15 Insert "sec. 98"
- 16
- 17 Page 89, line 6:
- 18 Delete "sec. 100"
- 19 Insert "sec. 99"
- 20
- 21 Page 89, line 7:
- 22 Delete "sec. 101"
- 23 Insert "sec. 100"
- 24
- 25 Page 89, line 8:
- 26 Delete "sec. 107"
- 27 Insert "sec. 106"
- 28
- 29 Page 89, line 9:
- 30 Delete "sec. 108"
- 31 Insert "sec. 107"

1

2 Page 89, line 10:

3 Delete "sec. 109"

4 Insert "sec. 108"

5

6 Page 89, line 11:

7 Delete "sec. 110"

8 Insert "sec. 109"

9

10 Page 89, line 12:

11 Delete "sec. 111"

12 Insert "sec. 110"

13

14 Page 89, line 13:

15 Delete "sec. 112"

16 Insert "sec. 111"

17

18 Page 89, line 14:

19 Delete "sec. 113"

20 Insert "sec. 112"

21

22 Page 89, line 15:

23 Delete "sec. 114"

24 Insert "sec. 113"

25

26 Page 89, line 16:

27 Delete "sec. 115"

28 Insert "sec. 114"

29

30 Page 89, line 17:

31 Delete "sec. 116"

- 1 Insert "sec. 115"
- 2
- 3 Page 89, line 18:
- 4 Delete "sec. 117"
- 5 Insert "sec. 116"
- 6
- 7 Page 89, line 19:
- 8 Delete "sec. 118"
- 9 Insert "sec. 117"
- 10
- 11 Page 89, line 20:
- 12 Delete "sec. 119"
- 13 Insert "sec. 118"
- 14
- 15 Page 89, line 21:
- 16 Delete "sec. 120"
- 17 Insert "sec. 119"
- 18
- 19 Page 89, line 22:
- 20 Delete "sec. 121"
- 21 Insert "sec. 120"
- 22
- 23 Page 89, line 23:
- 24 Delete "sec. 122"
- 25 Insert "sec. 121"
- 26
- 27 Page 89, line 24:
- 28 Delete "sec. 123"
- 29 Insert "sec. 122"
- 30
- 31 Page 89, line 25:

- 1 Delete "sec. 124"
- 2 Insert "sec. 123"
- 3
- 4 Page 89, line 26:
 - 5 Delete "sec. 20"
 - 6 Insert "sec. 19"
 - 7 Delete "secs. 134 - 136"
 - 8 Insert "secs. 133 - 135"
 - 9
- 10 Page 89, line 27:
 - 11 Delete "secs. 20 and 134 - 136"
 - 12 Insert "secs. 19 and 133 - 135"
 - 13
- 14 Page 89, line 31:
 - 15 Delete "sec. 39"
 - 16 Insert "sec. 38"
 - 17
- 18 Page 90, line 1:
 - 19 Delete "sec. 40"
 - 20 Insert "sec. 39"
 - 21
- 22 Page 90, line 2:
 - 23 Delete "sec. 41"
 - 24 Insert "sec. 40"
 - 25
- 26 Page 90, line 3:
 - 27 Delete "sec. 42"
 - 28 Insert "sec. 41"
 - 29
- 30 Page 90, line 4:
 - 31 Delete "sec. 43"

- 1 Insert "sec. 42"
- 2
- 3 Page 90, line 5:
- 4 Delete "sec. 44"
- 5 Insert "sec. 43"
- 6
- 7 Page 90, line 6:
- 8 Delete "sec. 45"
- 9 Insert "sec. 44"
- 10
- 11 Page 90, line 7:
- 12 Delete "sec. 46"
- 13 Insert "sec. 45"
- 14
- 15 Page 90, line 8:
- 16 Delete "sec. 47"
- 17 Insert "sec. 46"
- 18
- 19 Page 90, line 9:
- 20 Delete "sec. 48"
- 21 Insert "sec. 47"
- 22
- 23 Page 90, line 10:
- 24 Delete "sec. 55"
- 25 Insert "sec. 54"
- 26
- 27 Page 90, line 11:
- 28 Delete "sec. 91"
- 29 Insert "sec. 90"
- 30
- 31 Page 90, line 12:

1 Delete "sec. 132"

2 Insert "sec. 131"

3

4 Page 90, line 15:

5 Delete "sec. 20"

6 Insert "sec. 19"

7

8 Page 90, line 16:

9 Delete "sec. 134"

10 Insert "sec. 133"

11

12 Page 90, line 18:

13 Delete "sec. 42"

14 Insert "sec. 41"

15 Delete "sec. 138(a)"

16 Insert "sec. 137(a)"

17

18 Page 90, line 21:

19 Delete "sec. 43"

20 Insert "sec. 42"

21 Delete "sec. 138(b)"

22 Insert "sec. 137(b)"

23

24 Page 90, line 24:

25 Delete "sec. 44"

26 Insert "sec. 43"

27 Delete "sec. 138(b)"

28 Insert "sec. 137(b)"

29

30 Page 90, line 27:

31 Delete "sec. 58"

- 1 Insert "sec. 57"
- 2 Delete "sec. 138(c)"
- 3 Insert "sec. 137(c)"
- 4
- 5 Page 90, line 30:
- 6 Delete "sec. 59"
- 7 Insert "sec. 58"
- 8 Delete "sec. 138(d)"
- 9 Insert "sec. 137(d)"
- 10
- 11 Page 91, line 2:
- 12 Delete "sec. 73"
- 13 Insert "sec. 72"
- 14 Delete "sec. 138(e)"
- 15 Insert "sec. 137(e)"
- 16
- 17 Page 91, line 5:
- 18 Delete "sec. 91"
- 19 Insert "sec. 90"
- 20 Delete "sec. 138(f)"
- 21 Insert "sec. 137(f)"
- 22
- 23 Page 91, line 8:
- 24 Delete "Sections 39 - 48, 55, 91, and 132"
- 25 Insert "Sections 38 - 47, 54, 90, and 131"
- 26
- 27 Page 91, line 9:
- 28 Delete "sec. 20"
- 29 Insert "sec. 19"
- 30 Delete "sec. 134"
- 31 Insert "sec. 133"

1

2 Page 91, line 11:

3 Delete "Sections 135 and 136"

4 Insert "Sections 134 and 135"

Senator
Kevin Meyer
Senate President

716 W. 4th Ave. Suite 500
Anchorage, Alaska 99501
Phone: 907-269-0199
Fax: 907-269-0197

Alaska State Legislature



Representative
Mike Chenault
Speaker of the House

145 Main St. Loop
Kenai, Alaska 99611
Phone: 907-283-7223
Fax: 907-283-7184

September 8, 2015

Alaska Criminal Justice Commission
510 L Street, Suite 450
Anchorage, AK 99501

Dear Chair Bryner:

Thank you for lending your time and expertise to criminal justice reform efforts in Alaska. The Legislature created and charged the Alaska Criminal Justice Commission to make recommendations to improve the State's criminal justice system. It is important for this work to continue.

You are well aware of the State's fiscal situation and the revenue shortfall we face. There is pressure to examine all areas and programs of the state. The work that you are doing will be important as the Legislature proceeds with budgetary changes in the areas of criminal justice and the Department of Corrections. As we begin this endeavor, we ask you to deliver policy options to the Legislature that not only avoid future spending, but also achieve savings.

Prison beds are expensive and should be reserved for those who have committed the most serious crimes and who pose the greatest risk to our communities. We have asked for recommendations that enhance public safety, strengthen alternatives to prison, and determine which criminal defendants and offenders can be safely managed with those alternatives. In this budget climate, the ability to invest in treatment and services only becomes possible with a reform package that results in substantial, real net savings to the State.

With that in mind, we call on the Commission to develop policy options for the Legislature to consider aimed at meeting the following goal posts: 1) averting all future prison growth; 2) averting all future prison growth and reducing the current prison population by 15 percent; and 3) averting all future prison growth and reducing the current prison population by 25 percent. We think that it will be important to have the recommendations prior to the start of the second session of the 29th Alaska State Legislature so that they may be considered in the upcoming session and in conjunction with the operating budget deliberations. We request that the recommendations are provided to the Legislature in December 2015.

Thank you for your time and commitment to addressing this issue. We look forward to receiving the recommendations of the Commission.

Handwritten signature of Kevin Meyer in black ink.

Kevin Meyer
Senate President

Handwritten signature of Mike Chenault in black ink.

Mike Chenault
Speaker of the House

Handwritten signature of Mark Neuman in black ink.

Mark Neuman
House Finance Committee, Co-Chair

Handwritten signature of Steve Thompson in black ink.

Steve Thompson
House Finance Committee, Co-Chair

Handwritten signature of Anna MacKinnon in black ink.

Anna MacKinnon
Senate Finance Committee, Co-Chair

cc: Alaska Criminal Justice Commission members:
John Coghill, Alaska State Senator
Wes Keller, Alaska State Representative
Jeff Jessee, CEO, Mental Health Trust Authority
Greg Razo, Vice President, Cook Inlet Region, Inc.
Stephanie Rhoades, District Court Judge
Craig Richards, Alaska Attorney General
Kris Sell, Lieutenant, Juneau Police Department
Brenda Stanfill, Director, Interior Alaska Center for Non-Violent Living
Quinlan Steiner, Public Defender Agency
Trevor Stephens, Superior Court Judge
Ronald Taylor, Commissioner, Department of Corrections
Terry Vrabec, Deputy Commissioner, Department of Public Safety



Alaska Criminal Justice Commission Justice Reinvestment Report

December 2015

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Andre Rosay

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Executive Summary

Alaska's prison population has grown by 27 percent in the last decade, almost three times faster than the resident population. This rapid growth spurred the opening of the state's newest correctional facility – Goose Creek Correctional Center – in 2012, costing the state \$240 million in construction funds. On July 1, 2014, Alaska's correctional facilities housed 5,267 inmates, and the Department of Corrections ("DOC") had a fiscal year operating budget of \$327 million.

Absent reform, these trends are projected to continue: Alaska will need to house an additional 1,416 inmates by 2024, surpassing the state's current prison bed capacity by 2017. This growth is estimated to cost the state at least \$169 million in new corrections spending over the next 10 years.

The rising cost of Alaska's prison population coupled with the state's high recidivism rate – almost two-thirds of inmates released from the state's facilities return within three years – have led policymakers to consider whether the state is achieving the best public safety return on its corrections spending.

Seeking a comprehensive review of the state's corrections and criminal justice systems, the 2014 Alaska Legislature established the bi-partisan, interbranch Alaska Criminal Justice Commission ("Commission").

In April of the following year, state leaders from all three branches of government joined together to request technical assistance from the Public Safety Performance Project of The Pew Charitable Trusts and the U.S. Department of Justice as part of the Justice Reinvestment Initiative. Governor Bill Walker, former Chief Justice Dana Fabe, Senate President Kevin Meyer, House Speaker Mike Chenault, Attorney General Craig Richards, former Commissioner of the Alaska DOC Ron Taylor, and former Chair of the Commission Alexander O. Bryner tasked the Commission with "develop[ing] recommendations aimed at safely controlling prison and jail growth and recalibrating our correctional investments to ensure that we are achieving the best possible public safety return on our state dollars."

In addition, Senate President Meyer and Speaker Chenault requested that, because the state's difficult budget situation rendered reinvestment in evidence-based programs and treatment possible only with significant reforms, the Commission forward policy options that would not only avert future prison growth, but would also reduce the prison population between 15 and 25 percent below current levels.

Over a seven-month period, the Commission analyzed the state's criminal justice system, including a comprehensive review of sentencing, corrections, and community supervision data. Key findings include:

- Alaska's pretrial population has grown by 81 percent over the past decade, driven primarily by longer lengths of stay for both felony and misdemeanor defendants.
- Three-quarters of offenders entering prison post-conviction in 2014 were convicted of a nonviolent offense.

- Length of stay for sentenced felony offenders is up 31 percent over the past decade.
- In 2014, 47 percent of post-revocation supervision violators – who are incarcerated primarily for non-criminal violations of probation and parole conditions – stayed more than 30 days, and 28 percent stayed longer than 3 months behind bars.

Based on this analysis, and the directive from legislative leadership, the Commission developed a comprehensive, evidence-based package of 21 consensus policy recommendations that would protect public safety, hold offenders accountable, and reduce the state's average daily prison population by 21 percent, netting estimated savings of \$424 million over the next decade.

Members of the Alaska Criminal Justice Commission

Gregory P. Razo (Chair)	Alaska Native Justice Center
Justice Alexander O. Bryner	Alaska Supreme Court (retired)
Senator John Coghill	Alaska State Senate
Commissioner Gary Folger	Alaska Department of Public Safety
Jeff Jessee	Alaska Mental Health Trust Authority
Representative Wes Keller	Alaska House of Representatives
Commissioner Walt Monegan	Alaska Department of Corrections
Hon. Judge Stephanie Rhoades	Anchorage District Court
Attorney General Craig Richards	Alaska Department of Law
Lieutenant Kris Sell	Juneau Police Department
Brenda Stanfill	Interior Alaska Center for Non-Violent Living
Quinlan Steiner	Alaska Public Defender
Hon. Judge Trevor Stephens	Ketchikan Superior Court

Terry Vrabec, former Deputy Commissioner of the Department of Public Safety and Ron Taylor, former Commissioner of the Department of Corrections, were previous members of the Commission and initial participants in the Justice Reinvestment process.

Challenges Facing Alaska

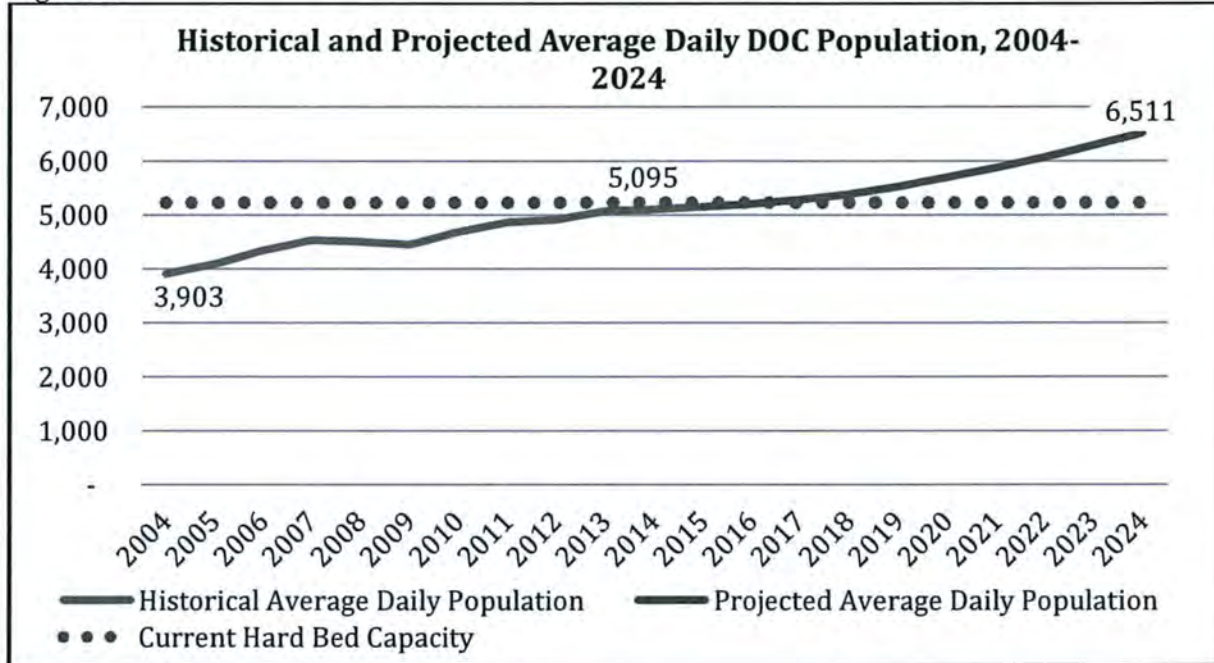
Alaska's prison population, which includes both pretrial and post-conviction inmates, has grown by 27 percent in the last decade, nearly three times faster than the resident population.¹ Alaska's overall correctional population, which includes incarcerated offenders as well as offenders on probation and parole, electronic monitoring, and in halfway houses, grew 45 percent over the last decade. On July 1, 2014, Alaska's correctional facilities housed 5,267 inmates and the total number of offenders under the Department of Corrections' ("DOC") control numbered 11,136.

Growth in the state's prison and community corrections populations has come at significant state expense. Alaska spent \$327 million on corrections in fiscal year 2014, up from \$184 million in 2005. In addition to these operating costs, recent corrections growth has also required significant capital expenditures, including the construction of the \$240 million Goose Creek Correctional Center, which opened in 2012.²

Moreover, the state's growing prison population and increased corrections spending have failed to produce commensurate improvements in public safety: nearly two out of every three offenders released from Alaska correctional facilities return within three years.

Without a shift in sentencing and corrections policy, Alaska's average daily prison population is projected to grow by another 1,416 inmates over the next decade. (See figure 1, next page.) These additional inmates will surpass the state's capacity to house them in 2017, requiring both the re-opening of a currently unused 128-bed facility and, once that facility has been filled, transferring inmates to private facilities out of state. If policy makers decide to keep all the state's inmates in Alaska, accommodating the projected prison population growth will necessitate building another facility or expanding existing facilities, costing the state significantly more in capital expenditures.

Figure 1.



Source: Alaska Department of Corrections

Alaska Criminal Justice Commission

Seeking a comprehensive review of the state's corrections and criminal justice systems, the 2014 Alaska Legislature passed Senate Bill 64, which established the bipartisan, inter-branch Alaska Criminal Justice Commission ("Commission").

The Commission, comprised of 13 stakeholders including legislators, judges, law enforcement officials, the state's Attorney General and Public Defender, the Corrections Commissioner, and members representing crime victims, Alaska Natives, and the Mental Health Trust Authority, was charged with conducting a comprehensive review of Alaska's criminal justice system and providing recommendations for legislative and administrative action.

In April 2015, state leaders from all branches of government joined together to request technical assistance from the Public Safety Performance Project as part of the Justice Reinvestment Initiative, a collaboration between The Pew Charitable Trusts and the U.S. Department of Justice Bureau of Justice Assistance. Governor Bill Walker, former Chief Justice Dana Fabe, Senate President Kevin Meyer, House Speaker Mike Chenault, Attorney General Craig Richards, former Commissioner of the Alaska DOC Ron Taylor, and former Chair of the Commission Alexander O. Bryner tasked the Commission with "develop[ing] recommendations aimed at safely controlling prison and jail growth and recalibrating our correctional investments to ensure that we are achieving the best possible public safety return on our state dollars."

Beginning in the summer of 2015 and extending through the end of the calendar year, the full Commission met seven times as a part of the Justice Reinvestment Initiative. To provide the opportunity for further analysis and discussion of specific policy areas, Commissioners also split into three subgroups focused on pretrial, sentencing, and community supervision policies.

Each subgroup's goal was to craft recommendations within their criminal justice policy area that would meet the Commission's charge. Subgroups reported their policy recommendations to the larger Commission for consideration.

Throughout the Justice Reinvestment process, the Commission and its staff heard from a wide range of stakeholders. It held five public hearings across the state, conducted outreach in rural hub communities and remote villages, and held roundtable discussions with victims, survivors, and victim advocates to identify key priorities. Members of the Commission and staff also received input and advice from prosecutors, defense attorneys, behavioral health experts, and other criminal justice stakeholders, and presented at annual convenings for judges, magistrates, law enforcement, the Prisoner Reentry Coalition, and the Alaska Federation of Natives.

National Picture

Alaska's challenges with long-term prison growth are not unique. Across the country, state prison populations have expanded rapidly and state officials have spent an increasing share of taxpayer dollars to keep pace with soaring prison costs. From the mid-1980s to the mid-2000s, spending on corrections was the second fastest growing state budget category, behind only Medicaid.³ In 2012, one in 14 state general fund dollars went to corrections.⁴

However, in recent years many states have taken steps to curb their prison population growth while holding public safety paramount. After 38 years of uninterrupted growth, the national prison population declined 3 percent between 2009 and 2014.⁵

Many of these states adopted policies to rein in the size and cost of their corrections systems through a "justice reinvestment" strategy. Georgia, Mississippi, North Carolina, Oregon, South Dakota, Texas, and Utah, among many others, have implemented reforms to protect public safety and control corrections costs. These states revised their sentencing and corrections policies to focus state prison beds on violent and habitual offenders and then reinvested a portion of the savings from averted prison growth into more cost-effective strategies to reduce recidivism.

In 2011, for example, policymakers in Georgia faced a projected eight percent increase in the prison population over the next five years, at a cost of \$264 million. Rather than spend additional taxpayer dollars on prisons, Georgia leaders looked for more cost-effective solutions. The state legislature unanimously passed a set of reforms that controlled prison growth through changes to drug and property offense statutes, and improved public safety by investing in drug and mental health courts and treatment.⁶ Between 2012 and 2014 (the most recent year with available crime data), the state crime rate has fallen three percent and the sentenced prison population has declined three percent, giving taxpayers better public safety at a lower cost.⁷

In these and other states, state working groups have focused on research that shows how to improve public safety and have integrated the perspectives of the three branches of government and key system stakeholders. This data-driven, inclusive process resulted in wide-ranging innovations to the laws and policies that govern who goes to prison, how long they stay, and whether they return.

Key Findings of the Alaska Criminal Justice Commission

To evaluate Alaska's criminal justice system, the Commission reviewed the research on what works to change criminal offending behavior and safely reduce prison populations and then assessed Alaska's practices and policies against these standards. The Commission studied the criminal justice system in three areas – pretrial detention, post-conviction imprisonment, and community corrections.

Pretrial Detention

The number of pretrial inmates in Alaska has grown by 81 percent over the past decade (up from 817 in 2005 to 1,479 in 2014), significantly outpacing the growth of the post-conviction population (up 14 percent from 2,303 in 2005 to 2,627 in 2014) and the growth in the supervision violation population (up 15 percent from 1,013 to 1,161). In 2005, pretrial inmates comprised 20 percent of the population; today they comprise 28 percent.

While criminologists have been studying post-conviction imprisonment and community corrections for many decades, publications on the pretrial phase of the criminal justice system were, until recently, focused almost exclusively on legal and constitutional questions rather than scientific ones. In the last decade, however, rigorous scientific research into the area of pretrial policy has expanded rapidly. Today, a growing body of literature supports the following three principles of pretrial policy.

Pretrial risks can be predicted and used to guide release decisions

In deciding whether to release a defendant pretrial, courts generally consider two factors: the likelihood that the defendant will miss their court hearings and the likelihood that the defendant will engage in new criminal activity if released.⁸ Research has shown that risk assessment tools can accurately predict these risks by identifying and weighing factors that are associated with each type of pretrial failure.⁹

Research also supports the use of these assessments in guiding decisions about conditions of release. Targeted use of pretrial conditions is critical because restrictive release conditions such as electronic monitoring and drug and alcohol testing do not improve outcomes for all pretrial defendants. While select restrictive release conditions can decrease the likelihood of pretrial failure (measured as failure to appear or bail revocation due to new arrest) for higher risk defendants, when restrictive conditions are applied to lower risk defendants, they can actually do the opposite. Compared to similar defendants not assigned these restrictive release conditions,

lower risk defendants with restrictive release conditions are more likely to fail during their pretrial release period.¹⁰

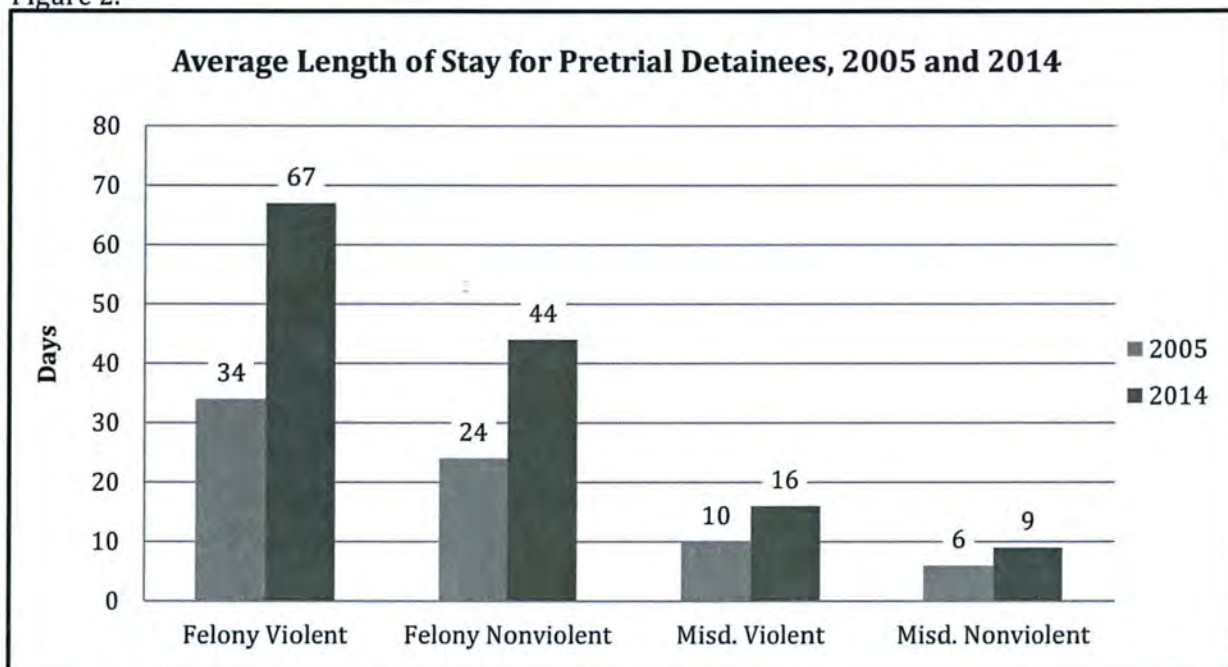
In Alaska, courts do not currently utilize pretrial risk assessments to guide their decisions about release or conditions of release, so, in the absence of data, it is not possible to determine whether those who are detained pretrial or released under restrictive conditions are in fact higher risk.

Pretrial detention longer than 24 hours can lead to worse outcomes, particularly for low risk defendants

Researchers have also examined the impacts of pretrial detention on defendants' outcomes. In a recent examination of this relationship, researchers matched defendants with similar criminal charges, risk levels, and demographic characteristics who were detained pretrial for different lengths of time. A key finding of this study was that, generally, low risk defendants who are detained for more than 24 hours experience an increased likelihood of failure to appear and new criminal activity during the pretrial period.¹¹ In addition, the study demonstrated that being detained for the entirety of the pretrial period is associated with an increased likelihood of new criminal activity post-disposition across all risk categories.¹²

In Alaska, pretrial inmates are staying behind bars longer before being released than they were 10 years ago – increases that have occurred across charge severity. (See figure 2.) For example, in 2014, detainees whose most serious charge was a nonviolent misdemeanor were staying an average of nine days during the pretrial period – three days longer than the average stay in 2005.

Figure 2.



Source: Alaska Department of Corrections

Unsecured bail is as effective as secured bail

Across the country, length of pretrial detention is often tied to whether a defendant can afford to pay monetary bail. While this is a common practice in the United States, it does not have a foundation in the growing body of research on pretrial risk. Ability to pay monetary bail does not make a person low risk.¹³ There are defendants who cannot afford monetary bail who are unlikely to engage in new criminal activity during the pretrial period. Additionally, there are defendants who can afford to pay their monetary bail, but who are likely to engage in new criminal activity. For these reasons, monetary bail is not the most effective tool for protecting the public during the pretrial period.

Research supports the use of unsecured monetary bail and other release conditions in place of secured monetary bail to reduce length of pretrial detention. (Secured bail requires payment of money upfront to be released, while unsecured bail permits release without payment and only requires payment if the defendant does not comply with their release conditions). Research has shown that defendants are as likely to make their court appearances and refrain from new criminal activity whether their bail is secured or unsecured, compared to defendants with similar risk levels.¹⁴ However, use of secured bail results in many more jail beds than use of unsecured bail, as defendants who are unable to post the monetary amount upfront remain detained.¹⁵

One of the likely contributors to pretrial length of stay in Alaska is the use of secured money bail. While there is a statutory presumption that defendants will be released on personal recognizance or unsecured bail, a court file review of bail conditions for a random sample of offenders found that courts departed from this presumption in the vast majority of cases.¹⁶ Only 12 percent of defendants in the sample were released on personal recognizance, and an additional 10 percent had unsecured money bail. Fifty-two percent of sampled defendants were never released prior to their case being resolved.

The case file review also revealed a connection between higher dollar bail amounts and release. Fewer than half of the defendants sampled were released at all during the pretrial period, and those with higher amounts of secured money bail were less likely to be released. Of those who were released, those with higher money bail spent longer in jail prior to their first release. For offenders whose bail was set at \$1,000 or more, for example, those who were eventually able to secure their release spent an average of seven weeks detained pretrial prior to release.

Post-Conviction Imprisonment

Alaska's sentenced prison population, defined as those offenders sentenced to a period of incarceration for a new criminal conviction, has grown by 14 percent in the last decade. Additionally, the number of offenders in prison for a violation of supervision (both pre-hearing and post-revocation) grew 15 percent over the same period.

The relationship between crime and incarceration has been studied for many years. While experts differ on precise figures, researchers have found that increased incarceration in the 1990s was responsible for between 10 and 30 percent of the nationwide crime decline in that decade.¹⁷

Beyond the crime control benefit, prison sentences can be used to express community condemnation or to isolate the offender.

However, there is general consensus among experts that, as states have incarcerated higher numbers of lower-level offenders, and held offenders for longer periods of time, the country has passed the point of diminishing returns, meaning that additional use of prison would have little if any crime reduction effect today.¹⁸ On the individual offender level, the evidence suggests that, for many offenders, incarceration is not more effective at reducing recidivism than non-custodial sanctions. At the same time, for a substantial number of offenders, there is little or no evidence that longer prison stays reduce recidivism more than shorter prison stays.¹⁹

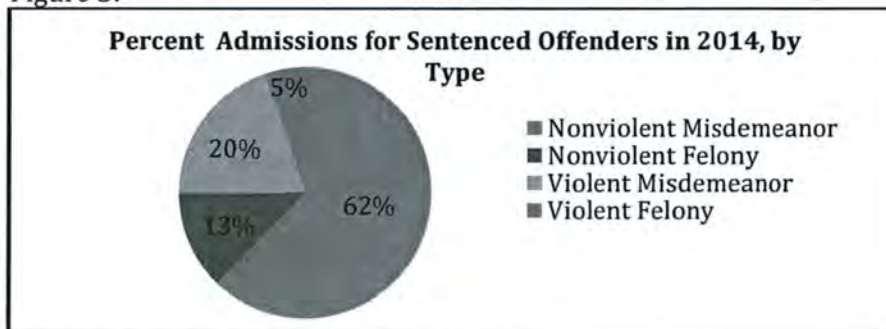
For many offenders, incarceration is not more effective at reducing recidivism than non-custodial sanctions

The Commission first considered the value of sending offenders to prison relative to non-custodial sanctions – such as drug court, probation, or electronic monitoring. Researchers have examined this question by matching samples of offenders sent to prison with those sent to non-custodial sanctions and have consistently found no differences in re-arrest or re-conviction rates, both in short-term and in long-term analyses, even when controlling for individuals' education, employment, drug abuse status, and current offense.²⁰

Moreover, there is a growing body of research showing that for many low-level offenders, prison terms may increase rather than reduce recidivism.²¹ Research around the “schools of crime” theory suggests that for many types of nonviolent offenders, the negative impacts of incarceration outweigh the positive: that is, sending offenders to prison can cause them to commit more crimes upon release.²²

In examining the use of incarceration as a post-conviction sanction in Alaska, the Commission focused closely on the number of offenders entering prison for nonviolent offenses. Over the last 10 years, the number of nonviolent felony admissions has increased and, in 2014, nonviolent offenses (misdemeanors and felonies) comprised three-quarters of all post-conviction admissions to prison. (See figure 3.)

Figure 3.



Source: Alaska Department of Corrections

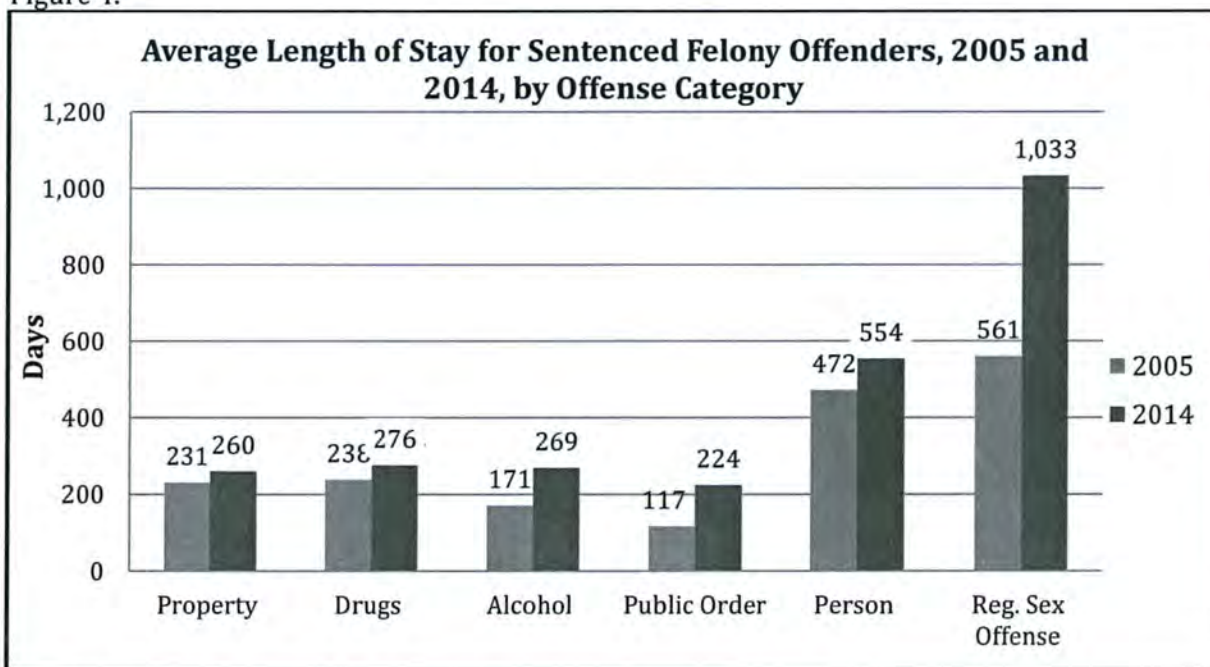
Additionally, the Commission examined the growing number of inmates in Alaska entering prison not for a new conviction but for a technical violation of their probation or parole conditions, defined as a violation of their supervision conditions that does not rise to the level of new criminal conduct. These offenders are admitted for failing to comply with the terms of their supervision, such as missing or failing a drug test or failing to report to their supervision officer. The number of offenders sentenced to prison after being revoked for a technical violation grew 32 percent in the past 10 years.

Longer prison stays do not reduce recidivism more than shorter prison stays

The Commission also considered the relationship between the length of prison terms and recidivism. The best measurement for whether longer lengths of stay provide for greater deterrence is whether similar offenders, when subjected to different terms of incarceration, recidivate at different levels. The rigorous research studies find no significant effect, positive or negative, of longer prison terms on recidivism rates.²³

Examining length of stay in Alaska presents a mixed picture: while average misdemeanor length of stay is down slightly over the last 10 years, felony length of stay is up across all offense types and felony classes. For some offense types, including drug and property offenders, length of stay has increased by roughly 30 days over the last decade. For others, including felony public order and sex offenders, length of stay has nearly doubled, leading to an additional 3 ½ months in prison on average for public order convictions and an additional 16 months in prison on average for felony sex offenders.²⁴ (See figure 4.)

Figure 4.

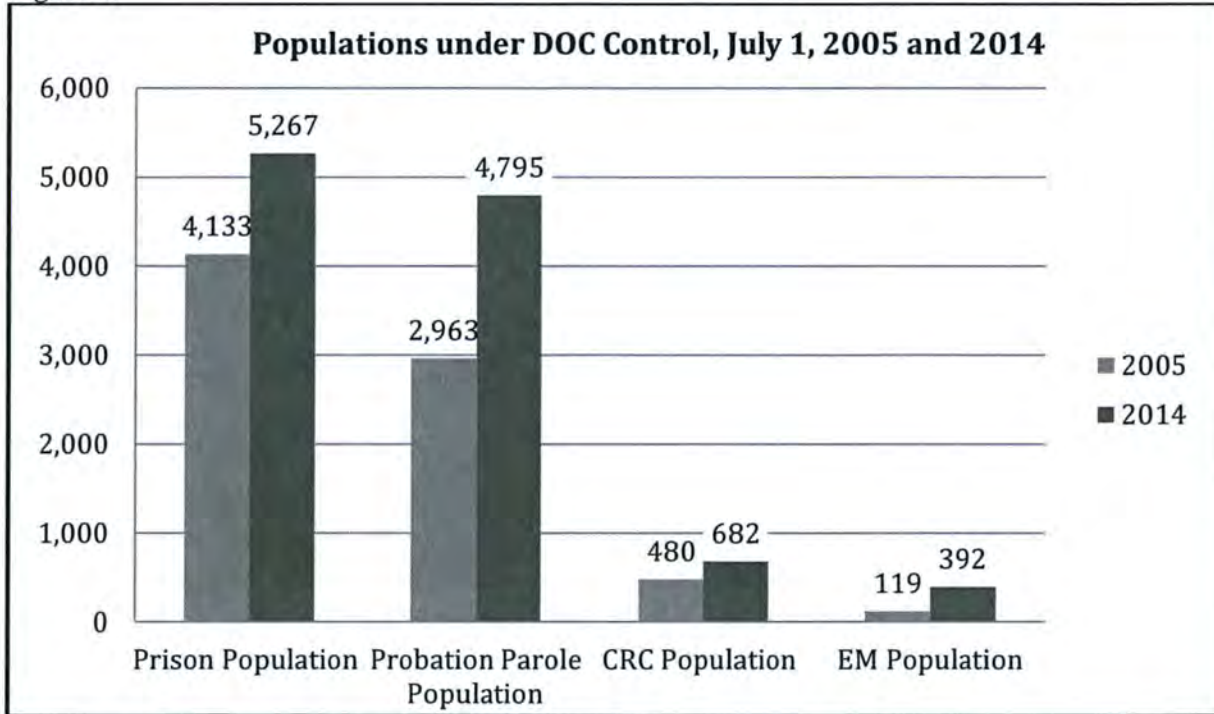


Source: Alaska Department of Corrections

Community Corrections

While Alaska's prison population has grown by 27 percent over the last decade, the state has experienced more growth among its community corrections populations, including probation and parole (up 62 percent), community residential centers or halfway houses ("CRCs") (up 42 percent), and electronic monitoring ("EM") (up 229 percent). (See figure 5.)

Figure 5.



Source: Alaska Department of Corrections

Research has identified a number of key strategies to increase success rates for those supervised in the community, including identifying and focusing resources on higher risk offenders, using swift, certain, and proportionate sanctions, incorporating rewards and incentives, frontloading resources in the first weeks and months following release from prison, and integrating treatment into supervision, rather than relying on surveillance alone.

Identify and focus supervision resources on high risk offenders

Research has consistently shown that offenders' likelihood to recidivate – that is, to commit new crimes upon release – can be accurately predicted with the use of validated risk assessment tools.²⁵ With these tools, supervision agents can focus their oversight and resources on those who pose the highest risk of reoffending, a practice that provides the biggest return on investment.

While Alaska currently utilizes a risk and needs assessment tool, the Level of Service Inventory-Revised ("LSI-R"), to inform supervision levels, a sizeable portion of the state's community

supervision resources remain focused on low risk offenders. On July 1, 2014, 39 percent of the state's probation and parole supervised population was classified as low risk. Even with reduced reporting requirements, these low risk offenders make up a large share of caseloads and require staff resources that could otherwise be dedicated to offenders with a higher likelihood to reoffend.

Use swift, certain, and proportionate sanctions

Research has also demonstrated that offenders are more responsive to sanctions that are swift, certain, and proportionate rather than those that are delayed, inconsistently applied, and severe.²⁶ Swift and proportionate sanctions work both because they help offenders see the sanction as a consequence of their behavior rather than a decision levied upon them, and because offenders heavily weigh the present over the future (consequences that come months and years later are steeply discounted). Certainty establishes a credible and consistent threat – thereby creating a clear deterrent for non-compliant behavior.²⁷

In Alaska, with the implementation of the Probation Accountability with Certain Enforcement (“PACE”) program in 2010, the state has begun utilizing evidence-based jail sanctions for a small portion of offenders on community supervision (offenders deemed high risk in five pilot communities). However, data across the entire supervision violator population – PACE and non-PACE – point to long delays between the problem behavior and the consequence – with an average of 33 days to resolve a revocation charge – and many offenders serving long sentences once convicted. In 2014, nearly half of revoked supervision violators stayed more than 30 days, and 28 percent stayed longer than 3 months behind bars.

Moreover, Alaska lacks a system-wide framework for the use of swift, certain, and proportionate sanctions that do not rise to the level of additional prison time. States across the country have successfully implemented graduated sanctioning, whereby supervision officers can respond to non-compliant behavior with a range of non-custodial responses – from less intensive sanctions like increased reporting requirements or community service hours, to more intensive sanctions like electronic monitoring.

Incorporate rewards and incentives

Historically, probation and parole supervision was focused on surveillance and sanctioning in order to catch or interrupt negative behavior. However, research shows that encouraging positive behavior with incentives and rewards can have an even greater effect on motivating and sustaining behavior change.²⁸

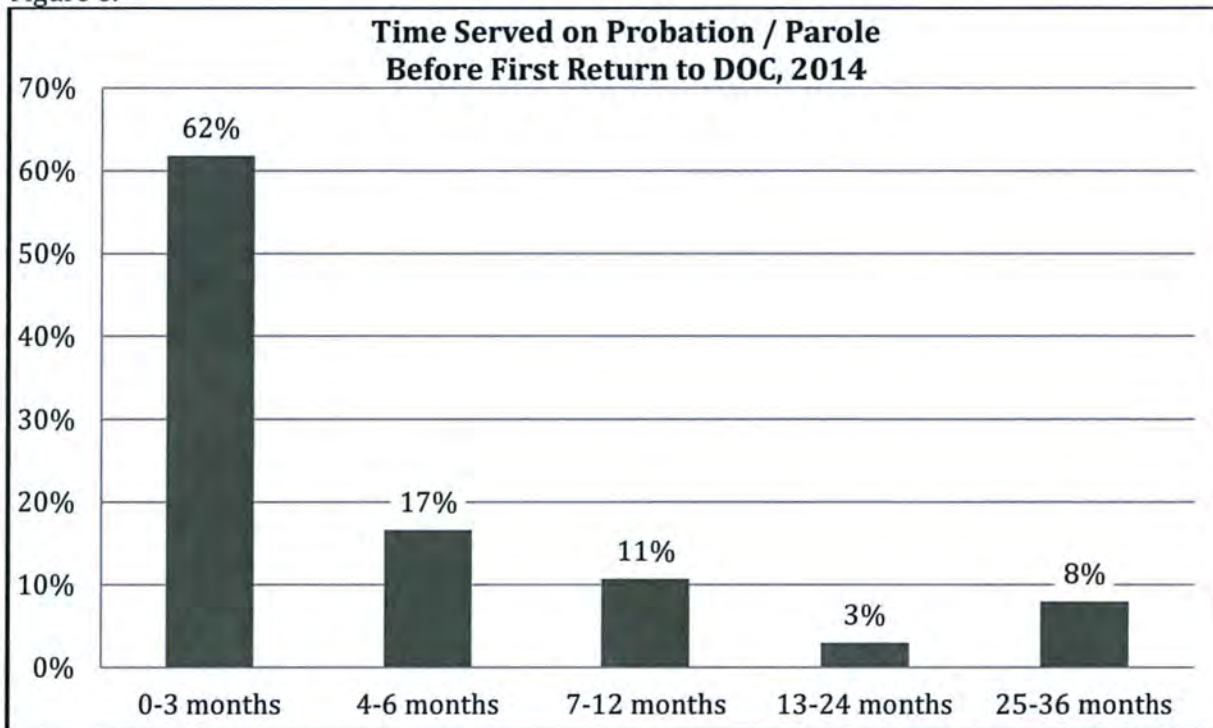
While incarcerated offenders in Alaska have the opportunity to receive good time and furlough incentives in acknowledgement of positive behavior and program participation, the state provides no similar incentives for offenders under supervision. Alaska has no earned discharge policy to allow supervisees to earn time off their supervision sentence for good behavior. Additionally, there is currently no standard practice for probation and parole officers to terminate supervision for offenders who have been consistently compliant. Rather, applications to terminate supervision must be made before a court and on an individual basis.

Frontload resources in the first weeks and months following release

Long-term success for offenders returning home from prison is closely tied to accountability and support in the time period immediately following release. Offenders in Alaska and elsewhere are most likely to reoffend or violate the terms of their community supervision in the initial days, weeks, and months after release from prison. (See figure 6.) The likelihood of violations and the value of ongoing supervision diminish as offenders gain stability and demonstrate longer-term success in the community.²⁹

Research has shown that supervision resources have the highest impact when they target this critical period. By frontloading limited resources, states can better target offenders at the time when they are most likely to reoffend, thereby reducing future violations by addressing non-compliant offender behavior early in the process.³⁰

Figure 6.



Source: Alaska Department of Corrections

While Alaska has taken significant strides in recent years to support offenders as they reenter the community, the state lacks policies to concentrate supervision resources on those first critical months. Moreover, while offenders are far more likely to fail in the first three months after release, the average length of time spent on community supervision prior to successful discharge has grown by 13 percent in the last decade, meaning that more parole and probation resources are dedicated to supervising offenders beyond the period when they pose the highest risk.

Integrate treatment into surveillance

Lastly, research shows that a combination of surveillance and treatment focused on offenders' criminogenic needs (changeable risk factors that increase an offender's likelihood of committing a crime, such as anti-social behavior and substance abuse) is more effective at reducing recidivism than supervision consisting of surveillance alone.³¹

In Alaska, probation and parole officers currently use risk assessments to both inform offenders' supervision levels (as outlined earlier), as well as to identify supervisees' criminogenic needs with top priority needs forming the basis of case management plans. However, the Commission heard a number of anecdotal reports regarding insufficient inpatient and outpatient treatment beds in DOC institutions and CRCs, as well as regional disparities in the availability of community-based treatment and programming, that render accessing evidence-based treatment difficult for many offenders.

Policy Recommendations

On September 8, 2015, Senate President Kevin Meyer and Speaker of the House Mike Chenault made an additional request of the Commission. Noting that the state's difficult budget situation rendered reinvestment in programs and treatment only possible with significant reforms, they charged the Commission with delivering policy options that met three benchmarks: (1) averting all future growth, (2) averting all future growth and reducing the prison population by 15 percent, and (3) averting all future growth and reducing the prison population by 25 percent. In a separate letter, Governor Walker applauded the legislative leadership for taking this initiative and pledged to use the benchmarks in developing reinvestment priorities in his budget.

Based on the Commission's review of evidence-based practices and an evaluation of the state's alignment with those practices in the areas of pretrial detention, post-conviction imprisonment, and community corrections, the Commission came to consensus on 21 policy recommendations that, taken together, are projected to reduce the average daily prison population by 21 percent by 2024, achieving an estimated net savings to the state of \$424 million over the next decade.

These 21 consensus recommendations will:

- Implement evidence-based pretrial practices;
- Focus prison beds on serious and violent offenders;
- Strengthen supervision and interventions to reduce recidivism;
- Ensure oversight and accountability; and
- Advance crime victim priorities.

In an acknowledgement of the state's rapid prison growth over the last decade, and the importance of reinvesting savings into programs and policies that will reduce victimization and the state's recidivism rate, the Commission decided not to forward recommendations to the legislature that met the first two benchmarks: averting all future growth, and averting all future growth and reducing the prison population by 15 percent. Instead, the Commission strongly encourages the legislature to consider the 21 consensus recommendations forwarded and, where savings are achieved, to reinvest a portion into pretrial supervision services, victims' services in remote and

bush communities, violence prevention, reentry support services, and institutional and community-based treatment in both rural and urban areas.

Commission's Consensus Recommendations

Implement evidence-based pretrial practices

Recommendation 1: Expand the use of citations in place of arrest for lower-level nonviolent offenses

The majority of admissions to prison pretrial are for defendants with nonviolent misdemeanor charges. While law enforcement officers have discretion to issue citations for these offenses, the large number of admissions suggests that officers are not using that discretion as often as they could to ensure that expensive prison beds during the pretrial period are occupied those facing serious charges.

Specific Action Recommended: To reduce pretrial admissions for defendants with lower-level nonviolent charges, the Commission recommends:

- a. Creating a presumption of citation for misdemeanors and class C felonies, excluding person offenses, domestic violence offenses, violations of release conditions, or offenses for which a warrant or summons has been ordered.
- b. Allowing law enforcement officials to overcome the presumption of citation if the officer has reasonable grounds to believe the person presents a significant likelihood of flight, presents a significant danger to the victim or the public, or if the officer is unable to verify the person's identification without making an arrest.

Recommendation 2: Utilize risk-based release decision-making

A review of a sample of Alaska court files found that courts ordered some amount of secured monetary bond (as opposed to personal recognizance or unsecured bond) in a majority of cases. Additionally, 52 percent of sampled defendants were detained for the entirety of their pretrial period. Therefore, whether a defendant is released pretrial in Alaska is often tied to his or her ability to pay a certain amount of secured money bail rather than his or her likelihood of failing to appear for court hearings or engaging in new criminal activity.

Specific Action Recommended: To implement pretrial release decision-making based upon the offender's risk level, instead of ability to pay monetary bond, the Commission recommends:

- a. Directing the DOC, in consultation with the Department of Law ("DOL"), Public Defender, Department of Public Safety ("DPS"), and Alaska Court System ("ACS"), to create an evidence-based pretrial release decision-making grid that strengthens the presumption of release on personal recognizance or unsecured bond for defendants with less serious charges and lower risk scores. The statutory parameters for this grid would include:
 - i. Defining a category of defendants who, as a matter of law, should always be released on personal recognizance or unsecured bond with appropriate release conditions; and

- ii. Defining categories of defendants for whom DOC should always or usually recommend release on personal recognizance or unsecured bond with appropriate release conditions, while providing a mechanism for the court to depart from that recommendation in limited circumstances.³²

The following grid captures the release categories as recommended by the Commission:

Offense Type	Misd. non-person offense (non-DV/ non-DUI)	Class C felony non-person offense (non-DV/ non-DUI)	DUI	Failure to appear/ violation of release condition	Other
Low-risk	OR or UB release	OR or UB release	OR or UB recommended	OR or UB usually recommended	OR or UB usually recommended
Moderate-risk	OR or UB release	OR or UB recommended	OR or UB recommended	OR or UB usually recommended	OR or UB not usually recommended
High-risk	OR or UB recommended	OR or UB recommended	OR or UB usually recommended	OR or UB not usually recommended	OR or UB not usually recommended

OR: Own recognizance.

UB: Unsecured bond.

- b. Mandating that DOC assess all pretrial defendants for risk using a validated pretrial risk assessment tool and make release recommendations to the court based on the grid prior to the defendant's first appearance. All releases on personal recognizance or unsecured bond would be accompanied by release conditions and, when appropriate, varying levels of pretrial supervision.
- i. Absent compelling circumstances, all defendants should be seen for their first appearance within 24 hours. If a first appearance happens within 24 hours, DOL is not required to be present. The court shall notify DOL if an additional probable cause hearing within 48 hours is required.
- c. Authorizing courts to consider a defendant's inability to pay a previously set secured money bond in at least one bail review hearing.
- d. Authorizing courts to issue unsecured and partially-secured performance bonds.³³
- e. Authorizing the DOL collections unit to garnish paychecks and Permanent Fund Dividend checks to collect on forfeited unsecured bonds and unpaid victim restitution.
- f. Directing the ACS to eliminate misdemeanor bail schedules following DOC's implementation of the above evidence-based pretrial practices. Thereafter, any defendant arrested by law enforcement would remain detained until they have received a risk assessment and have made their first appearance before a judicial officer.

Recommendation 3: Implement meaningful pretrial supervision

Currently, judges have few options for pretrial supervision, and the options that are available are typically handled by non-state agencies and contingent upon the defendant's ability to pay monitoring fees, including the ordering of a private third-party custodian, the services of a private electronic-monitoring company, and the 24/7 sobriety program. The Commission heard from many judges and magistrates who said they would release more defendants from jail pretrial if there were more options for meaningful supervision in the community to reduce the defendants' risk of committing new crimes or failing to appear for court.

Specific Action Recommended: To reduce the risk that released defendants will fail to appear or engage in new criminal activity, the Commission recommends:

- a. Directing the DOC to provide varying levels of supervision for moderate- and high-risk defendants who are released pretrial. The DOC would also be responsible for standardizing and recommending the use of pretrial diversion, conducting outreach to community programs and tribal courts to develop and expand diversion options, and providing referral services on a voluntary basis for substance abuse and behavioral health treatment services.
- b. Directing the ACS to issue court date reminders to criminal defendants for each of their hearings, and to coordinate and share information about hearing dates and times with the DOC.

Recommendation 4: Focus supervision resources on high-risk defendants

Research shows that pretrial supervision resources should be focused on those defendants who are the most likely to fail. Certain restrictive release conditions can improve success rates for higher-risk defendants, but result in worse outcomes for lower-risk defendants.³⁴ Courts in Alaska currently do not utilize actuarial risk assessment tools or have guidance for assigning release conditions based in part on risk scores.

Specific Action Recommended: To ensure that supervision resources are focused on defendants at the highest risk to reoffend, the Commission recommends:

- a. Ensuring that the DOC recommends evidence-based release conditions for each defendant who they have recommended for pretrial release, with more restrictive conditions reserved for higher-risk defendants.
 - i. Additionally, entitling defendants to a subsequent bail hearing in cases where the release conditions prevented the defendant's release. At the bail hearing, the court would either revise the conditions or find on the record that there is clear and convincing evidence that no other release conditions can reasonably assure court appearance and public safety.
- b. Restricting third-party custodian conditions to only those cases in which pretrial supervision provided by the DOC is not available; when no secured money bond is ordered; and when the court finds on the record that there is clear and convincing evidence that no less restrictive release conditions can reasonably assure court appearance and public safety.
- c. Revising eligibility requirements for third-party custodians to limit disqualification from serving as a third-party custodian if there is a reasonable possibility that the prosecution will call them as a witness.³⁵

Focus prison beds on serious and violent offenders

Recommendation 5: Limit the use of prison for lower-level misdemeanor offenders

In 2014, 6,569 offenders were admitted for a period of incarceration for a nonviolent misdemeanor offense, and an additional 2,093 offenders were admitted to prison for a violent misdemeanor – constituting 82 percent of all admissions to prison in that year.

Specific Action Recommended: In accordance with the research on the null or mildly criminogenic effect of prison stays for many lower-level offenders, and the Commission’s desire to redirect a greater percentage of lower-level misdemeanor offenders to alternatives such as fines, probation, and electronic monitoring, the Commission recommends:

- a. Reclassifying the following misdemeanors as violations, punishable by up to \$1,000 fine:
 - i. Misdemeanor B offenses, the lowest-level misdemeanor class in terms of severity, excluding theft and disorderly conduct violations;
 - ii. Driving with a suspended license (“DWLS”) offenses, when the underlying license suspension was not related to a conviction for driving under the influence (“DUI”) or refusal to submit to a chemical test; and
 - iii. Violations of conditions of release (“VCOR”) and failure to appear (“FTA”) offenses, with certain exclusions.³⁶ For these pretrial violations, law enforcement will be authorized to arrest the defendant, and the DOC will be authorized to detain the defendant until the court schedules a bail review hearing.
- b. Reclassifying disorderly conduct offenses in such a way that allows for an arrest but limits jail holds or terms up to 24 hours.
- c. Reclassifying first- and second-time theft offenses under \$250 as non-jailable misdemeanors, and limiting the maximum sentence for a third or subsequent theft offense under \$250 to five days suspended and a six-month probation term.
- d. Eliminating the mandatory minimum for first-time DUI-related DWLS offenses.
- e. Requiring that first-time misdemeanor DUI and refusal to submit to chemical test offenders serve their incarceration sentences on electronic monitoring in the community; in cases where electronic monitoring is not available, assigning the offenders to serve their incarceration sentence on supervised probation.
- f. Presumptively setting a zero to thirty day sentencing range for misdemeanor A’s.
 - i. Permitting courts to depart from the presumptive sentencing range for DV-related assault 4s if the prosecution demonstrates that the conduct was among the most serious constituting the offense or if the offender has past similar and repeated criminal history (not limited to convictions).
 - ii. Permitting courts to depart from the presumptive sentencing range for all other misdemeanor A’s if the prosecution demonstrates that the conduct was among the most

serious constituting the offense or if the offender had past similar criminal convictions.

- g. Restricting municipalities from incarcerating past these limits for similar municipal offenses.

Recommendation 6: Revise drug penalties to focus the most severe punishments on higher-level drug offenders

Over the past 10 years, post-conviction admissions to prison for drug offenses have grown by 35 percent. In addition, felony drug offenders are spending 16 percent longer behind bars than they were a decade ago.

In addition to reviewing meta-analyses demonstrating that longer prison stays do not reduce recidivism more than shorter prison stays for many offenders, the Commission also reviewed research pointing to the low deterrent value of long prison terms for drug offenders. Research shows that the chances of a typical street-level drug transaction being detected are about 1 in 15,000.³⁷ With such a low risk of detection, drug offenders are unlikely to be dissuaded by the remote possibility of a longer stay in prison.

Specific Action Recommended: In accordance with the research on the limited recidivism-reduction benefit of longer stays in prison, as well as the low deterrent value of long drug sentences in particular, the Commission recommends:

- a. Reclassifying simple possession of heroin, methamphetamine, and cocaine as a misdemeanor offense, and limiting the maximum penalty for first-and second-time possession offenses to one month and six month suspended sentences, respectively.
- b. Aligning penalties for commercial heroin offenses with penalties for commercial methamphetamine and cocaine offenses. This recommendation shall be forwarded to the Controlled Substances Advisory Committee ("CSAC") and CSAC shall be provided with the opportunity to comment and carry out their duties under AS 11.71.110.
- c. Creating a tiered commercial drug statute whereby offenses related to more than 2.5g of heroin, methamphetamine, and cocaine is a more serious offense (Felony B) than offenses related to less than 2.5g of heroin, methamphetamine, and cocaine (Felony C).

Recommendation 7: Utilize inflation-adjusted property thresholds

Alaska's felony property offense threshold, the dividing line at which the vast majority of property crimes are categorized as felonies as opposed to misdemeanors, was originally set at \$500 in 1978. The equivalent value in today's dollars would be over \$1800. However, the state's threshold today is set at \$750, having been raised from \$500 in 2014.

In a recent examination of felony cut-off points, findings showed that increasing a felony theft threshold does not lead to higher property crime rates. Between 2001 and 2011, 23 states raised their felony theft thresholds. The analysis found that the change in threshold had no statistically significant impact, up or down, in the states' overall property crime or larceny rates. Additionally,

the study found no correlation between the amount of a state's felony theft threshold – whether it is \$500, \$1,000, or \$2,000 – and its property crime rates.³⁸

Specific Action Recommended: To focus costly prison space on more serious offenders, and to ensure that value-based penalties take inflation into account, the Commission recommends:

- a. Raising the felony property crime threshold to \$2,000 for all property crimes with a required value amount.³⁹
- b. Requiring the Department of Labor to set in regulation an inflation-adjusted felony property threshold, as well as an inflation-adjusted threshold dividing Misdemeanor A and B property crimes (currently set at \$250), every 5 years, rounded up to the nearest \$50 increment.

Recommendation 8: Align non-sex felony presumptive ranges with prior presumptive terms

In 2005, following the Supreme Court Case *Blakely v. Washington*, Alaska moved from a statutory framework with presumptive prison terms to one utilizing presumptive ranges. In designing these ranges, lawmakers used the prior presumptive term as the bottom of the presumptive range. For example, in establishing the presumptive range for a non-sex, first-time Class A Felony, the prior presumptive term – 5 years – was used as the bottom of the new presumptive range – set at 5 to 8 years. (See chart below.)

Lawmakers had sought to maintain the status quo in regard to sentence lengths, noting in the legislation that, “it is not the intent [...] to bring about an overall increase in the amount of active imprisonment time.”⁴⁰ However, since the shift to presumptive ranges, length of stay has increased across all non-sex felony classes: including an 80 percent increase for Class A Felonies, an 8 percent increase for Class B Felonies, and a 17 percent increase for Class C Felonies.⁴¹

Specific Action Recommended: In accordance with the research demonstrating that for many offenders longer prison stays do not reduce recidivism more than shorter prison stays, and the original legislative intent to maintain lengths of prison stays at 2005 levels, the Commission recommends aligning presumptive ranges with the prior presumptive terms as outlined below.

(Numbers in brackets indicate presumptive terms/ranges.)

Felony Class ⁴²	Presumptive Term (2005)	Alaska Current	Recommendation
Class A			
First	[5] – 20 years	[5 – 8] – 20 years	[3 – 6] – 20 years
First/Enhanced ⁴³	[7] – 20 years	[7 – 11] – 20 years	[5 – 9] – 20 years
Second	[10] – 20 years	[10 – 14] – 20 years	[8 – 12] – 20 years
Third	[15] – 20 years	15 – 20 years	13 – 20 years
Class B			
First	[n/a] – 10 years	[1 – 3] – 10 years	[0 – 2] – 10 years
First/Enhanced ⁴⁴	[n/a] – 10 years	[2 – 4] – 10 years	[1 – 3] – 10 years
Second	[4] – 10 years	[4 – 7] – 10 years	[2 – 5] – 10 years
Third	[6] – 10 years	6 – 10 years	4 – 10 years
Class C			
First	[n/a] – 5 years	[0 – 2] – 5 years	Presumptive probation;

			0 – 18 months ⁴⁵
Second	[2] – 5 years	[2 – 4] – 5 years	[1 – 3] – 5 years
Third	[3] – 5 years	3 – 5 years	2 – 5 years

Recommendation 9: Expand and streamline the use of discretionary parole

Current eligibility for discretionary parole is restricted to those non-sex offense felons convicted of the most serious crimes (Unclassified Felonies), and felonies towards the bottom of the severity scale (first- and second-time Class C Felonies, as well as first-time Class B Felonies). Offenders who fall between these two poles are ineligible for discretionary parole without the intervention of the three-judge panel. Additionally, no offenders convicted of a felony sex offense are able to apply for discretionary parole without the intervention of the three-judge panel.

Moreover, a review of DOC files found that, although a substantial number of offenders currently serving time in prison are eligible for discretionary parole, only a small percentage are applying and appearing before the Parole Board. Commissioners heard from numerous sources that this low percentage was attributable to a cumbersome application and review process.

Specific Action Recommended: To increase the number of offenders who are eligible to apply for parole, as well as to streamline the decision-making process, the Commission recommends:

- a. Expanding eligibility for discretionary parole to all offenders except Class A or Unclassified sex offenders with prior felony convictions.
- b. Streamlining parole decision-making for lower-level felonies (first time Felony C and B offenders) by restricting hearings to only those offenders who have failed to comply with their individual case plan or who have been disciplined for failure to obey institutional rules, or in cases where the victim has requested a parole hearing. Otherwise, inmates will be paroled at their earliest eligibility date.
- c. Requiring that any other offender who is eligible for parole receives a hearing at least 90 days before his or her first eligibility date, with the presumption that the offender will be granted parole if he or she has complied with the Individual Case Plan and followed institutional rules. The presumption of parole could be overcome with a finding on the record that release would jeopardize public safety

Recommendation 10: Implement a specialty parole option for long-term, geriatric inmates

Geriatric prisoners are often much more expensive than younger inmates because of their higher medical costs. At the same time, research shows that older inmates are at a much lower risk of recidivism than younger inmates because they typically have “aged out” of their crime committing years. According to research by the Alaska Judicial Council, offenders released at age 55 and older were far less likely to be rearrested than the average for all offenders.⁴⁶

Specific Action Recommended: To reduce the number of low risk, geriatric offenders in prison, the Commission recommends:

- a. Providing for automatic parole hearings for offenders, including those incarcerated prior to the implementation of the legislation, who are over an age threshold set between 55 and 60 and have served at least 10 years of their sentence.
- b. Ensuring that when evaluating inmates under this policy, the Parole Board considers the inmate's likelihood of re-offending in light of his or her age, as well as criminal history, behavior in prison, participation in treatment, and plans for reentering the community.

Recommendation 11: Incentivize completion of treatment for sex offenders with an earned time policy

The Commission also reviewed research relating to the efficacy of sex offender treatment. Over the last decade, a growing body of evidence has demonstrated that treatment interventions for sex offenders can be successful. A cost-benefit analysis conducted by the Washington State Institute for Public Policy found that in-prison sex offender treatment had a positive cost-benefit ratio of \$1.87 (i.e. for every dollar spent on treatment, there was \$1.87 returned in benefits to the state and state residents).⁴⁷

Many states utilize earned time to motivate offenders to complete treatment rehabilitation activities – whereby inmate prison terms are reduced from the date on which they might have been released had they not completed the specified programs.⁴⁸ Earned time is distinguished from “good time” credits (often referred to in Alaska as “mandatory parole”), which are awarded to offenders exclusively for following prison rules.

Specific Action Recommended: To incentivize participation in and completion of sex offender treatment, the Commission recommends:

- a. Implementing an earned time policy for sex offenders who are currently ineligible for mandatory parole, whereby offenders are able to earn up to one-third off their sentence if they complete in-prison treatment requirements set forth by the DOC.
- b. Expanding the DOC's capacity to provide residential, long-term sex offender treatment that focuses on ensuring the offender is held responsible for harmful behavior and teaches cognitive behavioral strategies to end patterns of abuse.

Strengthen supervision and interventions to reduce recidivism

Recommendation 12: Implement graduated sanctions and incentives

Alaska law does not authorize community supervision field officers to respond to technical violations of community supervision, such as missing drug tests or treatment sessions, with intermediate sanctions. Although DOC policies do give field officers the authority to address minor violations administratively, there is no system-wide framework for the use of swift, certain, and proportionate sanctions. As a result, sanctioning practices vary widely across the state.

Specific Action Recommended: To reduce recidivism and increase success rates on probation and

parole through the use of swift, certain, and proportional sanctions and incentives, the Commission recommends:

- a. Statutorily authorizing the DOC to create a graduated sanctions and incentives matrix using swift, certain, and proportional responses, and to follow the matrix both when rewarding pro-social behavior and when responding to technical violations of supervision.
- b. Requiring field agents to be trained on principles of effective intervention, case management, and the use of sanctions and rewards.

Recommendation 13: Reduce pre-adjudication length of stay and cap overall incarceration time for technical violations of supervision

On July 1, 2014, 22 percent of Alaska's prison population was comprised of offenders who have violated the terms of their probation or parole supervision. Of those, most have violated the rules of supervision that do not constitute new criminal conduct, such as failing drug screenings or failing to report to their probation or parole officer.

After revocation, supervision violators are staying incarcerated, on average, for 106 days. Many of these supervision violators also spend a significant amount of time incarcerated before their case is resolved – on average, approximately one month. However, research shows – and Alaska's experiences with the PACE program have demonstrated – that more proportionate sanctions, administered in a swift and certain fashion have a stronger deterrent effect than these less swift and more severe sanctions.

Specific Action Recommended: To respond swiftly and proportionately to violations of supervision and to limit the use of prison as a sanction for technical violations, the Commission recommends:

- a. For offenders not participating in the PACE program, limiting revocations to prison as a potential sanction for technical violations of probation or parole as follows:
 - i. First revocation: Up to 3 days
 - ii. Second revocation: Up to 5 days
 - iii. Third revocation: Up to 10 days
 - iv. Fourth and subsequent revocation: Up to 10 days and a referral to the PACE program; or, if the PACE program is not available in the jurisdiction, the sanction would be left to judicial or Board discretion.
 - v. Revocation for absconding⁴⁹: Up to 30 days.
 - vi. These limits would not apply if the probationer or parolee is a sex offender who has failed to complete sex offender treatment.
- b. Requiring that probationers and parolees who are detained awaiting a revocation hearing for a technical violation of their community supervision be released back to probation and/or parole supervision on personal recognizance after serving the maximum allowable time outlined above, unless new criminal charges have been filed.
- c. Requiring that courts convert any unperformed Community Work Service directed in a judgment to a fine – and not to jail time – once the deadline set and announced at the time of

sentencing has elapsed.

- d. Stipulating that jail time cannot be imposed because a person failed to complete treatment if, despite having made a good faith effort, they were unable to afford treatment.
 - i. Additionally, including substance abuse treatment as a reinvestment priority for indigent offenders who are:
 - 1. Referred to ASAP by the court; and
 - 2. At a moderate to high risk of re-offending and in need of substance abuse treatment, as determined by a validated risk and needs assessment.

Recommendation 14: Establish a system of earned compliance credits

A robust body of research shows reduced recidivism when resources are focused on high risk offenders and front-loaded toward the first months following release. However, 39 percent of offenders on probation or parole are classified as low-risk, and supervising these offenders for long periods of time costs Alaska resources without improving public safety.

Earned compliance credits can provide a powerful incentive for offenders to participate in programs, obtain and retain employment, and remain drug- and alcohol-free.⁵⁰ As compliant and low risk offenders earn their way off supervision, earned compliance credits also work to focus limited supervision resources on the higher risk offenders who most require attention.

Specific Action Recommended: To focus resources on offenders at the highest risk to reoffend and to incentivize compliance with the offender's conditions of probation or parole, the Commission recommends:

- a. Statutorily establishing an earned compliance policy that grants probationers and parolees one month credit towards their probation and/or parole term for each month they are in compliance with the conditions of supervision.
- b. Establishing an automated time accounting system wherein probationers/parolees automatically earn the credit each month unless a violation report has been filed in that month.

Recommendation 15: Reduce maximum lengths for probation terms and standardize early discharge proceedings

Over the past decade, the average time that an offender spends on probation or parole prior to discharge has increased by 13 percent. However, a review of Alaska's data demonstrates that failure on supervision is most likely to happen in the first three months after an offender's release. Longer stays on probation and parole divert supervision resources that could be better focused on higher risk offenders at the time when they are most likely to fail on supervision.

Additionally, while the DOC currently has the option of recommending early termination of probation or parole to the court or Parole Board, there are no guidelines for when this option should be used, leading to differences in practice from region to region. Further, several statutory barriers restrict the usefulness of this option, including a restriction on terminating probation early

for Rule 11 (plea agreement) cases, and a requirement that offenders serve at least two years on parole before being discharged.

Specific Action Recommended: To more effectively focus scarce probation and parole resources on offenders at the time they are most likely to re-offend or fail, the Commission recommends:

- a. Capping maximum probation terms at the following:
 - i. A maximum of 5 years for felony sex offenders and Unclassified felony offenders;
 - ii. A maximum of 3 years for all other felony offenders;
 - iii. A maximum of 2 years for 2nd DUI and DV assault misdemeanor offenders; and
 - iv. A maximum of 1 year for all other misdemeanor offenders.
- b. Reducing the minimum time needed to serve on probation or parole prior to being eligible for early discharge to 1 year.
- c. Requiring the DOC to recommend early termination of probation or parole to the court/Parole Board for any offender who has completed all treatment programs required as a condition of supervision and is currently in compliance with all supervision conditions.
- d. Requiring the DOC to provide notification to the victim when recommending early discharge, with an opportunity for the victim to provide input at the court or Parole Board hearing.
- e. Authorizing courts to terminate probation early in cases where the sentence was imposed in accordance with a plea agreement under Rule 11 and DOC is recommending early discharge for good behavior.

Recommendation 16: Extend good time eligibility to offenders serving sentences on electronic monitoring

Most offenders who are housed within an institution have the opportunity to earn “good time” up to one-third off their sentences in acknowledgement of positive behavior. However, offenders who are serving their sentence on electronic monitoring are currently banned by statute from earning this incentive.

Specific Action Recommended: To incentivize compliance with the conditions of electronic monitoring, the Commission recommends allowing offenders on electronic monitoring to qualify for good time credits under the same conditions set forth for offenders in DOC institutions.

Recommendation 17: Focus ASAP resources to improve program effectiveness

Alaska’s Alcohol Safety Action Program (“ASAP”) provides screening and treatment referral services for thousands of misdemeanor offenders who are referred by the court. Unfortunately, the Commission finds that under-funding of ASAP has limited the program’s effectiveness.

This Commission believes that the best policy would be to increase funding for ASAP to allow the agency to provide more robust screening and treatment resources to all offenders struggling with substance abuse. The Commission also recognizes that, in the current fiscal climate, this is unlikely

– and in light of that, recommends focusing available ASAP resources on a smaller subset of high-risk misdemeanants to achieve better results.

Specific Action Recommended: To increase the effectiveness of the ASAP program, the Commission recommends:

- a. Focusing ASAP resources on offenders at the highest risk of taking up future prison resources through one of the following means:⁵¹
 - i. Limiting the offense categories that courts would be authorized to refer to ASAP to those currently mandated by statute (DUI, refusal to submit to a chemical test, and habitual minor consuming).
 - ii. Alternatively, limiting the offense categories that courts would be authorized to refer to ASAP to second-time misdemeanor DUI and refusal to submit to a chemical test offenses, as well as alcohol-related assault 4 offenses.
- b. Requiring ASAP to expand the services it provides to include:
 - i. Using a validated assessment tool to screen for criminogenic risk;
 - ii. Performing a brief behavioral health screening; and
 - iii. Providing referrals to treatment programs designed to address offenders' individual high priority criminogenic needs including, but not limited to, substance abuse.
- c. Requiring ASAP provide increased case supervision for moderate to high risk offenders as resources permit.

Recommendation 18: Improve treatment offerings in CRCs and focus use of CRC resources on high-need offenders

CRCs, otherwise known as halfway houses, have the potential to effectively support offenders who are transitioning back to the community from prison. However, the Commission found that CRCs are likely mixing low and high risk offenders, which research has shown can lead to increased recidivism for low risk offenders.⁵² Additionally, the Commission found that CRCs would be more effective at reducing recidivism if the facilities offered treatment for offenders in addition to supervision.

Specific Action Recommended: To reduce recidivism and improve outcomes for offenders placed in CRCs, the Commission recommends:

- a. Requiring CRCs to provide treatment (cognitive-behavioral, substance abuse, after care and/or support services) designed to address offenders' individual criminogenic needs.
- b. Adopting quality assurance procedures to ensure CRCs are meeting contractual obligations with regard to safety and offender management.
- c. Implementing admission criteria for CRCs that:
 - i. Prioritize placement in CRCs for people who would benefit most from more intensive supervision and treatment, using the results of a validated risk and needs assessment; and

- ii. Minimize the mixing of low and high risk offenders.

Ensure oversight and accountability

Recommendation 19: Require collection of key performance measures and establish an oversight council

The reforms to Alaska's corrections and criminal justice systems will require careful implementation and oversight. Moreover, additional legislative and administrative reforms may be needed after implementation to enable the state to realize the goals of justice reinvestment. Several states that have enacted similar comprehensive reform packages, including Georgia, South Carolina, and South Dakota, have mandated data collection on key performance measures and required oversight councils to track implementation, report on outcomes, and recommend additional reforms if necessary. Many of these states have also charged the oversight councils with helping to administer ongoing reinvestment dollars based upon the savings associated with the reforms.

Specific Action Recommended: To ensure that reforms are monitored for fidelity and efficacy, and to better prepare the state to meet the objectives of justice reinvestment, the Commission recommends:

- a. Requiring the ACS, the DOC, the Department of Health and Social Services ("DHSS"), the DOL, the DPS, and the Parole Board to collect and report data annually on key performance measures.
- b. Creating a Justice Reinvestment Oversight Task Force ("Task Force"), composed of legislative, executive, and judicial branch members, as well as members representing crime victims and Alaska Natives, charged with:
 - i. Monitoring and reporting back to the Legislature and Governor on the implementation and outcomes of the Commission's recommendations;
 - ii. If needed, making additional recommendations for legislative and administrative changes to achieve the state's justice reinvestment goals;
 - iii. Helping to administer reinvestment dollars and develop plans on an annual basis for ongoing reinvestment of a portion of the state general fund savings achieved through pretrial, sentencing, and corrections reforms, based on observed outcomes and cost-benefit estimates; and
 - iv. Assessing state government processes to ensure victim restitution and violent crimes compensation are working effectively to meet crime victim needs.

Recommendation 20: Ensure policymakers are aware of the impact of all future legislative proposals that could affect prison populations

Many sentencing and corrections reforms do not affect biennial budgets, but have significant impact on budgets four, six, and eight years out or longer. Fiscal impact statements that cover a longer period of time would give policymakers a more accurate account of the implications of proposed sentencing and corrections policies on the state prison population and budget.

Specific Action Recommended: To ensure that policymakers are informed of the long-term fiscal impact of proposed corrections policies, require 10-year fiscal impact statements to accompany future sentencing and corrections legislation.

Recommendation 21: Advance crime victim priorities

Crime victims, survivors, and victim advocates are important stakeholders in the work of the Commission. Two roundtable discussions were held in September 2015 to provide survivors and advocates with an overview of the Commission’s work, and to seek their input in establishing priorities for crime victims and those who serve them in Alaska. These roundtables were supplemented with significant additional outreach to victim advocates in the state. The Commission did not make data- or fact-findings related to crime victims or victim services. Instead, the following recommendations reflect the shared concerns expressed by victims, survivors, and advocates in the state.

Proposed Administrative Reforms: To advance reforms addressing the needs of crime victims, the Commission recommends the following administrative reforms:

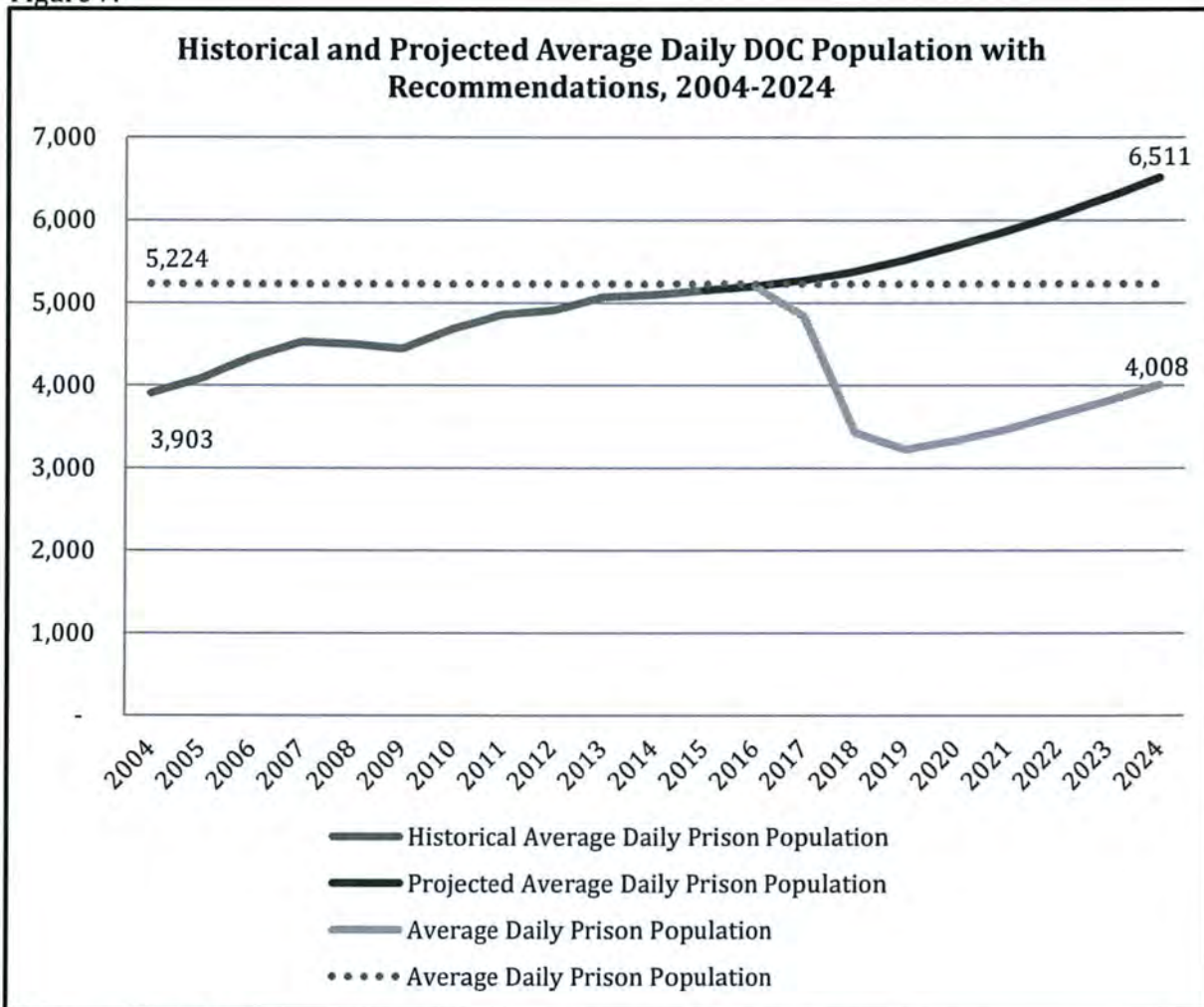
- a. The DOL and District Attorneys’ offices should make enhanced efforts to increase the number of crime victims signed up for court notifications through VINE.
- b. The DOC should review and revise policies and procedures related to inmate phone calls and visitation to reduce the likelihood of offenders contacting victims.
- c. The DOC should review and revise policies and procedures to include an increased focus on crime victim needs during offender transition and reentry planning.
- d. The training standards for criminal justice professionals should contain more specific provisions related to the frequency and content of victim-focused training, with input as appropriate from victim advocacy organizations in the state.
- e. The state should authorize the DHSS to provide similar trauma-informed services for child victims as the services that exist for adult victims.
- f. The courts and criminal justice agencies should take steps to make communications and documents more accessible for non-English speakers and people with low levels of literacy.

Impacts of Commission’s Consensus Recommendations

Enacting all 21 of the Commission’s consensus recommendations is projected to reduce the average daily prison population by 21 percent over the next 10 years, netting an estimated \$424 million in prison costs through 2024. (See figure 7, next page.) This number includes both the savings associated with averting projected prison growth (\$169 million) and the savings associated with reducing the population below current levels (\$255 million).

These impacts are contingent upon successful implementation and funding of the above recommendations.

Figure 7.



Source: The Alaska Department of Corrections; the Pew Charitable Trusts.

Reinvestment Priorities

Recognizing that these recommendations will result in substantial state general fund savings over the next decade, the Commission strongly recommends reinvesting a portion of the savings into priority services designed to protect public safety, reduce victimization, and sustain reductions in the prison population.

With the understanding that prison population reductions and the associated savings will likely be achieved in the near future, the Commission recommends that the state provide an upfront

investment, and ongoing reinvestment based on guidance from the Justice Reinvestment Oversight Task Force, into the following priority services:

- a. Pretrial services. Provide resources for the DOC to conduct pretrial risk assessments, make recommendations to the court regarding release and release conditions, and provide varying levels of supervision in the community.
- b. Victims' services in remote and bush communities. Provide for emergency housing and travel, forensic exam training and equipment for health care providers, and community-driven programs that address cultural and geographic issues.
- c. Violence prevention. Provide for community-based programming focused on prevention, education, bystander intervention, restorative justice, evidence-based offender intervention, and building healthy communities.
- d. Treatment services. Fund treatment and programming in facilities and in the community to address criminogenic needs, behavioral health, substance abuse, and sexual offending behavior.
- e. Reentry and support services. Expand transitional housing, employment, case management, and support for addiction recovery.

Additional Recommendations for Legislative Consideration

In addition to the consensus package of reforms above, the Commission also voted to forward the following six recommendations that received majority approval. Taken in concert with the consensus policy package, these policies are projected to reduce the average daily prison population by 26 percent and save the state an estimated \$447 million dollars over the following decade.

Additional Recommendation 1: Require that all misdemeanor DUI and refusal to submit to a chemical test offenders serve their incarceration terms in proven prison alternatives (variation on recommendation 5(e))

In 2014, over 2,500 offenders were admitted to prison post-conviction for a misdemeanor DUI, and an additional 105 offenders were admitted for refusal to submit to a chemical test – together, comprising a quarter of all post-conviction admissions in that year. The Commission reviewed a number of studies on the effective management of DUI offenders, including a 2014 study which found that jail sentences for DUI offenders were associated with higher recidivism rates than sentences to probation, even when controlling for differences between offender groups.⁵³ Additional studies have found that, no matter that number of past DUI convictions (1, 2, or 3 or more), sanctions involving jail time were associated with the highest recidivism rates.⁵⁴

Specific Action Recommended: In recognition of the limited and potentially negative impacts of jail sanctions for DUI offenders, including repeat DUI offenders, a majority of Commission members recommend requiring all misdemeanor DUI and refusal to submit to a chemical test offenders (including those with a prior offense) to serve their incarceration terms in prison alternatives – specifically supervision under remote surveillance technologies or a CRC. In cases where electronic

monitoring is not available, the offenders can be assigned to serve their incarceration sentence on supervised probation.

Additional Recommendation 2: Set the weight threshold at which more serious commercial drug offenses are differentiated from less serious offenses at 5g (variation on recommendation 6(c))

While the Commission unanimously sought to differentiate more serious commercial drug offenses from less serious commercial drug offenses through the use of a weight-based system, a number of Commissioners sought to set the dividing weight at an amount higher than 2.5g, with the understanding that many drug addicts engage in low-level sale offenses primarily to support their habit, and therefore do not fall into the category of serious drug dealers.

Specific Action Recommended: A majority of Commission members recommend setting the weight at which more serious drug commercial drug offenses are differentiated from less serious offenses at 5g.

Additional Recommendation 3: Bring presumptive ranges under the ceiling of prior presumptive terms (variation on recommendation 8)

While the Commission unanimously sought to align non-sex presumptive sentencing ranges with prior presumptive terms, a number of Commissioners also sought to reduce average prison stays below 2005 levels – pointing to the robust body of research demonstrating that, even when controlling for offender characteristics, inmates who are sentenced to longer periods of incarceration are not less likely to commit a crime upon release than similarly situated offenders sentenced to shorter periods of incarceration.

Specific Action Recommended: In accordance with the research demonstrating that longer prison stays do not reduce recidivism more than shorter prison stays, a majority of Commission members recommend bringing presumptive ranges under the ceiling of the 2005 presumptive terms, and extending presumptive probation to both first- and second-time Class C Felony offenders.

Additional Recommendation 4: Return sentence lengths for Felony C and B sex offenders to pre-2006 levels

Over the last decade, the average length of stay behind bars for felony sex offenders has grown by 84 percent. Since 2005, Felony B sex offenders are staying an average of 120 percent longer and Felony C sex offenders are staying an average of 45 percent longer in prison. These longer prison stays were likely driven in part by significant increases in the lengths of sex offender sentences (both minimums and maximums) pursuant to legislative changes in 2006.

The Commission reviewed research demonstrating that sex offenders have a low risk of recidivism compared to other offense types. The most recent Alaska Judicial Council study of recidivism in the state found that sex offenders have substantially lower rates of rearrest within one year than other offense groups.⁵⁵ The same study found that sex offenders were reconvicted for a new sex offense

within two years at a rate of two percent.⁵⁶ Similar findings have also been borne out in national studies of recidivism rates.⁵⁷

Specific Action Recommended: In accordance with the research demonstrating that sex offenders have a low risk of recidivism compared to other offense types, and that longer prison stays do not reduce recidivism more than shorter prison stays, a majority of Commission members recommend returning sentence lengths for Felony C and B sex offenders to 2005 levels.

Additional Recommendation 5: Expand Medicaid funding to provide substance abuse treatment for indigent offenders

Substance abuse and mental illness are associated with a substantial number of crimes committed in Alaska. A 2012 study found that Mental Health Trust beneficiaries, defined as individuals with mental illness, chronic alcoholism, traumatic brain injuries, and developmental disabilities, comprised 30 percent of individuals entering the prison system and 65 percent of the standing prison population.⁵⁸

Yet stakeholders report that the need for substance abuse and mental health treatment far exceeds demand, both in institutions and in the community. In communities that do have some form of treatment available, waitlists are long, and free or subsidized options are limited; in much of rural Alaska, options are limited or non-existent.

Specific Action Recommended: To reduce the likelihood that high risk offenders in need of substance abuse and/or mental health treatment will re-offend, a majority of Commission members recommend expanding the availability of funding for treatment by both maximizing the enrollment of eligible offenders and better equipping private providers to bill Medicaid.

Additional Recommendation 6: Limit the use of multiple misdemeanor revocations for the same allegation of program noncompliance

Specific Action Recommended: To motivate probationers to participate in and complete treatment and programming, while also reducing the number of misdemeanants who are revoked and serve multiple jail terms for the same allegation of program noncompliance, a majority of Commission members recommend:

- a. Requiring that the court process misdemeanor revocations for failure to comply with substance abuse or other programming in such a manner that one single petition is processed for that violation.
- b. Ensuring that, after adjudication, the defendant is offered the opportunity to complete the required programming and a disposition hearing is continued for the purpose of assuring either successful completion of the program condition or a one-time suspended jail imposition and deletion of the program condition.

Endnotes

- ¹ Note: Unless otherwise cited, the analyses in this report were conducted for the Alaska Criminal Justice Commission by the Public Safety Performance Project of the Pew Charitable Trusts using annual cohort recidivism rates, prison and probation/parole admission, release, and stock population data 2005-2014 as well as aggregate community residential center and electronic monitoring counts provided by the Alaska Department of Corrections; criminal charge information 2005-2014 provided by the Alaska Court System; and national data from sources including the Federal Bureau of Investigation Uniform Crime Reports and the US Census Bureau population forecasts.
- ² Ben Anderson, (2012) "Opening Soon: Alaska's \$240 million Goose Creek Prison," *Alaska Dispatch News*, <http://www.adn.com/article/opening-soon-alaskas-240-million-goose-creek-prison>.
- ³ National Association of State Budget Officers (1987), "The State Expenditure Report", http://www.nasbo.org/sites/default/files/ER_1987.PDF; National Association of State Budget Officers (2007), State Expenditure Report Fiscal 2006", http://www.nasbo.org/sites/default/files/ER_2006.pdf. Note: Comparison excludes capital expenditures.
- ⁴ National Association of State Budget Officers (2014) "Examining Fiscal State Spending 2011-2013", <http://www.nasbo.org/sites/default/files/State%20Expenditure%20Report%20%28Fiscal%202011-2013%20Data%29.pdf>.
- ⁵ Bureau of Justice Statistics, Corrections Statistical Analysis Tool (CSAT), <http://www.bjs.gov/index.cfm?ty=nps>; Bureau of Justice Statistics (2015), "Prisoners in 2014", <http://www.bjs.gov/content/pub/pdf/p14.pdf>.
- ⁶ Pew Public Safety Performance Project (2012), "2012 Georgia Public Safety Reform", <http://www.pewtrusts.org/en/research-and-analysis/reports/0001/01/01/2012-georgia-public-safety-reform>.
- ⁷ Federal Bureau of Investigation, Uniform Crime Reports, UCR Data Tool <http://www.ucrdatatool.gov/Search/Crime/State/StateCrime.cfm>; Bureau of Justice Statistics, Corrections Statistical Analysis Tool (CSAT), <http://www.bjs.gov/index.cfm?ty=nps>.
- ⁸ In Alaska, courts are legally required to consider the likelihood that the defendant will miss their court hearings and the likelihood that the defendant poses a danger to the victim, other persons, or the community (according to AS 12.30.006).
- ⁹ Mamalian (2011), "State of the Science of Pretrial Risk Assessment", https://www.bja.gov/publications/pji_pretrialriskassessment.pdf; Lowenkamp & Van Nostrand (2013), "Assessing Pretrial Risk Without a Defendant Interview", http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_no-interview_FNL.pdf.
- ¹⁰ VanNostrand (2009), "Pretrial Risk Assessment in the Federal Court", [http://www.pretrial.org/download/risk-assessment/Pretrial%20Risk%20Assessment%20in%20the%20Federal%20Court%20Final%20Report%20\(2009\).pdf](http://www.pretrial.org/download/risk-assessment/Pretrial%20Risk%20Assessment%20in%20the%20Federal%20Court%20Final%20Report%20(2009).pdf).
- ¹¹ Lowenkamp, VanNostrand, & Holsinger (2013), "The Hidden Cost of Pretrial Detention", <http://www.pretrial.org/download/research/The%20Hidden%20Costs%20of%20Pretrial%20Detention%20-%20LJAF%202013.pdf>. Note: For this population, pretrial detention of 8-14 days and 31 or more days were not significantly associated with an increase in odds of failure to appear. Statistically significant differences were found for those who were detained for 2-3, 4-7, and 5-30 days as compared to 1 days or less.
- ¹² *Ibid.*
- ¹³ Schnacke (2014), "Money As a Criminal Justice Stakeholder: The Judge's Decision to Release or Detain a Defendant Pretrial", <http://www.pretrial.org/download/research/Money%20as%20a%20Criminal%20Justice%20Stakeholder.pdf>.
- ¹⁴ Jones (2013), "Unsecured Bonds: The As Effective and Most Efficient Pretrial Release Option", <http://www.pretrial.org/download/research/Unsecured+Bonds,+The+As+Effective+and+Most+Efficient+Pretrial+Release+Option+-+Jones+2013.pdf>.
- ¹⁵ *Ibid.*
- ¹⁶ Note: A random sample of 400 case files (usable bail information N=310) from Anchorage, Juneau, Bethel, Fairbanks, and Nome Courts was selected and reviewed to examine pretrial releases conditions and sentence lengths. Data entry and analysis were conducted by Pew and the Alaska Judicial Council in July 2015. All findings related to bail conditions were derived from this analysis.
- ¹⁷ National Research Council (2014), "The Growth of Incarceration in the United States", <http://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.
- ¹⁸ *Ibid.*
- ¹⁹ Campbell Collaboration (2015), "The Effects on Re-Offending of Custodial vs. Non-Custodial Sanctions: An Updated Systematic Review of the State of Knowledge", <http://www.campbellcollaboration.org/lib/project/22/>; Nagin &

Snodgrass (2013), "The Effect of Incarceration on Re-Offending: Evidence from a Natural Experiment in Pennsylvania", <http://repository.cmu.edu/cgi/viewcontent.cgi?article=1407&context=heinzworks>; Nagin, Cullen, & Lero Jonson (2009), "Imprisonment and Reoffending", http://www.jstor.org/stable/10.1086/599202?seq=1#page_scan_tab_contents; Meade, Steiner, Makarios, & Travis (2012), "Estimating a Dose-Response Relationship Between Time Served in Prison and Recidivism", <http://jrc.sagepub.com/content/50/4/525.abstract>.

²⁰ Campbell Collaboration (2015), "The Effects on Re-Offending of Custodial vs. Non-Custodial Sanctions: An Updated Systematic Review of the State of Knowledge"; Nagin, Cullen, & Lero Jonson (2009), "Imprisonment and Reoffending", ²¹ *Ibid.*

²² Spohn & Holleran (2002), "The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders", <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2002.tb00959.x/abstract>; Nieuwbeerta, Nagin, & Blokland (2009), "Assessing the Impact of First Time Imprisonment on Offender's Subsequent Criminal Career Development: A Matched Samples Comparison", <http://link.springer.com/article/10.1007%2Fs10940-009-9069-7>, ²³ Nagin, Cullen, & Lero Jonson (2009), "Imprisonment and Reoffending".

²⁴ Note: It is possible the increase in in length of stay for felony sex offense convictions is an underestimate given the long sentences being served by many individuals convicted of sex offenses. The length of stay average is calculated based on the average time spent by offenders in their category released in a given year. As many sex offenders receive very long sentences, especially since sentencing ranges were broadened in 2006, the mean length of stay for offenders in this group might not reflect how long the average sex offender is likely to serve.

²⁵ Andrews (1999), "Recidivism Is Predictable and Can Be Influenced: Using Risk Assessments to Reduce Recidivism", http://www.csc-scc.gc.ca/research/forum/e012/12j_e.pdf.

²⁶ Grasmack & Bryjak (1980), "The Deterrent Effect of Perceived Severity in Punishment", http://www.jstor.org/stable/2578032?seq=1#page_scan_tab_contents; Farabee (2005), "Rethinking Rehabilitation: Why Can't We Reform Our Criminals?", http://www.aei.org/wp-content/uploads/2011/10/20050111_book806text.pdf.

²⁷ Nagin & Pogarsky (2000), "Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence: Theory and Evidence", <https://www.ssc.wisc.edu/econ/Durlauf/networkweb1/London/Criminology1-15-01.pdf>.

²⁸ Wodahl, Garland, Culhane, & McCarty (2011), "Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections", <http://cjb.sagepub.com/content/38/4/386.abstract>.

²⁹ National Research Council (2007), "Parole, Desistance from Crime, and Community Integration", <https://cdpsdocs.state.co.us/ccjj/Resources/Ref/NCR2007.pdf>; Grattet, Petersilia, & Lin (2008), "Parole Violations and Revocations in California", <https://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf>.

³⁰ *Ibid.*

³¹ Washington State Institute for Public Policy. Adult Criminal Justice "Benefit-Cost Results.". <http://www.wsipp.wa.gov/BenefitCost?topicId=2>.

³² Note: For these categories of defendants, in order for the court to depart from a recommendation of personal recognizance or unsecured bond, and order secured money bond, it would have to find on the record that there is clear and convincing evidence that no other conditions of release can reasonably assure court appearance and public safety.

³³ Note: A performance bond is an agreement between the defendant and the court that if the defendant violates his or her conditions of release, he or she will forfeit a certain amount of money. A *secured* performance bond requires the defendant to pay upfront in order to be released, and the defendant would get that money back if they successfully completed the pretrial period. An *unsecured* performance bond does not require an upfront payment, but if the defendant violates conditions of release, the court can order the defendant to pay that amount of money. A *partially-secured* performance bond would require payment of 10 percent of the bond amount upfront in order to be released. That amount would be recoverable if the defendant successfully completes the pretrial period. Currently in Alaska, courts only have authority to issue *secured* performance bonds. As used in the policy description on the pretrial release decision-making grid, "unsecured bond" would refer to both appearance bonds and performance bonds, but statutes would have to change to permit courts to issue unsecured performance bonds.

³⁴ VanNostrand (2009), "Pretrial Risk Assessment in the Federal Court", <http://www.pretrial.org/download/risk-assessment/Pretrial%20Risk%20Assessment%20in%20the%20Federal%20Court%20Final%20Report%20%282009%29.pdf>.

³⁵ Note: Currently, the statute disqualifies a person from serving as a third-party custodian if they *may be called* as a witness.

³⁶ Note: FTA with intent to avoid prosecution and FTA for more than 30 days; and for violation of a protective order or no-contact order.

- ³⁷ Boyum & Reuter (2005), "An Analytic Assessment of Drug Policy, American Enterprise Institute for Public Policy Research", http://www.aei.org/wp-content/uploads/2014/07/-an-analytic-assessment-of-us-drug-policy_112041831996.pdf.
- ³⁸ Pew Charitable Trusts (forthcoming), "The Effects of Changing State Theft Penalties".
- ³⁹ Note: Includes theft, concealing merchandise, issuing a bad check, vehicle theft, criminal mischief, unlawful possession, misapplication of property, criminal simulation, and removal of I.D. marks.
- ⁴⁰ Alaska State Legislature (2005), "Senate Bill 56".
- ⁴¹ Note: Comparison years are 2006 and 2014.
- ⁴² Note: Excludes Unclassified felonies.
- ⁴³ Note: The enhanced sentence applies to possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or knowingly directed the conduct at a peace officer or first responder who was engaged in official duties and to manufacturing of methamphetamine offenses if knowing within presence of children.
- ⁴⁴ Note: The enhanced sentence applies to violations of AS 11.41.130 (CN Homicide) and the victim was a child under 16 and to manufacturing of methamphetamine offenses if reckless within presence of children.
- ⁴⁵ Note: Maximum allowable imprisonment term if probation is not imposed.
- ⁴⁶ Alaska Judicial Council (2011), "Criminal Recidivism in Alaska, 2008 and 2009", <http://www.ajc.state.ak.us/reports/recid2011.pdf>.
- ⁴⁷ Washington State Institute for Public Policy (2015), "What Works and What Does Not?: Cost-Benefit Findings from WSIPP", http://www.wsipp.wa.gov/ReportFile/1602/Wsipp_What-Works-and-What-Does-Not-Benefit-Cost-Findings-from-WSIPP_Report.pdf.
- ⁴⁸ National Conference of State Legislatures, (2009) "Cutting Corrections Costs: Earned Time Policies for State Prisoners", http://www.ncsl.org/documents/cj/earned_time_report.pdf.
- ⁴⁹ As used here, "absconding" is defined as failing to report within 5 working days after release or failing to report for 30 days.
- ⁵⁰ Petersilia (2007), "Employ Behavioral Contracting for "Earned Discharge" Parole", <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9133.2007.00472.x/pdf>; Wodahl, Garland, Culhane, & McCarty (2011), "Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections"; American Probation and Parole Association (2014), "Administrative Responses in Probation and Parole Supervision: A Research Memo", <http://www.appa-net.org/eWeb/Resources/SPSP/Research-Memo.pdf>.
- ⁵¹ The Commission has chosen to forward two iterations of this policy to the legislature for its consideration.
- ⁵² Lowenkamp & Latessa (2002), "Evaluation of Ohio's Community Based Correctional Facilities and Halfway House Programs", https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project_reports/HH_CBCF_Report1.pdf.
- ⁵³ Bachmann & Dixon (2014), "DWI Sentencing in the United States: Toward Promising Punishment Alternatives in Texas", <http://www.sascv.org/ijcjs/pdfs/bachmannandixonijcjs2014vol9issue2.pdf>; Martin, Annan, & Forst (1993), "The Special Deterrent Effects of a Jail Sanction on First-Time Drunk Drivers: A Quasi-Experimental Study", http://www.researchgate.net/publication/14800968_The_special_deterrent_effects_of_a_jail_sanction_on_first-time_drunk_drivers_A_quasi-experimental_study; Annan, Sampson, Martin, & Forst (1986), "Deterring the Drunk Driver: A Feasibility Study", <http://www.worldcat.org/title/deterring-the-drunk-driver-a-feasibility-study-technical-report/oclc/18578880>.
- ⁵⁴ DeYoung (1997), "An Evaluation of the Effectiveness of Alcohol Treatment, Driver License Actions and Jail Terms in Reducing Drunk Driving Recidivism in California", <http://www.ncbi.nlm.nih.gov/pubmed/9376781>.
- ⁵⁵ Alaska Judicial Council (2011), "Criminal Recidivism in Alaska, 2008 and 2009".
- ⁵⁶ *Ibid.*
- ⁵⁷ Bureau of Justice Statistics (2003), "Recidivism of Sex Offenders Released from Prison in 1994", <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=1136>.
- ⁵⁸ Hornby Zeller Associates, Inc. (2014), "Trust Beneficiaries in Alaska's Department of Corrections", <http://mhtrust.org/mhtawp/wp-content/uploads/2014/10/ADOC-Trust-Beneficiaries-May-2014-FINAL-PRINT.pdf>.



ANNUAL REPORT TO THE ALASKA STATE LEGISLATURE ALASKA CRIMINAL JUSTICE COMMISSION

February 1, 2016

Overview

The State Legislature created the Alaska Criminal Justice Commission as one of several "Smart Justice" measures enacted under SB64. The Commission was given a three-year term to review criminal law sentences and practices and to make recommendations for cost-effective reforms to lower prison populations and reduce recidivism. Commission members -- representing Alaska Natives, crime victims, the mentally ill and the three branches of government -- have now forwarded a total of thirty-two recommendations to leaders in state government. The most recent recommendations sent to the Legislature on December 10, 2015, were developed through the Justice Reinvestment Initiative (JRI). This annual report summarizes past recommendations, data collection and research conducted under Commission direction, and future priorities.

Gregory P. Razo, Chair
Alaska Criminal Justice Commission

I. INTRODUCTION/BACKGROUND

This is the first annual report by the Alaska Criminal Justice Commission to the Alaska State Legislature.¹ Its date of submission, February 1, marks the halfway point of its term.²

In 2013, strong interest developed in the Alaska State Legislature in "Smart Justice" and "Right on Crime" evidence-driven reforms that had been successful in other states. Local legislative interest in these efforts were heightened by reports that the Alaska prison population was up 27% over the last decade, growing at a rate of 3% a year, and that recidivism remained high with nearly two out of three offenders returning to prison or jail within three years. Absent further reforms, it was projected that the number of persons incarcerated would soon exceed current hard-bed capacity.

As a result of bipartisan leadership and cooperation, an omnibus criminal bill, SB64, was passed in May and signed into law on July 16, 2014. The bill included a number of reform measures as well as a provision creating the Alaska Criminal Justice Commission.

The law gave the Commission an extraordinarily broad mandate to examine the state's criminal laws, sentences and practices. The Commission was expected to base recommendations on perspectives gained from stakeholders, scholars and the public and - whenever possible - on data, empirical evidence and the experiences of other states.

The Alaska Judicial Council, tapped by the Legislature to provide support and staffing for the new Commission, immediately commenced a study of felony sentences so that the new entity would have the benefit of recent data.

The Commission held its first meeting in mid-September 2014. It has met since on an almost-monthly basis.

¹ This filing is mandated by Section 32, Chapter 83, SLA 2014 ("SB 64").

² AS 44.66.010(a) set the Commission's sunset date as June 30, 2017. The Legislature intended a 36-month term commencing June 30, 2014, but there was a two-month delay in enactment and appointments.

What is "Smart Justice"?

"Smart justice" is a name for a move, nationally and in many states, to implement "smart" criminal justice reform. This trend is motivated both by the continuing upward trajectory of prison costs and by the recognition that lengthy jail sentences do not decrease recidivism and, for some offenders, makes it worse.

Smart justice measures help ensure that lengthy sentences and prison spaces are reserved for dangerous offenders, and encourage states to focus scarce public safety resources on offenders that are a real threat to the community. To some, this means distinguishing between "who we're mad at and who we're afraid of."

Smart justice movements have also been inspired by laws that or practices that may "over criminalize" conduct or certain populations. There is a growing perception that lengthy sentences can be counterproductive (as well as wasteful) for populations who won't be helped by jail, such as drug addicts or the mentally ill.

In any event, smart justice must mean using evidence-based research to identify more cost-effective approaches to deal with criminal offenders.

II. PROCESS

A. INITIAL PHASE/PRIORITY-SETTING

Members of the Commission began their collective work with education and inventory so they could better identify their priorities for future action.³ This process involved obtaining information from stakeholders, the review of scholarly reports and articles, getting technical assistance as needed, and outreach to the public.⁴

In its first six months, the Commission heard presentations on the delays in and nature of Alaska criminal appellate practice, the Results First and Justice Reinvestment Initiatives underway in other states and localities, the Hornby-Zeller Report on the prevalence of mental health beneficiaries in the state criminal justice system, reforms to Title 4 alcohol-related criminal laws which had been recommended; recidivism reduction steps planned by the Alaska Department of Corrections; and prison reentry planning through state-community partnerships.

The Commission's inventory identified an overwhelming number of possible topics, including: (1) the efficacy of ignition interlocks and the current controlled substances schedules; (2) smart justice efforts made by other states; (3) current research on incarceration and recidivism studies; (4) the need for Alaska specific data on crime and its arrested, incarcerated and convicted populations; (5) the unmet restitution needs of victims; (6) the potential of restorative justice; (7) gaps in treatment and funding of other jail alternatives; (8) the interest in tribal court development; (9) specific statutes with unintended effects; (10) and the need for a comprehensive review of the presumptive sentencing structure.

The Commission chose the following areas for its initial focus: pre-trial decision-making; sentencing alternatives to incarceration; legal barriers to ex-offenders' reentry; rural criminal justice challenges; and crimes and sentences. Committees focused on these areas began meeting as early as September 2013. Some of the workgroups have already generated proposals for Commission consideration and approval.

MEMBERS OF THE ALASKA CRIMINAL COMMISSION ARE

Gregory P. Bazo, Board Vice Chair, Alaska Native Justice Center
Alexander O. Bryner, Retired Supreme Court Justice
Gary Foiger, Commissioner, Alaska Department of Public Safety
J.H.I. Jesse, CEO, Alaska Mental Health Trust Authority
Walt Monegan, Interim Commissioner, Alaska Department of Corrections
Craig Richards, Alaska Attorney General
Stephanie Rhoades, District Court Judge, State of Alaska
Krisie L. Sell, Lt., Juneau Police Department
Brenda K. Stanfill, Executive Director, Interior Alaska Center for Non-Violent Change
Quintan G. Steiner, Alaska Public Defender
Trevor N. Stephens, Superior Court Judge, State of Alaska
John Cophill, Alaska State Senate, ex officio
Wesley C. Keller, Alaska House of Representatives, ex officio

³ See Appendix A for more information on Commission structure and process.

⁴ See Appendix B for more information on Commission outreach.

B. JUSTICE REINVESTMENT

In early 2015, Senate President Kevin Meyer and House Speaker Mike Chenault along with Governor Bill Walker invited the Justice Reinvestment Initiative (JRI) to partner with the Alaska Criminal Justice Commission. The Commission launched that partnership with a JRI-Pew technical assistance team in May 2015. That team immediately commenced collecting state agency data and surveying state law, practices, and agency resources.

Commissioners were briefed in plenary sessions on the research concerning the relative efficacy of pretrial practices, incarceration, probation violation procedures and prison alternatives such as intensive supervision and treatment. Commissioners also met in JRI-specific workgroups from September through November to better focus on local data and practices and identify areas for improvement.

During this process, Alaska's legislative leaders contacted the Commission to emphasize the urgency of its work in the current fiscal climate. The Commission was exhorted to "develop recommendations [for this legislative session] aimed at safely controlling prison and jail growth and recalibrating our correctional investments to ensure that we are achieving the best possible public safety return on our state dollars." Legislators warned that, unless the Commission identified reforms which would achieve at least 15% of significant savings in corrections spending, reinvestment into alternative programs and treatment would not be possible.

The Commission met this challenge. Based upon review of data and research, existing practices and other states' experiences, the Commission ultimately came to consensus on 21 policy recommendations that would protect public safety, hold offenders accountable, and reduce the state's average daily prison population by 21 percent, netting estimated savings of \$424 million over the next decade. (Six additional recommendations which received the support of many but not all Commissioners were also forwarded.)

What is "justice reinvestment"?

"Justice reinvestment" is a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest cost savings in strategies that can decrease crime and reduce recidivism.

What is "JRI"?

"JRI" stands for the Justice Reinvestment Initiative (JRI). JRI is a public-private partnership between the Bureau of Justice Assistance and the Pew Charitable Trusts. JRI provides free technical assistance to states and localities.

What states have similarly received "JRI" technical assistance from BJA and Pew ?

Alabama, Arizona, Arkansas, California, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, West Virginia, and Wisconsin.

III. RESEARCH AND RECOMMENDATIONS

A. STUDIES AND REPORTS

During its first fifteen months of work, the Criminal Justice Commission produced numerous studies and reports which the Commission used to formulate its recommendations to state law- and policymakers. Several of these studies documented problems and practices that had never been previously examined. They are briefly described below.

CORRECTIONS RESEARCH

Some key findings were:

- In 2005, pretrial inmates comprised 20 percent of the population; today they comprise 28 percent.
- Alaska's pretrial population has grown by 81 percent over the past decade, driven primarily by longer lengths of stay for both felony and misdemeanor defendants.
- Alaska's sentenced prison population, defined as those offenders sentenced to a period of incarceration for a new criminal conviction, has grown by 14 percent in the last decade.
- Three-quarters of Alaska's sentenced offenders (entering prison post-conviction in 2014) were convicted of a nonviolent offense.
- Felony offender length of stay is up 31% across all offense types and felony classes.
- The number of offenders in prison for a violation of supervision (both pre-hearing and post-revocation) grew 15 percent over the last ten years.
- In 2014, nearly half (47%) of revoked supervision violators stayed more than 30 days, and 28 percent stayed longer than 3 months behind bars.

Justice Reinvestment Initiative (May- Dec. 2015)

The JRI partnership produced a comprehensive picture of the 'drivers' of incarceration, i.e. key factors explaining increases in Alaska's prison population. JRI researchers also received and considered data from the Alaska Court System and research conducted by the Alaska Judicial Council, and they worked alongside Judicial Council staff to manually review information in court case files.

But the information collected through the JRI process was not limited to metrics. JRI staff conducted extensive interviews with agency directors and staff involved in law enforcement, criminal litigation and corrections, including probation and parole. Such interviews helped ensure that JRI team was well informed as to state laws and practices (crucial information for any comparison to other states) and agency resources and gaps. Additional effort was made with respect to the survey of victim advocates. JRI engaged nationally-respected victim advocate Anne Seymour to convene and facilitate two roundtable group discussions (urban and rural) among crime victims and survivors and agency staff. The Commission also took into account national research on best practices and evidence-based approaches to reducing recidivism.

The combination of data, agency experience, anecdotal information and research principles ultimately informed the Commission as to what specific statutory and administrative steps should be taken, given the unsustainable trajectory of incarceration and the incidence of victimization. The JRI Report is linked [here](#).

Felony Sentencing Study (Mar.2014-February 2016)

This Alaska Judicial Council study, commenced in spring 2014, was completed in the late fall (2015). The executive summary of findings is now projected for publication in February 2016.

The study analyzed a random sample of sentences imposed on 2,970 offenders sentenced for a felony in Alaska in 2012 and 2013. Offenders in all felony classifications were included, with a special emphasis on class A felony offenders. The study notes sentence lengths (time imposed, time suspended, and net time to serve) and the types of probation given to these offenders. It also explores relationships between sentence lengths and a number of variables (such as offenders' demographic characteristics, location of the offense, and offense characteristics).

Finally, the report includes a legal summary of changes in Alaska criminal statutes and case law enacted since the Judicial Council's last important report on 1999 felony sentences. Since 2000, the Legislature adopted a new sentencing system based on presumptive ranges, substantially increased the number and types of offenses categorized as felonies, and increased the severity of a number of existing felonies making many more offenders potentially subject to felony penalties or to higher penalties within the felony sentencing ranges.

Reports on Pretrial Release

Having identified pretrial release as an important area for potential reform, the Commission directed the Alaska Judicial Council to gather data about current bail and pretrial release practices. This information had never before been collected and some of the results were surprising.

Bail practitioner survey (spring 2015). To gain a better understanding of the factors in pre-trial release practice and decision-making, the Alaska Judicial Council (AJC) distributed two electronic bail surveys: the first for judges and magistrates; the second for prosecutors and public defenders across the

FELONY SENTENCING RESEARCH

Some of the anticipated findings are:

- 71% of all felony offenders were convicted of non-violent offenses (Property, Driving, Drugs, Other).
- 80% of all felony offenders were convicted of the least serious (Class C) offenses.
- 67% of all felony offenders had no prior felonies.
- 22% of all felony offenders had no prior felony nor misdemeanor convictions.
- Only 5% were convicted of the most serious (Unclassified and Class A) offenses.
- 94% of convictions were by plea (94%), rather than trial.
- The most serious cases went to trial frequently – 55% of the Unclassified offenses were convicted after trial, compared to 5% of Class C offenses.

ALASKA BAIL RESEARCH

Key findings of court case file review for bail practices:

-Only about half of all arrested defendants were released before their cases were resolved. 15% of the sample pleaded guilty at arraignment; 43% were released pretrial and 40% of the overall sample were never released on bail conditions until the conclusion of the case. Bail information was not available in the file for 2% (N=8) of the sampled cases.

-While there is an Alaska statutory presumption that defendants will be released on personal recognizance or unsecured bail, courts departed from this presumption in the vast majority of cases. Only 12 percent of defendants in the sample were released on personal recognizance, and an additional 10 percent had unsecured bail.

- Defendants who were not released had faced stricter release conditions: their appearance bonds and performance bonds were 6 and 5 times higher, respectively, compared to people who were released. In addition, people who were not released were 4 times more likely to have a third-party custodian requirement.

state. Survey recipients had been identified by agency leaders as key informants with a good perspective and strong experience in pretrial practice. Eighteen judges, eight magistrate judges, nine prosecutors, and twenty public defenders completed the survey.

The surveys indicated that, generally, judicial officers, prosecutors, and public defenders would like the Commission to recommend the implementation of more pretrial services, such as drug and alcohol testing and electronic monitoring around the state. In addition, judicial officers recommended the expansion of bail-posting methods (e.g., post bail remotely, post bail on a day to day basis, etc.).

Review of individual court case files for bail information (summer 2015). Alaska Judicial Council and JRI researchers collaborated in a paper file review of court records to gain a better understanding of pre-trial release decision outcomes. Staff reviewed 384 court case files from Anchorage, Fairbanks, Juneau, Bethel, and Nome and collected data on bail conditions and bail outcomes. (see sidebar).

Bail-Posting procedures survey (to be released January 2016). To gain a better understanding of the mechanics of the bail posting process around the state, the Alaska Judicial Council conducted interviews with the Clerks of Court for the Alaska Court System and Department of Corrections staff in eight locations (Anchorage, Bethel, Fairbanks, Juneau, Kenai, Ketchikan, Nome, and Palmer).

From the interviews, we learned that, in most of these locations, bail can ONLY be posted in-person. Also, most locations will only accept cash. The Court and Corrections staff who responded to this survey supported the following measures: expanding methods of payment (e.g., credit card, check); relieving the in-person bail-posting requirement; providing an online payment system for the posting of bail; and a unified system between courts and corrections which would expedite pretrial releases.

What's Next?

Title 28 focused Report and Recommendation

The Commission must report to the Legislature – no later than July 1, 2017 – on

- (1) whether a revision of the alcohol-related offenses in AS 28 is necessary;
- (2) [the wisdom of] maintaining both the administrative and court license revocation processes;
- (3) the effectiveness of ignition interlock devices in reducing the offenses of DUI and Refusal and reducing recidivism;
- (4) whether the punishment, fines, and associated driver's license revocation periods for these offenses should be decreased or increased;
- (5) the effectiveness of programs that promote offender accountability, emphasize swift and certain, yet measured, punishment, reduce recidivism, and maximize the offender's ability to remain productive in society; and
- (6) whether limited licenses should be available for persons charged with or convicted of the offenses of DUI or Refusal, while providing for public safety

The Results First Initiative (ongoing)

Last year, the Commission recommended state officials invite the Pew-MacArthur Results First Initiative to further state efforts at criminal justice reform. Pew was invited and the UAA Alaska Justice Information Center was subsequently chosen by the Legislature as its local agency partner in this long-term planning effort. The Commission looks forward to reviewing AJIC's reports and incorporating the information into its deliberations. A complete inventory of state-funded adult criminal justice programs is forthcoming, with detailed benefit-cost analyses of programs and policies to inform agency and legislative budget decisions by the end of summer 2016.

Title 28 Research (ongoing)

In SB64, the Legislature directed the Commission to produce a special report no later than July 1, 2017, regarding alcohol-related offenses in AS 28 (the Motor Vehicle Statute). (See sidebar) Consequently, the relevant research is already underway.

A Commission subgroup is directing research on the effectiveness of ignition interlock devices (IID) in reducing the incidence of DUI/Refusal offenses and in reducing recidivism, and collecting data about the numbers of Alaskans who have received IID court orders and those who have had their licenses reinstated after IID use. The workgroup will also compare the statutory and regulatory structure of the Alaska IID program to that of other states.

Also underway is research concerning the use of vehicle-based sanctions for DUI/Refusal and DWLS offenses with the intention of comparing those already used in Alaska and practices used by other states. Of initial interest is the Anchorage Municipality's vehicle impound/forfeiture program and whether it has had a measurable impact on public safety and recidivism. The larger question is whether the use of vehicle-based sanctions should be expanded throughout the state.

B. RECOMMENDATIONS

The products of the Criminal Justice Commission include its recommendations to state lawmakers and other policy makers. Nearly all Commission recommendations have been the result of consensus. During the last sixteen months, the Commission has recommended:

Support The Successful Reentry Of Ex-Offenders

In a vote on January 23, 2015, the Commission unanimously recommended that the Alaska Legislature enact an 'opt-out,' as permitted by Congress, from a federal law which permanently excludes any person convicted of a drug felony after August 1996 from eligibility for federal food assistance, which we in Alaska call Food Stamps. Congress allows states to opt-out or modify this ban. Food Stamps are 100% federally funded. Alaska is one of only ten states that have maintained a lifetime ban for any person convicted after August 1996 of any state or federal drug felony, including possession. Most states have determined that the ban is counter-productive, undermining ex-offenders' efforts in community reentry and progress with rehabilitation. The recommendation is linked [here](#).

OUTCOME: Recommendation was forwarded to the Legislature.

Seek Technical Assistance for Cost-Effective Outcomes

In a vote on February 24, 2015, the Commission unanimously recommended that all three branches of state government invite and partner with two different Pew Trust initiatives offering free technical assistance: the Justice Reinvestment Initiative and the Results First Initiative. The Commission has had the opportunity to hear presentations from each Initiative and had opportunity to study their very impressive products, i.e. the results of technical assistance provided to other states. The recommendations are linked [here](#).

OUTCOME: State leaders invited both initiatives.

- The JRI technical assistance was invited on April 1 and accepted April 17 2015.
- The Results First TA was invited on March 5 by Governor Walker and March 10 by legislative leaders; the partnership was finalized in July 2015. This project is being organized by the Alaska Justice Information Center.

Reform Community Work Service

In a vote on March 31, 2015, the Commission unanimously recommended that the Alaska Legislature amend AS 12.55.055, the Community Work Service (CWS) statute. Each year hundreds of misdemeanor petitions to revoke probation are filed for failure to comply with the CWS portion of a judgment. (There were 494 such petitions in FY 2014.) In many of these PTR cases, the court ultimately converts unperformed CWS hours into jail. The Commission found this outcome to be unnecessary use of expensive jail beds and instead recommends that courts convert any unperformed CWS to a fine – and not to jail time - once the deadline set and announced at the time of sentencing has elapsed. The recommendation is linked [here](#).

OUTCOME: Recommendation was forwarded to the Legislature.

Provide Education To Judges

In a vote on March 31, 2015, the Commission unanimously recommended to the Alaska Court System that it provide ongoing judicial education on evidence-based pre-trial practices and principles that can improve how decisions are made in the earliest stages of a case to address the high percentage of pre-trial and unsentenced detainees in Alaska's DOC. The recommendations is linked [here](#).

OUTCOME: The Alaska Court System trained magistrates and judges on bail setting practices at annual training conferences in in Fall 2015. New judges received training in January 2016.

Seek Technical Assistance On Drug Schedules

On March 24, 2015, the Workgroup on the Classification of Crimes and Applicable Sentences asked the Commission to recommend that the Governor convene the statutorily mandated Controlled Substances Advisory Committee (CSAC) as soon as possible so that the CSAC and the Commission could collaborate with respect to their overlapping duties to review of controlled substances schedules.

OUTCOME: Prior to any Commission action, the Attorney General agreed to convene the CSAC as soon as possible and asked it to cooperate with the Commission. The CSAC had its first meeting in May and has met four times since. Commissioners and staff have attended CSAC meetings.

Increase Pretrial Diversion

On April 25, 2015, the Sentencing Alternatives Workgroup proposed that the Commission should recommend the use of pretrial diversion as a way to conserve law enforcement and court resources. Specifically the Workgroup asked to recommend (1) that the Legislature enact a statute creating the option of pretrial diversion for state prosecutors; and (2) that the Department of Law reverse its longstanding policy against pre-trial diversion and promote its use in appropriate cases. The Commission delayed action on the proposal at the request of the Attorney General.

OUTCOME: On June 18 2015, the Attorney General authorized local DA's to offer pretrial diversion at their discretion. The AG also announced the Department of Law's intention to explore funding to create a statewide pretrial diversion program. (No action was subsequently taken by the Commission on the workgroup proposal).

Promote Offender Rehabilitation and Reentry

In a vote on October 15, 2015, the Alaska Criminal Justice Commission unanimously recommended that the Alaska Legislature amend AS 12.55.085 ("Suspended Imposition of Sentence"), AS 12.55.086 ("Imprisonment as a Condition of Suspended imposition of Sentence") and AS 33.05.080 ("Definitions") to allow a court to delay the final disposition of a case, impose "pre-conviction" probation, and ultimately dismiss the case if probation conditions were satisfied within the time set. These amendments will enhance the effectiveness of the existing SIS "set aside" mechanism because it does not currently provide a "clean slate" for many offenders who succeed on probation. The recommendation is linked [here](#).

OUTCOME: Recommendation was forwarded to the Legislature.

Decrease Corrections Costs and Protect Public Safety (JRI package)

In a vote on December 10, 2015, the Alaska Criminal Justice Commission unanimously approved a package of reforms developed under the auspices of the Justice Reinvestment Initiative (JRI). The broadly-described JRI policy options are listed below with the details provided in the report itself, [linked here](#).

A special set of recommendations to advance victim priorities are highlighted on the next page, as are Commission priorities for state justice reinvestment .

Improve Pretrial Practices

- Expand the use of citations in place of arrest for lower-level nonviolent offenses.
- Utilize risk-based pretrial release decision-making.
- Implement meaningful pretrial supervision.
- Focus pretrial supervision resources on high-risk defendants.

Reserve Prison for Serious and Violent Offenses

- Limit the use of prison for lower-level misdemeanor offenders.
- Revise drug penalties to focus the most severe punishments on higher-level drug offenders.
- Utilize inflation-adjusted property thresholds.
- Align non-sex felony presumptive ranges with prior presumptive terms.

Strengthen Probation and Parole

- Expand and streamline the use of discretionary parole.
- Implement a specialty parole option for long-term, geriatric inmates.
- Incentivize completion of treatment for sex offenders with an earned time policy.
- Implement graduated sanctions and incentives for those on supervision.
- Reduce pre-adjudication length of stay and cap overall incarceration time for technical violations of supervision.
- Establish a system of earned compliance credits for probationers/parolees.
(continued on next page)
- Reduce maximum lengths for probation terms and standardize early discharge proceedings.
- Extend good time eligibility to offenders serving sentences on electronic monitoring.
- The courts and criminal justice agencies should take steps to make communications and documents more accessible for non-English speakers and people with low levels of literacy.

Provide Treatment to Decrease Recidivism

- Focus Alcohol Safety Action Program resources to improve program effectiveness.
- Improve treatment offerings in halfway houses (CRCs) and focus use of CRC resources on high-need offenders.

Monitor Outcomes

- Require collection of key performance measures and establish an oversight council.
- Ensure policymakers are aware of the fiscal impact of all future legislative proposals that could affect prison populations.

Recommendations to Advance Victim Priorities

In addition to identifying potential *statutory* reforms in the JRI Report, the Commission also recommended several measures – to be undertaken by *administrative agencies* and the *courts* – which are intended to focus on and to address crime victims' priorities. Most of the proposed measures are addressed to executive branch agencies such as the Department of Law, the Department of Correction and DHSS. These recommendations seek improved victim outreach and the revision of existing agency policies and training standards so as to better address both child and adult victims' needs throughout the criminal justice process. The specific administrative measures which have been recommended by the Commission are found on page 28 of the JRI Report. http://www.aic.state.ak.us/sites/default/files/imported/acic/AJRI/ak_jri_report_final12-15.pdf

Justice Reinvestment Priorities

The Commission recommended that a portion of the savings realized by the recommended reforms be reinvested into the things that do the best job of making us safer: strengthening supervision in the community; providing programming and treatment that address criminal thinking and addiction, expanding services to protect and support crime victims, and supporting people coming out of prison, to get them back to work, or into addiction recovery, so they can be productive members of our society. Accordingly, the Commission has recommended the following priorities for Alaska's Justice Reinvestment:

- ❖ **Pretrial services.** Provide resources for the doc to conduct pretrial risk assessments, make recommendations to the court regarding release and release conditions, and provide varying levels of supervision in the community.
- ❖ **Victims' services in remote and bush communities.** Provide for emergency housing and travel, forensic exam training and equipment for health care providers, and community-driven programs that address cultural and geographic issues.
- ❖ **Violence prevention.** Provide for community-based programming focused on prevention, education, bystander intervention, restorative justice, evidence-based offender intervention, and building healthy communities.
- ❖ **Treatment services.** Fund treatment and programming in facilities and in the community to address criminogenic needs, behavioral health, substance abuse, and sexual offending behavior.
- ❖ **Reentry and support services.** Expand transitional housing, employment, case management, and support for addiction recovery.

IV. PLANS AND PRIORITIES

Many priorities identified in SB64 by the Legislature became the subject of study by the Criminal Justice Commission between October 2014 - December 2015. As reflected in this annual report, Commission research and group process resulted in a significant body of recommendations to the Legislature and other policy-makers. However, many concerns still remain on the Commission's agenda.

On January 25, 2016, the Commission clarified which issues shall have immediate priority in this calendar year. They are:

- Title 28 Directives from the Legislature
- Barriers to Reentry (employment, housing)
- Presumptive Sentencing and the Three Judge Panel
- Behavioral Health (Needs and Challenges Throughout The Criminal Process)
- Restorative Justice and Restitution

Title 28 and Barriers to Reentry are already the subjects of extensive committee work. The three other topics will require the formation of new workgroups to give them special attention.

The Commission's review of the state's Presumptive Sentencing scheme is mandated by SB64. Some specific concerns include the statutory framework for the three-judge sentencing panel and sex offender sentencing.

The Commission's heightened focus on Behavioral Health was prompted by the following: a significant portion of the individuals in Alaska's correctional facilities have behavioral health problems (mental health or substance use disorders or both); recidivism statistics can be higher for mentally ill inmates; the use of correctional facilities in Alaska for Title 47 "holds" of intoxicated or high individuals resulting in deaths has been the subject of recent study by the Governor's Office; and finally, the Criminal Justice Working Group has asked the Commission to consider a recent review, commissioned by the Mental Health Trust, of the state's mental health statutes. Many of report's recommendations concern criminal statutes and processes within the purview of the Commission.

Finally, the Commission hopes to give focus to its earlier, wide-ranging discussions on the related topics of Restorative Justice and Restitution. Restorative justice, generally speaking, is a way of responding to criminal behavior by balancing the needs of the community, the victims and the offenders. RJ approaches can vary greatly, but 'circle sentencing' is one type which is familiar to Alaskans and which has potential. Restitution is another form of restorative justice inasmuch as it is a way of making the offender accountable in a direct manner and the goal is that victims may be 'made whole.' The Commission has been asked to review the manner in which restitution is collected and distributed to crime victims.

APPENDIX A: ORGANIZATION

Representation. The legislative history of SB64's enactment showed a desire for convening a diverse group of agencies and interested parties in the criminal justice area who could work jointly to identify, vet and forward proposed reforms to the Legislature. Although the statute allowed for the designation of non-Commissioner state agency representatives, during this administration Commissioners have directly participated.

The Commission's work is also informed by the ex officio membership and participation of state legislators, i.e. a member from each house named by legislative leadership. During its term, the Commission has had the invaluable guidance by Senators John Coghill and Fred Dyson and Representative Wes Keller.

Leadership. SB64 required the yearly election of Commission leadership. The Commission's first Chair, retired Supreme Court Justice Alexander O. Bryner, was elected in September 2014. Gregory Razo, elected in October 2015, succeeded Justice Bryner. Vice-chairs (Razo and Jeff Jessee) were designated to cover exigencies.

Voting. The two Commission chairs have sought to have proposals resolved by consensus. Twenty-six recommendations have been the result of consensus. Six additional policy options identified during the JRI process have also been forwarded to the Legislature. These lacked consensus but had majority support.

Meetings. The Legislature expected the Commission to meet "at least quarterly" as a plenary body. Commissioners realized after its first meeting that accomplishing their work would require a more rigorous schedule. Thus it adopted a monthly meeting schedule. It has met in plenary session 16 times during the last 18 months.

The Commission has never lacked a quorum. Meeting attendance is notably high, averaging 11.5 out of 13 total members (including non-voting members). Commission and public members utilize video- and audio-conferencing facilities to attend meetings when physical attendance is not possible.

In addition to attending plenary sessions, individual Commissioners have been present at 50 workgroup (committee) meetings staffed by the Alaska Judicial Council.

Committee Structure. The Commission created workgroups as needed to study issues in depth and to advance proposals to the Commission as a whole. Beginning in fall 2014, Commissioners formed workgroups based on its inventory of specific concerns about the criminal justice system. Workgroups which formed and met between September 2014 and May 2015 were: Barriers to Reentry; Classification of Crimes and Applicable Sentences; Data; Pre-and Post-trial Law and Processes; Rural Criminal Justice; and Sentencing Alternatives. These workgroups included Commissioners, interested agency representatives and public members.

Additional workgroups were created for the Justice Reinvestment (JRI) process. Three "JRI subgroups" ("Pretrial," "Sentencing," and "Community Supervision") were organized in July 2015. These subgroups met from September through November, finalizing the last of the JRI-related workgroup proposals on December 1, 2015. While JRI subgroups were limited in membership to ACJC Commissioners, members of the public attended and participated in the discussions.

Public notice and participation. All meetings are noticed on the State's online public notice website. Interested persons can also be placed on pertinent mailing lists notifying them of upcoming meetings and content. An audio-teleconference line is used for all meetings. All meetings allocate time for public comment.

Staffing. Although the Commission is one of the boards and commissions organized under the Office of the Governor, the Legislature and the Governor's Office tasked the Alaska Judicial Council (AJC) with its staffing and administrative support. A part-time attorney and a part-time research analyst hired by the Judicial Council staff the Commission; they are assisted by existing Judicial Council staff.

APPENDIX B: OUTREACH

Web Site. Beginning in November 2014, Commission rosters, schedules and meeting summaries and research material have been regularly posted [on public web pages hosted by the Alaska Judicial Council.](#)⁵ State and national data and research on a wide variety of criminal justice issues are also posted on the [Commission's "resource page."](#)

In-State Coordination and Networking. While some Commissioners are heads of a state agency, others are board members or staff of established private organizations working in the criminal justice area.⁶ Networking between the public and private sector, especially important in this time of limited resources, have been advanced by the Commission's formation. These connections ensure strong lines of communication among all stakeholders. To avoid a duplication of effort, Commissioners and/or ACJC staff also actively participate in coalitions and committees engaged in related work such as the Prisoner Reentry Council (AK-PRI), Recidivism Reduction Plan workgroup and the Criminal Justice Working Group.

Invited Testimony and Presentation. During 2015, the Commission, ACJC Chairs or ACJC/JRI staff have made formal presentations to the following organizations: House and Senate Finance Committees, House and Senate Judiciary Committees, the Alaska Federation of Natives Annual Convention, the Rural Providers Conference, State Court Judges' Training Conference; State Court Magistrates' Training Conference, the Alaska Association of Chiefs of Police, Partners for Progress, the Fairbanks Diversity Council, the Controlled Substances Advisory Committee, and the Victims for Justice's board of directors. More meetings are planned.

Public Hearings and Input. The Commission and its staff have sought out the views of a wide range of stakeholders. The Commission sponsored four public hearings in Nome and Kotzebue, participated in a radio call-in program, held roundtables with victims, survivors and victims' advocates in Bethel and Fairbanks, and visited three rural communities in the Y-K Delta and on the Seward Peninsula.

Commission members also toured a community (municipal) jail in Kotzebue, observed the use of videoconferencing equipment between a court and a jail facility and engaged in a rare DOC "town meeting" with approximately 160 inmates at the Anvil Mountain Correctional Center. The purpose of all of these contacts was to assist the Commission in identifying priorities for reform.

Commission and workgroup meetings have also provided a means through which to receive input and advice from municipal leaders, prosecutors, defense attorneys, ex-offenders, behavioral health experts, and other criminal justice stakeholders.

⁵ See Appendix C for sample Commission web pages.

⁶ See Appendix D for Commissioner biographies which reflect agency memberships and affiliations.

APPENDIX D: OFFICIALS

(Commission Members)

Alexander O. Bryner

Alex Bryner received his BA and JD from Stanford University Law School and moved to Alaska in 1969. He served as an assistant public defender, state district court judge, and was the U.S Attorney for Alaska (1977-1980). He was the Chief Judge for the Court of Appeals (1980-1997), a state Supreme Court justice (1997-2007) and its Chief Justice (2003-2007). Bryner has had a large variety of board memberships, including as board member of the Alaska Bar Association. Bryner currently has a part-time law practice.

John Coghill

John Coghill is a third-generation Alaskan and grew up in Nenana. He attended the University of Alaska Fairbanks. Coghill served in the US Air Force, worked as a school teacher, pastor's assistant and has been a small business owner. He began his political career in 1999 when he became a member of the House of Representatives for the 11th district. From 2003 to 2006, he was the House Majority Leader. In 2009, he was elected State Senator for District A. Coghill became the Senate Majority leader in 2013.

Gary Folger

Gary Folger is Athabascan and a lifelong Alaskan. In 1979, he started working for the Division of Fish and Wildlife Protection as a fish and wildlife aide. Folger joined the Department of Public Safety in 1981 and served as a State Trooper throughout Alaska. In 2007, he was promoted to the rank of colonel and became a division director. He retired from the Department in 2013. In 2014, Folger was appointed Commissioner of the Alaska Department of Public Safety where he continues to serve.

Jeff Jessee

Jeff Jessee grew up in Sacramento and received his JD from the UC Davis. He was an attorney for the Disability Law Center from 1980-1995, representing hundreds of individuals with mental disabilities, and a subclass in the litigation involving the state's mismanagement of the Alaska Mental Health Land Trust. As CEO for the Alaska Mental Health Trust Authority, he is responsible for leveraging Trust income and developing partnerships to enhance beneficiary-related services throughout the state.

Wes Keller

Wes Keller was born in Minnesota, graduated from the University of Wisconsin, and moved to Alaska in 1969. He obtained his secondary teacher certification in 1986 and administered the Teamster Training Center for three years. He also worked for oilfield services, as a residential building contractor and as a legislative aide. Keller has served as a state representative for the 14th district since 2007. He is now vice-chair of the House Judiciary Committee.

Walt Monegan

Walt Monegan is of Irish, Yupik, and Tlingit descent and grew up in Nyac, Alaska. He has a degree in Organizational Management from Alaska Pacific University and received training at Northwestern University, the John F. Kennedy School at Harvard University, and the FBI National Executive Institute. He was a member of the Anchorage Police Department and its chief, and served as Public Safety Commissioner. Currently, he is the Interim Commissioner of the Alaska Department of Corrections.

Gregory P. Razo

Greg Razo is of Yupik and Hispanic descent and grew up in Anchorage. He is the Vice President of Government Contracting for Cook Inlet Region, Inc. (CIRI). Razo has a JD degree from Willamette University. Before working at CIRI, Razo practiced law in Kodiak. He also served as an deputy magistrate and Assistant District Attorney. He is a director of Alaska Legal Services Corporation, the Alaska Federation of Natives, the Alaska Pro Bono Program, and is the board vice-chair for the Alaska Native Justice Center.

Stephanie Rhoades

Stephanie Rhoades moved to Alaska in 1986. She has a JD from Northeastern University School of Law. Rhoades worked in private practice and as an Assistant District Attorney. In 1992, she was appointed to the District Court in Anchorage. In 1998, she established the first mental health court in Alaska. Rhoades served on the Alaska Criminal Justice Assessment Commission from 1997 to 2000 where she chaired the Decriminalizing the Mentally Ill Committee. She also served on the Alaska Prisoner Reentry Taskforce.

Craig Richards

Craig Richards grew up in Fairbanks, Alaska. He holds a JD from the Washington and Lee University School of Law and a Master's Degree in Business Administration from Duke University. Prior to his appointment as Attorney General, he worked in private practice for over ten years, specializing in oil and gas development and tax law. Richards managed oil and gas litigation teams and lead negotiations leading to multi-million dollar settlements, acquisitions, and contracts.

Kris Sell

Kris Sell is a lieutenant with the Juneau Police Department. She joined the Department in 1997. She holds a degree in Broadcast Journalism from the University of Montana, and received additional training at the Management College at the Institute for Law Enforcement Administration and graduated from the FBI National Academy. She is the vice president of the Alaska Peace Officers Association and a member of the Juneau Suicide Prevention Coalition.

Brenda Stanfill

Brenda Stanfill holds a Master's Degree in Public Administration and is executive director of the Interior Alaska Center for Non-Violent Living in Fairbanks. She is a coordinator for the Fairbanks Domestic Violence Task Force, the Fairbanks Homeless Coalition and the Fairbanks Coordinated Community Response Team. She is a board member of the Alaska Network on Domestic Violence and Sexual Assault, a member of the PACE Project Group and Batterer Intervention Program Statewide Task Force.

Quinlan Steiner

Quinlan Steiner was raised in Anchorage and is a fourth-generation Alaskan. He holds a Juris Doctor from the Northwestern School of Law of Lewis and Clark College and a B.A. in Business Administration from Seattle University. Steiner has been attorney for the State Public Defender agency since 1998 and was appointed Public Defender and head of the agency in 2005. He has been a member of the Criminal Rules Committee since 2006 and the Criminal Justice Working Group since 2008.

Trevor Stephens

Trevor Stephens was raised in Ketchikan. After obtaining a JD degree from Willamette University, he returned to Ketchikan, working in private practice, as an Assistant Public Defender, Assistant District Attorney and the District Attorney. On the bench since 2000, Stephens is the presiding judge of the First Judicial District, a member of the three-judge sentencing panel, and a member of the Family Rules Committee, Jury Improvement Committee, and the Child in Need of Aid Court Improvement Committee.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB091SS-DHSS-PS-2-6-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senate STA

Department: Department of Health and Social Services
Appropriation: Juvenile Justice
Allocation: Probation Services
OMB Component Number: 2134

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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? n/a

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: <u>Rob Wood, Director</u>	Phone: <u>(907)261-4388</u>
Division: <u>Juvenile Justice</u>	Date: <u>02/05/2016 02:00 PM</u>
Approved By: <u>Sana Efirid, Asst. Commissioner, Finance and Management Services</u>	Date: <u>02/06/16</u>
Agency: <u>Health and Social Services</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB091

Analysis

The changes proposed to criminal statute to increase the monetary threshold for certain property crimes will apply to juvenile offenders under the jurisdiction of the Division of Juvenile Justice. The changes will not negatively impact the work with juvenile offenders because the services provided by Division of Juvenile Justice are based upon risk and need, rather than purely on the level of criminal offense for which they were referred. The annual adjustment to the threshold level is cumbersome and will require an expense to annually train staff, and a significant staff effort to update written materials and reprogram the Division of Juvenile Justice offender database to reflect the adjustments to criminal threshold levels.

The changes proposed to criminal statute included in sections 8-9, 24-26, and 28-29 to reduce various criminal offenses to violations will have a large negative impact on the work of the Division of Juvenile Justice and the youth with whom the division works. Under AS 47.12.020, the Division of Juvenile Justice has jurisdiction over juveniles who "violate criminal law of the state or a municipality of the state." The proposed changes to several crimes, including Criminal Trespass 2, Disorderly Conduct, and Harassment 2, to violations (not crimes) and would remove these offenses from Division of Juvenile Justice jurisdiction. In FY2015, 187 individual juveniles were referred to the Division of Juvenile Justice for the crimes that would be removed from Division of Juvenile Justice jurisdiction under the bill. Although these are relatively minor criminal offenses, a referral to the Division allows for staff to conduct risk assessments, recognize trends (repeat offenders), and interview the youth, family, and potential victims to pursue appropriate services. Referrals to the Division of Juvenile Justice for these offenses gives DJJ and our community partners the opportunity and authority to intervene and attempt to disrupt a juvenile's cycle of criminal/delinquent conduct, rather than waiting until the juvenile advances to perhaps more serious criminal offenses.

The bill authorizes the option to detain persons who violate the newly downgrade offenses for up to 24 hours. No information is provided on who makes this determination or what criteria they use to make the decision on whether detention is necessary. Currently, DJJ houses juveniles serving mandatory sentences minimum sentences for criminal offenses managed by District Court, such as the Driving Under the Influence (DUI) mandatory 72-hour sentence. DJJ houses these juveniles under a court order, but our juvenile probation officers are not involved in case management or any follow up. DJJ offers these services because any juvenile held securely must comply with the standards of the federal Juvenile Justice Delinquency Prevention Act, including sight and sound separation from adult offenders.

ZERO FISCAL NOTE ASSUMPTIONS: At this point DJJ is assuming that the added expense of annually updating our written materials, training staff, and reprogram the DJJ juvenile offender database can be absorbed by existing staffing and/or be offset by the reduction in referrals to the division as a result removal of DJJ jurisdiction over several offenses. In addition, this fiscal analysis also assumes that juveniles ordered by District Court to serve a 24 hour sentence for the newly created violations at DJJ facilities can be absorbed into existing budgets.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SSSB091-DOA-DMV-02-10-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senate State Affairs

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)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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>Amy Erickson, Director</u>	Phone: <u>(907)269-5574</u>
Division: <u>Motor Vehicles</u>	Date: <u>02/10/2016 07:00 PM</u>
Approved By: <u>Sheldon Fisher, Commissioner</u>	Date: <u>02/10/16</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB 91

Analysis

If enacted, SB 91 will authorize DMV to restore an administratively-revoked driver license, privilege to drive, or privilege to obtain a license under certain circumstances and terminate a revocation of a driver's license for eligible individuals and issue a limited license.

Workloads will be appropriately managed for DMV employees to provide these services to limit the fiscal impact. Therefore, a zero fiscal note is submitted.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SSSB091-DOA-OPA-02-10-2016
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senator Coghill

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)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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:	Richard Allen, Director	Phone:	(907)269-3504
Division:	Office of Public Advocacy	Date:	02/09/2016 01:00 PM
Approved By:	Sheldon Fisher, Commissioner	Date:	02/10/16
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB091

Analysis

The bill is the product of several years of work by all branches of state government, a specific state government commission and various interested private and public entities on the subject of criminal justice and corrections reform. The cited need is to find effective alternatives to long-term incarceration and lengthy sentences, with attendant costs, in criminal justice administration, sentencing and corrections. If enacted as drafted, the bill would not likely change or alter the mission or operations of the Office of Public Advocacy, but would likely have noticeable impact upon the agency's criminal defense clients. With regard to classification and prosecution of certain non-violent offenses, misdemeanors and certain drug offenses, the bill would re-orient criminal justice administration away, in some respects, from costly long-term incarceration and toward treatment, rehabilitation and community-based corrections. The Office of Public Advocacy submits a zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SSSB091-DOA-PDA-02-10-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senate State Affairs

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)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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>Quinlan Steiner</u>	Phone: <u>(907)334-4414</u>
Division: <u>Public Defender Agency</u>	Date: <u>02/10/2016 12:00 PM</u>
Approved By: <u>Sheldon Fisher, Commissioner</u>	Date: <u>02/10/16</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB 91

Analysis

This bill implements recommendations developed from multi-agency collaboration designed to lower recidivism and incarceration costs. The bill provides incentives for successful completion of treatment programs by allowing for credit against terms of imprisonment. Additionally, provides opportunities for defendants to regain driving privileges in some circumstances.

The Public Defender Agency does not anticipate a financial impact from this legislation. The agency, therefore, submits a zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SSSB091-DOC-COMM-02-12-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: (S) State Affairs

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)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services	2,887.3		6,622.9	(426.8)	(78.7)	(50.4)	(24.6)	
Travel	(813.0)		(2,831.1)	(697.9)	(128.7)	(82.5)	(40.2)	
Services	2,055.3		(5,464.4)	(1,745.3)	(321.9)	(206.2)	(100.6)	
Commodities	(2,612.8)		(9,405.7)	(2,384.9)	(439.9)	(281.8)	(137.5)	
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	1,516.8	0.0	(11,078.3)	(5,254.9)	(969.2)	(620.9)	(302.9)	

Fund Source (Operating Only)

1004 Gen Fund	1,516.8		(11,078.3)	(5,254.9)	(969.2)	(620.9)	(302.9)
Total	1,516.8	0.0	(11,078.3)	(5,254.9)	(969.2)	(620.9)	(302.9)

Positions

Full-time	36.0		94.0				
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

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Prepared By: April Wilkerson Phone: (907)465-3460
Division: Administrative Services - Department of Corrections Date: 02/12/2016 01:05 PM
Approved By: Dean Williams Date: 02/12/16
Agency: Department of Corrections

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB 91

Analysis

This legislation makes several changes to sentencing, probation, parole and bail statutes.

This legislation makes changes to sentencing statutes by reducing and limiting the sentence length of imprisonment. This is anticipated to reduce the offender population by 21% over a 10 year period. The current projected population reductions are: FY2017 (440) for a generated savings of (\$6,663.3), FY2018 (1,500) for a generated savings of (\$22,715.8), FY2019 (347) for a generated savings of (\$5,254.9), FY2020 (64) for a generated savings of (\$969.2), FY2021 (41) for a generated savings of (\$620.9), FY2022 (20) for a generated savings of (\$302.9)

Probation and Parole incentive reductions

This section allows probationers to receive earned compliance credit when the probationer successfully complies with all conditions of probation or parole allowing for early termination. This will require revisions to the department's current inmate time accounting system. The current anticipated costs for system redesign, training, implementation and maintenance is anticipated to be approximately \$750.0 with on-going operational costs once fully implemented.

Pre-Trial Services

This section establishes a Pretrial Services Program within the Department of Corrections. This program requires pretrial risk assessments for all defendants to be submitted to the Courts within 24 hours of arrest and may include basic community supervision. This requires the adoption of a pretrial risk assessment tool that does not require a defendant to be interviewed, but instead relies only on factors that could be found in public safety and court records; A pretrial officer will conduct risk assessment scoring on all defendants prior to their first appearance before a judicial officer; and make recommendations to the court regarding the release/detain decision, and appropriate conditions of release; provide basic supervision through phone contact to monitor compliance with release conditions for high-risk defendants and some moderate-risk defendants who have been released; and provide "enhanced supervision" which involves face-to-face supervision or state-monitored electronic monitoring for higher-risk defendants who are released .

The following assumptions were made to calculate pre-trial costs:

Approximately 32,000 persons would be processed annually and require a risk assessment, of which 70% (or 22,500 persons) would release pretrial. Of the pretrial releases approximately 66% (or 14,850 persons) would release to basic supervision with an average length of supervision of 4.66 months (based on current Department of Corrections reporting) for 5,767 persons on supervision at any given time. In addition, this legislation allows for enhanced supervision of which it is assumed that approximately 10% of the population released pre-trial population (or 2,250 persons) would release to enhanced supervision or electronic monitoring with an average length of supervision of 4.66 months (based on Department of Corrections data) for 874 persons on enhanced supervision at any given time.

It is anticipated this program will require 125 full-time positions and \$15,616.6 in funding (or 95 full-time positions and \$11,274.6 without electronic monitoring) over two years allowing for the establishment of policy and training criteria for the program. Three regional offices would be established in Anchorage, Juneau and Palmer to oversee the persons placed into this Program. Based on these assumptions above the funding break-out for each of these areas is anticipated to be:

Offender Assessments of 32,000 persons annually (required within 24-hours / no face to face interviews):

\$2,892.2 – Personal Services
\$ 60.0 – Travel and training
\$ 709.5 – Contractual Services (including indirect costs)
\$ 165.0 – Supplies (excludes OTI startup costs)
\$3,826.7 – Total

31 Positions would include:

1-Adult Probation Officer V, 3-Adult Probation Officer III supervisors for each regional office, 24-Adult Probation Officer I/II , 3-Criminal Justice Technician I/II

(continued next page)

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB 91

Analysis Continued

Pre-Trial Services (continued)

Basic Supervision of 14,850 persons annually (estimated 5,767 daily with 75 caseloads per officer):

\$5,643.5 – Personal Services

\$ 135.0 – Travel and training

\$1,354.5 – Contractual Services (including indirect costs)

\$ 315.0 – Supplies (excludes one-time start-up costs)

\$7,448.0 - Total

63 Positions would include:

54-Adult Probation Officer I/II positions, 6-Criminal Justice Technician I/II, 3-Office Assistant

Enhanced Supervision of 2,250 persons annually (estimated 874 daily with 45 caseloads per officer):

\$2,755.0 – Personal Services

\$ 52.5 – Travel and training

\$ 709.5 – Contractual Services (including indirect costs)

\$ 825.0 – Supplies (excludes one-time start-up costs)

\$4,342.0 - Total

31 Positions would include:

3-Adult Probation Officer III supervisors to oversee each regional office, 19-Adult Probation Officer I/II positions, 6-Criminal Justice Technician I/II, 3-Office Assistant

In FY2017 the department would require a portion of the funding to establish and set programmatic policy and training criteria needs. This would require the following:

\$2,822.7 – Personal Services

\$ 61.9 – Travel and training

\$ 693.4 – Contractual Services (including indirect costs)

\$ 326.3 – Supplies (excludes one-time start-up costs)

\$3,904.3 – Total

Initial 31 Positions would include:

1-Adult Probation Officer V, 6-Adult Probation Officer III supervisors to oversee each regional office, 15-Adult Probation Officer I/II positions (5 for each regional office), 6-Criminal Justice Technician I/II, 3-Office Assistant

The remaining funding and positions would be necessary in FY2018 to fully deploy the program. This would require the following:

\$ 8,468.0 – Personal Services

\$ 185.6 – Travel and training

\$ 2,080.1 – Contractual Services (including indirect costs)

\$ 978.8 – Supplies (excludes one-time start-up costs)

\$11,712.5 – Total

Remaining 94 Positions would include:

81-Adult Probation Officer I/II positions, 10-Criminal Justice Technician I/II, 3-Office Assistant

Board of Parole

This section establishes automatic Administrative Parole allowing offenders a limited category of automatic release without a hearing if the prisoner has met the conditions of imprisonment, is not excluded by court order, has agreed to the conditions of parole, the victim does not request a hearing, and the prisoner has met the requirements of the case plan. This section is anticipated to reduce the overall institutional population and is included in the above population projections. Revisions to the department's Victim Information Notification (VINE) System may be required and is anticipated to be \$750.0 for the redesign, implementation and maintenance with on-going operational costs once fully implemented.

(continued next page)

Analysis Continued**Board of Parole (continued)**

This section will also expand and streamline the use of discretionary parole. It is anticipated this will increase the number of offenders who are eligible to apply for parole as well as streamline the decision making process. A conservative estimate is this recommendation would double the number of discretionary parole hearings conducted by the board. This recommendation does not allow for "automatic" releases onto discretionary parole as with the administrative parole.

In addition, it implements specialty parole options for the oldest cohort of inmates. This section will create a new category of parole eligible inmates: all inmates over the age of 55 and have served at least 10 years in prison are now eligible to apply for discretionary parole, regardless of the offense or length of sentence. At this time there are approximately 117 inmates that could meet this section. The board anticipates an increase in the requested hearings associated with this section.

It is anticipated each of these increases will impact the number of hearings held annually increasing the board member Honoraria. The Honoraria is calculated based on work days and file reviews. Each additional work day is \$250.00 per board member and \$16.00 per file review. It is anticipated that this will increase the number of work days to 200 for each board member from 140 days per Board Member. This increases the personal services costs by \$110,000.00 for the Parole Board Member Honoraria (\$100,000.00 for the increased work days for the 5 board members and \$10,000.00 for the increased file reviews).

Reduce the pre-hearing length of stay and cap the overall incarceration time for revocations on technical violations of supervision. This recommendation will limit incarceration lengths for parole violations and require a shorter response time by the board for technical violations. Currently board members have 15 working days to conduct an initial hearing for remanded parolees this changes the timeframe and requires a hearing within 3 days for the first violation. This will require the Parole Board to re-configure the current violation response process in order to meet this timeframe. Currently the board members are part-time employees, in order to respond timely to remanded parolees four additional full-time hearing officer positions will be needed.

The anticipated cost for these four Hearing Officer positions is:

\$415.2 – Personal Services
 \$ 10.0 – Travel and training
 \$ 60.0 – Contractual Services (including indirect costs)
 \$ 68.0 – Supplies (including \$60.0 OTI startup costs)
 \$553.2 - Total

Establishes a system of earned compliance credits. The board or a staff member designated by the board will review and calculate the parole eligibility date of a case brought to the board's attention and will notify the prisoner and department in writing of the correct calculation date. This calculation by the board or designated staff member is the official eligibility date. Currently there is no dedicated position within the Parole Board certified in time accounting. With the anticipated increases in the number of expected discretionary hearings and also calculating earned compliance credits which will consistently reduce parole expiration dates, the board will need a certified time accounting position.

The anticipated cost for one Criminal Justice Technician I/II is:

\$ 80.7 – Personal Services
 \$ 15.0 – Contractual Services (including indirect costs)
 \$ 17.0 – Supplies (including \$15.0 OTI startup costs)
 \$112.7 - Total

It is anticipated these changes will require a total of 5 positions and \$775.9 in FY2017.

Correctional Restitution Centers

This section requires the centers to provide certain offenders with rehabilitation through comprehensive treatment for substance abuse, cognitive behavioral disorders, and other criminal risk factors, including aftercare support. In addition, it requires the department to implement quality assurance measures, treatment standards, implement a process to assess an offender's risk of recidivating to include limiting the mixing of low and high risk prisoners. It is anticipated this change will require an increase of \$2,000.0 in FY2017 for contractual changes.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB091-DPS-AST-02-08-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: State Affairs

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska State Trooper Detachments
OMB Component Number: 2325

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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>Lt. David Hanson</u>	Phone: <u>(907)269-5587</u>
Division: <u>Alaska State Troopers</u>	Date: <u>02/08/2016 05:00 PM</u>
Approved By: <u>Gary Folger, Commissioner</u>	Date: <u>02/08/16</u>
Agency: <u>Public Safety</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

This bill makes numerous changes to criminal laws and procedures based on recommendations made by the Alaska Criminal Justice Commission.

The Division of Alaska State Troopers does not initially foresee any direct fiscal impact from this legislation, and therefore submits a zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SSSB91-LAW-CRIM-02-12-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senate State Affairs

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)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017					
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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, not applicable.

Prepared By: Valerie Rose, Budget Analyst
Division: Administrative Services Division
Approved By: Craig W. Richards, Attorney General
Agency: Department of Law

Phone: (907)465-3674
Date: 02/12/2016 06:07 PM
Date: 02/12/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

This legislation makes significant changes to the current criminal code and incorporates policy recommendations from the Alaska Criminal Justice Commission.

Reduction in Sentence Length

The legislation reduces felony sentences and establishes a maximum imprisonment of 30 days for most misdemeanor cases. This maximum 30 day sentence can be exceeded if a jury finds that the conduct was among the most serious for that type of offense, if a jury finds a domestic violence offender has a history of domestic violence, or if the defendant is convicted for an offense and has been convicted of similar offenses in the past.

The Department of Law anticipates an increase in the number of trials as well as an increase in the amount of work required for misdemeanors due to these changes. The increased work results from being required to prove aggravators for misdemeanors. This will involve litigating first in the trial courts and then in the appellate courts how these new aggravators will be applied and interpreted. It is unclear how many cases will fall into the categories requiring additional time, therefore the department is unable to quantify the impact of these sections at this time.

Citation v. Arrest

This legislation also restricts when an officer may arrest a person. It requires an officer to issue a citation to a person who has committed a misdemeanor or a class C felony unless the crime is a violent crime, domestic violence related crime, the person will not identify themselves, the person poses a "significant danger" to others, refuses to accept service of the citation, or the officer believes the person will not show up to court.

"Significant danger to others" is new language in the criminal code which appears to be a higher standard than the existing "danger to others" language in the code. There may be litigation about the definition of "significant danger" and whether it existed in a particular case. The department is unable to quantify the amount of potential litigation or the impact of these sections at this time.

Bail Hearings for Parole

Under current law, parolees are not entitled to bail. This legislation reverses that by entitling a parolee who is not charged with a new crime or failure to comply with sex offender treatment to bail. This may require the Department of Law to appear at bail hearings for parolees. This section of the legislation may add a new responsibility to the Department of Law and increase the number of hearings it is required to attend.

It is unclear how many more hearings will be required. Therefore, the department is unable to quantify the impact of these sections at this time.

Bail Reform

The legislation makes significant changes to the bail process. Under the legislation a judge is required to order certain categories of defendants released on their personal recognizance or unsecured bond unless they find on the record that there is clear and convincing evidence that less restrictive conditions will not reasonably ensure that the person will appear in court or protect the safety of the victims and the community.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis Continued

The language in these sections is ambiguous and appears to allow a person who cannot make bail to have a judge review their bail once a week until the person can make bail. Under current law a judge may not consider the person's inability to pay the bail when setting or amending bail. That limitation appears to be reversed and under the legislation and a judge would be required to consider whether a person has ability to post the bail amount.

Another new requirement is a risk assessment by a pretrial services officer. That assessment along with recommendations on conditions of release must be presented to the judge, prosecutor, and defense attorney before each person is arraigned. How those assessments are conducted, interpreted and applied may result in new litigation.

The department is unable to quantify the impact of these sections at this time.

Capping Time Imposed for Technical Violations of Probation

The legislation caps the amount of time a person can serve for first, second, and third technical violations of probation.

The department does not anticipate a fiscal impact from these sections at this time.

Incarcerable Violations

This legislation reduces second degree criminal trespass, fifth degree criminal mischief, disorderly conduct, and second degree harassment to violations which are punishable by a definite term of imprisonment of no more than 24 hours.

The legislation also reduces the following crimes to violations: disregard of a highway obstruction, certain conduct related to failure to appear, violating conditions of release, promoting exhibition of fighting animals, obstruction of highways, and gambling.

The department does not anticipate a fiscal impact from these sections at this time.

Drug Offenses

This legislation reduces the penalties for certain conduct related to controlled substances. It amends misconduct involving a controlled substance in the third degree, a class B felony, to prohibit a person from manufacturing or delivering 2.5 grams or more of a schedule IA (heroin), IIA (methamphetamine), or IIIA (zolazepam) controlled substance. It also amends the crime of misconduct involving a controlled substance in the fourth degree, a class C felony, to prohibit a person from manufacturing or delivering less than 2.5 grams of a schedule IA (heroin), IIA (methamphetamine), or IIIA (zolazepam) controlled substance. The legislation also reduces the penalty for possessing any of these substances to a class A misdemeanor.

The department does not anticipate a fiscal impact from these sections at this time.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis Continued

Suspended Entry of Judgment

The legislation establishes a new judicial procedure in which a person is found guilty or pleads guilty to a crime and the judgment is not immediately entered. The person would be put on probation for a certain period of time. If the person successfully completes probation the judgment would not be entered and there would never be a formal entry of guilt for the person.

The department does not anticipate a fiscal impact from this section at this time.

Pretrial Services Program

The legislation establishes a pretrial services program in the Department of Corrections. This program shall develop and implement a pretrial risk assessment which will be conducted on all defendants before the defendant's first appearance before a judicial officer and supervise pretrial defendants who are released on bail as ordered by the court.

The department does not anticipate a fiscal impact from these sections at this time.

Increasing the Theft Thresholds

The legislation raises the dollar amounts associated with theft and other related crimes. The dollar amounts are to be adjusted annually for inflation after initial enactment. The threshold for theft in the second degree is raised from \$750 or more but less than \$25,000 to \$2,000 or more but less than \$25,000. Theft in the third degree includes amounts of \$250 or more but less than \$2,000.

Adjusting the theft thresholds annually will require significant updating of all databases and yearly training of prosecutors and support staff. The department anticipates that this will require three months of time from a Law Office Assistant I each year, resulting in the department hiring a short-term non-permanent position at an estimated annual cost of \$11,000.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB091SS-DHSS-PAFS-2-12-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senate STA

Department: Department of Health and Social Services
Appropriation: Public Assistance
Allocation: Public Assistance Field Services
OMB Component Number: 236

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
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

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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? n/a

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: Sean O'Brien, Director	Phone: (907)465-5847
Division: Public Assistance	Date: 02/12/2016 04:00 PM
Approved By: Sana Efir, Asst. Commissioner, Finance and Management Services	Date: 02/12/16
Agency: Health and Social Services	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB091

Analysis

Section 133 of this proposed legislation adds a new provision to AS 47.27.015 that would disallow a convicted drug felon from receiving either Alaska Temporary Assistance benefits or Food Stamp benefits through the Division of Public Assistance, unless at least one of three criteria is met:

The individual:

- (1) is satisfactorily serving, or has successfully completed, a period of probation or parole;
- (2) is in the process of serving, or has successfully completed, mandatory participation in a drug or alcohol treatment program; or
- (3) has taken action toward rehabilitation, including participation in a drug or alcohol treatment program.

The Division submits a \$0 fiscal note based on an expectation of no additional administrative costs associated with this provision of SB91.

The Alaska Food Stamp Program provides food benefits to low-income households. The federal government funds 100% of the Food Stamp benefit, while the State pays half the costs of operating the Food Stamp Program in Alaska. Presently, if a family applies for Food Stamps and one of the parents is a drug felon, the eligibility determination for the family takes into account the parent's income and resources, but no additional benefits are issued for the drug felon. If the Food Stamp application is for a single person and that person is a drug felon, the application is currently denied. If SB 91 passes, the division will authorize Food Stamp benefits instead of denying the applications, after the same typical review process; no additional administrative burden is associated with passage of this bill. The Food Stamp benefit itself is directly federally funded, outside the Division's operating budget.

The Alaska Temporary Assistance Program (ATAP) presents a different scenario. ATAP provides cash assistance and work services to low-income families with children to help them with basic needs while they work toward becoming self-sufficient. The proposed change is not anticipated to impact either ATAP case load or associated administrative costs.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB91
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senate State Affairs

Department: Judiciary
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)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
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							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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? n/a

Why this fiscal note differs from previous version:

Initial version for SB91.

Prepared By: Jennie Marshall-Hoenack, Administrative Officer	Phone: (907)279-2526
Division: Alaska Judicial Council	Date: 02/12/2016 01:00 PM
Approved By: Susanne DiPietro, Executive Director	Date: 02/12/16
Agency: Alaska Judicial Council	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB91

Analysis

SB91 makes numerous changes to many criminal laws and procedures that will largely impact the executive branch agencies involved in criminal justice issues. Section 11.46.982 will require the Alaska Judicial Council to publish a report each February 1, (to be distributed electronically to the described agencies and on the judicial council's website) calculating the increase in value, if any, of property or services as an element of an offense (as described in the bill) from a base value of \$2,000, to reflect the change in the Consumer Price Index for all urban consumers for the Anchorage metropolitan area compiled by the Bureau of Labor Statistics, United States Department of Labor, from the second half of 2016. The Council anticipates this annual task can be accomplished within its normal workload. The research and report required are within the capabilities and scope of duties that the staff regularly performs. The Council will not require additional staff or resources to meet the bill's requirements, and therefore submits this zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB091SS-DHSS-ASAP-2-11-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senate STA

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)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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? n/a

Why this fiscal note differs from previous version:

Analysis is amended.

Prepared By: <u>Randall Burns, Acting Director</u>	Phone: <u>(907)269-5948</u>
Division: <u>Behavioral Health</u>	Date: <u>02/11/2016 10:00 AM</u>
Approved By: <u>Sana Efir, Asst. Commissioner, Finance and Management Services</u>	Date: <u>02/11/16</u>
Agency: <u>Health and Social Services</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB091

Analysis

A zero fiscal note is submitted based on the assumption that the reference in Section 46 of this bill continues to be to the existing alcohol and substance abuse monitoring program approved by the Legislature under AS 47.38.020.