

Senate Bill 64 — Omnibus Crime Bill

In addition to establishing the Alaska Criminal Justice Commission, Senate Bill 64 also addresses other justice-related issues including:

- the crime of custodial interference;
- the crimes of theft, criminal mischief, and defrauding creditors, and raising the monetary threshold for felony offenses from \$500 to \$750;
- conditions for pre-trial release, probation, and parole for persons awaiting trial or convicted of alcohol-related and substance abuse crimes;
- increased jail-time credit availability for persons in court-ordered treatment programs;
- the consideration of combat-related post-traumatic stress disorder (PTSD) as a mitigating factor during sentencing;
- electronic monitoring in lieu of jail for first-time DUI offenders;
- the requirement that the Department of Corrections establish screening procedures to identify offenders who may be vulnerable to exploitation and recidivism due to fetal alcohol spectrum disorder, fetal alcohol syndrome, or another brain-based disorder;
- the expansion of the PACE (Probation Accountability with Certain Enforcement) program with the Alaska Court System to ensure rapid response to probation violations by offenders convicted of a substance abuse crime;
- the establishment by the Department of Health and Social Services and the Department of Corrections of a recidivism reduction fund to provide community-based transitional reentry services for recently released offenders; and
- the requirement that the Department of Corrections administer a risk/needs assessment tool to all offenders sentenced to 30 days or more in order to assist in the identification of the rehabilitation needs of these individuals.

The full text of the SB 64 is available at http://www.legis.state.ak.us/basis/get_fulltext.asp?session=28&bill=SB64.

Commission

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here]. We still want people to be accountable for any crime they do, but the rigidity [in those laws] ... has to be looked at." Noting that "Just putting people in jail doesn't make Alaska safer, especially if you turn them out of jail with no avenue of success," Coghill said that the Commission should "look at the array of programs, talk to people, [and] come back to us with recommendations." "Coghill has emphasized, "I just have to believe we will see a shift in Alaska that will make us safer, [and] ... keep people accountable at less cost to the state."

SB 64 passed unanimously in both the Senate and House, and was signed by Governor Sean Parnell on July 16, 2014. At that time, the Alaska Criminal Justice Commission sprang into existence. Its future commissioners (soon to be named) will include the following (or their designees): the chief justice of the Alaska Supreme Court, two other state court judges, a representative of the Alaska Native community, the attorney general, the public defender, the commissioners of the Department of Public Safety and of the Department of Corrections, the executive director of the Alaska Mental Health Trust Authority, a municipal law enforcement representative, a victims' advocate, and two ex officio members of the legislature. The voting commissioners and the two ex officio Legislative members have from June 30, 2014–June 30, 2017 to accomplish their mandate.

SB64 outlines specific issues the Commission is to consider in the formulation of its evaluation and recommendations regarding the "effect of sentencing laws and criminal justice practices on the criminal

justice system." These include considering:

- statutes, court rules, and court decisions relevant to criminal justice sentencing;
- the sentencing practices of the judiciary, including the use of presumptive sentencing, and the means of promoting uniformity, proportionality, and accountability in sentencing;
- crime and incarceration rates, including the rate of violent crime and the abuse of controlled substances, in Alaska compared to other states, and best practices adopted by other states that have proven to be successful in reducing recidivism;
- whether state agency and correctional resources are sufficient to administer the criminal justice system of the state;
- alternatives to traditional forms of incarceration including measures promoting rehabilitation and restitution;
- the adequacy, availability, and effectiveness of treatment and restitution programs;
- the relationship between sentencing priorities and correctional resources;
- the effectiveness of the state's current methodologies for collection and dissemination of criminal justice data; and
- the appropriateness of schedules for controlled substances in AS11.71.140-11.71.190.

July 1, 2017 is the deadline for the Commission to submit a special report on AS 28 alcohol-related offenses. The report must include recommendations on:

- whether a revision of AS 28 is needed;
- whether both the administrative and

court license revocation processes should be maintained;

- whether ignitions interlock devices are effective;
- whether the various penalties for offenses of driving under the influence of an alcoholic beverage, inhalant, or controlled substance and refusal to submit to a chemical test should be increased or decreased;
- whether programs promoting offender accountability are effective in reducing recidivism; and
- whether limited licenses should be available for persons charged with or convicted of offenses of driving while under the influence of alcohol, inhalants, or controlled substances or refusal to submit to a chemical test.

As part of its process of making recommendations on "possible approaches to sentencing and administration of justice in the state," the Commission is to follow a methodology outlined in SB64. Key points in the methodology include soliciting and considering information and views from a broad variety of constituencies and basing recommendations on 12 factors. The factors cover a broad range from consideration of the seriousness of an offense, the need to rehabilitate, the need to confine offenders to prevent harm to the public, the elimination of unjustified disparity in sentencing, and the effects of criminal justice laws and practices on reducing recidivism to peer reviewed and data-driven research and the effectiveness of evidence-based restorative-justice initiatives.

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