ALASKA CRIMINAL JUSTICE COMMISSION

Annual Report

November 1, 2016

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I. Introduction/Background

This is the Alaska Criminal Justice Commission's second annual report to the Alaska State Legislature. The first report was submitted in February 2016. After the passage of Senate Bill 91 (SB91) in the 2016 legislative session, the Commission's reports to the legislature are now due on November 1 of every year.[1]

The Alaska Criminal Justice Commission was formed by Senate Bill 64 (SB64), an omnibus bill signed into law in July 2014. The bill was the product of a bipartisan effort to introduce evidence-based "smart justice" reforms to Alaska's criminal justice system. Such reforms had proven successful in other states, and Alaska's legislators were concerned about the growth of Alaska's prison population and high rates of recidivism.

SB64 gave the Commission a broad mandate to examine the state's criminal laws, sentences and practices. Since the Commission began meeting in September 2014, it has heard from community stakeholders, state agencies, scholars and the public regarding what works and what does not work in Alaska's criminal justice system. The Commission also partnered with the Justice Reinvestment Initiative (JRI), a program of the Pew Charitable Trusts, which gave the Commission the benefit of valuable technical assistance and knowledge of best practices from other states.

After extensive study and discussion, in March 2015 the Commission began forwarding a number of recommendations to the legislature. The Commission continued to send recommendations throughout the year, culminating in December 2015 with a large package of reforms developed with the assistance of JRI. The Commission's recommendations formed the basis of SB91, a 123-page criminal justice reform bill which the legislature passed in May 2016 and which Governor Walker signed into law in July 2016.

Though SB91 represents a significant accomplishment for the State of Alaska in general and the criminal justice system in particular, the work of the Commission is far from complete.

What is "Smart Justice'?

"Smart justice" is a name for a movement to implement "smart" criminal justice reform. This trend is motivated both by the continuing upward trajectory of prison costs nationally 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.

There is also 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.

At its core, smart justice means using evidence-based research to identify more cost-effective approaches to deal with criminal offenders.

[1] This filing is mandated by Ch. 36 SLA 2016 §166 ("SB91"). The bill also extended the sunset of the Commission to 6/30/21. Ch 36 SLA 2016 §167.

The Commission continues to examine areas potentially in need of reform, and will forward additional recommendations to the legislature for the upcoming legislative session. The Commission will also begin to focus on monitoring the success of SB91's implementation once the bill's provisions begin to take effect.

MEMBERS OF THE ALASKA CRIMINAL JUSTICE COMMISSION ARE:
Gregory P. Razo, Chair, Alaska Native Justice Center
Alexander O. Bryner, Retired Supreme Court Justice
John Coghill, Alaska State Senate, ex officio
Jeff L. Jessee, CEO, Alaska Mental Health Trust Authority
Wes Keller, Alaska House of Representatives, ex officio (Until January 2017)
Jahna Lindemuth, Alaska Attorney General
Walt Monegan, Commissioner, Alaska Department of Public Safety
Stephanie Rhoades, District Court Judge, State of Alaska
Kristie L. Sell, Lt., Juneau Police Department
Brenda K. Stanfill, Executive Director, Interior Alaska Center for Non-Violent Living
Quinlan G. Steiner, Alaska Public Defender
Trevor N. Stephens, Superior Court Judge, State of Alaska
Dean Williams, Commissioner, Alaska Department of Corrections

II. Process

A. Progress to date

This Commission previously reported on its progress to the Legislature on February 1, 2016. As of that date, the Commission had sent a number of proposed reforms to the Legislature for consideration. In the 2016 legislative session, these reforms were introduced as Senate Bill 91 (SB91). Throughout the session, Commission members and JRI staff were on hand to explain the Commission's proposed reforms—and the evidence behind them—to the legislature and to the general public. In May 2016, both the House and the Senate passed the bill. Governor Walker signed the bill in July 2016.

SB 91 represents a significant achievement for Alaska. It will concentrate state resources on the most high-risk offenders, which is projected to reduce recidivism and thereby increase public safety. Most, though not all, of SB 91's provisions were based on the Commission's recommendations. These reforms include (but are not limited to!) the following:

- Modifying the TANF/Food Stamp ban so that those convicted of drug felonies may receive these benefits upon proof of probation compliance or rehabilitation.
- Giving peace officers the discretion to issue a citation for a class C felony in lieu of arrest.
- Creating a pre-trial services program within the Department of Corrections which will make pre-trial release recommendations and supervise those who are released.
- Reclassifying certain low-level offenses to reduce terms of imprisonment.
- Realigning presumptive sentencing ranges with prior presumptive terms for non-sex-related offenses.

- Revising the caps for terms of probation for all offenses.
- Requiring the Department of Corrections to create institutional case plans for all prisoners and reentry plans for prisoners about to re-enter society.
- Expanding eligibility for discretionary parole and creating administrative and geriatric parole.
- Concentrating parole and probation resources on newly-released parolees and probationers, and creating incentives for parolees and probationers to comply with their conditions of probation and parole.
- Requiring Community Restitution Centers (CRCs) to provide treatment for residents.
- Providing victims with increased notice regarding a defendant's sentencing and discharge to probation or parole, and increased opportunities to be heard regarding these processes.

SB91 also extended the sunset of the Commission to 2021, and tasked the Commission with overseeing the implementation of SB91's reforms and measuring its success.

A Practitioner's Guide to SB91

For a more detailed explanation of the changes to the law following the passage of SB 91, consult ***A Practitioner's Guide to SB91*** in Appendix C below. This guide was developed by staff at JRI with input from Commission staff and Alaska practitioners. It is also available on the Commission's website at http://www.ajc.state.ak.us/alaska-criminal-justice-commission.

In addition to assisting legislators during the drafting of SB91, the Commission continued to meet throughout the year. It also formed or continued five subject-specific workgroups (outlined below) to address areas of Alaska's criminal justice system still in need of reform. Between January 1 and November 1, 2016, the Commission met as a plenary body six times, and the workgroups met 23 times total.

B. 2016 Workgroups

As noted above, five Commission workgroups met in 2016 to discuss specific topics within the field of criminal law. The workgroups were comprised of several Commissioners as well as practitioners whose duties or experience related to the workgroup's topic. They each met regularly to discuss their subject matter and decide whether to make any recommendations for change in that area. If the workgroup agreed upon a proposed statutory, regulatory, or policy change, it would forward that recommendation to the full Commission for consideration. The workgroups are listed below; their substantive findings and recommendations will be discussed in Part III.

- Drug and alcohol-related driving offenses (Title 28)
- Behavioral Health
- Presumptive Sentencing and the Three-Judge Panel
- Restorative Justice and Victim Restitution
- Barriers to Reentry

C. SB91 Implementation and Technical Assistance

Once SB91 was passed in July 2016, the departments and agencies required to make operational changes began the substantial task of implementing those changes. To assist with this implementation, the state has applied for, and received, a federal grant from the Bureau of Justice Assistance that will provide funding and technical assistance for the first two years of implementation. Technical assistance is being provided by the Crime and Justice institute (a division of the nonprofit Community Resources for Justice) which provides research and consulting services using evidence-based practices to improve public safety.

The initial funds were approved in September 2016. CJI immediately began assisting the Department of Corrections, which has a number of reforms to implement, by training probation officers and by developing a risk assessment tool for use in the new Pre-Trial Services Unit.

The Crime and Justice Institute

- ✓ A division of the Boston-based nonprofit Community Resources for Justice
- ✓ Provides nonpartisan policy analysis, consulting, and research services to improve public safety throughout the country
- ✓ Partners with JRI
- ✓ Providing Alaska with technical assistance, including training for state employees, for the implementation of SB 91

D. Outreach

The Commission is committed to engaging with the public and continues to seek opportunities for public participation in and education about the Commission's work. The Commission's meetings are open to the public and advertised on the Commission's website. These meetings are routinely attended by at least 15-20 community stakeholders and interested citizens. Each meeting has a designated time for public comment and any public testimony is recorded by staff.

Commissioners and staff have also made numerous presentations to community and professional groups and attended community events, including forums on public safety. Commissioners and staff have also briefed media, attorney groups, and citizen groups about SB91. The Commission's website also contains a wealth of explanatory and educational materials about the Commission's work, the research behind the Commission's recommendations, and the provisions in SB91.

III. Research and Recommendations

The sections below are summaries of the activities of each workgroup that met in 2016. In some cases, the workgroup was able to come to consensus on recommended changes to statutes or policy; in other cases, the workgroup either had yet to come to a conclusion on a given topic or had yet to transmit a recommendation to the full Commission for consideration.

When a workgroup was able to come to a consensus on a recommendation, this recommendation was then forwarded to the full Commission for approval. These recommendations are summarized below. The Commission will also separately send the Legislature a detailed description of each recommendation and an explanation of the research and reasoning behind it. (In the case of restitution and Title 28, those recommendations will be contained in the separate reports to the legislature, as mandated by SB 91.)

A. Drug- and Alcohol-Related Driving Offenses (Title 28)

The Commission was initially tasked with looking into the effectiveness of Alaska's laws on drug and alcohol-related driving offenses in SB64, the bill that created the Commission in 2014. (These offenses

are found in Title 28 of Alaska's statutes, so the workgroup was often referred to as the "Title 28 Workgroup.") Initially, the Title 28 workgroup met as a subcommittee of the Barriers to Reentry workgroup. Beginning in January 2016, however, the Commission agreed to make the subcommittee a stand-alone group, in order to respond to all Title 28-related questions from the Legislature – both those in SB64 and those anticipated to be in SB91. The final version of SB91 required the Commission to send the Legislature a report on Title 28 by December 1, 2016.[2]

Workgroup members represented a variety of organizations and agencies whose work touches on drug and alcohol-related driving offenses. In addition to several Commissioners, workgroup members included representatives from the DMV, the Municipality of Anchorage, the Department of Law, the Department of Public Safety, the Public Defender Agency, Partners for Progress, and the Department of Health and Social Services. The group reviewed practices from other states, the practices of the Municipality of Anchorage, statistics from the DMV, and the work of the Impaired Driving Task Force.

Workgroup Research

- **Title 28**
- Behavioral Health
- Presumptive Sentencing
- Restorative Justice and Restitution
- Barriers to Reentry

Both SB91 and SB64 asked the Commission to look into specific topics relating to Title 28. The following is a summary of the workgroup research for each topic:

- **Administrative and judicial processes for license revocation.** In Alaska, there are two ways to revoke a person's drivers' license: administrative revocation and judicial revocation. The legislature asked the Commission to determine whether both processes should be maintained. The workgroup found there was some overlap in these processes, but that each also had its own utility.

- **Ignition interlock devices.** The workgroup looked into the efficacy of ignition interlock devices (IIDs), which are breathalyzers that can lock the ignition of a vehicle if they detect alcohol. IIDs effectively reduce recidivism during times that they are being actively and properly used; however, this effect does not continue after the IID is removed. Furthermore, the IID requirement can be circumvented by some defendants who have access to a different vehicle, and not all defendants are able to afford the device. An individual's alcohol intake can also be detected with a device such as SCRAM, an ankle bracelet that provides continuous alcohol monitoring via transdermal alcohol testing. Both devices can be defeated, but it is more difficult to defeat individual monitoring devices as opposed to vehicle monitoring.

- **Fines.** The workgroup examined the range of sanctions in Title 28—including imprisonment, probation, fines, and license revocation—for their effectiveness in reducing recidivism, promoting rehabilitation, and protecting the public. It found that there is no evidence to suggest any particular level of fine (whether high or low) was more effective in reducing recidivism, and Alaska's fines are higher than those of other states.

[2] SB91 sec. 182.

- **License revocations**. The workgroup found that license revocation was generally an effective sanction, but that there is no conclusive evidence that longer periods of license revocation are more effective than shorter periods. Preliminary research suggests that longer periods of license revocation may be counterproductive.

- **Other approaches to reducing recidivism and promoting rehabilitation**. The Commission looked at several model rehabilitative programs that promote offender accountability and emphasize swift, certain, and proportionate sanctions. The most effective programs combined multiple strategies. Studies suggest that a combination of supervision, technology, and treatment services are most effective in achieving public safety outcomes and behavior change. Additionally, it is critical to identify special supervision conditions that directly target the treatment needs and criminogenic factors associated with DUI offenses.

As noted above, both SB64 and SB91 required the Commission to send the legislature a full report on possible reforms for Title 28. The Commission will send this report to the legislature on December 1, 2016. It will contain detailed research and analysis explaining the above findings, as well as the Commission's recommendations for reform.

B. Behavioral Health

In 2011, the Criminal Justice Working Group (an interagency, operations-focused committee of Alaska's criminal justice practitioners) asked researchers in medicine and law at the University of Nevada, Las Vegas (UNLV) to undertake a review of Alaska's behavioral health statutes, both civil and criminal, and recommend areas for improvement. After an exhaustive review of these statutes and extensive interviews with professionals working the areas of criminal justice and behavioral health, UNLV issued its report, recommending a number of reforms. In January 2016, the Criminal Justice Working Group asked the Commission, as a group with diverse perspectives and a mandate to study potential areas of reform in the criminal justice system, to review the UNLV study and to consider which recommendations, if any, to forward to the legislature.

Workgroup Research

- Title 28
- **Behavioral Health**
- Presumptive Sentencing
- Restorative Justice and Restitution
- Barriers to Reentry

In response, the Commission formed the Behavioral Health Workgroup. This was a diverse set of stakeholders including Commissioners, state department and division representatives, local law enforcement, rural and urban community behavioral health providers, the tribal health system and victim advocates.

The group decided to take a holistic look at behavioral health practices in Alaska, aiming to identify assets, barriers, and gaps of Alaska's criminal justice and community behavioral health programs and practices for persons with mental health disorders. It used the Sequential Intercept Model, a tool used nationally by states and communities to assess available resources, determine gaps in services, and plan for community change. The model identifies intercept points — opportunities for linkage to services and for prevention of further penetration into the criminal justice system. Using this model as well as the UNLV study, the workgroup forwarded several recommendations to the Commission, which the Commission approved. The following is a summary of approved recommendations relating to Behavioral Health.

- **Pre-trial Diversion for the behavioral health population**. The Commission recommends that the Department of Corrections consider implementing a pre-trial diversion program for those with behavioral health problems. The Commission also recommends that the Department of Corrections convene a group of stakeholders to assist in the development and implementation of this program.

- **Allow defendants to return to a group home on bail**. The Commission recommends amending AS 12.30.027(b), which involves bail conditions for those charged with crimes involving domestic violence. The amendment would allow defendants charged with assault on a co-resident or staff of an assisted living facility, nursing homes, or other supported living environments to return to that living environment while on bail, provided the victim is given notice and the victim's safety can reasonably be assured.

- **Information sharing**. The Commission recommends that the legislature enact a statute creating a standardized Release of Information (ROI) form that will be universally accepted by all state-funded agencies providing health and behavioral health services.

- **Add behavioral health information to felony presentence reports**. The Commission recommends that the legislature amend the relevant statutes to require that felony presentence reports discuss any assessed behavioral health conditions, if such assessments exist, so that judges will have information on a defendant's behavioral health needs at sentencing.

- **Amend Alaska's mental health statutes**. The Commission recommends that the Department of Health and Social Services review the proposed statutory changes in the UNLV study and work with the Commission to provide a report analyzing the proposed changes, identifying those changes that have major stakeholder support, and providing recommendations for implementation.

- **Include the Commissioner of DHSS on the Commission**. Given the significant number of justice-involved individuals with behavioral health needs, the Commission recommends including the Commissioner of the Department of Health and Social Services to this Commission.

The UNLV Study

- ✓ Commissioned by the Criminal Justice Working Group
- ✓ An extensive look at Alaska's behavioral health statutes, both criminal and civil, from medical and legal researchers at the University of Nevada, Las Vegas
- ✓ Identifies gaps in law and policy and proposes a number of changes to Alaska's statutes

As noted above, these are summaries of the Commission's recommendations; the full recommendations will be sent to the legislature in December with detailed explanations and analysis.

At the October 2016 Commission meeting, it was decided that the Behavioral Health Workgroup would become the Standing Committee on Behavioral Health.

C. Presumptive Sentencing and the Three-Judge Panel

The Commission formed the Presumptive Sentencing Workgroup at its January 2016 meeting. Though previous workgroups had examined certain sentencing issues, and SB 91 addressed those issues by lowering sentencing ranges, the Commission had not yet addressed the overall sentencing system, often described as "presumptive sentencing". The Commission tasked the workgroup with taking a broad look at Alaska's sentencing structure. The workgroup's membership consisted of practitioners in criminal justice law, including public defenders and district attorneys; current and former judges; and victims' rights advocates.

Workgroup Research

- Title 28
- Behavioral Health
- ➢ **Presumptive Sentencing**
- Restorative Justice and Restitution
- Barriers to Reentry

The group began by reviewing findings from a recent study by the Alaska Judicial Council, which analyzed Alaska's 2012-2013 felony sentencing patterns. This was the first study of sentencing practices in Alaska following extensive changes to the sentencing statutes in 2005 and 2006. Some of these findings provided an evidentiary basis for SB91 reforms.

The workgroup noted the very substantial reforms to non-sex felony sentencing and felony probation and parole structures enacted in SB91, and it considered the Commission's own impending responsibilities for monitoring SB91 implementation and evaluating its effects. Ultimately, the Workgroup concluded that it was disinclined this year to consider major structural changes to our sentencing system since (1) since there was no known evidence-based ('better') alternative and (2) the results 'weren't in' from the SB91 reforms, many of which became effective only a few months ago and some of which have not commenced as of this writing.

However, the group did agree that for this year, it would consider more discrete issues. The workgroup discussed (a) possible additions to the list of statutory mitigating factors ("mitigators") that allow judges to sentence below the presumptive sentencing range; (b) fixes for the three-judge-panel statutes; and (c) a change to the law of probation. The workgroup forwarded a proposal for two additional mitigators to the Commission. The workgroup intends to continue meeting to address the remaining issues.

The Commission has approved the workgroup's proposal for **adding two statutory mitigators** to AS 12.55.155(d). These mitigators would allow judges to sentence a defendant below the presumptive range in cases if the defendant has demonstrated an "**acceptance of responsibility**." One would apply in cases where a defendant has entered into a timely plea agreement, and one would apply in cases where a defendant has not entered into a plea agreement, but has otherwise demonstrated an acceptance of responsibility. Both mitigators are expected to conserve prosecutorial, defense and court resources by promoting timely resolutions of criminal cases. Timely resolutions are also usually consistent with victims' interests.

As with the behavioral health recommendations, the Commission will send this recommendation separately to the legislature with a detailed analysis and explanation in December.

D. Restorative Justice and Victim Restitution

At the beginning of 2016, the Commission identified Restitution and Restorative Justice as one of its priorities for the year. In SB91, the Commission was also tasked with reporting on restitution to the legislature. The Commission's report is due on December 1.

The Restitution and Restorative Justice workgroup comprised a diverse group of stakeholders, including Commissioners, victims' rights advocates, public defenders, prosecutors, the Violent Crimes Compensation Board, the Municipality of Anchorage, and the Alaska Court System. The group largely focused on mechanisms of restitution collection and improving restitution payment rates. Commission staff performed an extensive data analysis of available restitution collection data, which helped inform the group's discussions. Commission staff found that restitution payment rates in Alaska are comparable to those in other states, though there is room for improvement.

Workgroup Research

- Title 28
- Behavioral Health
- Presumptive Sentencing
- **Restorative Justice and Restitution**
- Barriers to Reentry

Much of the group's discussion surrounded the significant shift in restitution collection that will take place within the next year. Until recently, the Department of Law had a dedicated restitution collection unit. Governor Walker vetoed the funding for this unit, so it will be closed by the end of the fiscal year. Starting in January 2017, felony probationers will have their restitution payments scheduled and overseen by their probation officers. Misdemeanor probationers and those not on probation will make their restitution payments to the court system.

The group also looked at ways that victims could be compensated for their losses without having to wait for offenders to be sentenced and ordered to pay restitution, as well as ways to help victims ask for restitution.

The Commission will send its complete research and analysis of the efficacy of Alaska's restitution collection system, along with its recommendations for improving restitution collection, in its report to the legislature on December 1, 2016.

The workgroup's focus this year has been specifically on victim restitution; its plan for next year is to look at restorative justice issues in the broader sense.

E. Barriers to Reentry

Prior to January 2016, the Barriers to Reentry Workgroup was divided into two subgroups, one devoted to employment and one to Title 28. As noted above, the Title 28 group was elevated to the level of Workgroup, and the Barriers Workgroup turned its attention to all reentry issues (aside from Title 28). The Barriers workgroup consisted of several commission members as well as representatives from DHSS, Partners for Progress, the Department of Corrections, and the Office of Victims' rights.

Workgroup Research

- Title 28
- Behavioral Health
- Presumptive Sentencing
- Restorative Justice and Restitution
- **Barriers to Reentry**

The group has discussed "ban the box" initiatives, which would bar employers from asking about felony convictions in employment applications. Staff discussed Ban the Box proposals with Department of Administration officials. Governor Walker's office has indicated an interest in banning the box for state employment, and the workgroup will continue its ongoing dialogue with the Governor's office on this initiative.

The workgroup also looked at barrier crimes in the context of licensure and state employment. Barrier crimes are certain crimes which, if they appear on a person's record, would prevent a person from being licensed by the Department of Health and Social Services, from holding a job with DHSS, or from being a contractor with DHSS. DHSS has been working on revising the regulations surrounding barrier crimes. The Commission has asked DHSS to delay implementation of the proposed regulations, and the workgroup plans to offer its input during the regulatory process. The workgroup is also researching whether there is any need to reform policies regarding expungement and executive clemency. The group will continue to meet in the next year.

IV. Plans and Priorities

SB91 extended the life of the Commission to 2021. The Commission will continue to examine Alaska's Criminal Justice system and identify areas in need of reform. In addition to following its original mandate, the Commission will also turn its attention to several new tasks.

A. Data collection, data analysis, and recommendations for reinvestment

SB91 also directs the Commission to oversee the implementation of the statutory changes it brought about. The Commission must gather data from the Department of Corrections, the Alaska Court System, and the Department of Public Safety to monitor the effect of the new laws. The data to be collected include (but are not limited to): information on criminal cases in the court system and their disposition; information on arrests and citations, and whether these arrests or citations led to convictions; information on the number of people in DOC custody, or under DOC supervision; the number of people on parole; and information about parole and probation violations and revocations.

The Commission has already tapped the Criminal Justice Working Group (CJWG) to help analyze this data. The Commission will use this analysis to determine whether the projected savings from SB91

Justice Reinvestment Priorities

- ✓ The Commission continues to recommend the following priorities for Alaska's Justice Reinvestment:
- ✓ **Treatment services**. Fund treatment and programming in facilities and in the community to address criminogenic needs, behavioral health, substance abuse, and sexual offending behavior. Expand capacity for substance abuse treatment and detox centers and extend such facilities into communities that currently lack them.
- ✓ **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.
- ✓ **Reentry and support services**. Expand transitional housing, employment, case management, and support for addiction recovery.

What's Next? Recommendations, reports, and continuing workgroups

- Title 28 report- Due December 1, 2016
- Restitution report- Due December 1, 2016
- Social Impact Bonds report – Due December 15, 2016
- Additional legislative recommendations- to be delivered to the legislature by the end of the year
- Continuing work from current workgroups
- Formation of a standing committee on Behavioral Health
- Formation a workgroup dedicated to looking at Alaska's sexual offense statute, which will prepare a report to the legislature
- Monitoring the effects of SB91

are being realized, and if so, how to reinvest this money to redouble efforts to reduce recidivism and improve public safety. The Commission has already identified recommended areas for reinvestment (sidebar above). These recommendations may change if the data so warrant.

In addition to analyzing raw data from DOC, DPS, and ACS, the Commission, in partnership with the CJWG, will analyze the data produced by the **Results First Initiative** (RFI). In 2015, the Commission recommended that state officials invite RFI to further state efforts at criminal justice reform. RFI is in the process of performing a complete inventory of state-funded adult criminal justice programs, with detailed benefit-cost analyses of these programs. The data from RFI will assist the Commission in making future recommendations for reinvestment.

B. Upcoming Reports

As noted above, the Commission will send the legislature reports on restitution and title 28 by December 1, 2016, as mandated by SB91. SB91 also requires the Commission to prepare a report on the potential use of social impact bonds to reduce recidivism in Alaska. The Commission will send this report to the legislature by December 15, 2016. Finally, the Commission will also send the legislature detailed recommendations regarding behavioral health and presumptive sentencing, as noted above.

C. Focus for the coming year

The Commission has decided that all current workgroups will continue to meet and identify potential areas for reform in the coming year. The Behavioral Health Workgroup will re-form as the Standing Committee on Behavioral Health, reflecting the broad relevance of behavioral health issues to criminal justice reform.

SB 91 also requires the Commission to form a workgroup to study Alaska's laws on sex-related offenses to determine "if there are circumstances under which victims' rights, public safety, and the rehabilitation of offenders are better served by changing the existing law."

Further information

For more information regarding the work of the Criminal Justice Commission, contact Commission Staff Attorney Barbara Dunham at 907-279-2526 or bjdunham@ajc.state.ak.us.

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, Commissioners almost always directly participate in Commission meetings.

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 and re-elected August 2016, succeeded Justice Bryner. A vice-chair (Jeff Jessee) was designated to cover exigencies.

Voting. The two Commission chairs have sought to have proposals resolved by consensus. Policies which lack consensus but have majority support will also be forwarded to the legislature, with an explanatory note regarding majority support.

Meetings. The Legislature expected the Commission to meet "at least quarterly" as a plenary body. It adopted a monthly meeting schedule for its first 18 months. Later, the Commission moved to an every-other-month schedule.

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 numerous 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. These workgroups included Commissioners, interested agency representatives and public members.

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 full-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: 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.

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.

Jahna Lindemuth

Jahna Lindemuth was born and raised in Anchorage and received her J.D. from U.C. Berkeley in 1997. Ms. Lindemuth started her new role as Attorney General for the State of Alaska on August 8, 2016. Before becoming Attorney General, she spent 18 years in private practice at Dorsey & Whitney, LLP. While keeping up a full caseload, she donated many hours providing pro bono legal services to clients who could not afford an attorney, including representing one of the Fairbanks Four in a post-conviction relief proceeding in 2015. In reaching a settlement with the State of Alaska in December 2015, she helped secure the Fairbanks Four's release after eighteen years of imprisonment and the court vacated their convictions.

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 the Interim Commissioner of the Alaska Department of Corrections. Currently, he is the Public Safety Commissioner.

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.

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 is the Executive Director of the Interior Alaska Center for Non-Violent Living and has been a victim advocate in the state of Alaska for 20 years. She holds a Master's Degree in Public Administration from the University of Alaska, Southeast and serves on the Governing Board of the Alaska Network on Domestic Violence and Sexual Assault. Ms. Stanfill is active in many groups in her community such as the Domestic Violence Task Force, the Housing and Homeless Group, and the Wellness Coalition.

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.

Dean Williams

Dean Williams started his state career in 1981 as a youth counselor in juvenile justice. He was the juvenile justice superintendent in Nome, and then eventually moved back to Anchorage to finish his first state career as the juvenile justice superintendent at Mc Laughlin Youth Center. There, he focused on school discipline and the over use of expulsion/suspension. Along with many partners, Commissioner Williams spearheaded the start of Step Up, Anchorage's first alternative school focused on expelled and suspended youth. The work on expulsion/suspension lead to several national appointments to continue the work on closing the "school to prison pipeline." Commissioner Williams then came back to public service as a special assistant in the Department of Public Safety, which eventually lead him to be Governor Walker's special assistant. He is currently the Commissioner of the Department of Corrections where he has the privilege to lead a fantastic team.

APPENDIX C: FURTHER INFORMATION AND PRACTITIONER'S GUIDE

The Alaska Criminal Justice Commission maintains a website with meeting times, agendas, and summaries for all plenary meetings and workgroup meetings. The website also has extensive substantive information, including research that the Commission has relied upon in formulating its recommendations. The resource page with this information may be found at: http://www.ajc.state.ak.us/alaska-criminal-justice-commission/resource-list-compiled-by-commission-staff. Below, you will find one such resource, A Practitioner's Guide to SB91, designed to guide Alaskans working in the field of criminal justice through the changes to the law brought by SB91.

Practitioner Guide to SB 91

Alaska Criminal Justice Commission

September 30, 2016

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An Introduction to Senate Bill 91

Alaska's prison population, which includes both pretrial and post-conviction inmates, has grown by 27 percent between 2005 and 2014, nearly three times faster than the resident population. The total corrections population, including those incarcerated as well as those on community supervision, grew 45 percent over the same ten year period, all 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 required significant capital expenditures, including construction of the $240 million Goose Creek Correctional Center, which opened in 2012. The state's growing prison population and increased corrections spending, however, had not produced commensurate improvements in public safety outcomes: nearly two out of every three people released from Alaska prisons returned within three years.

Without a shift in policy, Alaska's prison population was projected to grow by another 1,415 inmates by 2024. These additional inmates would surpass the state's capacity to house them by 2017, requiring the state to reopen a closed facility and either transfer inmates out of state or build a new prison. Accommodating this projected growth was estimated to cost at least $169 million.

Aiming to control prison and jail growth and recalibrate the state's correctional investments to ensure the best possible public safety returns, the Alaska State Legislature in 2014 unanimously passed Senate Bill 64, establishing the interbranch Alaska Criminal Justice Commission ("Commission"). The Commission is 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.

Governor Walker, Senate President Meyer, Speaker Chenault, and former Chief Justice Fabe directed the Commission to conduct a comprehensive review of Alaska's criminal justice system and develop recommendations for legislative and budgetary changes. Beginning in the summer of 2015 and extending through the end of the calendar year, the commission conducted a rigorous review of Alaska's pretrial, sentencing, and corrections data, policies, and programs, as well as best practices and models from other states. In December of 2015, the Commission issued 21 consensus recommendations to reduce recidivism and corrections spending in Alaska. The recommendations were drafted into legislation and introduced as Senate Bill 91. After vetting by five legislative committees in over fifty public committee hearings, the Legislature passed S.B. 91 by a two-thirds majority in both chambers with a 16-2 vote in the Senate, a 28-10 vote in the House, and a 14-5 Senate concurrence vote. Governor Walker signed S.B. 91 into law on July 11, 2016.

The reforms are expected to avert all of the anticipated prison growth projected through 2024 and reduce the average daily prison population by 13 percent, saving an estimated $380 million dollars in state spending ($169 million in averted costs and $211 million in net savings). Using a portion of the savings and 50 percent of tax receipts from the legal sale of marijuana in Alaska, the state will reinvest $98.8 million over six years into treatment services in prison and in the community, reentry supports, pretrial services and supervision, violence prevention programming, and crime victims' services. This guide provides an outline of the statutory and budgetary changes enacted in S.B. 91.

Pretrial

Citation in Lieu of Arrest **Section 51, eff. Jan. 1, 2017**

S.B. 91 expanded peace officers' discretion to issue citations in lieu of making an arrest. Previously, officers were authorized to issue citations for misdemeanors and violations unless they involved violence, domestic violence, or harm to another person or to property, or unless the officer believed the person was a danger to themselves or others. Officers now also have explicit authority to issue citations for class C felonies. Additionally, the former provision requiring arrest when the person posed a danger to themselves has been removed, because other options in Alaska law permit officers to respond in these crisis situations (e.g., Title 47 holds).

Timeline for Appearance When Issued a Citation **Section 53, 54, eff. Jan. 1, 2017**

If the citation is for a felony or a misdemeanor, notice for the defendant to appear in court must be at least two working days after the issuance of the citation (previously the minimum notice period was five days). If the citation is for a violation or infraction, the notice to appear continues to be at least five days after the issuance of the citation.

Arrest Authorized for Violations of Pretrial Release Conditions and Failure to Appear **Section 51, eff. Jan. 1, 2017**

S.B. 91 reclassified the offenses of failure to appear in court and violation of a condition of pretrial release as violations in most circumstances (previously they were misdemeanors or felonies depending on the underlying offense). To ensure that defendants who fail to appear in court or who violate the terms of their pretrial release conditions are brought back before the judge for a bail review hearing, S.B. 91 grants officers authority to arrest defendants for failure to appear and violations of release conditions rather than issue a citation. Officers also possess independent authority to arrest for violations of release conditions under existing statute, AS 12.25.030(b)(3)(C).

First Appearance Before a Judge **Section 98, eff. July 11, 2016**

Under S.B. 91, defendants must be brought before a judge after arrest within 24 hours, absent compelling circumstances, rather than the 48 hour allowed under previous law. In no event may the defendant's first appearance before a judge occur later than 48 hours after arrest.

Pretrial Services Program **Section 117, eff. Jan. 1, 2018**

S.B. 91 requires the Department of Corrections to create a pretrial services program by January of 2018. The new Pretrial Services program will conduct risk assessments for all defendants, make recommendations to the court about pretrial release and release conditions, and provide varying levels of supervision to defendants who are released while awaiting disposition of their cases. The Department must write the necessary regulations for the program, and adopt and validate the risk assessment tool with input from a variety of stakeholders, including the Department of Law, the Public Defender, the Department of Public Safety, the Office of Victims' Rights, and the Alaska Court System.

Pretrial Risk Assessment and Regulations for Release and Diversion Recommendations **_____Section 117, eff. Jan. 1, 2018**

The Department of Corrections Commissioner must approve a validated pretrial risk assessment tool for use by the pretrial services program, and work with the Department of Law, Public Defender, Department of Public Safety, Office of Victims' Rights, and the Alaska Court System to develop regulations that align with the statutory changes on pretrial release decisions to guide the recommendations of pretrial services officers related to release/detain decisions, conditions of release, and pretrial diversion.

Pretrial Release Report **_____Section 117, eff. Jan. 1, 2018**

Before the defendant's first appearance in front of a judge (within 24 hours for those who have been arrested and detained), the pretrial services office must conduct a risk assessment and prepare a pretrial release report for the judge that includes the risk score, a notation of any potential substance abuse treatment need if indicated by the offense or criminal history, and recommendations to the judge, in accordance with Department regulations, regarding:

- The appropriateness for release of the defendant on personal recognizance or on unsecured bond;
- The least restrictive conditions of release that will reasonably ensure the defendant's court appearance and public safety; and
- The appropriateness of supervision of the defendant by the pretrial services office during the pretrial period.

Restrictions on Pretrial Services Officers' Recommendations Related to Money Bond **_____Section 117, eff. Jan. 1, 2018**

S.B. 91 establishes a pretrial release decision-making framework in statute with limitations on the use of secured money bond, based on the defendant's charge and risk level. The table below summarizes the limitations that apply to recommendations from pretrial services officers to the court.

	Misdemeanors [exceptions[1]]	Class C felonies [exceptions[2]]	DUI/refusal	FTA/VCOR	Other
Low-risk	OR recommended	OR recommended	OR recommended	OR presumptively recommended	OR presumptively recommended
Mod-risk	OR recommended	OR recommended	OR recommended	OR presumptively recommended	SB authorized
High-risk	OR recommended	OR recommended	OR presumptively recommended	SB authorized	SB authorized

[1] Exceptions: Domestic violence offenses, person offenses, failure to appear, or violation of a release condition.

[2] Exceptions: Domestic violence offenses, person offenses, or failure to appear.

Terms explained:

- OR recommended: The pretrial services officer must recommend to the judge that the defendant be released on recognizance (a promise to appear in court) or on unsecured bond (a promise to pay an agreed-upon amount of money if the defendant fails to appear in court or violates release conditions; the bond is "unsecured," meaning no money is paid upfront in order to be released from jail).
- OR presumptively recommended: The pretrial services officer must recommend that the defendant be released on recognizance or on unsecured bond unless the officer finds substantial evidence that no combination of non-monetary release conditions can reasonably ensure court appearance and public safety.
- SB authorized: Recommendations of secured bond is authorized. The pretrial services officer may still recommend that the defendant be released on recognizance or on unsecured bond.
- Low-, Mod-, or High-risk: Levels of risk of pretrial failure (low, moderate, or high) as scored by a validated pretrial risk assessment instrument.
- DUI/refusal: Driving under the influence or refusal to submit to a chemical test.
- FTA/VCOR: Failure to appear in court or violation of a condition of pretrial release.
- Other: Class B or higher felony charges, as well as all other charges that fall under an exception enumerated in the statute and that are not listed in another column.

Restrictions on Judges' Authority to Order Money Bond **_____Section 59, eff. Jan. 1, 2018**

Judges will be authorized to release any defendant on their own recognizance or on unsecured bond. Under S.B. 91, judges will be authorized to order unsecured or partially-secured (10 percent posting) performance bonds. Previously all performance bonds had to be fully secured (paid in full upfront prior to release from jail). The use of secured money bond under S.B. 91 will be significantly restricted. See the below table and explanations of restrictions on judges' authority to order secured money bond. Note that there are some categories for which the pretrial services officer must recommend release on recognizance or on unsecured bond, but the judge may depart from that recommendation under limited circumstances.

	Misdemeanors [exceptions[3]]	Class C felonies [exceptions[4]]	DUI/refusal	FTA/VCOR	Other
Low-risk	Mandatory OR	Mandatory OR	Presumptive OR	Presumptive OR	Presumptive OR
Mod-risk	Mandatory OR	Presumptive OR	Presumptive OR	Presumptive OR	SB Authorized
High-risk	Presumptive OR	Presumptive OR	Presumptive OR	SB Authorized	SB Authorized

[3] Exceptions: person offenses, sex offenses, domestic violence offenses, driving under the influence / refusal to submit to a chemical test, failure to appear in court, violation of a condition of release.

[4] Exceptions: person offenses, sex offenses, domestic violence offenses, driving under the influence / refusal to submit to a chemical test, failure to appear in court, violation of a condition of release.

Terms explained:

- Mandatory OR: The defendant must be released on recognizance or on unsecured bond.
- Presumptive OR: The defendant must be released on recognizance or on unsecured bond, unless the judge finds clear and convincing evidence that no combination of release conditions with recognizance release or unsecured bond can reasonably ensure appearance in court and public safety. If the judge makes this finding on the record, secured money bond is authorized.
- SB Authorized: Secured money bond is authorized. The court may still release the defendant on recognizance or on unsecured bond.

Collection of Forfeited Unsecured Bonds **_____Section 161, eff. July 11, 2016**

When an unsecured bond has been forfeited for failure to appear or violations of pretrial release conditions, the state may garnish the defendant's permanent fund dividend to collect the debt.

Temporary Detention of Felony Defendants at Request of Prosecutor **_____Section 55, eff. Jan. 1, 2018**

Previously, prosecutors had the authority to request that a felony defendant be detained for an additional 48 hours after the defendant's first appearance in order to demonstrate that release of the person would not reasonably ensure court appearance and public safety. Under S.B. 91, prosecutors continue to have this authority for all felony defendants except those class C felony defendants assessed as low-risk for pretrial failure, who must by law be released by the court on personal recognizance or unsecured bond.

Bail Review Hearings **_____Sections 56, 57, eff. Jan. 1, 2018**

Defendants who remain in custody 48 hours after their first appearance before a judge continue to be entitled to a review of their release conditions. In that review, judges now have to revise any conditions of release that have prevented the defendant from being released. The only exception is when the judge finds clear and convincing evidence that less restrictive release conditions cannot reasonably ensure court appearance and public safety. After the initial bail review, a defendant who remains in custody continues to be able to request additional bail review hearings every seven days if they are able to present new information not previously considered. Previously, "new information" excluded the person's inability to post secured money bond. Under S.B. 91, that provision has changed, and "new information" now includes the person's inability to post the required bond. A person may only receive one bail review hearing solely related to his or her inability to post bond.

Non-Monetary Release Conditions **_____Sections 60-63, eff. Jan. 1, 2018**

The court continues to have discretion to order additional (non-monetary) conditions of release if they are the least restrictive conditions necessary to reasonably assure court appearance and public safety. Potential special conditions of release for those convicted of alcohol and drug offenses have previously included authorizing law enforcement to conduct warrantless searches based on reasonable suspicion that the

person is in possession of alcohol or drugs. Under S.B. 91, this search authority will be extended not just to peace officers, but also to pretrial services officers. Courts may also order defendants to be randomly drug tested by the pretrial services office.

Under S.B. 91, new restrictions are placed on the court's authority to order a defendant to be supervised by a third-party custodian. This condition will only be authorized if pretrial supervision by the state is not available, if no secured money bond has been ordered, and if no other combination of release conditions can reasonably ensure court appearance and public safety. The eligibility for a person to serve as a third-party custodian will also be slightly expanded. Previously, the law excluded anyone who "may be called" as a witness. The new law will exclude people when "there is a reasonable probability that the state will call" them as a witness.

Pretrial Supervision **_____Section 117, eff. Jan. 1, 2018**

Under S.B. 91, pretrial services officers are authorized to supervise defendants during the pretrial period. They must, however, impose the least restrictive level of supervision necessary to reasonably ensure court appearance and public safety, and prioritize higher levels of supervision for moderate- and high-risk defendants and those accused of serious charges. The Department of Corrections may contract with private providers for pretrial supervision with electronic monitoring devices.

Other Roles of Pretrial Services Officers **_____Section 117, eff. Jan. 1, 2018**

Pretrial services officers will be authorized by law to recommend pretrial diversion, and coordinate with community-based organizations and tribal courts and councils to develop and expand pretrial diversion options. They may recommend that certain defendants comply with an alcohol or substance abuse monitoring program and refer interested defendants to substance abuse screening, assessment, and treatment. They are also authorized to arrest defendants without a warrant when they have probable cause to believe the defendant has failed to appear in court or violated the terms of the pretrial release conditions.

Hearing Reminders **_____Section 178, eff. Jan. 1, 2019**

Starting in January of 2019, S.B. 91 will require the court to remind defendants who were released before disposition about any upcoming court hearings at least 48 hours before each hearing.

Credit for Time Served Pretrial on EM or in treatment **_____Sections 68-71; eff. Oct. 9, 2016 (90 days after enactment)**

S.B. 91 changed the factors a court considers when deciding whether to grant credit for time served pretrial in a treatment program. Judges now may grant credit for programs that meet the requirements listed in Sections 70 and 71, potentially including non-residential programs, depending on the degree to which the programs limit the defendant's freedom.

Credit for time served in a private residence on electronic monitoring is capped at 360 days for felony person crimes, domestic violence, sex offenses, delivery of drugs to minors, first degree burglary, and first degree arson.

Sentencing

Primer on Sentencing in Alaska

Statutory maximums and presumptive ranges for prison terms: Alaska classifies non-sexual offenses into different categories depending on the seriousness of the offense. Sexual offenses are also categorized by class, but the sentencing provisions described here do not apply. In the most serious category of unclassified offenses the law sets minimum and maximum terms. For Class A, B, and C felonies, the law sets presumptive ranges that depend on the class, the type of offense, and the person's prior felony convictions. For example, a person sentenced for a first-time Class B felony would face a maximum of ten years of prison, and a presumptive range of two to five years. A judge must impose a sentence within the presumptive range absent the establishment of aggravating or mitigating factors.

Understanding active and suspended imprisonment time and probation terms: When a prison sentence is authorized by law, the judge is often authorized to "suspend" some or all of the prison time. When imprisonment time is suspended, "active" time is the portion that the defendant will serve in the custody of the Department of Corrections, usually in a prison; and "suspended" time is the portion to be served only if the defendant fails on probation. When the judge suspends some or all of the imprisonment, the judge may also set a term of probation supervision in the community, in which case, after completing any active term of imprisonment, the defendant would be released on probation. During the probationary term, the defendant can be imprisoned for some or all of the suspended time if he or she violates the conditions of probation. The statutory limits for incarceration terms are set forth on pages 11-12, and the limits for probation terms are set forth on page 13.

Sentencing Reclassifications

S.B. 91 made changes to the sentencing ranges for non-sex felonies, misdemeanors, and probation terms (see pages 11, 12, and 13, respectively). It also implements targeted reclassifications for the following offense types:

Reclassification of Certain Lower-Level Misdemeanors as Violations **_____Sections 17, 29-31, 33-35, 41, eff. July 11, 2016**

S.B. 91 reclassifies six lower-level misdemeanors as violations, specifically: disregard of highway obstruction, promoting and exhibition of fighting animals, obstruction of highways, and second-time unlawful gambling. Additionally, the legislation reclassifies two offenses relating to pretrial misconduct as violations rather than misdemeanors or felonies: violation of a condition of release and failure to appear. Failure to appear when the person intended to avoid prosecution and where the person does not make contact within 30 days of the failure to appear remains a misdemeanor or felony crime.

Theft Offenses **_____Sections 6-15, 8-23, 25, 93, eff. July 11, 2016**

S.B. 91 increases the felony threshold value for theft offenses from $750 to $1,000 and requires the level to be adjusted every five years to account for inflation. The legislation also eliminates use of incarceration as a sanction for theft under $250 (first two offenses), and limits the use of incarceration to 5 days suspended imprisonment and six months of probation for third and subsequent shoplifting offenses (see additional details on page 12).

Drug Offenses **_____Sections 45-47, 93, eff. July 11, 2016**

S.B. 91 classifies possession of controlled substances (except GHB) as a Class A misdemeanor. The legislation also eliminates the imposition of active prison time for the first two possession offenses for any controlled substance (except GHB, see additional details on page 12), allowing imprisonment only upon a failure of supervision. Additionally, S.B. 91 reduces the classification for commercial offenses relating to less than 1 gram of IA substances or 2.5 grams of IIA or IIIA controlled substances to a Class C felony, and more than 1gram of IA controlled substance to a Class B felony.[5]

Substance	Amount	Prior Law	Current Law
Class IA Substances (e.g. heroin)			
Possession	Any amount	Class C felony	Class A misdemeanor
• Exception: Possession of GHB	Any Amount	Class C felony	*Unchanged*
Possession w/Intent, Sale, Distribution, Manufacturing	More than 1g/25 tablets	Class A felony	Class B felony
	Less than 1g/25 tablets		Class C felony
Class IIA and IIIA Substances (e.g. cocaine and methamphetamine)			
Possession	Any Amount	Class C felony	Class A misdemeanor
Possession w/Intent, Sale, Distribution, Manufacturing	Less than 2.5g/50 tablets	Class B felony	Class C felony
	More than 2.5g/50 tablets		*Unchanged*

Misdemeanor Traffic Offenses **_____Sections 105, 107, 108, 110, eff. July 11, 2016**

For driving on a suspended license offenses where the license was suspended for a driving under the influence ("DUI") -related crime, S.B. 91 removes the mandatory minimum for first-time offenses and reduces the mandatory minimum for second-time offenses. For driving on a suspended license where the suspension was for a reason other than a DUI, S.B. 91 reduces the classification from a misdemeanor to an infraction. Additionally, the legislation requires people convicted of first-time DUI and first time refusal offenses to serve their sentence on electronic monitoring (as opposed to a prison term). The sentences for first-time DUI and first-time refusal were not otherwise changed.

[5] Weight thresholds here refer to aggregate weight.

Traffic Offense	Prior Law	Current Law
Driving with a Suspended License/Reason other than DUI		
First offense	(10 days w/10 suspended) – 1 year	Infraction (no jail – fine)
Second or subsequent offense	10 days – 1 year	
Driving with a Suspended License/DUI-related		
First offense	(20 days w/10 suspended) – 1 year	(10 days w/10 suspended) – 1 year + fine
Second offense	30 days – 1 year	10 days – 1 year + fine

Felony Sentencing Ranges _____ **Sections 86-90, eff. July 11, 2016**

S.B. 91 modifies the presumptive and minimum sentencing ranges for non-sex felony offenses as follows:

Felony Class	Prior Law	Current Law
Unclassified felonies (non-sex offenses)		
Murder I	20 – 99 years	30 – 99 years
Murder II	10 – 99 years	15 – 99 years
Attempted Murder I, Misconduct involving a controlled substance I, and kidnapping	5 – 99 years	*Unchanged*
Class A felonies (non-sex offenses)		
First felony offense	[5 – 8] – 20 years	[3 – 6] – 20 years
• Exception: Offense committed with a dangerous weapon; offense directed at first responder	[7 – 11] – 20 years	[5 – 9] – 20 years
• Exception: Manufacture of methamphetamine in the presence of children		[3 – 6] – 20 years
Second felony offense	[10 – 14] – 20 years	[8 – 12] – 20 years
Third and subsequent felony offense	15 – 20 years	13 – 20 years
Class B felonies (non-sex offenses)		
First felony offense	[1 –3] – 10 years	[0 – 2] – 10 years
• Exception: Criminally negligent homicide of a child	[2 – 4] – 10 years	*Unchanged*
• Exception: Criminally negligent homicide of an adult	[1 –3] – 10 years	*Unchanged*
• Exception: Attempt or conspiracy to manufacture methamphetamine in the presence of children	[2 – 4] – 10 years	[0 – 2] – 10 years
Second felony offense	[4 – 7] – 10 years	[2 – 5] – 10 years
Third and subsequent felony offense	6 – 10 years	4 – 10 years
Class C felonies (non-sex offenses)		
First felony offense	[0 – 2] – 5 years	[0 – 18 months susp.] – 5 years
• Exception: Waste of a wild food animal or hunting on the same day airborne by a registered guide	[1 – 2] – 5 years	*Unchanged*
• Exception: First-time felony DUI	[120 – 239 days] – 5 years	*Unchanged*
Second felony offense	[2 – 4] – 5 years	[1 - 3] – 5 years
Third and subsequent felony offense	3 – 5 years	2 – 5 years

Note: S.B. 91 did not modify sentencing ranges for sex felonies. Fines for felonies were not changed.

Key (for table on previous page):
[X-Y] indicates a presumptive term.
X indicates a mandatory minimum.

Misdemeanor Sentencing Ranges _____ Sections 32, 91-93, eff. July 11, 2016

S.B. 91 modifies the sentencing ranges[6] for non-traffic misdemeanors as follows:

Misdemeanor Class	Prior Law	Current Law
Class A		
Class A – *General*	0 – 1 year	[0 – 30 days] – 1 year
• Exception: Misconduct involving a controlled substance in the fourth degree (possession of a controlled substance)		First offense: 0 – 30 days suspended Second offense: 0 – 180 days suspended Third offense: [0 – 30 days] – 1 year
• Exception: The following offenses were exempted from the change: o Assault in the fourth degree o Sexual assault or sexual abuse of a minor in the fourth degree o Indecent exposure in the second degree if the victim is under 16 o Harassment in the first degree		*Unchanged*
• Exception: Class A misdemeanors with a mandatory minimum sentence of 30 days or more	mandatory minimum – 1 year	*Unchanged*
Class B		
Class B – *General*	0 – 90 days	0 – 10 days
• Exception: Disorderly conduct	0 – 10 days	0 – 24 hours
• Exception: Misconduct involving a controlled substance in the fifth degree	0 – 90 days	First offense: 0 – 30 days suspended Second offense: 0 – 180 days suspended Third offense: 0 – 10 days
• Exception: For the following theft offenses: o Theft under $250 o Removal of identification marks under $250 o Unlawful possession under $250 o Issuing a bad check under $250 o Criminal simulation under $250		First offense: No incarceration Second offense: No incarceration Third offense: 0 – 5 days suspended (and a maximum six-month probation term)
• Exception: Distribution of explicit images of a minor; Harassment in the second degree		*Unchanged*

Key:
[X-Y] indicates a presumptive term.

[6] This table lists available incarceration sentences, but does not include fines that may be ordered for misdemeanor offenses.

Probation Term Ranges **_____Section 79, eff. July 11, 2016**

SB 91 modifies the terms of probation as follows:

Probation Type	Prior Law	Current Law
Felony Probation		
Sex Felony	0 – 25 years	0 – 15 years
Unclassified Felony	0 – 10 years	*Unchanged*
A Felony		0 – 5 years
B Felony		
C Felony		
Misdemeanor Probation		
Misdemeanors – *General*	0 – 10 years	0 – 1 year
• Exception: For the following offenses: o Person misdemeanor crimes o Misdemeanor crimes involving domestic violence o Sex misdemeanor crimes		0 – 3 years
• Exception: Misdemeanor DUI and refusal offenses if the person previously has been convicted of a DUI or refusal		0 – 2 years

Suspended Entry of Judgment **_____Section 77, eff. July 11, 2016**

S.B. 91 establishes a process for suspending an entry of judgment, whereby if a person pleads guilty or is otherwise found guilty of a crime, the court may, with the consent of the defense and prosecution, impose conditions of probation without imposing or entering a judgment of guilt. Upon successful completion of probation, the court shall discharge the person and dismiss the case. A defendant is eligible unless he or she:

- Was convicted of murder, manslaughter, criminally negligent homicide, assault in the first and second degree, stalking, assault of an unborn child, kidnaping, custodial interference in the first degree, human trafficking, robbery, arson in the first degree, or a felony sex offense, excepting failure to register as a sex offender;
- Used a firearm was in the commission of the current offense;
- Has previously been granted a suspension of judgment, unless the court finds rehabilitative prospects are high and suspending judgment adequately protects the victim and the community;
- Has current charges for a felony, misdemeanor assault or reckless endangerment, and has one or more prior convictions for a person offense (misdemeanor or felony); and
- Is currently, or has previously, been convicted of a crime involving domestic violence.

Sex Trafficking and Prostitution **_____Sections 36-40, eff. July 11, 2016**

S.B. 91 prohibits a person for being prosecuted for prostitution the person witnessed or was the victim of certain serious crimes, reported the crime to law enforcement, and cooperated with law enforcement. It also clarifies that a person cannot be prosecuted for sex trafficking themselves and that living in the same location as a person engaged in prostitution is not facilitating sex trafficking.

Parole

Administrative Parole **_____Section 122, eff. Jan. 1, 2017**

Starting in January 2017, many incarcerated persons will be eligible for administrative parole, a new procedure for parole release. On the earliest date of eligibility, persons serving time for a first-time, non-violent, non-sex misdemeanor or Class B or C felony will be released without a parole hearing if:

- The prisoner has been sentenced to a term of imprisonment of at least 181 days;
- The prisoner has served the greater of:
  - a quarter of the active term of imprisonment
  - the mandatory minimum term of imprisonment;
- The prisoner has completed the requirements of their case plan, including following institutional rules and completing treatment requirements; and
- The victim has not requested a parole hearing.[7]

Discretionary Parole Eligibility **_____Sections 123-124, eff. Jan. 1 2017**

S.B. 91 expands discretionary parole eligibility to all persons who have been sentenced to a term of imprisonment of at least 181 days, except for those convicted of unclassified sex offenses, those serving a mandatory 99-year term for murder in the first degree, those serving less than one year pursuant to a suspended imposition of sentence, or those who have been deemed ineligible by the court.

[7] Parole Board is required to contact victims at least 90-days before the inmate's earliest eligibility date and provide instructions on how to request a hearing.

Offense	Non-sex felonies	Prior Law	Current Law	Eligibility	Sex felonies	Prior Law	Current Law	Eligibility
Unclassified Felony		Parole Eligible	Parole Eligible	Mandatory minimum, or 1/3 of sentence		Not eligible	Not eligible	None
A Felony								
No prior felony		Not eligible	Parole Eligible	Mandatory minimum, or 1/4 of sentence		Not eligible	Not eligible	None
One prior felony		Not eligible	Parole Eligible			Not eligible	Not eligible	
Two prior felonies		Not eligible	Parole Eligible			Not eligible	Not eligible	
B Felony								
No prior felony		Parole Eligible	Parole Eligible	Mandatory minimum, or 1/4 of sentence		Not eligible	Parole Eligible	Mandatory minimum, or 1/2 of sentence
One prior felony		Not eligible	Parole Eligible			Not eligible	Parole Eligible	
Two prior felonies		Not eligible	Parole Eligible			Not eligible	Parole Eligible	
C Felony								
No prior felony		Parole Eligible	Parole Eligible	Mandatory minimum, or 1/4 of sentence		Not eligible	Parole Eligible	Mandatory minimum, or 1/2 of sentence
One prior felony		Parole Eligible	Parole Eligible			Not eligible	Parole Eligible	
Two prior felonies		Not eligible	Parole Eligible			Not eligible	Parole Eligible	

Discretionary Parole Procedure **_____Sections 127-128, 133, eff. Jan. 1, 2017**

S.B. 91 implements the following changes to discretionary parole procedures:

- Mandates that the Parole Board ("Board") review the suitability for parole of an eligible prisoner at least 90 days before the prisoner's first parole eligibility date.
- Implements a presumption of release for most prisoners who have met the requirements of their case plan.[8] This presumption can be overcome if the Board finds that the prisoner poses a threat of harm to the public if released.
- If the Board denies parole, allows the Board to schedule a subsequent parole hearing within two years of the person's first parole eligibility date or most recent parole hearing.

Geriatric Parole **_____Sections 123, 127, eff. Jan. 1, 2017**

S.B. 91 creates a geriatric parole valve for prisoners who are at least 60 years of age, have served at least 10 years of a sentence, and have not been convicted of an unclassified or a felony sex offense.

When considering a prisoner for release under this provision, the legislation mandates that the Board consider whether a reasonable probability exists that the prisoner will live and remain at liberty without violating any laws or conditions, the prisoner's rehabilitation and reintegration into

[8] Presumption does not apply to prisoners convicted of unclassified felonies.

society will be furthered by release on parole, the prisoner will not pose a threat of harm to the public, and release of the prisoner on parole would not diminish the seriousness of the crime.

Community Supervision[9]

Graduated Sanctions and Incentives **_____Sections 114-115, eff. Jan. 1, 2017**

Beginning in 2017, the Department of Corrections must establish an administrative sanctions and incentives program to encourage compliance and facilitate a prompt and effective response to violations of probation or parole conditions.

The new program established by regulation will include:

- Incentives for probationers and parolees to comply with their supervision conditions; prescribed sanctions that are graduated in severity to respond to technical violations of conditions; and a decision-making process to guide probation and parole officers in their uses of incentives and sanctions.
- Policies and procedures that ensure a review of previous positive and negative behaviors, violations, incentives and sanctions; appropriate due process protections (including notice, opportunity to challenge the allegations and proposed response, and an opportunity to ask for review of the proceedings); and approval by the Commissioner for enhanced sanctions.

Probation and parole officers must apply these sanctions and incentives, and keep records of all sanctions and incentives imposed.

Caps on Length of Stay for Revocations Based on Technical Violations **_____Sections 114, 151, eff. Jan. 1, 2017**

S.B. 91 limits the maximum revocation sentence for technical violations of community supervision[10] 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.

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[9] Note that these provisions regarding community supervision do not apply to those convicted of misdemeanors. Misdemeanants are on "open court" supervision and the Commissioner of Corrections does not assign probation officers to misdemeanants.

[10] Restrictions do not apply to supervisees in the Probation Accountability with Certain Enforcement ("PACE") program. PACE is a specialized program for certain high-risk felony probationers.

The maximum sentence for absconding is limited to 30 days. Absconding is defined as failing to report within five working days after release from custody, or failing to report for a scheduled meeting with a probation or parole officer and failing to make contact within 30 days of the missed meeting.

Arrests for new criminal conduct, failing to complete batterer's intervention programming or sex offender treatment, or failing to comply with special sex offender conditions of release are not considered technical violations for purposes of the sentence length cap.

A court may not incarcerate a defendant for failing to complete court-ordered treatment if the reason for the failure was an inability to pay, and the defendant made continuing good faith efforts to complete the treatment.

Earned Compliance Credits **_____Sections 114, 151, eff. Jan. 1, 2017**

S.B. 91 requires the DOC to establish a program allowing people on probation or parole to earn credits off their total supervision sentence of 30 days for each-30 day period served in which the supervisee complied with their conditions. The program must include policies and procedures for calculating and tracking credits earned, for reducing the person's period of probation or parole based on credits earned, and for notifying the victim.

Early Discharge (Probation and Parole) **_____Sections 81, 115, 143-144, eff. Jan. 1, 2017**

S.B. 91 requires probation officers to recommend to the court that probation be terminated and a defendant be discharged from probation if a probationer:

- Has completed all treatment programs required as a condition of probation;
- Has not been found in violation of conditions of probation;
- Is currently in compliance with all conditions for all of the cases for which the person is on probation; and
- Has not been convicted of an unclassified felony offense, a sexual felony, or a crime involving domestic violence.

Eligibility for early discharge begins after one year of successful probation for those convicted of Class C Felonies and after two years for those convicted of Class A or B Felonies.

Before a court may terminate probation and discharge a probationer, the court shall allow the victim to provide input to the court and shall consider the victim's input. If the victim had earlier requested to be notified, the Department of Corrections shall send the victim notice of the recommendation to terminate probation and inform the victim of their right to provide input.

Additionally, S.B. 91 requires parole officers to recommend early discharge to the Parole Board for a parolee who:

- Has completed at least one year on parole;
- Has completed all treatment programs required as a condition of parole;
- Has not been found in violation of conditions of parole for at least one year; and

- Has not been convicted of an unclassified felony, a sexual felony, or a crime involving domestic violence.

Restitution Payment Schedule **_____Section 115, eff. Jan. 1, 2017**

S.B. 91 requires probation officers to create restitution payment schedules when the court has not already created one, based on the probationer's ability to pay. Existing law authorizes the Parole Board to order restitution as a condition of parole.

Good Time on Electronic Monitoring **_____Section 154, eff. July 11, 2016**

S.B. 91 entitles convicted individuals to a good time deduction for any time spent on electronic monitoring or in a residential program for treatment of alcohol or drug abuse during a pre-release furlough.

Community Residential Centers (a.k.a. Community Restitution Centers) **_____Section 159, eff. July 11, 2017**

S.B. 91 requires a number of reforms to Community Residential Centers ("CRCs"):

- The DOC must develop and enforce quality assurance measures and policies to ensure those who have been assessed as high risk for reoffending are given priority for acceptance into a CRC and that centers establish internal procedures to limit instances in which those assessed as high risk are housed with those assessed as low risk.
- CRCs must provide comprehensive treatment for substance abuse, cognitive behavioral disorders, and other criminogenic risk factors.

Alcohol Safety Action Program **_____Sections 170-173, eff. July 11 2016 (referral limitations) and Jan. 1, 2017 (screening and monitoring)**

S.B. 91 limits referrals to the Alcohol Safety Action Program ("ASAP") to those who have been referred by a court after being charged with a DUI-related offense. Additionally, S.B. 91 requires the Department of Health and Social Services to develop regulations for the operation and management of ASAP that ensure screenings are conducted using a validated risk tool and monitoring of participants is appropriate to the risk of re-offense.

Community Work Service **_____Sections 75-76, eff. July 11, 2016**

S.B. 91 increases the value of an hour of community work for purposes of working off court-ordered fines from three dollars to the state minimum wage.

Additionally, the court is prohibited from offering a defendant the option of serving jail time in lieu of performing uncompleted community work or converting uncompleted community work hours into a sentence of imprisonment. If a court does order community work as part of a defendant's sentence, the defendant has 20 days after the date set by the court to provide the court with proof of community work. If the defendant fails to provide proof, the court shall convert those community work hours to a fine equal to the value of the work.

Crime Victims' Rights

S.B. 91 implements the following policies impacting crime victims' rights:

- Requires the prosecuting attorney, at the victim's request, to confer with the victim of a felony crime or domestic violence offense before entering into a plea agreement. Section 94, eff. Oct. 9, 2016 (90 days after enactment).

- Prohibits a law enforcement agency investigating a sexual offense from disclosing information related to the investigation to an employer of the victim except when the victim and law enforcement agency determine that such disclosure is necessary. Section 95, eff. Oct. 9, 2016 (90 days after enactment).

- Forbids an employer from penalizing a victim of sexual assault for reporting the offense to law enforcement or participating in the investigation. Sections 96-97, eff. Oct. 9, 2016 (90 days after enactment).

- Prohibits a defendant from claiming an exemption against garnishment of his or her Permanent Fund Dividend to pay court-ordered victim restitution and allows a probation officer to set up a restitution payment schedule for probationers if the court has not already done so. Sections 115, 161, eff. July 11, 2016 and Jan. 1, 2017.

- Requires the court, at the time of sentencing, to provide the crime victim with a form that provides information on whom to contact with questions about the sentence or release of the perpetrator of the offense; the potential for release on furlough, probation, or parole and the potential for an award of good time credit; and that allows the crime victim to update their contact information with the court, with the Victim Information and Notification Everyday (VINE) service, and with the DOC. Section 65, eff. Oct. 9, 2016 (90 days after enactment).

- Requires the DOC, within 30 days of sentencing, to notify a crime victim of the earliest dates the perpetrator of the offense could be released, the process for release, and whom to contact for more information. Section 141, eff. Jan. 1, 2017.

- Mandates that the Parole Board provide notice to victims of sexual assault and crimes involving domestic violence at least 30-days before a discretionary parole hearing. The Board must also inform the victim of any decision to grant or deny parole, the date of expected release, and the conditions of parole that may affect the victim. For inmates convicted of other offenses, the Parole Board must make every effort to notify the crime victim before release if requested by the victim. Sections 130-131, eff. Jan. 1, 2017.

- Requires the court or Parole Board to notify the crime victim and provide an opportunity for the victim to provide input, and to consider the victim's input before granting early discharge from probation or parole supervision in the community. Sections 81, 114, 151, 156, eff. Jan. 1, 2017.

- Authorizes the Parole Board to impose as condition of release any of the terms of a domestic violence protective order, including the requirement that the parolee complete a program for perpetrators of domestic violence. Section 138, eff. Jan. 1, 2017.

Reinvestment

To support implementation of S.B. 91 and further advance the legislation's goals of protecting public safety, reducing victimization and sustaining reductions in the prison population, the Legislature and Governor provided a total reinvestment package of $98.8 million between 2016 and 2022. This reinvestment is funded in part by direct savings from the pretrial, sentencing and corrections reforms, and is supplemented with 50 percent of state's new revenue from tax receipts on the legal sale of marijuana.

S.B. 91 Reinvestment Package (2016-2022)	
Pretrial services and supervision	$54.2 Million
Victims' services and violence prevention programming	$11 Million
Substance abuse and behavioral health treatment services in prison	$11 Million
Community-based behavioral health and reentry services	$15.5 Million[11]
Additional implementation costs (database upgrades, ASAP resources, and Parole Board and Judicial Council staffing)	$7.1 Million
Total reinvestment	**$98.8 Million**

Oversight and Accountability

Oversight Commission **_____Sections 122, 163-165, 183, eff. July 11, 2016**

S.B. 91 extends the life of the Alaska Criminal Justice Commission to 2021 and requires the Commission to oversee implementation of the legislation, report annually on performance metrics, outcomes, and savings, and make annual recommendations on how savings from reforms should be reinvested to reduce recidivism. Additionally, S.B. 91 requires the Commission to prepare special reports with recommendations for improvements in DUI-related interventions and collection of victim restitution, among other topics.

Reporting of performance measures

S.B. 91 requires the courts, the Department of Public Safety, and the DOC to collect and report data on key performance measures, and requires the Commission to use that data to monitor and report on the impact of S.B. 91 reforms.

[11] $6 Million of this reinvestment line item will be reimbursed by the federal government through Medicaid beginning in 2019.

Re-Entry and Collateral Consequences

Re-Entry Planning **_____Section 155, eff. Jan. 1, 2017**

Starting January 1, 2017, S.B. 91 requires the Department of Corrections to begin working with incarcerated persons 90 days before their release dates to create a written re-entry plan. The plan must show where the person expects to live and work (if feasible), as well as what types of treatment, counseling services, education programs, health, and other services needed for a successful return to the community will be available. The plan must take into account the person's risk level and any court-ordered conditions of probation. The DOC will help the person returning to the community to obtain and pay for a valid state identification card, work as a partner with community non-profits to help with the re-entry process, and coordinate with the Department of Labor and Workforce Development to ensure access to job training and employment assistance.

Food Stamps **_____Section 169, eff. July 11, 2016**

S.B. 91 lifts the restriction on eligibility for food stamps for persons convicted of drug felonies, provided the individual is compliant with conditions of probation or is pursuing or has completed required treatment.

Driver's Licenses **_____Sections 101, 103, 109, eff. July 11, 2016**

S.B. 91 requires the Department of Motor Vehicles to rescind the administrative revocation of a person's driver's license if all charges have been dismissed or if the person has been acquitted of DUI or refusal. Additionally, S.B. 91 authorizes the court to grant limited license privileges for a person convicted of a felony DUI offense if the person has completed a court-ordered treatment program as part of a therapeutic court process, has proof of insurance, has installed an ignition interlock device, and is otherwise eligible to be re-licensed. If the person resides in a community without a therapeutic court, the person may submit alternative information to the court to support the request for a limited license. Once the person has successfully driven under the limited license for three years (no new DUI or refusal convictions and no revocations of the license), the DMV shall restore the person's driver's license upon request and if the person complies with standard re-licensing requirements.

Civil in rem Forfeiture **_____Section 3, eff. July 11, 2016**

S.B. 91 abolishes common law civil in rem forfeiture functions if they are used instead of a criminal proceeding.