



Please Support SB 54 Amendments to Criminal Justice Reform

Last year, our legislature and Governor Walker enacted Senate Bill 91, broadly reforming our criminal justice system. Prior laws were not working as we had hoped. Evidence showed that long prison sentences did not reform criminals or make our communities safer in the long run. And most of those who were sentenced to prison became repeat visitors to our criminal justice system.

SB 91 significantly reduced prison sentences for all but the most serious crimes. Because most crimes involve substance abuse factors and more than 40% of our inmates have mental health issues, a primary goal of SB 91 was to incentivize low level offenders to seek treatment, rather than putting those people in prison.

But once SB 91 was enacted, our District Attorneys, prosecutors, Troopers and others began seeing that a few provisions undercut the treatment goals of SB 91 and negatively impacted public safety. With the support of Governor Walker, our departments suggested small changes to our criminal justice laws. The Senate just passed our proposed changes as part of Senate Bill 54, and that bill is now before the House.

What are our proposed amendments? There are a number of small tweaks, but we believe two are the most important: authorizing up to one year in jail for C-felonies and imposing a small amount of jail time for repeat thefts of less than \$250.

Under SB 91, the maximum penalty for first time C-felonies was reduced from a maximum of two years to a maximum of probation with no jail time – the lowest sentencing range for such offenses in the country. To incentivize rehabilitation --indeed to authorize judges to order residential treatment in these cases -- the presumptive range must include active jail time. Authorizing zero to one year of jail time does not mean we will automatically return to incarceration as the primary tool to deal with first time felons. Rather, additional discretion in sentencing provides one more tool for our prosecutors and courts to incentivize treatment, address violent offenses where some jail time may be appropriate, and otherwise act on a case by case basis to protect the public.

SB 54 would also amend the law relating to theft in the fourth degree by allowing some jail time for a person's second theft offense. The Alaska Criminal Justice Commission heard testimony from municipalities, law enforcement and others that the current structure that imposes no jail time no matter how many times the person commits the same offense is unworkable. Liquor stores and other small businesses are seeing the same people shoplift with impunity. People are picking up five, six, and seven offenses in a row because the current law has no deterrent effect. Many of these repeat offenders are drug addicts who are stealing to feed a habit. Addicted offenders fear any time in jail without access to drugs, so the threat of some jail time should reduce the number of these repeat offenses.

There were over 80 recommendations made by the Alaska Criminal Justice Commission. More than 60 of them were adopted by the legislature and made into law in SB 91. Only a handful of them are being amended in SB 54. The small changes we are recommending will give the court the discretion to tailor appropriate sentences for each offense and will help criminal justice reform succeed overall.

For the record, we still support the major reforms in SB 91. And in fairness to SB 91, there are many compounding factors occurring with reduced resources in both our departments because of the fiscal crisis and the heroin epidemic causing addicts to steal, rob, and burglarize to feed their addiction. Our fiscal issues are paramount, but public safety cannot take a back seat. With these tweaks to criminal justice reform, we believe we will be able to make safer communities and get people into treatment that need it.

Please contact the House State Affairs Committee at Representative.Jonathan.Kreiss-Tomkins@akleg.gov and House Judiciary Committee at Representative.Matt.Claman@akleg.gov or your representative to let them know you want the legislature to consider and pass SB 54 this year.

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