

July 2016

Senate Bill 91 – How Criminal Justice Reforms Affects Trust Beneficiaries

SB 91, sponsored by Senator John Coghill, passed the Alaska State Legislature and was signed by Governor Walker on July 13, 2016. The bill offers comprehensive evidence-based reforms that include recommendations by the Alaska Criminal Justice Commission. SB 91 requires improved reentry and community aftercare planning practices, expanded risk assessment, alternatives to incarceration, modified bail and pretrial release practices, a recidivism reduction fund, and other measures to reduce costs and improve public safety.

An important piece of the bill requires the state to reinvest part of the savings from these reforms into community support services—like housing, employment, mental health and substance abuse treatment, case management, life skills training, victims' services, therapy, etc.—so that community service providers can do their job of serving the increased number of people returning from prison, including the low-risk pretrial population that is expected to be diverted from prison to community services.

SB 91 supports Trust Beneficiaries—people with mental illness, substance use disorders, developmental disorders, Alzheimer's disease and related dementia, brain injury, fetal alcohol spectrum disorders—being appropriately served in the community and not unnecessarily incarcerated. Trust Beneficiaries represent 40% of the bookings into Alaska's corrections system each year, and serve longer sentences and recidivate at twice the rate of non-Trust beneficiaries.

Following are some of the provisions of SB 91 that affect Trust Beneficiaries:

- Supports evidence-based practices that help returning citizens remain stable, employed, housed, and productive in the community with reduced likelihood of committing other crimes.
- Focuses Alaska's expensive prison beds on the most serious, violent offenders by diverting low-level offenders into prison alternatives, expanding pretrial release without money bail, and capping the length of prison stays for probation and parole revocations that result from technical violations of supervision conditions.
- Requires individualized case management plans that assess risk and address reentry concerns prior to an inmate's release. People with addiction and/or other disorders are more likely to be identified in this process and their treatment needs considered during incarceration and after release into the community.
- Requires the Department of Corrections' reentry program to include coordination with Department of Labor and Workforce Development to provide access after release to job training and employment assistance.

- Increases rehabilitation options by expanding institutional substance abuse treatment programs for incarcerated people with shorter sentences.
- Requires rehabilitation programming to certain offenders living in Community Residential Centers (CRCs) overseen by the Department of Corrections.
- Supports training and education in evidence-based practices for correctional staff and community supervision staff working with offenders.
- Strengthens community supervision practices by focusing more restrictive conditions on higher-risk offenders, ensuring that supervision also includes treatment, using sanctions more effectively, and expanding incentives for people to comply with their probation/parole conditions and case plans.
- Establishes alternative options to meet treatment requirements if a person resides in a community where the therapeutic court program does not exist.
- Extends good time for any time spent in a residential program for treatment of alcohol or drug abuse under prerelease furlough.
- Changes bail practices to ensure that pretrial release decisions are based on a person's risk to the community, not their ability to pay a certain amount of money bail. Excludes misdemeanor and C-felony sexual offenses from the risk-based pretrial release framework, instead allowing the court to impose additional conditions that will reasonably ensure the appearance of the person in court and safety of the community.
- Requires that a pretrial services officer's recommendation must include direction on diversion (alternative to incarceration, such as therapeutic court, residential substance abuse treatment, etc.) if the offense or criminal history of a defendant identifies dependency or addiction to alcohol or controlled substances.
- Keeps low-level offenders separate from serious violent offenders. A large body of research shows that mixing low-level misdemeanor offenders with high-level criminal offenders results in low-level offenders learning anti-social coping skills, adopting more serious criminal behaviors, and returning to the community at higher risk for committing additional crimes.
- Prohibits a peace officer or another person required to administer electronic monitoring for the Department of Corrections from searching a person's private residence, except upon obtaining probable cause. This provision applies only to individuals on mandatory electronic monitoring following a first-time DUI conviction.
- Puts 50% of the revenue from Marijuana taxes into a "Recidivism Reduction Fund" to pay for evidence-based reentry support services and programs for returning citizens, such as substance abuse and mental health treatment, Medication Assisted Treatment (MAT), housing and employment support, primary health care, peer and recovery support services, case management, life skills training, and therapeutic practices that work with a person's motivation to commit crimes. If this revenue is lower than projected in FY 17, the legislature will appropriate funds from the alcohol tax revenue to cover the shortfall. Legislative intent was added asking that excess funds be used for additional law enforcement resources in communities statewide.
- Adds funding for violence prevention programs, such as Green Dot, Coaching Boys to Men, COMPASS, Girls on the Run, Fourth R, Teens Acting Against Violence, Lead On! for Peace and Equality, Talk Now Talk Often.

- Requires that a person who is 21 or older may not purchase alcohol if the person has been court-ordered not to drink alcohol as a condition of probation or parole.
- Requires the parole board to confiscate the driver's license or identification card of person being released if the person has been ordered to refrain from possessing or consuming alcohol. Upon surrender of the license, the parolee shall apply to the Department of Administration for a new license labeled with an alcohol restriction.
- Authorizes the Division of Motor Vehicles (DMV) to restore an administratively-revoked driver's license, privilege to drive, or privilege to obtain a license under certain circumstances, and terminate a revocation of a driver's license for eligible individuals and issue a limited license.
- Allows for reinstatement of driver's license upon completion of court-ordered treatment and successful performance under certain limited license privileges for three years (if the revocation was for conviction of DUI or refusal to submit to a chemical test).
- Requires the Department of Corrections to assist a prisoner in obtaining a valid state identification card, and that the department will pay the application fee.
- Pretrial reforms that include issuing citations instead of arrest for certain non-violent charges. These reforms will allow people to continue to work and support their families, while they await trial, instead of waiting in an expensive prison bed.
- Outlines criteria the court may consider in granting credit toward a sentence of imprisonment for time spent in a treatment program during the pretrial period, and limits the amount of pretrial credit that may be granted for time spent on electronic monitoring to 360 days for certain offenses.
- Discretionary parole reforms that allow for certain geriatric offenders to have early release. Most aging offenders pose minimal risk to public safety. With adequate supports, geriatric offenders can return to the community and live with dignity after they have served their time.
- Insures compliance with probation and parole requirements through incentives for good behavior, and with swift, certain, and proportional sanctions for violations.
- Updates the misconduct involving controlled substances offenses to better align penalties with the severity of offenses. The bill makes drug possession a misdemeanor rather than a felony, and creates different felony penalties for drug distribution to distinguish between high-volume dealers and low-volume dealers.
- Prohibits the Court System from publishing a record on its publicly-available website if all charges against the defendant have been dismissed after a suspended entry of judgment.
- Requires probation officers to create a restitution payment schedule based on the probationer's income and ability to pay. This requirement applies to each probationer who owes restitution if the court has not already set a restitution payment schedule.