

2019 CAPITOL CURRENTS

31st Alaska State Legislature ~ 1st Session

Eighteenth Edition – 5/13 to 5/19

~ And the Beat goes on....and the Beat goes on...~

HIGHLIGHTS

Even before the regular Session ended, Governor Dunleavy announced he would be calling a Special Session **and he did**. Read the Proclamation here: [Special Session](#)

He wants the Legislature to complete work on the FY20 education budget, the operating and mental health budgets (including a full PFD), the capital budget and the crime package.

The amount of the Dividend is the big issue, the “elephant in the room” according to Speaker Edgmon. K-12 two year forward funding for FY 20 also looms large. The Governor thinks it’s illegal. Lawmakers disagree.

So far, there are no cuts to the 2021-2022 school year in the conference committee budget. Operating Budget conferees also decided to protect the school bond debt reimbursement program that could avoid the need for significant local property tax increases across the state.

Lawmakers are heading home this weekend to check in with constituents before they go back to business Monday. If they can’t get it done this time Dunleavy says he may look at other venues for their next try.

Prior to the Special Session call, legislators had already named a conference committee (Reps Claman, Kopp and Pruitt and Sens Hughes, Shower and Wielechowski). on this year’s crime bill [HB 49](#).

The committee met and on Thursday passed out a committee report on the bill. [Click here to watch a recording of the meeting](#). Click here: [Amendments from the Senate Version of HB 49](#)

Both bodies are expected to vote on the report when they reconvene next week. One item off the list. (see below for a summary of the bill’s provisions)

[HB 1001](#) and [SB 1001](#) Appropriation: FY 2020 Education Funding sponsored by the Governor is in HFIN every day next week with *Public Testimony* scheduled for Monday at 5pm. SFIN has one meeting scheduled to review the senate version on Tuesday at 9am.

[SB 19](#), the Capital Budget, is also on the HFIN schedule each day next week.

The next meeting of the operating and mental health budgets conference committee has not been scheduled nor is there any word on the PFD.

Eight House bills and twenty-one from the Senate made it through both bodies. Most are waiting to be transmitted to the Governor. Look here for a list of bills that made it through both bodies: [Passed both House and Senate](#)

Legislation that didn’t make it through the process during regular session will pick-up where it left off when the 2nd Session starts next January.

Stay tuned--we’ll summarize results in our next and last report following the special session.

Highlights from the Conference Committee report on HB 49

The new, old approach ain't cheap - about \$100 million including opening the Palmar Correctional Center (closed in 2016) to accommodate significant projected growth rates. This also may increase the pressure to send inmates South.

SB 91 went the other direction and reduced sentences to save the state money. Many say HB 49 is a first step. Next should be a focus on treatment and rehabilitation since substance abuse is a major driver.

Sex Crime Changes

Penalties for several sex crimes were increased. The bill deletes "online" from the crime of "online enticement of a minor" making any solicitation of a minor for sex a class B felony and an unclassified felony if the person has been previously convicted or the victim is under 13 years of age.

Sexual Assault Forensic Examination Kit Testing Requirements

The bill requires law enforcement agencies to ensure that all sexual assault examination kits are sent to a crime lab within 30 days of collection. Victims are to be notified within 2 weeks that testing is complete.

Marriage Defense Repealed

Repealing current law, an offender can no longer sexually assault their incapacitated or unaware spouse and claim marriage as a defense to the conduct.

Theft

To address shoplifting, the bill eliminates language that adjusted theft amount penalties for inflation. A new crime of possession of motor vehicle theft tools was created. Sentencing penalties for property theft were increased.

Illegal Drug Abuse

Drug trafficking and manufacturing penalties will increase. For simple drug possession, the first conviction for possession of a controlled substance will result in a class A misdemeanor and the second conviction within ten years will result in a class C felony. Marijuana is exempt.

Terroristic Threatening

The bill makes the crime of making false terroristic threats a class C felony.

Disorderly Conduct

Disorderly conduct will be amended to include a 72-hour maximum sentence for the first offense. The sentence for subsequent convictions will be up to 10 days.

Driving While License is Canceled, Suspended, or Revoked

Now, a person driving with a cancelled, suspended, or revoked license will be guilty of a crime when the reason for the cancellation, suspension, or revocation was itself a crime, such as driving under the influence or vehicular manslaughter.

Scofflaw

Under the new law, the Department of Motor Vehicles may cancel a person's license if the person has over \$1,000 in outstanding moving traffic violations and is not making a good faith effort to pay those fines.

Pretrial

The Pretrial Services Program under AS 03.07 will remain in statute as is.

Pretrial Risk Assessment

The risk assessment remains a tool for courts to use when setting bail, but only one of several criteria judges may use in determining bail. Judges will no longer be required to rely on the assessment but will have discretion to set bail necessary to protect the public.

Sentencing Changes

The bill increases the presumptive sentencing ranges for people charged with misdemeanors and felonies:

- Class A misdemeanor can be sentenced up to a year in jail.
- Class B misdemeanor can be sentenced up to 90 days in jail.
- Class C felony (1st conviction): 0-2 years
- Class C felony (2nd conviction): 2-4 years
- Class C felony (3rd conviction): 3-5 years
- Class B felony (1st conviction): 1-3 years
- Class B felony (2nd conviction): 3-7 years
- Class B felony (3rd conviction): 6-10 years
- Class A felony (1st conviction): 4-7 years
- Class A felony (2nd conviction): 10-14 years
- Class A felony (3rd conviction): 15-20 years

Escape

The bill updates sections of the escape statutes to include removing, disabling, or tampering with an electronic monitoring device while on pretrial release. Violating curfews established as a condition of release is also addressed.

Parole/Probation

The bill reduces credits for "good time" that a person on parole or probation can receive. Prior criminal justice reform set a cap on the amount of time a person could serve for probation or parole violations, and HB 49 removes these caps and gives discretion back to judges.

The bill also increases the amount of time a person must serve for serious crimes before becoming eligible for parole.

Costs

The bill will require the Palmer Correctional Facility to be reopened and adds new Prosecutors, Judges and Public Defenders to deal with the expected increased caseload. Departments are estimate it will cost \$44.9 million this year and \$56.4 million next year.

~ End of Report ~

Contact: Caren Robinson (carenr@gci.net)