

such as unclassified felonies like murder and kidnapping, but this may also be true for some felonies outside of AS 11.

SB 91 makes three changes to felony sentencing: it increases the mandatory minimum for murder, it reduces presumptive sentencing ranges, and it reduces the length of probation.

1. Increasing murder mandatory minimum sentence (secs. 86 - 87). Offenses occurring after July 1, 2016.

SB 91 increases the mandatory minimum term for murder in the first degree from 20 years to 30 years and increases the minimum term for murder in the second degree from 10 years to 15 years.

2. Decreasing presumptive sentencing ranges (secs. 88 - 89). All cases pending sentence on July 1, 2016

With the exception of sexual felonies, SB 91 reduces the presumptive ranges for all other felonies. The chart below⁷ shows the changes in the presumptive terms for class A⁸ and class B felonies.⁹

<u>Felony Class</u>	<u>Current Law</u>	<u>SB 91</u>
Class A		
First	[5 - 8] - 20 years	[3 - 6] - 20 years
First/Enhanced	[7 - 11] - 20 years	[5 - 9] - 20 years
Second	[10 - 14] - 20 years	[8 - 12] - 20 years
Third	[15 - 20] - 20 years	[13 - 20] - 20 years
Class B		
First	[1 - 3] - 10 years	[0 - 2] - 10 years
First/Enhanced	[2 - 4] - 10 years	[1 - 3] - 10 years
Second	[4 - 7] - 10 years	[2 - 5] - 10 years
Third	[6 - 10] - 10 years	[4 - 10] - 10 years

⁷ The bracketed numbers are the presumptive range and the number to right is the maximum sentence authorized by law.

⁸ Class A felonies include Assault in the First Degree, Robbery in the First Degree, Escape in the First Degree, and Misconduct Involving a Weapon in the First Degree.

⁹ Class B felonies include Assault in the Second Degree, Robbery in the Second Degree, Burglary in the First Degree, etc.

3. Reducing class C felony presumptive range to probation (sec. 90).

SB 91 reduces the presumptive term for class C felonies in a different manner. SB 91 reduces the presumptive term for a first class C felony from 0 - 2 years imprisonment to probation with a suspended term of imprisonment of up to 18 months, except for felony DUI or refusal to submit to a chemical test. SB 91 changes the presumptive sentence for a second felony at class C from 2 - 4 years to 1 - 3 years. And it reduces a third felony at class C level from 3 - 5 years to 2 - 5 years.

SB 91 leaves the mandatory minimums for felony DUI and refusal to submit to a chemical test unchanged. Section 90 of the bill, however amends AS 12.55.125(e) by amending paragraph (4) to establish presumptive ranges for felony DUI and refusal to submit to a chemical test that did not exist before.

4. Reduced felony maximum probation lengths (sec. 79).

SB 91 also reduces the length of probation for most felonies. The probation period for sex felonies is reduced from a maximum of 25 years to 15 years. The probation period for unclassified felonies and crimes against a person under AS 11.41 remains unchanged at a maximum of 10 years. The probation length for all other felonies is reduced from a maximum of 10 years to 5 years.

C. Community work service (secs. 75 - 76).

Under current law, a person sentenced to pay a fine can perform community work service instead. Each hour of community work service offsets \$3 of the fine. A person sentenced to community work service also can opt for imprisonment time (1 day for each 8 hours of community work service) in lieu of paying the fine or performing the service, and the court can convert uncompleted community work service to imprisonment if the community work service is not completed on time.

SB 91 increases the monetary value of one hour of community work service to the state minimum wage (currently \$9.75). SB 91 will prohibit the conversion of community work service into imprisonment and requires that community work service convert to a fine if not completed by the deadline.

D. Suspended entry of judgment (sec. 77).

Section 77 creates a new probationary sentence referred to as a suspended entry of judgment (SEJ). The SEJ will be available only when agreed to by both the defendant and the prosecution. Under the SEJ, if the defendant successfully completes probation, the underlying case will be dismissed. Further, SB 91 prohibits the Alaska Court System from publishing on its online docket the record of a case where the underlying case was dismissed because the person successfully completed probation as part of an SEJ on its on-line public docket. However, if the defendant fails to successfully complete probation, the court may impose any sentence in