

**Sentencing Alternatives Workgroup  
Meeting Summary and Workgroup Assignments  
September 10, 2015, 3:00- 4:30 PM**

Atwood Building, 550 W. 7<sup>th</sup> Avenue, 1<sup>st</sup> floor conference room, Anchorage

Commissioners present: Trevor Stephens, Wes Keller, Brenda Stanfill, Kris Sell (phone), Quinlan Steiner, Stephanie Rhoades (phone)  
Commissioners Absent<sup>1</sup>: Jeff Jessee, Greg Razo  
Participants present: Doreen Schenkenberger, Leslie Hiebert, Ken Truitt (phone)  
Staff Present: Susanne DiPietro, Mary Geddes, Giulia Kaufman, Emily Levett  
**Next Meeting: Tuesday, September 29, 3:00-5:00 PM, location to be determined**

*Relevant info previously circulated:* --MG list of exclusions from SIS from 7-15  
--Workgroup Meeting Summary from 8-3  
--MG memo to Skidmore on KY law sent 8-10  
--Skidmore statute draft distributed 8-25  
--Rhoades email re draft sent 8-27

*Materials provided at or close to mtg:* --Rhoades' suggestion for retroactive effect (incorporated into 2<sup>nd</sup> draft)  
--L. Hiebert's written comments on the 1<sup>st</sup> draft (attached to email)

*Provided here for review:* 2<sup>nd</sup> draft amended as a result of meeting and SR submission (attached to email)

The group discussed Law's 1<sup>st</sup> draft allowing for an amendment to the existing SIS statute so as to provide for a suspended imposition of conviction ("SIC"<sup>2</sup>).

After some discussion, the group agreed on three points:

- that the SIC should be available to all defendants who are not excluded for an SIS so the phrase "in any case" could be added in line 6 to clarify that legislative intention;
- that any defendant subject to the SIC should not be made subject to conditions of release (bail) but to conditions of supervision.
- that the proposed statute should refer to the relevant term of supervision as "pre-conviction probation."

Mary G will make such changes in the draft.

Term of misdemeanor pre-conviction probation. Currently, only a 1-year term of probation is authorized for misdemeanor defendants who receive an SIS. The group discussed whether a longer term for SIC would be a good idea. This would permit lengthier periods for completion of conditions such as restitution, treatment, etc., as well as a longer time for the case to be open. The 18-month term often required for completion of treatment by therapeutic court was mentioned. Also mentioned was the fact that any statutory maximum for misdemeanor or felony would not have to be the term actually imposed. There

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<sup>1</sup> The current Workgroup roster lists Commissioners Brenda Stanfill, Jeff Jessee, Wes Keller, Stephanie Rhoades, Kris Sell, Trevor Stephens, and Quinlan Steiner. Clint Champion is listed as the DOL representative.

<sup>2</sup> Yes, it is an unfortunate acronym.

were thoughtful comments made by Leslie Hiebert opposing this change, but staff's impression was that there was stronger support for the longer misdemeanor term.

**Public comment on the imposition of probationary conditions.** The group briefly discussed the concern and research – as referenced in Leslie Hiebert's written remarks – that imposing a large number of probation-type conditions on the individual could be counter-productive.

**Stated statutory goals of SIC.** The group also discussed what sentencing goals are appropriately referenced in AS 12.55.085(b)(1), given that an SIC is not a sentencing, per se. Cmr. Rhoades suggested that the focus is not so much on 'rehabilitating' a problem such as chronic alcoholism, but on preventing criminal recidivism. Members asked for additional time to consider what language is appropriate to include in this section. Prisoners' constitutional right to rehabilitation was mentioned.

**Costs and Fees.** The group also acknowledged that some fees and costs may not be collectable if they are tied to conviction. There was further discussion of the language related to the costs of treatment. Currently the language requires payment of any costs. The lack of treatment services and the inability of many people to afford such services was discussed.

**Status hearings, and court's power to reduce charges.** Cmr. Rhoades asked that the language of the statute allow for courts to hold status hearings on the defendant's progress. Cmr. Rhoades also asked that a section be added to allow courts to reduce and not merely dismiss charges. These proposals reference existing practice in some specialty courts, e.g. a reduction in charge can be approved with consent of the parties. Susanne DiPietro suggested that there be language specific to therapeutic courts practice, and proposed that she and Mary Geddes will draft language to this effect that the group can consider next time.

**Next steps.** Time ran out for the meeting. The group wants to reconvene as soon as possible to finalize the statutory proposal, but it was also urged that all members take time between meetings to carefully review the following and submit written comments to Mary G. She will do her best to compile comments BUT ONLY IF THEY ARE SUBMITTED IN A TIMELY MANNER.

The goal remains: getting consensus among members at the next meeting so the proposal can be put forward to the Commission for a vote in October. Members will be contacted with a Doodle to confirm their availability for September 29.