

# Agenda

Sentencing Subgroup – October 21<sup>st</sup>, 2015

- 1. Introduction**
- 2. Review of drivers of Alaska's sentenced population**
  - a. Increasing felony length of stay (continued discussion of policies from last month)
    - i. Average felony length of stay up across nonviolent offense categories – up 13% for property offenders; up 16% for drug offenders; up 57% for alcohol offenders; and up 91% for public order offenders.
    - ii. Average felony length of stay up across violent offense categories – up 17% for person offenders; and up 84% for sex offenders.
  - b. High number of nonviolent misdemeanor admissions (discussion of new policies)
    - i. 82% of prison admissions are misdemeanants; 60% of prison admissions are nonviolent misdemeanants.
    - ii. Limited use of prison alternatives outside of probation.
- 3. Preliminary impact summary**
  - a. Bed reductions needed meet legislative and gubernatorial goalposts
  - b. Preliminary impacts from community supervision and pretrial subgroups
- 4. Nonviolent misdemeanor admissions**
  - a. **Research on short jail stays**
  - b. **Policy discussions around misdemeanor admissions**
    - i. Misdemeanor DUI
    - ii. Misdemeanor B and similar offenses
    - iii. Misdemeanor shoplifting under \$250
- 5. Felony length of stay**
  - a. **Follow-up policy discussions around felony length of stay**
    - i. Felony presumptive sentencing system
    - ii. Felony drug offenses
    - iii. Felony property offenses
    - iv. Geriatric prison population
- 6. Scheduling additional meeting in November**
- 7. Public comment**

\*\*\* Discussion draft – not for distribution \*\*\*

# Preliminary Impact Summary

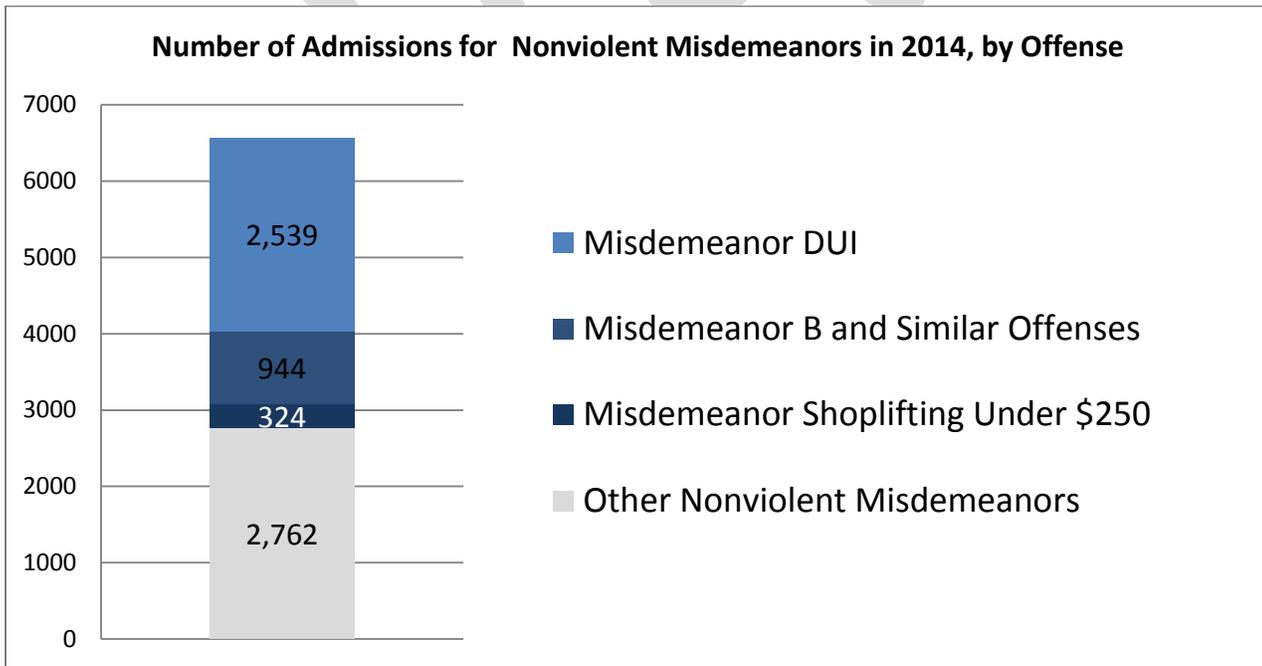
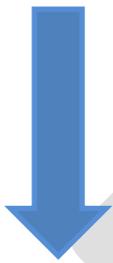
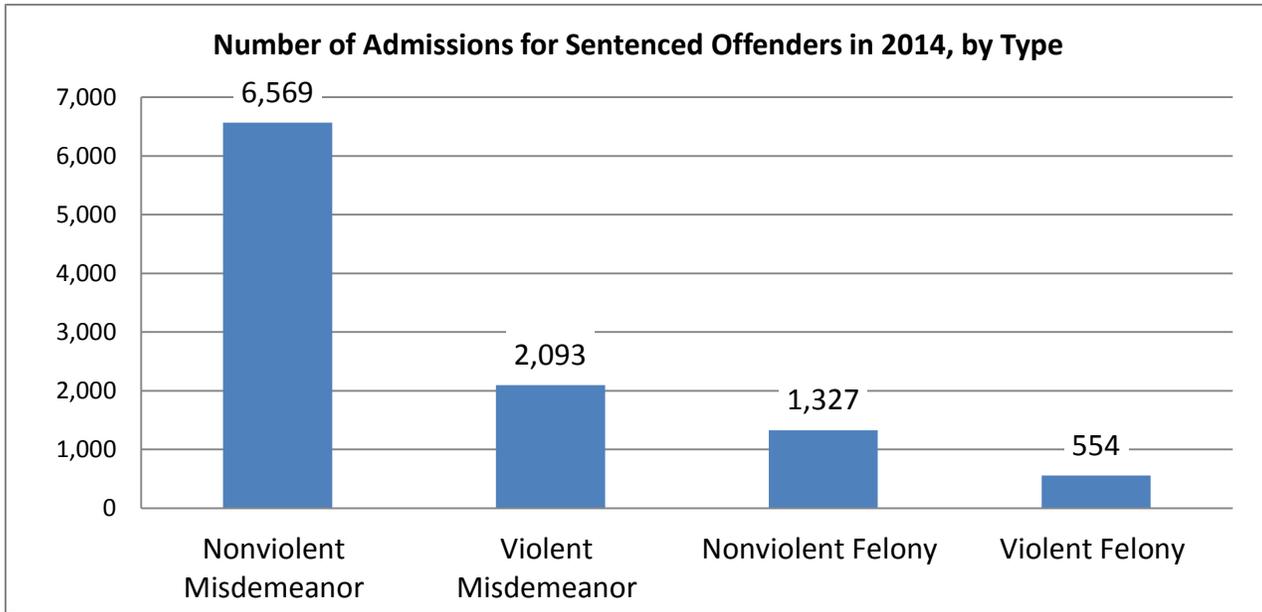
Bed reductions needed to meet legislative and gubernatorial goalsposts.—

- To avert all future prison growth: **Avert 1,416 beds.**
- To avert all future prison growth and reduce the current prison population by 15 percent: **Avert 2,180 beds.**
- To avert all future prison growth and reduce the current prison population by 25 percent: **Avert 2,689 beds.**

Preliminary impacts from community supervision and pretrial subgroups (subject to change).—

Pretrial	
Presumption for issuing of citations (versus arrest) – <ul style="list-style-type: none"> <li>• For all nonviolent misdemeanors; or</li> <li>• For all nonviolent misdemeanors and nonviolent Class C felonies.</li> </ul>	Estimated to avert 48 beds. Estimated to avert 80 beds.
Provide statutory guidance for a release decision-making framework, tying conditions of release to charge severity and risk score, and determine in statute who should never be detained pretrial, specifically— <ul style="list-style-type: none"> <li>• All nonviolent misdemeanor charges; or</li> <li>• All nonviolent charges (misdemeanors and felonies).</li> </ul>	Estimated to avert 294 beds. Estimated to avert 413 beds.
Reclassify penalties for failure to appear and violation of release conditions.	Impacts TBD.
Community Supervision	
Limit revocation sentences for technical violations of supervision to the following: (1) 3 days for a 1 <sup>st</sup> revocation; (2) 5 days for a 2 <sup>nd</sup> revocation; (3) 10 days for a 3 <sup>rd</sup> revocation; and (4) referral to PACE and/or judicial discretion for 4 <sup>th</sup> and subsequent revocations.	Estimated to avert 700 beds.
Extend earn time to offenders serving sentences on electronic monitoring.	No impact projected.
Authorize the DOC to respond to technical violations of supervision with swift, certain, and proportional sanctions.	No impact projected.
Limit misdemeanor and felony probation term limits.	No impact projected.
For offenders under dual supervision (both probation and parole supervision), grant primacy to the parole board in determining conditions and revoking sentences.	No impact projected.
Institute an automatic parole hearing process.	Impacts TBD.
Reduce the housing of low-risk and high-risk offenders together in CRCs; ensure that CRCs provide cognitive-behavioral therapy.	No impact projected.
Focus ASAP resources on DUI offenders.	No impact projected.

# Nonviolent Misdemeanor Admissions



# Research on Short Jail Stays

Jail stays do not reduce recidivism relative to probation, and can increase recidivism.—

- Gordon and Glaser (1991) found that, **compared to defendants sentenced to probation, individuals sentenced to jail with probation had a significantly higher likelihood of future arrest and incarceration, controlling for other variables.** The average crime-increasing effect of jail remained statistically significant even after controlling for individuals' education, employment, drug abuse, and current offense.<sup>i</sup>

A finding that has been borne out in DUI studies.—

- Brachmann and Dixon (2014), in a recent study of first-time DWI offenders in Texas, **found that jail sentences were associated with higher recidivism rates than both probation and work detail,** even when controlling for socio-economic differences among offender groups.<sup>ii</sup>
- **This finding is consistent for offenders with multiple prior DUI convictions.** Analyzing all California drivers convicted of a DUI from 1990 to 1991, DeYoung (1997) found that no matter the number of past DUI convictions (1, 2, or 3 or more), sanctions involving jail were associated with the highest recidivism rates.<sup>iii</sup>

Jail stays are particularly ineffective for first-time offenders.—

- DeJong (1997), using data on over 4,500 arrestees in New York City, **found that first-time offenders sentenced to jail were more likely to be rearrested in the subsequent three years than those not jailed.**<sup>iv</sup> DeJong's analysis controls for many factors such as individuals' drug test results, education, employment, marital status, and offense type.

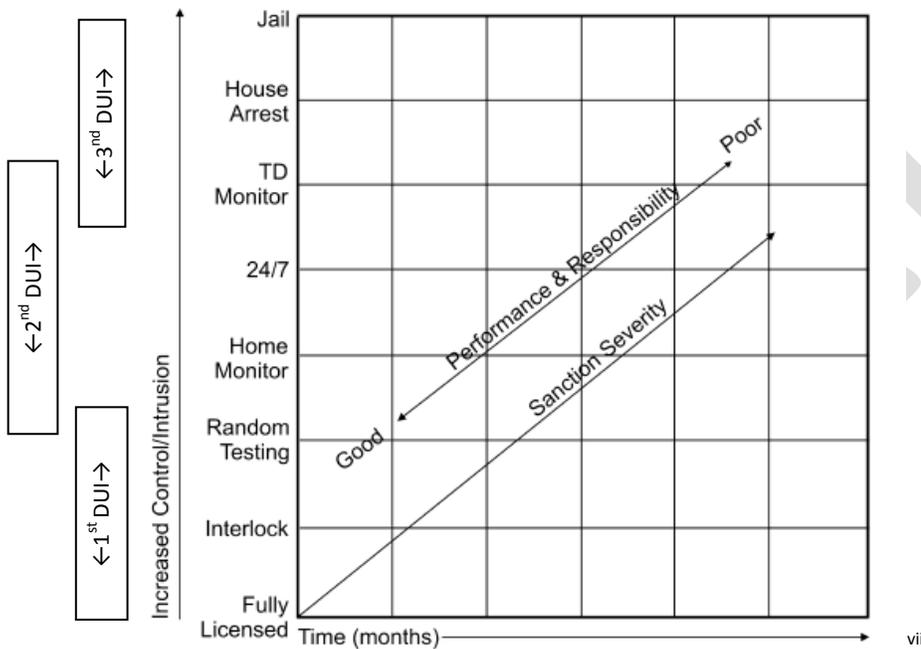
# Misdemeanor DUI Offenses

What we know about Alaska’s misdemeanor DUI population.—

- In 2014, 2,539 offenders were admitted to prison post-conviction for a misdemeanor DUI – nearly a quarter of all post-conviction admissions in that year.
- Misdemeanor DUI offenders spent an average of just under 18 days behind bars post-conviction (not including any time spent behind bars pre-trial).

Research indicates that the best DUI responses.—

- **Emphasize replacement of jail with low-cost monitoring programs.** The use of community-based interventions like electronic monitoring, 24/7, and intensive probation provide better treatment results because the offender can learn to adjust their consumption behavior within their normal living environment.<sup>v</sup>
- **Provide a continuum of sanctions with graduated levels of severity.** An effective DUI penalty structure has a variety of responses to hold offenders accountable, and becomes more restrictive depending on the offenders’ criminal history, from low-severity responses like interlock devices, testing, and home monitoring to high-severity responses like house arrest and jail.<sup>vi</sup>



Overview of Alaska’s current DUI penalties.—

Prior DUI	Imprisonment Length	Imprisonment Location	Ignition Interlock	Fine	TX	License Suspension
none	72hrs – 1 year	CRC/EM/jail	≥ 6 months	≥\$1,500	ASAP	≥ 90 days
1 (m)	20 days – 1 year	jail	≥ 1 year	≥\$3,000		≥ 1 year
2(f)*	120 days – 5 years	Jail	≥ 60 months	≥\$10,000		Permanent
3(f)*	240 days – 5 years					
4+ (f)*	360 days – 5 years					

\*Can be sentenced as a misdemeanor if prior DUIs are older than 10 years.

# Misdemeanor DUI Offenses Continued

## DUI Policy Options

### Option 1: Divert misdemeanor DUI offenders to CRCs and EM.

- Require the Department of Corrections to divert misdemeanor DUI offenders to either community residential centers or electronic monitoring, depending on available resources and the offender's assessed risk level.
- If a community residential center or electronic monitoring is not available, enable the Commissioner of Corrections to place the offender on supervised probation for the duration of the sentence.

### Option 2: Option 1 *and* allow for diversion of first-time felony DUI offenders to CRCs and EM.

- Alongside option 1, allow the Department of Corrections to divert first-time felony offenders to community residential centers or electronic monitoring depending on their risk level.

Prior DUI	Alaska Current		Option 1		Option 2	
	Imprisonment	Eligible Place of Imprisonment	Imprisonment	Eligible Place of Imprisonment	Imprisonment	Eligible Place of Imprisonment
none	72hrs – 1 year	CRC/EM/jail	Unchanged	CRC/EM*	Unchanged	CRC/EM*
1 (m)	20 days – 1 year	CRC/EM/jail		CRC/EM*		
2(f)	120 days – 5 yrs	Jail		Jail		CRC/EM/jail
3(f)	240 days – 5 yrs			Jail		
4+ (f)	360 days – 5 yrs			Jail		
<b>Potential bed effects:</b>				XXX		XXX

\*If a CRC or EM is not available, the Commissioner of Corrections may place the offender on supervised probation for the duration of the sentence.

### Policy Recommendation from the Community Supervision Subgroup: Focus Alcohol Safety Action Program (ASAP) resources on DUI offenders.

- Focus ASAP resources on DUI offenders by limiting judge's ability to refer non-DUI offenders.
  - In fiscal year 2015, ASAP received 7243 referrals, 57% (4132) of which were statutorily-mandated referrals (DUI/OUI, Refusal, MCA). The remaining 3111 were referrals not mandated by statute, which included child neglect, concealing merchandise, disorderly conduct, discharge of a firearm, and many others.
- By reducing the number of referrals the agency handles, expand services offered – potentially including screening for criminogenic risk, and increased case supervision.

# Misdemeanor B Offenses

Admissions and length of stay for misdemeanor b offenses.—

(This list includes all misdemeanor Bs for which offenders were in prison in 2014 – however; it is not an exhaustive list of all misdemeanor Bs.)

Offense	Ads in 14'	LOS in 14'
<b>Property</b>		
Trespass 2 <b>Entering or remaining unlawfully on premises</b> (excluding dwellings, or in cases w/ criminal intent)	376	24 days
Criminal Mischief 5 <b>Tampering with property of another w/ reckless disregard; damaging property &lt;\$250</b>	146	39 days
Unauthorized Entry (Anchorage municipal statute)	6	10 days
Theft 4: <i>Policy on page 8.</i>		
<b>Alcohol</b>		
Minor Consuming (Habitual) <b>Consuming alcoholic beverage if person is under 21 and has at least 2 prior convictions</b>	47	24 days
Furnish Alcohol to Person Under 21	19	34 days
Drinking in Public	12	44 days
<b>Public Order</b>		
Disorderly Conduct <b>Includes making unreasonably loud noise; refusing to comply with a lawful order to disperse; challenging another to fight or fighting other than in self-defense; recklessly causing a hazardous condition</b>	271	16 days
Harassment 2 <b>Includes insulting or taunting another person in a manner likely to provoke a violent response; repeatedly making telephone calls at extremely inconvenient hours; subjecting another person to offensive physical contact</b>	48	28 days
Violation of Release on a Misdemeanor: <i>Policy under consideration by pretrial subgroup.</i>		
<b>Transportation</b>		
Driving without Valid Insurance	9	4 days
Drive without Valid Operator's License <b>Offense is distinct from driving with a license that is suspended, revoked, or refused</b>	8	5 days
Drive without Valid Commercial Vehicle Operator's License	1	7 days
Unlawful Use of License <b>Includes displaying a canceled, suspended, or revoked license; displaying a license not issued to the person; authorizing a person to drive a motor vehicle who is not validly licensed</b>	1	2 days

# Misdemeanor B Offenses Continued

Penalties for misdemeanor b crimes can differ between state, municipalities.—

(List not exhaustive and crime definitions can differ between jurisdictions).

Offense	State Offense	Anchorage	Fairbanks
Disorderly conduct	0 – 10 days	0 – 6 months <sup>viii</sup>	0 – 60 days <sup>ix</sup>
Drinking in public	None	Fine only <sup>x</sup>	0 – 5 days <sup>xi</sup>
Standard misd. b penalty	0 – 90 days	0 – 6 months <sup>xii</sup>	0 – 60 days <sup>xiii</sup>

## Misdemeanor B Policy Options

**Option 1:** Reclassify state misdemeanor b and similar municipal offenses as non-jailable offenses, excepting offenses committed while the offender was under felony supervision.—

- Courts would only be able to impose a sentence of imprisonment (including a suspended sentence of imprisonment) if the defendant was under felony supervision at the time of the offense.
- If the defendant was under felony supervision at the time, the offender could be sentenced up to 5 days; if the defendant was not under felony supervision at the time of the offense, the maximum unsuspended fine that the court would be able to impose would be \$1,000.
- Restrict municipalities from incarcerating past these limits for similar municipal offenses.

**Option 2:** Reduce the maximum imprisonment term for state misdemeanor b and similar municipal offenses to 5 days.—

- Limit the maximum term of imprisonment (including a suspended sentence of imprisonment) for a misdemeanor b to 10 days.
- Restrict municipalities from incarcerating past these limits for similar municipal offenses.

Offense	Alaska Current (State)	Option 1	Option 2
Misdemeanor Bs (state and equivalent municipal ordinances)	0 – 90 days (most)	Non-jailable, unless offender on felony supervision	0 – 5 days
<b>Potential bed effects</b>		<b>XXX</b>	<b>XXX</b>

# Shoplifting Offenses under \$250

What we know about Alaska's lowest-level theft offenders.—

- In 2014, 324 offenders were admitted to prison for theft of property worth less than \$250.
- Offenders convicted of theft of less than \$250 stayed for an average of 23 days behind bars post-conviction.

Comparison shoplifting offense grids.—

(Unlike many other states, Alaska does not have designated shoplifting penalties.)

Amount	Alaska Current	California <sup>xiv</sup>	Massachusetts <sup>xv</sup>	West Virginia <sup>xvi</sup>
<\$50	0 – 30 days	<\$50, fine only*	<\$100, fine only**	<\$500, fine only***
\$50 - <\$100		0 – 6 months		
\$100 - <\$250			0 – 2 years	
\$250 - <\$500	0 – 1 year			
\$500 - <\$750				0 – 60 days
\$750 - <1,000	[0 – 2] – 5 years			
≥\$1,000		0 – 1 year		

\*2<sup>nd</sup> and subsequent shoplifting offenses under \$50 punishable by up to 6 months.

\*\*3<sup>rd</sup> and subsequent shoplifting offenses under \$100 punishable by up to 2 years.

\*\*\*2<sup>nd</sup> shoplifting offense under \$500 punishable by up to 6 months.

## Shoplifting under \$250 Policy Options

**Option 1:** Reclassify 1st and 2nd time shoplifting offenses under \$100 as an infraction.—

- 1st and 2nd time shoplifting offenses under \$100 would be classified as violations, and could be sentenced with a fine only.
- 3rd and subsequent shoplifting offenses under \$100 would be punishable by up to 5 days in jail.
- Restrict municipalities from incarcerating past these limits for shoplifting under \$100.

**Option 2:** Reclassify 1<sup>st</sup> and 2<sup>nd</sup> time shoplifting offenses under \$250 as an infraction.—

- 1st and 2nd time shoplifting offenses under \$250 would be classified as violations, and could be sentenced with a fine only.
- 3rd and subsequent shoplifting offenses under \$250 would be punishable by up to 5 days in jail.
- Restrict municipalities from incarcerating past these limits for shoplifting under \$250.

Amount	Alaska Current	Option 1	Option 2
<\$50	0 – 30 days	1&2: <\$100, fine only	1 & 2: <\$250, fine only
\$50 - <\$100		3: <\$100, 0 – 5 days	
\$100 - <\$250		0 – 5 days	
\$500 - <\$750	0 – 1 year	0 – 1 year	0 – 1 year
\$750 - <1,000			
>\$750	0 – 2] – 5 years	0 – 2] – 5 years	0 – 2] – 5 years
≥\$1,000			
<b>Potential bed effects:</b>		XXX	XXX

# Felony Presumptive Sentencing System

Review of last month's discussion.—

- Interest in bringing current presumptive ranges into line with presumptive terms in 2005.

Effects of sentencing range increases in last decade.—

From 2004 to 2014, average length of stay for:

- **Unclassified felonies grew 147 percent.**
- **Class A felonies grew 67 percent;**
- **Class B felonies grew 19 percent; and**
- **Class C felonies grew 20 percent.**

Felony Class	Pre-Implementation LOS			2005 Change	Post-Implementation LOS		
	2002	2003	2004		2012	2013	2014
Class A Felony	11 months	14 months	27 months		33 months	35 months	45 months
Class B Felony	7 months	8 months	11 months		13 months	12 months	13 months
Class C Felony	4 months	5 months	6 months		6 months	6 months	7 months

## Felony Presumptive Sentencing System Policy Options

Option 1: Bring presumptive ranges under the ceiling of 2005 presumptive terms; reduce statutory maximums accordingly.

Option 2: Align presumptive ranges with 2005 presumptive terms; reduce statutory maximums accordingly.

Felony Class	Presumptive Term(2005)	Alaska Current	Policy Option 1	Policy Option 2
<b>Class A</b>				
First	5	[5-8] – 20	[2-5] – 18	[3-6] – 18
First/Enhanced <sup>xvii</sup>	7	[7-11] – 20	[3-7] – 18	[5-9] – 18
Second	10	[10-14] – 20	[6-10] – 18	[8-12] – 18
Third	15	15 – 20	[10 – 15] – 18	13 – 18
<b>Class B</b>				
First	n/a	[1-3] – 10 , SIS available	[0 – 2] – 8	[0 – 2] – 8
First/Enhanced <sup>xviii</sup>	n/a	[2-4] – 10	[0 – 3] – 8	[1 – 3] – 8
Second	4	[4-7] – 10	[1 – 4] – 8	[2-5] – 8
Third	6	6 – 10	[2 – 6] – 8	4 – 8
<b>Class C</b>				
First	n/a	[0-2] – 5	Presumptive Probation	Presumptive Probation
Second	2	[2-4] – 5	Presumptive Probation	[1-3] – 4
Third	3	3 – 5	[1- 3] – 4	2 – 4

# Felony Theft Offenses

Review of last month’s discussion.—

- Interest in raising the felony theft threshold up to \$2,000.
- Interest in indexing the felony theft threshold to inflation.

Options to index the felony theft threshold to inflation.—

Automatic adjustments set in DPS regulations, pursuant to legislative approval.

- Require the Department of Public Safety to set in regulation an inflation-adjusted felony theft threshold every 2 years; provide for a period of legislative review in which the threshold can be amended.

Automatic adjustments set in DPS regulations.

- Require the Department of Public Safety to set in regulation an inflation-adjusted felony theft threshold every 2 years.

## Felony Property Policy Options

Option 1: Raise the felony theft threshold to \$1500 and index to inflation

Option 2: Raise the felony theft threshold to \$2000 and index to inflation.

Amount		Alaska Current	Option 1	Option 2	
Theft 1	≥25,000	>\$25,000, Fel. B	>\$25,000, Fel. B	>\$25,000, Fel. B	
Theft 2	\$2,500– \$25,000	\$750 - \$25,000, Fel. C	\$1,500 - \$25,000, Fel. C	\$2,000 - \$25,000, Fel. C	
	\$2,250 - <\$2,500				
	\$2,000 - <\$2,250				\$250 - <\$2,000, Misd. B
	\$1,750 - <\$2,000				
	\$1,500 - <\$1,750				
	\$1,250 - <\$1,500				
	\$1,000 - <\$1,250		\$250 - <\$1,500, Misd. A		
	\$750 - <\$1,000				
Theft 3	\$500 - <\$750	\$250 - <\$750, Misd. A			
	\$250 - <\$500				
Theft 4	<\$250	<\$250, Misd. B	<\$250, Misd. B	<\$250, Misd. B	
<b>Potential bed effects:</b>			<b>XXX</b>	<b>XXX</b>	

# Felony Drug Offenses

Review of last month's discussion.—

- Interest in reviewing data on admissions for felony drug offenses (as opposed to stock population data).
- Interest in reclassifying drug possession as a misdemeanor.
- Interest in equalizing heroin penalties to those of other serious drugs including cocaine and methamphetamine; and reexamining commercial drug penalties.

Admissions to prison for felony drug offenders.—

- **In the last decade, admissions to prison for felony drug offenses has grown by 52%; driven in large part by a 68% growth in MICS 4 offenders – the category which includes possession of any amount of heroin, cocaine, and methamphetamine.**

Offense	2005 Admissions	2014 Admissions	2005 Stock	2014 Stock
MICS 1	0	0	5	4
MICS 2	50	79	59	70
MICS 3	81	87	45	54
MICS 4	<b>198</b>	<b>333</b>	75	76
Total	<b>329</b>	<b>499</b>	<b>188</b>	<b>204</b>

## Felony Drug Policy Options

Option 1: Reclassify IA and IIA drug possession and lower-weight commercial offenses; maintain disparity between penalties for commercial IA and IIA offenses.

- Reclassify possession of IA and IIA controlled substances as a misdemeanor.
- Create a tiered commercial drug statute whereby sale of less than 5g of IIA is a felony c; and sale of more than IIA remains a felony b

Option 2: Reclassify IA and IIA drug possession and lower-weight commercial offenses; align penalties for IA and IIA commercial offenses.

- Reclassify possession of IA and IIA controlled substances as a misdemeanor.
- Bring penalties for IA controlled substances into alignment with penalties for IIA controlled substances.
- Create a tiered commercial drug statute whereby sale of less than 5g of IA and IIA is a felony c; and sale of more than 5g of IA and IIA is a felony b.

Current Drug Levels		Alaska Current	Option 1	Option 2
MICS 2	Felony A	Sale of any amount of opiates	Sale of more than 5g IA	
MICS 3	Felony B	Sale of any amount of meth, cocaine	Sale of less than 5g of IA; sale of more than 5g of IIA	Sale of more than 5g IA, IIA
MICS 4	Felony C	Possession of opiates, meth, cocaine	Sale of less than 5g of IIA	Sale of less than 5g of IA, IIA
MICS 5	Misd. A		Possession of IA, IIA	Possession of IA, IIA
<b>Potential bed effects:</b>			<b>XXX</b>	<b>XXX</b>

# Geriatric Prison Population

Review of last month’s discussion.—

- Interest in examining options for a geriatric release policy.

## Geriatric Release Policy Options

**Option 1:** Provide for geriatric parole hearings for offenders who are over age 60 and have served at least 10 years of their sentence.

- Offenders who were over age 60 and have served at least 10 years of their sentence – and were not otherwise eligible for discretionary parole – would have the opportunity to petition for parole release through a specialized geriatric parole provision.

**Option 2:** Provide for geriatric parole hearings for offenders who are over age 55 and have served at least 20 years of their sentence.

- Offenders who were over age 55 and have served at least 20 years of their sentence – and were not otherwise eligible for discretionary parole – would have the opportunity to petition for parole release through a specialized geriatric parole provision.

Alaska Current	Option 1		Option 2	
None	Age	# of Years Served	Age	# of years Served
	60	10	55	20
Potential bed effects:		XXX		XXX

# Endnotes

<sup>i</sup> Margaret Gordan and Daniel Glaser. 1991. "The Use and Effects of Financial Penalties in Municipal Courts." *Criminology* 29: 651-76.

<sup>ii</sup> Michael Bachmann and Ashford L. Dixon. 2014. "DWI Sentencing in the United States: Toward Promising Punishment Alternatives in Texas." *International Journal of Criminal Justice Sciences* 9: 181-91; Susan Martin, Sampson Annan, and Brian Forst. 1993. "The Special Deterrent Effects of a Jail Sanction on First-Time Drunk Drivers: A Quasi-Experimental Study." *Accident Analysis and Prevention* 25:561-68. Annan, Sampson O., Susan E. Martin, and Brian Forst. 1986. *Deterring the Drunk Driver: A Feasibility Study Technical Report*. Washington, DC: Police Foundation.

<sup>iii</sup> David J. DeYoung. 1997. "An evaluation of the effectiveness of alcohol treatment, driver license actions and jail terms in reducing drunk driving recidivism in California." *Addiction* 92: 989-97.

<sup>iv</sup> Christina DeJong. 1997. "Survival Analysis and Specific Deterrence: Integrating Theoretical and Empirical Models of Recidivism." *Criminology* 35: 561-75.

<sup>v</sup> Voas et. all, "Towards a national model for managing impaired driving offenders," *Addition Review* 106, 1221-1227.

<sup>vi</sup> *Ibid.*

<sup>vii</sup> *Ibid.*

<sup>viii</sup> Anchorage municipal code § 8.30.120.

<sup>ix</sup> Fairbanks municipal code § 42.20.090.

<sup>x</sup> Anchorage municipal code § 8.05.25.

<sup>xi</sup> Fairbanks municipal code, § 1.108.

<sup>xii</sup> Anchorage municipal code § 8.05.020.

<sup>xiii</sup> Fairbanks municipal code, § 1.108.

<sup>xiv</sup> Cal. Pen. Code. § 484.

<sup>xv</sup> Mass. Gen. Laws ch.266, §30A.

<sup>xvi</sup> W. Va. Code §61-3A-3.

<sup>xvii</sup> The enhanced sentence applies to possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or knowingly directed the conduct at a peace officer or first responder who was engaged in official duties and to manufacturing of methamphetamine offenses if knowing within presence of children.

<sup>xviii</sup> The enhanced sentence applies to violations of AS 11.41.130 (CN Homicide) and the victim was a child under 16 and to manufacturing of methamphetamine offenses if reckless within presence of children.