



25th ALASKA STATE LEGISLATURE
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Fact Sheet for: Senate Bill 36
Sponsor: Senator Gene Therriault

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Short Title: Sentencing for Alcohol-Related Crimes

Summary:

- Establishes the crime of “consumption of alcoholic beverages in violation of sentence” if a person consumes alcohol in violation of an order imposed under AS 12.55.015(a)(13); AS 28.35.030; or AS 28.35.032.
- Designates a first violation as a class A misdemeanor and a second violation as a class C felony.
- Allows a court to order a defendant convicted of certain crimes while under the influence of alcohol to refrain from consuming alcohol up to the lifetime of the defendant, including during the term of sentence, and as a condition of probation, suspended sentence and suspended imposition of sentence, if the court finds by clear and convincing evidence that the defendant’s conduct constituting the offense was substantially influenced by the consumption of alcohol.
- Provides the lifetime alcohol ban as an option, and available only for sentencing defendants who: are convicted of a violent crime under AS 11.41; are convicted of driving while under the influence of alcohol or refusal to submit to a chemical test, and have been previously convicted two or more times; or whose offense resulted in death or serious physical injury to another person.
- Allows therapeutic courts to be used in lieu of an alcohol ban when openings are available in that program.

Benefits:

- Gives offenders an extra incentive to avoid a substance that incites violent behavior.
- Increases public safety.
- Provides an extreme mitigation measure when extreme crimes are committed against a person.

Background:

- SB 36 has three goals: to allow courts to permanently remove a controlled substance from those who have a long track record of dangerous behavior when they use it, to prevent future acts of violence by establishing a different threshold for re-arrest before actual violence may occur, and to establish a lifelong deterrent to offenders who might be tempted to use the substance that unleashes their violent nature.