

PENALTY CHECKLIST

(except Sexual Felonies)

Title 11 Offenses

Offense ¹	Min–Max Imprisonment	Presumptive Ranges			Maximum Fine
		1st	2nd	3rd	
Murder First Degree	20–99 years ²	—	—	—	\$ 500,000
Murder Second Degree	10–99 years ³	—	—	—	\$ 500,000
Other Unclassified Felonies	5–99 years	—	—	—	\$ 500,000
Class A Felony ⁴	0–20 years	5–8 or 7–11 ⁵	10–14	15–20	\$ 250,000
Class B Felony	0–10 years	1–3 ⁶ or 2–4 ⁷	4–7	6–10	\$ 100,000
Class C Felony	0–5 years	0–2 ⁸ or 1–2 ⁹	2–4	3–5	\$ 50,000
Class A Misdemeanor ¹⁰	0–1 year	—	—	—	\$ 10,000
Class B Misdemeanor ¹¹	0–90 days	—	—	—	\$ 2,000

¹ The Penalty Checklist is derived from AS 12.55.125 (felony), AS 12.55.135 (misdemeanor), and AS 12.55.035 (fines).

² Mandatory 99 year term for murder 1 of a uniformed or otherwise clearly identified peace officer, firefighter or correctional employee who was engaged in official duties at the time of the murder; where defendant engaged in substantial physical torture of the victim; during a robbery (when the murder victim is someone other than a participant); when defendant is a peace officer who used the officer's authority as a peace officer to facilitate the murder; and when defendant has been previously convicted of murder 1 or murder 2 (or homicide in another jurisdiction where the elements are similar to M1/M2).

³ Minimum 20 year term if defendant is convicted of a murder of a child under the age of 16 when the court finds by clear and convincing evidence that the defendant was the child's parent or guardian (or occupied a position of authority) or the child's death was caused by committing a crime against a person under AS 11.41.200 to 11.41.530.

⁴ The prosecutor may request a sentence of 40-99 years for class A and unclassified felonies, when the defendant has been previously convicted of two or more most-serious felonies.

⁵ The 7-11 year range applies if the defendant possessed a firearm; used a dangerous instrument; caused serious physical injury or death during the offense; directed conduct at a peace officer, firefighter, correctional employee or emergency responder engaged in their duties; manufactured methamphetamine around children.

⁶ Pursuant to AS 12.55.125(d)(1), certain first felony offenders may be granted a suspended imposition of sentence under AS 12.55.085 if the court finds it appropriate.

⁷ The 2-4 year range applies to negligent homicide of a child under 16 years of age or the attempted manufacture of methamphetamine around children.

⁸ Pursuant to AS 12.55.125(e)(1), certain first felony offenders may be granted a suspended imposition of sentence under AS 12.55.085 if the court finds appropriate, and the court may, as a condition of probation under AS 12.55.086, require the defendant to serve an active term of imprisonment within 0-2 years.

⁹ The 1-2 year range applies to a defendant licensed under AS 08.54 who "knowingly violate[s] a state statute or regulation prohibiting waste of a wild food animal or hunting on the same day airborne." AS 08.54.720(a)(15).

¹⁰ Minimum terms are: (1) 20 days for DV assault in violation of a DVRO or a Protective Order, (2) 30-60 days for assault 4 or harassment 1 directed at a police officer/ firefighter/ emergency responder/ medical professional or a DV assault after prior conviction of a crime against a person or a DV crime, (3) 60 days for certain school-related assaults, (4) 72 hours for a certain vehicle theft 2 offense, and (5) 35 days for failure to register as a sex offender or child kidnapper 2.

¹¹ The maximum term for disorderly conduct is 10 days. No jail sentence or suspended imprisonment for 1st offense possession of marijuana in temporary or permanent residence for personal use by a non-probationer/parolee. Maximum unsuspended fines for possession of marijuana are \$500 for first offense and \$1000 for subsequent offenses.

SEXUAL FELONIES¹² (EFFECTIVE APRIL 28, 2006)						
Offense	Max. Imprisonment 99 years			Other		
	Presumptive Ranges			Minimum Suspended	Minimum Probation	Maximum Fine
	1st	2nd	3rd			
SA 1 ¹³ / SAM 1 / Sex Trafficking 1 (a)(2)	20–30 or 25– 35 ¹⁴ or 25– 35 ¹⁵	30–40 or 35–45 ¹⁶	40–60 or 99 ¹⁷	5 years suspended	15 years	\$ 500,000
Attempt, Conspiracy, Solicitation SA 1, SAM 1, or Sex Trafficking 1 (a)(2) / Unlawful Exploitation Minor (c)(2) / Online Enticement Minor (e)	15–30 or 20–30 ^B or 25–35 ^C	25–35 or 30–40 ^D	35–50 or 99 ^E	3	10	\$ 250,000
SA 2 / SAM 2 / Online Enticement Minor (d) / Unlawful Exploitation Minor (c)(1) / Dist Child Porn (e)(2)	5–15	10–25 or 15–30 ^D	20–35 or 99 ^E	3	10	\$ 100,000
SA 3 / Incest / Indecent Exposure 1 / Possess Child Porn / Dist Child Porn (e)(1) / Attempt, Conspiracy, Solicitation SA 2, SAM 2, Unlawful Exploitation Minor, or Dist Child Porn	2–12	8–15 or 12–20 ^D	15–25 or 99 ^E	2 (C's) 3 (B's)	5 (C's) 10 (B's)	\$ 50,000 (B's) \$ 100,000 (C's)

¹² “Sexual felony” means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, distribution of child pornography, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, online enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes. AS 11.55.185(16). This checklist is derived from AS 12.55.125 (imprisonment) and AS 12.55.035 (fines).

¹³ This checklist uses shorthand. First-, second-, and third-degree offenses are designated as “1”, “2”, and “3”. Sections and subsections of the offense are given if they are relevant to sentencing without listing the entire statutory provision.

¹⁴ Enhanced range applies if the victim is less than 13 years of age.

¹⁵ Enhanced range applies if the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense.

¹⁶ Enhanced range applies if the defendant has a prior conviction for a sexual felony.

¹⁷ The term of 99 years applies if the defendant has two prior convictions for sexual felonies.