

Table 3. Effect on Subsequent Prosecution and Sentencing

The most readily identifiable of the indirect consequences arising from a criminal conviction is the inflation of a subsequent offense. Once an individual stands convicted, that conviction may alter that status of a second offense and will almost certainly increase the severity of any penalties imposed. Even for experienced practitioners, accurately interpreting the impact of an earlier conviction on a subsequent prosecution can be challenging. See, e.g., *Mooney v. State*, 157 P.3d 81, 82 (Alaska Ct. App. 2007) (“during the plea negotiations, both the prosecutor and the defense attorney shared the same mistaken belief” concerning whether prior offenses counted in such a way as to render the defendant a second felony offender or third felony offender).

This table sets out a partial list of statutes and regulations addressing the effect a conviction may have on any subsequent criminal proceeding involving the same offender. A complete list is provided at <http://justice.uaa.alaska.edu/workingpapers/>. The laws listed are summarized in general terms, but the list is not intended to serve as a complete description of the measures' legal effect or scope. Readers are cautioned to review the entire text of any authority on which they intend to rely. In addition, please note that the laws listed were current as of October 2007. Changes published since that time will not be reflected here.

Sentencing factors generally	A defendant's conviction will be a factor in the court's consideration of an appropriate sentence for any subsequent crime.	AS 12.55.005(2); AS 12.55.185 (definitions).
Authorized sentences generally	Should a defendant commit a subsequent crime, imprisonment is more likely to be imposed as a result of the defendant's prior conviction.	AS 12.55.015(b)(1); AS 12.55.185 (definitions). See also Alaska R. Crim. P. 32.1(c), (f).
Sentences of imprisonment for felonies	A conviction will trigger enhanced penalties on a subsequent conviction for various offenses.	AS 12.55.125; AS 12.55.145 (limits, definitions); AS 12.55.185 (definitions).
Aggravating factors	Prior felony or misdemeanor convictions will probably serve as aggravating factors to support a sentence above the presumptive range. This includes juvenile offenses that would have been felonies if committed by an adult.	AS 12.55.155; AS 12.55.185 (definitions).
Suspended imposition of sentence	Certain misdemeanor convictions or a felony conviction may render an individual ineligible for suspended imposition of sentence in a subsequent prosecution.	AS 12.55.085.
Parole release	A conviction may be considered a prior aggravating factor which may support a decision to delay parole beyond Department of Corrections guidelines.	22 AAC 20.142.
Minor treated as adult	Prior adjudication as a delinquent or conviction as an adult of specified crimes may lead to minor being prosecuted, sentenced and incarcerated as an adult. In addition, an offense committed as a juvenile may be considered as an aggravating factor in later prosecutions.	AS 47.12.030; AS 12.55.155(19).
Offenses related to alcohol and controlled substances	Previous conviction for refusal to submit to chemical test triggers enhanced penalties and classification of offense on subsequent conviction; prior conviction for driving under the influence of alcohol, inhalants or controlled substances triggers enhanced penalties on subsequent conviction.	AS 28.35.032; AS 28.35.030.
Forfeiture and seizure of property used in crimes involving alcoholic beverages	Prior conviction for one of specified felonies or status as probationer or parolee will trigger forfeiture of aircraft, vehicle or watercraft used in certain crimes involving alcohol.	AS 04.16.220 (2007).
Commercial fishing violations	Previous conviction for variety of commercial fishing violations will trigger enhanced penalties on subsequent conviction.	AS 16.05.723; AS 16.10.265 (fish buyers).