

**SENATE BILL NO. 91**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-NINTH LEGISLATURE - SECOND SESSION**

**BY SENATORS COGHILL, Ellis, McGuire, Costello, Bishop, Micciche, Egan**

**Introduced: 3/25/15**

**Referred: State Affairs, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to protective orders; relating to conditions of release; relating to**  
2   **community work service; relating to credit toward a sentence of imprisonment for**  
3   **certain persons under electronic monitoring; relating to the restoration under certain**  
4   **circumstances of an administratively revoked driver's license, privilege to drive, or**  
5   **privilege to obtain a license; allowing a reduction of penalties for offenders successfully**  
6   **completing court-ordered treatment programs for persons convicted of driving under**  
7   **the influence; relating to termination of a revocation of a driver's license; relating to**  
8   **restoration of a driver's license; relating to credits toward a sentence of imprisonment,**  
9   **to good time deductions, and to providing for earned good time deductions for**  
10   **prisoners; relating to the disqualification of persons convicted of certain felony drug**  
11   **offenses from participation in the food stamp and temporary assistance programs;**  
12   **relating to probation; relating to mitigating factors; relating to treatment programs for**

1 prisoners; relating to the duties of the commissioner of corrections; amending Rules 32  
 2 and 35(b), Alaska Rules of Criminal Procedure; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 11.56.740 is amended by adding a new subsection to read:

5 (d) This section does not apply to a person who violates AS 18.66.100(c)(2)  
 6 and the petitioner for the protective order initiated the contact.

7 \* **Sec. 2.** AS 12.30.011(b) is amended to read:

8 (b) If a judicial officer determines that the release under (a) of this section will  
 9 not reasonably assure the appearance of the person or will pose a danger to the victim,  
 10 other persons, or the community, the officer shall impose the least restrictive condition  
 11 or conditions that will reasonably assure the person's appearance and protect the  
 12 victim, other persons, and the community. In addition to conditions under (a) of this  
 13 section, the judicial officer may, singly or in combination,

14 (1) require the execution of an appearance bond in a specified amount  
 15 of cash to be deposited into the registry of the court, in a sum not to exceed 10 percent  
 16 of the amount of the bond;

17 (2) require the execution of a bail bond with sufficient solvent sureties  
 18 or the deposit of cash;

19 (3) require the execution of a performance bond in a specified amount  
 20 of cash to be deposited in the registry of the court;

21 (4) place restrictions on the person's travel, association, or residence;

22 (5) order the person to refrain from possessing a deadly weapon on the  
 23 person or in the person's vehicle or residence;

24 (6) require the person to maintain employment or, if unemployed,  
 25 actively seek employment;

26 (7) require the person to notify the person's lawyer and the prosecuting  
 27 authority within two business days after any change in employment;

28 (8) require the person to avoid all contact with a victim, a potential  
 29 witness, or a codefendant;

30 (9) require the person to refrain from the consumption and possession

1 of alcoholic beverages;

2 (10) require the person to refrain from the use of a controlled substance  
3 as defined by AS 11.71, unless prescribed by a licensed health care provider with  
4 prescriptive authority;

5 (11) require the person to be physically inside the person's residence,  
6 or in the residence of the person's third-party custodian, at time periods set by the  
7 court;

8 (12) require the person to keep regular contact with a law enforcement  
9 officer or agency;

10 (13) order the person to refrain from entering or remaining in premises  
11 licensed under AS 04;

12 (14) place the person in the custody of an individual who agrees to  
13 serve as a third-party custodian of the person as provided in AS 12.30.021;

14 (15) if the person is under the treatment of a licensed health care  
15 provider, order the person to follow the provider's treatment recommendations;

16 (16) order the person to take medication that has been prescribed for  
17 the person by a licensed health care provider with prescriptive authority;

18 (17) order the person to comply with any other condition that is  
19 reasonably necessary to assure the appearance of the person and to assure the safety of  
20 the victim, other persons, and the community;

21 (18) require the person to comply with a program established under  
22 AS 47.38.020 if the person has been charged with an alcohol-related or substance-  
23 abuse-related offense that is an unclassified felony, a class A felony, a sexual felony,  
24 or a crime involving domestic violence;

25 **(19) order the person to comply with an electronic monitoring**  
26 **program as provided in AS 12.55.029.**

27 \* **Sec. 3.** AS 12.55.015(a) is amended to read:

28 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing  
29 sentence on a defendant convicted of an offense, may singly or in combination

30 (1) impose a fine when authorized by law and as provided in  
31 AS 12.55.035;

1 (2) order the defendant to be placed on probation under conditions  
2 specified by the court that may include provision for active supervision;

3 (3) impose a definite term of periodic imprisonment, but only if an  
4 employment obligation of the defendant preexisted sentencing and the defendant  
5 receives a composite sentence of not more than two years to serve;

6 (4) impose a definite term of continuous imprisonment;

7 (5) order the defendant to make restitution under AS 12.55.045;

8 (6) order the defendant to carry out a continuous or periodic program  
9 of community work for an offense and under conditions specified in AS 12.55.055;

10 (7) suspend execution of all or a portion of the sentence imposed under  
11 AS 12.55.080;

12 (8) suspend imposition of sentence under AS 12.55.085;

13 (9) order the forfeiture to the commissioner of public safety or a  
14 municipal law enforcement agency of a deadly weapon that was in the actual  
15 possession of or used by the defendant during the commission of an offense described  
16 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

17 (10) order the defendant, while incarcerated, to participate in or  
18 comply with the treatment plan of a rehabilitation program that is related to the  
19 defendant's offense or to the defendant's rehabilitation if the program is made available  
20 to the defendant by the Department of Corrections;

21 (11) order the forfeiture to the state of a motor vehicle, weapon,  
22 electronic communication device, or money or other valuables, used in or obtained  
23 through an offense that was committed for the benefit of, at the direction of, or in  
24 association with a criminal street gang;

25 (12) order the defendant to have no contact, either directly or  
26 indirectly, with a victim or witness of the offense until the defendant is  
27 unconditionally discharged;

28 (13) order the defendant to refrain from consuming alcoholic  
29 beverages for a period of time.

30 \* **Sec. 4.** AS 12.55 is amended by adding a new section to read:

31 **Sec. 12.55.029. Credit for time spent on electronic monitoring toward**

1 **service of a sentence.** (a) A court may grant a defendant credit toward a sentence of  
 2 imprisonment for time spent on electronic monitoring only as provided in this section.

3 (b) A court may grant a defendant one day of credit toward a sentence of  
 4 imprisonment for each full day the defendant was on electronic monitoring if

5 (1) before the defendant began electronic monitoring, the court ordered  
 6 the defendant to be on electronic monitoring;

7 (2) the defendant did not commit a criminal offense while on  
 8 electronic monitoring; and

9 (3) the electronic monitoring ordered by the court imposed substantial  
 10 restrictions on the person's freedom of movement and behavior while on electronic  
 11 monitoring that included requiring the person to be confined to a residence except for  
 12 a

13 (A) court appearance;

14 (B) meeting with counsel; or

15 (C) period during which the person is at a location other than a  
 16 residence, as ordered by the court, for purposes of employment, attending  
 17 educational or vocational training, performing community work, attending a  
 18 counseling or medical appointment, or participating in a rehabilitative  
 19 program.

20 (c) If a defendant intends to claim credit toward a sentence of imprisonment  
 21 for time spent on electronic monitoring either as a condition of probation or as a  
 22 condition of bail release after a petition to revoke probation has been filed, the  
 23 defendant shall file notice with the court and the prosecutor 10 days before the  
 24 disposition hearing. The notice shall include the amount of time the defendant is  
 25 claiming. The defendant must prove by a preponderance of the evidence that the credit  
 26 claimed meets the requirements of this section. A court may not consider, except for  
 27 good cause, a request for credit made under this subsection more than 90 days after the  
 28 disposition hearing.

29 (d) In this section, "electronic monitoring" means an electronic system  
 30 approved by the commissioner of corrections under AS 33.30.011, that provides  
 31 monitoring 24 hours a day of the defendant's location and, where ordered by the court,

also provides monitoring of the defendant's consumption of alcohol.

\* **Sec. 5.** AS 12.55.039(a) is amended to read:

(a) In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a

(1) felony shall be assessed a surcharge of **\$125** [\$100];

(2) violation of a misdemeanor offense under AS 28.33.030, 28.33.031, AS 28.35.030, or 28.35.032, or a violation of a municipal ordinance comparable to a misdemeanor offense under AS 28.33.030, 28.33.031, AS 28.35.030, or 28.35.032 and adopted under AS 28.01.010, shall be assessed a surcharge of **\$100** [\$75];

(3) misdemeanor or a violation of a municipal ordinance if a sentence of incarceration may be imposed for the misdemeanor or ordinance violation, other than a provision identified in (2) of this subsection, shall be assessed a surcharge of **\$75** [\$50];

(4) misdemeanor for which a sentence of incarceration may not be imposed, a violation or an infraction under state law, or a violation of a municipal ordinance imposing a penalty authorized by AS 29.25.070(a) if a sentence of incarceration may not be imposed for the ordinance violation, shall be assessed a surcharge of **\$15** [\$10] if the fine or bail forfeiture amount for the offense is \$30 or more.

\* **Sec. 6.** AS 12.55.055(a) is amended to read:

(a) The court may order a defendant convicted of an offense **under AS 04, AS 28, or AS 47.12.030, that specifically provides for community work as authorized punishment** to perform community work as a condition of probation, [A SUSPENDED SENTENCE,] or **may order community work in a** suspended imposition of sentence, [OR] in addition to any fine or restitution ordered. [IF THE DEFENDANT IS SENTENCED TO IMPRISONMENT, THE COURT MAY RECOMMEND TO THE DEPARTMENT OF CORRECTIONS THAT THE DEFENDANT PERFORM COMMUNITY WORK.]

\* **Sec. 7.** AS 12.55.055(c) is amended to read:

(c) The court may offer a defendant convicted of an offense the option of

performing community work in lieu of a fine, surcharge, or portion of a fine or surcharge if the court finds the defendant is unable to pay the fine. The value of community work in lieu of a fine is the state's minimum wage for each [\$3 PER] hour.

\* **Sec. 8.** AS 12.55.055 is amended by adding new subsections to read:

(g) The court may not

(1) offer a defendant convicted of an offense the option of serving jail time in lieu of performing uncompleted community work previously ordered by the court; or

(2) convert uncompleted community work hours into a sentence of imprisonment.

(h) If a court orders community work as part of the defendant's sentence under this section, the court shall provide notice to the defendant at sentencing and include as a provision of the judgment that if the defendant fails to provide proof of community work within 20 days after the date set by the court, the court shall convert those community work hours to a fine equal to the number of uncompleted work hours multiplied by the state's minimum hourly wage and issue a judgment against the defendant for that amount.

\* **Sec. 9.** AS 12.55.085(b) is amended to read:

(b) At any time during the probationary term of the person released on probation, a probation officer may administratively sanction the person using the process provided under AS 33.05.020, or [,] without warrant or other process, rearrest the person so placed in the officer's care and bring the person before the court, or the court may, in its discretion, issue a warrant for the rearrest of the person. The court may revoke and terminate the probation if the interests of justice require, and if the court, in its judgment, has reason to believe that the person placed on [UPON] probation is

(1) violating the conditions of probation;

(2) engaging in criminal practices; or

(3) violating an order of the court to participate in or comply with the treatment plan of a rehabilitation program under AS 12.55.015(a)(10).

1 \* **Sec. 10.** AS 12.55.088(a) is amended to read:

2 (a) The court may modify or reduce a sentence by entering a written order  
3 under a motion made not later than five years after the date of distribution of the  
4 written judgment of the original sentencing, and before [WITHIN] 180 days of the  
5 unconditional discharge of the defendant [OF THE ORIGINAL SENTENCING].

6 \* **Sec. 11.** AS 12.55.090(b) is amended to read:

7 (b) The [EXCEPT AS OTHERWISE PROVIDED IN (f) OF THIS  
8 SECTION, THE] court may revoke or modify any condition of probation or may  
9 change the period of probation.

10 \* **Sec. 12.** AS 12.55.090(c) is amended to read:

11 (c) The period of probation, together with any extension, may not exceed  
12 (1) 25 years for a felony sex offense; [OR]  
13 (2) 10 years for an unclassified or class A felony [ANY OTHER]  
14 offense; or  
15 (3) five years for any other offense.

16 \* **Sec. 13.** AS 12.55 is amended by adding a new section to read:

17 **Sec. 12.55.095. Reduction of probation for good conduct.** If a  
18 recommendation is made to the court to reduce the period of probation for a person for  
19 good conduct and the court finds that the person qualifies for the reduction under  
20 AS 33.05.025, the court shall reduce the person's probation by one month for each  
21 month the person qualifies for it. However, if the court finds that the person violated  
22 the terms of probation at any time, the court shall deduct the month or months in  
23 which the violation occurred from the reduction available under this section.

24 \* **Sec. 14.** AS 12.55.110 is amended by adding a new subsection to read:

25 (c) For a technical violation of the conditions of probation, if the court does  
26 not revoke probation, the court shall impose a sentence of imprisonment of not more  
27 than 10 days for technical violations of probation resulting from the same crime,  
28 except that the cumulative amount of imprisonment for technical violations of  
29 probation resulting from the same crime may not exceed 45 days. In this subsection,  
30 "technical violation of probation" means a violation of the conditions of probation but  
31 does not mean a violation of the conditions of probation resulting from the

commission of a new crime.

\* **Sec. 15.** AS 12.55.155(d)(17) is amended to read:

(17) except in the case of an offense defined by AS 11.41.410 - 11.41.427 [AS 11.41] or AS 11.46.400, the defendant has been convicted of a class B or C felony, and, at the time of sentencing, has successfully completed a court-ordered treatment program [AS DEFINED IN AS 28.35.028] that was begun after the offense was committed;

\* **Sec. 16.** AS 28.15.165 is amended by adding a new subsection to read:

(e) A person whose driver's license, privilege to drive, or privilege to obtain a license has been revoked under this section as a result of a refusal to submit to a chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar municipal ordinance in which the test produced a result described in AS 28.35.030(a)(2) may request that the department rescind the revocation. The department shall rescind a revocation under this subsection if the department finds that the person has supplied proof in a form satisfactory to the department that

(1) the person has been acquitted of driving while under the influence under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a similar municipal ordinance for the incident on which the revocation was based; or

(2) all criminal charges against the person for driving while under the influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to the incident on which the revocation is based have been dismissed with prejudice.

\* **Sec. 17.** AS 28.15.181(f) is amended to read:

(f) The court may terminate a revocation for an offense described in (a)(5) or (8) of this section if

(1) either

(A) the person's license, privilege to drive, or privilege to obtain a license has been revoked for the minimum periods set out in (c) of this section; or

(B) the person

1 (i) has successfully completed a court-ordered  
 2 treatment program under AS 28.35.028;

3 (ii) has not been convicted of a violation of  
 4 AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or  
 5 another jurisdiction since completing the program; and

6 (iii) has been granted limited license privileges under  
 7 AS 28.15.201(g) and has successfully driven for three years under  
 8 that limited license without having the limited license privileges  
 9 revoked; and

10 (2) the person complies with the provisions of AS 28.15.211(d) and

11 (e).

12 \* **Sec. 18.** AS 28.15.201 is amended by adding new subsections to read:

13 (g) Notwithstanding (d) of this section, a court revoking a driver's license,  
 14 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the  
 15 department when revoking a driver's license, privilege to drive, or privilege to obtain a  
 16 license under AS 28.15.165(c), may grant limited license privileges if

17 (1) the revocation was for a felony conviction under AS 28.35.030;

18 (2) the person has successfully participated for at least six months in,  
 19 or has successfully completed, a court-ordered treatment program under  
 20 AS 28.35.028;

21 (3) the person provides proof of insurance as required by AS 28.20.230  
 22 and 28.20.240;

23 (4) the person is required to use an ignition interlock device during the  
 24 period of the limited license whenever the person operates a motor vehicle in a  
 25 community not included in the list published by the department under  
 26 AS 28.22.011(b) and, when applicable,

27 (A) the person provides proof of installation of the ignition  
 28 interlock device on every vehicle the person operates;

29 (B) the person signs an affidavit acknowledging that

30 (i) operation by the person of a vehicle that is not  
 31 equipped with an ignition interlock device is subject to penalties for

1 driving with a revoked license;

2 (ii) circumventing or tampering with the ignition  
3 interlock device is a class A misdemeanor; and

4 (iii) the person is required to maintain the ignition  
5 interlock device throughout the period of the limited license, to keep  
6 up-to-date records in each vehicle showing that any required service  
7 and calibration is current, and to produce those records immediately on  
8 request;

9 (5) the person is enrolled in and is in compliance with or has  
10 successfully completed the alcoholism screening, evaluation, referral, and program  
11 requirements of the Department of Health and Social Services under AS 28.35.030(h);

12 (6) the person has not previously been granted a limited license under  
13 this subsection and had the license revoked under (h) of this section;

14 (7) the person is participating in a program established under  
15 AS 47.38.020 for a minimum of 120 days from the date a limited license is granted  
16 under this section.

17 (h) The court or the department may immediately revoke a limited license  
18 granted under (g) of this section if the person is convicted of a violation of  
19 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction  
20 or if the person is not in compliance with a court-ordered treatment program under  
21 AS 28.35.028.

22 \* **Sec. 19.** AS 28.35.028(b) is amended to read:

23 (b) Once the court elects to proceed under this section, the defendant shall  
24 enter a no contest or guilty plea to the offense or shall admit to a probation violation,  
25 as appropriate. The state and the defendant may enter into a plea agreement to  
26 determine the offense or offenses to which the defendant is required to plead. If the  
27 court accepts the agreement, the court shall enforce the terms of the agreement. The  
28 court shall enter a judgment of conviction for the offense or offenses for which the  
29 defendant has pleaded or an order finding that the defendant has violated probation, as  
30 appropriate. A judgment of conviction or an order finding a probation violation must  
31 set a schedule for payment of restitution owed by the defendant. In a judgment of

conviction and on probation conditions that the court considers appropriate, the court may withhold pronouncement of a period of imprisonment or a fine to provide an incentive for the defendant to complete recommended treatment successfully. Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any mandatory minimum or other sentencing provision applicable to the offense. However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any other provision of law, the court, at any time after the period when a reduction of sentence is normally available, may consider and reduce the defendant's sentence, including imprisonment, fine, or license revocation, based on the defendant's compliance with the treatment plan; when reducing a sentence, the court (1) may not reduce the sentence below the mandatory minimum sentence for the offense unless the court finds that the defendant has successfully complied with and completed the treatment plan and that the treatment plan approximated the severity of the minimum period of imprisonment, and (2) may consider the defendant's compliance with the treatment plan as a mitigating factor allowing a reduction of a sentence under AS 12.55.155(a). A court entering an order finding the defendant has violated probation may withhold pronouncement of disposition to provide an incentive for the defendant to complete the recommended treatment successfully.

\* **Sec. 20.** AS 28.35.030(o) is amended to read:

(o) Upon request, the department shall review a driver's license revocation imposed under (b) or (n)(3) of this section and

(1) may restore the driver's license if

(A) [(1)] the license has been revoked for a period of at least 10

years;

(B) [(2)] the person has not been convicted of a criminal offense since the license was revoked; and

(C) [(3)] the person provides proof of financial responsibility;

(2) shall restore the driver's license if

(A) the person has been granted limited license privileges under AS 28.15.201(g) and has successfully driven under that limited license for three years without having the limited license privileges

revoked;

(B) the person has successfully completed a court-ordered treatment program under AS 28.35.028;

(C) the court previously terminated the person's revocation as provided in AS 28.15.181(f)(1)(B);

(D) the person has not been convicted of a violation of AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction since the license was revoked;

(E) the person's privilege to drive may be restored as provided in AS 28.15.211; and

(F) the person provides proof of financial responsibility.

\* **Sec. 21.** AS 33.05.020 is amended by adding a new subsection to read:

(g) The commissioner shall, after consulting with the Department of Law, the Public Defender Agency, and the Alaska Court System, create an administrative sanction procedure for probationers who commit technical violations of probation. At a minimum, the administrative sanction procedure must require that the imposition of an administrative sanction by a probation officer be approved by the commissioner, or the commissioner's designee, and provide for a timely judicial review of the sanction imposed.

\* **Sec. 22.** AS 33.05 is amended by adding a new section to read:

**Sec. 33.05.025. Probation incentive reduction; time computation.** (a) A probation officer shall recommend to the sentencing court a probation incentive reduction for good conduct by a person on probation for a felony conviction that was not

(1) a sexual felony under AS 12.55.125(i); or

(2) a crime involving domestic violence.

(b) If a recommendation is made under (a) of this section, the probation officer shall provide to the court a time computation for the reduction of the period of probation of one month for each month of probation that a defendant successfully complies with all of the conditions of probation for one or more months immediately preceding the reduction computation.

(c) The commissioner or the commissioner's designee shall make available to a person who qualifies for a probation reduction under this section monthly reports that describe the computation made under (b) of this section and the person's remaining probationary term.

\* **Sec. 23.** AS 33.05.040 is amended to read:

**Sec. 33.05.040. Duties of probation officers.** A probation officer shall

(1) furnish to each probationer under the supervision of the officer a written statement of the conditions of probation and shall instruct the probationer regarding the same;

(2) keep informed concerning the conduct and condition of each probationer under the supervision of the officer and shall report on the probationer to the court placing the [SUCH] person on probation;

(3) use all suitable methods, not inconsistent with the conditions imposed by the court, to aid probationers and to bring about improvements in their conduct and condition;

(4) keep records of the probation work, keep accurate and complete accounts of all money collected from persons under the supervision of the officer, give receipts for money collected and make at least monthly returns of it, make the reports to the court and the commissioner required by them, and perform other duties the court may direct;

(5) recommend to the court a probation reduction for a probationer who is eligible for the reduction under AS 33.05.025;

(6) perform the [SUCH] duties with respect to persons on parole as the commissioner shall request [,] and, in that [SUCH] service, shall be termed a parole officer.

\* **Sec. 24.** AS 33.05.070(b) is amended to read:

(b) As speedily as possible after arrest, the probationer shall be taken before the court for the district having jurisdiction over the probationer. The [EXCEPT AS PROVIDED IN AS 12.55.090(f), THE] court may revoke the probation and require the probationer to serve the sentence imposed or any lesser sentence and, if imposition of sentence was suspended, may impose any sentence that might originally have been

imposed, subject to the limitation specified in AS 12.55.086(c).

\* **Sec. 25.** AS 33.16.210 is amended by adding a new subsection to read:

(c) Notwithstanding (a) of this section, the board shall unconditionally discharge a mandatory parolee if the parolee participates in, and successfully completes, all treatment programs recommended by the risk and needs assessment under AS 33.30.011(7) and commits no new offenses or serious parole violations during the first two-thirds of the parolee's term of mandatory parole. A mandatory parolee with a period of residual probation shall be discharged by the board to immediately begin serving the residual period of probation.

\* **Sec. 26.** AS 33.20.010(c) is amended to read:

(c) A prisoner shall [MAY NOT] be awarded a good time deduction under (a) of this section for any period spent in a treatment program, in a private residence, or while under electronic monitoring.

\* **Sec. 27.** AS 33.20 is amended by adding a new section to read:

**Sec. 33.20.025. Earned good time.** (a) The commissioner shall allow a prisoner sentenced to a term of imprisonment of more than six days a deduction of one-sixth of the term of imprisonment following the successful completion of a program approved by the commissioner that is

- (1) a substance abuse treatment program;
- (2) a general education development diploma program;
- (3) a vocational training program;
- (4) an intervention program for batterers;
- (5) an anger management program; or
- (6) a criminal attitudes program.

(b) The deduction allowed under this section is in addition to the deduction allowed under AS 33.20.010. A prisoner may only receive one deduction under (a) of this section.

(c) A prisoner is not eligible for a deduction under this section if the prisoner has been sentenced

- (1) for a conviction under AS 11.41;
- (2) to a mandatory 99-year term of imprisonment under

1 AS 12.55.125(a) after June 27, 1996;

2 (3) for a sexual felony under AS 12.55.125(i); or

3 (4) to a definite term under AS 12.55.125(l).

4 \* **Sec. 28.** AS 33.30.011 is amended to read:

5 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

6 (1) establish, maintain, operate, and control correctional facilities  
7 suitable for the custody, care, and discipline of persons charged or convicted of  
8 offenses against the state or held under authority of state law; each correctional facility  
9 operated by the state shall be established, maintained, operated, and controlled in a  
10 manner that is consistent with AS 33.30.015;

11 (2) classify prisoners;

12 (3) for persons committed to the custody of the commissioner,  
13 establish programs, including furlough programs that are reasonably calculated to

14 (A) protect the public and the victims of crimes committed by  
15 prisoners;

16 (B) maintain health;

17 (C) create or improve occupational skills;

18 (D) enhance educational qualifications;

19 (E) support court-ordered restitution; and

20 (F) otherwise provide for the rehabilitation and reformation of  
21 prisoners, facilitating their reintegration into society;

22 (4) provide necessary

23 (A) medical services for prisoners in correctional facilities or  
24 who are committed by a court to the custody of the commissioner, including  
25 examinations for communicable and infectious diseases;

26 (B) psychological or psychiatric treatment if a physician or  
27 other health care provider, exercising ordinary skill and care at the time of  
28 observation, concludes that

29 (i) a prisoner exhibits symptoms of a serious disease or  
30 injury that is curable or may be substantially alleviated; and

31 (ii) the potential for harm to the prisoner by reason of

1 delay or denial of care is substantial; and

2 (C) assessment or screening of the risks and needs of offenders  
3 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal  
4 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based  
5 disorder;

6 (5) establish minimum standards for sex offender treatment programs  
7 offered to persons who are committed to the custody of the commissioner;

8 (6) provide for fingerprinting in correctional facilities in accordance  
9 with AS 12.80.060; [AND]

10 (7) establish a program to conduct assessments of the risks and needs  
11 of offenders sentenced to serve a term of incarceration of 30 days or more and provide  
12 to the legislature, by electronic means, by January 15, 2017, and thereafter by  
13 January 15, preceding the first regular session of each legislature, a report  
14 summarizing the findings and results of the program;

15 **(8) approve programs to qualify a prisoner for earned good time**  
16 **under AS 33.20.025; and**

17 **(9) establish minimum standards for electronic monitoring for**  
18 **offenders and procedures for approving electronic monitoring programs**  
19 **provided by private contractors.**

20 \* **Sec. 29.** AS 33.30.061(c) is amended to read:

21 (c) The commissioner may, under AS 33.30.065, designate a prisoner to serve  
22 the prisoner's term of imprisonment or period of temporary commitment, or a part of  
23 the term or period, by electronic monitoring. A prisoner serving a term of  
24 imprisonment, or a period of temporary commitment, for a crime involving domestic  
25 violence **against a household member as described in AS 18.66.990(5)(D)** is not  
26 eligible for electronic monitoring.

27 \* **Sec. 30.** AS 33.30 is amended by adding a new section to read:

28 **Sec. 33.30.095. Duties of commissioner before release of prisoner.** (a) The  
29 commissioner shall establish a program to prepare a prisoner who is serving a sentence  
30 of imprisonment exceeding one year for the prisoner's discharge, release on parole or  
31 probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the

1 date of the prisoner's discharge, release, or furlough.

2 (b) The program established under (a) of this section must include

3 (1) instruction on

4 (A) obtaining state identification;

5 (B) community resources available for housing, employment,  
6 and treatment;

7 (2) an individualized reentry plan for the prisoner; and

8 (3) probation and parole orientation, if appropriate.

9 \* **Sec. 31.** AS 47.27.015 is amended by adding a new subsection to read:

10 (i) A person convicted after August 22, 1996, of an offense that is classified as  
11 a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has  
12 as an element the possession, use, or distribution of a controlled substance, as defined  
13 in AS 11.71.900, is disqualified from receiving temporary assistance under this  
14 chapter or food stamps under AS 47.25 unless the person demonstrates, to the  
15 satisfaction of the department, that the person

16 (1) is satisfactorily serving, or has successfully completed, a period of  
17 probation or parole;

18 (2) is in the process of serving, or has successfully completed,  
19 mandatory participation in a drug or alcohol treatment program; or

20 (3) has taken action toward rehabilitation, including participation in a  
21 drug or alcohol treatment program.

22 \* **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to  
23 read:

24 DIRECT COURT RULE AMENDMENT. Rule 35(b), Alaska Rules of  
25 Criminal Procedure, is amended to read:

26 (b) **Modification or Reduction of Sentence.** The court

27 (1) may modify or reduce a sentence not later than five years after  
28 the distribution of the written judgment of the original sentencing, and before  
29 [WITHIN] 180 days of the unconditional discharge of the defendant [THE  
30 DISTRIBUTION OF THE WRITTEN JUDGMENT UPON A MOTION MADE IN  
31 THE ORIGINAL CRIMINAL CASE];

(2) may not entertain a second or successive motion for similar relief brought under this paragraph on behalf of the same defendant;

(3) may not reduce or modify a sentence so as to impose a term of imprisonment that is less than the minimum required by law;

(4) may not reduce a sentence imposed in accordance with a plea agreement between the defendant and the prosecuting attorney that provided for imposition of a specific sentence or a sentence equal to or less than a specified maximum; and

(5) may not reduce a sentence below the minimum specified in a plea agreement between the defendant and the prosecuting attorney.

**\* Sec. 33.** AS 12.55.027(d) and 12.55.090(f) are repealed.

**\* Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE AMENDMENT. AS 12.55.055(g), added by sec. 8 of this Act, has the effect of changing Rule 32, Alaska Rules of Criminal Procedure, by directing the court to include a provision in the judgment that community work hours that are not completed shall be converted to a fine as provided in AS 12.55.055(h), added by sec. 8 of this Act.

**\* Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 11.56.740(d), enacted by sec. 1 of this Act, applies to offenses committed on or after the effective date of sec. 1 of this Act.

(b) AS 12.30.011(b), as amended by sec. 2 of this Act, applies to conditions of release imposed on or after the effective date of sec. 2 of this Act for offenses occurring before, on, or after the effective date of sec. 2 of this Act.

(c) AS 12.55.029, enacted by sec. 4 of this Act, applies to a sentence imposed on or after the effective date of sec. 4 of this Act for an offense committed before, on, or after the effective date of sec. 4 of this Act.

(d) AS 12.55.039(a), as amended by sec. 5 of this Act, AS 12.55.055(a), as amended by sec. 6 of this Act, AS 12.55.055(c), as amended by sec. 7 of this Act, and AS 12.55.055(g) and (h), enacted by sec. 8 of this Act, apply to a surcharge or community work service

1 imposed on or after the effective date of secs. 5 - 8 of this Act for an offense committed on or  
 2 after the effective date of secs. 5 - 8 of this Act.

3 (e) AS 12.55.085(b), as amended by sec. 9 of this Act, AS 12.55.088(a), as amended  
 4 by sec. 10 of this Act, AS 12.55.090(c), as amended by sec. 12 of this Act, AS 12.55.095,  
 5 enacted by sec. 13 of this Act, AS 12.55.110(c), enacted by sec. 14 of this Act,  
 6 AS 12.55.155(d)(17), as amended by sec. 15 of this Act, AS 33.05.025, enacted by sec. 22 of  
 7 this Act, AS 33.20.010(c), as amended by sec. 26 of this Act, and AS 33.30.061(c), as  
 8 amended by sec. 29 of this Act, apply to a sentence imposed on or after the effective date of  
 9 secs. 9, 10, 12, 13, 14, 15, 22, 26, and 29 of this Act for an offense committed on or after the  
 10 effective date of secs. 9, 10, 12, 13, 14, 15, 22, 26, and 29 of this Act.

11 (f) AS 28.15.165(e), enacted by sec. 16 of this Act, applies to the revocation of a  
 12 driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.165  
 13 occurring on or after the effective date of sec. 16 of this Act for conduct occurring before, on,  
 14 or after the effective date of sec. 16 of this Act.

15 (g) The changes made to AS 28.15.181(f), as amended by sec. 17 of this Act,  
 16 AS 28.15.201(g) and (h), enacted by sec. 18 of this Act, AS 28.35.028(b), as amended by sec.  
 17 19 of this Act, and AS 28.35.030(o), as amended by sec. 20 of this Act, apply to convictions  
 18 occurring before, on, or after the effective date of secs. 17 - 20 of this Act.

19 (h) AS 12.55.090(b), as amended by sec. 11 of this Act, AS 33.05.040, as amended by  
 20 sec. 23 of this Act, AS 33.20.025, enacted by sec. 27 of this Act, AS 33.30.011, as amended  
 21 by sec. 28 of this Act, and AS 33.30.095, enacted by sec. 30 of this Act, apply to a sentence  
 22 imposed on or after the effective date of secs. 11, 23, 27, 28, and 30 of this Act for an offense  
 23 committed on or after the effective date of secs. 11, 23, 27, 28, and 30 of this Act.

24 (i) AS 33.16.210(c), enacted by sec. 25 of this Act, applies to a sentence imposed on  
 25 or after the effective date of sec. 25 of this Act for an offense committed on or after the  
 26 effective date of sec. 25 of this Act.

27 (j) AS 33.05.070(b), as amended by sec. 24 of this Act, applies to offenses committed  
 28 on or after the effective date of sec. 24 of this Act.

29 \* **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to  
 30 read:

31 **CONDITIONAL EFFECT.** (a) AS 12.55.055(g), added by sec. 8 of this Act, takes

1 effect only if sec. 34 of this Act receives the two-thirds majority vote of each house required  
2 by art. IV, sec. 15, Constitution of the State of Alaska.

3 (b) AS 12.55.088(a), as amended by sec. 10 of this Act, takes effect only if sec. 32 of  
4 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
5 Constitution of the State of Alaska.

6 \* **Sec. 37.** Sections 11, 17 - 20, 23, 27, 28, 30, and 35(g) and (h) of this Act take effect  
7 July 1, 2015.

8 \* **Sec. 38.** Sections 25 and 35(i) of this Act take effect January 1, 2016.