House CS for CS for Senate Bill No. 54(FIN) Am H

In the Legislature of the State of Alaska

Thirtyeth Legislature - Fourth Special Session

By the House Finance Committee

Amended: 11/4/17
Offered: 11/3/17
Sponsor(s): Senators Coghill, Micciche

A Bill

For an Act Entitled

"An Act relating to crime and criminal law; relating to violation of condition of release; relating to sex trafficking; classifying U-47700 as a schedule IA controlled substance; classifying tramadol and related substances as schedule IVA controlled substances; relating to sentencing; relating to imprisonment; relating to parole; relating to probation; relating to driving without a license; establishing a maximum caseload for probation and parole officers; relating to the pretrial services program; relating to the Alaska Criminal Justice Commission; relating to the Alaska Judicial Council; and providing for an effective date."

Be it enacted by the Legislature of the State of Alaska:

* Section 1. The uncodified law of the State of Alaska is amended by adding a new section to read:

Legislative Intent. It is the intent of the legislature that the Alaska Criminal
Justice Commission work with the Department of Public Safety and local law enforcement agencies to offer statewide informational sessions on ch. 36, SLA 2016, ch. 13, SLA 2017, and this Act. The informational sessions should include information on crime trends in the state, the cost of the state corrections system, recidivism rates in the state, successful criminal justice reforms in other states, and the specific changes in state law made by ch. 36, SLA 2016, ch. 13, SLA 2017, and this Act that affect sentencing, parole, probation, and treatment.

* Sec. 2. AS 11.46.130(a) is amended to read:

(a) A person commits the crime of theft in the second degree if the person commits theft as defined in AS 11.46.100 and

(1) the value of the property or services, adjusted for inflation as provided in AS 11.46.982, is $750 [$1,000] or more but less than $25,000;

(2) the property is a firearm or explosive;

(3) the property is taken from the person of another;

(4) the property is taken from a vessel and is vessel safety or survival equipment;

(5) the property is taken from an aircraft and the property is aircraft safety or survival equipment;

(6) the value of the property, adjusted for inflation as provided in AS 11.46.982, is $250 or more but less than $750 [$1,000] and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

(A) an offense under AS 11.46.120, or an offense under another law or ordinance with similar elements;

(B) a crime set out in this subsection or an offense under another law or ordinance with similar elements;

(C) an offense under AS 11.46.140(a)(1), or an offense under another law or ordinance with similar elements; or

(D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an offense under another law or ordinance with similar elements; or

(7) the property is an access device.

* Sec. 3. AS 11.46.140(a) is amended to read:
(a) A person commits the crime of theft in the third degree if the person commits theft as defined in AS 11.46.100 and

(1) the value of the property or services, adjusted for inflation as provided in AS 11.46.982, is $250 or more but less than $750 [$1,000]; or

(2) [REPEALED]

(3) [REPEALED]

(4) the value of the property is less than $250 and, within the preceding five years, the person has been convicted and sentenced on three or more separate occasions in this or another jurisdiction of theft or concealment of merchandise, or an offense under another law or ordinance with similar elements.

* Sec. 4. AS 11.46.220(c) is amended to read:

(c) Concealment of merchandise is

(1) a class C felony if

(A) the merchandise is a firearm;

(B) the value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is $750 [$1,000] or more; or

(C) the value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is $250 or more but less than $750 [$1,000] and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

(i) the offense of concealment of merchandise under this paragraph or (2)(A) of this subsection, or an offense under another law or ordinance with similar elements; or

(ii) an offense under AS 11.46.120, 11.46.130, or 11.46.140(a)(1), or an offense under another law or ordinance with similar elements;

(2) a class A misdemeanor if

(A) the value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is $250 or more but less than $750 [$1,000]; or

(B) [REPEALED]
(C) the value of the merchandise is less than $250 and,
within the preceding five years, the person has been convicted and
sentenced on three or more separate occasions of the offense of
concealment of merchandise or theft in any degree, or an offense under
another law or ordinance with similar elements;

(3) a class B misdemeanor if the value of the merchandise, adjusted for
inflation as provided in AS 11.46.982, is less than $250.

* Sec. 5. AS 11.46.260(b) is amended to read:

(b) Removal of identification marks is

(1) a class C felony if the value of the property on which the serial
number or identification mark appeared, adjusted for inflation as provided in
AS 11.46.982, is $750 [$1,000] or more;

(2) a class A misdemeanor if the value of the property on which the
serial number or identification mark appeared, adjusted for inflation as provided in
AS 11.46.982, is $250 or more but less than $750 [$1,000];

(3) a class B misdemeanor if the value of the property on which the
serial number or identification mark appeared, adjusted for inflation as provided in
AS 11.46.982, is less than $250.

* Sec. 6. AS 11.46.270(b) is amended to read:

(b) Unlawful possession is

(1) a class C felony if the value of the property on which the serial
number or identification mark appeared, adjusted for inflation as provided in
AS 11.46.982, is $750 [$1,000] or more;

(2) a class A misdemeanor if the value of the property on which the
serial number or identification mark appeared, adjusted for inflation as provided in
AS 11.46.982, is $250 or more but less than $750 [$1,000];

(3) a class B misdemeanor if the value of the property on which the
serial number or identification mark appeared, adjusted for inflation as provided in
AS 11.46.982, is less than $250.

* Sec. 7. AS 11.46.280(d) is amended to read:

(d) Issuing a bad check is
(1) a class B felony if the face amount of the check is $25,000 or more;
(2) a class C felony if the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is $750 [$1,000] or more but less than $25,000;
(3) a class A misdemeanor if the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is $250 or more but less than $750 [$1,000];
(4) a class B misdemeanor if the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is less than $250.

* Sec. 8. AS 11.46.285(b) is amended to read:

(b) Fraudulent use of an access device is
(1) a class B felony if the value of the property or services obtained is $25,000 or more;
(2) a class C felony if the value of the property or services obtained, adjusted for inflation as provided in AS 11.46.982, is $750 [$1,000] or more but less than $25,000;
(3) a class A misdemeanor if the value of the property or services obtained, adjusted for inflation as provided in AS 11.46.982, is less than $750 [$1,000].

* Sec. 9. AS 11.46.360(a) is amended to read:

(a) A person commits the crime of vehicle theft in the first degree if, having no right to do so or any reasonable ground to believe the person has such a right, the person drives, tow away, or takes
(1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft of another;
(2) the propelled vehicle of another and
   (A) the vehicle or any other property of another is damaged in a total amount, adjusted for inflation as provided in AS 11.46.982, of $750 [$1,000] or more;
   (B) the owner incurs reasonable expenses as a result of the loss of use of the vehicle, in a total amount, adjusted for inflation as provided in AS 11.46.982, of $750 [$1,000] or more; or
   (C) the owner is deprived of the use of the vehicle for seven
days or more;

(3) the propelled vehicle of another and the vehicle is marked as a
police or emergency vehicle; or

(4) the propelled vehicle of another and, within the preceding seven
years, the person was convicted under

(A) this section or AS 11.46.365;

(B) former AS 11.46.482(a)(4) or (5);

(C) former AS 11.46.484(a)(2);

(D) AS 11.46.120 - 11.46.140 of an offense involving the theft
of a propelled vehicle; or

(E) a law or ordinance of this or another jurisdiction with
elements substantially similar to those of an offense described in (A) - (D) of
this paragraph.

* Sec. 10. AS 11.46.482(a) is amended to read:

(a) A person commits the crime of criminal mischief in the third degree if,
having no right to do so or any reasonable ground to believe the person has such a
right,

(1) with intent to damage property of another, the person damages
property of another in an amount, adjusted for inflation as provided in AS 11.46.982,
of $750 [$1,000] or more;

(2) the person recklessly creates a risk of damage in an amount
exceeding $100,000 to property of another by the use of widely dangerous means; or

(3) the person knowingly

(A) defaces, damages, or desecrates a cemetery or the contents
of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
memorial appears to be abandoned, lost, or neglected;

(B) removes human remains or associated burial artifacts from
a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
tomb, grave, or memorial appears to be abandoned, lost, or neglected.

* Sec. 11. AS 11.46.484(a) is amended to read:
(a) A person commits the crime of criminal mischief in the fourth degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with intent to damage property of another, the person damages property of another in an amount, adjusted for inflation as provided in AS 11.46.982, of $250 or more but less than $750 [$1,000];

(2) the person tampers with a fire protection device in a building that is a public place;

(3) the person knowingly accesses a computer, computer system, computer program, computer network, or part of a computer system or network;

(4) the person uses a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to descramble signals received directly from a satellite or unless the person owned the device before September 18, 1984; or

(5) the person knowingly removes, relocates, defaces, alters, obscures, shoots at, destroys, or otherwise tampers with an official traffic control device or damages the work on a highway under construction.

* Sec. 12. AS 11.46.486(a) is amended to read:

(a) A person commits the crime of criminal mischief in the fifth degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with reckless disregard for the risk of harm to or loss of the property or with intent to cause substantial inconvenience to another, the person tampers with property of another;

(2) with intent to damage property of another, the person damages property of another in an amount, adjusted for inflation as provided in AS 11.46.982, less than $250; or

(3) the person rides in a propelled vehicle and, with criminal negligence, disregards the fact that [KNOWING] it has been stolen or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

* Sec. 13. AS 11.46 is amended by adding a new section to read:
Sec. 11.46.489. Community work upon conviction. A person convicted under AS 11.46.475 - 11.46.486 of an offense involving damage to public or private property shall be required to perform at least 25 hours of community work under AS 12.55.055.

* Sec. 14. AS 11.46.530(b) is amended to read:

  (b) Criminal simulation is

  (1) a class C felony if the value of what the object purports to represent, adjusted for inflation as provided in AS 11.46.982, is $750 [$1,000] or more;

  (2) a class A misdemeanor if the value of what the object purports to represent, adjusted for inflation as provided in AS 11.46.982, is $250 or more but less than $750 [$1,000];

  (3) a class B misdemeanor if the value of what the object purports to represent, adjusted for inflation as provided in AS 11.46.982, is less than $250.

* Sec. 15. AS 11.46.620(d) is amended to read:

  (d) Misapplication of property is

  (1) a class C felony if the value of the property misapplied, adjusted for inflation as provided in AS 11.46.982, is $750 [$1,000] or more;

  (2) a class A misdemeanor if the value of the property misapplied, adjusted for inflation as provided in AS 11.46.982, is less than $750 [$1,000].

* Sec. 16. AS 11.46.730(c) is amended to read:

  (c) Defrauding creditors is a class A misdemeanor unless that secured party, judgment creditor, or creditor incurs a pecuniary loss, adjusted for inflation as provided in AS 11.46.982, of $750 [$1,000] or more as a result of the defendant's conduct, in which case defrauding secured creditors is

  (1) a class B felony if the loss is $25,000 or more;

  (2) a class C felony if the loss, adjusted for inflation as provided in AS 11.46.982, is $750 [$1,000] or more but less than $25,000.

* Sec. 17. AS 11.46.982(a) is amended to read:

  (a) The Alaska Judicial Council shall publish a report on July 1, 2020, calculating the increase in value, if any, of property or services as an element of an
offense in this chapter from a base value of $250 and $750 [$1,000], based on a formula provided by the Department of Labor and Workforce Development, reflecting the change in the Consumer Price Index for the Anchorage metropolitan area compiled by the Bureau of Labor Statistics, United States Department of Labor.

* Sec. 18. AS 11.46.982(b) is amended to read:

(b) The Alaska Judicial Council shall, in calculating the price of property or services as provided in this section,

(1) recalculate the base value of property and services of $250 and $750 [$1,000] every five years; and

(2) report the base value of property and services of $250 and $750 [$1,000] rounded to the nearest $50 increment.

* Sec. 19. AS 11.56.757(a) is amended to read:

(a) A person commits the crime [OFFENSE] of violation of condition of release if the person

(1) has been charged with a crime or convicted of a crime;

(2) has been released under AS 12.30; and

(3) violates a condition of release imposed by a judicial officer under AS 12.30, other than the requirement to appear as ordered by a judicial officer.

* Sec. 20. AS 11.56.757(b) is amended to read:

(b) Violation of condition of release is a class B misdemeanor [VIOLATION PUNISHABLE BY A FINE OF UP TO $1,000].

* Sec. 21. AS 11.66.130(a) is amended to read:

(a) A person commits the crime of sex trafficking in the third degree if [ , WITH INTENT TO PROMOTE PROSTITUTION,] the person

(1) receives compensation for prostitution services rendered by another; and

(2) with the intent to promote prostitution,

(A) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;

(B) [(2)] as other than a patron of a prostitute, induces or causes another person who is 20 years of age or older to engage in prostitution;
(C) [(3) AS OTHER THAN A PROSTITUTE RECEIVING COMPENSATION FOR PERSONALLY RENDERED PROSTITUTION SERVICES,] receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or

(D) [(4)] engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

* Sec. 22. AS 11.66.135(a) is amended to read:

(a) A person commits the crime of sex trafficking in the fourth degree if the person

(1) receives compensation for prostitution services rendered by another; and

(2) engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under AS 11.66.130(a)(2)(D)

[AS 11.66.130(a)(4)].

* Sec. 23. AS 11.66.150 is amended by adding a new paragraph to read:

(4) "compensation" does not include any payment for reasonably apportioned shared expenses.

* Sec. 24. AS 11.71.140(c) is amended to read:

(c) Schedule IA includes, unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan excepted:

(1) acetylmethadol;

(2) allylprodine;

(3) alphacetylmethadol;

(4) alphameprodine;

(5) alphamethadol;

(6) alphaprodine;

(7) anileridine;
(8) benzethidine;
(9) betacetylmethadol;
(10) betameprodine;
(11) betamethadol;
(12) betaprodine;
(13) bezitramide;
(14) clonitazene;
(15) dextromoramide;
(16) diampromide;
(17) diethylthiambutene;
(18) difenoxin;
(19) dihydrocodeine;
(20) dimenoxadol;
(21) dimepheptanol;
(22) dimethylthiambutene;
(23) dioxaphetyl butyrate;
(24) diphenoxylate;
(25) dipipanone;
(26) ethylmethythiamutene;
(27) etonitazene;
(28) etoxeridine;
(29) fentanyl;
(30) furethidine;
(31) hydroxpethidine;
(32) isomethadone;
(33) ketobemidone;
(34) levomethorphan;
(35) levomoramide;
(36) levorphanol;
(37) levophenacylmorphan;
(38) meperidine, also known as pethidine;
(39) metazocine;
(40) methadone;
(41) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
(42) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
(43) morph eridine;
(44) noracymethadol;
(45) norlevorphanol;
(46) normethadone;
(47) norpipanone;
(48) pethidine, also known as merperidine;
(49) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
(50) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
(51) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
(52) phenadoxone;
(53) phenampr omide;
(54) phenazocine;
(55) phenomorphan;
(56) phenoperidine;
(57) pim inodine;
(58) piritramide;
(59) propheptazine;
(60) properidine;
(61) propiram;
(62) racemethorphan;
(63) racemoramide;
(64) racemorph an;
(65) trimeperidine;
alfentanil;

alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)-ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4(N-propanilido) piperidine);

bulk dextropropoxyphene (non-dosage form);
carfentanil;
sufentanil;
tilidine;

para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);

3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenetyl)-4-piperidinyl]-N-phenylacacetamide);

alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethy-4-piperidinyl]-N-phenylpropanamide);

beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxyxypiperidine);

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamidine, also known as U-47700.

* Sec. 25. AS 11.71.170 is amended by adding a new subsection to read:

(g) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substance or its salts calculated as the free anhydrous base or...
alkaloid: 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers, including tramadol.

* Sec. 26. AS 12.30.006(b), as amended by sec. 55, ch. 36, SLA 2016, is amended to read:

(b) At the first appearance before a judicial officer, a person [WHO IS CHARGED WITH A FELONY, OTHER THAN A CLASS C FELONY AND THE PERSON HAS BEEN ASSESSED AS LOW RISK UNDER AS 12.30.011(c)(1),] may be detained up to 48 hours for the prosecuting authority to demonstrate that release of the person under AS 12.30.011 would not reasonably ensure the appearance of the person or will pose a danger to the victim, other persons, or the community, if the person has been charged with the following crimes:

1. an unclassified, class A, or class B felony;
2. a class C felony
   (A) under AS 11.41, AS 11.56.730, AS 28.35.030, or 28.35.032;
   (B) that is a sex offense; in this subparagraph, "sex offense" has the meaning given in AS 12.63.100; or
   (C) that is a crime involving domestic violence; in this subparagraph, "crime involving domestic violence" has the meaning given in AS 18.66.990; or
3. a class C felony, other than a class C felony listed in (2) of this subsection, and the person has been assessed as moderate to high risk under AS 12.30.011(c)(2).

* Sec. 27. AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is amended by adding a new subsection to read:

(l) If the supreme court establishes a schedule of bail amounts or conditions of release for misdemeanor offenses, the schedule must include a condition providing that a correctional facility shall, at the time of release, conduct a chemical test of the breath of a person who has been arrested and who is intoxicated and may detain the person until the test result indicates that the person's breath has less than 0.08 grams of alcohol for each 210 liters of breath or, with the consent of the person, release the person to another person who is willing and able to provide care for the person.
* Sec. 28. AS 12.55.025(a) is amended to read:

  (a) When imposing a sentence for conviction of a felony offense or a sentence of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a regulation adopted under AS 04, or an ordinance adopted in conformity with AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that includes the following:

  (1) a verbatim record of the sentencing hearing and any other in-court sentencing procedures;

  (2) findings on material issues of fact and on factual questions required to be determined as a prerequisite to the selection of the sentence imposed;

  (3) a clear statement of the terms of the sentence imposed; if a term of imprisonment is imposed, the statement must include

      (A) the approximate minimum term the defendant is expected to serve before being released or placed on mandatory parole if the defendant is eligible for and does not forfeit good conduct deductions under AS 33.20.010; and

      (B) if applicable, the approximate minimum term of imprisonment the defendant must serve before becoming eligible for release on discretionary [OR ADMINISTRATIVE] parole;

  (4) any recommendations as to the place of confinement or the manner of treatment; and

  (5) in the case of a conviction for a felony offense, information assessing

      (A) the financial, emotional, and medical effects of the offense on the victim;

      (B) the need of the victim for restitution; and

      (C) any other information required by the court.

* Sec. 29. AS 12.55.027 is amended by adding a new subsection to read:

  (h) Nothing in this section authorizes the release of a person on electronic monitoring after conviction and while awaiting sentencing if the person is ineligible for release under AS 12.30.040(b).
* Sec. 30. AS 12.55.090(g) is amended to read:

(g) A probation officer shall recommend to the court that probation be terminated and a defendant be discharged from probation if the defendant

(1) has completed at least

(A) two years on probation if the person was convicted of a class A or class B felony that is not a crime under (5) of this subsection; or

(B) **18 months** [ONE YEAR] on probation if the person was convicted of a crime that is not a crime

(i) under (A) of this paragraph; or

(ii) under (5) of this subsection;

(2) has completed all treatment programs required as a condition of probation;

(3) has not been found in violation of conditions of probation by the court for the period specified in (1) of this subsection;

(4) is currently in compliance with all conditions of probation for all of the cases for which the person is on probation; and

(5) has not been convicted of an unclassified felony offense, a sexual felony as defined in AS 12.55.185, or a crime involving domestic violence as defined in AS 18.66.990.

* Sec. 31. AS 12.55.115 is amended to read:

Sec. 12.55.115. Fixing eligibility for discretionary [OR ADMINISTRATIVE] parole at sentencing. The court may, as part of a sentence of imprisonment, further restrict the eligibility of a prisoner for discretionary [OR ADMINISTRATIVE] parole for a term greater than that required under AS 33.16.090 [AS 33.16.089, 33.16.090,] and 33.16.100.

* Sec. 32. AS 12.55.125(c) is amended to read:

(c) Except as provided in (i) of this section, a defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve
circumstances described in (2) of this subsection, three to six years;

(2) if the offense is a first felony conviction and the defendant

(A) possessed a firearm, used a dangerous instrument, or
caused serious physical injury or death during the commission of the offense,
five to nine years; or

(B) knowingly directed the conduct constituting the offense at a
uniformed or otherwise clearly identified peace officer, firefighter, correctional
employee, emergency medical technician, paramedic, ambulance attendant, or
other emergency responder who was engaged in the performance of official
duties at the time of the offense, seven [FIVE] to 11 [NINE] years;

(3) if the offense is a second felony conviction, eight to 12 years;

(4) if the offense is a third felony conviction and the defendant is not
subject to sentencing under (f) of this section, 13 to 20 years.

* Sec. 33. AS 12.55.125(e) is amended to read:

(e) Except as provided in (i) of this section, a defendant convicted of a class C
felony may be sentenced to a definite term of imprisonment of not more than five
years, and shall be sentenced to a definite term within the following presumptive
ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve
circumstances described in (4) of this subsection, [PROBATION, WITH A
SUSPENDED TERM OF IMPRISONMENT OF] zero to two years [18 MONTHS]; a
defendant sentenced under this paragraph may, if the court finds it appropriate, be
granted a suspended imposition of sentence under AS 12.55.085, 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 the range specified in this paragraph;

(2) if the offense is a second felony conviction, one to four [THREE]
years;

(3) if the offense is a third felony conviction, two to five years;

(4) if the offense is a first felony conviction, and the defendant violated
[(A)] AS 08.54.720(a)(15), one to two years [;

(B) AS 28.35.030(n)(1)(A) OR 28.35.032(p)(1)(A), 120 DAYS
TO 239 DAYS;

(C) AS 28.35.030(n)(1)(B) OR 28.35.032(p)(1)(B), 240 DAYS

TO 359 DAYS;

(D) AS 28.35.030(n)(1)(C) OR 23.35.032(p)(1)(C), 360 DAYS

TO TWO YEARS].

* Sec. 34. AS 12.55.125 is amended by adding a new subsection to read:

(q) Other than for convictions subject to a mandatory 99-year sentence, the court shall impose, in addition to an active term of imprisonment imposed under (i) of this section, a minimum period of (1) suspended imprisonment of five years and a minimum period of probation supervision of 15 years for conviction of an unclassified felony, (2) suspended imprisonment of three years and a minimum period of probation supervision of 10 years for conviction of a class A or class B felony, or (3) suspended imprisonment of two years and a minimum period of probation supervision of five years for conviction of a class C felony. The period of probation is in addition to any sentence received under (i) of this section.

* Sec. 35. AS 12.55.135(a) is amended to read:

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than

(1) one year, if the

(A) conviction is for a crime with a mandatory minimum term of 30 days or more of active imprisonment;

(B) trier of fact finds the aggravating factor that the conduct constituting the offense was among the most serious conduct included in the definition of the offense;

(C) defendant has past criminal convictions for conduct violative of criminal laws, punishable as felonies or misdemeanors, similar in nature to the offense for which the defendant is being sentenced;

(D) conviction is for an assault in the fourth degree under AS 11.41.230; or

(E) conviction is for a violation of

(i) AS 11.41.427;
(ii) AS 11.41.440;  
(iii) AS 11.41.460, if the indecent exposure is before a  
person under 16 years of age; [OR]  
(iv) AS 11.61.116(c)(2); or  
(v) AS 11.61.118(a)(2);  

(2) 30 days.  

* Sec. 36. AS 12.55.135(b) is amended to read:  

(b) A defendant convicted of a class B misdemeanor may be sentenced to a  
definite term of imprisonment of not more than  
(1) 10 days unless otherwise specified in the provision of law defining  
the offense or in this section;  
(2) 90 days if the conviction is for a violation of  
   (A) AS 11.61.116(c)(1) and the person is 21 years of age or  
   older; or  
   (B) AS 11.61.120(a)(6) and the person is 21 years of age or  
   older; or  

(3) five days if the conviction is for a violation of AS 11.56.757.  

* Sec. 37. AS 12.55.135(l) is amended to read:  

(l) A court sentencing a person convicted of theft in the fourth degree under  
AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of  
identification marks under AS 11.46.260(b)(3), unlawful possession under  
AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal  
simulation under AS 11.46.530(b)(3) may not impose  
(1) a sentence of more than 15 [FIVE] days of active [SUSPENDED]  
imprisonment and a term of probation of more than six months if the person has  
previously been convicted two [OR MORE] times of an offense under AS 11.46.110 -  
11.46.220, 11.46.260 - 11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of  
this or another jurisdiction with substantially similar elements; [OR]  
(2) a sentence of more than 10 days of active [OR SUSPENDED]  
imprisonment and a term of probation of more than six months if the person has  
[NOT BEEN PREVIOUSLY CONVICTED, OR HAS] previously been convicted
once [,] of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(3) a sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not been previously convicted of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

* Sec. 38. AS 12.55.145(a) is amended to read:

(a) For purposes of considering prior convictions in imposing sentence under

(1) AS 12.55.125(c), (d), or (e),

(A) a prior conviction may not be considered if a period of 10 or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense unless the prior conviction was for an unclassified or class A felony;

(B) a conviction in this or another jurisdiction of an offense having elements similar to those of a felony defined as such under Alaska law at the time the offense was committed is considered a prior felony conviction;

(C) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective;

(2) AS 12.55.125(l),

(A) a conviction in this or another jurisdiction of an offense having elements similar to those of a most serious felony is considered a prior most serious felony conviction;

(B) commission of and conviction for offenses relied on as prior most serious felony offenses must occur in the following order:
conviction for the first offense must occur before commission of the second
offense, and conviction for the second offense must occur before commission
of the offense for which the defendant is being sentenced;

(3) AS 12.55.135(g),

(A) a prior conviction may not be considered if a period of five
or more years has elapsed between the date of the defendant's unconditional
discharge on the immediately preceding offense and commission of the present
offense unless the prior conviction was for an unclassified or class A felony;

(B) a conviction in this or another jurisdiction of an offense
having elements similar to those of a crime against a person or a crime
involving domestic violence is considered a prior conviction;

(C) two or more convictions arising out of a single, continuous
criminal episode during which there was no substantial change in the nature of
the criminal objective are considered a single conviction unless the defendant
was sentenced to consecutive sentences for the crimes; offenses committed
while attempting to escape or avoid detection or apprehension after the
commission of another offense are not part of the same criminal episode or
objective;

(4) AS 12.55.125(i),

(A) a conviction in this or another jurisdiction of an offense
having elements similar to those of a sexual felony is a prior conviction for a
sexual felony;

(B) a felony conviction in another jurisdiction making it a
crime to commit any lewd and lascivious act upon a child under the age of 16
years, with the intent of arousing, appealing to, or gratifying the sexual desires
of the defendant or the victim is a prior conviction for a sexual felony;

(C) two or more convictions arising out of a single, continuous
criminal episode during which there was no substantial change in the nature of
the criminal objective are considered a single conviction unless the defendant
was sentenced to consecutive sentences for the crimes; offenses committed
while attempting to escape or avoid detection or apprehension after the
commission of another offense are not part of the same criminal episode or objective; 

(5) AS 12.55.135(a),

(A) a prior conviction may not be considered if a period of five or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense unless the prior conviction was for an unclassified or class A felony;

(B) a conviction in this or another jurisdiction of an offense having elements similar to those of a felony or misdemeanor defined as such under Alaska law at the time the offense was committed is considered a prior conviction;

(C) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective.

* Sec. 39. AS 12.63.100(6) is amended to read:

(6) "sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);

(B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

(i) sexual assault in the first degree;

(ii) sexual assault in the second degree;
(iii) sexual abuse of a minor in the first degree; or
(iv) sexual abuse of a minor in the second degree; or
(C) a crime, or an attempt, solicitation, or conspiracy to commit
a crime, under the following statutes or a similar law of another jurisdiction:
(i) AS 11.41.410 - 11.41.438;
(ii) AS 11.41.440(a)(2);
(iii) AS 11.41.450 - 11.41.458;
(iv) AS 11.41.460 if the indecent exposure is before a person under 16 years of age and the offender has a previous conviction for that offense;
(v) AS 11.61.125 - 11.61.128;
(vi) AS 11.66.110 or 11.66.130(a)(2)(B)
[11.66.130(a)(2)] if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;
(vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;
(viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense; or
(ix) AS 11.66.100(a)(2) if the offender is subject to punishment under AS 11.66.100(e);

* Sec. 40. AS 18.67.101 is amended to read:

Sec. 18.67.101. Incidents and offenses to which this chapter applies. The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death that resulted from
(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; or
(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses:
(A) murder in any degree;
(B) manslaughter;
(C) criminally negligent homicide;
(D) assault in any degree;
(E) kidnapping;
(F) sexual assault in any degree;
(G) sexual abuse of a minor;
(H) robbery in any degree;
(I) threats to do bodily harm;
(J) driving while under the influence of an alcoholic beverage, inhalant, or controlled substance or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is under the influence of an alcoholic beverage, inhalant, or controlled substance;
(K) arson in the first degree;
(L) sex trafficking in violation of AS 11.66.110 or 11.66.130(a)(2)(B) [11.66.130(a)(2)];
(M) human trafficking in any degree; or
(N) unlawful exploitation of a minor.

* Sec. 41. AS 22.20 is amended by adding a new section to article 4 to read:

Sec. 22.20.220. Prison inmate characteristics information. (a) The judicial council shall design and implement a project for the purposes of studying risk factors related to criminal activity, informing the legislature's policy and funding decisions related to primary crime prevention, and improving primary crime prevention strategies in the state. Under the project, the Department of Corrections shall transmit information about offenders sentenced to serve terms of incarceration of 30 days or more, and the judicial council shall analyze the information and provide to the legislature the judicial council's conclusions and recommendations in the report required under (b) of this section. The judicial council shall, in consultation with the Justice Center at the University of Alaska, the Department of Corrections, and other relevant entities or state agencies, create a list of the types of information and inmate characteristics the Department of Corrections shall collect for the project and may revise the list when necessary to meet project goals. The information may include data
relating to adverse childhood experiences, mental health and substance abuse history, education, income, and employment of inmates. The Department of Corrections shall adopt policies establishing procedures for collecting the information identified in the list required under this subsection and providing the information to the judicial council. The procedures may provide for the collection of the information as part of the risk assessment program established under AS 33.30.011(a)(7). Requirements for collection of information under this subsection terminate on July 1, 2024. In this subsection, "primary crime prevention" means intervention programs and strategies designed to reduce crime risk factors among the general population and prevent crime from happening.

(b) The judicial council shall prepare an annual report summarizing the information collected and analyzed under (a) of this section. The judicial council shall

(1) provide a summary in the form of tables, charts, graphs, or other formats that are easily understood;

(2) include a review of the data and the judicial council's interpretations, findings, and conclusions related to the information collected;

(3) describe any changes in the types of information collected during the preceding fiscal year;

(4) make the report required under this subsection available to the public; the judicial council may not publish or present individually identifiable information relating to an inmate;

(5) include, when possible, information from the previous fiscal year, comparisons to previous fiscal years, and cumulative information;

(6) not later than February 14 of each year, submit the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available; and

(7) present the summary and analysis to the legislature within 10 days after the convening of the next regular session of the legislature following the submission of the report.

* Sec. 42. AS 28.15.011 is amended by adding a new subsection to read:

(d) Violation of (b) of this section is an infraction.
* Sec. 43. AS 33.05.020(h) is amended to read:

    (h) The commissioner shall establish by regulation a program allowing
    probationers to earn credits for complying with the conditions of probation. The
    credits earned reduce the period of probation. Nothing in this subsection prohibits the
    department from recommending to the court the early discharge of the probationer as
    provided in AS 33.30. At a minimum, the regulations must

    (1) require that a probationer earn a credit of 30 days for each 30-day
    period served in which the defendant complied with the conditions of probation;

    (2) include policies and procedures for

        (A) calculating and tracking credits earned by probationers;

        (B) reducing the probationer's period of probation based on

            credits earned by the probationer; and

        (C) notifying a victim under AS 33.30.013;

    (3) require that a probationer convicted of a sex offense as defined
    in AS 12.63.100 or a crime involving domestic violence as defined in AS 18.66.990
    complete all treatment programs required as a condition of probation before
    discharge based on credits earned under this subsection.

* Sec. 44. AS 33.05.040 is amended by adding a new subsection to read:

    (b) The caseload of a probation officer supervising probationers or the
    combined caseload of a probation officer or parole officer supervising probationers
    and persons on parole as provided for in (a)(5) of this section may not exceed an
    average of 75 persons, except in temporary or extraordinary circumstances approved
    by the commissioner.

* Sec. 45. AS 33.07.010, enacted by sec. 117, ch. 36, SLA 2016, is amended to read:

Sec. 33.07.010. Pretrial services program; establishment. The commissioner
shall establish and administer a pretrial services program that provides a pretrial risk
assessment for all defendants detained in custody in a correctional facility following arrest and for any defendant for whom the prosecution requests to have a pretrial risk assessment at the next hearing or arraignment. The pretrial services program shall make recommendations to the court concerning pretrial release decisions, and provide supervision of defendants released while awaiting trial
as ordered by the court.

* Sec. 46. AS 33.16.010(c) is amended to read:

(c) A prisoner who is not eligible for special medical [ADMINISTRATIVE,]
or discretionary parole, or who is not released on special medical [ADMINISTRATIVE,]or discretionary parole, shall be released on mandatory parole for the term of good time deductions credited under AS 33.20, if the term or terms of imprisonment are two years or more.

* Sec. 47. AS 33.16.010(d) is amended to read:

(d) A prisoner released on special medical [ADMINISTRATIVE,]discretionary, or mandatory parole is subject to the conditions of parole imposed under AS 33.16.150. Parole may be revoked under AS 33.16.220.

* Sec. 48. AS 33.16.060(a) is amended to read:

(a) The board shall

(1) serve as the parole authority for the state;
(2) consider the suitability for parole of a prisoner who is eligible for discretionary parole at least 90 days before the prisoner's first date of eligibility and upon receipt of the prisoner's application for special medical parole;
(3) impose parole conditions on all prisoners released under special medical, [ADMINISTRATIVE,] discretionary, or mandatory parole;
(4) under AS 33.16.210, discharge a person from parole when custody is no longer required;
(5) maintain records of the meetings and proceedings of the board;
(6) recommend to the governor and the legislature changes in the law administered by the board;
(7) recommend to the governor or the commissioner changes in the practices of the department and of other departments of the executive branch necessary to facilitate the purposes and practices of parole;
(8) upon request of the governor, review and recommend applicants for executive clemency; and
(9) execute other responsibilities prescribed by law.

* Sec. 49. AS 33.16.090(a) is amended to read:
(a) A prisoner sentenced to an active term of imprisonment of at least 181
days [AND WHO HAS NOT BEEN RELEASED ON ADMINISTRATIVE PAROLE
AS PROVIDED IN AS 33.16.089] may, in the discretion of the board, be released on
discretionary parole if the prisoner

(1) has served the amount of time specified under (b) of this section,
except that

(A) a prisoner sentenced to one or more mandatory 99-year
terms under AS 12.55.125(a) or one or more definite terms under
AS 12.55.125(l) is not eligible for consideration for discretionary parole;

(B) a prisoner is not eligible for consideration of discretionary
parole if made ineligible by order of a court under AS 12.55.115;

(C) a prisoner imprisoned under AS 12.55.086 is not eligible
for discretionary parole unless the actual term of imprisonment is more than
one year; or

(2) is at least 60 years of age, has served at least 10 years of a sentence
for one or more crimes in a single judgment, and has not been convicted of an
unclassified felony or a sexual felony as defined in AS 12.55.185.

* Sec. 50. AS 33.16.100(f) is amended to read:

(f) The board shall authorize the release of a prisoner who has been convicted
of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole
under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created
under AS 33.30.011(a)(8), and has agreed to and signed the condition of parole under
AS 33.16.150, [AND HAS NOT BEEN RELEASED ON ADMINISTRATIVE
PAROLE UNDER AS 33.16.089,] unless the board finds by clear and convincing
evidence on the record that the prisoner poses a threat of harm to the public if released
on parole. If the board finds that the incomplete case plan is not the fault of the
prisoner or that the prisoner would not pose a threat of harm to the public if released
on parole, the board may waive the case plan requirement.

* Sec. 51. AS 33.16.120(f) is amended to read:

(f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c)
[, 33.16.089,] or 33.16.090, the board shall make every reasonable effort to notify the
victims before the prisoner's release date. Notification under this subsection must include the expected date of the prisoner's release, the geographic area in which the prisoner is required to reside, and other pertinent information concerning the prisoner's conditions of parole that may affect the victim.

*Sec. 52.* AS 33.16.130(a) is amended to read:

(a) The parole board shall hold a hearing before granting an eligible prisoner special medical or discretionary parole. [THE BOARD SHALL ALSO HOLD A HEARING IF REQUESTED BY A VICTIM UNDER PROCEDURES ESTABLISHED FOR THE REQUEST FOR A PRISONER ELIGIBLE FOR ADMINISTRATIVE PAROLE.] A hearing shall be conducted within the following time frames:

(1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90 days before the first parole eligibility date [, UNLESS THE PRISONER IS ELIGIBLE FOR ADMINISTRATIVE PAROLE];

(2) for all other prisoners, not less than 30 days after the board is notified of the need for a hearing by the commissioner or the commissioner's designee.

*Sec. 53.* AS 33.16.130(c) is amended to read:

(c) If the board denies parole, the board shall state the reasons for the denial, identify all of the factors considered relevant to the denial, and provide a written plan for addressing all of the factors relevant to the denial. The board may schedule a subsequent parole hearing at the time of the denial or at a later date [AS FOLLOWS:

(1) FOR THE FIRST PAROLE DENIAL, WITHIN TWO YEARS AFTER THE FIRST PAROLE ELIGIBILITY DATE;

(2) FOR THE SECOND AND SUBSEQUENT DENIALS, WITHIN TWO YEARS AFTER THE MOST RECENT PAROLE HEARING].

*Sec. 54.* AS 33.16.140 is amended to read:

Sec. 33.16.140. Order for parole. An order for parole issued by the board, setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole custody ends, shall be furnished to each prisoner released on special medical, [ADMINISTRATIVE,] discretionary, or mandatory parole.

*Sec. 55.* AS 33.16.150(a) is amended to read:
(a) As a condition of parole, a prisoner released on special medical, [ADMINISTRATIVE,] discretionary, or mandatory parole

(1) shall obey all state, federal, or local laws or ordinances, and any court orders applicable to the parolee;

(2) shall make diligent efforts to maintain steady employment or meet family obligations;

(3) shall, if involved in education, counseling, training, or treatment, continue in the program unless granted permission from the parole officer assigned to the parolee to discontinue the program;

(4) shall report

(A) upon release to the parole officer assigned to the parolee;

(B) at other times, and in the manner, prescribed by the board or the parole officer assigned to the parolee that accommodate the diligent efforts of the parolee to secure and maintain steady employment or to participate in educational courses or training programs;

(5) shall reside at a stated place and not change that residence without notifying, and receiving permission from, the parole officer assigned to the parolee;

(6) shall remain within stated geographic limits unless written permission to depart from the stated limits is granted the parolee;

(7) may not use, possess, handle, purchase, give, distribute, or administer a controlled substance as defined in AS 11.71.900 or under federal law or a drug for which a prescription is required under state or federal law without a prescription from a licensed medical professional to the parolee;

(8) may not possess or control a firearm; in this paragraph, "firearm" has the meaning given in AS 11.81.900;

(9) may not enter into an agreement or other arrangement with a law enforcement agency or officer that will place the parolee in the position of violating a law or parole condition without the prior approval of the board;

(10) may not contact or correspond with anyone confined in a correctional facility of any type serving any term of imprisonment or a felon without the permission of the parole officer assigned to a parolee;
(11) shall agree to waive extradition from any state or territory of the United States and to not contest efforts to return the parolee to the state;

(12) shall provide a blood sample, an oral sample, or both, when requested by a health care professional acting on behalf of the state to provide the sample or samples, or an oral sample when requested by a juvenile or adult correctional, probation, or parole officer, or a peace officer, if the prisoner is being released after a conviction of an offense requiring the state to collect the sample or samples for the deoxyribonucleic acid identification registration, per state editorial review of AS 33 system under AS 41.41.035;

(13) from a conviction for a sex offense shall submit to regular periodic polygraph examinations; in this paragraph, "sex offense" has the meaning given in AS 12.63.100.

* Sec. 56. AS 33.16.150(b) is amended to read:

(b) The board may require as a condition of special medical, [ADMINISTRATIVE,] discretionary, or mandatory parole, or a member of the board acting for the board under (e) of this section may require as a condition of [ADMINISTRATIVE OR] mandatory parole, that a prisoner released on parole

(1) not possess or control a defensive weapon, a deadly weapon other than an ordinary pocket knife with a blade three inches or less in length, or ammunition for a firearm, or reside in a residence where there is a firearm capable of being concealed on one's person or a prohibited weapon; in this paragraph, "deadly weapon," "defensive weapon," and "firearm" have the meanings given in AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

(2) refrain from possessing or consuming alcoholic beverages;

(3) submit to reasonable searches and seizures by a parole officer, or a peace officer acting under the direction of a parole officer;

(4) submit to appropriate medical, mental health, or controlled substance or alcohol examination, treatment, or counseling;

(5) submit to periodic examinations designed to detect the use of alcohol or controlled substances; the periodic examinations may include testing under the program established under AS 33.16.060(c);
(6) make restitution ordered by the court according to a schedule established by the board;

(7) refrain from opening, maintaining, or using a checking account or charge account;

(8) refrain from entering into a contract other than a prenuptial contract or a marriage contract;

(9) refrain from operating a motor vehicle;

(10) refrain from entering an establishment where alcoholic beverages are served, sold, or otherwise dispensed;

(11) refrain from participating in any other activity or conduct reasonably related to the parolee's offense, prior record, behavior or prior behavior, current circumstances, or perceived risk to the community, or from associating with any other person that the board determines is reasonably likely to diminish the rehabilitative goals of parole, or that may endanger the public; in the case of special medical parole, for a prisoner diagnosed with a communicable disease, comply with conditions set by the board designed to prevent the transmission of the disease;

(12) refrain from traveling in the state to make diligent efforts to secure or maintain steady employment or to participate in educational courses or training programs only if the travel violates other conditions of parole.

* Sec. 57. AS 33.16.150(e) is amended to read:

(e) The board may designate a member of the board to act on behalf of the board in imposing conditions of [ADMINISTRATIVE OR] mandatory parole under (a) and (b) of this section, in delegating imposition of conditions of [ADMINISTRATIVE OR] mandatory parole under (c) of this section, and in setting the period of compliance with the conditions of [ADMINISTRATIVE OR] mandatory parole under (d) of this section. The decision of a member of the board under this section is the decision of the board. A prisoner or parolee aggrieved by a decision of a member of the board acting for the board under this subsection may apply to the board under AS 33.16.160 for a change in the conditions of [ADMINISTRATIVE OR] mandatory parole.

* Sec. 58. AS 33.16.150(f) is amended to read:
(f) In addition to other conditions of parole imposed under this section, the board may impose as a condition of special medical, [ADMINISTRATIVE,] discretionary, or mandatory parole for a prisoner serving a term for a crime involving domestic violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a requirement that, at the prisoner's expense, the prisoner participate in and complete, to the satisfaction of the board, a program for the rehabilitation of perpetrators of domestic violence that meets the standards set by, and that is approved by, the department under AS 44.28.020(b); and (3) any other condition necessary to rehabilitate the prisoner. The board shall establish procedures for the exchange of information concerning the parolee with the victim and for responding to reports of nonattendance or noncompliance by the parolee with conditions imposed under this subsection. The board may not under this subsection require a prisoner to participate in and complete a program for the rehabilitation of perpetrators of domestic violence unless the program meets the standards set by, and is approved by, the department under AS 44.28.020(b).

* Sec. 59. AS 33.16.150(g) is amended to read:

(g) In addition to other conditions of parole imposed under this section for a prisoner serving a sentence for an offense where the aggravating factor provided in AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a condition of special medical, [ADMINISTRATIVE,] discretionary, and mandatory parole a requirement that the prisoner submit to electronic monitoring. Electronic monitoring under this subsection must comply with AS 33.30.011(a)(10) and provide for monitoring of the prisoner's location and movements by Global Positioning System technology. The board shall require a prisoner serving a period of parole with electronic monitoring as provided under this subsection to pay all or a portion of the costs of the electronic monitoring, but only if the prisoner has sufficient financial resources to pay the costs or a portion of the costs. A prisoner subject to electronic monitoring under this subsection is not entitled to a credit for time served in a correctional facility while the defendant is on parole. In this subsection, "correctional facility" has the meaning given in AS 33.30.901.

* Sec. 60. AS 33.16.150(h) is amended to read:
(h) In addition to other conditions of parole imposed under this section, for a prisoner serving a sentence for an offense involving the use of alcohol or controlled substances, the board may impose, as a condition of special medical, [ADMINISTRATIVE,] discretionary, or mandatory parole, a requirement that the prisoner comply with a program established under AS 33.16.060(c) or AS 47.38.020. The board may require a prisoner serving a period of parole and complying with a program established under AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with the program.

* Sec. 61. AS 33.16.180 is amended to read:

Sec. 33.16.180. Duties of the commissioner. The commissioner shall

(1) conduct investigations of prisoners eligible for [ADMINISTRATIVE OR] discretionary parole, as requested by the board and as provided in this section;

(2) supervise the conduct of parolees;

(3) appoint and assign parole officers and personnel;

(4) [PROVIDE THE BOARD, WITHIN 30 DAYS AFTER SENTENCING, INFORMATION ON A SENTENCED PRISONER WHO MAY BE ELIGIBLE FOR ADMINISTRATIVE PAROLE UNDER AS 33.16.089 OR DISCRETIONARY PAROLE UNDER AS 33.16.090;]

(5) [notify the board and provide information on a prisoner 120 days before the prisoner's mandatory release date, if the prisoner is to be released on mandatory parole;

(5) [(6)] maintain records, files, and accounts as requested by the board;

(6) [(7)] prepare preparole reports under AS 33.16.110(a);

(7) [(8)] notify the board in writing of a prisoner's compliance or noncompliance with the prisoner's case plan created under AS 33.30.011(8) not less than 30 days before the prisoner's next parole eligibility date or the prisoner's parole hearing date, whichever is earlier;

(8) [(9)] establish an administrative sanction and incentive program to facilitate a swift and certain response to a parolee's compliance with or violation of the
conditions of parole and shall adopt regulations to implement the program; at a minimum, the regulations must include

(A) a decision-making process to guide parole officers in determining the suitable response to positive and negative offender behavior that includes a list of sanctions for the most common types of negative behavior, including technical violations of conditions of parole, and a list of incentives for compliance with conditions and positive behavior that exceeds those conditions;

(B) policies and procedures that ensure

(i) a process for responding to negative behavior that includes a review of previous violations and sanctions;

(ii) that enhanced sanctions for certain negative conduct are approved by the commissioner or the commissioner's designee; and

(iii) that appropriate due process protections are included in the process, including notice of negative behavior, an opportunity to dispute the accusation and the sanction, and an opportunity to request a review of the accusation and the sanction; and

(9) [(10)] within 30 days after sentencing of an offender, provide the victim of a crime information on the earliest dates the offender could be released on furlough, probation, or parole, including deductions or reductions for good time or other good conduct incentives, and the process for release, including contact information for the decision-making bodies.

* Sec. 62. AS 33.16.200 is amended to read:

Sec. 33.16.200. Custody of parolee. Except as provided in AS 33.16.210, the board retains custody of special medical, [ADMINISTRATIVE,] discretionary, and mandatory parolees until the expiration of the maximum term or terms of imprisonment to which the parolee is sentenced.

* Sec. 63. AS 33.16.270 is amended to read:

Sec. 33.16.270. Earned compliance credits. The commissioner shall establish by regulation a program allowing parolees to earn credits for complying with the conditions of parole. The earned compliance credits reduce the period of parole.
Nothing in this section prohibits the department from recommending to the board the early discharge of the parolee as provided in this chapter. At a minimum, the regulations must

(1) require that a parolee earn a credit of 30 days for each 30-day period served in which the parolee complied with the conditions of parole;

(2) include policies and procedures for

(A) calculating and tracking credits earned by parolees;

(B) reducing the parolee's period of parole based on credits earned by the parolee and notifying a victim under AS 33.30.013;

(3) require that a parolee convicted of a sex offense as defined in AS 12.63.100 or a crime involving domestic violence complete all treatment programs required as a condition of parole before discharge based on credits earned under this section.

* Sec. 64. AS 33.30.061 is amended by adding a new subsection to read:

(d) A prisoner serving a term of imprisonment at a private residence as required by statute when electronic monitoring is not available does not have a liberty interest in that status. The commissioner may return the prisoner to a correctional facility if the commissioner finds that the prisoner has violated the terms and conditions of the imprisonment at the private residence.

* Sec. 65. AS 34.03.360(10) is amended to read:

(10) "illegal activity involving a place of prostitution" means a violation of AS 11.66.120(a)(1) or 11.66.130(a)(2)(A) or (D) [11.66.130(a)(1) OR (4)];

* Sec. 66. AS 44.19.642(a) is amended to read:

(a) The commission consists of 14 [13] members as follows:

(1) the chief justice of the Alaska Supreme Court or another active or retired justice of the supreme court or an active or retired judge of the court of appeals designated by the chief justice;

(2) an active or retired superior court judge designated by the chief justice for a three-year term;

(3) an active or retired district court judge designated by the chief justice;
justice for a three-year term;

(4) a member of the Alaska Native community designated by the Alaska Native Justice Center for a three-year term;

(5) the attorney general or a designee of the attorney general;

(6) the public defender or a designee of the public defender;

(7) the commissioner of corrections or the commissioner's designee;

(8) the commissioner of public safety or the commissioner's designee;

(9) the chief executive officer of the Alaska Mental Health Trust Authority or the chief executive officer's designee for a three-year term;

(10) an active duty member of a municipal law enforcement agency appointed by the governor for a three-year term;

(11) one victims' rights advocate appointed by the governor for a three-year term;

(12) one nonvoting member, serving ex officio, who is a member of the senate appointed by the president of the senate; [AND]

(13) one nonvoting member, serving ex officio, who is a member of the house of representatives appointed by the speaker of the house of representatives;

and

(14) one nonvoting member, serving ex officio, who is the commissioner of health and social services or the commissioner's designee.

* Sec. 67. AS 44.19.645(g) is amended to read:

(g) The Department of Corrections shall report quarterly to the working group authorized in (b)(3) of this section. The report shall include the following information:

(1) data on pretrial decision making and outcomes, including information on pretrial detainees admitted for a new criminal charge; detainees released at any point before case resolution; time spent detained before first release or case resolution; pretrial defendant risk level and charge; pretrial release recommendations made by pretrial services officers; pretrial conditions imposed on pretrial detainees by judicial officers, including amount of bail, and supervision conditions; and information on pretrial outcomes, including whether or not the defendant appeared in court or was re-arrested during the pretrial period;
(2) data on offenders admitted to the Department of Corrections for a new criminal conviction, including the offense type, number of prior felony convictions, sentence length, and length of stay;

(3) data on the population of the Department of Corrections, using a one-day snapshot on the first day of the first month of each quarter, broken down by type of admission, offense type, and risk level;

(4) data on offenders on probation supervised by the Department of Corrections, including the total number of offenders supervised using a one-day snapshot on the first month of each quarter; admissions to probation; assignments to a program under AS 33.05.020(f); probation sentence length; time served on the sentence; whether probation was successfully completed, any new convictions for a felony offense, and any sentences to a term of imprisonment while on probation;

(5) data on parole, including the number of offenders supervised on parole, using a one-day snapshot on the first month of each quarter; the number of parole hearings; the parole grant rate and number of parolees released on [ADMINISTRATIVE,] discretionary [,] and special medical parole; and information on parolees, including time spent on parole, whether parole was successfully completed, any new convictions for a new felony offense, and any sentences to a term of imprisonment while on parole;

(6) data on the implementation of policies from the 2015 justice reinvestment report, including the number and percentage of offenders who earn compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months, and the total amount of credits earned; the average number of sanctions issued under AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most common violations of probation or parole; and

(7) data on probation and parole revocations, including information on probationers and parolees admitted for a supervision violation pre-case and post-case resolution; probationers and parolees admitted solely for a technical violation; probationers and parolees admitted for a new arrest; the number of previous revocations on the current sentence, if any; the length of time held pre-case resolution; the length of time to case resolution; and the length of stay.
* Sec. 68. AS 44.19.645 is amended by adding a new subsection to read:

(h) Beginning in the fiscal year ending June 30, 2019, the commission shall design and implement a project for the purposes of studying risk factors related to criminal activity, informing the legislature's policy and funding decisions related to primary crime prevention, and improving primary crime prevention strategies in the state. Under the project, the Department of Corrections shall transmit information about offenders sentenced to serve terms of incarceration of 30 days or more to the commission, and the commission shall analyze the information and provide to the legislature, in the report required under AS 44.19.647, the commission's conclusions and recommendations. The commission, in consultation with the Justice Center at the University of Alaska, the Alaska Judicial Council, the Department of Corrections, and other relevant entities or state agencies, create a list of the types of information and inmate characteristics the Department of Corrections shall collect for the project and may revise the list when necessary to meet project goals. The information may include data relating to adverse childhood experiences, mental health and substance abuse history, education, income, and employment of inmates. The Department of Corrections shall adopt policies establishing procedures for collecting the information identified in the list required under this subsection and providing the information to the commission. The procedures may provide for the collection of the information as part of the risk assessment program established under AS 33.30.011(a)(7). Requirements for collection of information under this subsection terminate July 1, 2024. In this subsection, "primary crime prevention" means intervention programs and strategies designed to reduce crime risk factors among the general population and prevent crime from happening.

* Sec. 69. AS 44.19.647(b) is amended to read:

(b) The commission shall submit the reports, summaries, and recommendations provided under [(a) OF] this section not later than November 1 of each year.

* Sec. 70. AS 44.19.647 is amended by adding a new subsection to read:

(c) In the report required under (a) of this section, the commission shall include a summary and analysis of the information collected under AS 44.19.645(h).
The commission shall

(1) provide a summary in the form of tables, charts, graphs, or other formats that are easily understood;

(2) include a review of the data and the commission's interpretations, findings, or conclusions related to the information collected;

(3) describe any changes in the types of information collected during the preceding fiscal year;

(4) make the summary and analysis required under this subsection available to the public; the commission may not publish or present individually identifiable information relating to an inmate;

(5) include, when possible, information from the previous fiscal year, comparisons to previous fiscal years, and cumulative information; and

(6) present the summary and analysis to the legislature within 10 days after the convening of the next regular session of the legislature following the submission of the report.

* Sec. 71. AS 47.37.040 is amended to read:

Sec. 47.37.040. Duties of department. The department shall

(1) develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and drug abuse and treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with public and private agencies, organizations, and individuals, and provide technical assistance and consultation services for these purposes;

(2) coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers;

(3) cooperate with the Department of Corrections in establishing and conducting programs to provide treatment for alcoholics, intoxicated persons, drug abusers, and inhalant abusers in or on parole from penal institutions;

(4) cooperate with the Department of Education and Early Development, school boards, schools, police departments, courts, and other public and
private agencies, organizations, and individuals in establishing programs for the prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum materials for use at all levels of school education;

(5) prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous volatile substances;

(6) develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers that includes the dissemination of information concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

(7) organize and foster training programs for all persons engaged in treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and establish standards for training paraprofessional alcoholism, drug abuse, and inhalant abuse workers;

(8) sponsor and encourage research into the causes and nature of alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse for information relating to alcoholism, drug abuse, and inhalant abuse;

(9) specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(10) conduct program planning activities approved by the Advisory Board on Alcoholism and Drug Abuse;

(11) review all state health, welfare, and treatment plans to be submitted for federal funding, and advise the commissioner on provisions to be included relating to alcoholics, intoxicated persons, drug abusers, and inhalant abusers;

(12) assist in the development of, and cooperate with, alcohol, drug abuse, and inhalant abuse education and treatment programs for employees of state
and local governments and businesses and industries in the state;

(13) use the support and assistance of interested persons in the community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo treatment;

(14) cooperate with the Department of Public Safety and the Department of Transportation and Public Facilities in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while under the influence of an alcoholic beverage, inhalant, or controlled substance, and develop and approve alcohol information courses required to be taken by drivers under AS 28.15 or made available to drivers to reduce points assessed for violation of traffic laws;

(15) encourage hospitals and other appropriate health facilities to admit without discrimination alcoholics, intoxicated persons, drug abusers, and inhalant abusers and to provide them with adequate and appropriate treatment;

(16) encourage all health insurance programs to include alcoholism and drug abuse as a covered illness;

(17) prepare an annual report covering the activities of the department and notify the legislature that the report is available;

(18) develop and implement a training program on alcoholism and drug abuse for employees of state and municipal governments, and private institutions;

(19) develop curriculum materials on drug and alcohol abuse and the misuse of hazardous volatile substances for use in grades kindergarten through 12, as well as a course of instruction for teachers to be charged with presenting the curriculum;

(20) develop and implement or designate, in cooperation with other state or local agencies, a juvenile alcohol safety action program that provides alcohol and substance abuse screening, referral, and monitoring of persons under 18 years of age who have been referred to it by

(A) a court in connection with a charge or conviction of a violation or misdemeanor related to the use of alcohol or a controlled
substance;

(B) the agency responsible for the administration of motor vehicle laws in connection with a license action related to the use of alcohol or a controlled substance; or

(C) department staff after a delinquency adjudication that is related to the use of alcohol or a controlled substance;

(21) develop and implement, or designate, in cooperation with other state or local agencies, an alcohol safety action program that provides **alcohol and substance abuse screening, referral, and monitoring** services to persons who have been referred by a court **in connection with a charge or conviction of a misdemeanor involving the use of alcohol or a controlled substance or** under AS 04.16.049 or [,,] 04.16.050 [, AS 28.35.028, 28.35.030, OR 28.35.032,] or referred by an agency of the state with the responsibility for administering motor vehicle laws in connection with a driver's license action involving the use of alcohol or a controlled substance;

(22) whenever possible, apply evidence-based, research-based, and consensus-based substance abuse and co-occurring substance abuse and mental health disorders treatment practices and remove barriers that prevent the use of those practices;

(23) collaborate with first responders, hospitals, schools, primary care providers, developmental disability treatment providers, law enforcement, corrections, attorneys, the Alaska Court System, community behavioral treatment providers, Alaska Native organizations, and federally funded programs in implementing programs for co-occurring substance abuse and mental health disorders treatment.

* Sec. 72. AS 11.66.130(b), 11.66.135(b); AS 33.16.010(f), 33.16.089, and 33.16.900(1) are repealed.

* Sec. 73. AS 44.19.645(h) and 44.19.647(c) are repealed.

* Sec. 74. AS 22.20.220 is repealed February 14, 2025.

* Sec. 75. The uncodified law of the State of Alaska is amended by adding a new section to read:

**APPLICABILITY.** (a) The following sections apply to offenses committed on or after
the effective date of those sections:

(1) AS 11.46.130(a), as amended by sec. 2 of this Act;
(2) AS 11.46.140(a), as amended by sec. 3 of this Act;
(3) AS 11.46.220(c), as amended by sec. 4 of this Act;
(4) AS 11.46.260(b), as amended by sec. 5 of this Act;
(5) AS 11.46.270(b), as amended by sec. 6 of this Act;
(6) AS 11.46.280(d), as amended by sec. 7 of this Act;
(7) AS 11.46.285(b), as amended by sec. 8 of this Act;
(8) AS 11.46.360(a), as amended by sec. 9 of this Act;
(9) AS 11.46.482(a), as amended by sec. 10 of this Act;
(10) AS 11.46.484(a), as amended by sec. 11 of this Act;
(11) AS 11.46.486(a), as amended by sec. 12 of this Act;
(12) AS 11.46.489, enacted by sec. 13 of this Act;
(13) AS 11.46.530(b), as amended by sec. 14 of this Act;
(14) AS 11.46.620(d), as amended by sec. 15 of this Act;
(15) AS 11.46.730(c), as amended by sec. 16 of this Act;
(16) AS 11.56.757(a), as amended by sec. 19 of this Act;
(17) AS 11.56.757(b), as amended by sec. 20 of this Act;
(18) AS 11.66.130(a), as amended by sec. 21 of this Act;
(19) AS 11.66.135(a), as amended by sec. 22 of this Act;
(20) AS 11.66.150(4), enacted by sec. 23 of this Act;
(21) AS 12.30.006(b), as amended by sec. 26 of this Act;
(22) AS 28.15.011(d), enacted by sec. 42 of this Act;
(23) AS 33.05.020(h), as amended by sec. 43 of this Act; and
(24) AS 33.16.270, as amended by sec. 63 of this Act.

(b) The following sections apply to sentences imposed on or after the effective date of those sections for conduct occurring on or after the effective date of those sections:

(1) AS 12.30.011(l), enacted by sec. 27 of this Act;
(2) AS 12.55.125(c), as amended by sec. 32 of this Act;
(3) AS 12.55.125(e), as amended by sec. 33 of this Act;
(4) AS 12.55.125(q), enacted by sec. 34 of this Act;
(5) AS 12.55.135(a), as amended by sec. 35 of this Act;
(6) AS 12.55.135(b), as amended by sec. 36 of this Act;
(7) AS 12.55.135(l), as amended by sec. 37 of this Act; and
(8) AS 12.55.145(a), as amended by sec. 38 of this Act.
(c) AS 12.55.090(g), as amended by sec. 30 of this Act, applies to probation ordered
on or after the effective date of sec. 30 of this Act, for offenses committed on or after the
effective date of sec. 30 of this Act.
(d) AS 33.16.130(c), as amended by sec. 53 of this Act, applies to sentences imposed
on or after the effective date of sec. 53 of this Act.
* Sec. 76. The uncodified law of the State of Alaska is amended by adding a new section to
read:
CONDITIONAL EFFECT FOR SECS. 41 AND 74. (a) AS 22.20.220, added by sec.
41 of this Act, takes effect only if the Alaska Criminal Justice Commission expires under
AS 44.66.010 before February 14, 2025.
(b) Section 74 of this Act takes effect only if sec. 41 of this Act takes effect under (a)
of this section.
* Sec. 77. The uncodified law of the State of Alaska is amended by adding a new section to
read:
CONDITIONAL EFFECT FOR SEC. 71; NOTIFICATION TO REVISOR OF
STATUTES. (a) Section 71 of this Act takes effect only if, on or before July 1, 2018, the
director of the division of legislative finance provides notice to the revisor of statutes under
(b) of this section.
(b) The director of the division of legislative finance shall, on or before July 1, 2018,
notify the revisor of statutes if the Thirtieth Alaska State Legislature passes an appropriation
bill that is enacted into law that makes an appropriation to the Department of Health and
Social Services for the alcohol safety action program for the fiscal year ending June 30, 2019,
that is at least 50 percent greater than the amount appropriated to the Department of Health
and Social Services for the alcohol safety action program for the fiscal year ending June 30,
2018.
* Sec. 78. Sections 26, 27, and 45 of this Act take effect January 1, 2018.
* Sec. 79. If, under sec. 77 of this Act, sec. 71 of this Act takes effect, it takes effect July 1,
2018.

* Sec. 80. Section 44 of this Act takes effect July 1, 2019.

* Sec. 81. If sec. 41 of this Act takes effect under sec. 76(a) of this Act, it takes effect on the
day after the date the Alaska Criminal Justice Commission expires under AS 44.66.010.

* Sec. 82. If sec. 74 of this Act takes effect under sec. 76(b) of this Act, it takes effect
February 14, 2025.

* Sec. 83. Section 73 of this Act takes effect on the earlier of the following:

   (1) the date sec. 41 of this Act takes effect under sec. 81 of this Act; or

   (2) February 14, 2025.

* Sec. 84. Except as provided in secs. 78 - 83 of this Act, this Act takes effect immediately
under AS 01.10.070(c).