

AMENDMENT #1

Rep. Wilson

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(FIN)

1 Page 2, line 5, following "INTENT.":

2 Insert "(a)"

3

4 Page 2, following line 8:

5 Insert a new subsection to read:

6 "(b) It is the intent of the legislature that reinvestment be made into providing
7 additional law enforcement resources in communities throughout the state."

AMENDMENT #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: HCS CSSSSB 91(JUD)

1 Page 1, line 1, following "Act":

2 Insert "relating to civil in rem forfeiture actions;"

3

4 Page 2, following line 6:

5 Insert a new bill section to read:

6 **"* Section 1. AS 09.55 is amended by adding a new section to read:**

7 **Article 10. Civil in rem Forfeiture.**

8 **Sec. 09.55.700. In rem civil forfeiture actions.** Common law civil in rem

9 forfeiture actions are abolished if used instead of a criminal proceeding."

10

11 Page 2, line 7:

12 Delete "Section 1"

13 Insert "Sec. 2"

14

15 Renumber the following bill sections accordingly.

16

17 Page 118, line 10:

18 Delete "sec. 55"

19 Insert "sec. 56"

20

21 Page 118, line 16:

22 Delete "sec. 72"

23 Insert "sec. 73"

1
2 Page 118, line 19:
3 Delete "sec. 72"
4 Insert "sec. 73"
5
6 Page 118, line 20:
7 Delete "sec. 73"
8 Insert "sec. 74"
9
10 Page 118, line 23:
11 Delete "sec. 89"
12 Insert "sec. 90"
13
14 Page 118, line 26:
15 Delete "sec. 117"
16 Insert "sec. 118"
17
18 Page 120, line 26:
19 Delete "sec. 3"
20 Insert "sec. 4"
21
22 Page 120, line 27:
23 Delete "sec. 4"
24 Insert "sec. 5"
25
26 Page 120, line 28:
27 Delete "sec. 5"
28 Insert "sec. 6"
29
30 Page 120, line 29:
31 Delete "sec. 6"

1 Insert "sec. 7"

2

3 Page 120, line 30:

4 Delete "sec. 7"

5 Insert "sec. 8"

6

7 Page 120, line 31:

8 Delete "sec. 8"

9 Insert "sec. 9"

10

11 Page 121, line 1:

12 Delete "sec. 9"

13 Insert "sec. 10"

14

15 Page 121, line 2:

16 Delete "sec. 10"

17 Insert "sec. 11"

18

19 Page 121, line 3:

20 Delete "sec. 11"

21 Insert "sec. 12"

22

23 Page 121, line 4:

24 Delete "sec. 12"

25 Insert "sec. 13"

26

27 Page 121, line 5:

28 Delete "sec. 13"

29 Insert "sec. 14"

30

31 Page 121, line 6:

1 Delete "sec. 14"

2 Insert "sec. 15"

3

4 Page 121, line 7:

5 Delete "sec. 15"

6 Insert "sec. 16"

7

8 Page 121, line 8:

9 Delete "sec. 16"

10 Insert "sec. 17"

11

12 Page 121, line 9:

13 Delete "sec. 17"

14 Insert "sec. 18"

15

16 Page 121, line 10:

17 Delete "sec. 18"

18 Insert "sec. 19"

19

20 Page 121, line 11:

21 Delete "sec. 19"

22 Insert "sec. 20"

23

24 Page 121, line 12:

25 Delete "sec. 20"

26 Insert "sec. 21"

27

28 Page 121, line 13:

29 Delete "sec. 23"

30 Insert "sec. 24"

31

1 Page 121, line 14:
2 Delete "sec. 26"
3 Insert "sec. 27"
4
5 Page 121, line 15:
6 Delete "sec. 28"
7 Insert "sec. 29"
8
9 Page 121, line 16:
10 Delete "sec. 29"
11 Insert "sec. 30"
12
13 Page 121, line 17:
14 Delete "sec. 31"
15 Insert "sec. 32"
16
17 Page 121, line 18:
18 Delete "sec. 37"
19 Insert "sec. 38"
20
21 Page 121, line 19:
22 Delete "sec. 38"
23 Insert "sec. 39"
24
25 Page 121, line 20:
26 Delete "sec. 41"
27 Insert "sec. 42"
28
29 Page 121, line 21:
30 Delete "sec. 43"
31 Insert "sec. 44"

1
2 Page 121, line 22:
3 Delete "sec. 45"
4 Insert "sec. 46"
5
6 Page 121, line 23:
7 Delete "sec. 82"
8 Insert "sec. 83"
9
10 Page 121, line 24:
11 Delete "sec. 86"
12 Insert "sec. 87"
13
14 Page 121, line 25:
15 Delete "sec. 100"
16 Insert "sec. 101"
17
18 Page 121, line 26:
19 Delete "sec. 101"
20 Insert "sec. 102"
21
22 Page 121, line 27:
23 Delete "sec. 111"
24 Insert "sec. 112"
25
26 Page 121, line 28:
27 Delete "sec. 112"
28 Insert "sec. 113"
29
30 Page 121, line 29:
31 Delete "sec. 113"

1 Insert "sec. 114"
2
3 Page 121, line 30:
4 Delete "sec. 173"
5 Insert "sec. 174"
6
7 Page 121, line 31:
8 Delete "sec. 181"
9 Insert "sec. 182"
10
11 Page 122, line 3:
12 Delete "sec. 67"
13 Insert "sec. 68"
14
15 Page 122, line 4:
16 Delete "sec. 68"
17 Insert "sec. 69"
18
19 Page 122, line 8:
20 Delete "sec. 33"
21 Insert "sec. 34"
22
23 Page 122, line 9:
24 Delete "sec. 34"
25 Insert "sec. 35"
26
27 Page 122, line 10:
28 Delete "sec. 35"
29 Insert "sec. 36"
30
31 Page 122, line 11:

1 Delete "sec. 36"
2 Insert "sec. 37"
3
4 Page 122, line 14:
5 Delete "sec. 64"
6 Insert "sec. 65"
7
8 Page 122, line 15:
9 Delete "sec. 65"
10 Insert "sec. 66"
11
12 Page 122, line 16:
13 Delete "sec. 66"
14 Insert "sec. 67"
15
16 Page 122, line 17:
17 Delete "sec. 153"
18 Insert "sec. 154"
19
20 Page 122, line 20:
21 Delete "sec. 62"
22 Insert "sec. 63"
23
24 Page 122, line 21:
25 Delete "sec. 63"
26 Insert "sec. 64"
27
28 Page 122, line 22:
29 Delete "sec. 81"
30 Insert "sec. 82"
31

1 Page 122, line 23:
2 Delete "sec. 104"
3 Insert "sec. 105"
4
5 Page 122, line 24:
6 Delete "sec. 108"
7 Insert "sec. 109"
8
9 Page 122, line 25:
10 Delete "sec. 120"
11 Insert "sec. 121"
12
13 Page 122, line 26:
14 Delete "sec. 122"
15 Insert "sec. 123"
16
17 Page 122, line 27:
18 Delete "sec. 60"
19 Insert "sec. 61"
20
21 Page 122, line 28:
22 Delete "sec. 60"
23 Insert "sec. 61"
24
25 Page 122, line 29:
26 Delete "sec. 60"
27 Insert "sec. 61"
28
29 Page 123, line 2:
30 Delete "sec. 70"
31 Insert "sec. 71"

1
2 Page 123, line 3:
3 Delete "sec. 71"
4 Insert "sec. 72"
5
6 Page 123, line 4:
7 Delete "sec. 72"
8 Insert "sec. 73"
9
10 Page 123, line 5:
11 Delete "sec. 73"
12 Insert "sec. 74"
13
14 Page 123, line 6:
15 Delete "sec. 73"
16 Insert "sec. 74"
17
18 Page 123, line 7:
19 Delete "sec. 73"
20 Insert "sec. 74"
21
22 Page 123, line 8:
23 Delete "sec. 69"
24 Insert "sec. 70"
25
26 Page 123, line 9:
27 Delete "sec. 69"
28 Insert "sec. 70"
29
30 Page 123, line 10:
31 Delete "sec. 69"

1 Insert "sec. 70"
2
3 Page 123, line 11:
4 Delete "sec. 75"
5 Insert "sec. 76"
6
7 Page 123, line 12:
8 Delete "sec. 75"
9 Insert "sec. 76"
10
11 Page 123, line 13:
12 Delete "sec. 75"
13 Insert "sec. 76"
14
15 Page 123, line 14:
16 Delete "sec. 78"
17 Insert "sec. 79"
18
19 Page 123, line 15:
20 Delete "sec. 78"
21 Insert "sec. 79"
22
23 Page 123, line 16:
24 Delete "sec. 78"
25 Insert "sec. 79"
26
27 Page 123, line 20:
28 Delete "sec. 74"
29 Insert "sec. 75"
30
31 Page 123, line 21:

1 Delete "sec. 76"

2 Insert "sec. 77"

3

4 Page 123, line 22:

5 Delete "sec. 77"

6 Insert "sec. 78"

7

8 Page 123, line 23:

9 Delete "sec. 80"

10 Insert "sec. 81"

11

12 Page 123, line 24:

13 Delete "sec. 115"

14 Insert "sec. 116"

15

16 Page 123, line 28:

17 Delete "sec. 97"

18 Insert "sec. 98"

19

20 Page 123, line 29:

21 Delete "sec. 99"

22 Insert "sec. 100"

23

24 Page 123, line 30:

25 Delete "sec. 106"

26 Insert "sec. 107"

27

28 Page 124, line 2:

29 Delete "sec. 118"

30 Insert "sec. 119"

31

1 Page 124, line 3:
2 Delete "sec. 119"
3 Insert "sec. 120"
4
5 Page 124, line 4:
6 Delete "sec. 121"
7 Insert "sec. 122"
8
9 Page 124, line 5:
10 Delete "sec. 123"
11 Insert "sec. 124"
12
13 Page 124, line 6:
14 Delete "sec. 125"
15 Insert "sec. 126"
16
17 Page 124, line 7:
18 Delete "sec. 126"
19 Insert "sec. 127"
20
21 Page 124, line 8:
22 Delete "sec. 127"
23 Insert "sec. 128"
24
25 Page 124, line 9:
26 Delete "sec. 133"
27 Insert "sec. 134"
28
29 Page 124, line 10:
30 Delete "sec. 134"
31 Insert "sec. 135"

1
2 Page 124, line 11:
3 Delete "sec. 135"
4 Insert "sec. 136"
5
6 Page 124, line 12:
7 Delete "sec. 136"
8 Insert "sec. 137"
9
10 Page 124, line 13:
11 Delete "sec. 137"
12 Insert "sec. 138"
13
14 Page 124, line 14:
15 Delete "sec. 138"
16 Insert "sec. 139"
17
18 Page 124, line 15:
19 Delete "sec. 139"
20 Insert "sec. 140"
21
22 Page 124, line 16:
23 Delete "sec. 140"
24 Insert "sec. 141"
25
26 Page 124, line 17:
27 Delete "sec. 142"
28 Insert "sec. 143"
29
30 Page 124, line 18:
31 Delete "sec. 24"

1 Insert "sec. 25"
2 Delete "sec. 189"
3 Insert "sec. 190"
4
5 Page 124, line 19:
6 Delete "secs. 24 and 189"
7 Insert "secs. 25 and 190"
8
9 Page 124, line 22:
10 Delete "sec. 51"
11 Insert "sec. 52"
12
13 Page 124, line 23:
14 Delete "sec. 52"
15 Insert "sec. 53"
16
17 Page 124, line 24:
18 Delete "sec. 53"
19 Insert "sec. 54"
20
21 Page 124, line 25:
22 Delete "sec. 54"
23 Insert "sec. 55"
24
25 Page 124, line 26:
26 Delete "sec. 55"
27 Insert "sec. 56"
28
29 Page 124, line 27:
30 Delete "sec. 56"
31 Insert "sec. 57"

1
2 Page 124, line 28:
3 Delete "sec. 57"
4 Insert "sec. 58"
5
6 Page 124, line 29:
7 Delete "sec. 58"
8 Insert "sec. 59"
9
10 Page 124, line 30:
11 Delete "sec. 59"
12 Insert "sec. 60"
13
14 Page 124, line 31:
15 Delete "sec. 117"
16 Insert "sec. 118"
17
18 Page 125, line 3:
19 Delete "sec. 141"
20 Insert "sec. 142"
21
22 Page 125, line 4:
23 Delete "sec. 143"
24 Insert "sec. 144"
25
26 Page 125, line 5:
27 Delete "sec. 144"
28 Insert "sec. 145"
29
30 Page 125, line 6:
31 Delete "sec. 145"

1 Insert "sec. 146"
2
3 Page 125, line 7:
4 Delete "sec. 146"
5 Insert "sec. 147"
6
7 Page 125, line 8:
8 Delete "sec. 147"
9 Insert "sec. 148"
10
11 Page 125, line 9:
12 Delete "sec. 148"
13 Insert "sec. 149"
14
15 Page 125, line 10:
16 Delete "sec. 149"
17 Insert "sec. 150"
18
19 Page 125, line 11:
20 Delete "sec. 150"
21 Insert "sec. 151"
22
23 Page 125, line 12:
24 Delete "sec. 151"
25 Insert "sec. 152"
26
27 Page 125, line 13:
28 Delete "sec. 114"
29 Insert "sec. 115"
30
31 Page 125, line 14:

1 Delete "sec. 114"

2 Insert "sec. 115"

3

4 Page 125, line 15:

5 Delete "sec. 114"

6 Insert "sec. 115"

7

8 Page 125, line 16:

9 Delete "sec. 114"

10 Insert "sec. 115"

11

12 Page 125, line 17:

13 Delete "sec. 154"

14 Insert "sec. 155"

15

16 Page 125, line 18:

17 Delete "sec. 154"

18 Insert "sec. 155"

19

20 Page 125, line 19:

21 Delete "sec. 154"

22 Insert "sec. 155"

23

24 Page 125, line 20:

25 Delete "sec. 154"

26 Insert "sec. 155"

27

28 Page 125, line 24:

29 Delete "sec. 47"

30 Insert "sec. 48"

31

1 Page 125, line 25:
2 Delete "sec. 49"
3 Insert "sec. 50"
4
5 Page 125, line 26:
6 Delete "sec. 46"
7 Insert "sec. 47"
8
9 Page 125, line 27:
10 Delete "sec. 46"
11 Insert "sec. 47"
12
13 Page 125, line 28:
14 Delete "sec. 46"
15 Insert "sec. 47"
16
17 Page 125, line 31:
18 Delete "sec. 83"
19 Insert "sec. 84"
20
21 Page 126, line 1:
22 Delete "sec. 84"
23 Insert "sec. 85"
24
25 Page 126, line 2:
26 Delete "sec. 85"
27 Insert "sec. 86"
28
29 Page 126, line 3:
30 Delete "sec. 87"
31 Insert "sec. 88"

1
2 Page 126, line 4:
3 Delete "sec. 88"
4 Insert "sec. 89"
5
6 Page 126, line 5:
7 Delete "sec. 89"
8 Insert "sec. 90"
9
10 Page 126, line 9:
11 Delete "secs. 161 - 172, 193, and 199"
12 Insert "secs. 162 - 173, 194, and 202"
13
14 Page 126, line 17:
15 Delete "Sections 161 - 172 and 193"
16 Insert "Sections 162 - 173 and 194"
17
18 Page 126, line 21:
19 Delete "sec. 24"
20 Insert "sec. 25"
21
22 Page 126, line 22:
23 Delete "sec. 189"
24 Insert "sec. 190"
25
26 Page 126, line 24:
27 Delete "sec. 55"
28 Insert "sec. 56"
29
30 Page 126, line 25:
31 Delete "sec. 194(a)"

1 Insert "sec. 195(a)"

2

3 Page 126, line 27:

4 Delete "sec. 72"

5 Insert "sec. 73"

6 Delete "sec. 194(b)"

7 Insert "sec. 195(b)"

8

9 Page 126, line 30:

10 Delete "sec. 73"

11 Insert "sec. 74"

12 Delete "sec. 194(c)"

13 Insert "sec. 195(c)"

14

15 Page 127, line 2:

16 Delete "sec. 89"

17 Insert "sec. 90"

18 Delete "sec. 194(d)"

19 Insert "sec. 195(d)"

20

21 Page 127, line 5:

22 Delete "sec. 117"

23 Insert "sec. 118"

24 Delete "sec. 194(e)"

25 Insert "sec. 195(e)"

26

27 Page 127, line 8:

28 Delete "Sections 91, 93, 200, and 201"

29 Insert "Sections 92, 94, 201, and 202"

30

31 Page 127, lines 10 - 11:

1 Delete "Sections 1 - 23, 25 - 45, 70 - 73, 75, 82 - 90, 97, 99 - 101, 103, 106, 111 - 113,
2 154, 160, 173 - 182, 192, 194(b), 194(c), and 194(d)"

3 Insert "Sections 1 - 24, 26 - 46, 71 - 74, 76, 83 - 91, 98, 100 - 102, 104, 107, 112 -
4 114, 155, 161, 174 - 183, 193, 195(b), 195(c), and 195(d)"

5

6 Page 127, line 12:

7 Delete "sec. 24"

8 Insert "sec. 25"

9

10 Page 127, line 13:

11 Delete "Section 94"

12 Insert "Section 95"

13

14 Page 127, lines 14 - 15:

15 Delete "Sections 47 - 50, 60, 62, 63, 69, 74, 76 - 81, 92, 104, 105, 108, 114 - 116, 118
16 - 153, 156 - 158, and 183 - 185"

17 Insert "Sections 48 - 51, 61, 63, 64, 70, 75, 77 - 82, 93, 105, 106, 109, 115 - 117, 119 -
18 154, 157 - 159, and 184 - 186"

19

20 Page 127, line 16:

21 Delete "Sections 46, 51 - 59, 117, 190, 191, 194(a), and 194(e)"

22 Insert "Sections 47, 52 - 60, 118, 191, 192, 195(a), and 195(e)"

23

24 Page 127, line 18:

25 Delete "Section 159"

26 Insert "Section 160"

27

28 Page 127, line 19:

29 Delete "sec. 24"

30 Insert "sec. 25"

31 Delete "sec. 189"

1

Insert "sec. 190"

Rep. Wilson

AMENDMENT #3

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(FIN)

1 Page 8, lines 9 - 10:

2 Delete "\$1,000 [\$750]"

3 Insert "\$750"

4

5 Page 8, line 13:

6 Delete "\$1,000 [\$750]"

7 Insert "\$750"

A M E N D M E N T ^{#4}

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

1 Page 33, following line 12:

2 Insert a new subsection to read:

3 "(l) A person who is ordered as a condition of release under this section to be
4 on electronic monitoring may not be subject to a search of the person's dwelling by a
5 pretrial services officer or peace officer except upon probable cause."

A M E N D M E N T # 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

- 1 Page 47, line 7, following "offense,":
2 Insert "other than a crime against a person under AS 11.41 that is an unclassified, class
3 A, or class B felony,"
4
- 5 Page 90, line 30, following "offense,":
6 Insert "other than a crime against a person under AS 11.41 that is an unclassified, class
7 A, or class B felony,"

AMENDMENT # 6

OFFERED IN THE HOUSE
TO: HCS CSSSSB 91(JUD)

BY REPRESENTATIVE GARA

Fruit.

- 1 Page 53, line 19, following "than":
2 Insert "(1)"
- 3
- 4 Page 53, line 20, following "section":
5 Insert ";"
- 6
- 7 Page 53, following line 20:
8 Insert a new paragraph to read:
9 "(2) 90 days if the conviction is for a violation of
10 (A) AS 11.61.116(c)(1) and the person is 21 years of age or
11 older; or
12 (B) AS 11.61.120(a)(6) and the person is 21 years of age or
13 older."

AMENDMENT

#7

Rep

Kawasaki

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

1 Page 1, line 1, following "substances;":

2 Insert "relating to victims of criminal offenses;"

3

4 Page 56, following line 9:

5 Insert new bill sections to read:

6 ** Sec. 91. AS 12.61 is amended by adding a new section to read:

7 **Sec. 12.61.016. Duties of agency investigating a sexual offense.** A law
8 enforcement agency investigating an offense under AS 11.41.410 - 11.41.470 may not
9 disclose information related to the investigation to an employer of the victim unless

10 (1) the victim expressly permits the disclosure; or

11 (2) the agency determines the disclosure is necessary to investigate or
12 prevent a crime.

13 * Sec. 92. AS 12.61.017(a) is amended to read:

14 (a) An employer may not penalize or threaten to penalize a victim of an
15 offense because the victim

16 (1) is subpoenaed or requested by the prosecuting attorney to attend a
17 court proceeding for the purpose of giving testimony; or

18 (2) reports the offense to a law enforcement agency or participates
19 in the investigation of the offense by a law enforcement agency [. IN THIS
20 SUBSECTION, "PENALIZE" MEANS TO TAKE ACTION AFFECTING THE
21 EMPLOYMENT STATUS, WAGES, AND BENEFITS PAYABLE TO THE
22 VICTIM, INCLUDING

23 (1) DEMOTION OR SUSPENSION;

5 * Sec. 93. AS 12.61.017 is amended by adding a new subsection to read:

(d) In this section, "penalize" means to take action affecting the employment status, wages, and benefits payable to the victim, including

8 (1) demotion or suspension;

9 (2) dismissal from employment; and

(3) loss of pay or benefits, except pay and benefits that are directly attributable to the victim's absence from employment to

(A) attend the court proceeding;

(B) report the offense to a law enforcement agency;

(C) participate in a law enforcement agency investigation of the offense."

6

7 Renumber the following bill sections accordingly.

8

9 Page 118, line 26:

20 Delete "sec. 117"

21 Insert "sec. 120"

22

23 Page 121, line 25:

24 Delete "sec. 100"

25 Insert "sec. 103"

26

27 Page 121, line 26:

28 Delete "sec. 101"

29 Insert "sec. 104"

30

31 Page 121, line 27:

1 Delete "sec. 111"
2 Insert "sec. 114"
3
4 Page 121, line 28:
5 Delete "sec. 112"
6 Insert "sec. 115"
7
8 Page 121, line 29:
9 Delete "sec. 113"
10 Insert "sec. 116"
11
12 Page 121, line 30:
13 Delete "sec. 173"
14 Insert "sec. 176"
15
16 Page 121, line 31:
17 Delete "sec. 181"
18 Insert "sec. 184"
19
20 Page 122, line 17:
21 Delete "sec. 153"
22 Insert "sec. 156"
23
24 Page 122, line 23:
25 Delete "sec. 104"
26 Insert "sec. 107"
27
28 Page 122, line 24:
29 Delete "sec. 108"
30 Insert "sec. 111"
31

1 Page 122, line 25:
2 Delete "sec. 120"
3 Insert "sec. 123"
4
5 Page 122, line 26:
6 Delete "sec. 122"
7 Insert "sec. 125"
8
9 Page 123, line 24:
10 Delete "sec. 115"
11 Insert "sec. 118"
12
13 Page 123, line 28:
14 Delete "sec. 97"
15 Insert "sec. 100"
16
17 Page 123, line 29:
18 Delete "sec. 99"
19 Insert "sec. 102"
20
21 Page 123, line 30:
22 Delete "sec. 106"
23 Insert "sec. 109"
24
25 Page 124, line 2:
26 Delete "sec. 118"
27 Insert "sec. 121"
28
29 Page 124, line 3:
30 Delete "sec. 119"
31 Insert "sec. 122"

1
2 Page 124, line 4:
3 Delete "sec. 121"
4 Insert "sec. 124"
5
6 Page 124, line 5:
7 Delete "sec. 123"
8 Insert "sec. 126"
9
10 Page 124, line 6:
11 Delete "sec. 125"
12 Insert "sec. 128"
13
14 Page 124, line 7:
15 Delete "sec. 126"
16 Insert "sec. 129"
17
18 Page 124, line 8:
19 Delete "sec. 127"
20 Insert "sec. 130"
21
22 Page 124, line 9:
23 Delete "sec. 133"
24 Insert "sec. 136"
25
26 Page 124, line 10:
27 Delete "sec. 134"
28 Insert "sec. 137"
29
30 Page 124, line 11:
31 Delete "sec. 135"

1 Insert "sec. 138"

2

3 Page 124, line 12:

4 Delete "sec. 136"

5 Insert "sec. 139"

6

7 Page 124, line 13:

8 Delete "sec. 137"

9 Insert "sec. 140"

10

11 Page 124, line 14:

12 Delete "sec. 138"

13 Insert "sec. 141"

14

15 Page 124, line 15:

16 Delete "sec. 139"

17 Insert "sec. 142"

18

19 Page 124, line 16:

20 Delete "sec. 140"

21 Insert "sec. 143"

22

23 Page 124, line 17:

24 Delete "sec. 142"

25 Insert "sec. 145"

26

27 Page 124, line 18:

28 Delete "sec. 189"

29 Insert "sec. 192"

30

31 Page 124, line 19:

1 Delete "189"
2 Insert "192"
3
4 Page 124, line 31:
5 Delete "sec. 117"
6 Insert "sec. 120"
7
8 Page 125, line 3:
9 Delete "sec. 141"
10 Insert "sec. 144"
11
12 Page 125, line 4:
13 Delete "sec. 143"
14 Insert "sec. 146"
15
16 Page 125, line 5:
17 Delete "sec. 144"
18 Insert "sec. 147"
19
20 Page 125, line 6:
21 Delete "sec. 145"
22 Insert "sec. 148"
23
24 Page 125, line 7:
25 Delete "sec. 146"
26 Insert "sec. 149"
27
28 Page 125, line 8:
29 Delete "sec. 147"
30 Insert "sec. 150"
31

1 Page 125, line 9:
2 Delete "sec. 148"
3 Insert "sec. 151"
4
5 Page 125, line 10:
6 Delete "sec. 149"
7 Insert "sec. 152"
8
9 Page 125, line 11:
10 Delete "sec. 150"
11 Insert "sec. 153"
12
13 Page 125, line 12:
14 Delete "sec. 151"
15 Insert "sec. 154"
16
17 Page 125, line 13:
18 Delete "sec. 114"
19 Insert "sec. 117"
20
21 Page 125, line 14:
22 Delete "sec. 114"
23 Insert "sec. 117"
24
25 Page 125, line 15:
26 Delete "sec. 114"
27 Insert "sec. 117"
28
29 Page 125, line 16:
30 Delete "sec. 114"
31 Insert "sec. 117"

1
2 Page 125, line 17:
3 Delete "sec. 154"
4 Insert "sec. 157"
5
6 Page 125, line 18:
7 Delete "sec. 154"
8 Insert "sec. 157"
9
10 Page 125, line 19:
11 Delete "sec. 154"
12 Insert "sec. 157"
13
14 Page 125, line 20:
15 Delete "sec. 154"
16 Insert "sec. 157"
17
18 Page 126, line 9:
19 Delete "secs. 161 - 172, 193, and 199"
20 Insert "secs. 164 - 175, 196, and 204"
21
22 Page 126, line 17:
23 Delete "Sections 161 - 172 and 193"
24 Insert "Sections 164 - 175 and 196"
25
26 Page 126, line 22:
27 Delete "sec. 189"
28 Insert "sec. 192"
29
30 Page 126, line 25:
31 Delete "sec. 194(a)"

1 Insert "sec. 197(a)"

2

3 Page 126, line 27:

4 Delete "sec. 194(b)"

5 Insert "sec. 197(b)"

6

7 Page 126, line 30:

8 Delete "sec. 194(c)"

9 Insert "sec. 197(c)"

10

11 Page 127, line 2:

12 Delete "sec. 194(d)"

13 Insert "sec. 197(d)"

14

15 Page 127, line 5:

16 Delete "sec. 117"

17 Insert "sec. 120"

18 Delete "sec. 194(e)"

19 Insert "sec. 197(e)"

20

21 Page 127, line 8:

22 Delete "Sections 91, 93, 200, and 201"

23 Insert "Sections 94, 96, 203, and 204"

24

25 Page 127, lines 10 - 11:

26 Delete "97, 99 - 101, 103, 106, 111 - 113, 154, 160, 173 - 182, 192, 194(b), 194(c),
27 and 194(d)"

28 Insert "100, 102 - 104, 106, 109, 114 - 116, 157, 163, 176 - 185, 195, 197(b), 197(c),
29 and 197(d)"

30

31 Page 127, line 13:

1 Delete "Section 94"

2 Insert "Section 97"

3

4 Page 127, lines 14 - 15:

5 Delete "92, 104, 105, 108, 114 - 116, 118 - 153, 156 - 158, and 183 - 185"

6 Insert "95, 107, 108, 111, 117 - 119, 121 - 156, 159 - 161, and 186 - 188"

7

8 Page 127, line 16:

9 Delete "117, 190, 191, 194(a), and 194(e)"

10 Insert "120, 193, 194, 197(a), and 197(e)"

11

12 Page 127, line 18:

13 Delete "Section 159"

14 Insert "Section 162"

15

16 Page 127, line 19:

17 Delete "sec. 189"

18 Insert "sec. 192"

AMENDMENT Rep
#8 Kawasaki

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

1 Page 1, line 3, following "imprisonment;":

2 Insert "relating to reporting sexual assaults;"

3

4 Page 58, following line 7:

5 Insert a new bill section to read:

6 ** Sec. 94. AS 18.66 is amended by adding a new section to read:

7 **Sec. 18.66.202. Sexual assault online reporting.** The council shall provide an
8 online reporting procedure for a victim of a sexual offense to anonymously report the
9 offense to the council. The anonymous report is a confidential communication under
10 AS 18.66.200. In this section, "sexual offense" means a crime under AS 11.41.410 -
11 11.41.470."

12

13 Renumber the following bill sections accordingly.

14

15 Page 118, line 26:

16 Delete "sec. 117"

17 Insert "sec. 118"

18

19 Page 121, line 25:

20 Delete "sec. 100"

21 Insert "sec. 101"

22

23 Page 121, line 26:

1 Delete "sec. 101"

2 Insert "sec. 102"

3

4 Page 121, line 27:

5 Delete "sec. 111"

6 Insert "sec. 112"

7

8 Page 121, line 28:

9 Delete "sec. 112"

10 Insert "sec. 113"

11

12 Page 121, line 29:

13 Delete "sec. 113"

14 Insert "sec. 114"

15

16 Page 121, line 30:

17 Delete "sec. 173"

18 Insert "sec. 174"

19

20 Page 121, line 31:

21 Delete "sec. 181"

22 Insert "sec. 182"

23

24 Page 122, line 17:

25 Delete "sec. 153"

26 Insert "sec. 154"

27

28 Page 122, line 23:

29 Delete "sec. 104"

30 Insert "sec. 105"

31

1 Page 122, line 24:
2 Delete "sec. 108"
3 Insert "sec. 109"
4
5 Page 122, line 25:
6 Delete "sec. 120"
7 Insert "sec. 121"
8
9 Page 122, line 26:
10 Delete "sec. 122"
11 Insert "sec. 123"
12
13 Page 123, line 24:
14 Delete "sec. 115"
15 Insert "sec. 116"
16
17 Page 123, line 28:
18 Delete "sec. 97"
19 Insert "sec. 98"
20
21 Page 123, line 29:
22 Delete "sec. 99"
23 Insert "sec. 100"
24
25 Page 123, line 30:
26 Delete "sec. 106"
27 Insert "sec. 107"
28
29 Page 124, line 2:
30 Delete "sec. 118"
31 Insert "sec. 119"

1
2 Page 124, line 3:
3 Delete "sec. 119"
4 Insert "sec. 120"
5
6 Page 124, line 4:
7 Delete "sec. 121"
8 Insert "sec. 122"
9
10 Page 124, line 5:
11 Delete "sec. 123"
12 Insert "sec. 124"
13
14 Page 124, line 6:
15 Delete "sec. 125"
16 Insert "sec. 126"
17
18 Page 124, line 7:
19 Delete "sec. 126"
20 Insert "sec. 127"
21
22 Page 124, line 8:
23 Delete "sec. 127"
24 Insert "sec. 128"
25
26 Page 124, line 9:
27 Delete "sec. 133"
28 Insert "sec. 134"
29
30 Page 124, line 10:
31 Delete "sec. 134"

1 Insert "sec. 135"

2

3 Page 124, line 11:

4 Delete "sec. 135"

5 Insert "sec. 136"

6

7 Page 124, line 12:

8 Delete "sec. 136"

9 Insert "sec. 137"

10

11 Page 124, line 13:

12 Delete "sec. 137"

13 Insert "sec. 138"

14

15 Page 124, line 14:

16 Delete "sec. 138"

17 Insert "sec. 139"

18

19 Page 124, line 15:

20 Delete "sec. 139"

21 Insert "sec. 140"

22

23 Page 124, line 16:

24 Delete "sec. 140"

25 Insert "sec. 141"

26

27 Page 124, line 17:

28 Delete "sec. 142"

29 Insert "sec. 143"

30

31 Page 124, line 18:

1 Delete "sec. 189"

2 Insert "sec. 190"

3

4 Page 124, line 19:

5 Delete "189"

6 Insert "190"

7

8 Page 124, line 31:

9 Delete "sec. 117"

10 Insert "sec. 118"

11

12 Page 125, line 3:

13 Delete "sec. 141"

14 Insert "sec. 142"

15

16 Page 125, line 4:

17 Delete "sec. 143"

18 Insert "sec. 144"

19

20 Page 125, line 5:

21 Delete "sec. 144"

22 Insert "sec. 145"

23

24 Page 125, line 6:

25 Delete "sec. 145"

26 Insert "sec. 146"

27

28 Page 125, line 7:

29 Delete "sec. 146"

30 Insert "sec. 147"

31

1 Page 125, line 8:
2 Delete "sec. 147"
3 Insert "sec. 148"
4
5 Page 125, line 9:
6 Delete "sec. 148"
7 Insert "sec. 149"
8
9 Page 125, line 10:
10 Delete "sec. 149"
11 Insert "sec. 150"
12
13 Page 125, line 11:
14 Delete "sec. 150"
15 Insert "sec. 151"
16
17 Page 125, line 12:
18 Delete "sec. 151"
19 Insert "sec. 152"
20
21 Page 125, line 13:
22 Delete "sec. 114"
23 Insert "sec. 115"
24
25 Page 125, line 14:
26 Delete "sec. 114"
27 Insert "sec. 115"
28
29 Page 125, line 15:
30 Delete "sec. 114"
31 Insert "sec. 115"

1
2 Page 125, line 16:
3 Delete "sec. 114"
4 Insert "sec. 115"
5
6 Page 125, line 17:
7 Delete "sec. 154"
8 Insert "sec. 155"
9
10 Page 125, line 18:
11 Delete "sec. 154"
12 Insert "sec. 155"
13
14 Page 125, line 19:
15 Delete "sec. 154"
16 Insert "sec. 155"
17
18 Page 125, line 20:
19 Delete "sec. 154"
20 Insert "sec. 155"
21
22 Page 126, line 9:
23 Delete "secs. 161 - 172, 193, and 199"
24 Insert "secs. 162 - 173, 194, and 202"
25
26 Page 126, line 17:
27 Delete "Sections 161 - 172 and 193"
28 Insert "Sections 162 - 173 and 194"
29
30 Page 126, line 22:
31 Delete "sec. 189"

1 Insert "sec. 190"
2
3 Page 126, line 25:
4 Delete "sec. 194(a)"
5 Insert "sec. 195(a)"
6
7 Page 126, line 27:
8 Delete "sec. 194(b)"
9 Insert "sec. 195(b)"
10
11 Page 126, line 30:
12 Delete "sec. 194(c)"
13 Insert "sec. 195(c)"
14
15 Page 127, line 2:
16 Delete "sec. 194(d)"
17 Insert "sec. 195(d)"
18
19 Page 127, line 5:
20 Delete "sec. 117"
21 Insert "sec. 118"
22 Delete "sec. 194(e)"
23 Insert "sec. 195(e)"
24
25 Page 127, line 8:
26 Delete "200, and 201"
27 Insert "201, and 202"
28
29 Page 127, lines 10 - 11:
30 Delete "97, 99 - 101, 103, 106, 111 - 113, 154, 160, 173 - 182, 192, 194(b), 194(c),
31 and 194(d)"

1 Insert "98, 100 - 102, 104, 107, 112 - 114, 155, 161, 174 - 183, 193, 195(b), 195(c),
2 and 195(d)"

3

4 Page 127, line 13:

5 Delete "Section 94"

6 Insert "Section 95"

7

8 Page 127, lines 14 - 15:

9 Delete "104, 105, 108, 114 - 116, 118 - 153, 156 - 158, and 183 - 185"

10 Insert "105, 106, 109, 115 - 117, 119 - 154, 157 - 159, and 184 - 186"

11

12 Page 127, line 16:

13 Delete "117, 190, 191, 194(a), and 194(e)"

14 Insert "118, 191, 192, 195(a), and 195(e)"

15

16 Page 127, line 18:

17 Delete "Section 159"

18 Insert "Section 160"

19

20 Page 127, line 19:

21 Delete "sec. 189"

22 Insert "sec. 190"

AMENDMENT #9

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS CSSSSB 91(JUD)

1 Page 62, following line 26:

2 Insert new subsections to read:

3 "(h) Notwithstanding (g)(2) of this section, if a person resides in a community
4 where a court-ordered treatment program under AS 28.35.028 is not available, the
5 person shall

6 (1) provide proof to the court that the person has successfully
7 completed a rehabilitative treatment program appropriate for the person's alcohol or
8 substance abuse condition; the program must

9 (A) include planning and treatment for alcohol or drug
10 addiction;

11 (B) include emphasis on personal responsibility;

12 (C) require payment of restitution to victims and completion of
13 community work service;

14 (D) include physician-approved treatment of physical addiction
15 and treatment of the psychological causes of addiction; and

16 (E) include a monitoring program and physical placement or
17 housing in communities where the court finds that a monitoring program and
18 placement or housing is available;

19 (2) provide proof by clear and convincing evidence to the court that the
20 person is currently sober and has maintained sobriety for a period of at least 18
21 months; and

22 (3) provide written notice to the district attorney's office of the person's
23 request for a limited license under this section.

3

4 Reletter the following subsection accordingly.

5

6 Page 62, line 31, following "AS 28.35.028":

7 Insert "or a rehabilitative treatment program under (h) of this section"

8

9 Page 67, line 7, following "AS 28.35.028":

10 Insert "or a rehabilitative treatment program under AS 28.15.201(h)"

11

12 Page 123, line 29:

13 Delete "AS 28.15.201(g) and (h)"

14 Insert "AS 28.15.201(g) - (j)"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 25, 2016

SUBJECT: Redo of "V.62" (HCS CSSSSB 91 (JUD);
Work Order No. 29-LS0541\W)

TO: Representative Les Gara

FROM: Doug Gardner
Director

Please find attached a redo of "V.62" to change the reference in proposed AS 28.15.201(h) from a "court-ordered" treatment program to a "rehabilitative treatment" program.

In addition, you requested that I address the issue of why (g)(1), (g)(3), (g)(4), and (g)(5) are not restated in sec. 28.15.201(h). First, (g) is the only section that authorizes the court to grant a limited license as we discussed. Second, (h) is an exception to (g)(2), not to all requirements in (g) and will only apply to persons that reside in a community where AS 28.35.028 is not available. Therefore, (h) serves as a limited exception to (g)(2), not as a separate grant of authority apart from (g) for the court to grant a limited license.

DDG:lem
16-393.lem

Attachment

AMENDMENT # 10

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

1 Page 62, line 3, following "person":

2 Insert "(A)"

3

4 Page 62, line 5, following "department;":

5 Insert "or

6 (B) resides in a community where a court-ordered treatment
7 program under AS 28.35.028 is not available and the person has successfully
8 participated for at least six months in a court-ordered treatment program
9 approved by the court that10 (i) includes planning and treatment for alcohol or drug
11 addiction;

12 (ii) includes emphasis on personal responsibility;

13 (iii) provides in-court recognition of progress and
14 sanctions for relapses;15 (iv) requires payment of restitution to victims and
16 completion of community work service;17 (v) includes physician-approved treatment of physical
18 addiction and treatment of the psychological causes of addiction; and

19 (vi) requires adherence to conditions of probation;"

20

21 Page 62, line 31, following "AS 28.35.028":

22 Insert "or a court-ordered treatment program under (g)(2)(B) of this section"

23

- 1 Page 67, line 7, following "**AS 28.35.028**":
- 2 Insert "**or a court-ordered treatment program under AS 28.15.201(g)(2)(B)**"

AMENDMENT

*Rd. #11
Kawa Sabi*

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

1 Page 71, following line 25:

2 Insert a new bill section to read:

3 **** Sec. 116. AS 33.05.040** is amended by adding a new subsection to read:

4 (b) The caseload of a probation officer supervising probationers or the
5 combined caseload of a probation officer or parole officer supervising probationers
6 and persons on parole as provided for in (a)(5) of this section may not exceed 60
7 persons, except in temporary or extraordinary circumstances approved by the
8 commissioner."

9

10 Renumber the following bill sections accordingly.

11

12 Page 118, line 26:

13 Delete "sec. 117"

14 Insert "sec. 118"

15

16 Page 121, line 30:

17 Delete "sec. 173"

18 Insert "sec. 174"

19

20 Page 121, line 31:

21 Delete "sec. 181"

22 Insert "sec. 182"

23

1 Page 122, line 17:
2 Delete "sec. 153"
3 Insert "sec. 154"
4
5 Page 122, line 25:
6 Delete "sec. 120"
7 Insert "sec. 121"
8
9 Page 122, line 26:
10 Delete "sec. 122"
11 Insert "sec. 123"
12
13 Page 124, line 2:
14 Delete "sec. 118"
15 Insert "sec. 119"
16
17 Page 124, line 3:
18 Delete "sec. 119"
19 Insert "sec. 120"
20
21 Page 124, line 4:
22 Delete "sec. 121"
23 Insert "sec. 122"
24
25 Page 124, line 5:
26 Delete "sec. 123"
27 Insert "sec. 124"
28
29 Page 124, line 6:
30 Delete "sec. 125"
31 Insert "sec. 126"

1
2 Page 124, line 7:
3 Delete "sec. 126"
4 Insert "sec. 127"
5
6 Page 124, line 8:
7 Delete "sec. 127"
8 Insert "sec. 128"
9
10 Page 124, line 9:
11 Delete "sec. 133"
12 Insert "sec. 134"
13
14 Page 124, line 10:
15 Delete "sec. 134"
16 Insert "sec. 135"
17
18 Page 124, line 11:
19 Delete "sec. 135"
20 Insert "sec. 136"
21
22 Page 124, line 12:
23 Delete "sec. 136"
24 Insert "sec. 137"
25
26 Page 124, line 13:
27 Delete "sec. 137"
28 Insert "sec. 138"
29
30 Page 124, line 14:
31 Delete "sec. 138"

1 Insert "sec. 139"
2
3 Page 124, line 15:
4 Delete "sec. 139"
5 Insert "sec. 140"
6
7 Page 124, line 16:
8 Delete "sec. 140"
9 Insert "sec. 141"
10
11 Page 124, line 17:
12 Delete "sec. 142"
13 Insert "sec. 143"
14
15 Page 124, line 18:
16 Delete "sec. 189"
17 Insert "sec. 190"
18
19 Page 124, line 19:
20 Delete "189"
21 Insert "190"
22
23 Page 124, line 31:
24 Delete "sec. 117"
25 Insert "sec. 118"
26
27 Page 125, line 3:
28 Delete "sec. 141"
29 Insert "sec. 142"
30
31 Page 125, line 4:

1 Delete "sec. 143"

2 Insert "sec. 144"

3

4 Page 125, line 5:

5 Delete "sec. 144"

6 Insert "sec. 145"

7

8 Page 125, line 6:

9 Delete "sec. 145"

10 Insert "sec. 146"

11

12 Page 125, line 7:

13 Delete "sec. 146"

14 Insert "sec. 147"

15

16 Page 125, line 8:

17 Delete "sec. 147"

18 Insert "sec. 148"

19

20 Page 125, line 9:

21 Delete "sec. 148"

22 Insert "sec. 149"

23

24 Page 125, line 10:

25 Delete "sec. 149"

26 Insert "sec. 150"

27

28 Page 125, line 11:

29 Delete "sec. 150"

30 Insert "sec. 151"

31

1 Page 125, line 12:
2 Delete "sec. 151"
3 Insert "sec. 152"
4
5 Page 125, line 17:
6 Delete "sec. 154"
7 Insert "sec. 155"
8
9 Page 125, line 18:
10 Delete "sec. 154"
11 Insert "sec. 155"
12
13 Page 125, line 19:
14 Delete "sec. 154"
15 Insert "sec. 155"
16
17 Page 125, line 20:
18 Delete "sec. 154"
19 Insert "sec. 155"
20
21 Page 126, line 9:
22 Delete "secs. 161 - 172, 193, and 199"
23 Insert "secs. 162 - 173, 194, and 202"
24
25 Page 126, line 17:
26 Delete "Sections 161 - 172 and 193"
27 Insert "Sections 162 - 173 and 194"
28
29 Page 126, line 22:
30 Delete "sec. 189"
31 Insert "sec. 190"

1
2 Page 126, line 25:
3 Delete "sec. 194(a)"
4 Insert "sec. 195(a)"
5
6 Page 126, line 27:
7 Delete "sec. 194(b)"
8 Insert "sec. 195(b)"
9
10 Page 126, line 30:
11 Delete "sec. 194(c)"
12 Insert "sec. 195(c)"
13
14 Page 127, line 2:
15 Delete "sec. 194(d)"
16 Insert "sec. 195(d)"
17
18 Page 127, line 5:
19 Delete "sec. 117"
20 Insert "sec. 118"
21 Delete "sec. 194(e)"
22 Insert "sec. 195(e)"
23
24 Page 127, line 8:
25 Delete "200, and 201"
26 Insert "201, and 202"
27
28 Page 127, line 11:
29 Delete "154, 160, 173 - 182, 192, 194(b), 194(c), and 194(d)"
30 Insert "155, 161, 174 - 183, 193, 195(b), 195(c), and 195(d)"
31

- 1 Page 127, lines 14 - 15:
 - 2 Delete "114 - 116, 118 - 153, 156 - 158, and 183 - 185"
 - 3 Insert "114, 115, 117, 119 - 154, 157 - 159, and 184 - 186"
 - 4
- 5 Page 127, line 16:
 - 6 Delete "117, 190, 191, 194(a), and 194(e)"
 - 7 Insert "118, 191, 192, 195(a), and 195(e)"
 - 8
- 9 Page 127, line 18:
 - 10 Delete "Section 159"
 - 11 Insert "Section 160"
 - 12
- 13 Page 127, line 19:
 - 14 Delete "sec. 189"
 - 15 Insert "sec. 190"

Admin. Pardon

AMENDMENT #12

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

1 Page 76, line 27:

2 Delete all material and insert:

3 "(A) one-half of the active term of imprisonment imposed for a
4 prisoner convicted of a class B felony or one-fourth of the active term of
5 imprisonment imposed for a prisoner convicted of a class C felony or
6 misdemeanor;"

7

8 Page 77, line 15:

9 Delete "90"

10 Insert "120"

AMENDMENT [#]13

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

1 Page 78, line 2:

2 Delete "55"

3 Insert "65"

AMENDMENT #14

OFFERED IN THE HOUSE

BY REPRESENTATIVE GUTTENBERG

TO: HCS CSSSSB 91(JUD)

1 Page 105, line 3:

2 Delete "50 percent of"

3

4 Page 105, lines 5 - 7:

5 Delete all material and insert:

6 "(d) The legislature may use the annual estimated balance in the fund to make
7 appropriations as follows:

8 (1) 50 percent to the Department of Corrections, the Department of
9 Health and Social Services, or the Department of Public Safety for recidivism
10 reduction programs; and

11 (2) 50 percent for drug and alcohol abuse prevention and treatment
12 grant programs administered by the Department of Health and Social Services."

AMENDMENT #15

By Rep. Kawasaki

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

1 Page 2, line 3, following "Alaska;":

2 Insert "relating to standards for licensure or certification established by the
3 Department of Health and Social Services;"

4

5 Page 110, following line 16:

6 Insert a new bill section to read:

7 ** Sec. 180. AS 47.05.310(g) is amended to read:

8 (g) The department shall adopt regulations listing those criminal offenses that
9 are inconsistent with the standards for licensure or certification by the department.

10 The regulations may not provide that the offense of assault in the fourth degree
11 under AS 11.41.230, or an offense with similar elements in this or another
12 jurisdiction, is inconsistent with the standards for licensure or certification for
13 more than one year from the date of a person's unconditional discharge from a
14 conviction unless the offense is a crime involving domestic violence. In this
15 subsection,

16 (1) "crime involving domestic violence" has the meaning given in
17 AS 18.66.990; and

18 (2) "unconditional discharge" has the meaning given in
19 AS 12.55.185."

20

21 Renumber the following bill sections accordingly.

22

23 Page 118, following line 6:

1 Insert a new bill section to read:
2 **** Sec. 195. 7 AAC 10.905(d)(1)(A) is annulled.**"
3
4 Renumber the following bill sections accordingly.
5
6 Page 121, line 31:
7 Delete "sec. 181"
8 Insert "sec. 182"
9
10 Page 124, line 18:
11 Delete "sec. 189"
12 Insert "sec. 190"
13
14 Page 124, line 19:
15 Delete "189"
16 Insert "190"
17
18 Page 126, line 9:
19 Delete "193, and 199"
20 Insert "194, and 203"
21
22 Page 126, line 17:
23 Delete "193"
24 Insert "194"
25
26 Page 126, line 22:
27 Delete "sec. 189"
28 Insert "sec. 190"
29
30 Page 126, line 25:
31 Delete "sec. 194(a)"

1 Insert "sec. 196(a)"

2

3 Page 126, line 27:

4 Delete "sec. 194(b)"

5 Insert "sec. 196(b)"

6

7 Page 126, line 30:

8 Delete "sec. 194(c)"

9 Insert "sec. 196(c)"

10

11 Page 127, line 2:

12 Delete "sec. 194(d)"

13 Insert "sec. 196(d)"

14

15 Page 127, line 5:

16 Delete "sec. 194(e)"

17 Insert "sec. 196(e)"

18

19 Page 127, line 8:

20 Delete "200, and 201"

21 Insert "202, and 203"

22

23 Page 127, lines 10 - 11:

24 Delete "173 - 182, 192, 194(b), 194(c), and 194(d)"

25 Insert "173 - 183, 193, 196(b), 196(c), and 196(d)"

26

27 Page 127, lines 14 - 15:

28 Delete "183 - 185"

29 Insert "184 - 186"

30

31 Page 127, line 16:

1 Delete "190, 191, 194(a), and 194(e)"

2 Insert "191, 192, 196(a), and 196(e)"

3

4 Page 127, line 19:

5 Delete "sec. 189"

6 Insert "sec. 190"



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Prisoner Reentry and the Uniform Collateral Consequences of Conviction Act

Deborah Perman

In July of 2009, the National Conference of Commissioners on Uniform State Laws (NCCUSL) approved for the first time model legislation—the Uniform Collateral Consequences of Conviction Act—designed to facilitate offender reentry throughout the United States. A revised Act was approved in July 2010 and published on January 6, 2011. Model or uniform legislation such as this does not carry the force of law; the NCCUSL is an advisory organization only. Nevertheless, uniform acts approved by the NCCUSL have been, and continue to be, tremendously important in shaping the development of law across the country. The newly approved Uniform Collateral Consequences Act is currently under consideration in Nevada, West Virginia, and Wisconsin—it has important implications for Alaska law as well.

Background

The NCCUSL was established in 1892 as a confederation of state representatives for the purpose of improving state law and promoting uniformity of legislation in areas of national importance. It is an outgrowth of an 1889 resolution by the American Bar Association recommending that the states appoint commissioners to meet with other state representatives on the development of uniform state laws. By 1912 each state was sending commissioners to an annual meeting. (John McClaugherty, "The Uniform Law Process: Lessons for a New Millennium," 27 *Oklahoma City University Law Review* 535 (2002)). One hundred years

later, the Conference has promulgated to the states more than 250 uniform acts. Among the better known are the Uniform Commercial Code, the Uniform Probate Code, and the Uniform Partnership Act, each of which has been adopted, with some revisions, in Alaska.

Conference commissioners must be lawyers, and members of at least one state bar. The states differ in their methods of appointing commissioners, although most provide for appointment by the governor. As a group, the commissioners include not only practicing lawyers, but law professors, judges, legislators, and legislative staff. Over the decades, the Conference has comprised some of the most highly respected members of the legal community, including among its ranks such luminaries as former President Woodrow Wilson, former Chief Justice William Rehnquist, former Justices Brandeis and Rutledge, and law professors John Wigmore, Samuel Williston, Roscoe Pound, and George Bogart. Alaska currently has a Conference delegation of seven, among them Chief Justice of the Alaska Supreme Court Walter Carpenter.

Overview of the Collateral Consequences Problem and the Proposed Act

The impetus for the Conference's work on the Uniform Collateral Consequences Act is detailed in an issues memorandum presented to the drafting committee in July of 2005. It notes:

Both the criminal justice system and society as a whole are faced with managing the growing proportion of the free population that has been convicted of a state or federal felony offense. In a trend showing little sign of abating, the U.S. prison population has increased dramatically since the early 1970s.... In 2003, the Department of Justice estimated that if the 2001 imprisonment rate remained un-

changed, 6.6% of Americans born in 2001 would serve prison time during their lives—this may be an underestimate given that the incarceration rate has increased every year since 2001....

In addition to those serving or who have served prison time, an even larger proportion of the population has been convicted of a criminal offense without going to prison.

Over 4 million adults were on probation on December 31, 2003, almost twice as many as the combined number on parole, in jail or in prison.

The growth of the convicted population means that there are literally millions of people being released from incarceration, probation and parole supervision every year. Of course, they must successfully reenter society or be at risk for recidivism. Although no one supports "coddling criminals," society has a strong interest in preventing recidivism. An individual who could have successfully reentered society but for avoidable cause reoffends generates the financial and human costs of the new crime, expenditure of law enforcement, judicial and corrections resources, and the loss of the productive work that the offender could have contributed to the economy. (Preliminary Report Collateral Sanctions and Disqualifications Act, (2005).)

The report goes on to state that as the importance of facilitating reentry has increased, a number of legislative developments have conversely made successful reintegration more difficult than ever before.

For many years, a person convicted of, say, a drug felony, lost his right to vote for a period of time or for life, could not possess a firearm, and was

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HIGHLIGHTS INSIDE THIS ISSUE

- An examination of gang data from the Fairbanks Gang Assessment (page 2).
- A look at gang units in large local law enforcement agencies (page 7).

Prisoner reentry (continued from page 1)

barred from service in the military and on juries, state and federal, civil and criminal. If a non-citizen, the convicted person could be deported....

In recent years, [these collateral consequences] have been increasing. [For example], 1987 legislation made drug offenders ineligible for certain federal health care benefits; a 1991 law required states to revoke some drug offender's driver's licenses or lose federal funding.... In 1998, persons convicted of drug crimes were made ineligible for federal educational aid and for residence in public housing....

Like Congress, state legislatures have also been attracted to limiting the opportunities of convicted persons....

These laws limit the ability of convicted persons to work in particular fields, to obtain state licenses or permits, to obtain public benefits such as housing or educational aid, or to participate in civic life.

A second major development is the availability to all arms of government and the general public, via the Internet, of aggregations of public record information, including criminal convictions, about all Americans. Twenty years ago, an applicant might not have been asked for her criminal record when renting an apartment or applying for a job, and it would have been difficult for even an enterprising administrator to find, say, a 15 year old, out-of-state, marijuana offense. Now, gathering this kind of information is cheap, easy and common.

These legal disabilities, and the con-

comitant stigma of a criminal conviction, are termed collateral consequences because they are largely independent of an offender's sentence by the judicial system. The fact that they are collateral does not make them unimportant. In fact, as the 2005 issues memorandum notes, in many instances these collateral disabilities are the most significant consequence of a criminal offense. "In state courts in 2002, 59% of those convicted of felonies were not sentenced to prison; 31% received probation and 28% jail terms." Thus, in "*a high percentage of cases, the real work of the legal system is done not by fine or imprisonment, but by changing the legal status of convicted persons*" (emphasis added).

Despite the critical role that these collateral disabilities play in determining the future of those convicted of criminal offenses, few (if any) offenders fully understand the extent to which this web of state and federal legislation will affect their lives

Table 1. Operative Provisions of the 2010 Uniform Act

This table presents an abbreviated description of the operative provisions of the 2010 Uniform Act. Readers should refer to the pdf version of the Act at the University of Pennsylvania Law School's web site for the complete text and accompanying commentary to the revised Act. http://www.law.upenn.edu/bil/archives/ulc/uctada/2010final_amends.pdf.

Omitted sections relate to matters associated with statutory interpretation.

Section 4. Identification, Collection, and Publication of Laws Regarding Collateral Consequences.

Requires state to identify all state laws, whether constitutional, statutory, or regulatory, that impose a collateral sanction on criminal offenders (and any provisions that may afford relief from such a consequence) and compile a list of citations to these provisions together with the provisions' text or a summary. This list and summary must be published on the Internet and available to the public. Its purpose is to assist judges, prosecutors, defense lawyers, probation and parole officers, legislators, and offenders. Collecting these laws in one place and describing them "in simple, plain language, would make the formal written law knowable" to offenders and assist them in understanding the consequences of a plea. (Drafting Committee Comment, Section 4.)

Section 5. Notice of Collateral Consequences in Pretrial Proceeding and at Guilty Plea.

Mandates that individuals charged with an offense receive explicit notice about collateral consequences in a form substantially similar to the following: "If you plead guilty or are convicted of an offense you may suffer additional legal consequences beyond [criminal penalties]. These consequences may include: being unable to get or keep some license, permits, or jobs...." The notice must include a warning that non-citizens may be deported or denied citizenship. (Note that Alaska already requires this notice to non-citizens. See Alaska R. Crim. P. 11(c)(3)(C).) The warning must also direct offenders to the web site where all of the collateral consequences are listed. Judges must confirm that offenders received and understood this warning before accepting a plea.

Section 6. Notice of Collateral Consequences at Sentencing and Upon Release.

Ensures that at sentencing and upon release offenders receive notice of possible collateral consequences, the Internet address where collateral consequences are listed, and that there may be ways to obtain relief from these consequences. They must also be given contact information for any agencies that assist individuals in obtaining such relief. In addition, the notice must include information on when an individual convicted of an offense may vote under state law.

Section 7. Authorization Required for Collateral Sanction; Ambiguity.

Limits imposition of blanket collateral sanctions to those specifically created by statute or ordinance, or through formal regulatory rulemaking. Any sanction that is ambiguous in whether it is mandatory or discretionary shall be construed to be discretionary only. (Drafting Committee Comment, Section 7.)

Section 8. Decision to Disqualify.

Addresses discretionary disqualification of offenders from state benefits or opportunities. It requires that those entrusted with deciding whether to impose a disqualification make an individualized assessment of whether a particular offender should be denied the benefit or opportunity at issue. Among the factors the decision-maker must consider are the particular facts of the offense and their relation to the benefit or opportunity at issue, the effect the decision might have on third parties, and whether the offender has been granted some type of relief from collateral consequences. This section would not "change existing law to the extent that it allows rejection of an applicant based on lack of qualification or misconduct unrelated to a criminal conviction," nor would it authorize or require "preferences for applicants who have criminal convictions." (Drafting Committee Comment, Section 8.)

after they have completed their sentence. This is because these barriers are dispersed throughout a complex maze of state and federal statutes and administrative regulations in areas as diverse as professional licensing, fish and game control, and foster parenting qualifications. (See "The Hidden Impact of a Criminal Conviction: A Brief Overview of Collateral Consequences in Alaska" in the Fall 2007 issue of the *Alaska Justice Forum*.) Identifying the full array of disabilities a particular conviction might trigger would be daunting for legal professionals, for lay offenders and the general public the task would be nearly impossible. In a criminal justice system like ours, where plea bargains are the norm and due process hinges on defendants' understanding the nature of their plea, this scattered multitude of collateral disabilities is deeply troubling.

The Uniform Collateral Consequences Act is intended to assist states in ameliorating the due process issues associated with

such "hidden" collateral consequences, and reduce recidivism by limiting barriers to safe housing, education, and productive employment. As originally approved in July of 2009, the Act included multiple operative sections addressing issues ranging from "Identification, Collection, and Publication of Laws Regarding Collateral Consequences" (Section 4) to "Certificate of Restoration of Rights" (Section 10) to "Victim's Rights" (Section 14). Revisions to the Act, approved in July 2010 and published on January 6, 2011, added a section related to imposition of discretionary disqualifications by decision-makers such as licensing boards and addressed issues related to the April 2010 opinion of the United States Supreme Court in *Padilla v. Kentucky*, 130 S. Ct. 1473. (The Court in *Padilla* held (7-2) that the Sixth Amendment right to advice of counsel includes for non-citizens the right to be informed whether a plea agreement carries with it the collateral risk that the of-

fender may be deported.)

Table 1 presents an abbreviated description of the operative provisions of the 2010 Uniform Act.

Implications for Alaska

Rehabilitation and reintegration of the convicted have been components of public policy in Alaska since statehood; the principle of reformation is one of the five considerations on which our Constitution requires that administration of the criminal justice system be based. (The others are public safety, community condemnation of the offender, rights of victims, and restitution from the offender. See Alaska Constitution art. I, § 12.) In recent years this policy has become a priority for many, and efforts to reduce the impact of collateral consequences and facilitate offender reentry within the

Please see Prisoner reentry, page 10

Table 1. Operative Provisions of the 2010 Uniform Act (continued)

Section 9. Effect of Conviction by Another State or the United States; Relieved or Pardoned Conviction.

Treats a conviction under federal law or in another state like a conviction in Alaska for purposes of imposing a collateral consequence under Alaska law. A conviction that has been vacated, reversed, or overturned on grounds other than rehabilitation or good behavior may not serve as a basis for imposition of collateral consequences. A pardon issued by another state or the federal government would have the same effect as a pardon issued in Alaska. This section also provides several alternative provisions states might consider in addressing the effect of out of jurisdiction restoration of rights and related issues. This section does not address the effect of judgments of tribal courts; the significant disparity among states in how tribal court judgments are treated was deemed to preclude a uniform model. (Drafting Committee Comment, Section 9.)

Section 10. Order of Limited Relief.

Provides a mechanism pursuant to which offenders may petition a court or a designated board or agency for "an order of limited relief from one or more collateral sanctions related to employment, education, housing, public benefits, or occupational licensing." This would lift the automatic bar of a collateral sanction, but allow agencies to decide on an individualized basis whether a benefit or opportunity should be denied to a former offender.

Section 11. Certificate of Restoration of Rights.

Would establish a designated board or agency authorized to issue a certificate of restoration of rights to those convicted of a criminal offense. Such a certificate would relieve the holder of all collateral sanctions other than those specifically excluded in the certificate, and those designated by statute as not subject to an order of limited relief or restoration of rights. (See following section.) Restoration of rights would be available only where an individual's petition establishes that a statutorily specified time period has elapsed since the individual's most recent conviction and release from confinement, and that the individual is engaged in lawful, productive activity and does not pose an unreasonable public risk.

Section 12. Collateral Sanctions not Subject to Order of Limited Relief or Certificate of Restoration of Rights.

Lists those collateral sanctions that cannot be avoided under an order of limited relief or certificate of restoration of rights. Examples listed include sex offender registration requirements and motor vehicle license actions resulting from driving under the influence convictions. If the state constitution imposes collateral consequences (such as the restrictions on felon voting under the Alaska Constitution) relief under this Act would not remove them. (Drafting Committee Comments, Section 12.)

Section 13. Issuance, Modification, and Revocation of Order of Limited Relief and Certificate of Restoration of Rights.

Sets out process for granting, modifying, or revoking relief from collateral consequences and identifies standards for restriction or revocation of an order of relief. Such orders could not be granted without notice to the prosecuting agency. Once granted, an order may be restricted or revoked where the issuing board or agency finds "just cause by a preponderance of the evidence." "Just cause includes subsequent conviction of a felony..." Offenders would be entitled to notice of a pending action to restrict or revoke, and a hearing.

Section 14. Reliance on Order or Certificate as Evidence of Due Care.

Provides that in a negligence lawsuit an order of limited relief or certificate of restoration of rights may be introduced as evidence of due care in hiring, licensing, or admitting to a school or program a former offender.

Section 15. Victim's Rights.

Allows victim to participate in proceedings for issuance, modification, or revocation of order of limited relief or certificate of restoration of rights.

Prisoner reentry (continued from page 9)

state are increasingly visible.

In 2007, then-Chief Justice Fabe of the Alaska Supreme Court established the Criminal Justice Working Group, an organization comprising representatives from justice agencies across the state. One of the group's key areas of focus is reducing recidivism. To further this end, the Working Group established a subcommittee, the Alaska Prisoner Reentry Task Force. Its goal is simple, to see that "individuals who are incarcerated do not return to custody."

The task force met in April 2010, and set up a number of working groups, many of which are addressing the difficulties posed in Alaska by state legislative barriers to reentry. The subcommittee on employment restrictions, for example, is working to "identify laws that are barriers to housing, employment, and other needs of persons with felony convictions," and to "consider what changes might be possible, in the context of public safety, and rehabilitation of the offender." (see "Alaska Prisoner Re-entry Task Force" in the Spring 2010 issue of the *Alaska Justice Forum*). In Alaska, these barrier laws number in the hundreds. (See the UAA Justice Center Working Paper "The Hidden Impact of Criminal Convictions," 2007.) The Task Force has recently completed "Alaska's 5-Year Prisoner Reentry Strategic Plan, 2011–2016," which was released in late February 2011. The document includes a lengthy chapter on collateral consequences

Table 2. Estimated Number of Adults under Correctional Supervision in Alaska and the U.S., by Correctional Status, 2009

	United States	Alaska
Incarcerated	2,284,900 ^{a, b}	5,285
Jail	760,400 ^c	— ^c
Prison	1,524,513 ^d	— ^d
Community supervision	5,018,900 ^b	5,848
Probation	4,203,967	— ^e
Parole	819,308	— ^e
Total	7,225,800	11,133

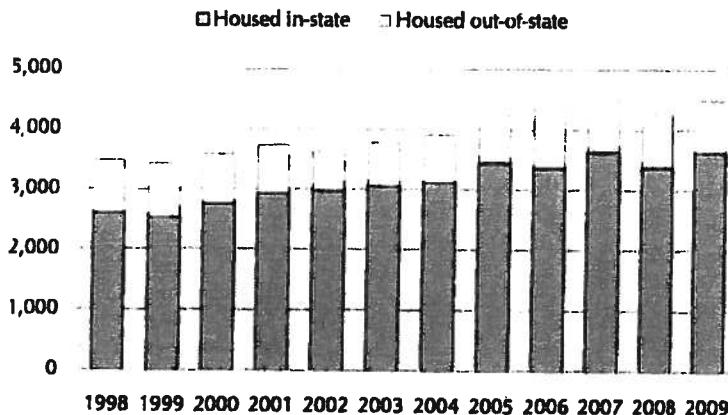
- a. Estimates were rounded to the nearest 100 and include some offenders with multiple correctional statuses. For these reasons, details do not sum to totals.
- b. Includes jail inmates and prisoners held in private facilities.
- c. Total represents adults held in local jails.
- d. Includes prisoners held in the custody of state or federal prisons and may include juveniles held in adult facilities in the 6 states with combined jail-prison systems.
- e. Breakdowns not available.

Source of data: "Correctional Populations in the United States, 2009," Bureau of Justice Statistics: 2009 Offender Profile, Alaska Department of Corrections

Figure 1. Prisoners under the Jurisdiction of the Alaska Department of Corrections, 1998–2009

Includes both sentenced and unsentenced prisoners in both jails and prisons.

Total DOC population in 2009 was 4,490.



Source of data: Alaska Department of Corrections

and recommendations to address this issue.

Alaska Supreme Court Justice Walter Carpeneti highlighted the importance of this work in his 2010 State of the Judiciary Address:

Probably no problem is of greater concern to us at this time than the alarmingly high rates of recidivism in our state. Fully 66% of offenders—two-thirds of those incarcerated—will reoffend and return to jail at some point in their lives. This is an astounding number, and one that must motivate all of us to examine what causes so many Alaskans to spend their lives cycling in and out of the criminal justice system.

He specifically noted that those offenders without resources for things like housing and employment may fall "quickly into the criminal behaviors that caused them to be jailed in the first place." (See Figure 1.)

The Uniform Collateral Consequences of Conviction Act directly addresses these concerns and provides a balanced approach to facilitating successful reintegration of those with criminal convictions, while retaining due regard for victims' rights and the state's legitimate interest in punishment and expression of community condemnation. If adopted substantially as drafted in the Uniform Act,

the various sections would mitigate some of most pressing problems associated with barrier statutes and regulations in Alaska.

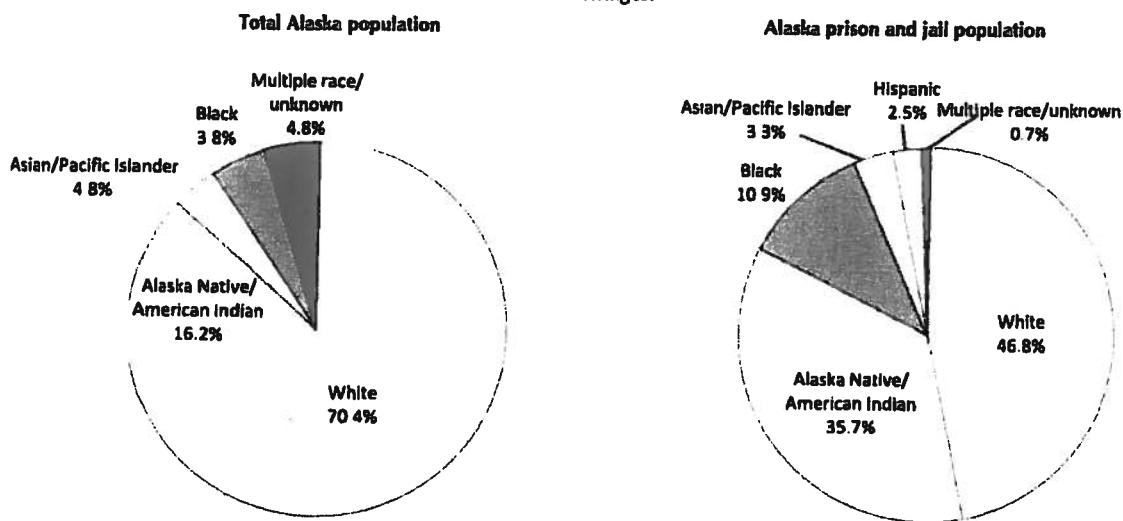
For example, adoption of sections four through six would help ensure that judges, prosecutors, defense counsel, and those charged with a criminal offense may readily see the full array of collateral consequences a conviction or plea might carry. It would also ensure that offenders have the opportunity to consider these consequences before entering a plea. Finally, these sections would allow lawmakers and regulators considering adoption of new or expanded barriers to evaluate the effect of the proposed measures in the context of the broad range of existing impediments to reintegration.

Where state law establishes a potential barrier to employment or some other activity based on a criminal conviction, and there is ambiguity whether the barrier is automatic or whether state officials may exercise discretion in imposing it, sections seven and eight would create a presumption against automatic imposition of the barrier.

Together, sections 10 through 13 would establish for the first time in Alaska an administrative means by which those convicted of criminal offenses might obtain relief from some of the collateral consequences of their conviction. The availability of such relief would hinge on a period of good behavior, and would not prevent a third-party from considering the facts of the offender's misconduct in making any decision concerning the offender.

Finally, section 14 is directed toward the business community; it is intended to encourage employers to hire offenders by reducing the legal risks associated with neg-

Figure 2. Total Alaska Population and Alaska Prison/Jail Population by Race and Ethnicity*, 2009
Percentages.



* The two data sources differ in their treatment of Hispanic ethnicity. The Alaska Department of Corrections categorizes race and ethnicity together under the term "ethnicity." The Alaska Department of Labor categorizes Hispanic as a separate ethnic group, and not as a racial group. The estimated Hispanic population in Alaska in July 2009 was 34,400 (or 4.9% of the total Alaska population).

Source of data: Alaska Department of Labor and Workforce Development, 2009 Offender Profile, Alaska Department of Corrections

lignant hire or negligent supervision lawsuits. Under section 14, an employer who hired a former offender holding an order of relief or certificate of restoration of rights could introduce the order or certificate as evidence of due care in a lawsuit based on the malfeasance of the offender. While none of these sections standing alone will eliminate the problems associated with state barrier laws, together this panoply of initiatives can reduce the extent to which such laws impede

offenders' efforts to build productive lives post-conviction or incarceration.

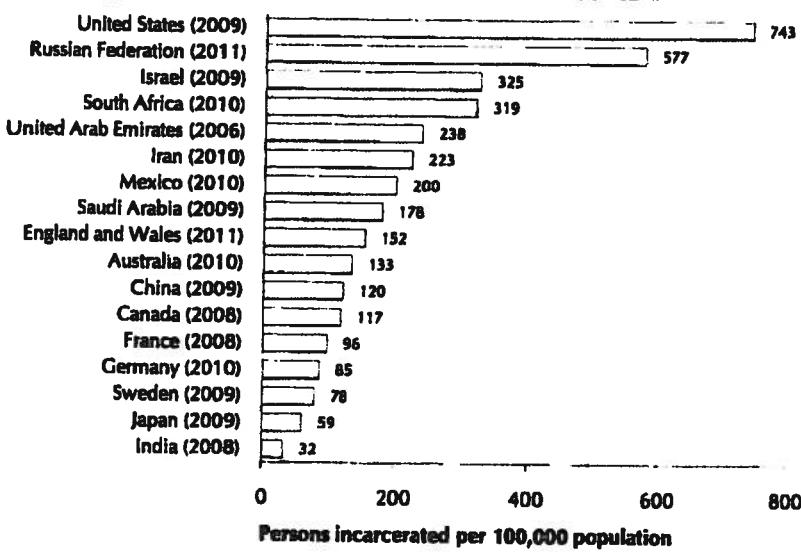
Individuals released from incarceration return to communities throughout Alaska; thus we all have an interest in promoting the success of every former offender (Table 2). Palliative measures such as those just discussed are particularly critical, however, for addressing one of the most troubling aspects of criminal justice in Alaska—that is the disproportionate number of Alaska

Natives incarcerated. The Alaska Department of Corrections 2009 Offender Profile identified Alaska Natives as accounting for close to 36 percent of the overall offender population, though they comprise just 16 percent of the state's general population. (See "Alaska Offender Profile 2009" in the Winter 2010 issue of the *Alaska Justice Forum*.) (African-Americans are also incarcerated at a disproportionate rate.) Although the causes of this disparity are open to question, there is no doubt that the Alaska Native community (like other minority groups throughout the country) disproportionately suffers the cumulative effect of the hundreds of state and federal laws that limit former offenders' access to many types of employment and educational and other government benefits. The effects of the associated poverty and social stigma can reverberate through several generations. (See Figure 2.)

Summary

Rates of incarceration in the United States have reached unprecedented levels; at the same time, the proliferation of municipal, state, and federal barrier laws has dramatically increased the challenges faced by individuals as they complete their sentences, move back into the community, and seek housing and employment. (See Figure 3.) Those who have been incarcerated, and those who depend upon them for support, face enduring financial, social, and psychological repercussions stemming

Figure 3. Rate of Incarceration in Selected Nations



Incarceration data were collected on the varying dates listed and are the most current data available as of February 2011.

Source of data: *World Prison Brief*, International Centre for Prison Studies, King's College of London, <http://www.kcl.ac.uk/deptall/law/research/icps/worldbrief>

Please see *Prisoner reentry*, page 12



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Prisoner reentry (continued from page 11)

From the fact of conviction. But it is not only offenders and their families who suffer the effect of these collateral consequences. Lack of meaningful employment is one of the strongest predictors of recidivism. Thus, communities have a strong public safety, if

not humanitarian, interest in facilitating the successful reintegration of these individuals. Offenders who find stable employment to support themselves and their families contribute to the state's economic infrastructure, reduce social welfare costs, are able to pay restitution to victims, and pose a reduced threat to others. Given this, policymakers should consider measures to alleviate un-

necessary barriers to the employment and reintegration of those transitioning from incarceration back into Alaska's communities—evaluation of the proposals in the Uniform Collateral Consequences Act would be a first step.

Deb Periman, J.D., is a member of the Justice Center faculty.

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Collateral Consequences and Reentry in Alaska: An Update

Deborah Periman

"Our legal system has created barriers to work, education, business opportunities, volunteerism, and housing — the very things that are necessary to prevent recidivism."

— Alaska Senator John Coghill (R-North Pole), "Alaska Tops List of Collateral Consequences of Conviction Project" (Press Release, March 28, 2013)

Introduction

Alaska ranks number one in the nation for state-created legislative and regulatory barriers to successful reentry for individuals with a criminal record, according to the National Legal Action Center (LAC). The LAC is a public interest law and policy organization focused on reducing impediments to employment and housing for those arrested or convicted of criminal conduct. Alaska's dismal ranking is based on state statutes and regulations that create hurdles to successful reintegration in seven areas: employment, public assistance, third party access to criminal records, voting, public housing, eligibility for adoptive or foster parenting, and driver's licenses. Of these seven, Alaska received the lowest score possible with respect to employment, public assistance, and parenting.

Many of these institutionally created barriers (often referred to as the collateral

consequences of a conviction) have no direct relationship to the crimes for which individuals have been convicted. Perhaps one of the clearest examples is administration of the federal Supplemental Nutrition Assistance Program (SNAP — more colloquially known as "food stamps") in Alaska. Although convicted drug felons are subject to a blanket ban on receiving this benefit, Congress specifically authorized states to opt out of this prohibition and permit their residents access to benefits. All but eleven states have either opted out of the ban completely or moved to minimize its impact. Alaska is one of the few states that has not opted out, despite the fact that the federal government shoulders the entire cost of the food subsidies and pays half of the states' costs to administer the program. As a result, Alaskans convicted of felony drug offenses return to their families and communities ineligible for this important nutritional assistance.

At the close of the 2013 legislative session, Alaska Senate Majority Leader John Coghill and Minority Leader Johnny Ellis moved to address the community safety and public health issues associated with collateral consequences. In a letter written to the

National Inventory of the Collateral Consequences of Conviction (NICCC) Project, the senators explicitly recognized that some of Alaska's barrier statutes and regulations are not rationally related to the promotion of public safety. To the contrary, the senators observed in a March 26, 2013 letter to then-project director Margaret Love that these laws may have "the unintended result of impeding a former offender's ability to find employment and housing" that will support and shelter their families. This has important policy implications for lawmakers because meaningful employment and family connections are two factors consistently shown to reduce the risk that those released will reoffend. Under the leadership of Senators Coghill and Dyson, a bipartisan legislative workgroup of four senators — Coghill, Dyson, Ellis, and French — is working to advance an Omnibus Crime bill intended to reduce rates of criminal recidivism in Alaska by removing some of these barriers to finding stable employment and safe housing.

This article provides a brief summary of recent efforts at the national level to ameliorate the public costs of unnecessary

Please see Collateral consequences, page 7

Alaska Resources on Reentry

A number of groups across the state are looking for reasonable solutions to the problem of collateral consequences in Alaska, solutions that will reduce the burgeoning costs of prison maintenance, facilitate the transition from incarceration to productive citizenship for those convicted of a criminal offense, and improve the quality of life for the families of those making the transition. These include:

Alaska Criminal Justice Working Group (<http://www.gov.state.ak.us/admin-orders/138.html>) (see "Criminal Justice Working Group Update," *Alaska Justice Forum*, Summer 2013).

Alaska Native Justice Center Reentry Program (http://www.anjc.org/?page_id=869).

Alaska Prisoner Reentry Task Force and regional reentry coalitions in Anchorage,

Fairbanks, Juneau, Mat-Su and Bristol Bay (<http://www.correct.state.ak.us/rehabilitation-reentry>) (see "Alaska Prisoner Reentry Task Force Update," page 5).

New Life Development, Inc. (<http://www.nldinc.org/>).

Partners for Progress Reentry Center (<http://partnersforprogressak.org/focus-on-reentry/>).

HIGHLIGHTS INSIDE THIS ISSUE

- An examination of prison visitation policies in Alaska and nationally (page 2).
- An update on the work of the Alaska Prisoner Reentry Task Force (page 5).
- In memoriam: Dr. Nancy E. Schafer (page 6).
- The relationship between barriers to employment and domestic violence (page 10).
- Recent faculty publications (page 11).

Alaska Prisoner Reentry Task Force Update

The Alaska Prisoner Reentry Task Force focuses on reducing recidivism by identifying and supporting strategies and programs to help released offenders reintegrate into their communities. The task force was established in 2010 as a statewide sub-committee of the Criminal Justice Working Group. (The Criminal Justice Working Group is a collaborative group of state and federal agencies and the Alaska Mental Health Trust.) There are five task force work groups: Employment, Misdemeanants, Behavioral Health, Housing, and the newly formed Alaska Native work group. Their efforts are guided by the *Five-Year Prisoner Reentry Strategic Plan, 2011-2016* which was developed by the task force. (See *Alaska Justice Forum* 28(2-3), Summer/Fall 2011, for a plan summary.)

Task force members include representatives from the Alaska State Troopers, Department of Labor, Alaska Court System, Department of Corrections, Alaska Mental Health Trust Authority, Division of Behavioral Health, Department of Corrections Chaplaincy Program, Alaska Housing Finance Corporation, Victims for Justice, Partners for Progress, Nine Star Education and Employment Services, Cook Inlet Tribal Corporation, United Way, Akeela House, the Alaska Native Justice Center, New Life Development, and an ex-offender. The co-chairs of the Task Force are Ron Taylor, Deputy Commissioner for Rehabilitation and Reentry of the Alaska Department of Corrections (DOC) and Dianne Blumer, Commissioner of the Alaska Department of Labor and Work Force Development (DOL); until December 2013, Melissa Hermansen was the Project Coordinator.

Following are highlights of task force activity in 2013.

Regional Reentry Coalitions

The task force has been concentrating on establishing regional reentry coalitions. There are currently five (see map on page 4).

• **Anchorage Reentry Coalition:** The coalition has not met formally since May 2013, but a meeting was held November 19 with DOC Deputy Commissioner Taylor and a consultant, Dennis Schrantz of Envision Justice Solutions, to hear about the current evaluation of DOC offender reentry programs. The coalition is in the process of organizing.

• **Mat-Su Reentry Coalition:** The reentry coalition is a subcommittee of the Mat-Su Coalition on Housing and Homelessness. The Mat-Su Coalition on Housing and Homelessness, the Mat-Su

Health Foundation, and the Alaska Prisoner Reentry Task Force partnered to present a Mat-Su Community and Corrections Forum on October 24 in Wasilla. Over 80 attendees participated in the event. Cosponsors included the City of Wasilla, United Way of Mat-Su, and the Alaska Department of Corrections. Topics included assistance for reentering prisoners, how a community can increase successful prisoner reentry, and the impacts of the Goose Creek Correctional Center on the Mat-Su Borough. Some of these impacts include the increased number of released prisoners in the Mat-Su Borough, as well as growth in employment due to the correctional center and the need for housing and schools. Transportation is also an issue, and the coalition is developing a relationship with the Mat-Su bus system to provide transportation for visitors, staff, and released prisoners to and from the Goose Creek facility. The coalition meets monthly.

• **Fairbanks Reentry Coalition:** The reentry coalition is a subcommittee of the Fairbanks Housing and Homelessness Coalition. A recent presentation was made at the Rural Providers Conference in Fairbanks to engage the Native community. Its first identified goal is to work with DOC to collect regional data, and build strategies from the baseline data. Time is set aside for community presentations at each Fairbanks coalition meeting. This has proven to be successful in developing referrals and building release points for offenders returning to Fairbanks. As a result of these meetings, the DOL's One Stop Center is in the process of expanding its services at the Fairbanks Correctional Center to facilitate pre-release job readiness workshops and implement the Employment after Incarceration program at the One Stop Center. Two staff members at the Fairbanks Rescue Mission and case managers at the Northstar Center (a halfway house) have been trained to present Ready to Rent workshops. The coalition meets monthly.

• **Juneau Reentry Coalition:** In August 2013 the coalition was awarded a small project grant of \$10,000 from the Alaska Mental Health Trust Authority. There are seven active work groups for the following areas: peer support, education/employment, housing, behavioral health, pre/post release, family, and community education/public outreach. The focus for the community education/public outreach work group has been to support and provide direction to Nice Touch Films in developing a local reentry film, the design of a coalition logo and a website, and organizing educational

speaking events for coalition meetings and the community. In November, the coalition partnered with the Alaska Mental Health Board and the Advisory Board on Alcoholism and Drug Abuse to host the training "How to Tell Your Story to a Policymaker" for people who have experienced incarceration. The coalition meets monthly.

• **Bristol Bay Reentry Coalition:** In October 2012, the Bristol Bay Native Association was awarded \$732,000 by the U.S. Department of Justice to develop and design a culture-based prisoner reentry program for citizens returning to the Bristol Bay region after incarceration. A Prisoner Reentry Meeting was held November 4-5 in Dillingham as part of Tribal Justice Week. The event was supported by the Bristol Bay Native Association, University of Alaska Fairbanks (UAF), U.S. Bureau of Justice Administration, and the National Reentry Resource Center. The purpose of the November meeting was to mobilize the coalition to oversee this culture-based reentry initiative. Topics included: integrating cultural traditions and practices into prisoner reentry, overview of the Alaska Native Justice Center's Adult Reentry Program, partnership and collaboration, and prioritizing coalition work groups and appointing members. A UAF tribal management course, "Tribal Court Development for Alaska Tribes," was offered immediately following the November event.

Work Groups

• **Affordable housing:** The goal of the Affordable Housing Work Group is to educate the public about the higher cost of incarceration compared to transitional housing for offenders. The group focuses on outreach to landlords and implementing Ready to Rent workshops. This 12-hour workshop is based on a nationwide model which teaches participants skills needed to be a good renter, including how to search for housing, manage finances, interact appropriately with landlords, and perform basic housekeeping. Individuals who successfully complete the program receive a certificate. DOC Probation officers and education coordinators are involved in this effort. Through funding from Alaska Housing Finance Corporation, 30 Department of Corrections staff have been trained to deliver this workshop. New Life Development and Partners for Progress also offer this workshop to clients who are receiving transitional housing assistance at their reentry centers in Anchorage.

Please see *Prisoner reentry*, page 6

Prisoner reentry (continued from page 5)

• **Educating employers about hiring ex-offenders:** The Employment Work Group assisted with a special presentation in October to the Alaska Workforce Investment Board (AWIB) on the improved social and public safety implications related to successful offender reentry. The goal is to deliver presentations statewide by identifying regional reentry coalition members who could present at their local rotaries and chambers of commerce. The work group is exploring Ban the Box, a nationwide campaign that calls for removing the conviction history question from employment applications, and is also reviewing strategies from the recently released U.S. Bureau of Justice Assistance report, *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness* (<https://www.bja.gov/Publications/CSG-Reentry-and-Employment.pdf>).

• **Sentencing options for misdemeanants:** The Misdemeanants Work Group is examining a deferred sentencing model for specific state cases. Included in the discussion are representatives from the Department of Law, the Public Defender Agency, Municipality of Anchorage Prosecutor's Office, Department of Corrections Electronic Monitoring, and the Alaska Court System Therapeutic Courts. The 2011 recidivism study by the Alaska Judicial Council, *Criminal Recidivism in Alaska, 2008 and 2009* (<http://www.ajc.state.ak.us/reports/recid2011.pdf>), reported that the highest level of recidivism is found among misdemeanants 17-29 years of age. The

deferred sentencing program would focus on individuals in this group who are charged with property offenses. An assessment tool would be used to identify needs, including mental health/substance abuse treatment, education, and employment services. If the individual agrees to this intervention and completes the requirements within six months, the case would be dismissed. The major barrier to the implementation of this plan is the lack of low-cost or free services for this population. At this time, funds are prioritized for services for felons. The work group has collaborated with the Behavioral Health Work Group to explore requesting the use of alcohol tax funds to cover the costs of substance abuse assessment and treatment for misdemeanants at high risk of incurring a felony charge.

• **Behavioral Health:** In August the work group identified the need to update the behavioral health chapter (chapter 5) of the *Five-Year Prisoner Reentry Strategic Plan*. Co-chair DOC Deputy Commissioner Taylor indicated that the strategies and performance measures in the chapter would be updated prior to the completion of the current DOC needs assessment. A sub-group has been meeting to discuss using peer helpers to increase the number of offenders who are exposed to substance abuse programs in DOC facilities.

In addition to the specific activities noted above, other progress on the *Five-Year Plan* includes:

• **Fairbanks PACE Project:** The Fairbanks PACE (Probationer Accountability and Certain Enforcement) domestic violence program for repeat offender misdemeanants has been operating for over a year. This pilot

project has 18 offenders who have met the eligibility criteria and are in the program. A violation of the conditions of probation results in an immediate court appearance and the imposition of a jail sentence. The jail sentence is usually three days for a first violation; additional probation violations result in longer sentences. Based on program data, there appears to be a significant reduction in petitions to revoke probation for individuals in this program. The project also includes a survey of victims' perceptions of safety before, during, and after the offenders complete a batterers' intervention program. The UAA Justice Center is evaluating this project.

For information on the Alaska Prisoner Reentry Task Force and Alaska Department of Corrections Rehabilitation & Reentry, go to <http://www.correct.state.ak.us/rehabilitation-reentry>.

Legislative Events — SB 64 Hearings

Senate Bill 64 Omnibus Crime/Corrections Bill is a bipartisan effort to deal with the increasing costs of incarceration and the need for alternatives to prison. Hearings have been held in Wasilla and Fairbanks. The July 25, 2013 hearing in Wasilla is available at http://www.360north.org/gavel-archives/?event_id=2147483647_2013111006.

The November 4 hearing in Fairbanks can be viewed in two parts at http://www.360north.org/gavel-archives/?event_id=2147483647_2013111006 and at http://www.360north.org/gavel-archives/?event_id=2147483647_2013111010.

For further reading, see http://justice.uaa.alaska.edu/a-z/o/offender_reentry.html.

In Memoriam

Dr. Nancy E. Schafer, Professor Emeritus at the Justice Center, died September 26, 2013 after an illness. Dr. Schafer was on the faculty of the Justice Center from 1983 until her retirement in 2002, twice serving as acting director of the Justice Center, once as interim co-director, and once as acting dean of the School of Justice. Before joining the University of Alaska Anchorage she served on the faculty of Indiana University-Purdue University at Indianapolis (1977-1983) and Trenton State College in Trenton, New Jersey (1974-1977). She received her Ph.D. from the University of Michigan in 1977.

Dr. Schafer's principal teaching and research areas were in corrections, criminology, and juvenile justice. She was a prolific author and coauthor of journal articles and research studies including "Exploring the Link between Visits and Parole Success: A Survey of Prison Visitors," "State Operated Jails: How and Why," "Delivering Justice in Rural Alaska," and "Community Jails in Alaska." Research projects for which she was principal investigator included an evaluation of the pretrial intervention program conducted by the Alaska Department of Law in the late 1980s, monitoring Alaska's compliance with the federal Juvenile

Justice and Delinquency Prevention Act, a study of disproportionate representation of minority youth in Alaska's juvenile justice system, and the Community Jails Statewide Research Consortium, a research partnership with fifteen community jails in Alaska. Dr. Schafer's professional affiliations included the American Correctional Association, the Academy of Criminal Justice Sciences, and the Midwestern Criminal Justice Association, of which she was past president. She served on numerous community committees, boards, and advisory boards including the Alaska Women's Resource Center, the Subcommittee on Disparate Minority Confinement of the Alaska Supreme Court's Committee on Fairness and Access, and the Alaska Juvenile Justice Work Group, as well as on a variety of UAA committees. Dr. Schafer's contributions to the Justice Center were invaluable, and the university is grateful for her service and commitment.

Research publications and papers by Dr. Schafer can be viewed at <http://justice.uaa.alaska.edu/publications/authors/schafer/>.

Condolences may be sent to her family c/o the Justice Center, 3211 Providence Drive, LIB 213, Anchorage, AK 99508.

Collateral consequences (continued from page 1)

Collateral consequences, summarizes the daunting array of statutory and regulatory impediments faced by released offenders in Alaska, and highlights the nascent reform movement in Alaska, focusing on the efforts of Senators Coghill and Dyson's work group to improve community safety and public health by facilitating prisoner reintegration and reducing rates of recidivism.

Collateral Consequences in the U.S.: 2013-2014

Although Alaska is identified as the state with the highest statutory and regulatory barriers to successful reentry for those convicted of criminal offenses, this is a national problem. The empirical and abundant evidence is clear: offenders who complete their sentences seldom, if ever, actually stop paying for their crimes. They — and their families — continue paying in multiple ways ranging from inadequate employment, to ineligibility for public food and housing benefits, to restrictions on the ability to adopt or receive placement of foster children. Their neighborhoods and communities pay as well, through a reduction in workforce, increased social service costs, and heightened demand on police and corrections officials.

The explosion in the number of Americans imprisoned has turned these collateral consequences into a national crisis for America's families and communities. Between 1991 and 1999, the number of children in the United States with a parent incarcerated in a state or federal facility increased over 100 percent, from approximately 900,000 to approximately two million children. Current figures for Alaska are difficult to determine but as of 2011, according to a survey conducted by the Sentencing Project, there were 1,520 Alaska parents in prison.

In August of 2013, U.S. Attorney General Eric Holder identified the problem of collateral consequences as a "top priority" for justice officials throughout the country. In remarks to the American Bar Association's House of Delegates, he called upon state and federal lawmakers to focus on improving reentry prospects for those with criminal convictions, emphasizing that this work has importance far beyond the offenders themselves, or even their families:

Ultimately, this is about much more than fairness for those who are released from prison. It's a matter of public safety and public good. It makes plain economic sense. It's about who we are as a people. And it

has the potential to positively impact the lives of every man, woman, and child — in every neighborhood and city — in the United States. After all, whenever a recidivist crime is committed, innocent people are victimized. Communities are less safe. Burdens on law enforcement are increased. And already-strained resources are depleted even further.

Barriers to successful reentry affect an enormous segment of the population. In recent years, the number of persons returning to their communities from state and federal prisons has reached approximately 650,000 annually. Approximately 12 million more are released each year from local jails, according to the U.S. Bureau of Justice Assistance (https://www.bja.gov/ProgramDetails.aspx?Program_ID=90).

A number of initiatives at the federal level target this problem. The most significant of these is perhaps the Federal Interagency Reentry Council. The Council was established in 2011 by the U.S. Attorney General's office for the purpose of coordinating efforts by various federal agencies to promote effective reentry policy and practice. Its focus is removing federal barriers that prevent individuals who have completed their sentences from transitioning into safe housing and productive employment. This coordinated effort rests on recognition that the twin issues of reentry and recidivism affect almost every aspect of federal government; they affect not only corrections and law enforcement agencies, but child welfare and public housing agencies, veterans' programs, Social Security benefits, emergency rooms and community health providers, substance abuse and addiction services, and education. Through the Reentry Council, a total of twenty federal agencies — ranging from the Department of Agriculture to the Department of Veterans Affairs — are working together to reduce recidivism and promote reintegration.

Across the country, state and local agencies are experimenting with innovative programs designed to improve public safety and reduce taxpayer costs associated with released individuals who reoffend. Many of these are assisted by grants from the U.S. Department of Justice pursuant to the Second Chance Act of 2007: Community Safety through Recidivism Prevention, PL 110-199. The Second Chance Act, as its title indicates, was enacted to "break the cycle of criminal recidivism, increase public safety, and help [s]tates, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit

new crimes." It authorizes grant funding, administered by the Bureau of Justice Assistance, for new or continuing programs that promote successful reintegration. Services provided by grantees in the years since the Act's implementation include substance abuse treatment, educational programs, employment assistance, anger and stress management counseling, family counseling, and life skills training.

Collateral Consequences in Alaska: 2013-2014

Here in Alaska, there are currently no fewer than 553 *state* statutes and regulations affecting in myriad ways the lives of those with past criminal convictions. These Alaskans are, of course, also subject to the vast array of federal statutes and regulations triggered by a criminal conviction. When these federal collateral consequences are added to Alaska's, the number of legislative and regulatory restrictions on the lives of these individuals swells to a staggering 1,597. And these figures do not include the panoply of laws at the local level that

Please see *Collateral consequences*, page 8



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Collateral consequences (continued from page 7)

Restrict access to municipal or borough employment or other benefits. Fairbanks North Star Borough Ordinance 2.12.160, for example, provides that a "person's vote shall not count where the voter has been convicted" of a felony involving a moral turpitude unless his civil rights have been restored. Ordinance 11.56.050 of the City and Borough of Sitka makes individuals convicted of certain crimes ineligible for a license to operate a taxicab. In Anchorage, section 2.35.120 of the municipal code prohibits anyone with a felony conviction in any jurisdiction within the preceding ten years from acting as a lobbyist. There are a multitude of similar restrictions throughout Alaska's municipalities and boroughs.

The state and federal figures above come from a recently completed survey of Alaska statutes and regulations by the American Bar Association's (ABA's) National Inventory of the Collateral Consequences of Conviction (NICCC) project. The NICCC is the result of a mandate from Congress to the National Institute of Justice (NIJ), included in the Court Security Act of 2007, to collect and study collateral consequences legislation

and regulation across the country. NIJ designated the ABA Criminal Justice Section to do the research. The results are posted on the ABA's website at <http://www.abacollateralconsequences.org/>.

The inventory was spearheaded by U.S. Senator Patrick Leahy (D-VT), who understood that legislation unnecessarily restricting the ability of those with criminal convictions to find work or to fully participate in civic life is detrimental, rather than beneficial, to public safety. In his September 19, 2012 remarks lauding the launch of the database, he observed:

As a former prosecutor, I believe there should be serious consequences for criminal activity. I also know well that most of those convicted of crimes will return to our communities, and we should be doing everything we can to give them the skills and opportunities they need to reintegrate successfully, rather than returning to a life of crime. That is the right thing to do, and it makes us all safer.

The NICCC website is interactive, allowing users to search jurisdiction by jurisdiction using keywords, triggering offense, or

category of consequence. It was designed to serve as a resource for judges, defense counsel, and prosecutors to locate important information about the consequences of a conviction beyond the sentence imposed. And, importantly, it allows lawyers and their clients to understand the full impact a conviction might carry as they consider defense strategies and the long term consequences of a particular plea.

The project was initially launched in late 2012. Because of the critical importance of this information to policymakers and researchers as well as to judges, lawyers, and defendants, the database was put on line before most of the states, including Alaska, had been fully inventoried. In March 2013, Alaska Senators Coghill and Ellis wrote to the director of the NICCC, requesting that Alaska be placed at the top of the list for inventory completion. Specifically, they noted that having "an accurate understanding of the full extent of state collateral consequences" would assist the bipartisan legislative work group's efforts to "advance an Omnibus Crime bill to reduce Alaska's rate of criminal recidivism." Their request was granted immediately, a decision praised by Alaska's Attorney General Michael C. Geraghty, who also serves as

The Second Chance Act in Alaska

The Second Chance Act (SCA) of 2007 was enacted to address problems posed by the growing number of adults and juveniles released from incarceration and returned to their communities. In 2013, the U.S. Department of Justice (DOJ) reported there were over 2.2 million Americans serving time in prison and millions cycling through local jails annually. DOJ predicts that 95 percent of all offenders currently incarcerated will eventually be released and returned to their communities. SCA funds are awarded to help communities develop and implement strategies to facilitate reentry and reduce recidivism for these individuals.

In FY 2013, the Department of Justice Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice and Delinquency Prevention awarded more than 100 grants totaling over \$62 million pursuant to the Second Chance Act. These awards were made to support reentry programs across the country and funded a diverse range of efforts. The focus of these projects included mental health/substance abuse, technology career training, juvenile reentry, and smart probation.

In Alaska, SCA funds have supported efforts by the Alaska Native Justice Center (ANJC), in collaboration with the Alaska Department of Corrections and the Alaska Prisoner Reentry Task Force, to reduce recidivism and promote successful reentry for both Alaska Natives and non-Natives. Improving reentry outcomes is a critical need across the state. A 2007 Alaska Judicial Council report found that of 2,000 offenders convicted of a felony in 1999, 66 percent were reincarcerated within three years for a new offense or a probation/parole violation.

In 2010, ANJC received \$175,000 in SCA funds under the BJA Adult and Juvenile Offender Reentry Demonstration

Projects. Eligibility for this award was limited to projects that sought "to reduce recidivism among their target population by 50 percent within a 5-year period" (<http://www.ojjdp.gov/grants/solicitations/FY2010/Secondchancementoring.pdf>). The project was designed to build on ANJC's existing adult prisoner reentry program by extending reentry services to one of the three community residential centers (CRCs) in the Anchorage area.

The most recent grant to ANJC, for \$100,000 in 2013, covers statewide recidivism reduction planning. It was one of 13 awards made nationwide by BJA to state correctional agencies or state administering agencies. These funds were awarded for the purpose of supporting a formal 12-month comprehensive planning process to develop a Statewide Recidivism Reduction Strategic Plan. Upon completion of the strategic plan, BJA will evaluate the grantees' work and determine which agencies will be invited to submit applications for implementation grants of \$1 million to \$3 million.

The importance of this work and the continuing need to reduce recidivism across the country has prompted bipartisan legislation to reauthorize SCA grant programs. The proposed Second Chance Reauthorization Act of 2013 (S1690/H.R. 3465—113th Congress) would promote greater accountability from grantees while expanding the number of grant programs available. The bill places a priority on data collection, outcome evaluation, and evidence-based practices. In urging Congress to act, sponsors of the bill note that more than 650,000 individuals return from prison each year: "how we integrate them into the broader community when they are released...profoundly affect[s] the communities in which we live."

co-chair of the Criminal Justice Working Group, a multi-agency group formed to address issues such as criminal recidivism, emphasized in a letter dated March 26, 2013 that "unnecessary and/or gratuitous barriers to employment once a prisoner leaves incarceration can easily foster a return to crime...."

The NICCC's inventory of Alaska statutes and regulations was complete by mid-June, and in July 2013, Alaska's House and Senate Judiciary Standing Committees held a joint hearing on the Omnibus Crime bill, Senate Bill 64, referenced in Senators Ellis and Coghill's letter to the NICCC. As proposed, the bill will modify existing statutes and adopt new statutes all with the dual aims of improving public safety and reducing spending on corrections. Reducing recidivism is integral to the bill's purpose. Citing a 2011 report by the Alaska Judicial Council, Senator Ellis noted that Alaska has one of the highest levels of prison population growth in the nation and "an alarming recidivism rate." He referred to studies reporting that one out of every 36 Alaskans were incarcerated, and that two-thirds of those released were back in custody within three years. (See minutes, <http://bit.ly/akleg-sb64>.)

In Alaska, the burden of barriers to em-

ployment and other collateral consequences of criminal convictions fall disproportionately on the Native community. Although Alaska Natives/American Indians comprised just 17 percent of the overall 2012 population of Alaska by Alaska Department of Labor estimates, they comprised slightly more than 37 percent of those incarcerated according to the Alaska Department of Corrections *2012 Offender Profile*. Nearly 33 percent of youth in the juvenile justice system in 2012 were Alaska Native/American Indian, according to the Alaska Division of Juvenile Justice.

For lawmakers considering the impact of barrier statutes on community safety, the employment difficulties faced by those released from incarceration have important ramifications beyond the risk of recidivism. Unemployment or underemployment is also one of the key predictors of domestic violence, a problem that is arguably the most significant public health and law enforcement challenge in the state. Joblessness is associated with increased psychological and physical aggression. (See "Employment Barriers and Domestic Violence," page 10.) Research has shown that family economic stress also gives rise to a host of physical and mental problems including anxiety and sleep disorders, digestive ailments, and headaches. Rates of alcoholism and drug abuse also rise. This in turn translates into increased hospital admissions and demand on public health services.

The number of Alaska families facing the challenge of reintegration make barrier legislation a significant public health and safety issue across the state. In 2012, the Alaska Department of Corrections (DOC) reported 4,095 felon releases (Table 1). The total number of offender releases that year was 11,917. There was an average of 1,144 releases — including felons and misdemeanants — each month. (These figures do not include releases from contract jails, community residential centers, or electronic monitoring.) Table 2 shows the total figures for offenders under DOC jurisdiction in 2012.

Table 1. Unique Releases of Offenders from Alaska Department of Corrections Facilities by Offense Type, 2012

Unduplicated counts.

Offense type	N
Felony	4,095
Misdemeanor	7,766
Violation	56
Total	11,917
Average number of unduplicated offenders released per month	1,144

Note: Monthly releases are based on all convictions. If an offender was released more than one time in a given month, then only one release was counted for that month. If an offender was released more than once but in different months, then one release per month was counted.

Source of data: Alaska Department of Corrections

The Reform Movement

Testimony taken by the Joint Judiciary Committees on Senate Bill 64 in Wasilla in July 2013 was unanimous in recognizing that policing, prosecution, and incarceration alone will not make Alaska's communities safer places to live. (A Joint Judiciary Committee meeting on SB64 was also held in Fairbanks in October.) Lawmakers must turn their attention to prevention and strategies to reduce recidivism among the thousands of prisoners released each year, including removing unnecessary barriers to employment and public benefits for Alaskans with past convictions for criminal offenses.

Former Alaska Supreme Court Justice Walter Carpeneti in his testimony noted that the Conference of Commissioners on Uniform State Laws recently adopted a proposed uniform law addressing the problem of institutionalized barriers to reintegration. This proposed legislation, the Uniform Collateral Consequences of Conviction Act, includes a variety of measures designed to mitigate the counter-productive effects of unnecessary barrier laws. They include provisions such as expungement for relief from the consequences of overturned or pardoned convictions and procedural mechanisms by which jurisdictions may improve the employability of those who were convicted but have served their sentence. In 2013, five states — Connecticut, Minnesota, New Mexico, New York, and Vermont — considered bills to adopt one or more of these measures.

Texas Representative Jerry Madden, former chair of the Texas House of Representatives Corrections Committee, attended the Wasilla joint meeting. He described

Table 2. Offenders in Institutions under the Jurisdiction of the Alaska Department of Corrections, 2012

Includes both sentenced and unsentenced prisoners in both jails and prisons.

In-state		
Anchorage Correctional Complex East	3,800	
Anchorage Correctional Complex West	428	
Anvil Mountain Correctional Center (Nome)	418	
Fairbanks Correctional Center	115	
Goose Creek Correctional Center (Wasilla)	277	
Hiland Mountain Correctional Center (Eagle River)	429	
Ketchikan Correctional Center	400	
Lemon Creek Correctional Center (Juneau)	68	
Mat-Su Pretrial (Palmer)	221	
Palmer Medium Correctional Center	86	
Palmer Minimum Correctional Center	288	
Point Mackenzie Correctional Farm (Wasilla)	176	
Spring Creek Correctional Center (Seward)	16	
Wildwood Correctional Center (Kenai)	305	
Wildwood Pretrial (Kenai)	285	
Yukon-Kuskokwim Correctional Center (Bethel)	115	
	173	
Out-of-state		
Colorado State Prison	1,051	
Hudson Correctional Facility (Colorado)*	6	
Washington State Prison	1,035	
Federal Bureau of Prisons	1	
	9	
Total	4,851	

* Hudson Correctional Facility is a private correctional facility operated by Cornell Companies, Inc.

Source of data: 2012 Offender Profile, Alaska Department of Corrections

Please see *Collateral consequences*, page 10

Collateral consequences (continued from page 9)

Various Smart Justice initiatives across the country and highlighted the progress Texas has made in reducing recidivism and lowering numbers of prisoners. In brief, *Smart Justice* or *Justice Reinvestment* refers to diverting public funds away from prison growth and maintenance and using them on programs designed to reduce the numbers entering prison for the first time and break the cycle of recidivism for those already incarcerated. Following implementation of these programs in Texas, in the two years between 2011 and 2013 the state housed 7,000 fewer prisoners, parole revocations dropped 40 percent, juvenile probations dropped 30 percent, and the arrest rate declined 10 percent. The state closed one prison during that period and has approved closing two more. These results stand in stark contrast to the 2007 prediction by the Texas Legislative Budget Board that within five years there would be 17,700 new prisoners in the state and that eight or nine new prisons would be required, at a public cost of \$250 million plus annual operating costs of \$40–50 million per prison.

Representative Madden recommended that Alaska legislators look at legislation recently passed in other states — among them, Ohio. Ohio has emerged as a national leader in its efforts to promote the successful reintegration of released individuals. In 2012, the Ohio legislature passed Senate Bill 337 which created a certificate for qualification for employment. The certificate does

two things — it relieves eligible individuals from automatic disqualification from some state-issued occupational licenses and it provides immunity for employers from negligent hiring liability related to hires of individuals holding a certificate. The 2012 reforms also included a mechanism by which eligible individuals with no more than one felony conviction, two different misdemeanor convictions, or one felony and one misdemeanor conviction may have their records sealed.

These and similar measures are slowly being adopted across the country as state leaders acknowledge that conviction-based constraints on employment and participation in other aspects of civic life make communities less safe and increase the public cost of policing and corrections. Such measures include "ban the box" legislation preventing employers from asking about an applicant's criminal past at the initial stages of hiring or licensing, protection for employers from negligent hire suits based on employment of those with criminal convictions, provisions for the expungement and sealing of certain criminal records, statutes that would make state residents with criminal convictions eligible for federal food and housing benefits from which they might otherwise be barred, and repeal of laws preventing individuals with criminal convictions from voting. Senators Ellis and Coghill's work to advance the cataloging of collateral consequences in Alaska and examine the impact of these laws on families and local communities falls squarely within this bipartisan reform movement.

Conclusion

As Senator Coghill noted in a March 28, 2013 press release, "The whole point of rehabilitation is to keep people from going back down that road of crime. If we take away every opportunity they have to rebuild their lives after serving their time, we are basically paving their way back to prison." And as Attorney General Holder observed, this is about far more than fairness to those released. Fundamentally, it is about the public good. The bipartisan working group's initiative to reduce state-created obstacles to successful employment and full enjoyment of civic life for those with criminal convictions in their past has the potential to improve community safety and public health, reduce state expenses associated with recidivism, make available an underutilized human resource to Alaska's businesses, and vastly improve the quality of life for the children of those convicted.

This work is not easy. It is, in fact, immensely difficult. It requires thoughtful, time-consuming analysis of hundreds of individual statutory and regulatory provisions and a careful, objective balancing of public interests. It is, nevertheless, work that is overdue and work that is a critical component of community health and safety.

Deb Periman, J.D., is a member of the Justice Center faculty. Simona Gerdts and Nessabeth Rooks contributed valuable research on this topic. For further reading on the collateral consequences of criminal conviction, see http://justice.uaa.alaska.edu/a-z/c/collateral_consequences.html.

Employment Barriers and Domestic Violence

Deborah Periman

In 2003 the *American Journal of Public Health* published the results of an 11-city study looking at risk factors for femicide. In the article, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," investigators looked at differences in demographic, background, and relationship variables between a group of femicide victims and a control group of abused women. Of the variables examined,

the strongest risk factor for intimate partner femicide was the perpetrator's lack of employment.

The researchers also found that "[i]n fact, abuser's [sic] lack of employment was the only demographic risk factor that significantly predicted femicide risks" after con-

trolling for other factors. Unemployment increased the risk of femicide four times over the risk associated with employed abusers. Moreover, unemployment appeared to underlie increased risks generally attributed to race and ethnicity.

The link between perpetrator unemployment and domestic violence is so significant that experts conclude any effective domestic violence prevention strategy must address unemployment and male poverty. Professor Deborah Weissman of the University

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of North Carolina School of Law, who has written extensively on this issue, points to the work of researcher and law professor Boddy Raphael which indicates that "the elimination of male poverty is a critical part of domestic violence prevention strategy." In her article, "The Personal Is Political — and Economic: Rethinking Domestic Violence," Professor Weissman also notes that the effect of economic instability on mental health is tremendous: "Poverty creates stress, households have diminished resources available to cope with stress, and stress is a source of violence." A 1994 study by the U.S. Department of Justice cited by researchers Jennifer Nou and Christopher Timmins demonstrated that as household income decreases, family violence increases. At the time of the study, women in households where the annual income was below

\$10,000 disclosed suffering from domestic abuse at a rate five times higher than women from higher income households. Based on this evidence, Professor Weissman and others conclude that to reduce rates of domestic violence officials must focus on offender joblessness at sentencing, in probation, and in reentry services. Batterers who have jobs and concomitant ties to the community are less likely to reoffend.

Reducing the risk that a former offender will engage in family violence has important consequences for the growth and development of Alaska's children. National data shows that over 35 percent of violence between partners occurs while at least one child is in the home. Children living in homes where one adult partner is abused are much more likely to be physically or psychologically abused than children living

in homes without such violence. These children are also at increased risk of becoming batterers themselves, attempting suicide, and suffering from depression, obesity, substance abuse, and overall poor physical health in later life.

Deb Periman, J.D., is a member of the Justice Center faculty.

New Staff

Khristy Parker, Justice '08 and MPA (Criminal Justice emphasis) '13, has joined the staff of the Alaska Justice Statistical Analysis Center (AJSAC) as a research professional. Ms. Parker has worked for the Justice Center as a research assistant and for the UAA Institute for Social and Economic Research (ISER) as a research associate.

The AJSAC, established in 1986 and housed within the Justice Center, assists Alaska criminal justice and law enforcement agencies through the collection, analysis, and reporting of crime and justice statistics.

Early Online Version of Forum

If you would like to receive an early online version of the *Alaska Justice Forum*, please email editor@uaa.alaska.edu and put "Forum online" in the subject line.

Recent Faculty Publications

Barton, William H.; Jarjoura, G. Roger; & Rosay, André B. (2012). "Applying a Developmental Lens to Juvenile Reentry and Reintegration." *Journal of Juvenile Justice* 1(2): 95–107 (Spring 2012). (<http://www.journalofjuvjustice.org/joj102/article07.htm>; http://justice.uaa.alaska.edu/research/2000/0411.targeted_reentry/0411.06.applying_lens.html).

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Collateral Consequences and Reentry in Alaska: An Update

Deborah Periman

"Our legal system has created barriers to work, education, business opportunities, volunteerism, and housing — the very things that are necessary to prevent recidivism."
—Alaska Senator John Coghill (R-North Pole), "Alaska Tops List of Collateral Consequences of Conviction Project" (Press Release, March 28, 2013)

Introduction

Alaska ranks number one in the nation for state-created legislative and regulatory barriers to successful reentry for individuals with a criminal record, according to the National Legal Action Center (LAC). The LAC is a public interest law and policy organization focused on reducing impediments to employment and housing for those arrested or convicted of criminal conduct. Alaska's dismal ranking is based on state statutes and regulations that create hurdles to successful reintegration in seven areas: employment, public assistance, third party access to criminal records, voting, public housing, eligibility for adoptive or foster parenting, and driver's licenses. Of these seven, Alaska received the lowest score possible with respect to employment, public assistance, and parenting.

HIGHLIGHTS INSIDE THIS ISSUE

- An examination of prison visitation policies in Alaska and nationally (page 2).
- An update on the work of the Alaska Prisoner Reentry Task Force (page 3).
- In memoriam: Dr. Nancy E. Schafer (page 5).
- The relationship between barriers to employment and domestic violence (page 10).
- Recent faculty publications (page 11).

Many of these institutionally created barriers (often referred to as the collateral consequences of a conviction) have no direct relationship to the crimes for which individuals have been convicted. Perhaps one of the clearest examples is administration of the federal Supplemental Nutrition Assistance Program (SNAP — more colloquially known as "food stamps") in Alaska. Although convicted drug felons are subject to a blanket ban on receiving this benefit, Congress specifically authorized states to opt out of this prohibition and permit their residents access to benefits. All but eleven states have either opted out of the ban completely or moved to minimize its impact. Alaska is one of the few states that has not opted out, despite the fact that the federal government shoulders the entire cost of the food subsidies and pays half of the states' costs to administer the program. As a result, Alaskans convicted of felony drug offenses return to their families and communities ineligible for this important nutritional assistance.

At the close of the 2013 legislative session, Alaska Senate Majority Leader John

Coghill and Minority Leader Johnny Ellis moved to address the community safety and public health issues associated with collateral consequences. In a letter written to the National Inventory of the Collateral Consequences of Conviction (NICCC) Project, the senators explicitly recognized that some of Alaska's barrier statutes and regulations are not rationally related to the promotion of public safety. To the contrary, the senators observed in a March 26, 2013 letter to then project director Margaret Love that these laws may "have the unintended result of impeding a former offender's ability to find employment and housing" that will support and shelter their families. This has important policy implications for lawmakers because meaningful employment and family connections are two factors consistently shown to reduce the risk that those released will reoffend. Under the leadership of Senators Coghill and Dyson, a bipartisan legislative workgroup of four senators — Coghill, Dyson, Ellis, and French — is working to advance an Omnibus Crime bill intended to

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Alaska Resources on Reentry

A number of groups across the state are looking for reasonable solutions to the problem of collateral consequences in Alaska, solutions that will reduce the burgeoning costs of prison maintenance, facilitate the transition from incarceration to productive citizenship for those convicted of a criminal offense, and improve the quality of life for the families of those making the transition. These include:

Alaska Criminal Justice Working Group (<http://www.gov.state.ak.us/admin-orders/138.html>) (see "Criminal Justice Working Group Update," *Alaska Justice Forum*, Summer 2013).

Alaska Native Justice Center Reentry Program (http://www.anjc.org/?page_id=869)
Alaska Prisoner Reentry Task Force and regional reentry coalitions in Anchorage, Fairbanks, Juneau, Mat-Su and Bristol Bay (<http://www.correct.state.ak.us/rehabilitation-reentry>) (see "Alaska Prisoner Reentry Task Force Update," this issue page ___).

New Life Development, Inc. (<http://www.nldinc.org/>).

Partners for Progress Reentry Center (<http://partnersforprogressak.org/focus-on-reentry/>).

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duce rates of criminal recidivism in Alaska by removing some of these barriers to finding stable employment and safe housing.

This article provides a brief summary of recent efforts at the national level to ameliorate the public costs of unnecessary collateral consequences, summarizes the daunting array of statutory and regulatory impediments faced by released offenders in Alaska, and highlights the nascent reform movement in Alaska, focusing on the efforts of Senators Coghill and Dyson's workgroup to improve community safety and public health by facilitating prisoner reintegration and reducing rates of recidivism.

Collateral Consequences in the U.S.: 2013-2014

Although Alaska is identified as the state with the highest statutory and regulatory barriers to successful reentry for those convicted of criminal offenses, this is a national problem. The empirical and abundant evidence is clear: offenders who complete their sentences seldom, if ever, actually stop paying for their crimes. They — and their families — continue paying in multiple ways ranging from inadequate employment, ineligibility for public food and housing benefits, to restrictions on the ability to adopt or receive placement of foster children. Their neighborhoods and communities pay as well, through a reduction in workforce, increased social service costs, and heightened demand on police and corrections officials.

The explosion in the number of Americans imprisoned has turned these collateral consequences into a national crisis for America's families and communities. Between 1991 and 1999, the number of children in the United States with a parent incarcerated in a state or federal facility increased over 100 percent, from approximately 900,000 to approximately two million children. Current figures for Alaska are difficult to determine but according to a survey conducted by the Sentencing Project, as of 2011 there were 1,520 Alaska parents in prison.

In August of 2013, U.S. Attorney General Eric Holder identified the problem of collateral consequences as a "top priority" for justice officials throughout the country. In remarks to the American Bar Association's House of Delegates, he called upon state and federal lawmakers to focus on improving prospects for those with criminal convictions, emphasizing that this work has importance far beyond the offenders themselves, or even their families:

Ultimately, this is about much more

than fairness for those who are released from prison. It's a matter of public safety and public good. It makes plain economic sense. It's about who we are as a people. And it has the potential to positively impact the lives of every man, woman, and child — in every neighborhood and city — in the United States. After all, whenever a recidivist crime is committed, innocent people are victimized. Communities are less safe. Burdens on law enforcement are increased. And already-strained resources are depleted even further.

Barriers to successful reentry affect an enormous segment of the population. In recent years, the number of persons returning to their communities from state and federal prisons has reached approximately 650,000 annually. Approximately 12 million more are released each year from local jails, according to the U.S. Bureau of Justice Assistance (https://www.bja.gov/ProgramDetails.aspx?Program_ID=90).

A number of initiatives at the federal level target this problem. The most significant of these is perhaps the Federal Interagency Reentry Council. The Council was established in 2011 by the U.S. Attorney General's office for the purpose of coordinating efforts by various federal agencies to promote effective reentry policy and practice. Its focus is removing federal barriers that prevent individuals who have completed their sentences from transitioning into safe housing and productive employment. This coordinated effort rests on recognition that the twin issues of reentry and recidivism affect almost every aspect of federal government; they affect not only corrections and law enforcement agencies, but child welfare and public housing agencies, veterans' programs, Social Security benefits, emergency rooms and community health providers, substance abuse and addiction services, and education. Through the Reentry Council, a total of twenty federal agencies — ranging from the Department of Agriculture to the Department of Veterans Affairs — are working together to reduce recidivism and promote reintegration.

Across the country, state and local agencies are experimenting with innovative programs designed to improve public safety and reduce taxpayer costs associated with released individuals who reoffend. Many of these are assisted by grants from the U.S. Department of Justice pursuant to the Second Chance Act of 2007: Community Safety through Recidivism Prevention, PL 110-199. The Second Chance Act, as its title indicates, was enacted to "break the cycle of

criminal recidivism, increase public safety, and help [s]tates, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit new crimes." It authorizes grant funding, administered by the Bureau of Justice Assistance, for new or continuing programs that promote successful reintegration. Services provided by grantees in the years since the Act's implementation include substance abuse treatment, educational programs, employment assistance, anger and stress management counseling, family counseling, and life skills training.

Collateral Consequences in Alaska: 2013-2014

Here in Alaska, there are currently no fewer than 553 state statutes and regulations affecting in myriad ways the lives of those with past criminal convictions. These Alaskans are, of course, also subject to the vast array of federal statutes and regulations triggered by a criminal conviction. When these federal collateral consequences are

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Collateral consequences (continued from page 7)

ided to Alaska's, the number of legislative and regulatory restrictions on the lives of these individuals swells to a staggering 1,597. And these figures do not include the panoply of laws at the local level that restrict access to municipal or borough employment or other benefits. Fairbanks North Star Borough Ordinance 2.12.160, for example, provides that a "person's vote shall not count where the voter has been convicted" of a felony involving a moral turpitude unless his civil rights have been restored. Ordinance 11.56.050 of the City and Borough of Sitka makes individuals convicted of certain crimes ineligible for a license to operate a taxicab. In Anchorage, section 2.35.120 of the municipal code prohibits anyone with a felony conviction in any jurisdiction within the preceding ten years from acting as a lobbyist. There are a multitude of similar restrictions throughout Alaska's municipalities and boroughs.

The state and federal figures above come from a recently completed survey of Alaska statutes and regulations by the American Bar Association's (ABA's) National Inventory of Collateral Consequences (NICC) project.

The NICC is the result of a mandate from Congress to the National Institute of Justice (NIJ), included in the Court Security Act of 2007, to collect and study collateral consequences legislation and regulation across the country. NIJ designated the ABA Criminal Justice Section to do the research. The results are posted on the ABA's website at <http://www.abacollateralconsequences.org/>.

The inventory was spearheaded by U.S. Senator Patrick Leahy (D-VT), who understood that legislation unnecessarily restricting the ability of those with criminal convictions to find work or to fully participate in civic life is detrimental, rather than beneficial, to public safety. In his September 19, 2012 remarks lauding the launch of the database, he observed:

As a former prosecutor, I believe there should be serious consequences for criminal activity. I also know well that most of those convicted of crimes will return to our communities, and we should be doing everything we can to give them the skills and opportunities they need to reintegrate successfully, rather than returning to a life of crime. That is the right thing to do, and it makes us all safer.

The NICC website is interactive, allowing users to search jurisdiction by jurisdiction using keywords, triggering offense, or category of consequence. It was designed to serve as a resource for judges, defense counsel and prosecutors to locate important information about the consequences of a conviction beyond the sentence imposed. And importantly, it allows lawyers and their clients to understand the full impact a conviction might carry as they consider defense strategies and the long term consequences of a particular plea.

The project was initially launched in late 2012. Because of the critical importance of this information to policymakers and researchers as well as to judges, lawyers, and defendants, the database was put on line before most of the states, including Alaska, had been fully inventoried. In March of this year, Alaska Senators Coghill and Ellis wrote to the director of the NICC, requesting that Alaska be placed at the top of the list for inventory completion. Specifically, they noted that having "an accurate understanding of the full extent of state collateral consequences" would assist the bipartisan legislative work group's efforts to "advance an Omnibus Crime bill to reduce Alaska's rate of criminal recidivism. Their request

The Second Chance Act in Alaska

The Second Chance Act (SCA) of 2007 was enacted to address problems posed by the growing number of adults and juveniles released from incarceration and returned to their communities. In 2013, the U.S. Department of Justice (DOJ) reported there were over 2.2 million Americans serving time in prison and millions cycling through local jails annually. DOJ predicts that 95 percent of all offenders currently incarcerated will eventually be released and returned to their communities. SCA funds are awarded to help communities develop and implement strategies to facilitate reentry and reduce recidivism for these individuals.

In FY2013, the Department of Justice Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice and Delinquency Prevention awarded more than 100 grants totaling over \$62 million pursuant to the Second Chance Act. These awards were made to support reentry programs across the country and funded a diverse range of efforts. The focus of these projects included mental health/substance abuse, technology career training, juvenile reentry, and smart probation.

In Alaska, SCA funds have supported efforts by Alaska Native Justice Center (ANJC), in collaboration with the Alaska Department of Corrections and the Alaska Prisoner Reentry Task Force, to reduce recidivism and promote successful reentry for both Alaska Natives and non-Natives. Improving reentry outcomes is a critical need across the state. A 2007 Alaska Judicial Council report found that of 2,000 offenders convicted of a felony in 1999, 66 percent were reincarcerated within three years for a new offense or a probation/parole violation.

In 2010, ANJC received \$175,000 in SCA funds under the BJA Adult and Juvenile Offender Reentry Demonstration

Projects. Eligibility for this award was limited to projects that sought "to reduce recidivism among their target population by 50 percent within a 5-year period" (<http://www.ojjdp.gov/grants/solicitations/FY2010/Secondchancementoring.pdf>). The project was designed to build on ANJC's existing adult prisoner reentry program by extending reentry services to one of the three community residential centers (CRCs) in the Anchorage area.

The most recent grant to ANJC, for \$100,000 in 2013, covers statewide recidivism reduction planning. It was one of 13 awards made nationwide by BJA to state correctional agencies or state administering agencies. These funds were awarded for the purpose of supporting a formal 12-month comprehensive planning process to develop a Statewide Recidivism Reduction Strategic Plan. Upon completion of the strategic plan, BJA will evaluate the grantees' work and determine which agencies will be invited to submit applications for implementation grants of \$1 million to \$3 million.

The importance of this work and the continuing need to reduce recidivism across the country has prompted bipartisan legislation to reauthorize SCA grant programs. The proposed Second Chance Reauthorization Act of 2013 (S1690/H.R. 3465 — 113th Congress) would promote greater accountability from grantees while expanding the number of grant programs available. The bill places a priority on data collection, outcome evaluation, and evidence-based practices. In urging Congress to act, sponsors of the bill note that more than 650,000 individuals return from prison each year: "how we integrate them into the broader community when they are released... profoundly affect[s] the communities in which we live."

was granted immediately, a decision praised by Alaska's Attorney General Michael C. Geraghty. Geraghty, who also serves as co-chair of the Criminal Justice Working Group, a multi-agency group formed to address issues such as criminal recidivism, emphasized in a letter dated March 26, 2013 that "unnecessary and/or gratuitous barriers to employment once a prisoner leaves incarceration can easily foster a return to crime..."

The NICC's inventory of Alaska statutes and regulations was complete by mid-June, and in July, 2013, Alaska's House and Senate Judiciary Standing Committees held a joint hearing on the Omnibus Crime bill, Senate Bill 64, referenced in Senators Ellis and Coghill's letter to the NICC. As proposed, the Bill will modify existing statutes and adopt new statutes all with the dual aims of improving public safety and reducing spending on corrections. Reducing recidivism is integral to the Bill's purpose. Citing a 2011 report by the Alaska Judicial Council, Senator Ellis noted that Alaska has one of the highest levels of prison population growth in the nation and "an alarming recidivism rate." He referred to studies reporting that one out of every 36 Alaskans were incarcerated, and that two-thirds of those released were back

in custody within three years. (See minutes, <http://bit.ly/akleg-sb64>.)

In Alaska, the burden of barriers to employment and other collateral consequences of criminal convictions fall disproportionately on the Native community. Although Alaska Natives/American Indians comprised just 17 percent of the overall 2012 population of Alaska by Alaska Department of Labor estimates, they comprised slightly more than 37 percent of those incarcerated according to the Alaska Department of Corrections 2012 Offender Profile. Nearly 33 percent of youth in the juvenile justice system in 2012 were Alaska Native/American Indian, according to the Alaska Division of Juvenile Justice.

For lawmakers considering the impact of barrier statutes on community safety, the employment difficulties faced by those released from incarceration have important ramifications beyond the risk of recidivism. Unemployment or underemployment is also one of the key predictors of domestic violence, a problem that is arguably the most significant public health and law enforcement challenge in the state. Joblessness is associated with increased psychological and physical aggression. (See "Employment Barriers and Domestic Violence," page 10.) Research has shown that family economic stress also gives rise to a host of physical and mental problems including anxiety and sleep disorders, digestive ailments, and headaches. Rates of alcoholism and drug abuse also rise. This in turn translates into increased hospital admissions and demand on public health services.

The numbers of Alaska families facing the challenge of reintegration make barrier legislation a significant public health and safety issue across the state. In 2012, the Alaska Department of Corrections reported 4,095 felon releases. The total number of offender releases that year was 11,917. There was an average of 1,144 releases — including felons and misdemeanants — each month. (These

Table 1. Unique Releases of Offenders from Alaska Department of Corrections Facilities by Offense Type, 2012

Unduplicated counts.

Offense type	N
Felony	4,095
Misdemeanor	7,766
Violation	56
Total	11,917
Average number of unduplicated offenders released per month	1,144

Note: Monthly releases are based on all convictions. If an offender was released more than one time in a given month, then only one release was counted for that month. If an offender was released more than once but in different months, then one release per month was counted.

Source of data: Alaska Department of Corrections

figures do not include releases from contract jails, community residential centers, or electronic monitoring.)

The Reform Movement

Testimony taken by the Joint Judiciary Committees on Senate Bill 64 in Wasilla in July 2013 was unanimous in recognizing that policing, prosecution, and incarceration alone will not make Alaska's communities safer places to live. (A Joint Judiciary Committee meeting on SB64 was also held in Fairbanks in October.) Lawmakers must turn their attention to prevention and strategies to reduce recidivism among the thousands of prisoners released each year, including removing unnecessary barriers to employment and public benefits for Alaskans with past convictions for criminal offenses.

Former Alaska Supreme Court Justice Walter Carpeneti in his testimony noted that the Conference of Commissioners on Uniform State Laws recently adopted a proposed uniform law addressing the problem of institutionalized barriers to reintegration. This proposed legislation, the Uniform Collateral Consequences of Conviction Act, includes a variety of measures designed to mitigate the counter-productive effects of unnecessary barrier laws. They include provisions such as expungement for relief from the consequences of overturned or pardoned convictions, and procedural mechanisms by which jurisdictions may improve the employability of those who were convicted but have served their sentence. In 2013, five states — Connecticut, Minnesota, New Mexico, New York, and Vermont — considered bills to adopt one or more of these measures.

Table 2. Offenders in Institutions under the Jurisdiction of the Alaska Department of Corrections, 2012

Includes both sentenced and unsentenced prisoners in both jails and prisons.	
In-state	
Anchorage Correctional Complex East	3,800
Anchorage Correctional Complex West	428
Anvil Mountain Correctional Center (Nome)	418
Fairbanks Correctional Center	115
Goose Creek Correctional Center (Wasilla)	277
Hiland Mountain Correctional Center (Eagle River)	429
Ketchikan Correctional Center	400
Lemon Creek Correctional Center (Juneau)	68
Mat-Su Pretrial (Palmer)	221
Palmer Medium Correctional Center	86
Palmer Minimum Correctional Center	288
Point Mackenzie Correctional Farm (Wasilla)	176
Spring Creek Correctional Center (Seward)	16
Wildwood Correctional Center (Kenai)	305
Wildwood Pretrial (Kenai)	285
Yukon-Kuskokwim Correctional Center (Bethel)	115
Out-of-state	173
Colorado State Prison	1,051
Hudson Correctional Facility (Colorado)*	6
Washington State Prison	1,035
Federal Bureau of Prisons	1
Total	9

* Hudson Correctional Facility is a private correctional facility operated by Cornell Companies, Inc.

Source of data: 2012 Offender Profile, Alaska Department of Corrections

Please see Collateral consequences, page 10

Collateral consequences (continued from page 9)

Texas Representative Jerry Madden, former chair of the Texas House of Representatives Corrections Committee, attended the Wasilla joint meeting. He described various "Smart Justice" initiatives across the country and highlighted the progress Texas has made in reducing recidivism and lowering numbers of prisoners. In brief, "Smart Justice" or "Justice Reinvestment" refers to diverting public funds away from prison growth and maintenance and using them on programs designed to reduce the numbers entering prison for the first time and break the cycle of recidivism for those already incarcerated. Following implementation of these programs in Texas, in the two years between 2011 and 2013 the state housed 7,000 fewer prisoners, parole revocations dropped 40 percent, juvenile probations dropped 30 percent, and the arrest rate declined 10 percent. The state closed one prison during that period and has approved closing two more. These results stand in stark contrast to the 2007 prediction by the Texas Legislative Budget Board that within five years there would be 17,700 new prisoners in the state and that eight or nine new prisons would be required, at a public cost of \$250 million plus annual operating costs of \$40-50 million per prison.

Representative Madden recommended that Alaska legislators look at legislation recently passed in other states — among them, Ohio. Ohio has emerged as a national leader in its efforts to promote the successful reintegration of released individuals. In

2012, the Ohio legislature passed Senate Bill 337 which created a certificate for qualification for employment. The certificate does two things — it relieves eligible individuals from automatic disqualification from some state-issued occupational licenses and it provides immunity for employers from negligent hiring liability related to hires of individuals holding a certificate. The 2012 reforms also included a mechanism by which eligible individuals with no more than one felony offense, two different misdemeanor offenses, or more than one felony and one misdemeanor offense may have their records sealed.

These and similar measures are slowly being adopted across the country as state leaders acknowledge that conviction-based constraints on employment and participation in other aspects of civic life make communities less safe and increase the public cost of policing and corrections. Such measures include "ban the box" legislation preventing employers from asking about an applicant's criminal past at the initial stages of hiring or licensing, protection for employers from negligent hire suits based on employment of those with criminal convictions, provisions for the expungement and sealing of certain criminal records, statutes that would make state residents with criminal convictions eligible for federal food and housing benefits from which they might otherwise be barred, and repeal of laws preventing individuals with criminal convictions from voting. Senators Ellis and Coghill's work to advance the cataloging of collateral consequences in Alaska and examine the impact of these laws on families and local communities

falls squarely within this bipartisan reform movement.

Conclusion

As Senator Coghill noted in a March 28, 2013 press release, "The whole point of rehabilitation is to keep people from going back down that road of crime. If we take away every opportunity they have to rebuild their lives after serving their time, we are basically paving their way back to prison." And as Attorney General Holder observed, this is about far more than fairness to those released. Fundamentally, it is about the public good. The bipartisan working group's initiative to reduce state-created obstacles to successful employment and full enjoyment of civic life for those with criminal convictions in their past has the potential to improve community safety and public health, reduce state expenses associated with recidivism, make available an underutilized human resource to Alaska's businesses, and vastly improve the quality of life for the children of those convicted.

This work is not easy. It is, in fact, immensely difficult. It requires thoughtful, time-consuming analysis of hundreds of individual statutory and regulatory provisions and a careful, objective balancing of public interests. It is, nevertheless, work that is overdue and work that is a critical component of community health and safety.

Deb Periman, J.D., is a member of the Justice Center faculty. Simona Gerdis and Nessabell Rooks contributed valuable research on this topic.

Employment Barriers and Domestic Violence

Deborah Periman

In 2003 the *American Journal of Public Health* published the results of an 11-city study looking at risk factors for femicide. In the article, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," investigators looked at differences in demographic, background, and relationship variables between a group of femicide victims and a control group of abused women. Of the variables examined,

the strongest risk factor for intimate partner femicide was the perpetrator's lack of employment.

The researchers also found that "[i]n fact, abuser's [sic] lack of employment was the only demographic risk factor that significantly predicted femicide risks" after controlling for other factors. Unemployment

increased the risk of femicide four times over the risk associated with employed abusers. Moreover, unemployment appeared to underlie increased risks generally attributed to race and ethnicity.

The link between perpetrator unemployment and domestic violence is so significant

that experts conclude any effective domestic violence prevention strategy must address unemployment and male poverty. Professor Deborah Weissman of the University of North Carolina School of Law, who has written extensively on this issue, points to the work of researcher and law professor

Sources

- Jacquelyn C. Campbell, "Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study," 93, 7 *American Journal of Public Health* 1089-1090 (2003).
- Deborah Weissman, "The Personal Is Political - and Economic: Rethinking Domestic Violence," 2007 *BYU Law Review* 387-444.
- Jody Raphael, "Rethinking Criminal Justice Responses to Intimate Partner Violence," 10 *Violence Against Women* 1354-1366 (2004).
- Jennifer Nou and Christopher Timmins, "How Do Changes in Welfare Law Affect Domestic Violence? An Analysis of Connecticut Towns, 1990-2000," 34 *Journal of Legal Studies* 445-469 (2005).

Jody Raphael which indicates that "the elimination of male poverty is a critical part of domestic violence prevention strategy." In her article, "The Personal Is Political - and Economic: Rethinking Domestic Violence," Professor Weissman also notes that the effect of economic instability on mental health is tremendous: "Poverty creates stress, households have diminished resources available to cope with stress, and stress is a source of violence." A 1994 study by the U.S. Department of Justice cited by researchers Jennifer Nou and Christopher Timmins demonstrated that as household income decreases family violence increases. At the time of the study, women in households where the annual income was below \$10,000 disclosed suffering from domestic abuse at a rate five times higher than women from

higher income households. Based on this evidence, Professor Weissman and others conclude that to reduce rates of domestic violence officials must focus on offender joblessness at sentencing, in probation, and in re-entry services. Batterers who have jobs and concomitant ties to the community are less likely to reoffend.

Reducing the risk that a former offender will engage in family violence has important consequences for the growth and development of Alaska's children. National data shows that over 35% of violence between partners occurs while at least one child is in the home. Children living in homes where one adult partner is abused are much more likely to be physically or psychologically abused than children living in homes without such violence. These children are also at

increased risk of becoming batterers themselves, attempting suicide, and suffering from depression, obesity, substance abuse, and overall poor physical health in later life.

Deb Periman, J.D., is a member of the Justice Center faculty.

New Staff

Khristy Parker, Justice '08 and MPA (Criminal Justice emphasis) '13, has joined the staff of the Alaska Justice Statistical Analysis Center (AJSAC) as a research professional. Ms. Parker has worked for the Justice Center as a research assistant and for the UAA Institute for Social and Economic Research (ISER) as a research associate.

The AJSAC, established in 1986 and housed within the Justice Center, assists Alaska criminal justice and law enforcement agencies through the collection, analysis, and reporting of crime and justice statistics.

Early Online Version of Forum

If you would like to receive an early online version of the *Alaska Justice Forum*, please email editor@uaa.alaska.edu and put "Forum online" in the subject line.

Recent Faculty Publications

Barton, William H.; Jarjoura, G. Roger; & Rosay, André B. (2012). "Applying a Developmental Lens to Juvenile Reentry and Reintegration." *Journal of Juvenile Justice* 1(2): 95–107 (Spring 2012). (<http://www.journalofjuvjustice.org/jojj0102/article07.htm>; http://justice.uaa.alaska.edu/research/2000/0411.targeted_reentry/0411.06.applying_lens.html).

Barton, William H.; Jarjoura, G. Roger; & Rosay, André B. (2014). "Evaluating a Juvenile Reentry Program: An Elusive Target." Chap. 13. In Matthew S. Crow & John Ortiz Smykla (eds.), *Offender Reentry: Rethinking Criminology and Criminal Justice*, pp. 307–329. Burlington, MA: Jones & Bartlett Learning. (http://justice.uaa.alaska.edu/research/2000/0411.targeted_reentry/0411.07.evaluating_tr.html).

Knudsen Latta, Kristin S. (2013). *Alaska Boards and Commissions: Results of the Alaska Citizen Members Survey*. Summary report prepared for the Office of the Governor, Boards and Commissions. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1403.01). (http://justice.uaa.alaska.edu/research/2010/1403.boards_comissions/1403.01.akboards.html).

Myrstol, Brad A. (2012). "The Alcohol-Related Workload of Patrol Officers." *Policing: An International Journal of Police Strategies & Management* 35(1): 55–75 (2012). (<http://dx.doi.org/10.1108/13639511211215450>).

Myrstol, Brad A.; & Brandeis, Jason. (2012). *The Predictive Validity of Marijuana Odor Detection: An Examination of Alaska State Trooper Case Reports 2006–2010*. Report prepared for the Alaska State Troopers. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1110.02). (<http://justice.uaa.alaska.edu/research/2010/1110.02.marijuana.html>).

Payne, Troy C. (2013). "Hot Spots." In Kenneth J. Peak (ed.), *Encyclopedia of Community Policing and Problem Solving*, pp. 194–198. Los Angeles: SAGE Publications. (http://justice.uaa.alaska.edu/publications/authors/payne/1060.03.hot_spots.html).

Payne, Troy C. (2013). *Officer-Involved Shootings in Anchorage 1993–2013*. Report prepared for Anchorage Police Department. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1402.01). (http://justice.uaa.alaska.edu/research/2010/1402.apd_ois/1402.01.officer_involved_shootings.html).

Payne, Troy C.; & Arneson, Michelle. (2012). *Green Bay Chronic Nuisance Notification Evaluation, 2006–2010*. Report prepared for the Green Bay Police Department, Green Bay, Wisconsin. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1301.01). (http://justice.uaa.alaska.edu/research/2010/1301.greenbay/1301.01.green_bay_eval.html).

Payne, Troy C.; Gallagher, Kathleen; Eck, John E.; & Frank, James. (2013). "Problem Framing in Problem Solving: A Case Study." *Policing: An International Journal of Police Strategies & Management* 36(4): 670–682. (<http://dx.doi.org/10.1108/PLJPSM-01-2012-0081>).

Rivera, Marny; Parker, Khristy; & McMullen, Jennifer. (2012). *2010 Anchorage Underage Drinking Survey: A Look at Adult Attitudes, Perceptions, and Norms*. Report prepared for Communities Mobilizing for Change on Alcohol, Volunteers of America Alaska. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1010.03). (http://justice.uaa.alaska.edu/research/2010/1010.voa/1010.03.auds_2010_report.html).

Snodgrass, G. Matthew; Rosay, André B.; & Gover, Angela R. (2013). "Modeling the Referral Decision in Sexual Assault Cases: An Application of Random Forests." *American Journal of Criminal Justice* (May 2013). (<http://dx.doi.org/10.1007/s12103-013-9210-x>).

AMENDMENT #16

OFFERED IN THE HOUSE

BY REPRESENTATIVE GUTTENBERG

TO:

1 Page _____, line _____:

2 Insert "; relating to major medical insurance coverage under the Public
3 Employees' Retirement System of Alaska; and providing for an effective date"

4

5 Page _____, following line _____:

6 Insert new bill sections to read:

7 ** Sec. A. AS 39.30.400(b) is amended to read:

8 (b) Upon application of an eligible person, the administrator shall reimburse to
9 the eligible person the costs for medical care expenses as defined in 26 U.S.C. 213(d).
10 Reimbursement is limited to the medical expenses of

11 (1) an eligible member, the spouse of an eligible member, and the
12 dependent children of an eligible member; [OR]

13 (2) a surviving spouse and the dependent children of an eligible
14 member dependent on the surviving spouse; or

15 (3) an eligible member's dependent children if the member dies
16 and there is no surviving spouse.

17 * Sec. B. AS 39.35.535(a) is amended to read:

18 (a) Except as provided in (d) of this section, the following persons are entitled
19 to major medical insurance coverage under this section:

20 (1) for employees first hired before July 1, 1986,

21 (A) an employee who is receiving a monthly benefit from the
22 plan and who has elected coverage;

23 (B) the spouse and dependent children of the employee

1 described in (A) of this paragraph;

2 (C) the surviving spouse of a deceased employee who is
3 receiving a monthly benefit from the plan and who has elected coverage;

4 (D) the dependent children of a deceased employee for whom
5 coverage has been elected [WHO ARE DEPENDENT ON THE
6 SURVIVING SPOUSE DESCRIBED IN (C) OF THIS PARAGRAPH];

7 (2) for members first hired on or after July 1, 1986,

8 (A) an employee who is receiving a monthly benefit from the
9 plan and who has elected coverage for the employee;

10 (B) the spouse of the employee described in (A) of this
11 paragraph if the employee elected coverage for the spouse;

12 (C) the dependent children of the employee described in (A) of
13 this paragraph if the employee elected coverage for the dependent children;

14 (D) the surviving spouse of a deceased employee who is
15 receiving a monthly benefit from the plan and who has elected coverage;

16 (E) the dependent children of a deceased employee for whom
17 coverage has been elected;

18 (3) for deceased members who were peace officers or firefighters,

19 (A) the dependent children of the deceased member who
20 are eligible to receive a pension benefit under AS 39.35.430 and for whom
21 coverage has been elected;

22 (B) the surviving spouse of the deceased member who [ARE
23 DEPENDENT ON THE SURVIVING SPOUSE DESCRIBED IN (D) OF
24 THIS PARAGRAPH IF THE SURVIVING SPOUSE] has elected coverage
25 and is eligible to receive a pension benefit under AS 39.35.430 [FOR THE
26 DEPENDENT CHILDREN].

27 * Sec. C. AS 39.35.535(c) is amended to read:

28 (c) A benefit recipient may elect major medical insurance coverage in
29 accordance with regulations and under the following conditions:

30 (1) a person, other than a disabled member or a disabled member who
31 is appointed to normal retirement, must pay an amount equal to the full monthly group

1 premium for retiree major medical insurance coverage if the person is
2 (A) younger than 60 years of age and has less than
3 (i) 25 years of credited service as a peace officer under
4 AS 39.35.360 and 39.35.370; or
5 (ii) 30 years of credited service under AS 39.35.360 and
6 39.35.370 that is not service as a peace officer; or
7 (B) of any age and has less than 10 years of credited service;
8 (2) a person is not required to make premium payments for retiree
9 major medical coverage if the person
10 (A) is a disabled member;
11 (B) is a disabled member who is appointed to normal
12 retirement;
13 (C) is 60 years of age or older and has at least 10 years of
14 credited service; [OR]
15 (D) has at least
16 (i) 25 years of credited service as a peace officer under
17 AS 39.35.360 and 39.35.370; or
18 (ii) 30 years of credited service under AS 39.35.360 and
19 39.35.370 not as a peace officer; or
20 **(E) is receiving a benefit under (a)(3) of this section.**

21 * **Sec. D.** AS 39.35.870(c) is repealed and reenacted to read:

22 (c) The following persons are eligible to elect medical benefits under
23 AS 39.35.880:
24 (1) a member who is eligible for retirement under (a) of this section;
25 (2) a member's surviving spouse if the member had retired or was
26 eligible for retirement and medical benefits at the time of the member's death;
27 (3) a deceased member's surviving spouse, if the deceased member
28 was a peace officer or firefighter and the deceased member's surviving spouse is
29 eligible to receive a benefit under AS 39.35.892; and
30 (4) a deceased member's dependent children if the deceased member
31 was a peace officer or firefighter and the deceased member's surviving spouse or

dependent children are eligible to receive a benefit under AS 39.35.892.

2 * Sec. E. AS 39.35.870(d) is amended to read:

3 (d) A person [MEMBERS] shall apply for retirement and medical benefits on
4 the forms and in the manner prescribed by the administrator.

5 * Sec. F. AS 39.35.870(g) is repealed and reenacted to read:

9 * Sec. G. AS 39.35.870 is amended by adding a new subsection to read:

10 (h) Notwithstanding cessation of benefits under AS 39.35.892(b), medical
11 benefits for a survivor under (c)(3) and (4) of this section shall be paid until the last
12 day of the month in which there is no surviving spouse and no dependent child.

13 * Sec. H. AS 39.35.880(b) is repealed and reenacted to read:

14 (b) Retiree major medical insurance plan coverage elected by a person who is
15 eligible under AS 39.35.870(c) covers

16 (1) the member, the spouse of the eligible member, and the dependent
17 children of the eligible member if the member is the elector;

18 (2) the surviving spouse and the dependent children of the eligible
19 member who are dependent on the surviving spouse if the surviving spouse is the
20 elector;

(3) the dependent child if the dependent child, or a person authorized to act on behalf of the dependent child, is the elector.

23 * Sec. I. AS 39.35.880(d) is amended to read:

24 (d) Major medical insurance coverage takes effect on the first day of the
25 month following the date of the administrator's approval of the election and stops
26 when the person who elects coverage is no longer eligible to receive coverage
27 [DIES] or fails to make a required premium payment.

28 * Sec. J. AS 39.35.880(g) is amended to read:

29 (g) The cost of premiums for retiree major medical insurance coverage for an
30 eligible **person** [MEMBER OR SURVIVING SPOUSE] who is

31 (1) not eligible for Medicare is an amount equal to the full monthly

1 group premiums for retiree major medical insurance coverage;

2 (2) eligible for Medicare is the following percentage of the premium

3 amounts established for retirees who are eligible for Medicare:

4 (A) 30 percent if the member had 10 or more, but less than 15,

5 years of service;

6 (B) 25 percent if the member had 15 or more, but less than 20,

7 years of service;

8 (C) 20 percent if the member had 20 or more, but less than 25,

9 years of service;

10 (D) 15 percent if the member had 25 or more, but less than 30,

11 years of service;

12 (E) 10 percent if the member had 30 or more years of service.

13 * **Sec. K. AS 39.35.880** is amended by adding a new subsection to read:

14 (l) Notwithstanding (g) of this section, a person who is eligible for major

15 medical insurance coverage under AS 39.35.870(c)(3) or (4) is not required to pay

16 premiums under (g)(1) of this section.

17 * **Sec. L. AS 39.35.894** is amended to read:

18 **Sec. 39.35.894. Premiums for retiree major medical insurance coverage**

19 **upon termination of disability benefits or survivor's pension.** The premium for

20 retiree major medical insurance coverage payable by an employee whose disability

21 benefit is terminated under AS 39.35.890(g) or by an eligible survivor whose survivor

22 pension is terminated under AS 39.35.890(k) [OR 39.35.892(e)] when the employee

23 would have been eligible for normal retirement if the employee had survived shall be

24 determined under AS 39.35.880(g)(2) as if the employee or survivor were eligible for

25 Medicare.

26 * **Sec. M. AS 39.35.880(c)** is repealed.

27 * **Sec. N.** The uncodified law of the State of Alaska is amended by adding a new section to

28 read:

29 **TRANSITION: REGULATIONS.** (a) The Department of Administration may adopt

30 regulations necessary to implement this Act. Regulations adopted by the Department of

31 Administration under this Act relate to the internal management of a state agency and are not

1 subject to AS 44.62 (Administrative Procedure Act) under AS 39.30.160 and AS 39.35.005.
2 (b) Regulations adopted under this section may not take effect before the effective
3 date of the law being implemented by the regulation.

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

6 RETROACTIVITY. Sections _____ of this Act are retroactive to January 1, 2013.

7 * **Sec. P.** Section _____ of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. Q.** Except as provided in sec. _____ of this Act, this Act takes effect January 1,
9 2017."

AMENDMENT # 17

OFFERED BY REP. PRUITT

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

1 Page 49, following line 16:

2 Insert a new bill section to read:

3 **** Sec. 83. AS 12.55.125(b) is amended to read:**

4 (b) A defendant convicted of attempted murder in the first degree, solicitation
5 to commit murder in the first degree, conspiracy to commit murder in the first degree,
6 kidnapping, or misconduct involving a controlled substance in the first degree shall be
7 sentenced to a definite term of imprisonment of at least five years but not more than
8 99 years. A defendant convicted of murder in the second degree or murder of an
9 unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of
10 imprisonment of at least 15 [10] years but not more than 99 years. A defendant
11 convicted of murder in the second degree shall be sentenced to a definite term of
12 imprisonment of at least 20 years but not more than 99 years when the defendant is
13 convicted of the murder of a child under 16 years of age and the court finds by clear
14 and convincing evidence that the defendant (1) was a natural parent, a stepparent, an
15 adoptive parent, a legal guardian, or a person occupying a position of authority in
16 relation to the child; or (2) caused the death of the child by committing a crime against
17 a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and
18 "position of authority" have the meanings given in AS 11.41.470."

19

20 Renumber the following bill sections accordingly.

21

22 Page 52, line 2, through page 53, line 1:

23 Delete all material.

1

2 Renumber the following bill sections accordingly.

3

4 Page 121, following line 23:

5 Insert a new paragraph to read:

6 "(30) AS 12.55.125(b), as amended by sec. 83 of this Act;"

7

8 Renumber the following paragraphs accordingly.

9

10 Page 121, line 24:

11 Delete all material.

12

13 Renumber the following paragraphs accordingly.

14

15 Page 125, line 31:

16 Delete "sec. 83"

17 Insert "sec. 84"

18

19 Page 126, line 1:

20 Delete "sec. 84"

21 Insert "sec. 85"

22

23 Page 126, line 2:

24 Delete "sec. 85"

25 Insert "sec. 86"