

AMENDMENT #9

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS CSSSSB 91(JUD)

Thompson  
Wilson  
Neuman

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 shall6             (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 must9                 (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; and16                 (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; and22             (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

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### MEMORANDUM

April 25, 2016

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

**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