

WITHDRAWN

29-LS0541\V.55
Gardner
4/22/16

AMENDMENT # 18

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

By Rep. Pruitt.

- 1 Page 1, line 11, following "license;":
2 Insert "relating to identification cards and driver's licenses for parolees;"
3
- 4 Page 2, following line 6:
5 Insert a new bill section to read:
6 **"* Section 1. AS 04.16.160 is amended to read:**
7 (a) Except as otherwise provided by law, a person who is 21 years of age or
8 older may not purchase alcoholic beverages if the person has been ordered to refrain
9 from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a
10 sentence for conviction of a crime under AS 28.35.030, 28.35.032, or a similar
11 municipal ordinance, [OR] as a condition of probation or parole from a conviction
12 under AS 28.35.030, 28.35.032, or a similar municipal ordinance, or as a condition of
13 probation or parole for any other crime. The restriction on purchasing alcoholic
14 beverages applies during the period that the person is required to refrain from
15 consuming alcoholic beverages under the sentence or condition of probation or
16 parole."
17
- 18 Page 2, line 7:
19 Delete "Section 1"
20 Insert "Sec. 2"
21
- 22 Renumber the following bill sections accordingly.
23

1 Page 60, following line 19:

2 Insert a new bill section to read:

3 **"* Sec. 99. AS 28.15.191(g)** is amended to read:

4 (g) A court that has ordered a person to refrain from consuming alcoholic
5 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
6 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
7 following a conviction under those sections or a similar municipal ordinance, or as a
8 condition of probation or parole for any other crime shall

9 (1) require the surrender of the person's license and identification card
10 and forward the license and identification card to the department;

11 (2) report the order to the department within two days; and

12 (3) inform the person that the person's license and identification card
13 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is
14 otherwise qualified to receive a license or identification card, when the person obtains
15 a new license or identification card, the license or identification card must list the
16 restriction imposed by AS 04.16.160 for the period of probation or parole."

17

18 Renumber the following bill sections accordingly.

19

20 Page 88, line 7:

21 Delete "a new subsection"

22 Insert "new subsections"

23

24 Page 88, following line 15:

25 Insert a new subsection to read:

26 (i) In addition to other conditions of parole imposed under this section, for a
27 prisoner who is serving a sentence for an offense involving the use of alcohol and
28 whom the board has ordered to refrain from possessing or consuming alcoholic
29 beverages, the board shall impose as a condition of parole that, if the parolee is
30 eligible for a driver's license, the department shall issue the license under
31 AS 28.15.111 with a physical display on the license that the person is restricted from

1 possessing or consuming alcoholic beverages. The board shall notify the department
2 of the board's order under this subsection by providing a copy of the board's order.
3 Upon discharge from parole, the board shall notify the department of the parolee's
4 discharge. In this subsection, "department" means the Department of Administration."

5

6 Page 118, line 10:

7 Delete "sec. 55"

8 Insert "sec. 56"

9

10 Page 118, line 16:

11 Delete "sec. 72"

12 Insert "sec. 73"

13

14 Page 118, line 19:

15 Delete "sec. 72"

16 Insert "sec. 73"

17

18 Page 118, line 20:

19 Delete "sec. 73"

20 Insert "sec. 74"

21

22 Page 118, line 23:

23 Delete "sec. 89"

24 Insert "sec. 90"

25

26 Page 118, line 26:

27 Delete "sec. 117"

28 Insert "sec. 119"

29

30 Page 120, line 26:

31 Delete "sec. 3"

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

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

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

1
2 Page 121, line 19:
3 Delete "sec. 38"
4 Insert "sec. 39"
5
6 Page 121, line 20:
7 Delete "sec. 41"
8 Insert "sec. 42"
9
10 Page 121, line 21:
11 Delete "sec. 43"
12 Insert "sec. 44"
13
14 Page 121, line 22:
15 Delete "sec. 45"
16 Insert "sec. 46"
17
18 Page 121, line 23:
19 Delete "sec. 82"
20 Insert "sec. 83"
21
22 Page 121, line 24:
23 Delete "sec. 86"
24 Insert "sec. 87"
25
26 Page 121, line 25:
27 Delete "sec. 100"
28 Insert "sec. 102"
29
30 Page 121, line 26:
31 Delete "sec. 101"

1 Insert "sec. 103"

2

3 Page 121, line 27:

4 Delete "sec. 111"

5 Insert "sec. 113"

6

7 Page 121, line 28:

8 Delete "sec. 112"

9 Insert "sec. 114"

10

11 Page 121, line 29:

12 Delete "sec. 113"

13 Insert "sec. 115"

14

15 Page 121, line 30:

16 Delete "sec. 173"

17 Insert "sec. 175"

18

19 Page 121, line 31:

20 Delete "sec. 181"

21 Insert "sec. 183"

22

23 Page 122, line 3:

24 Delete "sec. 67"

25 Insert "sec. 68"

26

27 Page 122, line 4:

28 Delete "sec. 68"

29 Insert "sec. 69"

30

31 Page 122, line 8:

1 Delete "sec. 33"
2 Insert "sec. 34"
3
4 Page 122, line 9:
5 Delete "sec. 34"
6 Insert "sec. 35"
7
8 Page 122, line 10:
9 Delete "sec. 35"
10 Insert "sec. 36"
11
12 Page 122, line 11:
13 Delete "sec. 36"
14 Insert "sec. 37"
15
16 Page 122, line 14:
17 Delete "sec. 64"
18 Insert "sec. 65"
19
20 Page 122, line 15:
21 Delete "sec. 65"
22 Insert "sec. 66"
23
24 Page 122, line 16:
25 Delete "sec. 66"
26 Insert "sec. 67"
27
28 Page 122, line 17:
29 Delete "sec. 153"
30 Insert "sec. 155"
31

- 1 Page 122, line 20:
 - 2 Delete "sec. 62"
 - 3 Insert "sec. 63"
 - 4
- 5 Page 122, line 21:
 - 6 Delete "sec. 63"
 - 7 Insert "sec. 64"
 - 8
- 9 Page 122, line 22:
 - 10 Delete "sec. 81"
 - 11 Insert "sec. 82"
 - 12
- 13 Page 122, following line 22:
 - 14 Insert a new paragraph to read:

"(4) AS 28.15.191(g), as amended by sec. 99 of this Act;"
 - 15
 - 16
- 17 Renumber the following paragraphs accordingly.
 - 18
- 19 Page 122, line 23:
 - 20 Delete "sec. 104"
 - 21 Insert "sec. 106"
 - 22
- 23 Page 122, line 24:
 - 24 Delete "sec. 108"
 - 25 Insert "sec. 110"
 - 26
- 27 Page 122, line 25:
 - 28 Delete "sec. 120"
 - 29 Insert "sec. 122"
 - 30
- 31 Page 122, line 26:

1 Delete "sec. 122"

2 Insert "sec. 124"

3

4 Page 122, line 27:

5 Delete "sec. 60"

6 Insert "sec. 61"

7

8 Page 122, line 28:

9 Delete "sec. 60"

10 Insert "sec. 61"

11

12 Page 122, line 29:

13 Delete "sec. 60"

14 Insert "sec. 61"

15

16 Page 123, line 2:

17 Delete "sec. 70"

18 Insert "sec. 71"

19

20 Page 123, line 3:

21 Delete "sec. 71"

22 Insert "sec. 72"

23

24 Page 123, line 4:

25 Delete "sec. 72"

26 Insert "sec. 73"

27

28 Page 123, line 5:

29 Delete "sec. 73"

30 Insert "sec. 74"

31

1 Page 123, line 6:
2 Delete "sec. 73"
3 Insert "sec. 74"
4
5 Page 123, line 7:
6 Delete "sec. 73"
7 Insert "sec. 74"
8
9 Page 123, line 8:
10 Delete "sec. 69"
11 Insert "sec. 70"
12
13 Page 123, line 9:
14 Delete "sec. 69"
15 Insert "sec. 70"
16
17 Page 123, line 10:
18 Delete "sec. 69"
19 Insert "sec. 70"
20
21 Page 123, line 11:
22 Delete "sec. 75"
23 Insert "sec. 76"
24
25 Page 123, line 12:
26 Delete "sec. 75"
27 Insert "sec. 76"
28
29 Page 123, line 13:
30 Delete "sec. 75"
31 Insert "sec. 76"

1
2 Page 123, line 14:
3 Delete "sec. 78"
4 Insert "sec. 79"
5
6 Page 123, line 15:
7 Delete "sec. 78"
8 Insert "sec. 79"
9
10 Page 123, line 16:
11 Delete "sec. 78"
12 Insert "sec. 79"
13
14 Page 123, line 20:
15 Delete "sec. 74"
16 Insert "sec. 75"
17
18 Page 123, line 21:
19 Delete "sec. 76"
20 Insert "sec. 77"
21
22 Page 123, line 22:
23 Delete "sec. 77"
24 Insert "sec. 78"
25
26 Page 123, line 23:
27 Delete "sec. 80"
28 Insert "sec. 81"
29
30 Page 123, line 24:
31 Delete "sec. 115"

1 Insert "sec. 117"

2

3 Page 123, line 26, following "license":

4 Insert "or an identification card or driver's license issued to a parolee"

5

6 Page 123, following line 27:

7 Insert a new paragraph to read:

8 "(1) AS 4.16.160, as amended by sec. 1 of this Act;"

9

10 Renumber the following paragraphs accordingly.

11

12 Page 123, line 28:

13 Delete "sec. 97"

14 Insert "sec. 98"

15

16 Page 123, line 29:

17 Delete "sec. 99"

18 Insert "sec. 101"

19

20 Page 123, line 30:

21 Delete "sec. 106"

22 Insert "sec. 108"

23

24 Page 124, line 2:

25 Delete "sec. 118"

26 Insert "sec. 120"

27

28 Page 124, line 3:

29 Delete "sec. 119"

30 Insert "sec. 121"

31

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

1
2 Page 124, line 12:
3 Delete "sec. 136"
4 Insert "sec. 138"
5
6 Page 124, line 13:
7 Delete "sec. 137"
8 Insert "sec. 139"
9
10 Page 124, line 14:
11 Delete "sec. 138"
12 Insert "sec. 140"
13
14 Page 124, line 15:
15 Delete "sec. 139"
16 Insert "sec. 141"
17
18 Page 124, line 16:
19 Delete "AS 33.16.150(h)":
20 Insert "AS 33.16.150(h) and (i)"
21 Delete "sec. 140"
22 Insert "sec. 142"
23
24 Page 124, line 17:
25 Delete "sec. 142"
26 Insert "sec. 144"
27
28 Page 124, line 18:
29 Delete "sec. 24"
30 Insert "sec. 25"
31 Delete "sec. 189"

1 Insert "sec. 191"
2
3 Page 124, line 19:
4 Delete "secs. 24 and 189"
5 Insert "secs. 25 and 191"
6
7 Page 124, line 22:
8 Delete "sec. 51"
9 Insert "sec. 52"
10
11 Page 124, line 23:
12 Delete "sec. 52"
13 Insert "sec. 53"
14
15 Page 124, line 24:
16 Delete "sec. 53"
17 Insert "sec. 54"
18
19 Page 124, line 25:
20 Delete "sec. 54"
21 Insert "sec. 55"
22
23 Page 124, line 26:
24 Delete "sec. 55"
25 Insert "sec. 56"
26
27 Page 124, line 27:
28 Delete "sec. 56"
29 Insert "sec. 57"
30
31 Page 124, line 28:

1 Delete "sec. 57"
2 Insert "sec. 58"
3
4 Page 124, line 29:
5 Delete "sec. 58"
6 Insert "sec. 59"
7
8 Page 124, line 30:
9 Delete "sec. 59"
10 Insert "sec. 60"
11
12 Page 124, line 31:
13 Delete "sec. 117"
14 Insert "sec. 119"
15
16 Page 125, line 3:
17 Delete "sec. 141"
18 Insert "sec. 143"
19
20 Page 125, line 4:
21 Delete "sec. 143"
22 Insert "sec. 145"
23
24 Page 125, line 5:
25 Delete "sec. 144"
26 Insert "sec. 146"
27
28 Page 125, line 6:
29 Delete "sec. 145"
30 Insert "sec. 147"
31

1 Page 125, line 7:
2 Delete "sec. 146"
3 Insert "sec. 148"
4
5 Page 125, line 8:
6 Delete "sec. 147"
7 Insert "sec. 149"
8
9 Page 125, line 9:
10 Delete "sec. 148"
11 Insert "sec. 150"
12
13 Page 125, line 10:
14 Delete "sec. 149"
15 Insert "sec. 151"
16
17 Page 125, line 11:
18 Delete "sec. 150"
19 Insert "sec. 152"
20
21 Page 125, line 12:
22 Delete "sec. 151"
23 Insert "sec. 153"
24
25 Page 125, line 13:
26 Delete "sec. 114"
27 Insert "sec. 116"
28
29 Page 125, line 14:
30 Delete "sec. 114"
31 Insert "sec. 116"

1
2 Page 125, line 15:
3 Delete "sec. 114"
4 Insert "sec. 116"
5
6 Page 125, line 16:
7 Delete "sec. 114"
8 Insert "sec. 116"
9
10 Page 125, line 17:
11 Delete "sec. 154"
12 Insert "sec. 156"
13
14 Page 125, line 18:
15 Delete "sec. 154"
16 Insert "sec. 156"
17
18 Page 125, line 19:
19 Delete "sec. 154"
20 Insert "sec. 156"
21
22 Page 125, line 20:
23 Delete "sec. 154"
24 Insert "sec. 156"
25
26 Page 125, line 24:
27 Delete "sec. 47"
28 Insert "sec. 48"
29
30 Page 125, line 25:
31 Delete "sec. 49"

1 Insert "sec. 50"

2

3 Page 125, line 26:

4 Delete "sec. 46"

5 Insert "sec. 47"

6

7 Page 125, line 27:

8 Delete "sec. 46"

9 Insert "sec. 47"

10

11 Page 125, line 28:

12 Delete "sec. 46"

13 Insert "sec. 47"

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"

26

27 Page 126, line 3:

28 Delete "sec. 87"

29 Insert "sec. 88"

30

31 Page 126, line 4:

1 Delete "sec. 88"
2 Insert "sec. 89"
3
4 Page 126, line 5:
5 Delete "sec. 89"
6 Insert "sec. 90"
7
8 Page 126, line 9:
9 Delete "secs. 161 - 172, 193, and 199"
10 Insert "secs. 163 - 174, 195, and 203"
11
12 Page 126, line 17:
13 Delete "Sections 161 - 172 and 193"
14 Insert "Sections 163 - 174 and 195"
15
16 Page 126, line 21:
17 Delete "sec. 24"
18 Insert "sec. 25"
19
20 Page 126, line 22:
21 Delete "sec. 189"
22 Insert "sec. 191"
23
24 Page 126, line 24:
25 Delete "sec. 55"
26 Insert "sec. 56"
27
28 Page 126, line 25:
29 Delete "sec. 194(a)"
30 Insert "sec. 196(a)"
31

1 Page 126, line 27:
2 Delete "sec. 72"
3 Insert "sec. 73"
4 Delete "sec. 194(b)"
5 Insert "sec. 196(b)"
6
7 Page 126, line 30:
8 Delete "sec. 73"
9 Insert "sec. 74"
10 Delete "sec. 194(c)"
11 Insert "sec. 196(c)"
12
13 Page 127, line 2:
14 Delete "sec. 89"
15 Insert "sec. 90"
16 Delete "sec. 194(d)"
17 Insert "sec. 196(d)"
18
19 Page 127, line 5:
20 Delete "sec. 117"
21 Insert "sec. 119"
22 Delete "sec. 194(e)"
23 Insert "sec. 196(e)"
24
25 Page 127, line 8:
26 Delete "Sections 91, 93, 200, and 201"
27 Insert "Sections 93, 95, 202, and 203"
28
29 Page 127, lines 10 - 11:
30 Delete "Sections 1 - 23, 25 - 45, 70 - 73, 75, 82 - 90, 97, 99 - 101, 103, 106, 111 - 113,
31 154, 160, 173 - 182, 192, 194(b), 194(c), and 194(d)"

1 Insert "Sections 1 - 24, 26 - 46, 71 - 74, 76, 83 - 91, 98, 99, 101 - 103, 105, 108, 113 -
2 115, 156, 162, 175 - 184, 194, 196(b), 196(c), and 196(d)"

3

4 Page 127, line 12:

5 Delete "sec. 24"

6 Insert "sec. 25"

7

8 Page 127, line 13:

9 Delete "Section 94"

10 Insert "Section 95"

11

12 Page 127, lines 14 - 15:

13 Delete "Sections 47 - 50, 60, 62, 63, 69, 74, 76 - 81, 92, 104, 105, 108, 114 - 116, 118
14 - 153, 156 - 158, and 183 - 185"

15 Insert "Sections 48 - 51, 61, 63, 64, 70, 75, 77 - 82, 93, 106, 107, 110, 116 - 118, 120 -
16 155, 158 - 160, and 185 - 187"

17

18 Page 127, line 16:

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

20 Insert "Sections 47, 52 - 60, 119, 192, 193, 196(a), and 196(e)"

21

22 Page 127, line 18:

23 Delete "Section 159"

24 Insert "Section 161"

25

26 Page 127, line 19:

27 Delete "sec. 24"

28 Insert "sec. 25"

29 Delete "sec. 189"

30 Insert "sec. 191"

Adopted

29-LS0541\T.7
Gardner
4/26/16

AMENDMENT #19

OFFERED IN THE HOUSE

BY REPRESENTATIVE THOMPSON

TO: HCS CSSSSB 91(FIN), Draft Version "T"

1 Page 50, line 13, following "violated":

2 Insert "

3 (A)

4

5 Page 50, line 14, following "years":

6 Insert ":

7 (B) AS 28.35.030(n)(1)(A) or 28.35.032(p)(1)(A), 120 days to

8 239 days;

9 (C) AS 28.35.030(n)(1)(B) or 28.35.032(p)(1)(B), 240 days to

10 359 days;

11 (D) AS 28.35.030(n)(1)(C) or 23.35.032(p)(1)(C), 360 days to

12 two years"

13

14 Page 112, line 30:

15 Delete "AS 12.55.125(e)"

16 Insert "AS 12.55.125(e)(1) - (3)"

17

18 Page 113, following line 3:

19 Insert a new subsection to read:

20 " (v) The amendment to AS 12.55.125(e) by the addition of new
21 subparagraphs (4)(B) - (D), providing presumptive ranges for violation of
22 AS 28.35.030(n) and 28.35.032(p), apply to offenses committed on or after the
23 effective date of sec. 81 of this Act, except that references to previous

convictions in AS 28.35.030(n) and 28.35.032(p) apply to convictions occurring before, on, or after the effective date of sec. 81 of this Act."

FAILED

29-LS0541\T.3
Gardner
4/26/16

AMENDMENT # 20

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS CSSSSB 91(FIN), Draft Version "T"

1 Page 4, line 2:

2 Delete "\$1,000"

3 Insert "\$2,000"

4

5 Page 4, line 10:

6 Delete "\$1,000"

7 Insert "\$2,000"

8

9 Page 4, line 26:

10 Delete "\$1,000"

11 Insert "\$2,000"

12

13 Page 5, line 5:

14 Delete "\$1,000"

15 Insert "\$2,000"

16

17 Page 5, line 7:

18 Delete "\$1,000"

19 Insert "\$2,000"

20

21 Page 5, line 18:

22 Delete "\$1,000"

23 Insert "\$2,000"

1
2 Page 5, line 29:
3 Delete "\$1,000"
4 Insert "\$2,000"
5
6 Page 5, line 31:
7 Delete "\$1,000"
8 Insert "\$2,000"
9
10 Page 6, line 7:
11 Delete "\$1,000"
12 Insert "\$2,000"
13
14 Page 6, line 9:
15 Delete "\$1,000"
16 Insert "\$2,000"
17
18 Page 6, line 16:
19 Delete "\$1,000"
20 Insert "\$2,000"
21
22 Page 6, line 19:
23 Delete "\$1,000"
24 Insert "\$2,000"
25
26 Page 6, line 27:
27 Delete "\$1,000"
28 Insert "\$2,000"
29
30 Page 6, line 29:
31 Delete "\$1,000"

1 Insert "**\$2,000**"

2

3 Page 7, line 20:

4 Delete "**\$1,000**"

5 Insert "**\$2,000**"

6

7 Page 7, line 22:

8 Delete "**\$1,000**"

9 Insert "**\$2,000**"

10

11 Page 8, line 21:

12 Delete "**\$1,000**"

13 Insert "**\$2,000**"

14

15 Page 9, line 6:

16 Delete "**\$1,000**"

17 Insert "**\$2,000**"

18

19 Page 9, line 21:

20 Delete "**\$1,000**"

21 Insert "**\$2,000**"

22

23 Page 9, line 23:

24 Delete "**\$1,000**"

25 Insert "**\$2,000**"

26

27 Page 9, line 28:

28 Delete "**\$1,000**"

29 Insert "**\$2,000**"

30

31 Page 9, line 31:

1 Delete "**\$1,000**"

2 Insert "**\$2,000**"

3

4 Page 10, line 3:

5 Delete "**\$1,000**"

6 Insert "**\$2,000**"

7

8 Page 10, line 6:

9 Delete "**\$1,000**"

10 Insert "**\$2,000**"

WITHDRAWN

29-LS0541\T.6
Gardner
4/26/16

AMENDMENT ^{# 21}

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS CSSSSB 91(FIN), Draft Version "T"

- 1 Page 4, line 2, following "services":
2 Insert ", adjusted for inflation as provided in AS 11.46.982,"
3
- 4 Page 4, line 10, following "property":
5 Insert ", adjusted for inflation as provided in AS 11.46.982,"
6
- 7 Page 4, line 25, following "services":
8 Insert ", adjusted for inflation as provided in AS 11.46.982,"
9
- 10 Page 4, line 28, following "property":
11 Insert ", adjusted for inflation as provided in AS 11.46.982,"
12
- 13 Page 4, following line 31:
14 Insert a new bill section to read:
15 "**Sec. 6.** AS 11.46.150(a) is amended to read:
16 (a) A person commits the crime of theft in the fourth degree if the person
17 commits theft as defined in AS 11.46.100 and the value of the property or services is
18 less than \$250, adjusted for inflation as provided in AS 11.46.982."
19
- 20 Renumber the following bill sections accordingly.
21
- 22 Page 5, line 5, following "merchandise":
23 Insert ", adjusted for inflation as provided in AS 11.46.982,"

1

2 Page 5, line 6, following "merchandise":

3 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

4

5 Page 5, line 17, following "merchandise":

6 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

7

8 Page 5, line 19, following "merchandise":

9 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

10

11 Page 5, line 24, following "merchandise":

12 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

13

14 Page 5, line 29, following "appeared":

15 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

16

17 Page 5, line 31, following "appeared":

18 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

19

20 Page 6, line 3, following "appeared":

21 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

22

23 Page 6, line 7, following "appeared":

24 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

25

26 Page 6, line 9, following "appeared":

27 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

28

29 Page 6, line 12, following "appeared":

30 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

31

1 Page 6, line 16, following "check":

2 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

3

4 Page 6, line 19, following "check":

5 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

6

7 Page 6, line 20, following "check":

8 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

9

10 Page 6, line 26, following "obtained":

11 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

12

13 Page 6, line 29, following "obtained":

14 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

15

16 Page 7, line 20, following "amount":

17 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

18

19 Page 8, line 21, following "amount":

20 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

21

22 Page 8, line 22, following "amount":

23 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

24

25 Page 9, line 6, following "amount":

26 Insert ", **adjusted for inflation as provided in AS 11.46.982,**"

27

28 Page 9, following line 17:

29 Insert a new bill section to read:

30 **"* Sec. 17. AS 11.46.486(a) is amended to read:**

31 (a) A person commits the crime of criminal mischief in the fifth degree if,

1 having no right to do so or any reasonable ground to believe the person has such a
2 right,

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

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

9 (3) the person rides in a propelled vehicle knowing it has been stolen or
10 that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1)."

11

12 Renumber the following bill sections accordingly.

13

14 Page 9, line 20, following "represent":

15 Insert ", adjusted for inflation as provided in AS 11.46.982,"

16

17 Page 9, line 23, following "represent":

18 Insert ", adjusted for inflation as provided in AS 11.46.982,"

19

20 Page 9, line 25, following "represent":

21 Insert ", adjusted for inflation as provided in AS 11.46.982,"

22

23 Page 9, line 28, following "misapplied":

24 Insert ", adjusted for inflation as provided in AS 11.46.982,"

25

26 Page 9, line 30, following "misapplied":

27 Insert ", adjusted for inflation as provided in AS 11.46.982,"

28

29 Page 10, line 3, following "loss":

30 Insert ", adjusted for inflation as provided in AS 11.46.982,"

31

1 Page 10, line 6, following "loss":

2 Insert "adjusted for inflation as provided in AS 11.46.982."

3

4 Page 10, following line 7:

5 Insert new bill sections to read:

6 **** Sec. 21. AS 11.46.980 is amended by adding a new subsection to read:**

7 (d) In making a finding related to the degree or classification of a crime under
8 this chapter, a court shall refer to the most recent property value threshold set by the
9 Alaska Judicial Council under AS 11.46.982.

10 *** Sec. 22. AS 11.46 is amended by adding a new section to read:**

11 **Sec. 11.46.982. Adjustment for inflation increasing the value of property**
12 **or services as an element of an offense.** (a) The Alaska Judicial Council shall publish
13 a report on July 1, 2020, calculating the increase in value, if any, of property or
14 services as an element of an offense in this chapter from a base value of \$250 and
15 \$2,000, based on a formula provided by the Department of Labor and Workforce
16 Development, reflecting the change in the Consumer Price Index for the Anchorage
17 metropolitan area compiled by the Bureau of Labor Statistics, United States
18 Department of Labor.

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

21 (1) recalculate the base value of property and services of \$250 and
22 \$2,000 every five years; and

23 (2) report the base value of property and services of \$250 and \$2,000
24 rounded to the nearest \$50 increment.

25 (c) The Alaska Judicial Council shall publish the report provided in this section
26 by electronically providing copies of the report

27 (1) to all law enforcement agencies in the state;

28 (2) the Public Defender Agency;

29 (3) the office of public advocacy;

30 (4) the attorney general;

31 (5) the court system;

1 Insert "(3) AS 11.46.150(a), as amended by sec. 6 of this Act;"

2

3 Renumber the following paragraphs accordingly.

4

5 Page 108, line 2:

6 Delete "sec. 6"

7 Insert "sec. 7"

8

9 Page 108, line 3:

10 Delete "sec. 7"

11 Insert "sec. 8"

12

13 Page 108, line 4:

14 Delete "sec. 8"

15 Insert "sec. 9"

16

17 Page 108, line 5:

18 Delete "sec. 9"

19 Insert "sec. 10"

20

21 Page 108, line 6:

22 Delete "sec. 10"

23 Insert "sec. 11"

24

25 Page 108, line 7:

26 Delete "sec. 11"

27 Insert "sec. 12"

28

29 Page 108, line 8:

30 Delete "sec. 12"

31 Insert "sec. 13"

1
2 Page 108, line 9:
3 Delete "sec. 13"
4 Insert "sec. 14"
5
6 Page 108, line 10:
7 Delete "sec. 14"
8 Insert "sec. 15"
9
10 Page 108, line 11:
11 Delete "sec. 15"
12 Insert "sec. 16"
13
14 Page 108, following line 11:
15 Insert "(14) AS 11.46.486(a), as amended by sec. 17 of this Act;"
16
17 Rerumber the following paragraphs accordingly.
18
19 Page 108, line 12:
20 Delete "sec. 16"
21 Insert "sec. 17"
22
23 Page 108, line 13:
24 Delete "sec. 17"
25 Insert "sec. 19"
26
27 Page 108, line 14:
28 Delete "sec. 18"
29 Insert "sec. 20"
30
31 Page 108, following line 14:

1 Insert "(18) AS 11.46.982, enacted by sec. 22 of this Act;"

2

3 Renumber the following paragraphs accordingly.

4

5 Page 108, line 15:

6 Delete "sec. 20"

7 Insert "sec. 24"

8

9 Page 108, line 16:

10 Delete "sec. 21"

11 Insert "sec. 25"

12

13 Page 108, line 17:

14 Delete "sec. 23"

15 Insert "sec. 27"

16

17 Page 108, line 18:

18 Delete "sec. 25"

19 Insert "sec. 29"

20

21 Page 108, line 19:

22 Delete "sec. 26"

23 Insert "sec. 30"

24

25 Page 108, line 20:

26 Delete "sec. 28"

27 Insert "sec. 32"

28

29 Page 108, line 21:

30 Delete "sec. 34"

31 Insert "sec. 38"

1
2 Page 108, line 22:
3 Delete "sec. 35"
4 Insert "sec. 39"
5
6 Page 108, line 23:
7 Delete "sec. 38"
8 Insert "sec. 42"
9
10 Page 108, line 24:
11 Delete "sec. 40"
12 Insert "sec. 44"
13
14 Page 108, line 25:
15 Delete "sec. 42"
16 Insert "sec. 46"
17
18 Page 108, line 26:
19 Delete "sec. 78"
20 Insert "sec. 82"
21
22 Page 108, line 27:
23 Delete "sec. 90"
24 Insert "sec. 94"
25
26 Page 108, line 28:
27 Delete "sec. 91"
28 Insert "sec. 95"
29
30 Page 108, line 29:
31 Delete "sec. 97"

1 Insert "sec. 101"
2
3 Page 108, line 30:
4 Delete "sec. 98"
5 Insert "sec. 102"
6
7 Page 108, line 31:
8 Delete "sec. 147"
9 Insert "sec. 151"
10
11 Page 109, line 3:
12 Delete "sec. 30"
13 Insert "sec. 34"
14
15 Page 109, line 4:
16 Delete "sec. 31"
17 Insert "sec. 35"
18
19 Page 109, line 5:
20 Delete "sec. 32"
21 Insert "sec. 36"
22
23 Page 109, line 6:
24 Delete "sec. 33"
25 Insert "sec. 37"
26
27 Page 109, line 9:
28 Delete "sec. 61"
29 Insert "sec. 65"
30
31 Page 109, line 10:

1 Delete "sec. 62"

2 Insert "sec. 66"

3

4 Page 109, line 11:

5 Delete "sec. 63"

6 Insert "sec. 67"

7

8 Page 109, line 12:

9 Delete "sec. 64"

10 Insert "sec. 68"

11

12 Page 109, line 15:

13 Delete "sec. 59"

14 Insert "sec. 63"

15

16 Page 109, line 16:

17 Delete "sec. 60"

18 Insert "sec. 64"

19

20 Page 109, line 17:

21 Delete "sec. 77"

22 Insert "sec. 81"

23

24 Page 109, line 18:

25 Delete "sec. 93"

26 Insert "sec. 97"

27

28 Page 109, line 19:

29 Delete "sec. 96"

30 Insert "sec. 100"

31

1 Page 109, line 20:
2 Delete "sec. 106"
3 Insert "sec. 110"
4
5 Page 109, line 21:
6 Delete "sec. 107"
7 Insert "sec. 111"
8
9 Page 109, line 22:
10 Delete "sec. 108"
11 Insert "sec. 112"
12
13 Page 109, line 23:
14 Delete "sec. 110"
15 Insert "sec. 114"
16
17 Page 109, line 24:
18 Delete "sec. 119"
19 Insert "sec. 123"
20
21 Page 109, line 25:
22 Delete "sec. 139"
23 Insert "sec. 143"
24
25 Page 109, line 26:
26 Delete "sec. 57"
27 Insert "sec. 61"
28
29 Page 109, line 27:
30 Delete "sec. 57"
31 Insert "sec. 61"

1
2 Page 109, line 28:
3 Delete "sec. 57"
4 Insert "sec. 61"
5
6 Page 110, line 1:
7 Delete "sec. 66"
8 Insert "sec. 70"
9
10 Page 110, line 2:
11 Delete "sec. 67"
12 Insert "sec. 71"
13
14 Page 110, line 3:
15 Delete "sec. 68"
16 Insert "sec. 72"
17
18 Page 110, line 4:
19 Delete "sec. 65"
20 Insert "sec. 69"
21
22 Page 110, line 5:
23 Delete "sec. 65"
24 Insert "sec. 69"
25
26 Page 110, line 6:
27 Delete "sec. 65"
28 Insert "sec. 69"
29
30 Page 110, line 7:
31 Delete "sec. 69"

1 Insert "sec. 73"

2

3 Page 110, line 8:

4 Delete "sec. 69"

5 Insert "sec. 73"

6

7 Page 110, line 9:

8 Delete "sec. 69"

9 Insert "sec. 73"

10

11 Page 110, line 10:

12 Delete "sec. 71"

13 Insert "sec. 75"

14

15 Page 110, line 11:

16 Delete "sec. 71"

17 Insert "sec. 75"

18

19 Page 110, line 12:

20 Delete "sec. 71"

21 Insert "sec. 75"

22

23 Page 110, line 13:

24 Delete "sec. 74"

25 Insert "sec. 78"

26

27 Page 110, line 14:

28 Delete "sec. 74"

29 Insert "sec. 78"

30

31 Page 110, line 15:

1 Delete "sec. 74"

2 Insert "sec. 78"

3

4 Page 110, line 19:

5 Delete "sec. 70"

6 Insert "sec. 74"

7

8 Page 110, line 20:

9 Delete "sec. 72"

10 Insert "sec. 76"

11

12 Page 110, line 21:

13 Delete "sec. 73"

14 Insert "sec. 77"

15

16 Page 110, line 22:

17 Delete "sec. 76"

18 Insert "sec. 80"

19

20 Page 110, line 23:

21 Delete "sec. 101"

22 Insert "sec. 105"

23

24 Page 110, line 27:

25 Delete "sec. 88"

26 Insert "sec. 92"

27

28 Page 110, line 28:

29 Delete "sec. 89"

30 Insert "sec. 93"

31

1 Page 110, line 29:
2 Delete "sec. 95"
3 Insert "sec. 99"
4
5 Page 111, line 1:
6 Delete "sec. 104"
7 Insert "sec. 108"
8
9 Page 111, line 2:
10 Delete "sec. 105"
11 Insert "sec. 109"
12
13 Page 111, line 3:
14 Delete "sec. 109"
15 Insert "sec. 113"
16
17 Page 111, line 4:
18 Delete "sec. 111"
19 Insert "sec. 115"
20
21 Page 111, line 5:
22 Delete "sec. 112"
23 Insert "sec. 116"
24
25 Page 111, line 6:
26 Delete "sec. 113"
27 Insert "sec. 117"
28
29 Page 111, line 7:
30 Delete "sec. 120"
31 Insert "sec. 124"

1
2 Page 111, line 8:
3 Delete "sec. 121"
4 Insert "sec. 125"
5
6 Page 111, line 9:
7 Delete "sec. 122"
8 Insert "sec. 126"
9
10 Page 111, line 10:
11 Delete "sec. 123"
12 Insert "sec. 127"
13
14 Page 111, line 11:
15 Delete "sec. 124"
16 Insert "sec. 128"
17
18 Page 111, line 12:
19 Delete "sec. 125"
20 Insert "sec. 129"
21
22 Page 111, line 13:
23 Delete "sec. 126"
24 Insert "sec. 130"
25
26 Page 111, line 14:
27 Delete "sec. 128"
28 Insert "sec. 132"
29
30 Page 111, line 15:
31 Delete "sec. 21"

1 Insert "sec. 25"
2 Delete "sec. 164"
3 Insert "sec. 168"
4
5 Page 111, line 16:
6 Delete "secs. 21 and 164"
7 Insert "secs. 25 and 168"
8
9 Page 111, line 19:
10 Delete "sec. 48"
11 Insert "sec. 52"
12
13 Page 111, line 20:
14 Delete "sec. 49"
15 Insert "sec. 53"
16
17 Page 111, line 21:
18 Delete "sec. 50"
19 Insert "sec. 54"
20
21 Page 111, line 22:
22 Delete "sec. 51"
23 Insert "sec. 55"
24
25 Page 111, line 23:
26 Delete "sec. 52"
27 Insert "sec. 56"
28
29 Page 111, line 24:
30 Delete "sec. 53"
31 Insert "sec. 57"

1
2 Page 111, line 25:
3 Delete "sec. 54"
4 Insert "sec. 58"
5
6 Page 111, line 26:
7 Delete "sec. 55"
8 Insert "sec. 59"
9
10 Page 111, line 27:
11 Delete "sec. 56"
12 Insert "sec. 60"
13
14 Page 111, line 28:
15 Delete "sec. 103"
16 Insert "sec. 107"
17
18 Page 111, line 31:
19 Delete "sec. 127"
20 Insert "sec. 131"
21
22 Page 112, line 1:
23 Delete "sec. 129"
24 Insert "sec. 133"
25
26 Page 112, line 2:
27 Delete "sec. 130"
28 Insert "sec. 134"
29
30 Page 112, line 3:
31 Delete "sec. 131"

1 Insert "sec. 135"

2

3 Page 112, line 4:

4 Delete "sec. 132"

5 Insert "sec. 136"

6

7 Page 112, line 5:

8 Delete "sec. 133"

9 Insert "sec. 137"

10

11 Page 112, line 6:

12 Delete "sec. 134"

13 Insert "sec. 138"

14

15 Page 112, line 7:

16 Delete "sec. 135"

17 Insert "sec. 139"

18

19 Page 112, line 8:

20 Delete "sec. 136"

21 Insert "sec. 140"

22

23 Page 112, line 9:

24 Delete "sec. 137"

25 Insert "sec. 141"

26

27 Page 112, line 10:

28 Delete "sec. 100"

29 Insert "sec. 104"

30

31 Page 112, line 11:

1 Delete "sec. 100"

2 Insert "sec. 104"

3

4 Page 112, line 12:

5 Delete "sec. 100"

6 Insert "sec. 104"

7

8 Page 112, line 13:

9 Delete "sec. 100"

10 Insert "sec. 104"

11

12 Page 112, line 14:

13 Delete "sec. 140"

14 Insert "sec. 144"

15

16 Page 112, line 15:

17 Delete "sec. 140"

18 Insert "sec. 144"

19

20 Page 112, line 16:

21 Delete "sec. 140"

22 Insert "sec. 144"

23

24 Page 112, line 17:

25 Delete "sec. 140"

26 Insert "sec. 144"

27

28 Page 112, line 21:

29 Delete "sec. 44"

30 Insert "sec. 48"

31

1 Page 112, line 22:
2 Delete "sec. 46"
3 Insert "sec. 50"
4
5 Page 112, line 23:
6 Delete "sec. 43"
7 Insert "sec. 47"
8
9 Page 112, line 24:
10 Delete "sec. 43"
11 Insert "sec. 47"
12
13 Page 112, line 25:
14 Delete "sec. 43"
15 Insert "sec. 47"
16
17 Page 112, line 28:
18 Delete "sec. 79"
19 Insert "sec. 83"
20
21 Page 112, line 29:
22 Delete "sec. 80"
23 Insert "sec. 84"
24
25 Page 112, line 30:
26 Delete "sec. 81"
27 Insert "sec. 85"
28
29 Page 112, line 31:
30 Delete "sec. 82"
31 Insert "sec. 86"

1
2 Page 113, line 1:
3 Delete "sec. 83"
4 Insert "sec. 87"
5
6 Page 113, line 2:
7 Delete "sec. 84"
8 Insert "sec. 88"
9
10 Page 113, line 3:
11 Delete "sec. 99"
12 Insert "sec. 103"
13
14 Page 113, line 6:
15 Delete "sec. 21"
16 Insert "sec. 25"
17
18 Page 113, line 7:
19 Delete "sec. 164"
20 Insert "sec. 168"
21
22 Page 113, line 9:
23 Delete "sec. 52"
24 Insert "sec. 56"
25
26 Page 113, line 10:
27 Delete "sec. 166(a)"
28 Insert "sec. 170(a)"
29
30 Page 113, line 12:
31 Delete "sec. 68"

1 Insert "sec. 72"
2 Delete "sec. 166(b)"
3 Insert "sec. 170(b)"
4
5 Page 113, line 15:
6 Delete "sec. 69"
7 Insert "sec. 73"
8 Delete "sec. 166(c)"
9 Insert "sec. 170(c)"
10
11 Page 113, line 18:
12 Delete "sec. 84"
13 Insert "sec. 88"
14 Delete "sec. 166(d)"
15 Insert "sec. 170(d)"
16
17 Page 113, line 21:
18 Delete "sec. 103"
19 Insert "sec. 107"
20 Delete "sec. 166(e)"
21 Insert "sec. 170(e)"
22
23 Page 113, lines 24 - 25:
24 Delete "Sections 2 - 20, 22 - 42, 66 - 69, 71, 78 - 85, 88 - 92, 95, 97 - 99, 140, 146 -
25 156, 165, 166(b), 166(c), and 166(d)"
26 Insert "Sections 2 - 24, 26 - 46, 70 - 73, 75, 82 - 89, 92 - 96, 99, 101 - 103, 144, 150 -
27 160, 169, 170(b), 170(c), and 170(d)"
28
29 Page 113, line 25:
30 Delete "sec. 21"
31 Insert "sec. 25"

1

2 Page 113, line 27:

3 Delete "Section 87"

4 Insert "Section 91"

5

6 Page 113, lines 28 - 29:

7 Delete "Sections 44 - 47, 57, 59, 60, 65, 70, 72 - 77, 93, 94, 96, 100 - 102, 104 - 139,
8 141 - 144, and 157 - 159"

9 Insert "Sections 48 - 51, 63, 64, 69, 74, 76 - 81, 97, 98, 100, 104 - 106, 108 - 143, 145
10 - 148, and 161 - 163"

11

12 Page 113, line 30:

13 Delete "Section 145"

14 Insert "Section 149"

15

16 Page 113, line 31:

17 Delete "Sections 43, 48 - 56, 86, 103, 166(a), and 166(e)"

18 Insert "Sections 47, 52 - 60, 90, 107, 170(a), and 170(e)"

19

20 Page 114, line 2:

21 Delete "sec. 21"

22 Insert "sec. 25"

23 Delete "sec. 164"

24 Insert "sec. 168"

FAILED

29-LS0541\T.4
Gardner
4/26/16

AMENDMENT # 28

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(FIN), Draft Version "T"

- 1 Page 19, lines 10 - 11:
2 Delete "listed in AS 11.71.140(e)"
- 3
- 4 Page 22, line 16:
5 Delete "AS 11.71.040(a)(3)(A)(i) or"
6 Insert "AS"
- 7
- 8 Page 22, line 7:
9 Delete "IA,"

WITHDRAWN

29-LS0541\T.2
Martin/Gardner
4/26/16

AMENDMENT #23

OFFERED IN THE HOUSE

BY REPRESENTATIVE MUÑOZ

TO: HCS CSSSSB 91(FIN), Draft Version "T"

- 1 Page 107, following line 26:
- 2 Insert a new bill section to read:
- 3 **** Sec. 170.** The uncodified law of the State of Alaska is amended by adding a new section
- 4 to read:
- 5 REPORT ON OFFENSES OF SEXUAL ABUSE OF A MINOR. The Alaska
- 6 Criminal Justice Commission established in AS 44.19.641 shall prepare a report on offenses
- 7 of sexual abuse of a minor where the defendant and victim are both under 19 years of age ~~and~~
- 8 ~~students~~. The commission shall deliver the report, not later than December 1, 2016, to the
- 9 governor, the senate secretary, and the chief clerk of the house of representatives and notify
- 10 the legislature that the report is available."
- 11
- 12 Renumber the following bill sections accordingly.

Adopted

29-LS0541\T.9
Martin/Gardner
4/27/16

AMENDMENT # 24

OFFERED IN THE HOUSE

BY REPRESENTATIVE THOMPSON

TO: HCS CSSSSB 91(FIN), Draft Version "T"

1 Page 49, lines 5 - 8:

2 Delete "if, as a condition of probation under AS 12.55.086, the defendant is required
3 to serve an active term of imprisonment within the range specified in this paragraph, unless
4 the court finds that a mitigation factor under AS 12.55.155 applies"

5 Insert "[IF, AS A CONDITION OF PROBATION UNDER AS 12.55.086, THE
6 DEFENDANT IS REQUIRED TO SERVE AN ACTIVE TERM OF IMPRISONMENT
7 WITHIN THE RANGE SPECIFIED IN THIS PARAGRAPH, UNLESS THE COURT
8 FINDS THAT A MITIGATION FACTOR UNDER AS 12.55.155 APPLIES]"

9

10 Page 50, lines 2 - 8:

11 Delete "[TWO YEARS; A DEFENDANT SENTENCED UNDER THIS
12 PARAGRAPH MAY, IF THE COURT FINDS IT APPROPRIATE, BE GRANTED A
13 SUSPENDED IMPOSITION OF SENTENCE UNDER AS 12.55.085, AND THE COURT
14 MAY, AS A CONDITION OF PROBATION UNDER AS 12.55.086, REQUIRE THE
15 DEFENDANT TO SERVE AN ACTIVE TERM OF IMPRISONMENT WITHIN THE
16 RANGE SPECIFIED IN THIS PARAGRAPH]"

17 Insert "[TWO YEARS]; a defendant sentenced under this paragraph may, if the court
18 finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085 [,
19 AND THE COURT MAY, AS A CONDITION OF PROBATION UNDER AS 12.55.086,
20 REQUIRE THE DEFENDANT TO SERVE AN ACTIVE TERM OF IMPRISONMENT
21 WITHIN THE RANGE SPECIFIED IN THIS PARAGRAPH]"

Adopted

29-LS0541\T.8
Gardner
4/27/16

AMENDMENT

#25

offered by:

Rep. Gara

Rep. Thompson

Rep. Munoz

Rep. Edgemon

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(FIN), Draft Version "T"

- 1 Page 50, line 2:
- 2 Delete "zero to 120 days"
- 3 Insert "probation, with a suspended term of imprisonment of zero to 18 months"

conceptual Amendment #26 Adopted

WORK DRAFT

WORK DRAFT

29-LS0541\T

1 places a substantial restriction on the defendant's freedom of movement and behavior;
2 (13) other factors that support the court's finding that the program
3 furthers the reformation and rehabilitation of the defendant.

4 * **Sec. 64.** AS 12.55.027 is amended by adding new subsections to read:

5 (f) To qualify as a treatment program under this section, a program must
6 (1) be intended to address criminogenic traits or behaviors;
7 (2) provide measures of progress or completion; and
8 (3) require notification to the pretrial service office or probation officer
9 if the person is discharged from the program for noncompliance.

10 → 11 (g) A court granting credit against a sentence of imprisonment under (d) of this
12 section may grant credit of not more than ~~120~~ days against a total term of
imprisonment imposed for **360**

13 (1) a felony crime against a person under AS 11.41;
14 (2) a crime involving domestic violence as defined in AS 18.66.990;
15 (3) a sex offense as defined in AS 12.63.100;
16 (4) an offense under AS 11.71 involving the delivery of a controlled
17 substance to a person under 19 years of age;
18 (5) burglary in the first degree under AS 11.46.300; or
19 (6) arson in the first degree under AS 11.46.400.

20 * **Sec. 65.** AS 12.55.051(a) is amended to read:

21 (a) If the defendant defaults in the payment of a fine or any installment or of
22 restitution or any installment, the court may order the defendant to show cause why
23 the defendant should not be sentenced to imprisonment for nonpayment and, if the
24 payment was made a condition of the defendant's probation, may revoke the probation
25 of the defendant **subject to the limits set out in AS 12.55.110**. In a contempt or
26 probation revocation proceeding brought as a result of failure to pay a fine or
27 restitution, it is an affirmative defense that the defendant was unable to pay despite
28 having made continuing good faith efforts to pay the fine or restitution. If the court
29 finds that the defendant was unable to pay despite having made continuing good faith
30 efforts, the defendant may not be imprisoned solely because of the inability to pay. If
31 the court does not find that the default was attributable to the defendant's inability to

Change 120 days

to 360 days

*Adopted*29-LS0541\V.64
Gardner
4/25/16AMENDMENT #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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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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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\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