

AMENDMENT #3

OFFERED IN THE SENATE

BY SENATOR MACKINNON

TO: CSSSSB 91(JUD)

1 Page 98, lines 23 - 26:

2 Delete all material and insert:

3 **** Sec. 152.** AS 47.38.020 is amended to read:

4 **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The
5 commissioner, in cooperation with the commissioner of corrections, shall establish a
6 program using a competitive procurement process for certain persons with release
7 conditions ordered as provided under AS 12.30, or offenders with conditions of
8 probation, that include not consuming controlled substances or alcoholic beverages.

9 (b) The commissioner shall adopt regulations to implement the program. The
10 regulations must include regulations regarding products and services that
11 provide alcohol and substance abuse monitoring.

12 (c) The commissioner shall include in the program

13 (1) a requirement for twice-a-day testing, either remotely or in person
14 [IF PRACTICABLE], for alcoholic beverage use and random testing for controlled
15 substances;

16 (2) a means to provide the probation officer, prosecutor's office, or
17 local law enforcement agency with notice within 24 hours, so that a complaint may be
18 filed alleging a violation of AS 11.56.757, a petition may be filed with the court
19 seeking appropriate sanctions and may be scheduled by the court for a prompt hearing,
20 or an arrest warrant may be issued for the person on release or offender with
21 conditions of probation provided in this subsection, if the person or offender

22 (A) fails to appear for an appointment or fails to complete a
23 test through the use of remote alcohol or substance abuse monitoring

1 **technology** as required by the program requirements; or

2 (B) tests positive for the use of controlled substances or
3 alcoholic beverages; and

4 (3) a requirement that the person or offender pay, based on the person's
5 or offender's ability under financial guidelines established by the commissioner, for
6 the cost of participating in the program.

7 (d) The department shall **contract with one or more vendors using a**
8 **competitive procurement process in accordance with AS 36.30** to provide or
9 conduct the testing required under (c) of this section."