

AMENDMENT #2

OFFERED IN THE SENATE
TO: CSSSSB 91(JUD)

BY: MACKINNON

1 Page 22, line 21, through page 29, line 8:

2 Delete all material and insert:

3 **** Sec. 45.** AS 12.30.011 is repealed and reenacted to read:

4 **Sec. 12.30.011. Release before trial.** (a) A judicial officer may order that a
5 person charged with an offense, in addition to other conditions imposed under this
6 section, be released

7 (1) on the person's own recognizance;

8 (2) upon execution of an unsecured appearance bond; or

9 (3) upon execution of an unsecured performance bond.

10 (b) A person charged with a misdemeanor that does not include an offense
11 under AS 11.41, AS 11.56.730, 11.56.757, AS 28.35.030, 28.35.032, or a crime
12 involving domestic violence as defined under AS 18.66.990 and who is assessed by a
13 pretrial services officer as

14 (1) low to moderate risk. shall be released on the person's own
15 recognizance or upon execution of an unsecured appearance bond or unsecured
16 performance bond; or

17 (2) high risk shall be released on the person's own recognizance or
18 upon execution of an unsecured appearance bond or unsecured performance bond
19 unless the judicial officer finds on the record that there is clear and convincing
20 evidence that no nonmonetary conditions of release in combination with the release of
21 the person on the person's own recognizance or upon execution of an unsecured bond
22 can reasonably ensure the appearance of the person in court and the safety of the
23 victim, other persons, and the community.

1 (c) A person charged with a class C felony that does not include an offense
2 under AS 11.41, AS 11.56.730, AS 28.35.030, 28.35.032, or a crime involving
3 domestic violence as defined under AS 18.66.990 and who is assessed by a pretrial
4 services officer as

5 (1) low risk shall be released on the person's own recognizance or upon
6 execution of an unsecured appearance bond or unsecured performance bond; or

7 (2) moderate to high risk shall be released on the person's own
8 recognizance or upon execution of an unsecured appearance bond or unsecured
9 performance bond unless the judicial officer finds on the record that there is clear and
10 convincing evidence that no nonmonetary conditions of release in combination with
11 the release of the person on the person's own recognizance or upon execution of an
12 unsecured bond can reasonably ensure the appearance of the person in court and the
13 safety of the victim, other persons, and the community.

14 (d) A person charged under AS 28.35.030 or 28.35.032 who is assessed by a
15 pretrial services officer as low, moderate, or high risk shall be released on the person's
16 own recognizance or upon execution of an unsecured appearance bond or unsecured
17 performance bond unless the judicial officer finds on the record that there is clear and
18 convincing evidence that no nonmonetary conditions of release in combination with
19 the release of the person on the person's own recognizance or upon execution of an
20 unsecured bond can reasonably ensure the appearance of the person in court and the
21 safety of the victim, other persons, and the community.

22 (e) A person charged under AS 11.56.730 or 11.56.757 who is assessed by a
23 pretrial services officer as

24 (1) low to moderate risk shall be released on the person's own
25 recognizance or upon execution of an unsecured appearance bond or unsecured
26 performance bond unless the judicial officer finds on the record that there is clear and
27 convincing evidence that no nonmonetary conditions of release in combination with
28 the release of the person on the person's own recognizance or upon execution of an
29 unsecured bond can reasonably ensure the appearance of the person in court and the
30 safety of the victim, other persons, and the community; or

31 (2) high risk may be required, singly or in combination, in addition to

1 other conditions specified in this section, to deposit with the court and execute

2 (A) an appearance bond with a posting not to exceed 10 percent
3 of the specified amount of the bond with the condition that the deposit be
4 returned upon the appearance of the person at scheduled hearings;

5 (B) a bail bond with sufficient solvent sureties or the deposit of
6 cash; or

7 (C) a performance bond with a full or partial posting of the
8 specified amount of the bond with the condition that the deposit be returned
9 upon the performance of the conditions of release set by the court.

10 (f) A person charged with an offense who is not otherwise required to be
11 released under (b) – (e) of this section and who is assessed by a pretrial services
12 officer as

13 (1) low risk shall be released on the person's own recognizance or upon
14 execution of an unsecured appearance bond or unsecured performance bond unless the
15 judicial officer finds on the record that there is clear and convincing evidence that no
16 nonmonetary conditions of release in combination with the release of the person on the
17 person's own recognizance or upon execution of an unsecured bond can reasonably
18 ensure the appearance of the person in court and the safety of the victim, other
19 persons, and the community; or

20 (2) moderate to high risk may be required, singly or in combination, in
21 addition to other conditions specified in this section, to deposit with the court and
22 execute

23 (A) an appearance bond with a posting not to exceed 10 percent
24 of the specified amount of the bond with the condition that the deposit be
25 returned upon the appearance of the person at scheduled hearings;

26 (B) a bail bond with sufficient solvent sureties or the deposit of
27 cash; or

28 (C) a performance bond with a full or partial posting of the
29 specified amount of the bond with the condition that the deposit be returned
30 upon the performance of the conditions of release set by the court.

31 (g) A person released under this section shall be released on the condition that

1 the person

- 2 (1) obey all court orders;
- 3 (2) obey all laws;
- 4 (3) make all court appearances;
- 5 (4) maintain contact with the person's pretrial services officer, if one is
- 6 appointed by the court, and follow the pretrial services officer's instructions;
- 7 (5) maintain contact with the person's attorney;
- 8 (6) notify the person's attorney or, if the person is not represented by
- 9 an attorney, the pretrial services officer or the court within 24 hours after a change in
- 10 the person's residence.

11 (h) The judicial officer may, singly or in combination, order additional
12 conditions if the condition or conditions are the least restrictive conditions that will
13 reasonably ensure the appearance of the person in court and the safety of the victim,
14 other persons, and the community. The judicial officer may

- 15 (1) place restrictions on the person's travel, association, or residence;
- 16 (2) order the person to refrain from possessing a deadly weapon on the
- 17 person or in the person's vehicle or residence;
- 18 (3) require the person to maintain employment or, if unemployed,
- 19 actively seek employment;
- 20 (4) require the person to notify the person's lawyer and the prosecuting
- 21 authority within two business days after any change in employment;
- 22 (5) require the person to avoid all contact with a victim, a potential
- 23 witness, or a codefendant;
- 24 (6) require the person to refrain from the consumption and possession
- 25 of alcoholic beverages;
- 26 (7) require the person to refrain from the use of a controlled substance
- 27 as defined by AS 11.71, unless prescribed by a licensed health care provider with
- 28 prescriptive authority;
- 29 (8) require the person to be physically inside the person's residence, or
- 30 in the residence of the person's third-party custodian, at times set by the court, subject
- 31 to AS 12.30.021;

1 (9) require the person to keep regular contact with a pretrial services
2 officer or law enforcement officer or agency;

3 (10) order the person to refrain from entering or remaining in premises
4 licensed under AS 04;

5 (11) place the person in the custody of an individual who agrees to
6 serve as a third-party custodian of the person as provided in AS 12.30.021;

7 (12) if the person is under the treatment of a licensed health care
8 provider, order the person to follow the provider's treatment recommendations;

9 (13) order the person to take medication that has been prescribed for
10 the person by a licensed health care provider with prescriptive authority;

11 (14) require the person to comply with a program established under
12 AS 47.38.020, except that a judicial officer may not impose this condition unless the
13 person has been charged with an alcohol-related or substance-abuse-related offense
14 that is an unclassified felony, a class A felony, a sexual felony, or a crime involving
15 domestic violence;

16 (15) order the person to comply with any other condition that is
17 reasonably necessary to ensure the appearance of the person and to ensure the safety
18 of the victim, other persons, and the community.

19 (i) In determining the conditions of release under this chapter, the court shall
20 consider the following:

21 (1) the nature and circumstances of the offense charged;

22 (2) the weight of the evidence against the person;

23 (3) the nature and extent of the person's family ties and relationships;

24 (4) the person's employment status and history;

25 (5) the length and character of the person's past and present residence;

26 (6) the person's record of convictions;

27 (7) the person's record of appearance at court proceedings;

28 (8) assets available to the person to meet monetary conditions of
29 release;

30 (9) the person's reputation, character, and mental condition;

31 (10) the effect of the offense on the victim, any threats made to the

1 victim, and the danger that the person poses to the victim;

2 (11) the conditions of release recommended by the pretrial services
3 officer;

4 (12) the person's pretrial risk assessment score; and

5 (13) any other facts that are relevant to the person's appearance or the
6 person's danger to the victim, other persons, or the community.

7 (j) Except as otherwise provided in this chapter, the burden of proof is on the
8 prosecuting authority that a person charged with an offense should be detained or
9 released with conditions described in this section or AS 12.30.016. Any monetary or
10 nonmonetary condition or conditions imposed by the court under this section shall be
11 the least restrictive condition or conditions that will reasonably ensure the appearance
12 of the person in court and the safety of the victim, other persons, and the community."
13

14 Renumber the following bill sections accordingly.

15
16 Page 100, lines 30 - 31:

17 Delete "amended by sec. 45 of this Act, and AS 12.30.011(e) - (i), enacted by sec. 46
18 of this Act, have"

19 Insert "repealed and reenacted by sec. 45 of this Act, has"
20

21 Page 101, line 6:

22 Delete "sec. 60"

23 Insert "sec. 59"
24

25 Page 101, line 9:

26 Delete "sec. 60"

27 Insert "sec. 59"
28

29 Page 101, line 10:

30 Delete "sec. 61"

31 Insert "sec. 60"

- 1
- 2 Page 101, line 13:
 - 3 Delete "sec. 77"
 - 4 Insert "sec. 76"
 - 5
- 6 Page 101, line 16:
 - 7 Delete "sec. 96"
 - 8 Insert "sec. 95"
 - 9
- 10 Page 102, line 31:
 - 11 Delete "sec. 56"
 - 12 Insert "sec. 55"
 - 13
- 14 Page 103, line 1:
 - 15 Delete "sec. 70"
 - 16 Insert "sec. 69"
 - 17
- 18 Page 103, line 2:
 - 19 Delete "sec. 71"
 - 20 Insert "sec. 70"
 - 21
- 22 Page 103, line 3:
 - 23 Delete "sec. 83"
 - 24 Insert "sec. 82"
 - 25
- 26 Page 103, line 4:
 - 27 Delete "sec. 84"
 - 28 Insert "sec. 83"
 - 29
- 30 Page 103, line 5:
 - 31 Delete "sec. 90"

1 Insert "sec. 89"

2

3 Page 103, line 6:

4 Delete "sec. 91"

5 Insert "sec. 90"

6

7 Page 103, line 7:

8 Delete "sec. 92"

9 Insert "sec. 91"

10

11 Page 103, line 8:

12 Delete "sec. 148"

13 Insert "sec. 147"

14

15 Page 103, line 22:

16 Delete "sec. 55"

17 Insert "sec. 54"

18

19 Page 103, line 23:

20 Delete "sec. 56"

21 Insert "sec. 55"

22

23 Page 103, line 24:

24 Delete "sec. 72"

25 Insert "sec. 71"

26

27 Page 103, line 25:

28 Delete "sec. 73"

29 Insert "sec. 72"

30

31 Page 103, line 26:

- 1 Delete "sec. 74"
- 2 Insert "sec. 73"
- 3
- 4 Page 103, line 27:
 - 5 Delete "sec. 75"
 - 6 Insert "sec. 74"
 - 7
- 8 Page 103, line 28:
 - 9 Delete "sec. 76"
 - 10 Insert "sec. 75"
 - 11
- 12 Page 103, line 29:
 - 13 Delete "sec. 77"
 - 14 Insert "sec. 76"
 - 15
- 16 Page 103, line 30:
 - 17 Delete "sec. 132"
 - 18 Insert "sec. 131"
 - 19
- 20 Page 103, line 31:
 - 21 Delete "sec. 133"
 - 22 Insert "sec. 132"
 - 23
- 24 Page 104, line 3:
 - 25 Delete "sec. 53"
 - 26 Insert "sec. 52"
 - 27
- 28 Page 104, line 4:
 - 29 Delete "sec. 54"
 - 30 Insert "sec. 53"
 - 31

- 1 Page 104, line 5:
- 2 Delete "sec. 69"
- 3 Insert "sec. 68"
- 4
- 5 Page 104, line 6:
- 6 Delete "sec. 86"
- 7 Insert "sec. 85"
- 8
- 9 Page 104, line 7:
- 10 Delete "sec. 89"
- 11 Insert "sec. 88"
- 12
- 13 Page 104, line 8:
- 14 Delete "sec. 99"
- 15 Insert "sec. 98"
- 16
- 17 Page 104, line 9:
- 18 Delete "sec. 101"
- 19 Insert "sec. 100"
- 20
- 21 Page 104, line 10:
- 22 Delete "sec. 103"
- 23 Insert "sec. 102"
- 24
- 25 Page 104, line 11:
- 26 Delete "sec. 134"
- 27 Insert "sec. 133"
- 28
- 29 Page 104, line 12:
- 30 Delete "sec. 51"
- 31 Insert "sec. 50"

- 1
- 2 Page 104, line 13:
 - 3 Delete "sec. 51"
 - 4 Insert "sec. 50"
 - 5
- 6 Page 104, line 14:
 - 7 Delete "sec. 51"
 - 8 Insert "sec. 50"
 - 9
- 10 Page 104, line 18:
 - 11 Delete "sec. 59"
 - 12 Insert "sec. 58"
 - 13
- 14 Page 104, line 19:
 - 15 Delete "sec. 60"
 - 16 Insert "sec. 59"
 - 17
- 18 Page 104, line 20:
 - 19 Delete "sec. 61"
 - 20 Insert "sec. 60"
 - 21
- 22 Page 104, line 22:
 - 23 Delete "sec. 61"
 - 24 Insert "sec. 60"
 - 25
- 26 Page 104, line 25:
 - 27 Delete "sec. 57"
 - 28 Insert "sec. 56"
 - 29
- 30 Page 104, line 26:
 - 31 Delete "sec. 63"

- 1 Insert "sec. 62"
- 2
- 3 Page 104, line 29:
- 4 Delete "sec. 62"
- 5 Insert "sec. 61"
- 6
- 7 Page 104, line 30:
- 8 Delete "sec. 64"
- 9 Insert "sec. 63"
- 10
- 11 Page 104, line 31:
- 12 Delete "sec. 65"
- 13 Insert "sec. 64"
- 14
- 15 Page 105, line 1:
- 16 Delete "sec. 66"
- 17 Insert "sec. 65"
- 18
- 19 Page 105, line 2:
- 20 Delete "sec. 68"
- 21 Insert "sec. 67"
- 22
- 23 Page 105, line 3:
- 24 Delete "sec. 94"
- 25 Insert "sec. 93"
- 26
- 27 Page 105, line 7:
- 28 Delete "sec. 80"
- 29 Insert "sec. 79"
- 30
- 31 Page 105, line 8:

- 1 Delete "sec. 81"
- 2 Insert "sec. 80"
- 3
- 4 Page 105, line 9:
 - 5 Delete "sec. 82"
 - 6 Insert "sec. 81"
 - 7
- 8 Page 105, line 10:
 - 9 Delete "sec. 88"
 - 10 Insert "sec. 87"
 - 11
- 12 Page 105, line 13:
 - 13 Delete "sec. 97"
 - 14 Insert "sec. 96"
 - 15
- 16 Page 105, line 14:
 - 17 Delete "sec. 98"
 - 18 Insert "sec. 97"
 - 19
- 20 Page 105, line 15:
 - 21 Delete "sec. 100"
 - 22 Insert "sec. 99"
 - 23
- 24 Page 105, line 16:
 - 25 Delete "sec. 102"
 - 26 Insert "sec. 101"
 - 27
- 28 Page 105, line 17:
 - 29 Delete "sec. 104"
 - 30 Insert "sec. 103"
 - 31

- 1 Page 105, line 18:
- 2 Delete "sec. 105"
- 3 Insert "sec. 104"
- 4
- 5 Page 105, line 19:
- 6 Delete "sec. 106"
- 7 Insert "sec. 105"
- 8
- 9 Page 105, line 20:
- 10 Delete "sec. 112"
- 11 Insert "sec. 111"
- 12
- 13 Page 105, line 21:
- 14 Delete "sec. 113"
- 15 Insert "sec. 112"
- 16
- 17 Page 105, line 22:
- 18 Delete "sec. 114"
- 19 Insert "sec. 113"
- 20
- 21 Page 105, line 23:
- 22 Delete "sec. 115"
- 23 Insert "sec. 114"
- 24
- 25 Page 105, line 24:
- 26 Delete "sec. 116"
- 27 Insert "sec. 115"
- 28
- 29 Page 105, line 25:
- 30 Delete "sec. 117"
- 31 Insert "sec. 116"

- 1
- 2 Page 105, line 26:
 - 3 Delete "sec. 118"
 - 4 Insert "sec. 117"
 - 5
- 6 Page 105, line 27:
 - 7 Delete "sec. 119"
 - 8 Insert "sec. 118"
 - 9
- 10 Page 105, line 28:
 - 11 Delete "sec. 120"
 - 12 Insert "sec. 119"
 - 13
- 14 Page 105, line 29:
 - 15 Delete "sec. 121"
 - 16 Insert "sec. 120"
 - 17
- 18 Page 105, line 30:
 - 19 Delete "sec. 122"
 - 20 Insert "sec. 121"
 - 21
- 22 Page 105, line 31:
 - 23 Delete "sec. 123"
 - 24 Insert "sec. 122"
 - 25
- 26 Page 106, line 1:
 - 27 Delete "sec. 124"
 - 28 Insert "sec. 123"
 - 29
- 30 Page 106, line 2:
 - 31 Delete "sec. 125"

1 Insert "sec. 124"

2

3 Page 106, line 3:

4 Delete "sec. 126"

5 Insert "sec. 125"

6

7 Page 106, line 4:

8 Delete "sec. 127"

9 Insert "sec. 126"

10

11 Page 106, line 5:

12 Delete "sec. 128"

13 Insert "sec. 127"

14

15 Page 106, line 6:

16 Delete "sec. 129"

17 Insert "sec. 128"

18

19 Page 106, line 7:

20 Delete "sec. 130"

21 Insert "sec. 129"

22

23 Page 106, line 8:

24 Delete "secs. 156 - 158"

25 Insert "secs. 155 - 157"

26

27 Page 106, line 9:

28 Delete "156 - 158"

29 Insert "155 - 157"

30

31 Page 106, line 18:

- 1 Delete "amended"
- 2 Insert "repealed and reenacted"
- 3
- 4 Page 106, line 19:
 - 5 Delete all material.
 - 6
- 7 Renumber the following paragraphs accordingly.
- 8
- 9 Page 106, line 20:
 - 10 Delete "sec. 47"
 - 11 Insert "sec. 46"
 - 12
- 13 Page 106, line 21:
 - 14 Delete "sec. 48"
 - 15 Insert "sec. 47"
 - 16
- 17 Page 106, line 22:
 - 18 Delete "sec. 49"
 - 19 Insert "sec. 48"
 - 20
- 21 Page 106, line 23:
 - 22 Delete "sec. 50"
 - 23 Insert "sec. 49"
 - 24
- 25 Page 106, line 24:
 - 26 Delete "sec. 58"
 - 27 Insert "sec. 57"
 - 28
- 29 Page 106, line 25:
 - 30 Delete "sec. 96"
 - 31 Insert "sec. 95"

- 1
- 2 Page 106, line 26:
 - 3 Delete "sec. 141"
 - 4 Insert "sec. 140"
 - 5
- 6 Page 106, line 30:
 - 7 Delete "sec. 146"
 - 8 Insert "sec. 155"
 - 9
- 10 Page 107, line 1:
 - 11 Delete "sec. 160(a)"
 - 12 Insert "sec. 159(a)"
 - 13
- 14 Page 107, line 4:
 - 15 Delete "amended"
 - 16 Insert "repealed and reenacted"
 - 17 Delete "sec. 160(b)"
 - 18 Insert "sec. 159(b)"
 - 19
- 20 Page 107, lines 7 - 9:
 - 21 Delete all material.
 - 22
- 23 Reletter the following subsections accordingly.
- 24
- 25 Page 107, line 10:
 - 26 Delete "sec. 60"
 - 27 Insert "sec. 59"
 - 28 Delete "sec. 160(c)"
 - 29 Insert "sec. 159(c)"
 - 30
- 31 Page 107, line 13:

- 1 Delete "sec. 61"
- 2 Insert "sec. 60"
- 3 Delete "sec. 160(d)"
- 4 Insert "sec. 159(d)"

5

6 Page 107, line 16:

- 7 Delete "sec. 77"
- 8 Insert "sec. 76"
- 9 Delete "sec. 160(e)"
- 10 Insert "sec. 159(e)"

11

12 Page 107, line 19:

- 13 Delete "sec. 96"
- 14 Insert "sec. 95"
- 15 Delete "sec. 160(f)"
- 16 Insert "sec. 159(f)"

17

18 Page 107, lines 22 - 23:

- 19 Delete "55, 57, 59, 61, 63, 67, 72 - 85, 88, 90, 92, 132, 133, 142 - 151, and 159"
- 20 Insert "54, 56, 58, 60, 62, 66, 71 - 84, 87, 89, 91, 131, 132, 141 - 150, and 158"

21

22 Page 107, line 24:

- 23 Delete "Section 79"
- 24 Insert "Section 78"

25

26 Page 107, lines 25 - 26:

- 27 Delete "Sections 51, 53, 54, 60, 62, 64 - 66, 68, 69, 86, 87, 89, 93 - 95, 97 - 131, and
- 28 134 - 139"
- 29 Insert "Sections 50, 52, 53, 59, 61, 63 - 65, 67, 68, 85, 86, 88, 92 - 94, 96 - 130, and
- 30 133 - 138"

31

1 Page 107, line 27:
2 Delete "sec. 156"
3 Insert "sec. 155"
4

5 Page 107, line 29:
6 Delete "35 - 50, 58, 96, 141, 156 - 158, and 160(f)"
7 Insert "35 - 49, 57, 95, 140, 155 - 157, and 159(f)"