AMENDMENT # 10

OFFERED IN THE HOUSE   BY REPRESENTATIVE CLAMAN

TO: CSHB 205( ), Draft Version "H"

1   Page 36, lines 1 - 14:

2   Delete all material and insert:

3   "* Sec. 61. AS 12.55.025(k) is amended to read:

4   (k) If a defendant intends to claim credit under AS 12.55.027 toward a

5   sentence of imprisonment for time spent in a [TREATMENT] program as a condition

6   of bail in connection with an offense for which the defendant is being sentenced, the

7   defendant shall file notice with the court and the prosecutor 10 days before the

8   sentencing hearing. The notice shall include the number of days the defendant is

9   claiming. The defendant must prove by a preponderance of evidence that the

10   requirements of AS 12.55.027 are met before credit may be awarded. Except as

11   provided in (l) of this section, except for good cause, a court may not consider a

12   request for credit made under this subsection more than 90 days after the sentencing

13   hearing.

14   * Sec. 62. AS 12.55.025(l) is amended to read:

15   (l) If a defendant intends to claim credit under AS 12.55.027 toward a

16   sentence of imprisonment for time spent in a [TREATMENT] program as a condition

17   of bail while pending appeal, the defendant shall file notice with the court and the

18   prosecutor not later than 90 days after return of the case to the trial court following

19   appeal. The notice shall include the number of days the defendant is claiming. The

20   defendant must prove by a preponderance of evidence that the requirements of

21   AS 12.55.027 are met before credit may be awarded. Except for good cause, the court

22   may not consider a request for credit made under this subsection after the deadline.

23   * Sec. 63. AS 12.55.027 is repealed and reenacted to read:

1   **Sec. 12.55.027. Credit toward a sentence of imprisonment.** (a) A court may

2   grant a defendant credit toward a sentence of imprisonment for time spent in a

3   program that furthers the reformation and rehabilitation of the defendant if the court

4   finds that the program places a substantial restriction on the defendant's freedom of

5   movement and behavior and is consistent with this section.

6   (b) A court may only grant credit under this section

7   (1)   in the amount of one day of credit toward a sentence of

8   imprisonment for each full day the defendant spent in a reformation and rehabilitation

9   program; and

10   (2)   if the court ordered the defendant to participate in and comply with

11   the conditions of the reformation and rehabilitation program before the defendant

12   entered the program.

13   (c) In granting credit toward a sentence of imprisonment for time spent in a

14   reformation and rehabilitation program, a court shall consider the following factors:

15   (1)   the restrictions on the defendant's freedom of movement and

16   behavior;

17   (2)   the circumstances under which the defendant was enrolled in the

18   program;

19   (3) the residency requirements of the program;

20   (4)   the physical custody and supervision of the defendant at the

21   program;

22   (5) the circumstances under which the defendant is permitted to leave

23   the program's facility;

24   (6)   the rules of the program and the requirement that the defendant

25   obey the orders of persons who have immediate custody or control over the defendant;

26   (7)   the sanctions on the defendant for violating the program's rules or

27   orders;

28   (8) whether the defendant is subject to arrest for leaving the program's

29   facility without permission;

30   (9) the use of an electronic monitoring device;

31   (10) whether the program provides substance abuse treatment;

1   (11) the use of other technology that monitors or restricts the

2 defendant's movement and behavior;

3   (12) other factors that support the court's finding that the program

4 places a substantial restriction on the defendant's freedom of movement and behavior;

5   (13) other factors that support the court's finding that the program

6 furthers the reformation and rehabilitation of the defendant.

7   (d) If a defendant intends to claim credit toward a sentence of imprisonment

8 under this section for the time spent in a program either as a condition of probation or

9 as a condition of bail release after a petition to revoke probation has been filed, the

10 defendant shall file notice with the court and the prosecutor 10 days before the

11 disposition hearing. The defendant shall include in the notice the amount of time the

12 defendant is claiming. A court may not consider, except for good cause, a request for

13 credit under this subsection if the request is made more than 90 days after the

14 disposition hearing."

15

16 Renumber the following bill sections accordingly.

17

18 Page 99, line 30:

19   Delete all material and insert:

20   "(1) AS 12.55.025(k), as amended by sec. 61 of this Act;

21   (2) AS 12.55.025(*l*), as amended by sec. 62 of this Act;

22   (3) AS 12.55.027, as repealed and reenacted by sec. 63 of this Act;"

23

24 Renumber the following paragraphs accordingly.

25

26 Page 97, line 29:

27   Delete "sec. 66"

28   Insert "sec. 68"

29

30 Page 98, line 1:

31   Delete "sec. 66"

1   Insert "sec. 68"

2

3   Page 98, line 2:

4   Delete "sec. 67"

5   Insert "sec. 69"

6

7   Page 98, line 5:

8   Delete "sec. 81"

9   Insert "sec. 83"

10

11   Page 98, line 8:

12   Delete "sec. 99"

13   Insert "sec. 101"

14

15   Page 99, line 11:

16   Delete "sec. 86"

17   Insert "sec. 88"

18

19   Page 99, line 12:

20   Delete "sec. 87"

21   Insert "sec. 89"

22

23   Page 99, line 13:

24   Delete "sec. 93"

25   Insert "sec. 95"

26

27   Page 99, line 14:

28   Delete "sec. 94"

29   Insert "sec. 96"

30

31   Page 99, line 15:

1   Delete "sec. 95"

2   Insert "sec. 97"

3

4   Page 99, line 16:

5   Delete "sec. 148"

6   Insert "sec. 150"

7

8   Page 99, line 31:

9   Delete "sec. 76"

10   Insert "sec. 78"

11

12   Page 100, line 1:

13   Delete "sec. 77"

14   Insert "sec. 79"

15

16   Page 100, line 2:

17   Delete "sec. 78"

18   Insert "sec. 80"

19

20   Page 100, line 3:

21   Delete "sec. 79"

22   Insert "sec. 81"

23

24   Page 100, line 4:

25   Delete "sec. 80"

26   Insert "sec. 82"

27

28   Page 100, line 5:

29   Delete "sec. 81"

30   Insert "sec. 83"

31

L

1 Page 100, line 6:

2   Delete "sec. 134"

3   Insert "sec. 136"

4

5 Page 100, line 7:

6   Delete "sec. 135"

7   Insert "sec. 137"

8

9 Page 100, line 12:

10   Delete "sec. 75"

11   Insert "sec. 77"

12

13 Page 100, line 13:

14   Delete "sec. 89"

15   Insert "sec. 91"

16

17 Page 100, line 14:

18   Delete "sec. 92"

19   Insert "sec. 94"

20

21 Page 100, line 15:

22   Delete "sec. 102"

23   Insert "sec. 104"

24

25 Page 100, line 16:

26   Delete "sec. 104"

27   Insert "sec. 106"

28

29 Page 100, line 17:

30   Delete "sec. 136"

31   Insert "sec. 138"

L

1

2   Page 100, line 24:

3   Delete "sec. 64"

4   Insert "sec. 66"

5

6   Page 100, line 25:

7   Delete "sec. 65"

8   Insert "sec. 67"

9

10   Page 100, line 26:

11   Delete "sec. 66"

12   Insert "sec. 68"

13

14   Page 100, line 27:

15   Delete "sec. 67"

16   Insert "sec. 69"

17

18   Page 100, line 29:

19   Delete "sec. 67"

20   Insert "sec. 69"

21

22   Page 101, line 1:

23   Delete "sec. 62"

24   Insert "sec. 64"

25

26   Page 101, line 2:

27   Delete "sec. 69"

28   Insert "sec. 71"

29

30   Page 101, line 5:

31   Delete "sec. 68"

1	Insert "sec. 70"
2	
3	Page 101, line 6:
4	Delete "sec. 70"
5	Insert "sec. 72"
6	
7	Page 101, line 7:
8	Delete "sec. 71"
9	Insert "sec. 73"
10	
11	Page 101, line 8:
12	Delete "sec. 72"
13	Insert "sec. 74"
14	
15	Page 101, line 9:
16	Delete "sec. 74"
17	Insert "sec. 76"
18	
19	Page 101, line 10:
20	Delete "sec. 96"
21	Insert "sec. 98"
22	
23	Page 101, line 11:
24	Delete "sec. 97"
25	Insert "sec. 99"
26	
27	Page 101, line 15:
28	Delete "sec. 83"
29	Insert "sec. 85"
30	
31	Page 101, line 16:

L

1   Delete "sec. 84"

2   Insert "sec. 86"

3

4   Page 101, line 17:

5   Delete "sec. 85"

6   Insert "sec. 87"

7

8   Page 101, line 18:

9   Delete "sec. 91"

10   Insert "sec. 93"

11

12   Page 101, line 21:

13   Delete "sec. 100"

14   Insert "sec. 102"

15

16   Page 101, line 22:

17   Delete "sec. 101"

18   Insert "sec. 103"

19

20   Page 101, line 23:

21   Delete "sec. 103"

22   Insert "sec. 105"

23

24   Page 101, line 24:

25   Delete "sec. 105"

26   Insert "sec. 107"

27

28   Page 101, line 25:

29   Delete "sec. 107"

30   Insert "sec. 109"

31

L

1   Page 101, line 26:

2   Delete "sec. 108"

3   Insert "sec. 110"

4

5   Page 101, line 27:

6   Delete "sec. 109"

7   Insert "sec. 111"

8

9   Page 101, line 28:

10   Delete "sec. 115"

11   Insert "sec. 117"

12

13   Page 101, line 29:

14   Delete "sec. 116"

15   Insert "sec. 118"

16

17   Page 101, line 30:

18   Delete "sec. 117"

19   Insert "sec. 119"

20

21   Page 101, line 31:

22   Delete "sec. 118"

23   Insert "sec. 120"

24

25   Page 102, line 1:

26   Delete "sec. 119"

27   Insert "sec. 121"

28

29   Page 102, line 2:

30   Delete "sec. 120"

31   Insert "sec. 122"

1

2   Page 102, line 3:

3   Delete "sec. 121"

4   Insert "sec. 123"

5

6   Page 102, line 4:

7   Delete "sec. 122"

8   Insert "sec. 124"

9

10   Page 102, line 5:

11   Delete "sec. 123"

12   Insert "sec. 125"

13

14   Page 102, line 6:

15   Delete "sec. 124"

16   Insert "sec. 126"

17

18   Page 102, line 7:

19   Delete "sec. 125"

20   Insert "sec. 127"

21

22   Page 102, line 8:

23   Delete "sec. 126"

24   Insert "sec. 128"

25

26   Page 102, line 9:

27   Delete "sec. 127"

28   Insert "sec. 129"

29

30   Page 102, line 10:

31   Delete "sec. 128"

L

1   Insert "sec. 130"

2

3   Page 102, line 11:

4   Delete "sec. 129"

5   Insert "sec. 131"

6

7   Page 102, line 12:

8   Delete "sec. 130"

9   Insert "sec. 132"

10

11   Page 102, line 13:

12   Delete "sec. 131"

13   Insert "sec. 133"

14

15   Page 102, line 14:

16   Delete "sec. 132"

17   Insert "sec. 134"

18

19   Page 102, line 15:

20   Delete "secs. 152 - 154"

21   Insert "secs. 154 - 156"

22

23   Page 102, line 16:

24   Delete "152 - 154"

25   Insert "154 - 156"

26

27   Page 102, line 31:

28   Delete "sec. 63"

29   Insert "sec. 65"

30

31   Page 103, line 1:

L

1   Delete "sec. 99"

2   Insert "sec. 101"

3

4   Page 103, line 2:

5   Delete "sec. 142"

6   Insert "sec. 144"

7

8   Page 103, line 6:

9   Delete "sec. 152"

10   Insert "sec. 154"

11

12 Page 103, line 8:

13   Delete "sec. 156(a)"

14   Insert "sec. 158(a)"

15

16 Page 103, line 11:

17   Delete "sec. 156(b)"

18   Insert "sec. 158(b)"

19

20 Page 103, line 14:

21   Delete "sec. 156(b)"

22   Insert "sec. 158(b)"

23

24 Page 103, line 17:

25   Delete "sec. 156(c)"

26   Insert "sec. 158(c)"

27

28 Page 103, line 20:

29   Delete "sec. 156(d)"

30   Insert "sec. 158(d)"

31

L

1   Page 103, line 23:

2   Delete "sec. 156(e)"

3   Insert "sec. 158(e)"

4

5   Page 103, line 26:

6   Delete "sec. 99"

7   Insert "sec. 101"

8   Delete "sec. 156(f)"

9   Insert "sec. 158(f)"

10

11   Page 103, lines 29 - 30:

12   Delete "62, 65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"

13   Insert "64, 67, 69, 71, 75, 78 - 90, 93, 95 - 97, 136, 137, 145 - 153, and 157"

14

15   Page 103, line 31, through page 104, line 1:

16   Delete "66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"

17   Insert "68, 70, 72 - 74, 76, 77, 91, 92, 94, 98 - 100, 102 - 135, 138 - 142"

18

19   Page 104, line 2:

20   Delete "sec. 152"

21   Insert "sec. 154"

22

23   Page 104, line 4:

24   Delete "63, 99, 142, 152 - 154, and 156(f)"

25   Insert "65, 101, 144, 154 - 156, and 158(f)"