

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(a) is amended to read:

1 (a) A court may grant a defendant credit toward a sentence of imprisonment
2 for time spent in a [TREATMENT] program **that furthers the reformation and**
3 **rehabilitation of the defendant if the court finds that the program places a**
4 **substantial restriction on the defendant's freedom of movement and behavior and**
5 **is consistent with** [OR UNDER ELECTRONIC MONITORING ONLY AS
6 PROVIDED IN] this section.

7 * Sec. 64. AS 12.55.027(b) is amended to read:

8 (b) A court may **only grant credit under this section** [A DEFENDANT ONE
9 DAY OF CREDIT TOWARD A SENTENCE OF IMPRISONMENT FOR EACH
10 FULL DAY THE DEFENDANT RESIDED IN THE FACILITY OF A
11 TREATMENT PROGRAM AND OBSERVED THE RULES OF THE
12 TREATMENT PROGRAM AND THE FACILITY IF]

13 (1) **in the amount of one day of credit toward a sentence of**
14 **imprisonment for each full day the defendant spent in a reformation and**
15 **rehabilitation program; and** [THE COURT FINDS THAT THE TREATMENT
16 PROGRAM MEETS THE STANDARDS DESCRIBED IN (c) OF THIS SECTION;]

17 (2) **if the court ordered** [BEFORE] the defendant [ENTERED THE
18 TREATMENT PROGRAM, THE COURT ORDERED THE DEFENDANT] to
19 [RESIDE IN THE FACILITY OF THE TREATMENT PROGRAM AND] participate
20 in **and comply with the conditions of the reformation and rehabilitation** [THE
21 TREATMENT] program **before the defendant entered the program** [AS A
22 CONDITION OF BAIL RELEASE OR A CONDITION OF PROBATION; AND

23 (3) THE COURT HAS RECEIVED A WRITTEN REPORT FROM
24 THE DIRECTOR OF THE PROGRAM THAT

25 (A) STATES THAT THE DEFENDANT HAS
26 PARTICIPATED IN THE TREATMENT PLAN PRESCRIBED FOR THE
27 DEFENDANT AND HAS COMPLIED WITH THE REQUIREMENTS OF
28 THE PLAN; AND

29 (B) SETS OUT THE NUMBER OF FULL DAYS THE
30 DEFENDANT RESIDED IN THE FACILITY OF THE TREATMENT
31 PROGRAM AND OBSERVED THE RULES OF THE TREATMENT

PROGRAM AND FACILITY].

* Sec. 65. AS 12.55.027(c) is repealed and reenacted to read:

(c) In granting credit toward a sentence of imprisonment for time spent in a reformation and rehabilitation program, a court shall consider the following factors:

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

(2) the circumstances under which the defendant was enrolled in the program;

(3) the residency requirements of the program;

(4) the physical custody and supervision of the defendant at the program;

(5) the circumstances under which the defendant is permitted to leave the program's facility;

(6) the rules of the program and the requirement that the defendant obey the orders of persons who have immediate custody or control over the defendant;

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

(8) whether the defendant is subject to arrest for leaving the program's facility without permission;

(9) the use of an electronic monitoring device;

(10) whether the program provides substance abuse treatment;

(11) the use of other technology that monitors or restricts the defendant's movement and behavior;

(12) other factors that support the court's finding that the program places a substantial restriction on the defendant's freedom of movement and behavior;

(13) other factors that support the court's finding that the program furthers the reformation and rehabilitation of the defendant."

Renumber the following bill sections accordingly.

Page 99, line 30:

1 Delete all material and insert:

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

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

4 (3) AS 12.55.027(a), as amended by sec. 63 of this Act;

5 (4) AS 12.55.027(b), as amended by sec. 64 of this Act;

6 (5) AS 12.55.027(c), as repealed and reenacted by sec. 65 of this Act;"

7

8 Renumber the following paragraphs accordingly.

9

10 Page 97, line 29:

11 Delete "sec. 66"

12 Insert "sec. 70"

13

14 Page 98, line 1:

15 Delete "sec. 66"

16 Insert "sec. 70"

17

18 Page 98, line 2:

19 Delete "sec. 67"

20 Insert "sec. 71"

21

22 Page 98, line 5:

23 Delete "sec. 81"

24 Insert "sec. 85"

25

26 Page 98, line 8:

27 Delete "sec. 99"

28 Insert "sec. 103"

29

30 Page 99, line 11:

31 Delete "sec. 86"

- 1 Insert "sec. 90"
- 2
- 3 Page 99, line 12:
- 4 Delete "sec. 87"
- 5 Insert "sec. 91"
- 6
- 7 Page 99, line 13:
- 8 Delete "sec. 93"
- 9 Insert "sec. 97"
- 10
- 11 Page 99, line 14:
- 12 Delete "sec. 94"
- 13 Insert "sec. 98"
- 14
- 15 Page 99, line 15:
- 16 Delete "sec. 95"
- 17 Insert "sec. 99"
- 18
- 19 Page 99, line 16:
- 20 Delete "sec. 148"
- 21 Insert "sec. 152"
- 22
- 23 Page 99, line 31:
- 24 Delete "sec. 76"
- 25 Insert "sec. 80"
- 26
- 27 Page 100, line 1:
- 28 Delete "sec. 77"
- 29 Insert "sec. 81"
- 30
- 31 Page 100, line 2:

- 1 Delete "sec. 78"
- 2 Insert "sec. 82"
- 3
- 4 Page 100, line 3:
- 5 Delete "sec. 79"
- 6 Insert "sec. 83"
- 7
- 8 Page 100, line 4:
- 9 Delete "sec. 80"
- 10 Insert "sec. 84"
- 11
- 12 Page 100, line 5:
- 13 Delete "sec. 81"
- 14 Insert "sec. 85"
- 15
- 16 Page 100, line 6:
- 17 Delete "sec. 134"
- 18 Insert "sec. 138"
- 19
- 20 Page 100, line 7:
- 21 Delete "sec. 135"
- 22 Insert "sec. 139"
- 23
- 24 Page 100, line 12:
- 25 Delete "sec. 75"
- 26 Insert "sec. 79"
- 27
- 28 Page 100, line 13:
- 29 Delete "sec. 89"
- 30 Insert "sec. 93"
- 31

- 1 Page 100, line 14:
- 2 Delete "sec. 92"
- 3 Insert "sec. 96"
- 4
- 5 Page 100, line 15:
- 6 Delete "sec. 102"
- 7 Insert "sec. 106"
- 8
- 9 Page 100, line 16:
- 10 Delete "sec. 104"
- 11 Insert "sec. 108"
- 12
- 13 Page 100, line 17:
- 14 Delete "sec. 136"
- 15 Insert "sec. 140"
- 16
- 17 Page 100, line 24:
- 18 Delete "sec. 64"
- 19 Insert "sec. 68"
- 20
- 21 Page 100, line 25:
- 22 Delete "sec. 65"
- 23 Insert "sec. 69"
- 24
- 25 Page 100, line 26:
- 26 Delete "sec. 66"
- 27 Insert "sec. 70"
- 28
- 29 Page 100, line 27:
- 30 Delete "sec. 67"
- 31 Insert "sec. 71"

- 1
- 2 Page 100, line 29:
 - 3 Delete "sec. 67"
 - 4 Insert "sec. 71"
 - 5
- 6 Page 101, line 1:
 - 7 Delete "sec. 62"
 - 8 Insert "sec. 66"
 - 9
- 10 Page 101, line 2:
 - 11 Delete "sec. 69"
 - 12 Insert "sec. 73"
 - 13
- 14 Page 101, line 5:
 - 15 Delete "sec. 68"
 - 16 Insert "sec. 72"
 - 17
- 18 Page 101, line 6:
 - 19 Delete "sec. 70"
 - 20 Insert "sec. 74"
 - 21
- 22 Page 101, line 7:
 - 23 Delete "sec. 71"
 - 24 Insert "sec. 75"
 - 25
- 26 Page 101, line 8:
 - 27 Delete "sec. 72"
 - 28 Insert "sec. 76"
 - 29
- 30 Page 101. line 9:
 - 31 Delete "sec. 74"

- 1 Insert "sec. 78"
- 2
- 3 Page 101, line 10:
- 4 Delete "sec. 96"
- 5 Insert "sec. 100"
- 6
- 7 Page 101, line 11:
- 8 Delete "sec. 97"
- 9 Insert "sec. 101"
- 10
- 11 Page 101, line 15:
- 12 Delete "sec. 83"
- 13 Insert "sec. 87"
- 14
- 15 Page 101, line 16:
- 16 Delete "sec. 84"
- 17 Insert "sec. 88"
- 18
- 19 Page 101, line 17:
- 20 Delete "sec. 85"
- 21 Insert "sec. 89"
- 22
- 23 Page 101, line 18:
- 24 Delete "sec. 91"
- 25 Insert "sec. 95"
- 26
- 27 Page 101, line 21:
- 28 Delete "sec. 100"
- 29 Insert "sec. 104"
- 30
- 31 Page 101, line 22:

- 1 Delete "sec. 101"
- 2 Insert "sec. 105"
- 3
- 4 Page 101, line 23:
- 5 Delete "sec. 103"
- 6 Insert "sec. 107"
- 7
- 8 Page 101, line 24:
- 9 Delete "sec. 105"
- 10 Insert "sec. 109"
- 11
- 12 Page 101, line 25:
- 13 Delete "sec. 107"
- 14 Insert "sec. 111"
- 15
- 16 Page 101, line 26:
- 17 Delete "sec. 108"
- 18 Insert "sec. 112"
- 19
- 20 Page 101, line 27:
- 21 Delete "sec. 109"
- 22 Insert "sec. 113"
- 23
- 24 Page 101, line 28:
- 25 Delete "sec. 115"
- 26 Insert "sec. 119"
- 27
- 28 Page 101, line 29:
- 29 Delete "sec. 116"
- 30 Insert "sec. 120"
- 31

- 1 Page 101, line 30:
- 2 Delete "sec. 117"
- 3 Insert "sec. 121"
- 4
- 5 Page 101, line 31:
- 6 Delete "sec. 118"
- 7 Insert "sec. 122"
- 8
- 9 Page 102, line 1:
- 10 Delete "sec. 119"
- 11 Insert "sec. 123"
- 12
- 13 Page 102, line 2:
- 14 Delete "sec. 120"
- 15 Insert "sec. 124"
- 16
- 17 Page 102, line 3:
- 18 Delete "sec. 121"
- 19 Insert "sec. 125"
- 20
- 21 Page 102, line 4:
- 22 Delete "sec. 122"
- 23 Insert "sec. 126"
- 24
- 25 Page 102, line 5:
- 26 Delete "sec. 123"
- 27 Insert "sec. 127"
- 28
- 29 Page 102, line 6:
- 30 Delete "sec. 124"
- 31 Insert "sec. 128"

- 1
- 2 Page 102, line 7:
 - 3 Delete "sec. 125"
 - 4 Insert "sec. 129"
 - 5
- 6 Page 102, line 8:
 - 7 Delete "sec. 126"
 - 8 Insert "sec. 130"
 - 9
- 10 Page 102, line 9:
 - 11 Delete "sec. 127"
 - 12 Insert "sec. 131"
 - 13
- 14 Page 102, line 10:
 - 15 Delete "sec. 128"
 - 16 Insert "sec. 132"
 - 17
- 18 Page 102, line 11:
 - 19 Delete "sec. 129"
 - 20 Insert "sec. 133"
 - 21
- 22 Page 102, line 12:
 - 23 Delete "sec. 130"
 - 24 Insert "sec. 134"
 - 25
- 26 Page 102, line 13:
 - 27 Delete "sec. 131"
 - 28 Insert "sec. 135"
 - 29
- 30 Page 102, line 14:
 - 31 Delete "sec. 132"

- 1 Insert "sec. 136"
- 2
- 3 Page 102, line 15:
- 4 Delete "secs. 152 - 154"
- 5 Insert "secs. 156 - 158"
- 6
- 7 Page 102, line 16:
- 8 Delete "152 - 154"
- 9 Insert "156 - 158"
- 10
- 11 Page 102, line 31:
- 12 Delete "sec. 63"
- 13 Insert "sec. 67"
- 14
- 15 Page 103, line 1:
- 16 Delete "sec. 99"
- 17 Insert "sec. 103"
- 18
- 19 Page 103, line 2:
- 20 Delete "sec. 142"
- 21 Insert "sec. 146"
- 22
- 23 Page 103, line 6:
- 24 Delete "sec. 152"
- 25 Insert "sec. 156"
- 26
- 27 Page 103, line 8:
- 28 Delete "sec. 156(a)"
- 29 Insert "sec. 160(a)"
- 30
- 31 Page 103, line 11:

- 1 Delete "sec. 156(b)"
- 2 Insert "sec. 160(b)"
- 3
- 4 Page 103, line 14:
- 5 Delete "sec. 156(b)"
- 6 Insert "sec. 160(b)"
- 7
- 8 Page 103, line 17:
- 9 Delete "sec. 66"
- 10 Insert "sec. 70"
- 11 Delete "sec. 156(c)"
- 12 Insert "sec. 160(c)"
- 13
- 14 Page 103, line 20:
- 15 Delete "sec. 67"
- 16 Insert "sec. 71"
- 17 Delete "sec. 156(d)"
- 18 Insert "sec. 160(d)"
- 19
- 20 Page 103, line 23:
- 21 Delete "sec. 81"
- 22 Insert "sec. 85"
- 23 Delete "sec. 156(e)"
- 24 Insert "sec. 160(e)"
- 25
- 26 Page 103, line 26:
- 27 Delete "sec. 99"
- 28 Insert "sec. 103"
- 29 Delete "sec. 156(f)"
- 30 Insert "sec. 160(f)"
- 31

1 Page 103, lines 29 - 30:

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

3 Insert "66, 69, 71, 73, 77, 80 - 92, 95, 97 - 99, 138, 139, 147 - 155, and 159"

4

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

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

7 Insert "70, 72, 74 - 76, 78, 79, 93, 94, 96, 100 - 102, 104 - 137, and 140 - 144"

8

9 Page 104, line 2:

10 Delete "sec. 152"

11 Insert "sec. 156"

12

13 Page 104, line 4:

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

15 Insert "67, 103, 146, 156 - 158, and 160(f)"