

29-LS0541\X
Martin
4/12/16

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 91(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS COGHILL, Ellis, McGuire, Costello, Bishop, Micciche, Egan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal law and procedure; relating to controlled substances;
2 relating to probation; relating to sentencing; relating to treatment program credit for
3 time spent toward service of a sentence of imprisonment; establishing a pretrial services
4 program with pretrial services officers in the Department of Corrections; relating to
5 permanent fund dividends; relating to electronic monitoring; relating to penalties for
6 violations of municipal ordinances; relating to parole; relating to correctional restitution
7 centers; relating to community work service; relating to vehicle registration; relating to
8 off-road system restricted noncommercial drivers' licenses; relating to off-road system
9 eligible areas; relating to motor vehicle liability insurance; relating to background
10 checks for persons applying to operate marijuana establishments; relating to revocation,
11 termination, suspension, cancellation, or restoration of a driver's license; relating to the
12 disqualification of persons convicted of certain felony drug offenses from participation

1 **in the food stamp and temporary assistance programs; relating to the duties of the**
 2 **commissioner of corrections; amending Rules 32, 32.1, 38, 41, and 43, Alaska Rules of**
 3 **Criminal Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal**
 4 **Procedure; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 11.41.110(a) is amended to read:

7 (a) A person commits the crime of murder in the second degree if

8 (1) with intent to cause serious physical injury to another person or
 9 knowing that the conduct is substantially certain to cause death or serious physical
 10 injury to another person, the person causes the death of any person;

11 (2) the person knowingly engages in conduct that results in the death
 12 of another person under circumstances manifesting an extreme indifference to the
 13 value of human life;

14 (3) under circumstances not amounting to murder in the first degree
 15 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
 16 person commits or attempts to commit arson in the first degree, kidnapping, sexual
 17 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
 18 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
 19 degree, escape in the first or second degree, robbery in any degree, or misconduct
 20 involving a controlled substance under AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) -
 21 (8) [11.71.020(a), 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2) and, in the course
 22 of or in furtherance of that crime or in immediate flight from that crime, any person
 23 causes the death of a person other than one of the participants;

24 (4) acting with a criminal street gang, the person commits or attempts
 25 to commit a crime that is a felony and, in the course of or in furtherance of that crime
 26 or in immediate flight from that crime, any person causes the death of a person other
 27 than one of the participants; or

28 (5) the person with criminal negligence causes the death of a child
 29 under the age of 16, and the person has been previously convicted of a crime involving

1 a child under the age of 16 that was

2 (A) a felony violation of AS 11.41;

3 (B) in violation of a law or ordinance in another jurisdiction
4 with elements similar to a felony under AS 11.41; or

5 (C) an attempt, a solicitation, or a conspiracy to commit a
6 crime listed in (A) or (B) of this paragraph.

7 * **Sec. 2.** AS 11.41.150(a) is amended to read:

8 (a) A person commits the crime of murder of an unborn child if the person

9 (1) with intent to cause the death of an unborn child or of another
10 person, causes the death of an unborn child;

11 (2) with intent to cause serious physical injury to an unborn child or to
12 another person or knowing that the conduct is substantially certain to cause death or
13 serious physical injury to an unborn child or to another person, causes the death of an
14 unborn child;

15 (3) while acting alone or with one or more persons, commits or
16 attempts to commit arson in the first degree, kidnapping, sexual assault in the first
17 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,
18 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the
19 first or second degree, robbery in any degree, or misconduct involving a controlled
20 substance under AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) - (8) [11.71.020(a),
21 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2), and, in the course of or in
22 furtherance of that crime or in immediate flight from that crime, any person causes the
23 death of an unborn child;

24 (4) knowingly engages in conduct that results in the death of an unborn
25 child under circumstances manifesting an extreme indifference to the value of human
26 life; for purposes of this paragraph, a pregnant woman's decision to remain in a
27 relationship in which domestic violence, as defined in AS 18.66.990, has occurred
28 does not constitute conduct manifesting an extreme indifference to the value of human
29 life.

30 * **Sec. 3.** AS 11.46.130(a) is amended to read:

31 (a) A person commits the crime of theft in the second degree if the person

1 commits theft as defined in AS 11.46.100 and

2 (1) the value of the property or services, **adjusted for inflation as**
3 **provided in AS 11.46.982**, is **\$1,000** [\$750] or more but less than \$25,000;

4 (2) the property is a firearm or explosive;

5 (3) the property is taken from the person of another;

6 (4) the property is taken from a vessel and is vessel safety or survival
7 equipment;

8 (5) the property is taken from an aircraft and the property is aircraft
9 safety or survival equipment;

10 (6) the value of the property, **adjusted for inflation as provided in**
11 **AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750] and, within the preceding
12 five years, the person has been convicted and sentenced on two or more separate
13 occasions in this or another jurisdiction of

14 (A) an offense under AS 11.46.120, or an offense under
15 another law or ordinance with similar elements;

16 (B) a crime set out in this subsection or an offense under
17 another law or ordinance with similar elements;

18 (C) an offense under AS 11.46.140(a)(1), or an offense under
19 another law or ordinance with similar elements; or

20 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an
21 offense under another law or ordinance with similar elements; or

22 (7) the property is an access device.

23 * **Sec. 4.** AS 11.46.140(a) is amended to read:

24 (a) A person commits the crime of theft in the third degree if the person
25 commits theft as defined in AS 11.46.100 and

26 (1) the value of the property or services, **adjusted for inflation as**
27 **provided in AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750]; or

28 (2) [REPEALED]

29 (3) the value of the property is less than \$250 and, within the past five
30 years, the person has been convicted and sentenced on two or more separate occasions
31 in this or another jurisdiction of theft or concealment of merchandise, or an offense

under another law or ordinance with similar elements.

* **Sec. 5.** AS 11.46.150(a) is amended to read:

(a) A person commits the crime of theft in the fourth degree if the person commits theft as defined in AS 11.46.100 and the value of the property or services is less than \$250, **adjusted for inflation as provided in AS 11.46.982.**

* **Sec. 6.** AS 11.46.220(c) is amended to read:

(c) Concealment of merchandise is

(1) a class C felony if

(A) the merchandise is a firearm;

(B) the value of the merchandise, **adjusted for inflation as provided in AS 11.46.982,** is **\$1,000** [\$750] or more; or

(C) the value of the merchandise, **adjusted for inflation as provided in AS 11.46.982,** is \$250 or more but less than **\$1,000** [\$750] and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

(i) the offense of concealment of merchandise under this paragraph or (2)(A) of this subsection, or an offense under another law or ordinance with similar elements; or

(ii) an offense under AS 11.46.120, 11.46.130, or 11.46.140(a)(1), or an offense under another law or ordinance with similar elements;

(2) a class A misdemeanor if

(A) the value of the merchandise, **adjusted for inflation as provided in AS 11.46.982,** is \$250 or more but less than **\$1,000** [\$750]; or

(B) the value of the merchandise is less than \$250 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions of the offense of concealment of merchandise or theft in any degree, or an offense under another law or ordinance with similar elements;

(3) a class B misdemeanor if the value of the merchandise, **adjusted for inflation as provided in AS 11.46.982,** is less than \$250.

1 * **Sec. 7.** AS 11.46.260(b) is amended to read:

2 (b) Removal of identification marks is

3 (1) a class C felony if the value of the property on which the serial
4 number or identification mark appeared, **adjusted for inflation as provided in**
5 **AS 11.46.982**, is **\$1,000** [\$750] or more;

6 (2) a class A misdemeanor if the value of the property on which the
7 serial number or identification mark appeared, **adjusted for inflation as provided in**
8 **AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750];

9 (3) a class B misdemeanor if the value of the property on which the
10 serial number or identification mark appeared, **adjusted for inflation as provided in**
11 **AS 11.46.982**, is less than \$250.

12 * **Sec. 8.** AS 11.46.270(b) is amended to read:

13 (b) Unlawful possession is

14 (1) a class C felony if the value of the property on which the serial
15 number or identification mark appeared, **adjusted for inflation as provided in**
16 **AS 11.46.982**, is **\$1,000** [\$750] or more;

17 (2) a class A misdemeanor if the value of the property on which the
18 serial number or identification mark appeared, **adjusted for inflation as provided in**
19 **AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750];

20 (3) a class B misdemeanor if the value of the property on which the
21 serial number or identification mark appeared, **adjusted for inflation as provided in**
22 **AS 11.46.982**, is less than \$250.

23 * **Sec. 9.** AS 11.46.280(d) is amended to read:

24 (d) Issuing a bad check is

25 (1) a class B felony if the face amount of the check is \$25,000 or more;

26 (2) a class C felony if the face amount of the check, **adjusted for**
27 **inflation as provided in AS 11.46.982**, is **\$1,000** [\$750] or more but less than
28 \$25,000;

29 (3) a class A misdemeanor if the face amount of the check, **adjusted**
30 **for inflation as provided in AS 11.46.982**, is \$250 or more but less than **\$1,000**
31 [**\$750**];

(4) a class B misdemeanor if the face amount of the check, **adjusted for inflation as provided in AS 11.46.982**, is less than \$250.

* **Sec. 10.** AS 11.46.285(b) is amended to read:

(b) Fraudulent use of an access device is

(1) a class B felony if the value of the property or services obtained is \$25,000 or more;

(2) a class C felony if the value of the property or services obtained, **adjusted for inflation as provided in AS 11.46.982**, is **\$1,000** [\$750] or more but less than \$25,000;

(3) a class A misdemeanor if the value of the property or services obtained, **adjusted for inflation as provided in AS 11.46.982**, is less than **\$1,000** [\$750].

* **Sec. 11.** AS 11.46.295 is amended to read:

Sec. 11.46.295. Prior convictions. For purposes of considering prior convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) [OR 11.46.140(a)(3),] or in prosecuting the crime of concealment of merchandise under AS 11.46.220(c),

(1) a conviction for an offense under another law or ordinance with similar elements is a conviction of an offense having elements similar to those of an offense defined as such under Alaska law at the time the offense was committed;

(2) a conviction for an offense under Alaska law where the value of the property or services for the offense was lower than the value of property or services for the offense under current Alaska law is a prior conviction for that offense; and

(3) the court shall consider the date of a prior conviction as occurring on the date that sentence is imposed for the prior offense.

* **Sec. 12.** AS 11.46.360(a) is amended to read:

(a) A person commits the crime of vehicle theft in the first degree if, having no right to do so or any reasonable ground to believe the person has such a right, the person drives, tows away, or takes

(1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft of another;

(2) the propelled vehicle of another and

(A) the vehicle or any other property of another is damaged in a total amount, **adjusted for inflation as provided in AS 11.46.982**, of **\$1,000** [\$750] or more;

(B) the owner incurs reasonable expenses, **adjusted for inflation as provided in AS 11.46.982**, as a result of the loss of use of the vehicle, in a total amount of **\$1,000** [\$750] or more; or

(C) the owner is deprived of the use of the vehicle for seven days or more;

(3) the propelled vehicle of another and the vehicle is marked as a police or emergency vehicle; or

(4) the propelled vehicle of another and, within the preceding seven years, the person was convicted under

(A) this section or AS 11.46.365;

(B) former AS 11.46.482(a)(4) or (5);

(C) former AS 11.46.484(a)(2);

(D) AS 11.46.120 - 11.46.140 of an offense involving the theft of a propelled vehicle; or

(E) a law or ordinance of this or another jurisdiction with elements substantially similar to those of an offense described in (A) - (D) of this paragraph.

* **Sec. 13.** AS 11.46.460 is amended to read:

Sec. 11.46.460. Disregard of a highway obstruction. (a) A person commits the **offense** [CRIME] of disregard of a highway obstruction if, without the right to do so or a reasonable ground to believe the person has the right, the person

(1) drives a vehicle through, over, or around an obstruction erected **on** [UPON] a highway under authority of AS 19.10.100; or

(2) opens an obstruction erected **on** [UPON] a highway under authority of AS 19.10.100.

(b) Violation of this section is a **violation punishable by a fine of not more than \$1,000** [CLASS B MISDEMEANOR].

1 * **Sec. 14.** AS 11.46.482(a) is amended to read:

2 (a) A person commits the crime of criminal mischief in the third degree if,
3 having no right to do so or any reasonable ground to believe the person has such a
4 right,

5 (1) with intent to damage property of another, the person damages
6 property of another in an amount, **adjusted for inflation as provided in**
7 **AS 11.46.982**, of **\$1,000** [\$750] or more;

8 (2) the person recklessly creates a risk of damage in an amount
9 exceeding \$100,000 to property of another by the use of widely dangerous means; or

10 (3) the person knowingly

11 (A) defaces, damages, or desecrates a cemetery or the contents
12 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
13 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
14 memorial appears to be abandoned, lost, or neglected;

15 (B) removes human remains or associated burial artifacts from
16 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
17 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

18 * **Sec. 15.** AS 11.46.484(a) is amended to read:

19 (a) A person commits the crime of criminal mischief in the fourth degree if,
20 having no right to do so or any reasonable ground to believe the person has such a
21 right

22 (1) with intent to damage property of another, the person damages
23 property of another in an amount, **adjusted for inflation as provided in**
24 **AS 11.46.982**, of \$250 or more but less than **\$1,000** [\$750];

25 (2) the person tampers with a fire protection device in a building that is
26 a public place;

27 (3) the person knowingly accesses a computer, computer system,
28 computer program, computer network, or part of a computer system or network;

29 (4) the person uses a device to descramble an electronic signal that has
30 been scrambled to prevent unauthorized receipt or viewing of the signal unless the
31 device is used only to descramble signals received directly from a satellite or unless

1 the person owned the device before September 18, 1984; or

2 (5) the person knowingly removes, relocates, defaces, alters, obscures,
3 shoots at, destroys, or otherwise tampers with an official traffic control device or
4 damages the work on [UPON] a highway under construction.

5 * **Sec. 16.** AS 11.46.486(a) is amended to read:

6 (a) A person commits the **offense** [CRIME] of criminal mischief in the fifth
7 degree if, having no right to do so or any reasonable ground to believe the person has
8 such a right,

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

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

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

17 * **Sec. 17.** AS 11.46.530(b) is amended to read:

18 (b) Criminal simulation is

19 (1) a class C felony if the value of what the object purports to
20 represent, **adjusted for inflation as provided in AS 11.46.982**, is **\$1,000** [\$750] or
21 more;

22 (2) a class A misdemeanor if the value of what the object purports to
23 represent, **adjusted for inflation as provided in AS 11.46.982**, is \$250 or more but
24 less than **\$1,000** [\$750];

25 (3) a class B misdemeanor if the value of what the object purports to
26 represent, **adjusted for inflation as provided in AS 11.46.982**, is less than \$250.

27 * **Sec. 18.** AS 11.46.620(d) is amended to read:

28 (d) Misapplication of property is

29 (1) a class C felony if the value of the property misapplied, **adjusted**
30 **for inflation as provided in AS 11.46.982**, is **\$1,000** [\$750] or more;

31 (2) a class A misdemeanor if the value of the property misapplied,

adjusted for inflation as provided in AS 11.46.982, is less than **\$1,000** [\$750].

* **Sec. 19.** AS 11.46.730(c) is amended to read:

(c) Defrauding creditors is a class A misdemeanor unless that secured party, judgment creditor, or creditor incurs a pecuniary loss, **adjusted for inflation as provided in AS 11.46.982**, of **\$1,000** [\$750] or more as a result **of** [TO] the defendant's conduct, in which case defrauding secured creditors is

(1) a class B felony if the loss is \$25,000 or more;

(2) a class C felony if the loss, **adjusted for inflation as provided in AS 11.46.982**, is **\$1,000** [\$750] or more but less than \$25,000.

* **Sec. 20.** AS 11.46.980 is amended by adding a new subsection to read:

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

* **Sec. 21.** AS 11.46 is amended by adding a new section to read:

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

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

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

(2) report the base value of property and services of \$250 and \$1,000 rounded to the nearest \$50 increment.

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

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

- 1 (2) the Public Defender Agency;
- 2 (3) the office of public advocacy;
- 3 (4) the attorney general;
- 4 (5) the court system;
- 5 (6) on the judicial council's Internet website; and
- 6 (7) to the senate secretary and the chief clerk of the house of
- 7 representatives.

8 * **Sec. 22.** AS 11.56.730(a) is amended to read:

- 9 (a) A person commits the offense [CRIME] of failure to appear if the person
- 10 (1) is released under the provisions of AS 12.30;
- 11 (2) knows that the person is required to appear before a court or
- 12 judicial officer at the time and place of a scheduled hearing; and
- 13 (3) with criminal negligence does not appear before the court or
- 14 judicial officer at the time and place of the scheduled hearing.

15 * **Sec. 23.** AS 11.56.730(c) is amended to read:

16 (c) A person who commits failure to appear incurs a forfeiture of any security

17 for any appearance of the person that was given or pledged to the court for the person's

18 release [, AND IS GUILTY OF A

19 (1) CLASS C FELONY IF THE PERSON WAS RELEASED IN

20 CONNECTION WITH A CHARGE OF A FELONY, OR WHILE AWAITING

21 SENTENCE OR APPEAL AFTER CONVICTION OF A FELONY;

22 (2) CLASS A MISDEMEANOR IF THE PERSON WAS RELEASED

23 IN CONNECTION WITH A

24 (A) CHARGE OF A MISDEMEANOR, OR WHILE

25 AWAITING SENTENCE OR APPEAL AFTER CONVICTION OF A

26 MISDEMEANOR; OR

27 (B) REQUIREMENT TO APPEAR AS A MATERIAL

28 WITNESS IN A CRIMINAL PROCEEDING].

29 * **Sec. 24.** AS 11.56.730 is amended by adding new subsections to read:

- 30 (d) Failure to appear is a
- 31 (1) class A misdemeanor if the person

(A) does not make contact with the court or a judicial officer within 30 days after the person does not appear at the time and place of a scheduled hearing; or

(B) does not appear at the time and place of a scheduled hearing to avoid prosecution; or

(2) violation punishable by a fine of up to \$1,000.

(e) In a prosecution for failure to appear under (a) of this section, it is not a defense that the defendant did not receive a reminder notification from a court or judicial officer under Rule 38(e), Alaska Rules of Criminal Procedure.

* **Sec. 25.** AS 11.56.757(a) is amended to read:

(a) A person commits the **offense** [CRIME] of violation of condition of release if the person

(1) has been charged with a crime or convicted of a crime;

(2) has been released under AS 12.30; and

(3) violates a condition of release imposed by a judicial officer under AS 12.30, other than the requirement to appear as ordered by a judicial officer.

* **Sec. 26.** AS 11.56.757(b) is amended to read:

(b) Violation of condition of release is **a violation punishable by a fine of up to \$1,000** [(1) A CLASS A MISDEMEANOR IF THE PERSON IS RELEASED FROM A CHARGE OR CONVICTION OF A FELONY;

(2) A CLASS B MISDEMEANOR IF THE PERSON IS RELEASED FROM A CHARGE OR CONVICTION OF A MISDEMEANOR].

* **Sec. 27.** AS 11.56.759(a) is amended to read:

(a) A person commits the crime of violation by sex offender of condition of probation if the person

(1) is on probation for conviction of a sex offense;

(2) has served the entire term of incarceration imposed for conviction of the sex offense; and

(3) violates a condition of probation imposed under **AS 12.55.100(a)(2)(E), (a)(2)(F)** [AS 12.55.100(a)(5), (a)(6)], or (e), 12.55.101(a)(1), or any other condition imposed by the court that the court finds to be specifically

1 related to the defendant's offense.

2 * **Sec. 28.** AS 11.61.110(c) is amended to read:

3 (c) Disorderly conduct is a class B misdemeanor [AND IS PUNISHABLE AS
4 AUTHORIZED IN AS 12.55 EXCEPT THAT A SENTENCE OF IMPRISONMENT,
5 IF IMPOSED, SHALL BE FOR A DEFINITE TERM OF NOT MORE THAN 10
6 DAYS].

7 * **Sec. 29.** AS 11.61.145(d) is amended to read:

8 (d) Promoting an exhibition of fighting animals

9 (1) under (a)(1) or (2) of this section is a class C felony;

10 (2) under (a)(3) of this section is

11 (A) a violation

12 (i) for the first offense;

13 (ii) punishable by a fine of not more than \$1,000 [, A

14 CLASS B MISDEMEANOR] for the second offense; [,] and

15 (B) a class A misdemeanor for the third and each subsequent
16 offense.

17 * **Sec. 30.** AS 11.61.150(a) is amended to read:

18 (a) A person commits the **offense** [CRIME] of obstruction of highways if the
19 person knowingly

20 (1) places, drops, or permits to drop on a highway any substance that
21 creates a substantial risk of physical injury to others using the highway; or

22 (2) renders a highway impassable or passable only with unreasonable
23 inconvenience or hazard.

24 * **Sec. 31.** AS 11.61.150(c) is amended to read:

25 (c) Obstruction of highways is a **violation punishable by a fine of not more**
26 **than \$1,000** [CLASS B MISDEMEANOR].

27 * **Sec. 32.** AS 11.66.100 is amended by adding a new subsection to read:

28 (e) A person may not be prosecuted under (a)(1) of this section if the

29 (1) person witnessed or was a victim of, and reported to law
30 enforcement in good faith, one or more of the following crimes:

31 (A) murder in the first degree under AS 11.41.100;

- 1 (B) murder in the second degree under AS 11.41.110;
2 (C) manslaughter under AS 11.41.120;
3 (D) criminally negligent homicide under AS 11.41.130;
4 (E) assault in the first degree under AS 11.41.200;
5 (F) assault in the second degree under AS 11.41.210;
6 (G) assault in the third degree under AS 11.41.220;
7 (H) assault in the fourth degree under AS 11.41.230;
8 (I) sexual assault in the first degree under AS 11.41.410;
9 (J) sexual assault in the second degree under AS 11.41.420;
10 (K) sexual assault in the third degree under AS 11.41.425;
11 (L) sexual assault in the fourth degree under AS 11.41.427;
12 (M) sexual abuse of a minor in the first degree under
13 AS 11.41.434;
14 (N) sexual abuse of a minor in the second degree under
15 AS 11.41.436;
16 (O) sexual abuse of a minor in the third degree under
17 AS 11.41.438;
18 (P) sexual abuse of a minor in the fourth degree under
19 AS 11.41.440;
20 (Q) robbery in the first degree under AS 11.41.500;
21 (R) robbery in the second degree under AS 11.41.510;
22 (S) extortion under AS 11.41.520;
23 (T) coercion under AS 11.41.530;
24 (U) distribution of child pornography under AS 11.61.125;
25 (V) possession of child pornography under AS 11.61.127;
26 (W) sex trafficking in the first degree under AS 11.66.110;
27 (X) sex trafficking in the second degree under AS 11.66.120;
28 (Y) sex trafficking in the third degree under AS 11.66.130; or
29 (Z) sex trafficking in the fourth degree under AS 11.66.135;
30 (2) evidence supporting the prosecution under (a)(1) of this section
31 was obtained or discovered as a result of the person reporting the crime to law

enforcement; and

(3) person cooperated with law enforcement personnel.

*** Sec. 33.** AS 11.66.110(a) is amended to read:

(a) A person commits the crime of sex trafficking in the first degree if the person

(1) induces or causes another [A] person to engage in prostitution through the use of force;

(2) as other than a patron of a prostitute, induces or causes another [A] person who is under 20 years of age to engage in prostitution; or

(3) induces or causes a person in that person's legal custody to engage in prostitution.

*** Sec. 34.** AS 11.66.130(a) is amended to read:

(a) A person commits the crime of sex trafficking in the third degree if, with intent to promote prostitution, the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;

(2) as other than a patron of a prostitute, induces or causes another [A] person who is 20 years of age or older to engage in prostitution;

(3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or

(4) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

*** Sec. 35.** AS 11.66.130 is amended by adding a new subsection to read:

(c) A person does not act with the intent to promote prostitution under (a) of this section if the person

(1) engages in prostitution in violation of AS 11.66.100(a) in a location even if that location is shared with another person; and

(2) has not induced or caused another person in that location to engage in prostitution.

1 * **Sec. 36.** AS 11.66.135 is amended by adding a new subsection to read:

2 (c) A person does not institute, aid, or facilitate prostitution if the person

3 (1) engages in prostitution in violation of AS 11.66.100(a) in a location
4 even if that location is shared with another person; and

5 (2) has not induced or caused another person in that location to engage
6 in prostitution.

7 * **Sec. 37.** AS 11.66.200(c) is amended to read:

8 (c) Gambling is a violation

9 (1) for the first offense;

10 (2) punishable by a fine of not more than \$1,000 [. GAMBLING IS

11 A CLASS B MISDEMEANOR] for the second and each subsequent offense.

12 * **Sec. 38.** AS 11.71.030(a) is amended to read:

13 (a) Except as authorized in AS 17.30, a person commits the crime of
14 misconduct involving a controlled substance in the **second** [THIRD] degree if the
15 person

16 (1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER
17 AS 11.71.020(a)(2) - (6),] manufactures or delivers **2.5 grams or more** [ANY
18 AMOUNT] of a schedule **IA, IIA,** or IIIA controlled substance or possesses **2.5**
19 **grams or more** [ANY AMOUNT] of a schedule **IA, IIA,** or IIIA controlled substance
20 with intent to manufacture or deliver;

21 (2) delivers any amount of a schedule IVA, VA, or VIA controlled
22 substance to a person under 19 years of age who is at least three years younger than
23 the person delivering the substance; [OR]

24 (3) possesses any amount of a schedule IA or IIA controlled substance

25 (A) with reckless disregard that the possession occurs

26 (i) on or within 500 feet of school grounds; or

27 (ii) at or within 500 feet of a recreation or youth center;

28 or

29 (B) on a school bus;

30 (4) manufactures any material, compound, mixture, or
31 preparation that contains

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(A) methamphetamine, or its salts, isomers, or salts of isomers; or

(B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers;

(5) possesses an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, with the intent to manufacture any material, compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers;

(6) possesses a listed chemical with intent to manufacture any material, compound, mixture, or preparation that contains

(A) methamphetamine, or its salts, isomers, or salts of isomers; or

(B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers;

(7) possesses methamphetamine in an organic solution with intent to extract from it methamphetamine or its salts, isomers, or salts of isomers; or

(8) under circumstances not proscribed under AS 11.71.010(a)(2), delivers

(A) an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, to another person with reckless disregard that the precursor will be used to manufacture any material, compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers; or

(B) a listed chemical to another person with reckless disregard that the listed chemical will be used to manufacture any material, compound, mixture, or preparation that contains

(i) methamphetamine, or its salts, isomers, or salts of isomers;

(ii) an immediate precursor of methamphetamine, or

its salts, isomers, or salts of isomers; or

(iii) methamphetamine or its salts, isomers, or salts

of isomers in an organic solution.

* **Sec. 39.** AS 11.71.030(c) is amended to read:

(c) Misconduct involving a controlled substance in the **second** [THIRD] degree is a class B felony.

* **Sec. 40.** AS 11.71.030 is amended by adding new subsections to read:

(d) In a prosecution under (a) of this section, possession of more than six grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that the person intended to use the listed chemicals to manufacture, aid or abet another person to manufacture, or deliver to another person who intends to manufacture methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers of methamphetamine or its immediate precursors. The prima facie evidence described in this subsection does not apply to a person who possesses

(1) the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

(A) and the listed chemical was dispensed to the person under a valid prescription; or

(B) in the ordinary course of a legitimate business, or an employee of a legitimate business, as a

(i) retailer or wholesaler;

(ii) wholesale drug distributor licensed by the Board of Pharmacy;

(iii) manufacturer of drug products licensed by the Board of Pharmacy;

(iv) pharmacist licensed by the Board of Pharmacy; or

(v) health care professional licensed by the state; or

(2) less than 24 grams of ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals, kept in a locked storage area on the premises of a legitimate business or nonprofit

1 organization operating a camp, lodge, school, day care center, treatment center, or
2 other organized group activity, and the location or nature of the activity, or the age of
3 the participants, makes it impractical for the participants in the activity to obtain
4 medicinal products.

5 (e) In this section, "listed chemical" means a chemical described under
6 AS 11.71.200.

7 * **Sec. 41.** AS 11.71.040(a) is amended to read:

8 (a) Except as authorized in AS 17.30, a person commits the crime of
9 misconduct involving a controlled substance in the third [FOURTH] degree if the
10 person

11 (1) manufactures or delivers any amount of a schedule IVA or VA
12 controlled substance or possesses any amount of a schedule IVA or VA controlled
13 substance with intent to manufacture or deliver;

14 (2) manufactures or delivers, or possesses with the intent to
15 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
16 of an aggregate weight of one ounce or more containing a schedule VIA controlled
17 substance;

18 (3) possesses

19 (A) any amount of a

20 (i) schedule IA controlled substance; or

21 (ii) IIA controlled substance except a controlled
22 substance listed in AS 11.71.150(e)(11) - (15);

23 (B) 25 or more tablets, ampules, or syrettes containing a
24 schedule IIIA or IVA controlled substance;

25 (C) one or more preparations, compounds, mixtures, or
26 substances of an aggregate weight of

27 (i) three grams or more containing a schedule IIIA or
28 IVA controlled substance except a controlled substance in a form listed
29 in (ii) of this subparagraph;

30 (ii) 12 grams or more containing a schedule IIIA
31 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been

1 sprayed on or otherwise applied to tobacco, an herb, or another organic
2 material; or

3 (iii) 500 milligrams or more of a schedule IIA
4 controlled substance listed in AS 11.71.150(e)(11) - (15);

5 (D) 50 or more tablets, ampules, or syrettes containing a
6 schedule VA controlled substance;

7 (E) one or more preparations, compounds, mixtures, or
8 substances of an aggregate weight of six grams or more containing a schedule
9 VA controlled substance;

10 (F) one or more preparations, compounds, mixtures, or
11 substances of an aggregate weight of four ounces or more containing a
12 schedule VIA controlled substance; or

13 (G) 25 or more plants of the genus cannabis;

14 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

15 (A) with reckless disregard that the possession occurs

16 (i) on or within 500 feet of school grounds; or

17 (ii) at or within 500 feet of a recreation or youth center;

18 or

19 (B) on a school bus;

20 (5) knowingly keeps or maintains any store, shop, warehouse,
21 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
22 keeping or distributing controlled substances in violation of a felony offense under this
23 chapter or AS 17.30;

24 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
25 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
26 mark, imprint, or device of another or any likeness of any of these on [UPON] a drug,
27 drug container, or labeling so as to render the drug a counterfeit substance;

28 (7) knowingly uses in the course of the manufacture or distribution of a
29 controlled substance a registration number that is fictitious, revoked, suspended, or
30 issued to another person;

31 (8) knowingly furnishes false or fraudulent information in or omits

1 material information from any application, report, record, or other document required
2 to be kept or filed under AS 17.30;

3 (9) obtains possession of a controlled substance by misrepresentation,
4 fraud, forgery, deception, or subterfuge; [OR]

5 (10) affixes a false or forged label to a package or other container
6 containing any controlled substance; or

7 (11) manufactures or delivers less than 2.5 grams of a schedule IA,
8 IIA, or IIIA controlled substance or possesses less than 2.5 grams of a schedule
9 IA, IIA, or IIIA controlled substance with intent to manufacture or deliver.

10 * **Sec. 42.** AS 11.71.040(d) is amended to read:

11 (d) Misconduct involving a controlled substance in the third [FOURTH]
12 degree is a class C felony.

13 * **Sec. 43.** AS 11.71.050 is amended to read:

14 **Sec. 11.71.050. Misconduct involving a controlled substance in the fourth**
15 **[FIFTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime
16 of misconduct involving a controlled substance in the fourth [FIFTH] degree if the
17 person

18 (1) manufactures or delivers, or possesses with the intent to
19 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
20 of an aggregate weight of less than one ounce containing a schedule VIA controlled
21 substance;

22 (2) possesses

23 (A) less than 25 tablets, ampules, or syrettes containing a
24 schedule IIIA or IVA controlled substance;

25 (B) one or more preparations, compounds, mixtures, or
26 substances of an aggregate weight of less than

27 (i) three grams containing a schedule IIIA or IVA
28 controlled substance except a controlled substance in a form listed in

29 (ii) of this subparagraph;

30 (ii) 12 grams but more than six grams containing a
31 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16)

1 that has been sprayed on or otherwise applied to tobacco, an herb, or
2 another organic material; or

3 (iii) 500 milligrams containing a schedule IIA
4 controlled substance listed in AS 11.71.150(e)(11) - (15);

5 (C) less than 50 tablets, ampules, or syrettes containing a
6 schedule VA controlled substance;

7 (D) one or more preparations, compounds, mixtures, or
8 substances of an aggregate weight of less than six grams containing a schedule
9 VA controlled substance; or

10 (E) one or more preparations, compounds, mixtures, or
11 substances of an aggregate weight of one ounce or more containing a schedule
12 VIA controlled substance; [OR]

13 (3) fails to make, keep, or furnish any record, notification, order form,
14 statement, invoice, or information required under AS 17.30; **or**

15 **(4) under circumstances not proscribed under**
16 **AS 11.71.060(a)(2)(B), possesses any amount of a schedule IA, IIA, IIIA, IVA, or**
17 **VA controlled substance.**

18 (b) Misconduct involving a controlled substance in the **fourth** [FIFTH] degree
19 is a class A misdemeanor.

20 * **Sec. 44.** AS 11.71.060 is amended to read:

21 **Sec. 11.71.060. Misconduct involving a controlled substance in the fifth**
22 **[SIXTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime
23 of misconduct involving a controlled substance in the **fourth** [SIXTH] degree if the
24 person

25 (1) uses or displays any amount of a schedule VIA controlled
26 substance;

27 (2) possesses one or more preparations, compounds, mixtures, or
28 substances of an aggregate weight of

29 (A) less than one ounce containing a schedule VIA controlled
30 substance;

31 (B) six grams or less containing a schedule IIIA controlled

1 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or
2 otherwise applied to tobacco, an herb, or another organic material; or

3 (3) refuses entry into a premise for an inspection authorized under
4 AS 17.30.

5 (b) Misconduct involving a controlled substance in the **fifth** [SIXTH] degree
6 is a class B misdemeanor.

7 * **Sec. 45.** AS 11.71.311(a) is amended to read:

8 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),
9 **11.71.040(a)(4), 11.71.050(a)(4)** [11.71.040(a)(3) OR (4), 11.71.050(a)(2)], or
10 11.71.060(a)(1) or (2) if that person

11 (1) sought, in good faith, medical or law enforcement assistance for
12 another person who the person reasonably believed was experiencing a drug overdose
13 and

14 (A) the evidence supporting the prosecution for an offense
15 under AS 11.71.030(a)(3), **11.71.040(a)(4), 11.71.050(a)(4)** [11.71.040(a)(3)
16 OR (4), 11.71.050(a)(2)], or 11.71.060(a)(1) or (2) was obtained or discovered
17 as a result of the person seeking medical or law enforcement assistance;

18 (B) the person remained at the scene with the other person until
19 medical or law enforcement assistance arrived; and

20 (C) the person cooperated with medical or law enforcement
21 personnel, including by providing identification;

22 (2) was experiencing a drug overdose and sought medical assistance,
23 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),
24 **11.71.040(a)(4), 11.71.050(a)(4)** [11.71.040(a)(3) OR (4), 11.71.050(a)(2)], or
25 11.71.060(a)(1) or (2) was obtained as a result of the overdose and the need for
26 medical assistance.

27 * **Sec. 46.** AS 12.25.150(a) is amended to read:

28 (a) A person arrested shall be taken before a judge or magistrate without
29 unnecessary delay [,] and in any event within **24** [48] hours after arrest, **absent**
30 **compelling circumstances**, including Sundays and holidays. **The unavailability of a**
31 **report prepared by the pretrial services officer under AS 33.07 or a delay in the**

1 **transmittal of that report to the parties or to the court may not be considered a**
 2 **sufficient compelling circumstance to justify delaying a hearing beyond 24 hours.**
 3 **The hearing before the judge or magistrate may not take place more than 48**
 4 **hours after arrest.** This requirement applies to municipal police officers to the same
 5 extent as it does to state troopers.

6 * **Sec. 47.** AS 12.25.180 is amended to read:

7 **Sec. 12.25.180.** When peace officer **shall** [MAY] issue citation or take
 8 **person before the court.** (a) **Except when arrest is required under another**
 9 **provision of law, a peace officer shall issue a citation when** [WHEN] a peace
 10 officer stops or contacts a person for the commission of **a class C felony offense,** a
 11 misdemeanor, or the violation of a municipal ordinance [, THE OFFICER MAY, IN
 12 THE OFFICER'S DISCRETION, ISSUE A CITATION TO THE PERSON] instead
 13 of taking the person before a judge or magistrate under AS 12.25.150, **except the**
 14 **officer may arrest if** [UNLESS]

15 (1) the person does not furnish satisfactory evidence of identity;

16 (2) [THE CONTACTING OFFICER REASONABLY BELIEVES
 17 THE PERSON IS A DANGER TO SELF OR OTHERS;

18 (3)] the crime for which the person is contacted is one involving
 19 violence or harm to another person or to property;

20 **(3) the peace officer has probable cause to believe the person**
 21 **committed a crime of escape under AS 11.56.320 or 11.56.330, unlawful evasion**
 22 **under AS 11.56.335 or 11.56.340, unlawful contact under AS 11.56.750, or**
 23 **possession of child pornography under AS 11.61.127;**

24 **(4) the person refuses to accept service of the citation; or**

25 **(5) the peace officer reasonably believes there is a risk the**
 26 **defendant will fail to appear in court** [(4) THE PERSON ASKS TO BE TAKEN
 27 BEFORE A JUDGE OR MAGISTRATE UNDER AS 12.25.150; OR

28 (5) THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE
 29 THE PERSON COMMITTED A CRIME INVOLVING DOMESTIC VIOLENCE; IN
 30 THIS PARAGRAPH, "CRIME INVOLVING DOMESTIC VIOLENCE" HAS THE
 31 MEANING GIVEN IN AS 18.66.990].

1 (b) When a peace officer stops or contacts a person for the commission of an
 2 infraction or a violation, the officer shall issue a citation instead of taking the person
 3 before a judge or magistrate under AS 12.25.150, **except the officer may arrest if**
 4 **[UNLESS]**

5 (1) the person does not furnish satisfactory evidence of identity; [OR]

6 (2) the person refuses to accept service of the citation; **or**

7 **(3) the peace officer has probable cause to believe the person has**
 8 **committed**

9 **(A) a violation of conditions of release under AS 11.56.757;**

10 **or**

11 **(B) the offense of failure to appear under AS 11.56.730.**

12 * **Sec. 48.** AS 12.25.180 is amended by adding a new subsection to read:

13 (c) A person may not bring a civil action for damages for a failure to comply
 14 with the provisions of this section.

15 * **Sec. 49.** AS 12.25.190(b) is amended to read:

16 (b) The time specified in the notice to appear shall be at least **two** [FIVE]
 17 working days after the issuance of the citation **under AS 12.25.180(a).**

18 * **Sec. 50.** AS 12.25.190 is amended by adding a new subsection to read:

19 (d) The time specified in the notice to appear shall be at least five working
 20 days after issuance of the citation under AS 12.25.180(b).

21 * **Sec. 51.** AS 12.30.006(b) is amended to read:

22 (b) At the first appearance before a judicial officer, a person who is charged
 23 with a felony, **other than a class C felony, and who has been assessed as low risk**
 24 **under AS 12.30.011(c)(1),** may be detained up to 48 hours for the prosecuting
 25 authority to demonstrate that release of the person under **AS 12.30.011**
 26 [AS 12.30.011(a)] would not reasonably **ensure** [ASSURE] the appearance of the
 27 person or will pose a danger to the victim, other persons, or the community.

28 * **Sec. 52.** AS 12.30.006(c) is amended to read:

29 (c) A person who remains in custody 48 hours after appearing before a judicial
 30 officer because of inability to meet the conditions of release shall, upon application, be
 31 entitled to have the conditions reviewed by the judicial officer who imposed them. If

1 the judicial officer who imposed the conditions of release is not available, any judicial
2 officer in the judicial district may review the conditions. **Upon review of the**
3 **conditions, the judicial officer shall revise any conditions of release that have**
4 **prevented the defendant from being released unless the judicial officer finds on**
5 **the record that there is clear and convincing evidence that less restrictive release**
6 **conditions cannot reasonably ensure the**

7 **(1) appearance of the person in court; and**

8 **(2) safety of the victim, other persons, and the community.**

9 * **Sec. 53.** AS 12.30.006(d) is amended to read:

10 (d) If a person remains in custody after review of conditions by a judicial
11 officer under (c) of this section, the person may request a subsequent review of
12 conditions. Unless the prosecuting authority stipulates otherwise or the person has
13 been incarcerated for a period equal to the maximum sentence for the most serious
14 charge for which the person is being held, a judicial officer may not schedule a bail
15 review hearing under this subsection unless

16 (1) the person provides to the court and the prosecuting authority a
17 written statement that new information not considered at the previous review will be
18 presented at the hearing; the statement must include a description of the information
19 and the reason the information was not presented at a previous hearing; in this
20 paragraph, "new information" **includes** [DOES NOT INCLUDE] the **person's**
21 inability to post the required bail;

22 (2) the prosecuting authority and any surety, if applicable, have at least
23 48 hours' written notice before the time set for the review requested under this
24 subsection; the defendant shall notify the surety; and

25 (3) at least seven days have elapsed between the previous review and
26 the time set for the requested review; **however, a person may only receive one bail**
27 **review hearing solely for inability to pay.**

28 * **Sec. 54.** AS 12.30.006(f) is amended to read:

29 (f) The judicial officer shall issue written or oral findings that explain the
30 reasons the officer imposed the particular conditions of release or modifications or
31 additions to conditions previously imposed. The judicial officer shall inform the

1 person that a law enforcement officer or a pretrial services officer under AS 33.07
2 may arrest the person without a warrant for violation of the court's order establishing
3 conditions of release.

4 * **Sec. 55.** AS 12.30.011 is repealed and reenacted to read:

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

- 8 (1) on the person's own recognizance;
- 9 (2) upon execution of an unsecured appearance bond; or
- 10 (3) upon execution of an unsecured performance bond.

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

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

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

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

- 29 (1) low risk shall be released on the person's own recognizance or
30 upon execution of an unsecured appearance bond or unsecured performance bond; or
- 31 (2) moderate to high risk shall be released on the person's own

1 recognizance or upon execution of an unsecured appearance bond or unsecured
2 performance bond unless the judicial officer finds on the record that there is clear and
3 convincing evidence that no nonmonetary conditions of release in combination with
4 the release of the person on the person's own recognizance or upon execution of an
5 unsecured bond can reasonably ensure the appearance of the person in court and the
6 safety of the victim, other persons, and the community.

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

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

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

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

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

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

31 (C) a performance bond with a full or partial posting of the

1 specified amount of the bond with the condition that the deposit be returned
2 upon the performance of the conditions of release set by the court.

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

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

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

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

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

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

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

26 (1) obey all court orders;

27 (2) obey all laws;

28 (3) make all court appearances;

29 (4) maintain contact with the person's pretrial services officer, if one is
30 appointed by the court, and follow the pretrial services officer's instructions;

31 (5) maintain contact with the person's attorney;

1 (6) notify the person's attorney or, if the person is not represented by
2 an attorney, the pretrial services officer or the court within 24 hours after a change in
3 the person's residence.

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

8 (1) place restrictions on the person's travel, association, or residence;

9 (2) order the person to refrain from possessing a deadly weapon on the
10 person or in the person's vehicle or residence;

11 (3) require the person to maintain employment or, if unemployed,
12 actively seek employment;

13 (4) require the person to notify the person's lawyer and the prosecuting
14 authority within two business days after any change in employment;

15 (5) require the person to avoid all contact with a victim, a potential
16 witness, or a codefendant;

17 (6) require the person to refrain from the consumption and possession
18 of alcoholic beverages;

19 (7) require the person to refrain from the use of a controlled substance
20 as defined by AS 11.71, unless prescribed by a licensed health care provider with
21 prescriptive authority;

22 (8) require the person to be physically inside the person's residence, or
23 in the residence of the person's third-party custodian, at times set by the court, subject
24 to AS 12.30.021;

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

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

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

31 (12) if the person is under the treatment of a licensed health care

1 provider, order the person to follow the provider's treatment recommendations;

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

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

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

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

- 14 (1) the nature and circumstances of the offense charged;
15 (2) the weight of the evidence against the person;
16 (3) the nature and extent of the person's family ties and relationships;
17 (4) the person's employment status and history;
18 (5) the length and character of the person's past and present residence;
19 (6) the person's record of convictions;
20 (7) the person's record of appearance at court proceedings;
21 (8) assets available to the person to meet monetary conditions of
22 release;
23 (9) the person's reputation, character, and mental condition;
24 (10) the effect of the offense on the victim, any threats made to the
25 victim, and the danger that the person poses to the victim;
26 (11) the conditions of release recommended by the pretrial services
27 officer;
28 (12) the person's pretrial risk assessment score; and
29 (13) any other facts that are relevant to the person's appearance or the
30 person's danger to the victim, other persons, or the community.

31 (j) Except as otherwise provided in this chapter, the burden of proof is on the

1 prosecuting authority that a person charged with an offense should be detained or
2 released with conditions described in this section or AS 12.30.016. Any monetary or
3 nonmonetary condition or conditions imposed by the court under this section shall be
4 the least restrictive condition or conditions that will reasonably ensure the appearance
5 of the person in court and the safety of the victim, other persons, and the community.

6 (k) If the report prepared by the pretrial services officer under AS 33.07 is not
7 available at the time of the first appearance or bail review hearing, the court shall
8 impose the least restrictive condition or conditions that will reasonably ensure the
9 appearance of the person in court and the safety of the victim, other persons, and the
10 community.

11 * **Sec. 56.** AS 12.30.016(b) is amended to read:

12 (b) In a prosecution charging a violation of AS 04.11.010, 04.11.499,
13 AS 28.35.030, or 28.35.032, a judicial officer may order the person

14 (1) to refrain from

15 (A) consuming alcoholic beverages; or

16 (B) possessing on the person, in the person's residence, or in
17 any vehicle or other property over which the person has control, alcoholic
18 beverages;

19 (2) to submit to a search without a warrant of the person, the person's
20 personal property, the person's residence, or any vehicle or other property over which
21 the person has control, for the presence of alcoholic beverages by a peace officer **or**
22 **pretrial services officer** who has reasonable suspicion that the person is violating the
23 conditions of the person's release by possessing alcoholic beverages;

24 (3) to submit to a breath test when requested by a law enforcement
25 officer **or pretrial services officer**;

26 (4) to provide a sample for a urinalysis or blood test when requested by
27 a law enforcement officer **or pretrial services officer**;

28 (5) to take a drug or combination of drugs intended to prevent
29 substance abuse;

30 (6) to follow any treatment plan imposed by the court under
31 AS 28.35.028;

(7) to comply with a program established under AS 47.38.020.

* **Sec. 57.** AS 12.30.016(c) is amended to read:

(c) In a prosecution charging a violation of AS 11.71 or AS 11.73, a judicial officer may order the person

(1) to refrain from

(A) consuming a controlled substance; or

(B) possessing on the person, in the person's residence, or in any vehicle or other property over which the person has control, a controlled substance or drug paraphernalia;

(2) to submit to a search without a warrant of the person, the person's personal property, the person's residence, or any vehicle or other property over which the person has control, for the presence of a controlled substance or drug paraphernalia by a peace officer **or pretrial services officer** who has reasonable suspicion that the person is violating the terms of the person's release by possessing controlled substances or drug paraphernalia;

(3) to enroll in a random drug testing program, at the person's expense, **with testing to occur not less than once a week, or to submit to random drug testing by the pretrial services office in the Department of Corrections** to detect the presence of a controlled substance, [WITH TESTING TO OCCUR NOT LESS THAN ONCE A WEEK, AND] with the results being submitted to the court and the prosecuting authority;

(4) to refrain from entering or remaining in a place where a controlled substance is being used, manufactured, grown, or distributed;

(5) to refrain from being physically present at, within a two-block area of, or within a designated area near, the location where the alleged offense occurred or at other designated places, unless the person actually resides within that area;

(6) to refrain from the use or possession of an inhalant; or

(7) to comply with a program established under AS 47.38.020.

* **Sec. 58.** AS 12.30.021(a) is amended to read:

(a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016, a judicial officer may appoint a third-party custodian if the officer finds, **on the**

record, that

(1) pretrial supervision under AS 33.07 is not available in the person's location;

(2) no secured appearance or performance bonds have been ordered; and

(3) no other conditions of release or combination of conditions can

[THE APPOINTMENT WILL, SINGLY OR IN COMBINATION WITH OTHER CONDITIONS,] reasonably ensure [ASSURE] the person's appearance and the safety of the victim, other persons, and the community.

* **Sec. 59.** AS 12.30.021(c) is amended to read:

(c) A judicial officer may not appoint a person as a third-party custodian if

(1) the proposed custodian is acting as a third-party custodian for another person;

(2) the proposed custodian has been convicted in the previous three years of a crime under AS 11.41 or a similar crime in this or another jurisdiction;

(3) criminal charges are pending in this state or another jurisdiction against the proposed custodian;

(4) the proposed custodian is on probation in this state or another jurisdiction for an offense;

(5) there is a reasonable probability that the state will call the proposed custodian [MAY BE CALLED] as a witness in the prosecution of the person;

(6) the proposed custodian resides out of state; however, a nonresident may serve as a custodian if the nonresident resides in the state while serving as custodian.

* **Sec. 60.** AS 12.30.055 is amended by adding a new subsection to read:

(b) A person who is in custody in connection with a petition to revoke probation for a technical violation of probation under AS 12.55.110 shall be released after the person has served the maximum number of days that the court could impose on the person for a technical violation of probation under AS 12.55.110.

* **Sec. 61.** AS 12.55.011 is amended by adding a new subsection to read:

1 (b) At the time of sentencing, the court shall provide the victim with a form
2 that

3 (1) provides information on

4 (A) whom the victim should contact if the victim has questions
5 about the sentence or release of the offender;

6 (B) the potential for release of the offender on furlough,
7 probation, or parole or for good time credit; and

8 (2) allows the victim to update the victim's contact information with
9 the court, the Victim Information and Notification Everyday service, and with the
10 Department of Corrections.

11 * **Sec. 62.** AS 12.55.025(a) is amended to read:

12 (a) When imposing a sentence for conviction of a felony offense or a sentence
13 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a
14 regulation adopted under AS 04, or an ordinance adopted in conformity with
15 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that
16 includes the following:

17 (1) a verbatim record of the sentencing hearing and any other in-court
18 sentencing procedures;

19 (2) findings on material issues of fact and on factual questions required
20 to be determined as a prerequisite to the selection of the sentence imposed;

21 (3) a clear statement of the terms of the sentence imposed; if a term of
22 imprisonment is imposed, the statement must include

23 (A) the approximate minimum term the defendant is expected
24 to serve before being released or placed on mandatory parole if the defendant
25 is eligible for and does not forfeit good conduct deductions under
26 AS 33.20.010; and

27 (B) if applicable, the approximate minimum term of
28 imprisonment the defendant must serve before becoming eligible for release on
29 discretionary **or administrative** parole;

30 (4) any recommendations as to the place of confinement or the manner
31 of treatment; and

1 (5) in the case of a conviction for a felony offense, information
2 assessing

3 (A) the financial, emotional, and medical effects of the offense
4 on the victim;

5 (B) the need of the victim for restitution; and

6 (C) any other information required by the court.

7 * **Sec. 63.** AS 12.55.025(c) is amended to read:

8 (c) Except as provided in (d) of this section, when a defendant is sentenced to
9 imprisonment, the term of confinement commences on the date of imposition of
10 sentence unless the court specifically provides that the defendant must report to serve
11 the sentence on another date. If the court provides another date to begin the term of
12 confinement, the court shall provide the defendant with written notice of the date,
13 time, and location of the correctional facility to which the defendant must report. A
14 defendant shall receive credit for time spent in custody pending trial, sentencing, or
15 appeal, if the detention was in connection with the offense for which sentence was
16 imposed **including a technical violation of probation as provided in AS 12.55.110.**
17 A defendant may not receive credit for more than the actual time spent in custody
18 pending trial, sentencing, or appeal. The time during which a defendant is voluntarily
19 absent from official detention after the defendant has been sentenced may not be
20 credited toward service of the sentence.

21 * **Sec. 64.** AS 12.55.027(a) is amended to read:

22 (a) A court may grant a defendant credit toward a sentence of imprisonment
23 for time spent in a treatment program **that furthers the reformation and**
24 **rehabilitation of the defendant if the court finds that the program places a**
25 **substantial restriction on the defendant's freedom of movement and behavior and**
26 **is consistent with** [OR UNDER ELECTRONIC MONITORING ONLY AS
27 PROVIDED IN] this section.

28 * **Sec. 65.** AS 12.55.027(b) is amended to read:

29 (b) A court may **only** grant **credit under this section** [A DEFENDANT ONE
30 DAY OF CREDIT TOWARD A SENTENCE OF IMPRISONMENT FOR EACH
31 FULL DAY THE DEFENDANT RESIDED IN THE FACILITY OF A

TREATMENT PROGRAM AND OBSERVED THE RULES OF THE TREATMENT PROGRAM AND THE FACILITY IF]

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

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

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

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

(B) SETS OUT THE NUMBER OF FULL DAYS THE DEFENDANT RESIDED IN THE FACILITY OF THE TREATMENT PROGRAM AND OBSERVED THE RULES OF THE TREATMENT PROGRAM AND FACILITY].

* **Sec. 66.** 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 treatment 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

1 program;

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

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

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

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

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

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

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

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

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

18 * **Sec. 67.** AS 12.55.027 is amended by adding a new subsection to read:

19 (f) To qualify as a treatment program under this section, a program must

20 (1) be intended to address criminogenic traits or behaviors;

21 (2) provide measures of progress or completion; and

22 (3) require notification to the pretrial service office or probation officer
23 if the person is discharged from the program for noncompliance.

24 * **Sec. 68.** AS 12.55.035(b) is amended to read:

25 (b) Upon conviction of an offense, a defendant who is not an organization may
26 be sentenced to pay, unless otherwise specified in the provision of law defining the
27 offense, a fine of not more than

28 (1) \$500,000 for murder in the first or second degree, attempted
29 murder in the first degree, murder of an unborn child, sexual assault in the first degree,
30 sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first
31 degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in

1 the first degree;

2 (2) \$250,000 for a class A felony;

3 (3) \$100,000 for a class B felony;

4 (4) \$50,000 for a class C felony;

5 (5) \$25,000 [\$10,000] for a class A misdemeanor;

6 (6) \$2,000 for a class B misdemeanor;

7 (7) \$500 for a violation.

8 * **Sec. 69.** AS 12.55.051(a) is amended to read:

9 (a) If the defendant defaults in the payment of a fine or any installment or of
10 restitution or any installment, the court may order the defendant to show cause why
11 the defendant should not be sentenced to imprisonment for nonpayment and, if the
12 payment was made a condition of the defendant's probation, may revoke the probation
13 of the defendant **subject to the limits set out in AS 12.55.110**. In a contempt or
14 probation revocation proceeding brought as a result of failure to pay a fine or
15 restitution, it is an affirmative defense that the defendant was unable to pay despite
16 having made continuing good faith efforts to pay the fine or restitution. If the court
17 finds that the defendant was unable to pay despite having made continuing good faith
18 efforts, the defendant may not be imprisoned solely because of the inability to pay. If
19 the court does not find that the default was attributable to the defendant's inability to
20 pay despite having made continuing good faith efforts to pay the fine or restitution, the
21 court may order the defendant imprisoned **subject to the limits set out in**
22 **AS 12.55.110** [UNTIL THE ORDER OF THE COURT IS SATISFIED]. A term of
23 imprisonment imposed under this section may not exceed one day for each \$50 of the
24 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall
25 be given toward satisfaction of the order of the court for every day a person is
26 incarcerated for nonpayment of a fine or restitution.

27 * **Sec. 70.** AS 12.55.055(a) is amended to read:

28 (a) The court may order a defendant convicted of an offense **under AS 04,**
29 **AS 28, or AS 47.12.030, that specifically provides for community work as**
30 **authorized punishment** to perform community work as a condition of probation, [A
31 SUSPENDED SENTENCE,] or **may order community work in a** suspended

1 imposition of sentence **or suspended entry of judgment**, or in addition to any fine or
 2 restitution ordered. [IF THE DEFENDANT IS SENTENCED TO IMPRISONMENT,
 3 THE COURT MAY RECOMMEND TO THE DEPARTMENT OF CORRECTIONS
 4 THAT THE DEFENDANT PERFORM COMMUNITY WORK.]

5 * **Sec. 71.** AS 12.55.055(c) is amended to read:

6 (c) The court may offer a defendant convicted of an offense the option of
 7 performing community work in lieu of a fine, surcharge, or portion of a fine or
 8 surcharge if the court finds the defendant is unable to pay the fine. The value of
 9 community work in lieu of a fine is **the state's minimum wage for each** [\$3 PER]
 10 hour.

11 * **Sec. 72.** AS 12.55.055 is amended by adding new subsections to read:

12 (g) The court may not

13 (1) offer a defendant convicted of an offense the option of serving jail
 14 time in lieu of performing uncompleted community work previously ordered by the
 15 court; or

16 (2) convert uncompleted community work hours into a sentence of
 17 imprisonment.

18 (h) If a court orders community work as part of the defendant's sentence under
 19 this section, the court shall provide notice to the defendant at sentencing and include
 20 as a provision of the judgment that if the defendant fails to provide proof of
 21 community work within 20 days after the date set by the court, the court shall convert
 22 those community work hours to a fine equal to the number of uncompleted work hours
 23 multiplied by the state's minimum hourly wage and issue a judgment against the
 24 defendant for that amount.

25 * **Sec. 73.** AS 12.55 is amended by adding a new section to read:

26 **Sec. 12.55.078. Suspending entry of judgment.** (a) Except as provided in (f)
 27 of this section, if a person is found guilty or pleads guilty to a crime, the court may,
 28 with the consent of the defendant and the prosecution and without imposing or
 29 entering a judgment of guilt, defer further proceedings and place the person on
 30 probation. The period of probation may not exceed the applicable terms set out in
 31 AS 12.55.090(c).

1 (b) The court shall impose conditions of probation for a person on probation
2 as provided in (a) of this section, which may include that the person

- 3 (1) abide by all local, state, and federal laws;
- 4 (2) not leave the state without prior consent of the court;
- 5 (3) pay restitution as ordered by the court; and
- 6 (4) obey any other conditions of probation set by the court.

7 (c) At any time during the probationary term of the person released on
8 probation, a probation officer may, without warrant or other process, rearrest the
9 person so placed in the officer's care and bring the person before the court, or the court
10 may, in its discretion, issue a warrant for the rearrest of the person. The court may
11 revoke and terminate the probation if the court finds that the person placed upon
12 probation is

- 13 (1) violating the conditions of probation;
- 14 (2) engaging in criminal practices; or
- 15 (3) violating an order of the court to participate in or comply with the
16 treatment plan of a rehabilitation program under AS 12.55.015(a)(10).

17 (d) If the court finds that the person has successfully completed probation, the
18 court shall, at the end of the probationary period set by the court, or at any time after
19 the expiration of one year from the date of the original probation, discharge the person
20 and dismiss the proceedings against the person.

21 (e) If the court finds that the person has violated the conditions of probation
22 ordered by the court, the court may revoke and terminate the person's probation, enter
23 judgment on the person's previous plea or finding of guilt, and pronounce sentence at
24 any time within the maximum probation period authorized by this section.

25 (f) The court may not suspend imposing or entering the judgment and defer
26 prosecution under this section of a person who

- 27 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260
28 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
29 AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;
- 30 (2) uses a firearm in the commission of the offense for which the
31 person is convicted;

1 (3) has previously been granted a suspension of judgment under this
 2 section or a similar statute in another jurisdiction, unless the court enters written
 3 findings that by clear and convincing evidence the person's prospects for rehabilitation
 4 are high and suspending judgment under this section adequately protects the victim of
 5 the offense, if any, and the community;

6 (4) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony
 7 and the person has one or more prior convictions for a misdemeanor violation of
 8 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
 9 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
 10 felony in this state; for the purposes of this paragraph, a person shall be considered to
 11 have a prior conviction even if

12 (A) the charges were dismissed under this section;

13 (B) the conviction has been set aside under AS 12.55.085; or

14 (C) the charge or conviction was dismissed or set aside under
 15 an equivalent provision of the laws of another jurisdiction; or

16 (5) has been convicted of a crime involving domestic violence, as
 17 defined by AS 18.66.990.

18 * **Sec. 74.** AS 12.55.090(b) is amended to read:

19 (b) Except as otherwise provided in (f) of this section, the court may revoke or
 20 modify any condition of probation, [OR MAY] change the period of probation, **or**
 21 **terminate probation and discharge the defendant from probation.**

22 * **Sec. 75.** AS 12.55.090(c) is amended to read:

23 (c) The period of probation, together with any extension, may not exceed

24 (1) **10** [25] years for a [FELONY] sex offense; [OR]

25 (2) **five years for an unclassified felony under AS 11 that is not a**
 26 **sex offense;**

27 (3) **three** [10] years for **a felony** [ANY OTHER] offense **not listed in**
 28 **(1) or (2) of this subsection;**

29 (4) **two years for a misdemeanor offense**

30 (A) **involving domestic violence;**

31 (B) **under AS 28.35.030 or 28.35.032, if the person has**

1 **previously been convicted of an offense under AS 28.35.030 or 28.35.032,**
 2 **or a similar law or ordinance of this or another jurisdiction; or**
 3 **(5) one year for an offense not listed in (1) - (3) of this subsection.**

4 * **Sec. 76.** AS 12.55.090(f) is amended to read:

5 (f) Unless the defendant and the prosecuting authority agree at the probation
 6 revocation proceeding or other proceeding **related to a probation violation, the**
 7 **person qualifies for a reduction under AS 33.05.020(h) or a probation officer**
 8 **recommends to the court that probation be terminated and the defendant be**
 9 **discharged from probation under (g) of this section or AS 33.05.040,** the court may
 10 not reduce the specific period of probation [,] or the specific term of suspended
 11 incarceration except by the amount of incarceration imposed for a probation violation,
 12 if

13 (1) the sentence was imposed in accordance with a plea agreement
 14 under Rule 11, Alaska Rules of Criminal Procedure; and

15 (2) the agreement required a specific period of probation or a specific
 16 term of suspended incarceration.

17 * **Sec. 77.** AS 12.55.090 is amended by adding new subsections to read:

18 (g) A probation officer shall recommend to the court that probation be
 19 terminated and a defendant be discharged from probation if the defendant

20 (1) has completed at least one year on probation;

21 (2) has completed all treatment programs required as a condition of
 22 probation;

23 (3) has not been found in violation of conditions of probation by the
 24 court for at least one year; and

25 (4) has not been convicted of an unclassified felony offense, a sexual
 26 felony as defined by AS 12.55.185, or a crime involving domestic violence as defined
 27 by AS 18.66.990.

28 (h) Before a court may terminate probation and discharge the defendant before
 29 the period of probation for the offense has been completed under (g) of this section,
 30 the court shall allow victims to comment in writing to the court or allow a victim to
 31 give sworn testimony or make an unsworn oral presentation at a hearing held to

1 determine whether to reduce the period of probation or terminate probation and
2 discharge the defendant.

3 (i) If a probation officer recommends to the court that probation be terminated
4 and a defendant be discharged from probation under (g) of this section, and if the
5 victim has earlier requested to be notified, the Department of Corrections shall send
6 the victim notice of the recommendation under (g) of this section and inform the
7 victim of the victim's rights under this section, the deadline for receipt of written
8 comments, the hearing date, and the court's address.

9 (j) If the victim submits written comments directly to the court and the parties
10 do not otherwise have the victim statements, the court shall distribute the statements to
11 the parties.

12 (k) In deciding whether to terminate probation and discharge the defendant
13 from probation under (g) of this section, the court shall consider the victim's
14 comments, testimony, or unsworn oral presentation, when relevant, and any response
15 by the prosecuting attorney and defendant.

16 (l) If a victim desires notice under this section, the victim shall maintain a
17 current, valid mailing address on file with the commissioner of corrections. The
18 commissioner shall send the notice to the victim's last known address. The victim's
19 address may not be disclosed to the defendant or the defendant's attorney.

20 (m) The court shall discharge the defendant from probation upon completion
21 of the period of probation. The period of probation is considered to be completed
22 when the combination of time served and credits earned under AS 33.05.020 is equal
23 to the probation period imposed, or after the probationer has been discharged from
24 probation under this section.

25 (n) In this section, "sex offense" has the meaning given in AS 12.63.100.

26 * **Sec. 78.** AS 12.55.100(a) is amended to read:

27 (a) While on probation and among the conditions of probation, the defendant

28 **(1) shall be required to obey all state, federal, and local laws or**
29 **ordinances, and any court orders applicable to the probationer; and**

30 **(2)** may be required

31 **(A)** [(1)] to pay a fine in one or several sums;

1 **(B)** [(2)] to make restitution or reparation to aggrieved parties
 2 for actual damages or loss caused by the crime for which conviction was had,
 3 including compensation to a victim that is a nonprofit organization for the
 4 value of labor or goods provided by volunteers if the labor or goods were
 5 necessary to alleviate or mitigate the effects of the defendant's crime; when
 6 determining the amount of actual damages or loss under this paragraph, the
 7 court shall value property as the market value of the property at the time and
 8 place of the crime or, if the market value cannot reasonably be ascertained, the
 9 cost of the replacement of the property within a reasonable time after the
 10 crime;

11 **(C)** [(3)] to provide for the support of any persons for whose
 12 support the defendant is legally responsible;

13 **(D)** [(4)] to perform community work in accordance with
 14 AS 12.55.055;

15 **(E)** [(5)] to participate in or comply with the treatment plan of
 16 an inpatient or outpatient rehabilitation program specified by either the court or
 17 the defendant's probation officer that is related to the defendant's offense or to
 18 the defendant's rehabilitation;

19 **(F)** [(6)] to satisfy the screening, evaluation, referral, and
 20 program requirements of an agency authorized by the court to make referrals
 21 for rehabilitative treatment or to provide rehabilitative treatment;

22 **(G)** [AND (7)] to comply with a program established under
 23 AS 47.38.020; **and**

24 **(H) to comply with the sanctions imposed by the**
 25 **defendant's probation officer under AS 33.05.020(g).**

26 * **Sec. 79.** AS 12.55.100(c) is amended to read:

27 (c) A program of inpatient treatment may be required by the authorized
 28 agency under **(a)(2)(F)** [(a)(6)] of this section only if authorized in the judgment, and
 29 may not exceed the maximum term of inpatient treatment specified in the judgment. A
 30 person who has been referred for inpatient treatment may make a written request to the
 31 sentencing court asking the court to review the referral. The request for review shall be

1 made within seven days after [OF] the agency's referral, and shall specifically set out
2 the grounds on [UPON] which the request for review is based. The court may order a
3 hearing on the request for review.

4 * **Sec. 80.** AS 12.55.110 is amended by adding new subsections to read:

5 (c) If a defendant is serving a period of probation for an offense, the court may
6 find that the defendant has committed a technical violation of probation. If the court
7 finds that a defendant has committed a technical violation of probation that does not
8 include absconding, the court may reinstate the term of probation with appropriate
9 conditions or impose a sentence of imprisonment of not more than

10 (1) three days for the first petition to revoke probation filed with the
11 court;

12 (2) five days for the second petition to revoke probation filed with the
13 court;

14 (3) 10 days for the third petition to revoke probation filed with the
15 court; or

16 (4) up to the remainder of the suspended portion of the sentence for a
17 fourth or subsequent petition to revoke probation.

18 (d) If the court revokes a person's probation for absconding, the court may
19 impose a period of imprisonment not to exceed 30 days.

20 (e) The limits set out in this section on the length of imprisonment for a
21 revocation do not apply if a probationer is enrolled in a program established under
22 AS 33.05.020(f).

23 (f) If the defendant is ordered to complete treatment under
24 AS 12.55.100(a)(2)(E) and does not comply with the court's order, the court may order
25 the defendant to show cause why the defendant should not be sentenced to
26 imprisonment for noncompletion of treatment and may revoke the suspended sentence
27 subject to the limits established in this section. In a contempt or probation revocation
28 proceeding brought as a result of failure to complete treatment, it is an affirmative
29 defense that the defendant was unable to afford the cost of treatment or secure a place
30 in a free treatment program, despite having made continuing good faith efforts. If the
31 court finds that the defendant was unable to complete treatment despite having made

1 continuing good faith efforts, the defendant may not be imprisoned solely because of
2 an inability to pay. If the court does not find that the noncompletion of treatment was
3 attributable to the defendant's inability to pay, the court may order the defendant
4 imprisoned subject to the limits established in this section.

5 (g) In this section,

6 (1) "absconding" means failing to report within five working days after
7 release from custody under AS 33.20.030 or failing to report for a scheduled meeting
8 with a probation officer, as ordered by the court or as directed by the probation officer,
9 and failing to make contact with the probation officer within 30 days following the
10 missed meeting;

11 (2) "technical violation" means a violation of the conditions of
12 probation that does not result from

13 (A) commission of a new criminal offense; or

14 (B) failing to complete sex offender treatment.

15 * **Sec. 81.** AS 12.55.115 is amended to read:

16 **Sec. 12.55.115. Fixing eligibility for discretionary or administrative parole**
17 **at sentencing.** The court may, as part of a sentence of imprisonment, further restrict
18 the eligibility of a prisoner for discretionary or administrative parole for a term
19 greater than that required under AS 33.16.089, 33.16.090, [AS 33.16.090] and
20 33.16.100.

21 * **Sec. 82.** AS 12.55.125(c) is amended to read:

22 (c) Except as provided in (i) of this section, a defendant convicted of a class A
23 felony may be sentenced to a definite term of imprisonment of not more than 20 years,
24 and shall be sentenced to a definite term within the following presumptive ranges,
25 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

26 (1) if the offense is a first felony conviction and does not involve
27 circumstances described in (2) of this subsection, three [FIVE] to six [EIGHT] years;

28 (2) if the offense is a first felony conviction

29 (A) and the defendant possessed a firearm, used a dangerous
30 instrument, or caused serious physical injury or death during the commission
31 of the offense, or knowingly directed the conduct constituting the offense at a

1 uniformed or otherwise clearly identified peace officer, firefighter, correctional
2 employee, emergency medical technician, paramedic, ambulance attendant, or
3 other emergency responder who was engaged in the performance of official
4 duties at the time of the offense, five [SEVEN] to nine [11] years;

5 (B) and the conviction is for manufacturing related to
6 methamphetamine under AS 11.71.020(a)(2)(A) or (B), seven to 11 years, if

7 (i) the manufacturing occurred in a building with
8 reckless disregard that the building was used as a permanent or
9 temporary home or place of lodging for one or more children under 18
10 years of age or the building was a place frequented by children; or

11 (ii) in the course of manufacturing or in preparation for
12 manufacturing, the defendant obtained the assistance of one or more
13 children under 18 years of age or one or more children were present;

14 (3) if the offense is a second felony conviction, eight [10] to 12 [14]
15 years;

16 (4) if the offense is a third felony conviction and the defendant is not
17 subject to sentencing under (l) of this section, 13 [15] to 20 years.

18 * **Sec. 83.** AS 12.55.125(d) is amended to read:

19 (d) Except as provided in (i) of this section, a defendant convicted of a class B
20 felony may be sentenced to a definite term of imprisonment of not more than 10 years,
21 and shall be sentenced to a definite term within the following presumptive ranges,
22 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

23 (1) if the offense is a first felony conviction and does not involve
24 circumstances described in (2) of this subsection, zero [ONE] to two [THREE] years;
25 a defendant sentenced under this paragraph may, if the court finds it appropriate, be
26 granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of
27 probation under AS 12.55.086, the defendant is required to serve an active term of
28 imprisonment within the range specified in this paragraph, unless the court finds that a
29 mitigation factor under AS 12.55.155 applies;

30 (2) if the offense is a first felony conviction,

31 (A) the defendant violated AS 11.41.130, and the victim was

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- (i) a child under 16 years of age, two to four years; **or**
- (ii) was 16 years of age or older, one to three years;

(B) two to four years if the conviction is for an attempt, solicitation, or conspiracy to manufacture related to methamphetamine under AS 11.31 and AS 11.71.020(a)(2)(A) or (B), and

(i) the attempted manufacturing occurred, or the solicited or conspired offense was to have occurred, in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children; or

(ii) in the course of an attempt to manufacture, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present;

(3) if the offense is a second felony conviction, **two** [FOUR] to **five** [SEVEN] years;

(4) if the offense is a third felony conviction, **four** [SIX] to 10 years.

* **Sec. 84.** AS 12.55.125(e) is amended to read:

(e) Except as provided in (i) of this section, a defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, **probation, with a suspended term of imprisonment of** zero to **18 months** [TWO YEARS; A DEFENDANT SENTENCED UNDER THIS PARAGRAPH MAY, IF THE COURT FINDS IT APPROPRIATE, BE GRANTED A SUSPENDED IMPOSITION OF SENTENCE UNDER AS 12.55.085, AND THE COURT MAY, AS A CONDITION OF PROBATION UNDER AS 12.55.086, REQUIRE THE DEFENDANT TO SERVE AN ACTIVE TERM OF IMPRISONMENT WITHIN THE RANGE SPECIFIED IN THIS PARAGRAPH];

(2) if the offense is a second felony conviction, **one to three** [TWO

TO FOUR] years;

(3) if the offense is a third felony conviction, **two** [THREE] to five years;

(4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one to two years.

* **Sec. 85.** AS 12.55.135(a) is amended to read:

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than

(1) one year, if the

(A) conviction is for a crime with a mandatory minimum term of 30 days or more of active imprisonment; or

(B) trier of fact finds the aggravating factor that the conduct constituting the offense was among the most serious conduct included in the definition of the offense;

(C) the defendant has past criminal convictions for conduct violative of criminal laws, punishable as felonies or misdemeanors, similar in nature to the offense for which the defendant is being sentenced; or

(D) conviction is for an assault in the fourth degree that is a crime involving domestic violence; or

(2) 30 days.

* **Sec. 86.** AS 12.55.135(b) is amended to read:

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than **10** [90] days unless otherwise specified in the provision of law defining the offense **or in this section.**

* **Sec. 87.** AS 12.55.135 is amended by adding new subsections to read:

(l) A court sentencing a person convicted of theft in the fourth degree under AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of identification marks under AS 11.46.260(b)(3), unlawful possession under AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal simulation under AS 11.46.530(b)(3) may not impose

(1) a sentence of more than five days of suspended imprisonment and a

1 term of probation of more than six months if the person has previously been convicted
2 two or more times of an offense under AS 11.46.110 - 11.46.220, 11.46.260 -
3 11.46.290, 11.46.360 or 11.46.365, or a law or ordinance of this or another jurisdiction
4 with substantially similar elements; or

5 (2) a sentence of active or suspended imprisonment if the person has
6 not been previously convicted, or has previously been convicted once, of an offense
7 under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360 or 11.46.365, or a
8 law or ordinance of this or another jurisdiction with substantially similar elements.

9 (m) A court may not impose a sentence of imprisonment for a definite term of
10 more than 24 hours for a person convicted of disorderly conduct under AS 11.61.110.

11 (n) A court sentencing a person convicted of misconduct involving a
12 controlled substance in the fifth degree under AS 11.71.050(a)(4) or a person
13 convicted of misconduct involving a controlled substance in the sixth degree under
14 AS 11.71.060(a)(2) may not impose

15 (1) a sentence of active imprisonment, unless the person has previously
16 been convicted more than once of an offense under AS 11.71 or a law of this or
17 another jurisdiction with elements substantially similar to an offense under AS 11.71;
18 or

19 (2) a sentence of suspended imprisonment greater than

20 (A) 30 days, if the defendant has not been previously convicted
21 of an offense under AS 11.71 or a law of this or another jurisdiction with
22 elements substantially similar to an offense under AS 11.71; or

23 (B) 180 days, if the person has been previously convicted of an
24 offense under AS 11.71 or a law of this or another jurisdiction with elements
25 substantially similar to an offense under AS 11.71.

26 (o) If an aggravating factor is a necessary element of the present offense, that
27 factor may not be used to impose a sentence above the high end of the range.

28 (p) If the state seeks to establish an aggravating factor at sentencing

29 (1) under (a)(1)(C) of this section, written notice must be served on the
30 opposing party and filed with the court not later than 10 days before the date set for
31 imposition of sentence; the aggravating factor in (a)(1)(C) of this section must be

1 established by clear and convincing evidence before the court sitting without a jury; all
2 findings must be set out with specificity;

3 (2) aggravating factors in (a)(1)(B) of this section shall be presented to
4 a trial jury under procedures set by the court, unless the defendant waives trial by jury,
5 stipulates to the existence of the factor, or consents to have the factor proven under
6 procedures set out in (1) of this subsection; an aggravating factor presented to a jury is
7 established if proved beyond a reasonable doubt; written notice of the intent to
8 establish an aggravating factor must be served on the defendant and filed with the
9 court

10 (A) 20 days before trial or at a time specified by the court;

11 (B) within 48 hours, or at a time specified by the court, if the
12 court instructs the jury about the option to return a verdict for a lesser included
13 offense; or

14 (C) five days before entering a plea that results in a finding of
15 guilt or at a time specified by the court.

16 * **Sec. 88.** AS 12.61.015(a) is amended to read:

17 (a) If a victim of a felony or a crime involving domestic violence requests, the
18 prosecuting attorney shall make a reasonable effort to

19 (1) confer with the person against whom the offense has been
20 perpetrated about that person's testimony before the defendant's trial;

21 (2) in a manner reasonably calculated to give prompt actual notice,
22 notify the victim

23 (A) of the defendant's conviction and the crimes of which the
24 defendant was convicted;

25 (B) of the victim's right in a case that is a felony to make a
26 written or oral statement for use in preparation of the defendant's presentence
27 report, and of the victim's right to appear personally at the defendant's
28 sentencing hearing to present a written statement and to give sworn testimony
29 or an unsworn oral presentation;

30 (C) of the address and telephone number of the office that will
31 prepare the presentence report; and

- 1 (D) of the time and place of the sentencing proceeding;
- 2 (3) notify the victim in writing of the final disposition of the case
- 3 within 30 days after final disposition of the case;
- 4 (4) confer with the victim [OF A CRIME INVOLVING DOMESTIC
- 5 VIOLENCE] concerning a proposed plea agreement before entering into an
- 6 agreement;
- 7 (5) inform the victim of a pending motion that may substantially delay
- 8 the prosecution and inform the court of the victim's position on the motion; in this
- 9 paragraph, a "substantial delay" is
- 10 (A) for a misdemeanor, a delay of one month or longer;
- 11 (B) for a felony, a delay of two months or longer; and
- 12 (C) for an appeal, a delay of six months or longer.

13 * **Sec. 89.** AS 12.62.400(a) is amended to read:

14 (a) To obtain a national criminal history record check for determining a
15 person's qualifications for a license, permit, registration, employment, or position, a
16 person shall submit the person's fingerprints to the department with the fee established
17 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau
18 of Investigation to obtain a national criminal history record check of the person for the
19 purpose of evaluating a person's qualifications for

- 20 (1) a license or conditional contractor's permit to manufacture, sell,
- 21 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage
- 22 under AS 04.11;
- 23 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage
- 24 loan originator under AS 06.60;
- 25 (3) admission to the Alaska Bar Association under AS 08.08;
- 26 (4) licensure as a collection agency operator under AS 08.24;
- 27 (5) a certificate of fitness to handle explosives under AS 08.52;
- 28 (6) licensure as a massage therapist under AS 08.61;
- 29 (7) licensure to practice nursing or certification as a nurse aide under
- 30 AS 08.68;
- 31 (8) certification as a real estate appraiser under AS 08.87;

1 (9) a position involving supervisory or disciplinary power over a minor
2 or dependent adult for which criminal justice information may be released under
3 AS 12.62.160(b)(9);

4 (10) a teacher certificate under AS 14.20;

5 (11) licensure as a security guard under AS 18.65.400 - 18.65.490;

6 (12) a concealed handgun permit under AS 18.65.700 - 18.65.790;

7 (13) licensure as an insurance producer, managing general agent,
8 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
9 broker, or independent adjuster under AS 21.27;

10 (14) serving and executing process issued by a court by a person
11 designated under AS 22.20.130;

12 (15) a school bus driver license under AS 28.15.046;

13 (16) licensure as an operator or an instructor for a commercial driver
14 training school under AS 28.17;

15 (17) registration as a broker-dealer, agent, investment adviser
16 representative, or state investment adviser under AS 45.55.030 - 45.55.060;

17 **(18) a registration or license to operate a marijuana establishment**
18 **under AS 17.38.**

19 * **Sec. 90.** AS 12.70.130 is amended to read:

20 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be
21 lawfully made by a peace officer or a private person without a warrant upon
22 reasonable information that the accused stands charged in the courts of another state
23 with a crime punishable by death or imprisonment for a term exceeding one year, but
24 when arrested the accused must be taken before a judge or magistrate without
25 unnecessary delay and, in any event, within **24** [48] hours after arrest, **absent**
26 **compelling circumstances,** including Sundays and holidays, and complaint shall be
27 made against the accused under oath setting out the ground for the arrest as in
28 AS 12.70.120. **The hearing before the judge or magistrate may not take place**
29 **more than 48 hours after arrest.** Thereafter the answer of the accused shall be heard
30 as if the accused had been arrested on a warrant.

31 * **Sec. 91.** AS 17.38.200(a) is amended to read:

1 (a) Each application or renewal application for a registration to operate a
2 marijuana establishment shall be submitted to the board. A renewal application may be
3 submitted up to 90 days **before** [PRIOR TO] the expiration of the marijuana
4 establishment's registration. **When filing an application under this subsection, the**
5 **applicant shall submit the applicant's fingerprints and the fees required by the**
6 **Department of Public Safety under AS 12.62.160 for criminal justice information**
7 **and a national criminal history record check. The board shall forward the**
8 **fingerprints and fees to the Department of Public Safety to obtain a report of**
9 **criminal justice information under AS 12.62 and a national criminal history**
10 **record check under AS 12.62.400.**

11 * **Sec. 92.** AS 22.35.030, added by sec. 2, ch. 1, SLA 2016, is amended to read:

12 **Sec. 22.35.030. Records concerning criminal cases resulting in acquittal or**
13 **dismissal.** The Alaska Court System may not publish a court record of a criminal case
14 on a publicly available website if 60 days have elapsed from the date of acquittal or
15 dismissal and

16 (1) the defendant was acquitted of all charges filed in the case;

17 (2) all criminal charges against the defendant in the case have been
18 dismissed and were not dismissed as part of a plea agreement in another criminal case
19 under Rule 11, Alaska Rules of Criminal Procedure; [OR]

20 (3) the defendant was acquitted of some of the criminal charges in the
21 case and the remaining charges were dismissed; **or**

22 **(4) all criminal charges against the defendant in the case have been**
23 **dismissed after a suspended entry of judgment under AS 12.55.078.**

24 * **Sec. 93.** AS 28.10.011 is amended to read:

25 **Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven,
26 moved, or parked **on** [UPON] a highway or other public parking place in the state
27 shall be registered under this chapter except when the vehicle is

28 (1) driven or moved on a highway only for the purpose of crossing the
29 highway from one private property to another, including an implement of husbandry
30 as defined by regulation;

31 (2) driven or moved on a highway under a dealer's plate or temporary

1 permit as provided for in AS 28.10.031 and 28.10.181(j);

2 (3) special mobile equipment as defined by regulation;

3 (4) owned by the United States;

4 (5) moved by human or animal power;

5 (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil
6 Relief Act);

7 (7) driven or parked only on private property;

8 (8) the vehicle of a nonresident as provided under AS 28.10.121;

9 (9) transported under a special permit under AS 28.10.151;

10 (10) [BEING] driven or moved **by an operator with an off-highway**
11 **commercial driver's license** on a highway, vehicular way, or a public parking place
12 in the state that is not connected by a land highway or vehicular way to

13 (A) the land-connected state highway system; or

14 (B) a highway or vehicular way with an average daily traffic
15 volume greater than 499;

16 **(11) driven or moved in an off-road system eligible area by an**
17 **operator with a noncommercial driver's license, including an off-road system**
18 **restricted noncommercial driver's license issued under AS 28.15.126;**

19 **(12)** [(11)] an implement of husbandry operated in accordance with the
20 provisions of AS 19.10.065;

21 **(13)** [(12)] an electric personal motor vehicle.

22 * **Sec. 94.** AS 28.15 is amended by adding a new section to read:

23 **Sec. 28.15.126. Off-road system restricted noncommercial driver's license.**

24 (a) The department shall waive the road test and issue an off-road system restricted
25 noncommercial driver's license to an applicant who resides and operates a motor
26 vehicle in an off-road system eligible area of the state. A driver issued an off-road
27 system restricted noncommercial driver's license may operate a motor vehicle in an
28 off-road system eligible area of the state. A driver issued an off-road system restricted
29 noncommercial driver's license may not operate a motor vehicle

30 (1) outside the off-road system eligible area of the state on a highway,
31 vehicular way, or a public parking place in the state unless the person has or is

1 accompanied by a person with a driver's license that is not restricted under this
2 section; or

3 (2) outside the state.

4 (b) The department shall annually publish a list of off-road system eligible
5 areas. The department shall make the list available at each office of the department
6 and on the department's Internet website.

7 * **Sec. 95.** AS 28.15.165 is amended by adding a new subsection to read:

8 (e) A person whose driver's license, privilege to drive, or privilege to obtain a
9 license has been revoked under this section as a result of a refusal to submit to a
10 chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal
11 ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar
12 municipal ordinance in which the test produced a result described in
13 AS 28.35.030(a)(2) may request that the department rescind the revocation. The
14 department shall rescind a revocation under this subsection if the department finds that
15 the person has supplied proof in a form satisfactory to the department that

16 (1) the person has been acquitted of driving while under the influence
17 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a
18 similar municipal ordinance for the incident on which the revocation was based; or

19 (2) all criminal charges against the person for driving while under the
20 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit
21 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to
22 the incident on which the revocation is based have been dismissed without prejudice.

23 * **Sec. 96.** AS 28.15.181(f) is amended to read:

24 (f) The court may terminate a revocation for an offense described in (a)(5) or
25 (8) of this section if

26 (1) **either**

27 (A) the person's license, privilege to drive, or privilege to
28 obtain a license has been revoked for the minimum periods set out in (c) of this
29 section; **or**

30 (B) **the person**

31 (i) **has successfully completed a court-ordered**

1 treatment program under AS 28.35.028;

2 (ii) has not been convicted of a violation of
3 AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or
4 another jurisdiction since completing the program; and

5 (iii) has been granted limited license privileges under
6 AS 28.15.201(g) and has successfully driven for three years under
7 that limited license without having the limited license privileges
8 revoked; and

9 (2) the person complies with the provisions of AS 28.15.211(d) and

10 (e).

11 * **Sec. 97.** AS 28.15.201(d) is amended to read:

12 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
13 a license under AS 28.15.181(c), or the department when revoking a driver's license,
14 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
15 limited license privileges if

16 (1) the revocation was for a misdemeanor conviction under
17 AS 28.35.030 or a similar municipal ordinance and not for a violation of
18 AS 28.35.032;

19 (2) the person

20 (A) has not been previously convicted and the limited license is
21 not granted during the first 30 days of the period of revocation; or

22 (B) has been previously convicted and the limited license is not
23 granted during the first 90 days of the period of revocation;

24 (3) the court or department requires the person to use an ignition
25 interlock device during the period of the limited license whenever the person operates
26 a motor vehicle in **an area** [A COMMUNITY] not included in the list published by
27 the department under **AS 28.15.126** [AS 28.22.011(b)] and, when applicable,

28 (A) the person provides proof of installation of the ignition
29 interlock device on every vehicle the person operates;

30 (B) the person signs an affidavit acknowledging that

31 (i) operation by the person of a vehicle that is not

1 equipped with an ignition interlock device is subject to penalties for
2 driving with a revoked license;

3 (ii) circumventing or tampering with the ignition
4 interlock device is a class A misdemeanor; and

5 (iii) the person is required to maintain the ignition
6 interlock device throughout the period of the limited license, to keep
7 up-to-date records in each vehicle showing that any required service
8 and calibration is current, and to produce those records immediately on
9 request;

10 (4) the person is enrolled in and is in compliance with or has
11 successfully completed the alcoholism screening, evaluation, referral, and program
12 requirements of the Department of Health and Social Services under AS 28.35.030(h);

13 (5) the person provides proof of insurance as required by AS 28.20.230
14 and 28.20.240; and

15 (6) the person has not previously been convicted of violating the
16 limitations of an ignition interlock limited license or been convicted of violating the
17 provisions of AS 28.35.030 or 28.35.032 while on probation for a violation of those
18 sections.

19 * **Sec. 98.** AS 28.15.201 is amended by adding new subsections to read:

20 (g) Notwithstanding (d) of this section, a court revoking a driver's license,
21 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the
22 department when revoking a driver's license, privilege to drive, or privilege to obtain a
23 license under AS 28.15.165(c), may grant limited license privileges if

24 (1) the revocation was for a felony conviction under AS 28.35.030;

25 (2) the person has successfully participated for at least six months in,
26 or has successfully completed, a court-ordered treatment program under
27 AS 28.35.028;

28 (3) the person provides proof of insurance as required by AS 28.20.230
29 and 28.20.240;

30 (4) the person is required to use an ignition interlock device during the
31 period of the limited license whenever the person operates a motor vehicle in a

1 community not included in the list published by the department under
2 AS 28.22.011(b) and, when applicable,

3 (A) the person provides proof of installation of the ignition
4 interlock device on every vehicle the person operates;

5 (B) the person signs an affidavit acknowledging that

6 (i) operation by the person of a vehicle that is not
7 equipped with an ignition interlock device is subject to penalties for
8 driving with a revoked license;

9 (ii) circumventing or tampering with the ignition
10 interlock device is a class A misdemeanor; and

11 (iii) the person is required to maintain the ignition
12 interlock device throughout the period of the limited license, to keep
13 up-to-date records in each vehicle showing that any required service
14 and calibration is current, and to produce those records immediately on
15 request;

16 (5) the person is enrolled in and is in compliance with or has
17 successfully completed the alcoholism screening, evaluation, referral, and program
18 requirements of the Department of Health and Social Services under AS 28.35.030(h);

19 (6) the person has not previously been granted a limited license under
20 this subsection and had the license revoked under (h) of this section;

21 (7) the person is participating in a program established under
22 AS 47.38.020 for a minimum of 120 days from the date a limited license is granted
23 under this section.

24 (h) The court or the department may immediately revoke a limited license
25 granted under (g) of this section if the person is convicted of a violation of
26 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction
27 or if the person is not in compliance with a court-ordered treatment program under
28 AS 28.35.028.

29 * **Sec. 99.** AS 28.15.291(a) is repealed and reenacted to read:

30 (a) A person commits the crime of driving while license canceled, suspended,
31 revoked, or in violation of a limitation if the person drives

1 (1) a motor vehicle on a highway or vehicular way or area at a time
 2 when that person's driver's license, privilege to drive, or privilege to obtain a license
 3 has been canceled, suspended, or revoked under circumstances described in
 4 AS 28.15.181(c) or a similar law in another jurisdiction;

5 (2) a motor vehicle on a highway or vehicular way or area at a time
 6 when that person's driver's license, privilege to drive, or privilege to obtain a license
 7 has been canceled, suspended, or revoked under circumstances other than those
 8 described in (1) of this subsection; or

9 (3) in violation of a limitation placed on that person's license or
 10 privilege to drive in this or another jurisdiction.

11 * **Sec. 100.** AS 28.15.291(b) is repealed and reenacted to read:

12 (b) Driving while license canceled, suspended, revoked, or in violation of a
 13 limitation is

14 (1) a class A misdemeanor if the person violates (a)(1) of this section;
 15 upon conviction the court shall impose a minimum sentence of imprisonment of not
 16 less than 10 days

17 (A) with 10 days suspended if the person has not been
 18 previously convicted under (a)(1) of this section or a similar law of another
 19 jurisdiction; or

20 (B) if the person has been previously convicted under (a)(1) of
 21 this section or a similar law in another jurisdiction;

22 (2) an infraction if the person violates (a)(2) or (3) of this section.

23 * **Sec. 101.** AS 28.22.011(a) is amended to read:

24 (a) The operator or owner of a motor vehicle subject to registration under
 25 AS 28.10.011 when driven on a highway, vehicular way or area, or on other public
 26 property in the state, shall be insured under a motor vehicle liability policy that
 27 complies with this chapter or a certificate of self-insurance that complies with
 28 AS 28.20.400 unless **the operator has not been cited within the preceding five**
 29 **years for a traffic law violation with a demerit point value of six or more on the**
 30 **point schedule determined under regulations adopted by the department under**
 31 **AS 28.15.221 and**

1 (1) the motor vehicle is being driven or moved **by an operator with**
2 **an off-highway commercial driver's license** on a highway, vehicular way, or a
3 public parking place in the state that is not connected by a land highway or vehicular
4 way to

5 (A) the land-connected state highway system; [,] or

6 (B) a highway or vehicular way with an average daily traffic
7 volume greater than 499; **or** [AND]

8 (2) the operator has **a noncommercial driver's license, including an**
9 **off-road system restricted noncommercial driver's license issued under**
10 **AS 28.15.126 and is operating the motor vehicle in an off-road system eligible**
11 **area of the state** [NOT BEEN CITED WITHIN THE PRECEDING FIVE YEARS
12 FOR A TRAFFIC LAW VIOLATION WITH A DEMERIT POINT VALUE OF SIX
13 OR MORE ON THE POINT SCHEDULE DETERMINED UNDER REGULATIONS
14 ADOPTED BY THE DEPARTMENT UNDER AS 28.15.221].

15 * **Sec. 102.** AS 28.35.028(b) is amended to read:

16 (b) Once the court elects to proceed under this section, the defendant shall
17 enter a no contest or guilty plea to the offense or shall admit to a probation violation,
18 as appropriate. The state and the defendant may enter into a plea agreement to
19 determine the offense or offenses to which the defendant is required to plead. If the
20 court accepts the agreement, the court shall enforce the terms of the agreement. The
21 court shall enter a judgment of conviction for the offense or offenses for which the
22 defendant has pleaded or an order finding that the defendant has violated probation, as
23 appropriate. A judgment of conviction or an order finding a probation violation must
24 set a schedule for payment of restitution owed by the defendant. In a judgment of
25 conviction and on probation conditions that the court considers appropriate, the court
26 may withhold pronouncement of a period of imprisonment or a fine to provide an
27 incentive for the defendant to complete recommended treatment successfully.
28 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any
29 mandatory minimum or other sentencing provision applicable to the offense.
30 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any
31 other provision of law, the court, at any time after the period when a reduction of

1 sentence is normally available, may consider and reduce the defendant's sentence,
2 **including imprisonment, fine, or license revocation,** based on the defendant's
3 compliance with the treatment plan; when reducing a sentence, the court (1) may not
4 reduce the sentence below the mandatory minimum sentence for the offense unless the
5 court finds that the defendant has successfully complied with and completed the
6 treatment plan and that the treatment plan approximated the severity of the minimum
7 period of imprisonment, and (2) may consider the defendant's compliance with the
8 treatment plan as a mitigating factor allowing a reduction of a sentence under
9 AS 12.55.155(a). A court entering an order finding the defendant has violated
10 probation may withhold pronouncement of disposition to provide an incentive for the
11 defendant to complete the recommended treatment successfully.

12 * **Sec. 103.** AS 28.35.030(k) is amended to read:

13 (k) Imprisonment required under (b)(1)(A) of this section shall be served [AT
14 A COMMUNITY RESIDENTIAL CENTER OR] by electronic monitoring at a
15 private residence **under AS 33.30.065.** If [A COMMUNITY RESIDENTIAL
16 CENTER OR] electronic monitoring [AT A PRIVATE RESIDENCE] is not available,
17 imprisonment required under (b)(1)(A) of this section **shall** [MAY] be served at **a**
18 **private residence by other means determined by the commissioner of corrections**
19 [ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER
20 OF CORRECTIONS]. Imprisonment required under (b)(1)(B) - (F) of this section
21 may be served at a community residential center or at a private residence if approved
22 by the commissioner of corrections. Imprisonment served at a private residence must
23 include electronic monitoring **under AS 33.30.065 or, if electronic monitoring is not**
24 **available, by other means as determined by the commissioner of corrections.** The
25 cost of imprisonment resulting from the sentence imposed under (b)(1) of this section
26 shall be paid to the state by the person being sentenced. **The** [PROVIDED,
27 HOWEVER, THAT THE] cost of imprisonment required to be paid under this
28 subsection may not exceed \$2,000. Upon the person's conviction, the court shall
29 include the costs of imprisonment as a part of the judgment of conviction. Except for
30 reimbursement from a permanent fund dividend as provided in this subsection,
31 payment of the cost of imprisonment is not required if the court determines the person

1 is indigent. For costs of imprisonment that are not paid by the person as required by
 2 this subsection, the state shall seek reimbursement from the person's permanent fund
 3 dividend as provided under AS 43.23.065. [WHILE AT THE COMMUNITY
 4 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A PERSON
 5 SENTENCED UNDER (b)(1)(A) OF THIS SECTION SHALL PERFORM AT
 6 LEAST 24 HOURS OF COMMUNITY SERVICE WORK.] A person sentenced
 7 under (b)(1)(B) of this section shall perform at least 160 hours of community service
 8 work, as required by the director of the community residential center or other
 9 appropriate place, or as required by the commissioner of corrections if the sentence is
 10 being served at a private residence. In this subsection, "appropriate place" means a
 11 facility with 24-hour on-site staff supervision that is specifically adapted to provide a
 12 residence, and includes a correctional center, residential treatment facility, hospital,
 13 halfway house, group home, work farm, work camp, or other place that provides
 14 varying levels of restriction.

15 * **Sec. 104.** AS 28.35.030(l) is amended to read:

16 (l) The commissioner of corrections shall determine and prescribe by
 17 regulation a uniform average cost of imprisonment for the purpose of determining the
 18 cost of imprisonment required to be paid under (k) of this section by a convicted
 19 person. **The regulations must include the costs associated with electronic**
 20 **monitoring under AS 33.30.065.**

21 * **Sec. 105.** AS 28.35.030(o) is amended to read:

22 (o) Upon request, the department shall review a driver's license revocation
 23 imposed under **(b) or** (n)(3) of this section and

24 **(1)** may restore the driver's license if

25 **(A)** [(1)] the license has been revoked for a period of at least 10
 26 years;

27 **(B)** [(2)] the person has not been convicted of a criminal
 28 offense since the license was revoked; and

29 **(C)** [(3)] the person provides proof of financial responsibility;

30 **(2) shall restore the driver's license if**

31 **(A) the person has been granted limited license privileges**

under AS 28.15.201(g) and has successfully driven under that limited license for three years without having the limited license privileges revoked;

(B) the person has successfully completed a court-ordered treatment program under AS 28.35.028;

(C) the court previously terminated the person's revocation as provided in AS 28.15.181(f)(1)(B);

(D) the person has not been convicted of a violation of AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction since the license was revoked;

(E) the person's privilege to drive may be restored as provided in AS 28.15.211; and

(F) the person provides proof of financial responsibility.

* **Sec. 106.** AS 28.35.030(t) is amended to read:

(t) Notwithstanding (b) or (n) of this section, the court shall waive the requirement of the use of an ignition interlock device when a person operates a motor vehicle in **an area** [A COMMUNITY] included on the list published by the department under **AS 28.15.126** [AS 28.22.011(b)].

* **Sec. 107.** AS 28.35.032(o) is amended to read:

(o) Imprisonment required under (g)(1)(A) of this section shall be served **at a private residence by electronic monitoring under AS 33.30.065. If electronic monitoring** [AT A COMMUNITY RESIDENTIAL CENTER, OR IF A COMMUNITY RESIDENTIAL CENTER] is not available, **imprisonment under (g)(1)(A) of this section shall be served at a private residence by other means as determined by the commissioner of corrections** [AT ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. Imprisonment required under (g)(1)(B) - (F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring **under AS 33.30.065 or, if electronic monitoring is not available, shall be served by other means as determined by the commissioner of**

1 **corrections**. The cost of imprisonment resulting from the sentence imposed under
2 (g)(1) of this section shall be paid to the state by the person being sentenced. **The**
3 **[PROVIDED, HOWEVER, THAT THE]** cost of imprisonment required to be paid
4 under this subsection may not exceed \$2,000. Upon the person's conviction, the court
5 shall include the costs of imprisonment as a part of the judgment of conviction. Except
6 for reimbursement from a permanent fund dividend as provided in this subsection,
7 payment of the cost of imprisonment is not required if the court determines the person
8 is indigent. For costs of imprisonment that are not paid by the person as required by
9 this subsection, the state shall seek reimbursement from the person's permanent fund
10 dividend as provided under AS 43.23.065. **[WHILE AT THE COMMUNITY**
11 **RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A PERSON**
12 **SENTENCED UNDER (g)(1)(A) OF THIS SECTION SHALL PERFORM AT**
13 **LEAST 24 HOURS OF COMMUNITY SERVICE WORK.]** A person sentenced
14 under (g)(1)(B) of this section shall perform at least 160 hours of community service
15 work, as required by the director of the community residential center or other
16 appropriate place, or as required by the commissioner of corrections if the sentence is
17 being served at a private residence. In this subsection, "appropriate place" means a
18 facility with 24-hour on-site staff supervision that is specifically adapted to provide a
19 residence, and includes a correctional center, residential treatment facility, hospital,
20 halfway house, group home, work farm, work camp, or other place that provides
21 varying levels of restriction.

22 * **Sec. 108.** AS 28.35.032(t) is amended to read:

23 (t) Notwithstanding (g) or (p) of this section, the court shall waive the
24 requirement of the use of an ignition interlock device when a person operates a motor
25 vehicle in **an area** **[A COMMUNITY]** included on the list published by the
26 department under **AS 28.15.126** **[AS 28.22.011(b)]**.

27 * **Sec. 109.** AS 28.90.990(a) is amended by adding a new paragraph to read:

28 (32) "off-road system eligible area" means an area of the state, as
29 determined by the department, that does not have land-connected road access to an
30 office that offers road testing at least once every three months and offers a sufficient
31 number of road tests to meet public demand.

1 * **Sec. 110.** AS 29.10.200(21) is amended to read:

2 (21) AS 29.25.070(e) and (g) (penalties) [(NOTICES OF CERTAIN
3 CIVIL ACTIONS)];

4 * **Sec. 111.** AS 29.25.070(a) is amended to read:

5 (a) For the violation of an ordinance, a municipality may by ordinance
6 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days,
7 except as limited by (g) of this section. For a violation that cannot result in
8 incarceration or the loss of a valuable license, a municipality may allow disposition of
9 the violation without court appearance and establish a schedule of fine amounts for
10 each offense.

11 * **Sec. 112.** AS 29.25.070 is amended by adding a new subsection to read:

12 (g) If a municipality prescribes a penalty for a violation of a municipal
13 ordinance, including a violation under (a) of this section, and there is a comparable
14 state offense under AS 11 or AS 28 with elements that are similar to the municipal
15 ordinance, the municipality may not impose a greater punishment than that imposed
16 for a violation of the state law. This subsection applies to home rule and general law
17 municipalities.

18 * **Sec. 113.** AS 33.05.020 is amended by adding new subsections to read:

19 (g) The commissioner shall establish an administrative sanction and incentive
20 program to facilitate a swift and effective response to a probationer's compliance with
21 or violation of the conditions of probation. The commissioner shall adopt regulations
22 to implement the program. At a minimum, the regulations must include

23 (1) a decision-making process to guide probation officers in
24 determining the suitable response to positive and negative offender behavior that
25 includes a list of sanctions for the most common types of negative behavior, including
26 technical violations of conditions of probation, and a list of incentives for compliance
27 with conditions and positive behavior that exceeds those conditions;

28 (2) policies and procedures that ensure

29 (A) a process for responding to negative behavior that includes
30 a review of previous violations and sanctions;

31 (B) that enhanced sanctions for certain negative conduct are

1 approved by the commissioner or the commissioner's designee; and

2 (C) that appropriate due process protections are included in the
3 process, including notice of negative behavior, an opportunity to dispute the
4 accusation and the sanction, and an opportunity to request a review of the
5 accusation and the sanction.

6 (h) The commissioner shall establish by regulation a program allowing
7 probationers to earn credits for complying with the conditions of probation. The
8 credits earned reduce the period of probation. Nothing in this subsection prohibits the
9 department from recommending to the court the early discharge of the probationer as
10 provided in AS 33.30. At a minimum, the regulations must

11 (1) require that a probationer earn a credit of 30 days for each 30-day
12 period served in which the defendant complied with the conditions of probation;

13 (2) include policies and procedures for

14 (A) calculating and tracking credits earned by probationers;

15 (B) reducing the probationer's period of probation based on
16 credits earned by the probationer; and

17 (C) notifying a victim under AS 33.30.013.

18 * **Sec. 114.** AS 33.05.040 is amended to read:

19 **Sec. 33.05.040. Duties of probation officers.** A probation officer shall

20 (1) furnish to each probationer under the supervision of the officer a
21 written statement of the conditions of probation and shall instruct the probationer
22 regarding the same;

23 (2) keep informed concerning the conduct and condition of each
24 probationer under the supervision of the officer and shall report on the probationer to
25 the court placing **the** [SUCH] person on probation;

26 (3) use all suitable methods, not inconsistent with the conditions
27 imposed by the court, to aid probationers and to bring about improvements in their
28 conduct and condition;

29 (4) keep records of the probation work, **including administrative**
30 **sanctions and incentives the probation officer imposes under AS 33.05.020(g).**
31 keep accurate and complete accounts of all money collected from persons under the

1 supervision of the officer, give receipts for money collected and make at least monthly
2 returns of it, make the reports to the court and the commissioner required by them, and
3 perform other duties the court may direct;

4 (5) perform the [SUCH] duties with respect to persons on parole as the
5 commissioner shall request [,] and, in that [SUCH] service, shall be termed a parole
6 officer;

7 (6) use administrative sanctions and incentives developed under
8 AS 33.05.020(g) to respond to a probationer's negative and positive behavior,
9 including responses to technical violations of conditions of probation, in a way
10 that is intended to interrupt negative behavior in a swift, certain, and
11 proportional manner and support progress with a recognition of positive
12 behavior;

13 (7) upon determining that a probationer under the supervision of
14 the officer meets the requirements of AS 12.55.090(g), recommend to the court as
15 soon as practicable that probation be terminated and the probationer be
16 discharged from probation; and

17 (8) for each probationer who owes restitution and who is under the
18 supervision of the officer, create a restitution payment schedule based on the
19 probationer's income and ability to pay if the court has not already set a
20 restitution payment schedule.

21 * **Sec. 115.** AS 33.05.080 is amended by adding a new paragraph to read:

22 (3) "administrative sanctions and incentives" means responses by a
23 probation officer to a probationer's compliance with or violation of the conditions of
24 probation under AS 33.05.020(g).

25 * **Sec. 116.** AS 33 is amended by adding a new chapter to read:

26 **Chapter 07. Pretrial Services Program.**

27 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner
28 shall establish and administer a pretrial services program that provides a pretrial risk
29 assessment for all defendants, recommendations to the court concerning pretrial
30 release decisions, and supervision of defendants released while awaiting trial as
31 ordered by the court.

1 **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner
2 shall

3 (1) appoint and make available to the superior court and district court
4 qualified pretrial services officers;

5 (2) fix pretrial services officers' salaries;

6 (3) assign pretrial services officers to each judicial district;

7 (4) provide for the necessary supervision, training, expenses, including
8 clerical services, and travel of pretrial services officers;

9 (5) approve a risk assessment instrument that is objective,
10 standardized, and developed based on analysis of empirical data and risk factors
11 relevant to pretrial failure, that evaluates the likelihood of failure to appear in court
12 and the likelihood of rearrest during the pretrial period, and that is validated on the
13 state's pretrial population; and

14 (6) adopt regulations in consultation with the Department of Law, the
15 public defender, the Department of Public Safety, and the Alaska Court System,
16 consistent with this chapter and as necessary to implement the program; the
17 regulations must include a process for pretrial services officers to make a
18 recommendation to the court concerning a pretrial release decision and guidelines for
19 pretrial diversion recommendations.

20 **Sec. 33.07.030. Duties of pretrial services officers.** (a) Pretrial services
21 officers shall, in advance of a first appearance before a judicial officer under
22 AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument
23 approved by the commissioner for the purpose of making a recommendation to the
24 court concerning an appropriate pretrial release decision and conditions of release. In
25 conducting a pretrial risk assessment and making a recommendation to the court, the
26 department shall follow the decision-making process established by regulation under
27 this chapter. The pretrial risk assessment shall be completed and presented to the court
28 in a pretrial release report that contains a risk assessment rating of low, moderate, or
29 high and a recommendation regarding release and release conditions before the
30 defendant's first appearance before a judicial officer.

31 (b) A pretrial services officer shall make a recommendation under (a) of this

1 section for pretrial release to the court based on factors that include the results of a
2 pretrial risk assessment, the offense charged, and the least restrictive condition or
3 conditions that will reasonably ensure the appearance of the person in court and the
4 safety of the victim, other persons, and the community. The recommendation must
5 take into account

6 (1) the defendant's risk rating;

7 (2) the appropriateness for release on the defendant's own
8 recognizance or upon the execution of an unsecured appearance bond, unsecured
9 performance bond, or both; and

10 (3) the appropriateness of nonmonetary release conditions permitted
11 under AS 12.30.011, 12.30.016, 12.30.021, and 12.30.027 and supervision of those
12 conditions by a pretrial services officer for defendants who are recommended for
13 release.

14 (c) A pretrial services officer, for a person charged with a misdemeanor that
15 does not include an offense under AS 11.41, AS 11.56.730, 11.56.757, AS 28.35.030,
16 or 28.35.032, or a crime involving domestic violence as defined in AS 18.66.990, who
17 is assessed

18 (1) low to moderate risk, shall recommend release on the person's own
19 recognizance, upon execution of an unsecured appearance bond, or upon execution of
20 an unsecured performance bond; or

21 (2) high risk,

22 (A) shall recommend release on the person's own recognizance,
23 upon execution of an unsecured appearance bond, or upon execution of an
24 unsecured performance bond; and

25 (B) may recommend other nonmonetary conditions of release
26 as appropriate in combination with the release of the person on the person's
27 own recognizance or upon execution of an unsecured bond, if the risk
28 assessment performed by the pretrial services officer under this section finds
29 that no nonmonetary conditions of release in combination with the release of
30 the person on the person's own recognizance or upon execution of an
31 unsecured performance bond can reasonably ensure the appearance of the

1 person in court and the safety of the victim, other persons, and the community.

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

6 (1) low risk, shall recommend release on the person's own
7 recognizance, upon execution of an unsecured appearance bond, or upon execution of
8 an unsecured performance bond; or

9 (2) moderate to high risk,

10 (A) shall recommend release on the person's own recognizance,
11 upon execution of an unsecured appearance bond, or upon execution of an
12 unsecured performance bond; and

13 (B) may recommend other nonmonetary conditions of release
14 as appropriate in combination with the release of the person on the person's
15 own recognizance or upon execution of an unsecured bond, if the risk
16 assessment performed by the pretrial services officer under this section finds
17 that no nonmonetary conditions of release in combination with the release of
18 the person on the person's own recognizance or upon execution of an
19 unsecured performance bond can reasonably ensure the appearance of the
20 person in court and the safety of the victim, other persons, and the community.

21 (e) A pretrial services officer, for a person charged under AS 28.35.030 or
22 28.35.032, who is assessed low, moderate, or high risk,

23 (1) shall recommend release on the person's own recognizance, upon
24 execution of an unsecured appearance bond, or upon execution of an unsecured
25 performance bond; and

26 (2) may recommend other nonmonetary conditions of release as
27 appropriate in combination with the release of the person on the person's own
28 recognizance or upon execution of an unsecured bond, if the risk assessment
29 performed by the pretrial services officer under this section finds that no nonmonetary
30 conditions of release in combination with the release of the person on the person's own
31 recognizance or upon execution of an unsecured performance bond can reasonably

1 ensure the appearance of the person in court and the safety of the victim, other
2 persons, and the community.

3 (f) A pretrial services officer, for a person charged under AS 11.56.730 or
4 11.56.757, who is assessed

5 (1) low to moderate risk,

6 (A) shall recommend release on the person's own recognizance,
7 upon execution of an unsecured appearance bond, or upon execution of an
8 unsecured performance bond; and

9 (B) may recommend other nonmonetary conditions of release
10 as appropriate in combination with the release of the person on the person's
11 own recognizance or upon execution of an unsecured bond, if the risk
12 assessment performed by the pretrial services officer under this section finds
13 that no nonmonetary conditions of release in combination with the release of
14 the person on the person's own recognizance or upon execution of an
15 unsecured performance bond can reasonably ensure the appearance of the
16 person in court and the safety of the victim, other persons, and the community;
17 or

18 (2) high risk,

19 (A) shall recommend, singly or in combination with other
20 conditions provided for in this section,

21 (i) a deposit with the court and execution of an
22 appearance bond with a posting not to exceed 10 percent of the
23 specified amount of the bond with the condition that the deposit be
24 returned upon the appearance of the defendant at scheduled hearings;

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

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

31 (B) may recommend other nonmonetary conditions of release

1 as appropriate in combination with the posting or deposit described in (A) of
2 this paragraph, if the risk assessment performed by the pretrial services officer
3 under this section finds that no nonmonetary conditions of release in
4 combination with the release of the person on the person's own recognizance or
5 upon execution of an unsecured performance bond can reasonably ensure the
6 appearance of the person in court and the safety of the victim, other persons,
7 and the community.

8 (g) A pretrial services officer, for a person charged with an offense, who is not
9 required to be released under (c) - (f) of this section and who is assessed

10 (1) low risk,

11 (A) shall recommend release on the person's own recognizance,
12 upon execution of an unsecured appearance bond, or upon execution of an
13 unsecured performance bond; and

14 (B) may recommend other nonmonetary conditions of release
15 as appropriate in combination with the release of the person on the person's
16 own recognizance or upon execution of an unsecured bond, if the risk
17 assessment performed by the pretrial services officer under this section finds
18 that no nonmonetary conditions of release in combination with the release of
19 the person on the person's own recognizance or upon execution of an
20 unsecured performance bond can reasonably ensure the appearance of the
21 person in court and the safety of the victim, other persons, and the community;
22 or

23 (2) moderate to high risk,

24 (A) shall recommend

25 (i) an appearance bond with a posting not to exceed 10
26 percent of the specified amount of the bond with the condition that the
27 deposit be returned upon the appearance of the defendant at scheduled
28 hearings;

29 (ii) a bail bond with sufficient solvent sureties or the
30 deposit of cash; or

31 (iii) performance bond with a full or partial posting of

1 the specified amount of the bond with the condition that the deposit be
2 returned upon the performance of the conditions of release set by the
3 court; and

4 (B) may recommend other nonmonetary conditions of release
5 as appropriate in combination with the posting or deposit in (A) of this
6 paragraph, if the risk assessment performed by the pretrial services officer
7 under this section finds that no nonmonetary conditions of release in
8 combination with the release of the person on the person's own recognizance or
9 upon execution of an unsecured performance bond can reasonably ensure the
10 appearance of the person in court and the safety of the victim, other persons,
11 and the community.

12 (h) A pretrial services officer may supervise a defendant released during the
13 pretrial period, imposing the least restrictive level of supervision that will reasonably
14 ensure the appearance of the person in court and the safety of the victim, other
15 persons, and the community, and prioritizing higher levels of supervision for a
16 defendant accused of serious charges or assessed as moderate or high risk under a
17 pretrial risk assessment.

18 (i) A pretrial services officer may

19 (1) recommend pretrial diversion to the court and parties before
20 adjudication in accordance with the guidelines established by the commissioner under
21 AS 33.07.020(6);

22 (2) arrest a defendant who has been released pretrial without a warrant
23 if the officer has probable cause to believe the defendant has committed an offense
24 under AS 11.56.730 or 11.56.757 or has violated the defendant's release conditions;

25 (3) refer interested defendants for substance abuse screening,
26 assessment, and treatment on a voluntary basis;

27 (4) recommend that a defendant charged with an offense involving the
28 use of alcohol or controlled substances comply with a program established under
29 AS 47.38.020; and

30 (5) coordinate with community-based organizations and tribal courts
31 and councils to develop and expand pretrial diversion options.

1 **Sec. 33.07.040. Pretrial services officers as officers of court.** All pretrial
2 services officers shall be available to the superior and district courts and shall be
3 officers of the court.

4 **Sec. 33.07.090. Definitions.** In this chapter,

5 (1) "commissioner" means the commissioner of corrections;

6 (2) "program" means the pretrial services program.

7 * **Sec. 117.** AS 33.16.010(c) is amended to read:

8 (c) A prisoner who is not eligible for **special medical, administrative, or**
9 discretionary parole, or who is not released on **special medical, administrative, or**
10 discretionary parole, shall be released on mandatory parole for the term of good time
11 deductions credited under AS 33.20, if the term or terms of imprisonment are two
12 years or more.

13 * **Sec. 118.** AS 33.16.010(d) is amended to read:

14 (d) A prisoner released on special medical, **administrative,** discretionary, or
15 mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.
16 Parole may be revoked under AS 33.16.220.

17 * **Sec. 119.** AS 33.16.010 is amended by adding a new subsection to read:

18 (f) A prisoner eligible under AS 33.16.089 shall be released on administrative
19 parole by the board of parole.

20 * **Sec. 120.** AS 33.16.060(a) is amended to read:

21 (a) The board shall

22 (1) serve as the parole authority for the state;

23 (2) [UPON RECEIPT OF AN APPLICATION,] consider the
24 suitability for parole of a prisoner who is eligible **for discretionary parole at least 90**
25 **days before the prisoner's first date of eligibility and upon receipt of the**
26 **prisoner's application** for special medical [OR DISCRETIONARY] parole;

27 (3) impose parole conditions on all prisoners released under **special**
28 **medical, administrative,** discretionary, or mandatory parole;

29 (4) under AS 33.16.210, discharge a person from parole when custody
30 is no longer required;

31 (5) maintain records of the meetings and proceedings of the board;

1 (6) recommend to the governor and the legislature changes in the law
2 administered by the board;

3 (7) recommend to the governor or the commissioner changes in the
4 practices of the department and of other departments of the executive branch
5 necessary to facilitate the purposes and practices of parole;

6 (8) upon request of the governor, review and recommend applicants
7 for executive clemency; and

8 (9) execute other responsibilities prescribed by law.

9 * **Sec. 121.** AS 33.16 is amended by adding a new section to read:

10 **Sec. 33.16.089. Eligibility for administrative parole.** (a) A prisoner
11 convicted of a misdemeanor or a class B or C felony that is not a sexual felony as
12 defined in AS 12.55.185 who has not been previously convicted of a felony in this or
13 another jurisdiction and who has been sentenced to an active term of imprisonment of
14 at least 181 days shall be released on administrative parole by the board without a
15 hearing if

16 (1) the prisoner has served the greater of

17 (A) one-fourth of the active term of imprisonment imposed;

18 (B) the mandatory minimum term of imprisonment imposed; or

19 (C) a term of imprisonment imposed under AS 12.55.115;

20 (2) the prisoner is not excluded from eligibility for administrative
21 parole by court order;

22 (3) the prisoner has agreed to and signed the conditions of parole under
23 AS 33.16.050;

24 (4) the victim does not request a hearing to consider issues of public
25 safety under AS 33.16.120; and

26 (5) the prisoner has met the requirements of the case plan established
27 under AS 33.30.011(8).

28 (b) If a prisoner who is eligible for discretionary parole under AS 33.16.090
29 does not meet the criteria for release on administrative parole under (a) of this section,
30 the board shall consider the prisoner for discretionary parole.

31 (c) If a victim makes a timely request for a hearing under AS 33.16.120, the

1 board shall conduct the hearing not later than 30 days before the prisoner's earliest
2 parole eligibility date.

3 * **Sec. 122.** AS 33.16.090(a) is amended to read:

4 (a) A prisoner sentenced to an active term of imprisonment of at least 181
5 days **and who has not been released on administrative parole as provided in**
6 **AS 33.16.089** may, in the discretion of the board, be released on discretionary parole
7 if the prisoner

8 (1) has served the amount of time specified under (b) of this section,
9 except that

10 (A) [(1)] a prisoner sentenced to one or more mandatory 99-
11 year terms under AS 12.55.125(a) or one or more definite terms under
12 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

13 (B) [(2)] a prisoner is not eligible for consideration of
14 discretionary parole if made ineligible by order of a court under AS 12.55.115;

15 (C) [(3)] a prisoner imprisoned under AS 12.55.086 is not
16 eligible for discretionary parole unless the actual term of imprisonment is more
17 than one year; **or**

18 (2) **is at least 55 years of age and has served at least 10 years of a**
19 **sentence for one or more crimes, notwithstanding a presumptive, mandatory, or**
20 **mandatory minimum term or sentence the prisoner may be serving or any**
21 **restriction on parole eligibility under AS 12.55.**

22 * **Sec. 123.** AS 33.16.090(b) is amended to read:

23 (b) A prisoner eligible under (a)(1) of this section who is sentenced

24 (1) to a single sentence under AS 12.55.125(a) or (b) may not be
25 released on discretionary parole until the prisoner has served the mandatory minimum
26 term under AS 12.55.125(a) or (b), one-third of the active term of imprisonment
27 imposed, or any term set under AS 12.55.115, whichever is greatest;

28 (2) to a single sentence within or below a presumptive range set out in
29 **AS 12.55.125(i)(1)(C) - (F)** [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)],
30 and has not been allowed by the three-judge panel under AS 12.55.175 to be
31 considered for discretionary parole release, may not be released on discretionary

1 parole until the prisoner has served the term imposed, less good time earned under
2 AS 33.20.010;

3 (3) to a single sentence under AS 12.55.125(i)(1)(C) - (F)
4 [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)], and has been allowed by the
5 three-judge panel under AS 12.55.175 to be considered for discretionary parole release
6 during the second half of the sentence, may not be released on discretionary parole
7 until

8 (A) the prisoner has served that portion of the active term of
9 imprisonment required by the three-judge panel; and

10 (B) in addition to the factors set out in AS 33.16.100(a), the
11 board determines that

12 (i) the prisoner has successfully completed all
13 rehabilitation programs ordered by the three-judge panel that were
14 made available to the prisoner; and

15 (ii) the prisoner would not constitute a danger to the
16 public if released on parole;

17 (4) to a single enhanced sentence under AS 12.55.155(a) that is above
18 the applicable presumptive range may not be released on discretionary parole until the
19 prisoner has served the greater of the following:

20 (A) an amount of time, less good time earned under
21 AS 33.20.010, equal to the upper end of the presumptive range plus one-fourth
22 of the amount of time above the presumptive range; or

23 (B) any term set under AS 12.55.115;

24 (5) to a single sentence under any other provision of law may not be
25 released on discretionary parole until the prisoner has served at least one-fourth of the
26 active term of imprisonment, any mandatory minimum sentence imposed under any
27 provision of law, or any term set under AS 12.55.115, whichever is greatest;

28 (6) to concurrent sentences may not be released on discretionary parole
29 until the prisoner has served the greatest of

30 (A) any mandatory minimum sentence or sentences imposed
31 under any provision of law;

(B) any term set under AS 12.55.115; or

(C) the amount of time that is required to be served under (1) - (5) of this subsection for the sentence imposed for the primary crime, had that been the only sentence imposed;

(7) to consecutive or partially consecutive sentences may not be released on discretionary parole until the prisoner has served the greatest of

(A) the composite total of any mandatory minimum sentence or sentences imposed under any provision of law, including AS 12.55.127;

(B) any term set under AS 12.55.115; or

(C) the amount of time that is required to be served under (1) - (5) of this subsection for the sentence imposed for the primary crime, had that been the only sentence imposed, plus one-quarter of the composite total of the active term of imprisonment imposed as consecutive or partially consecutive sentences imposed for all crimes other than the primary crime.

* **Sec. 124.** AS 33.16.100(a) is amended to read:

(a) The board may authorize the release of a prisoner **convicted of an unclassified felony who is otherwise eligible under AS 12.55.115 and AS 33.16.090(a)(1)** on discretionary parole if it determines a reasonable probability exists that

(1) the prisoner will live and remain at liberty without violating any laws or conditions imposed by the board;

(2) the prisoner's rehabilitation and reintegration into society will be furthered by release on parole;

(3) the prisoner will not pose a threat of harm to the public if released on parole; and

(4) release of the prisoner on parole would not diminish the seriousness of the crime.

* **Sec. 125.** AS 33.16.100(b) is amended to read:

(b) If the board finds a change in circumstances in a prisoner's **preparole reports listed in AS 33.16.110(a)** [PAROLE RELEASE PLAN SUBMITTED UNDER AS 33.16.130(a)], or discovers new information concerning a prisoner who

1 has been granted a parole release date, the board may rescind or revise the previously
2 granted parole release date. In reconsidering the release date, the procedures set out in
3 AS 33.16.130 [AS 33.16.130(b) AND (c)] shall be followed.

4 * **Sec. 126.** AS 33.16.100 is amended by adding new subsections to read:

5 (f) The board shall authorize the release of a prisoner who has been convicted
6 of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole
7 under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created
8 under AS 33.30.011(8), has agreed to and signed the condition of parole under
9 AS 33.16.150, and has not been released on administrative parole under AS 33.16.089,
10 unless the board finds by clear and convincing evidence on the record that the prisoner
11 poses a threat of harm to the public if released on parole. If the board finds that the
12 incomplete case plan is not the fault of the prisoner or that the prisoner would not pose
13 a threat of harm to the public if released on parole, the board may waive the case plan
14 requirement.

15 (g) When considering a prisoner for release on discretionary parole under
16 AS 33.16.090(a)(2), the board may release a prisoner if, taking into consideration the
17 prisoner's likelihood of recidivism given the prisoner's age, criminal history, behavior
18 in prison, participation in treatment, and plans for reentering the community, a
19 reasonable probability exists that

20 (1) the prisoner will live and remain at liberty without violating any
21 laws or conditions imposed by the board;

22 (2) the prisoner's rehabilitation and reintegration into society will be
23 furthered by release on parole;

24 (3) the prisoner will not pose a threat of harm to the public if released
25 on parole; and

26 (4) release of the prisoner on parole would not diminish the
27 seriousness of the crime.

28 * **Sec. 127.** AS 33.16.110(a) is amended to read:

29 (a) In determining whether a prisoner is suitable for discretionary parole, the
30 board shall consider the preparole reports including

31 (1) the presentence report made to the sentencing court;

1 (2) the recommendations made by the sentencing court, by the
2 prosecuting attorney, and by the defense attorney, and any statements made by the
3 victim or the prisoner at sentencing;

4 (3) the prisoner's institutional conduct history while incarcerated;

5 (4) recommendations made by the staff of the correctional facilities in
6 which the prisoner was incarcerated;

7 (5) reports of prior crimes, juvenile histories, and previous experiences
8 of the prisoner on parole or probation;

9 (6) physical, mental, and psychiatric examinations of the prisoner;

10 (7) information submitted by the prisoner, the sentencing court, the
11 victim of the crime, the prosecutor, or other persons having knowledge of the prisoner
12 or the crime;

13 (8) information concerning an unjustified disparity in the sentence
14 imposed on a prisoner in relation to other sentences imposed under similar
15 circumstances; [AND]

16 (9) other relevant information that may be reasonably available;

17 **(10) the case plan created under AS 33.30.011(8) for the prisoner,**
18 **including a compliance report on the case plan; and**

19 **(11) a reentry plan created under AS 33.30.011(9).**

20 * **Sec. 128.** AS 33.16.120(a) is amended to read:

21 (a) If the victim of a crime against a person or arson in the first degree
22 requests notice of a scheduled hearing to review or consider discretionary parole for a
23 prisoner convicted of that crime, the board shall send notice of the hearing to the
24 victim at least 30 days before the hearing. The notice must be accompanied by a copy
25 of the prisoner's **parole plan submitted to the board** [APPLICATION FOR
26 PAROLE SUBMITTED UNDER AS 33.16.130(a)]. However, the copy of the **parole**
27 **plan** [APPLICATION] sent to the victim may not include the prisoner's **confidential**
28 **health information, information protected under AS 33.16.170,** proposed
29 residence, **or** [AND] employment addresses.

30 * **Sec. 129.** AS 33.16.120(f) is amended to read:

31 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),

1 **33.16.089, or 33.16.090**, the board shall make every reasonable effort to notify the
2 victim before the prisoner's release date. Notification under this subsection must
3 include the expected date of the prisoner's release, the geographic area in which the
4 prisoner is required to reside, and other pertinent information concerning the prisoner's
5 conditions of parole that may affect the victim.

6 * **Sec. 130.** AS 33.16.120(g) is amended to read:

7 (g) A victim of a crime involving domestic violence shall be informed by the
8 board at least 30 days in advance of a scheduled hearing to review or consider
9 [DISCRETIONARY] parole for a prisoner. The board shall inform the victim of any
10 decision to grant or deny [DISCRETIONARY] parole or to release the prisoner under
11 AS 33.16.010(c). If the prisoner is to be released, the victim shall be notified of the
12 expected date of the release, the geographic area in which the prisoner will reside, and
13 any other information concerning conditions of parole that may affect the victim. The
14 victim shall also be informed of any changes in the conditions of parole that may
15 affect the victim. The board shall send the notice required to the last known address of
16 the victim. A person may not bring a civil action for damages for a failure to comply
17 with the provisions of this subsection.

18 * **Sec. 131.** AS 33.16.120 is amended by adding a new subsection to read:

19 (h) A victim who has a right to notice under (a) of this section may request a
20 hearing before a prisoner is released on administrative parole under AS 33.16.089. The
21 notice to the victim must include the procedure and time frame for requesting a
22 hearing.

23 * **Sec. 132.** AS 33.16.130 is repealed and reenacted to read:

24 **Sec. 33.16.130. Parole procedures.** (a) The parole board shall hold a hearing
25 before granting an eligible prisoner special medical or discretionary parole. The board
26 shall also hold a hearing if requested by a victim under procedures established for the
27 request for a prisoner eligible for administrative parole. A hearing shall be conducted
28 within the following time frames:

29 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90
30 days before the first parole eligibility date, unless the prisoner is eligible for
31 administrative parole;

1 (2) for all other prisoners, not less than 30 days after the board is
2 notified of the need for a hearing by the commissioner or the commissioner's designee.

3 (b) The commissioner or the commissioner's designee shall furnish to the
4 prisoner a copy of the preparole reports listed in AS 33.16.110(a), and the prisoner
5 shall be permitted access to all records that the board will consider in making its
6 decision except those that are made confidential by law. The prisoner may also
7 respond in writing to all materials the board considers, be present at the hearing, and
8 present evidence to the board.

9 (c) If the board denies parole, the board shall state the reasons for the denial,
10 identify all of the factors considered relevant to the denial, and provide a written plan
11 for addressing all of the factors relevant to the denial. The board may schedule a
12 subsequent parole hearing at the time of the denial or at a later date as follows:

13 (1) for the first parole denial, within two years after the first parole
14 eligibility date;

15 (2) for the second and subsequent denials, within two years after the
16 most recent parole hearing.

17 (d) The board shall issue its decision in writing and provide a copy of the
18 decision to the prisoner.

19 * **Sec. 133.** AS 33.16.140 is amended to read:

20 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,
21 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole
22 custody ends, shall be furnished to each prisoner released on special medical,
23 administrative, discretionary, or mandatory parole.

24 * **Sec. 134.** AS 33.16.150(a) is amended to read:

25 (a) As a condition of parole, a prisoner released on special medical,
26 administrative, discretionary, or mandatory parole

27 (1) shall obey all state, federal, or local laws or ordinances, and any
28 court orders applicable to the parolee;

29 (2) shall make diligent efforts to maintain steady employment or meet
30 family obligations;

31 (3) shall, if involved in education, counseling, training, or treatment,

1 continue in the program unless granted permission from the parole officer assigned to
2 the parolee to discontinue the program;

3 (4) shall report

4 (A) upon release to the parole officer assigned to the parolee;

5 (B) at other times, and in the manner, prescribed by the board
6 or the parole officer assigned to the parolee;

7 (5) shall reside at a stated place and not change that residence without
8 notifying, and receiving permission from, the parole officer assigned to the parolee;

9 (6) shall remain within stated geographic limits unless written
10 permission to depart from the stated limits is granted the parolee;

11 (7) may not use, possess, handle, purchase, give, distribute, or
12 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
13 drug for which a prescription is required under state or federal law without a
14 prescription from a licensed medical professional to the parolee;

15 (8) may not possess or control a firearm; in this paragraph, "firearm"
16 has the meaning given in AS 11.81.900;

17 (9) may not enter into an agreement or other arrangement with a law
18 enforcement agency or officer that will place the parolee in the position of violating a
19 law or parole condition without the prior approval of the board;

20 (10) may not contact or correspond with anyone confined in a
21 correctional facility of any type serving any term of imprisonment or a felon without
22 the permission of the parole officer assigned to a parolee;

23 (11) shall agree to waive extradition from any state or territory of the
24 United States and to not contest efforts to return the parolee to the state;

25 (12) shall provide a blood sample, an oral sample, or both, when
26 requested by a health care professional acting on behalf of the state to provide the
27 sample or samples, or an oral sample when requested by a juvenile or adult
28 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
29 released after a conviction of an offense requiring the state to collect the sample or
30 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

31 (13) from a conviction for a sex offense shall submit to regular

1 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning
2 given in AS 12.63.100.

3 * **Sec. 135.** AS 33.16.150(b) is amended to read:

4 (b) The board may require as a condition of special medical, administrative,
5 discretionary, or mandatory parole, or a member of the board acting for the board
6 under (e) of this section may require as a condition of administrative or mandatory
7 parole, that a prisoner released on parole

8 (1) not possess or control a defensive weapon, a deadly weapon other
9 than an ordinary pocket knife with a blade three inches or less in length, or
10 ammunition for a firearm, or reside in a residence where there is a firearm capable of
11 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly
12 weapon," "defensive weapon," and "firearm" have the meanings given in
13 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

14 (2) refrain from possessing or consuming alcoholic beverages;

15 (3) submit to reasonable searches and seizures by a parole officer, or a
16 peace officer acting under the direction of a parole officer;

17 (4) submit to appropriate medical, mental health, or controlled
18 substance or alcohol examination, treatment, or counseling;

19 (5) submit to periodic examinations designed to detect the use of
20 alcohol or controlled substances; the periodic examinations may include testing under
21 the program established under AS 33.16.060(c);

22 (6) make restitution ordered by the court according to a schedule
23 established by the board;

24 (7) refrain from opening, maintaining, or using a checking account or
25 charge account;

26 (8) refrain from entering into a contract other than a prenuptial contract
27 or a marriage contract;

28 (9) refrain from operating a motor vehicle;

29 (10) refrain from entering an establishment where alcoholic beverages
30 are served, sold, or otherwise dispensed;

31 (11) refrain from participating in any other activity or conduct

1 reasonably related to the parolee's offense, prior record, behavior or prior behavior,
2 current circumstances, or perceived risk to the community, or from associating with
3 any other person that the board determines is reasonably likely to diminish the
4 rehabilitative goals of parole, or that may endanger the public; in the case of special
5 medical parole, for a prisoner diagnosed with a communicable disease, comply with
6 conditions set by the board designed to prevent the transmission of the disease.

7 * **Sec. 136.** AS 33.16.150(e) is amended to read:

8 (e) The board may designate a member of the board to act on behalf of the
9 board in imposing conditions of administrative or mandatory parole under (a) and (b)
10 of this section, in delegating imposition of conditions of administrative or mandatory
11 parole under (c) of this section, and in setting the period of compliance with the
12 conditions of administrative or mandatory parole under (d) of this section. The
13 decision of a member of the board under this section is the decision of the board. A
14 prisoner or parolee aggrieved by a decision of a member of the board acting for the
15 board under this subsection may apply to the board under AS 33.16.160 for a change
16 in the conditions of administrative or mandatory parole.

17 * **Sec. 137.** AS 33.16.150(f) is amended to read:

18 (f) In addition to other conditions of parole imposed under this section, the
19 board may impose as a condition of special medical, administrative, discretionary, or
20 mandatory parole for a prisoner serving a term for a crime involving domestic
21 violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a
22 requirement that, at the prisoner's expense, the prisoner participate in and complete, to
23 the satisfaction of the board, a program for the rehabilitation of perpetrators of
24 domestic violence that meets the standards set by, and that is approved by, the
25 department under AS 44.28.020(b); and (3) any other condition necessary to
26 rehabilitate the prisoner. The board shall establish procedures for the exchange of
27 information concerning the parolee with the victim and for responding to reports of
28 nonattendance or noncompliance by the parolee with conditions imposed under this
29 subsection. The board may not under this subsection require a prisoner to participate
30 in and complete a program for the rehabilitation of perpetrators of domestic violence
31 unless the program meets the standards set by, and is approved by, the department

1 under AS 44.28.020(b).

2 * **Sec. 138.** AS 33.16.150(g) is amended to read:

3 (g) In addition to other conditions of parole imposed under this section for a
4 prisoner serving a sentence for an offense where the aggravating factor provided in
5 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a
6 condition of special medical, **administrative**, discretionary, and mandatory parole a
7 requirement that the prisoner submit to electronic monitoring. Electronic monitoring
8 under this subsection must provide for monitoring of the prisoner's location and
9 movements by Global Positioning System technology. The board shall require a
10 prisoner serving a period of **parole** [PROBATION] with electronic monitoring as
11 provided under this subsection to pay all or a portion of the costs of the electronic
12 monitoring, but only if the prisoner has sufficient financial resources to pay the costs
13 or a portion of the costs. A prisoner subject to electronic monitoring under this
14 subsection is not entitled to a credit for time served in a correctional facility while the
15 defendant is on parole. In this subsection, "correctional facility" has the meaning given
16 in AS 33.30.901.

17 * **Sec. 139.** AS 33.16.150 is amended by adding a new subsection to read:

18 (h) In addition to other conditions of parole imposed under this section, for a
19 prisoner serving a sentence for an offense involving the use of alcohol or controlled
20 substances, the board may impose, as a condition of special medical, administrative,
21 discretionary, or mandatory parole, a requirement that the prisoner comply with a
22 program established under AS 33.16.060(c) or AS 47.38.020. The board may require a
23 prisoner serving a period of parole and complying with a program established under
24 AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with
25 the program.

26 * **Sec. 140.** AS 33.16.180 is amended to read:

27 **Sec. 33.16.180. Duties of the commissioner.** The commissioner shall

- 28 (1) conduct investigations of prisoners eligible for **administrative or**
29 **discretionary parole**, as requested by the board **and as provided in this section**;
30 (2) supervise the conduct of parolees;
31 (3) appoint and assign parole officers and personnel;

(4) provide the board, within 30 days after sentencing, information on a sentenced prisoner who may be eligible for administrative parole under AS 33.16.089 or discretionary parole under AS 33.16.090;

(5) notify the board and provide information on a prisoner 120 days before the prisoner's mandatory release date, if the prisoner is to be released on [TO] mandatory parole; [AND]

(6) maintain records, files, and accounts as requested by the board;

(7) prepare preparole reports under AS 33.16.110(a);

(8) notify the board in writing of a prisoner's compliance or noncompliance with the prisoner's case plan created under AS 33.30.011(8) not less than 30 days before the prisoner's next parole eligibility date or the prisoner's parole hearing date, whichever is earlier;

(9) establish an administrative sanction and incentive program to facilitate a swift and certain response to a parolee's compliance with or violation of the conditions of parole and shall adopt regulations to implement the program; at a minimum, the regulations must include

(A) a decision-making process to guide parole officers in determining the suitable response to positive and negative offender behavior that includes a list of sanctions for the most common types of negative behavior, including technical violations of conditions of parole, and a list of incentives for compliance with conditions and positive behavior that exceeds those conditions;

(B) policies and procedures that ensure

(i) a process for responding to negative behavior that includes a review of previous violations and sanctions;

(ii) that enhanced sanctions for certain negative conduct are approved by the commissioner or the commissioner's designee; and

(iii) that appropriate due process protections are included in the process, including notice of negative behavior, an opportunity to dispute the accusation and the sanction, and an

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opportunity to request a review of the accusation and the sanction;
and
(10) within 30 days after sentencing of an offender, provide the
victim of a crime information on the earliest dates the offender could be released
on furlough, probation, or parole, including deductions or reductions for good
time or other good conduct incentives and the process for release, including
contact information for the decision-making bodies.

* **Sec. 141.** AS 33.16.200 is amended to read:

Sec. 33.16.200. Custody of parolee. Except as provided in AS 33.16.210, the board retains custody of special medical, **administrative**, discretionary, and mandatory parolees until the expiration of the maximum term or terms of imprisonment to which the parolee is sentenced.

* **Sec. 142.** AS 33.16.210 is amended to read:

Sec. 33.16.210. Discharge of parolee. (a) The board may unconditionally discharge a parolee from the jurisdiction and custody of the board after the parolee has completed **one year** [TWO YEARS] of parole. A discretionary parolee with a residual period of probation may, after **one year** [TWO YEARS] of parole, be discharged by the board to immediately begin serving the residual period of probation.

(b) Notwithstanding (a) of this section, the board may unconditionally discharge a mandatory parolee before the parolee has completed **one year** [TWO YEARS] of parole if the parolee is serving a concurrent period of residual probation under AS 33.20.040(c), and the period of residual probation and the period of suspended imprisonment each equal or exceed the period of mandatory parole.

* **Sec. 143.** AS 33.16.210 is amended by adding a new subsection to read:

(c) Notwithstanding (a) of this section, the board may unconditionally discharge a parolee if the parolee

(1) has completed at least one year on parole;

(2) has completed all treatment programs required as a condition of parole;

(3) has not been found in violation of conditions of parole by the board for at least one year; and

1 (4) has not been convicted of an unclassified felony offense, a sexual
2 felony as defined by AS 12.55.185, or a crime involving domestic violence as defined
3 by AS 18.66.990.

4 * **Sec. 144.** AS 33.16 is amended by adding a new section to read:

5 **Sec. 33.16.215. Sanctions for a technical violation of parole.** (a) If a parolee
6 is serving a period of parole for an offense, the board may find that the parolee has
7 committed a technical violation of parole. If the board finds that a parolee has
8 committed a technical violation of parole that does not include absconding, the board
9 may revoke parole and return the parolee to the custody of the commissioner and then
10 place the person back on parole after the appropriate period of time below:

11 (1) three days for the first technical violation of parole filed with the
12 board;

13 (2) five days for the second technical violation of parole filed with the
14 board;

15 (3) 10 days for the third technical violation of parole filed with the
16 board; and

17 (4) up to the remainder of the sentence for a fourth or subsequent
18 technical violation of parole.

19 (b) If the board revokes a parolee's parole for absconding, the board may
20 impose a period of imprisonment not to exceed 30 days.

21 (c) The limits on length of imprisonment the board may impose under this
22 section if the board revokes a parolee's parole do not apply if the parolee is enrolled in
23 the program established under AS 33.16.060(c).

24 (d) In this section,

25 (1) "absconding" means failing to report within five working days after
26 release from custody under AS 33.20.030 or failing to report for a scheduled meeting
27 with a parole officer, as directed by the board or the parole officer, and failing to make
28 contact with the parole officer within 30 days following the missed meeting;

29 (2) "technical violation" means a violation of the conditions of parole
30 that does not result from

31 (A) commission of a new criminal offense; or

1 (B) failing to complete sex offender treatment.

2 * **Sec. 145.** AS 33.16.220(b) is amended to read:

3 (b) **If a parolee has been arrested for the commission of a new criminal**
4 **offense or for failing to complete a sex offender treatment program, except**
5 [EXCEPT] as provided in (e) of this section, **the board or its designee shall hold a**
6 **preliminary hearing** within 15 working days after the arrest and incarceration of a
7 parolee for violation of a condition of parole [, THE BOARD OR ITS DESIGNEE
8 SHALL HOLD A PRELIMINARY HEARING]. At the preliminary hearing, the board
9 or its designee shall determine if there is probable cause to believe that the parolee
10 violated the conditions of parole and, when probable cause exists, whether the parolee
11 should be released pending a final revocation hearing. A finding of probable cause at a
12 preliminary hearing in a criminal case is conclusive proof of probable cause that a
13 parole violation occurred.

14 * **Sec. 146.** AS 33.16.220(f) is amended to read:

15 (f) **If a parolee has had a preliminary hearing under (b) of this section, the**
16 [THE] board shall hold a final revocation hearing **not** [NO] later than 120 days after a
17 parolee's arrest, subject to restrictions arising under AS 33.36.110 and (g) of this
18 section.

19 * **Sec. 147.** AS 33.16.220(i) is amended to read:

20 (i) If, after the final revocation hearing, the board finds that the parolee has
21 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or
22 ordinance, the board may revoke all or a portion of the **remaining period of** parole
23 **subject to the limits set out in AS 33.16.215**, or change any condition of parole. **A**
24 **parolee's period of parole is tolled from the date of filing with the parole board of**
25 **a violation report for absconding and the date of the parolee's arrest, if the**
26 **parole board finds after a hearing that the parolee violated parole by absconding,**
27 **as defined in AS 12.55.110(g). The board cannot extend the period of parole**
28 **beyond the maximum release date calculated by the department on the parolee's**
29 **original sentence plus any time that has been tolled as described in this section.**

30 * **Sec. 148.** AS 33.16.220 is amended by adding a new subsection to read:

31 (j) If a parolee has been arrested for a technical violation of conditions of

1 parole, the board or its designee shall hold a final hearing within 15 working days.

2 * **Sec. 149.** AS 33.16.240 is amended by adding new subsections to read:

3 (h) A parolee arrested under this section for a technical violation shall be
4 released once the parolee has served the maximum number of days that could be
5 served for a technical violation under AS 33.16.215. Nothing in this subsection
6 prohibits the board or its designee from releasing a parolee sooner.

7 (i) The board or its designee may impose additional conditions necessary to
8 ensure the parolee's appearance at a hearing held under AS 33.16.220(h).

9 * **Sec. 150.** AS 33.16 is amended by adding a new section to read:

10 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
11 by regulation a program allowing parolees to earn credits for complying with the
12 conditions of parole. The earned compliance credits reduce the period of parole.
13 Nothing in this section prohibits the department from recommending to the board the
14 early discharge of the parolee as provided in AS 33.16. At a minimum, the regulations
15 must

16 (1) require that a parolee earn a credit of 30 days for each 30-day
17 period served in which the parolee complied with the conditions of parole;

18 (2) include policies and procedures for

19 (A) calculating and tracking credits earned by parolees;

20 (B) reducing the parolee's period of parole based on credits
21 earned by the parolee; and notifying a victim under AS 33.30.013.

22 * **Sec. 151.** AS 33.16.900 is amended by adding new paragraphs to read:

23 (14) "administrative parole" means the release of a prisoner who is
24 eligible for administrative parole under AS 33.16.089 and who has satisfied the
25 criteria for release, subject to conditions imposed by the board and subject to its
26 custody and jurisdiction;

27 (15) "administrative sanctions and incentives" means responses by a
28 parole officer to a parolee's compliance with or violation of the conditions of parole
29 under AS 33.16.180.

30 * **Sec. 152.** AS 33.20.010(a) is amended to read:

31 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner

1 convicted of an offense against the state or a political subdivision of the state and
2 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
3 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
4 follows the rules of the correctional facility in which the prisoner is confined. A
5 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

6 (1) to a mandatory 99-year term of imprisonment under
7 AS 12.55.125(a) after June 27, 1996;

8 (2) to a definite term under AS 12.55.125(l); [OR]

9 (3) for a sexual felony under AS 12.55.125(i)

10 (A) and has one or more prior sexual felony convictions as
11 determined under AS 12.55.145(a)(4); or

12 (B) that is an unclassified or a class A felony; or

13 **(4) to a definite term of imprisonment of not more than 10 days for**
14 **a technical violation of AS 12.55.110(c) or AS 33.16.215.**

15 * **Sec. 153.** AS 33.20.010(c) is amended to read:

16 (c) A prisoner may not be awarded a good time deduction under (a) of this
17 section for any period spent [IN A TREATMENT PROGRAM,] in a private
18 residence. **A prisoner may be awarded a good time deduction under (a) of this**
19 **section for any period spent** [, OR] while under electronic monitoring **or in a**
20 **treatment program.**

21 * **Sec. 154.** AS 33.20.010 is amended by adding a new subsection to read:

22 (d) Notwithstanding (a) and (c) of this section, the commissioner of
23 corrections shall award to a prisoner convicted of a sexual offense that is ineligible for
24 a deduction under (a)(3)(A) or (B) of this section and sentenced to a term of
25 imprisonment that exceeds three days a deduction of one-third of the term of
26 imprisonment rounded off to the nearest day for periods during which the prisoner
27 follows the rules of the correctional facility in which the prisoner is confined. The
28 commissioner may not award the deduction under this subsection until the prisoner
29 completes the treatment requirements in the prisoner's case plan and receives a
30 positive recommendation from the supervisor of the prisoner's treatment program.

31 * **Sec. 155.** AS 33.30.011 is amended to read:

Sec. 33.30.011. Duties of commissioner. The commissioner shall

(1) establish, maintain, operate, and control correctional facilities suitable for the custody, care, and discipline of persons charged or convicted of offenses against the state or held under authority of state law; each correctional facility operated by the state shall be established, maintained, operated, and controlled in a manner that is consistent with AS 33.30.015;

(2) classify prisoners;

(3) for persons committed to the custody of the commissioner, establish programs, including furlough programs that are reasonably calculated to

(A) protect the public and the victims of crimes committed by prisoners;

(B) maintain health;

(C) create or improve occupational skills;

(D) enhance educational qualifications;

(E) support court-ordered restitution; and

(F) otherwise provide for the rehabilitation and reformation of prisoners, facilitating their reintegration into society;

(4) provide necessary

(A) medical services for prisoners in correctional facilities or who are committed by a court to the custody of the commissioner, including examinations for communicable and infectious diseases;

(B) psychological or psychiatric treatment if a physician or other health care provider, exercising ordinary skill and care at the time of observation, concludes that

(i) a prisoner exhibits symptoms of a serious disease or injury that is curable or may be substantially alleviated; and

(ii) the potential for harm to the prisoner by reason of delay or denial of care is substantial; and

(C) assessment or screening of the risks and needs of offenders who may be vulnerable to harm, exploitation, or recidivism as a result of fetal alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based

disorder;

(5) establish minimum standards for sex offender treatment programs offered to persons who are committed to the custody of the commissioner;

(6) provide for fingerprinting in correctional facilities in accordance with AS 12.80.060; [AND]

(7) establish a program to conduct assessments of the risks and needs of offenders sentenced to serve a term of incarceration of 30 days or more and provide to the legislature, by electronic means, by January 15, 2017, and thereafter by January 15, preceding the first regular session of each legislature, a report summarizing the findings and results of the program;

(8) establish a procedure that provides for each prisoner required to serve an active term of imprisonment of 30 days or more a written case plan that

(A) is provided to the prisoner within 90 days after sentencing;

(B) is based on the results of the assessment of the prisoner's risks and needs under (7) of this section;

(C) includes a requirement to follow the rules of the institution;

(D) is modified when necessary for changes in classification, housing status, medical or mental health, and resource availability;

(E) includes participation in programming that addresses the needs identified in the assessment;

(9) establish a program to begin reentry planning with each prisoner serving an active term of imprisonment of 90 days or more; reentry planning must begin at least 90 days before release on furlough or probation or parole; the reentry program must include

(A) a written reentry plan for each prisoner completed upon release on furlough or probation or parole that includes information on the prisoner's proposed

(i) residence;

(ii) employment or alternative means of support;

(iii) treatment options;

(iv) counseling services;

(v) education or job training services;

(B) any other requirements for successful transition back to the community, including electronic monitoring or furlough for the period between a scheduled parole hearing and parole eligibility;

(C) coordination with the Department of Labor and Workforce Development to provide access, after release, to job training and employment assistance;

(10) establish minimum standards for electronic monitoring for offenders and procedures for approving electronic monitoring programs provided by private contractors; and

(11) assist a prisoner in obtaining a valid state identification card or driver's license if the prisoner does not have a valid state identification card or driver's license before the prisoner's release; the department shall pay the application fee for the identification card or driver's license.

* **Sec. 156.** AS 33.30.013(a) is amended to read:

(a) The commissioner shall notify the victim if the offender

(1) escapes from custody;

(2) is discharged from parole under AS 33.16; or

(3) is released to the community on a furlough, on an early release program, or for any other reason.

* **Sec. 157.** AS 33.30 is amended by adding a new section to read:

Sec. 33.30.095. Duties of commissioner before release of prisoner. (a) The commissioner shall establish a program to prepare a prisoner who is serving a sentence of imprisonment exceeding one year for the prisoner's discharge, release on parole or probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the date of the prisoner's discharge, release, or furlough.

(b) The program established under (a) of this section must include

(1) instruction on

(A) obtaining state identification;

(B) community resources available for housing, employment, and treatment;

(2) an individualized reentry plan under AS 30.30.011(9) for the prisoner; and

(3) probation and parole orientation, if appropriate.

* **Sec. 158.** AS 33.30.151 is amended to read:

Sec. 33.30.151. Correctional restitution centers. (a) The commissioner shall establish correctional restitution centers in the state. The purpose of the centers is to provide certain offenders with rehabilitation through **comprehensive treatment for substance abuse, cognitive behavioral disorders, and other criminal risk factors, including aftercare support,** community service, and employment, while protecting the community through partial incarceration of the offender, and to create a means to provide restitution to victims of crimes.

(b) The commissioner shall adopt regulations setting standards for the operation of the centers including

(1) requirements that the centers be secure and in compliance with state and local safety laws;

(2) standards for disciplinary rules to be imposed on prisoners confined to the centers;

(3) standards for the granting of emergency absence to prisoners confined to the centers;

(4) standards for classifying prisoners to centers;

(5) standards for mandatory employment and participation in community service programs in each center; [AND]

(6) standards for periodic review of the performance of prisoners confined to the centers **and quality assurance measures to ensure centers are meeting state standards and contractual obligations;**

(7) standards for the provision of treatment, including substance abuse treatment, cognitive behavioral therapy, and aftercare designed to address an offender's individual criminogenic needs; and

(8) standards and a process to assess an offender's risk of recidivating and the criminal risk factors and needs that reduce the risk of recidivating and ensure that

(A) high risk offenders with moderate to high needs are a priority for acceptance into a correctional restitution center; and

(B) centers establish internal procedures to limit the mixing of low and high risk prisoners.

* **Sec. 159.** AS 34.03.360(7) is amended to read:

(7) "illegal activity involving a controlled substance" means a violation of AS 11.71.010(a), **11.71.030(a)(1), (2), or (4) - (8)** [11.71.020(a), 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1), (2), or (5);

* **Sec. 160.** AS 43.23.065(b) is amended to read:

(b) An exemption is not available under this section for permanent fund dividends taken to satisfy

(1) child support obligations required by court order or decision of the child support services agency under AS 25.27.140 - 25.27.220;

(2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100, or AS 47.12.120(b)(4);

(3) claims on defaulted education loans under AS 43.23.067;

(4) court ordered fines;

(5) writs of execution under AS 09.35 of a judgment that is entered

(A) against a minor in a civil action to recover damages and court costs;

(B) under AS 09.65.255 against the parent, parents, or legal guardian of an unemancipated minor;

(6) a debt owed by an eligible individual to an agency of the state, including the University of Alaska, unless the debt is contested and an appeal is pending, or the time limit for filing an appeal has not expired;

(7) a debt owed to a person for a program for the rehabilitation of perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15), AS 25.20.061(3), or AS 33.16.150(f)(2);

(8) a judgment for unpaid rent or damage owed to a landlord by an eligible individual that was a tenant of the landlord; in this paragraph, "tenant" has the meaning given in AS 34.03.360;

(9) court-ordered forfeiture of an appearance or performance bond under AS 12.30.075.

* **Sec. 161.** AS 44.19.645 is amended to read:

Sec. 44.19.645. Powers and duties of the commission. (a) The commission shall evaluate the effect of sentencing laws and criminal justice practices on the criminal justice system to evaluate whether those sentencing laws and criminal justice practices provide for protection of the public, community condemnation of the offender, the rights of victims of crimes, the rights of the accused and the person convicted, restitution from the offender, and the principle of reformation. The commission shall make recommendations for improving criminal sentencing practices and criminal justice practices, including rehabilitation and restitution. **The commission shall annually make recommendations to the governor and the legislature on how savings from criminal justice reforms should be reinvested to reduce recidivism.** In formulating its recommendations, the commission shall consider

(1) statutes, court rules, and court decisions relevant to sentencing of criminal defendants in misdemeanor and felony cases;

(2) sentencing practices of the judiciary, including use of presumptive sentences;

(3) means of promoting uniformity, proportionality, and accountability in sentencing;

(4) alternatives to traditional forms of incarceration;

(5) the efficacy of parole and probation in ensuring public safety, achieving rehabilitation, and reducing recidivism;

(6) the adequacy, availability, and effectiveness of treatment and rehabilitation programs;

(7) crime and incarceration rates, including the rate of violent crime and the abuse of controlled substances, in this state compared to other states, and best

1 practices adopted by other states that have proven to be successful in reducing
2 recidivism;

3 (8) the relationship between sentencing priorities and correctional
4 resources;

5 (9) the effectiveness of the state's current methodologies for the
6 collection and dissemination of criminal justice data; and

7 (10) whether the schedules for controlled substances in AS 11.71.140 -
8 11.71.190 are reasonable and appropriate, considering the criteria established in
9 AS 11.71.120(c).

10 (b) The commission may

11 (1) recommend legislative and administrative action on criminal justice
12 practices; [AND]

13 (2) select and retain the services of consultants as necessary;

14 **(3) appoint a working group to review and analyze the**
15 **implementation of the recommendations made in the justice reinvestment report**
16 **in December 2015, and other recommendations issued by the commission, and**
17 **regularly report to the commission on the status of the implementation; a**
18 **working group may include representatives of criminal justice agencies and key**
19 **constituencies who are not members of the commission; and**

20 **(4) enter into data-sharing agreements with the Justice Center at**
21 **the University of Alaska, the Alaska Judicial Council, or other research**
22 **institutions for the purposes of analyzing data and performance metrics.**

23 * **Sec. 162.** AS 44.19.645 is amended by adding new subsections to read:

24 (c) The commission shall

25 (1) receive and analyze data collected by agencies and entities charged
26 with implementing the recommendations of the 2015 justice reinvestment report and
27 other recommendations issued by the commission and who are collecting data during
28 the implementation and management of specific commission recommendations;

29 (2) track and assess outcomes from the recommendations the
30 commission has made and corresponding criminal justice reforms; and

31 (3) request, receive, and review data and reports on performance

1 outcome data relating to criminal justice reform.

2 (d) Agencies and entities reporting data to the working group authorized in
3 (b)(3) of this section under (e) - (g) of this section shall

4 (1) report data individually by case number, including an identifier
5 number such as the Alaska Public Safety Information Network number, the court case
6 number, the Alaska Corrections Offender Management System number, and the arrest
7 tracking number, as available;

8 (2) include demographic information necessary for tracking
9 individuals across multiple databases, including the individual's first name, last name,
10 middle initial as available, and date of birth; and

11 (3) include information necessary to measure possible disparate effects
12 of criminal justice laws and policies, such as race and gender as available.

13 (e) The judiciary shall report quarterly to the working group authorized in
14 (b)(3) of this section. The report shall include criminal case processing data, including

15 (1) the date, type, and number of all charges disposed within the
16 quarter;

17 (2) the disposition of each charge, whether convicted, dismissed,
18 acquitted, or otherwise disposed; and

19 (3) the date of the disposition for each charge.

20 (f) The Department of Public Safety shall report quarterly to the working
21 group authorized under (b)(3) of this section. The report shall include the following
22 information:

23 (1) data on citations and arrests for criminal offenses, including the
24 offense charged and reason for arrest if an arrest was made;

25 (2) data on all criminal convictions and sentences during the quarter;
26 and

27 (3) criminal history information for selected offenders as agreed on by
28 the department and the working group authorized in (b)(3) of this section.

29 (g) The Department of Corrections shall report quarterly to the working group
30 authorized in (b)(3) of this section. The report shall include the following information:

31 (1) data on pretrial decision making and outcomes, including

1 information on pretrial detainees admitted for a new criminal charge; detainees
2 released at any point before case resolution; time spent detained before first release or
3 case resolution; pretrial defendant risk level and charge; pretrial release
4 recommendations made by pretrial service officers; pretrial conditions imposed on
5 pretrial detainees by judicial officers, including amount of bail, and supervision
6 conditions; and information on pretrial outcomes, including whether or not the
7 defendant appeared in court or was re-arrested during the pretrial period;

8 (2) data on offenders admitted to the Department of Corrections for a
9 new criminal conviction, including the offense type, number of prior felony
10 convictions, sentence length, length of stay, and the number of offenders earning a
11 good time deduction under AS 33.20.010(d);

12 (3) data on the population of the Department of Corrections, using a
13 one-day snapshot on the first day of the first month of each quarter, broken down by
14 type of admission, offense type, and risk level;

15 (4) data on offenders on probation supervised by the Department of
16 Corrections, including the total number of offenders supervised using a one-day
17 snapshot on the first month of each quarter; admissions to probation; assignments to a
18 program under AS 33.05.020(f); probation sentence length; time served on the
19 sentence; whether probation was successfully completed, any new convictions for a
20 felony offense, and any sentences to a term of imprisonment while on probation;

21 (5) data on parole, including the number of offenders supervised on
22 parole, using a one-day snapshot on the first month of each quarter; the number of
23 parole hearings; the parole grant rate and number of parolees released on
24 administrative, discretionary, and special medical parole; and information on parolees,
25 including time spent on parole, whether parole was successfully completed, any new
26 convictions for a new felony offense, and any sentences to a term of imprisonment
27 while on parole;

28 (6) data on the implementation of policies from the 2015 justice
29 reinvestment report, including the number and percentage of offenders who earn
30 compliance credits under AS 33.05.020(g) in one or more months, and the total
31 amount of credits earned; the average number of sanctions issued under

1 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
2 common violations of probation or parole; and

3 (7) data on probation and parole revocations, including information on
4 probationers and parolees admitted for a supervision violation pre-case and post-case
5 resolution; probationers and parolees admitted solely for a technical violation;
6 probationers and parolees admitted for a new arrest; the number of previous
7 revocations on the current sentence, if any; the length of time held pre-case resolution;
8 the length of time to case resolution; and the length of stay.

9 * **Sec. 163.** AS 44.19.647 is amended to read:

10 **Sec. 44.19.647. Annual report and recommendations.** The commission shall
11 submit to the governor and the legislature an annual report. **The report must include**

12 **(1) a description** of its proceedings for the previous calendar year;

13 **(2) a summary of savings and recommendations on how savings**
14 **from criminal justice reform should be reinvested to reduce recidivism;**

15 **(3) performance metrics and outcomes from the recommendations**
16 **the commission made in its December 2015 report, including recidivism rates,**
17 **defined as**

18 **(A) the percentage of inmates who return to prison within**
19 **three years after release, broken down by offense type and risk level; and**

20 **(B) the percentage of inmates who return to prison within**
21 **three years after release for a new criminal conviction, broken down by**
22 **offense type and risk level; and**

23 **(4) recommendations for additional reforms, which may include**
24 [AND MAY SUBMIT] recommendations for legislative and administrative action.
25 [REPORTS AND RECOMMENDATIONS PROVIDED UNDER THIS SECTION
26 SHALL BE SUBMITTED NOT LATER THAN FEBRUARY 1 OF EACH YEAR].

27 * **Sec. 164.** AS 44.19.647 is amended by adding a new subsection to read:

28 (b) The commission shall submit the reports and recommendations provided
29 under (a) of this section not later than November 1 of each year.

30 * **Sec. 165.** AS 44.66.010(a)(12) is amended to read:

31 (12) Alaska Criminal Justice Commission (AS 44.19.641) - **June 30,**

2021 [JUNE 30, 2017];

* **Sec. 166.** AS 47.12.315(a) is amended to read:

(a) Notwithstanding AS 47.12.310 and except as otherwise provided in this section, the department shall disclose information to the public, on request, concerning a minor subject to this chapter who was at least 13 years of age at the time of commission of

(1) a felony offense against a person under AS 11.41;

(2) arson in the first or second degree;

(3) burglary in the first degree;

(4) distribution of child pornography;

(5) sex trafficking in the first degree;

(6) misconduct involving a controlled substance in the first **or** [,] second [, OR THIRD] degrees involving distribution or possession with intent to deliver; or

(7) misconduct involving weapons in the first through fourth degrees.

* **Sec. 167.** AS 47.27.015 is amended by adding a new subsection to read:

(i) A person convicted after August 22, 1996, of an offense that is classified as a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has as an element the possession, use, or distribution of a controlled substance, as defined in AS 11.71.900, is disqualified from receiving temporary assistance under this chapter or food stamps under AS 47.25 unless the person demonstrates, to the satisfaction of the department, that the person

(1) is satisfactorily serving, or has successfully completed, a period of probation or parole;

(2) is in the process of serving, or has successfully completed, mandatory participation in a drug or alcohol treatment program; or

(3) has taken action toward rehabilitation, including participation in a drug or alcohol treatment program.

* **Sec. 168.** AS 47.37.040 is amended to read:

Sec. 47.37.040. Duties of department. The department shall

(1) develop, encourage, and foster statewide, regional, and local plans

1 and programs for the prevention of alcoholism and drug abuse and treatment of
2 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
3 public and private agencies, organizations, and individuals, and provide technical
4 assistance and consultation services for these purposes;

5 (2) coordinate the efforts and enlist the assistance of all public and
6 private agencies, organizations, and individuals interested in prevention of alcoholism,
7 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
8 abusers, and inhalant abusers;

9 (3) cooperate with the Department of Corrections in establishing and
10 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
11 abusers, and inhalant abusers in or on parole from penal institutions;

12 (4) cooperate with the Department of Education and Early
13 Development, school boards, schools, police departments, courts, and other public and
14 private agencies, organizations, and individuals in establishing programs for the
15 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
16 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
17 materials for use at all levels of school education;

18 (5) prepare, publish, evaluate, and disseminate educational material
19 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
20 volatile substances;

21 (6) develop and implement, as an integral part of treatment programs,
22 an educational program for use in the treatment of alcoholics, intoxicated persons,
23 drug abusers, and inhalant abusers that includes the dissemination of information
24 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

25 (7) organize and foster training programs for all persons engaged in
26 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
27 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
28 abuse workers;

29 (8) sponsor and encourage research into the causes and nature of
30 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
31 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse

1 for information relating to alcoholism, drug abuse, and inhalant abuse;

2 (9) specify uniform methods for keeping statistical information by
3 public and private agencies, organizations, and individuals, and collect and make
4 available relevant statistical information, including number of persons treated,
5 frequency of admission and readmission, and frequency and duration of treatment;

6 (10) conduct program planning activities approved by the Advisory
7 Board on Alcoholism and Drug Abuse;

8 (11) review all state health, welfare, and treatment plans to be
9 submitted for federal funding, and advise the commissioner on provisions to be
10 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
11 abusers;

12 (12) assist in the development of, and cooperate with, alcohol, drug
13 abuse, and inhalant abuse education and treatment programs for employees of state
14 and local governments and businesses and industries in the state;

15 (13) use the support and assistance of interested persons in the
16 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to
17 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
18 treatment;

19 (14) cooperate with the Department of Public Safety and the
20 Department of Transportation and Public Facilities in establishing and conducting
21 programs designed to deal with the problem of persons operating motor vehicles while
22 under the influence of an alcoholic beverage, inhalant, or controlled substance, and
23 develop and approve alcohol information courses required to be taken by drivers under
24 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic
25 laws;

26 (15) encourage hospitals and other appropriate health facilities to
27 admit without discrimination alcoholics, intoxicated persons, drug abusers, and
28 inhalant abusers and to provide them with adequate and appropriate treatment;

29 (16) encourage all health insurance programs to include alcoholism
30 and drug abuse as a covered illness;

31 (17) prepare an annual report covering the activities of the department

1 and notify the legislature that the report is available;

2 (18) develop and implement a training program on alcoholism and
3 drug abuse for employees of state and municipal governments, and private institutions;

4 (19) develop curriculum materials on drug and alcohol abuse and the
5 misuse of hazardous volatile substances for use in grades kindergarten through 12, as
6 well as a course of instruction for teachers to be charged with presenting the
7 curriculum;

8 (20) develop and implement or designate, in cooperation with other
9 state or local agencies, a juvenile alcohol safety action program that provides alcohol
10 and substance abuse screening, referral, and monitoring of persons under 18 years of
11 age who have been referred to it by

12 (A) a court in connection with a charge or conviction of a
13 violation or misdemeanor related to the use of alcohol or a controlled
14 substance;

15 (B) the agency responsible for the administration of motor
16 vehicle laws in connection with a license action related to the use of alcohol or
17 a controlled substance; or

18 (C) department staff after a delinquency adjudication that is
19 related to the use of alcohol or a controlled substance;

20 (21) develop and implement, or designate, in cooperation with other
21 state or local agencies, an alcohol safety action program that provides [ALCOHOL
22 AND SUBSTANCE ABUSE SCREENING, REFERRAL, AND MONITORING]
23 services to persons who have been referred by a court [IN CONNECTION WITH A
24 CHARGE OR CONVICTION OF A MISDEMEANOR INVOLVING THE USE OF
25 A MOTOR VEHICLE, AIRCRAFT, OR WATERCRAFT AND ALCOHOL OR A
26 CONTROLLED SUBSTANCE, REFERRED BY A COURT] under AS 28.35.028,
27 28.35.030, or 28.35.032, or referred by an agency of the state with the responsibility
28 for administering motor vehicle laws in connection with a driver's license action
29 involving the use of alcohol or a controlled substance;

30 (22) whenever possible, apply evidence-based, research-based, and
31 consensus-based substance abuse and co-occurring substance abuse and mental health

1 disorders treatment practices and remove barriers that prevent the use of those
2 practices;

3 (23) collaborate with first responders, hospitals, schools, primary care
4 providers, developmental disability treatment providers, law enforcement, corrections,
5 attorneys, the Alaska Court System, community behavioral treatment providers,
6 Alaska Native organizations, and federally funded programs in implementing
7 programs for co-occurring substance abuse and mental health disorders treatment.

8 * **Sec. 169.** AS 47.37.130(h) is amended to read:

9 (h) The department shall

10 (1) inspect, on a regular basis, approved public and private alcohol
11 safety action programs at reasonable times and in a reasonable manner; [AND]

12 (2) maintain a list of approved public and private alcohol safety action
13 programs; and

14 (3) develop regulations for the operation and management of
15 alcohol safety action programs that ensure

16 (A) assessments are conducted using a validated risk and
17 needs assessment tool; and

18 (B) supervision of participants is appropriate to the
19 assessed risk of re-offense of the participant.

20 * **Sec. 170.** AS 47.37.130 is amended by adding a new subsection to read:

21 (k) The public and private alcohol safety action programs established under
22 AS 47.37.040(21) shall provide

23 (1) assessment of eligible participants to determine the risk of the
24 person to re-offend and the criminal risk factors that are contributing to the risk; and

25 (2) supervision of participants based on the assessed risk to re-offend.

26 * **Sec. 171.** AS 47.38.020(d) is repealed and reenacted to read:

27 (d) The department may, in accordance with AS 36.30, procure and enter into
28 agreements or contracts to establish and implement the program and testing required
29 under (a) - (c) of this section.

30 * **Sec. 172.** AS 47.38.100(a) is amended to read:

31 (a) The recidivism reduction program is established to promote the

1 rehabilitation [THROUGH TRANSITIONAL RE-ENTRY PROGRAMS] of persons
2 **on probation or parole or** incarcerated for offenses and recently released from
3 correctional facilities.

4 * **Sec. 173.** AS 47.38.100(b) is amended to read:

5 (b) The commissioner, in cooperation with the **Alaska Criminal Justice**
6 **Commission established in AS 44.19.641** [COMMISSIONER OF CORRECTIONS],
7 may provide for programs that have, as a primary focus, rehabilitation and reduction
8 of recidivism [THROUGH TRANSITIONAL RE-ENTRY] for persons **on probation**
9 **or parole or** incarcerated for offenses and recently released from correctional
10 facilities. The commissioner may enter into contracts to provide for programs under
11 this section. **An eligible** [A] program under this section must **accomplish at least one**
12 **of the following objectives:**

13 (1) **increasing access to evidence-based rehabilitation programs,**
14 **including drug and alcohol treatment, mental health treatment, and cognitive**
15 **behavioral programs; or**

16 (2) **supporting offenders' transition and re-entry from correctional**
17 **facilities to the community, including transitional housing services, employment**
18 **services, vocational training, educational support, counseling, and medical care**

19 [INCLUDE CASE MANAGEMENT;

20 (2) REQUIRE SOBER LIVING;

21 (3) PROVIDE, ON-SITE OR BY REFERRAL, TREATMENT FOR
22 SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT;

23 (4) REQUIRE EMPLOYMENT, EDUCATIONAL
24 PROGRAMMING, VOCATIONAL TRAINING, OR COMMUNITY VOLUNTEER
25 WORK AS APPROVED BY THE DIRECTOR OF THE TREATMENT PROGRAM;
26 AND

27 (5) LIMIT RESIDENTIAL PLACEMENTS IN THE PROGRAM TO
28 A MAXIMUM OF ONE YEAR].

29 * **Sec. 174.** AS 47.38.100 is amended by adding a new subsection to read:

30 (d) In this section, "evidenced-based" means a program or practice that offers
31 a high level of peer-reviewed data on effectiveness.

1 * **Sec. 175.** The uncodified law of the State of Alaska is amended by adding a new section
2 to read:

3 DIRECT COURT RULE AMENDMENT. Rule 38, Alaska Rules of Criminal
4 Procedure, is amended by adding new subsections to read:

5 (d) **Hearing Notice.** The court shall provide a notice to a defendant of the
6 date, time, and place of a scheduled hearing at which the defendant is required to
7 appear in a form and manner established by the court.

8 (e) **Hearing Reminder.** In addition to the notice required under (d) of this
9 rule, the court shall provide a reminder notification to a defendant who is not in
10 custody and to the Department of Corrections at least 48 hours prior to a scheduled
11 hearing at which the defendant is required to appear regarding the date, time, and
12 place of the scheduled hearing and the potential consequences of failure to appear, in a
13 form and manner established by the court.

14 * **Sec. 176.** The uncodified law of the State of Alaska is amended by adding a new section
15 to read:

16 DIRECT COURT RULE AMENDMENT. Rule 41, Alaska Rules of Criminal
17 Procedure, is amended by adding a new subsection to read:

18 (j) **Misdemeanor and Felony Bail Schedules.** No bail schedule shall be
19 established for misdemeanors or felonies.

20 * **Sec. 177.** The uncodified law of the State of Alaska is amended by adding a new section
21 to read:

22 REPEAL OF COURT RULES. Rules 41(d) and (e), Alaska Rules of Criminal
23 Procedure, are repealed.

24 * **Sec. 178.** AS 11.46.140(a)(3), 11.46.220(c)(2)(B); AS 11.71.020, 11.71.040(a)(3),
25 11.71.050(a)(2); AS 12.30.016(d); AS 12.55.125(c)(2)(B), 12.55.125(d)(2)(B), 12.55.125(o),
26 12.55.135(j); AS 28.22.011(b); and AS 33.16.100(e) are repealed.

27 * **Sec. 179.** The uncodified law of the State of Alaska is amended by adding a new section
28 to read:

29 INDIRECT COURT RULE AMENDMENT. (a) AS 12.30.011, as repealed and
30 reenacted by sec. 55 of this Act, has the effect of changing Rule 41, Alaska Rules of Criminal
31 Procedure, by changing and establishing release conditions for certain defendants, providing

1 for recommendations by pretrial services officers of release conditions based on a pretrial risk
2 assessment score, providing that a court shall order the release of a person under certain
3 circumstances upon execution of an appearance or performance bond, and providing new
4 procedures for use of appearance, surety, and performance bonds.

5 (b) AS 12.55.055(g), enacted by sec. 72 of this Act, has the effect of changing Rule
6 32, Alaska Rules of Criminal Procedure, by directing the court to include a provision in the
7 judgment that community work hours that are not completed shall be converted to a fine as
8 provided in AS 12.55.055(h), added by sec. 72 of this Act.

9 (c) AS 12.55.078, enacted by sec. 73 of this Act, has the effect of changing Rule 43,
10 Alaska Rules of Criminal Procedure, by creating an alternate procedure for when the court
11 may dismiss charges.

12 (d) AS 12.55.135(p), enacted by sec. 87 of this Act, has the effect of changing Rule
13 32.1, Alaska Rules of Criminal Procedure, by changing the procedure for notice of
14 aggravating factors.

15 (e) AS 33.07, enacted by sec. 116 of this Act, has the effect of changing Rule 41,
16 Alaska Rules of Criminal Procedure, by establishing pretrial services officers and procedures
17 and duties for pretrial services officers as officers of the superior and district courts, for the
18 purposes of performing risk assessments and making pretrial recommendations to the court
19 regarding a person's pretrial release and bail conditions.

20 * **Sec. 180.** The uncodified law of the State of Alaska is amended by adding a new section
21 to read:

22 COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. The Council
23 on Domestic Violence and Sexual Assault established in AS 18.66.010 shall create or expand
24 community-based violence prevention programming and services for victims of a crime
25 involving domestic violence or sexual assault in the fiscal year ending June 30, 2017. In this
26 section "domestic violence" and "sexual assault" have the meanings given to those terms in
27 AS 18.66.990.

28 * **Sec. 181.** The uncodified law of the State of Alaska is amended by adding a new section
29 to read:

30 REPORT ON OFFENSES OF DRIVING WHILE INTOXICATED, REFUSAL OF A
31 CHEMICAL TEST, AND DRIVING WITHOUT A VALID DRIVER'S LICENSE. The

1 Alaska Criminal Justice Commission, established in AS 44.19.641, shall prepare a report
2 regarding the effectiveness of the penalties, fines, and reformatory and rehabilitative measures
3 under state law for the offenses of driving while intoxicated, refusal to submit to a chemical
4 test, and driving without a valid driver's license. The commission shall include in the report an
5 opinion on whether the penalties, fines, and reformatory and rehabilitative measures under
6 state law for the offenses of driving while under the influence, refusal to submit to a chemical
7 test, and driving without a valid driver's license reduce recidivism, promote rehabilitation and
8 protect the public. The commission shall propose statutory changes for those offenses to
9 reduce recidivism, promote rehabilitation, and protect the public. The commission shall
10 deliver the report not later than December 1, 2016, to the senate secretary and the chief clerk
11 of the house of representatives and notify the legislature that the report is available.

12 * **Sec. 182.** The uncodified law of the State of Alaska is amended by adding a new section
13 to read:

14 **REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING**
15 **RESTITUTION.** The Alaska Criminal Justice Commission established in AS 44.19.641 shall
16 prepare a report regarding the implementation of a financial recovery and victim's restitution
17 program and shall make recommendations for statutory changes to improve the payment and
18 collection of victim's restitution. The report must include recommendations regarding
19 restitution for crimes against a person and for property crimes against businesses and
20 members of the public. The commission shall deliver the report not later than December 1,
21 2016, to the senate secretary and the chief clerk of the house of representatives and notify the
22 legislature that the report is available.

23 * **Sec. 183.** The uncodified law of the State of Alaska is amended by adding a new section
24 to read:

25 **REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING**
26 **SOCIAL IMPACT BONDS.** The Alaska Criminal Justice Commission established in
27 AS 44.19.641 shall prepare a report regarding the potential of using social impact bonds to
28 reduce recidivism rates. The commission shall deliver the report not later than December 15,
29 2016, to the governor, senate secretary, and chief clerk of the house of representatives and
30 notify the legislature that the report is available. The report shall cover the following topics:

31 (1) identification and evaluation of grant programs, contracts, and services of

1 the Department of Corrections and the Department of Health and Social Services that may be
2 suitable for social impact financing;

3 (2) the possibility of private sector investors providing social impact
4 financing;

5 (3) programs operated by nonprofit corporations that could be funded through
6 a social impact financing mechanism;

7 (4) independent evaluators that could determine whether performance targets
8 for a nonprofit corporation funded by social impact financing are met at the end of an agreed-
9 on time frame; and

10 (5) whether federal funding is available for independent evaluators
11 participating in social impact financing.

12 * **Sec. 184.** The uncodified law of the State of Alaska is amended by adding a new section
13 to read:

14 **APPLICABILITY.** (a) The following sections apply to offenses committed on or after
15 the effective date of those sections:

- 16 (1) AS 11.46.130(a), as amended by sec. 3 of this Act;
- 17 (2) AS 11.46.140(a), as amended by sec. 4 of this Act;
- 18 (3) AS 11.46.150(a), as amended by sec. 5 of this Act;
- 19 (4) AS 11.46.220(c), as amended by sec. 6 of this Act;
- 20 (5) AS 11.46.260(b), as amended by sec. 7 of this Act;
- 21 (6) AS 11.46.270(b), as amended by sec. 8 of this Act;
- 22 (7) AS 11.46.280(d), as amended by sec. 9 of this Act;
- 23 (8) AS 11.46.285(b), as amended by sec. 10 of this Act;
- 24 (9) AS 11.46.295, as amended by sec. 11 of this Act;
- 25 (10) AS 11.46.360(a), as amended by sec. 12 of this Act;
- 26 (11) AS 11.46.460, as amended by sec. 13 of this Act;
- 27 (12) AS 11.46.482(a), as amended by sec. 14 of this Act;
- 28 (13) AS 11.46.484(a), as amended by sec. 15 of this Act;
- 29 (14) AS 11.46.486, as amended by sec. 16 of this Act;
- 30 (15) AS 11.46.530(b), as amended by sec. 17 of this Act;
- 31 (16) AS 11.46.620(d), as amended by sec. 18 of this Act;

- 1 (17) AS 11.46.730(c), as amended by sec. 19 of this Act;
- 2 (18) AS 11.46.980, as amended by sec. 20 of this Act;
- 3 (19) AS 11.56.730(c), as amended by sec. 23 of this Act;
- 4 (20) AS 11.56.757(b), as amended by sec. 26 of this Act;
- 5 (21) AS 11.61.110(c), as amended by sec. 28 of this Act;
- 6 (22) AS 11.61.145(d), as amended by sec. 29 of this Act;
- 7 (23) AS 11.61.150(c), as amended by sec. 31 of this Act;
- 8 (24) AS 11.66.200(c), as amended by sec. 37 of this Act;
- 9 (25) AS 11.71.030(a), as amended by sec. 38 of this Act;
- 10 (26) AS 11.71.040(a), as amended by sec. 41 of this Act;
- 11 (27) AS 11.71.050, as amended by sec. 43 of this Act;
- 12 (28) AS 11.71.311(a), as amended by sec. 45 of this Act;
- 13 (29) AS 28.15.291(a), as repealed and reenacted by sec. 99 of this Act;
- 14 (30) AS 28.15.291(b), as repealed and reenacted by sec. 100 of this Act;
- 15 (31) AS 29.10.200(21), as amended by sec. 110 of this Act;
- 16 (32) AS 29.25.070(a), as amended by sec. 111 of this Act;
- 17 (33) AS 29.25.070(g), enacted by sec. 112 of this Act;
- 18 (34) AS 43.23.065(b), as amended by sec. 160 of this Act; and
- 19 (35) AS 47.27.015(i), enacted by sec. 167 of this Act.

20 (b) The following sections apply to offenses committed on or after the effective date
21 of those sections:

- 22 (1) AS 12.55.027(f), enacted by sec. 67 of this Act; and
- 23 (2) AS 12.55.035(b), as amended by sec. 68 of this Act.

24 (c) The following sections apply to offenses committed before, on, or after the
25 effective date of those sections for contacts with peace officers occurring on or after the
26 effective date of those sections:

- 27 (1) AS 11.66.110(a), as amended by sec. 33 of this Act;
- 28 (2) AS 11.66.130(a), as amended by sec. 34 of this Act;
- 29 (3) AS 11.66.130(c), as amended by sec. 35 of this Act; and
- 30 (4) AS 11.66.135(c), as amended by sec. 36 of this Act.

31 (d) The following sections apply to sentences imposed on or after the effective date of

1 those sections for conduct occurring before, on, or after the effective date of those sections:

- 2 (1) AS 12.55.027(a), as amended by sec. 64 of this Act;
- 3 (2) AS 12.55.027(b), as amended by sec. 65 of this Act;
- 4 (3) AS 12.55.027(c), as repealed and reenacted by sec. 66 of this Act; and
- 5 (4) AS 33.20.010(a), as amended by sec. 152 of this Act.

6 (e) The following sections apply to sentences imposed on or after the effective date of
7 those sections for conduct occurring before, on, or after the effective date of those sections:

- 8 (1) AS 12.55.025(a), as amended by sec. 62 of this Act;
- 9 (2) AS 12.55.025(c), as amended by sec. 63 of this Act;
- 10 (3) AS 12.55.115, as amended by sec. 81 of this Act;
- 11 (4) AS 28.35.030(k), as amended by sec. 103 of this Act;
- 12 (5) AS 28.35.032(o), as amended by sec. 107 of this Act;
- 13 (6) AS 33.16.010(f), enacted by sec. 119 of this Act; and
- 14 (7) AS 33.16.089, enacted by sec. 121 of this Act.

15 (f) AS 12.30.055(b), enacted by sec. 60 of this Act, applies to persons in custody for a
16 probation violation on or after the effective date of sec. 60 of this Act for a probation violation
17 that occurred before, on, or after the effective date of sec. 60 this Act.

18 (g) The following sections apply to community work service imposed on or after the
19 effective date of those sections for offenses committed on or after the effective date of those
20 sections:

- 21 (1) AS 12.55.055(a), as amended by sec. 70 of this Act;
- 22 (2) AS 12.55.055(c), as amended by sec. 71 of this Act; and
- 23 (3) AS 12.55.055(g) and (h), enacted by sec. 72 of this Act.

24 (h) AS 12.55.078, enacted by sec. 73 of this Act, applies to prosecutions occurring on
25 or after the effective date of sec. 73 this Act for offenses committed before, on, or after the
26 effective date of sec. 73 of this Act.

27 (i) AS 12.55.051(a), as amended by sec. 69 of this Act, applies to probation ordered
28 before, on, or after the effective date of sec. 69 of this Act, for offenses committed before, on,
29 or after the effective date of sec. 69 of this Act.

30 (j) AS 12.55.090(c), as amended by sec. 75 of this Act, applies to probation ordered
31 on or after the effective date of sec. 75 of this Act, for offenses committed before, on, or after

1 the effective date of sec. 75 of this Act.

2 (k) AS 12.55.100(a), as amended by sec. 78 of this Act, applies to probation ordered
3 on or after the effective date of sec. 78 of this Act, for offenses committed before, on, or after
4 the effective date of sec. 78 of this Act.

5 (l) The following sections apply to probation ordered before, on, or after the effective
6 date of those sections for offenses committed before, on, or after the effective date of those
7 sections:

8 (1) AS 12.55.090(b), as amended by sec. 74 of this Act;

9 (2) AS 12.55.090(f), as amended by sec. 76 of this Act;

10 (3) AS 12.55.090(g) - (n), enacted by sec. 77 of this Act;

11 (4) AS 12.55.110(c) - (g), enacted by sec. 80 of this Act; and

12 (5) AS 33.05.040, as amended by sec. 114 of this Act.

13 (m) The following sections apply to a revocation of a driver's license, privilege to
14 drive, or privilege to obtain a license occurring before, on, or after the effective date of those
15 sections for conduct occurring before, on, or after the effective date of those sections:

16 (1) AS 28.15.165(e), enacted by sec. 95 of this Act;

17 (2) AS 28.15.181(f), as amended by sec. 96 of this Act;

18 (3) AS 28.15.201(g) and (h), enacted by sec. 98 of this Act; and

19 (4) AS 28.35.030(o), as amended by sec. 105 of this Act.

20 (n) The following sections apply to parole granted on or after the effective date of
21 those sections for conduct occurring before, on, or after the effective date of those sections:

22 (1) AS 33.16.010(c), as amended by sec. 117 of this Act;

23 (2) AS 33.16.010(d), as amended by sec. 118 of this Act;

24 (3) AS 33.16.060(a), as amended by sec. 120 of this Act;

25 (4) AS 33.16.090(a), as amended by sec. 122 of this Act;

26 (5) AS 33.16.100(a), as amended by sec. 124 of this Act;

27 (6) AS 33.16.100(b), as amended by sec. 125 of this Act;

28 (7) AS 33.16.100(f), enacted by sec. 126 of this Act;

29 (8) AS 33.16.130, as repealed and reenacted by sec. 132 of this Act;

30 (9) AS 33.16.140, as amended by sec. 133 of this Act;

31 (10) AS 33.16.150(a), as amended by sec. 134 of this Act;

- 1 (11) AS 33.16.150(b), as amended by sec. 135 of this Act;
- 2 (12) AS 33.16.150(e), as amended by sec. 136 of this Act;
- 3 (13) AS 33.16.150(f), as amended by sec. 137 of this Act;
- 4 (14) AS 33.16.150(g), as amended by sec. 138 of this Act;
- 5 (15) AS 33.16.150(h), enacted by sec. 139 of this Act; and
- 6 (16) AS 33.16.200, as amended by sec. 141 of this Act.

7 (o) AS 11.56.730(d) and (e), enacted by sec. 24 of this Act, and sec. 175 of this Act
8 apply to offenses committed on or after the effective date of secs. 24 and 175 of this Act.

9 (p) The following sections apply to offenses committed on or after the effective date
10 of those sections:

- 11 (1) AS 12.30.006(b), as amended by sec. 51 of this Act;
- 12 (2) AS 12.30.006(c), as amended by sec. 52 of this Act;
- 13 (3) AS 12.30.006(d), as amended by sec. 53 of this Act;
- 14 (4) AS 12.30.006(f), as amended by sec. 54 of this Act;
- 15 (5) AS 12.30.011, as repealed and reenacted by sec. 55 of this Act;
- 16 (6) AS 12.30.016(b), as amended by sec. 56 of this Act;
- 17 (7) AS 12.30.016(c), as amended by sec. 57 of this Act;
- 18 (8) AS 12.30.021(a), as amended by sec. 58 of this Act;
- 19 (9) AS 12.30.021(c), as amended by sec. 59 of this Act; and
- 20 (10) AS 33.07, enacted by sec. 116 of this Act.

21 (q) The following sections apply to parole granted before, on, or after the effective
22 date of those sections:

- 23 (1) AS 33.16.180, as amended by sec. 140 of this Act;
- 24 (2) AS 33.16.210, as amended by sec. 142 of this Act;
- 25 (3) AS 33.16.210(c), enacted by sec. 143 of this Act;
- 26 (4) AS 33.16.215, enacted by sec. 144 of this Act;
- 27 (5) AS 33.16.220(b), as amended by sec. 145 of this Act;
- 28 (6) AS 33.16.220(f), as amended by sec. 146 of this Act;
- 29 (7) AS 33.16.220(i), as amended by sec. 147 of this Act;
- 30 (8) AS 33.16.220(j), enacted by sec. 148 of this Act;
- 31 (9) AS 33.16.240(h) and (i), enacted by sec. 149 of this Act; and

1 (10) AS 33.16.270, enacted by sec. 150 of this Act.

2 (r) AS 33.05.020(h), enacted by sec. 113 of this Act, applies to sentences imposed
3 before, on, or after the effective date of sec. 113 of this Act, for conduct occurring before, on,
4 or after the effective date of sec. 113 of this Act, for time served on probation on or after the
5 effective date of sec. 113 of this Act.

6 (s) AS 33.20.010(c), as amended by sec. 153 of this Act, applies to sentences imposed
7 before, on, or after the effective date of sec. 153 of this Act, for offenses committed before,
8 on, or after the effective date of sec. 153 of this Act, for time served on electronic monitoring
9 on or after the effective date of sec. 153 of this Act.

10 (t) The following sections apply to offenses committed before, on, or after the
11 effective date of those sections for contacts with peace officers occurring on or after the
12 effective date of those sections:

13 (1) AS 12.25.180, as amended by sec. 47 of this Act; and

14 (2) AS 12.25.190(b), as amended by sec. 49 of this Act.

15 (u) AS 12.25.150(a), as amended by sec. 46 of this Act, applies to offenses committed
16 before, on, or after the effective date of sec. 46 of this Act for contacts with peace officers
17 occurring on or after the effective date of sec. 46 of this Act.

18 (v) The following sections apply to sentences imposed on or after the effective date of
19 those sections for conduct occurring before, on, or after the effective date of those sections:

20 (1) AS 12.55.125(c), as amended by sec. 82 of this Act;

21 (2) AS 12.55.125(d), as amended by sec. 83 of this Act;

22 (3) AS 12.55.125(e), as amended by sec. 84 of this Act;

23 (4) AS 12.55.135(a), as amended by sec. 85 of this Act;

24 (5) AS 12.55.135(b), as amended by sec. 86 of this Act;

25 (6) AS 12.55.135(l) - (p), enacted by sec. 87 of this Act; and

26 (7) AS 33.20.010(c), as amended by sec. 153 of this Act.

27 * **Sec. 185.** The uncodified law of the State of Alaska is amended by adding a new section
28 to read:

29 **CONDITIONAL EFFECT.** (a) AS 11.56.730(e), enacted by sec. 24 of this Act, takes
30 effect only if sec. 175 of this Act receives the two-thirds majority vote of each house required
31 by art. IV, sec. 15, Constitution of the State of Alaska.

1 (b) AS 12.30.011, as repealed and reenacted by sec. 55 of this Act, takes effect only if
2 sec. 179(a) of this Act receives the two-thirds majority vote of each house required by art. IV,
3 sec. 15, Constitution of the State of Alaska.

4 (c) AS 12.55.055(g), enacted by sec. 72 of this Act, takes effect only if sec. 179(b) of
5 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
6 Constitution of the State of Alaska.

7 (d) AS 12.55.078, enacted by sec. 73 of this Act, takes effect only if sec. 179(c) of
8 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
9 Constitution of the State of Alaska.

10 (e) AS 12.55.135(p), enacted by sec. 87 of this Act, takes effect only if sec. 179(d) of
11 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
12 Constitution of the State of Alaska.

13 (f) AS 33.07, added by sec. 116 of this Act, takes effect only if sec. 179(e) of this Act
14 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
15 of the State of Alaska.

16 * **Sec. 186.** Sections 89 and 91 of this Act take effect immediately under AS 01.10.070(c).

17 * **Sec. 187.** Sections 1 - 23, 25 - 45, 70 - 73, 75, 82 - 88, 95, 96, 98 - 100, 102, 105, 110 -
18 112, 153, 159 - 168, 178, 179(b), 179(c), and 179(d) of this Act, and AS 11.56.730(d),
19 enacted by sec. 24 of this Act, take effect July 1, 2016.

20 * **Sec. 188.** Section 92 of this Act takes effect October 1, 2016.

21 * **Sec. 189.** Sections 47 - 50, 60, 62, 63, 69, 74, 76 - 81, 90, 103, 104, 107, 113 - 115, 117 -
22 152, 155 - 157, and 169 - 171 of this Act take effect January 1, 2017.

23 * **Sec. 190.** Sections 46, 51 - 59, 116, 176, 177, 179(a), and 179(e) of this Act take effect
24 January 1, 2018.

25 * **Sec. 191.** Section 158 of this Act takes effect July 1, 2018.

26 * **Sec. 192.** If AS 11.56.730(e), enacted by sec. 24 of this Act, and sec. 175 of this Act take
27 effect, they take effect January 1, 2019.