

AMENDMENT #1

Wilson
Gave

OFFERED IN THE HOUSE

TO: HB 127

- 1 Page 2, line 1:
- 2 Delete "120 days"
- 3 Insert "one year"
- 4
- 5 Page 3, line 3:
- 6 Delete "120 days"
- 7 Insert "one year"

AMENDMENT #2

OFFERED IN THE HOUSE
TO: HB 127

BY REPRESENTATIVE PRUITT

1 Page 1, line 1, following "Act":

2 Insert "**relating to sentencing; relating to eligibility for a permanent fund**
3 **dividend;**"

4

5 Page 1, following line 5:

6 Insert new bill sections to read:

7 **** Section 1.** AS 12.55.015(a) is amended to read:

8 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing
9 sentence on a defendant convicted of an offense, may, singly or in combination,

10 (1) impose a fine when authorized by law and as provided in
11 AS 12.55.035;

12 (2) order the defendant to be placed on probation under conditions
13 specified by the court that may include provision for active supervision;

14 (3) impose a definite term of periodic imprisonment, but only if an
15 employment obligation of the defendant preexisted sentencing and the defendant
16 receives a composite sentence of not more than two years to serve;

17 (4) impose a definite term of continuous imprisonment;

18 (5) order the defendant to make restitution under AS 12.55.045;

19 (6) order the defendant to carry out a continuous or periodic program
20 of community work under AS 12.55.055;

21 (7) suspend execution of all or a portion of the sentence imposed under
22 AS 12.55.080;

23 (8) suspend imposition of sentence under AS 12.55.085;

1 (9) order the forfeiture to the commissioner of public safety or a
2 municipal law enforcement agency of a deadly weapon that was in the actual
3 possession of or used by the defendant during the commission of an offense described
4 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

5 (10) order the defendant, while incarcerated, to participate in or
6 comply with the treatment plan of a rehabilitation program that is related to the
7 defendant's offense or to the defendant's rehabilitation if the program is made available
8 to the defendant by the Department of Corrections;

9 (11) order the forfeiture to the state of a motor vehicle, weapon,
10 electronic communication device, or money or other valuables, used in or obtained
11 through an offense that was committed for the benefit of, at the direction of, or in
12 association with a criminal street gang;

13 (12) order the defendant to have no contact, either directly or
14 indirectly, with a victim or witness of the offense until the defendant is
15 unconditionally discharged;

16 (13) order the defendant to refrain from consuming alcoholic
17 beverages for a period of time;

18 **(14) order the defendant to repay to the state the permanent fund**
19 **dividends that the defendant received since the date of the commission of the**
20 **offense and for which the defendant has become ineligible under AS 43.23.005(d).**

21 * Sec. 2. AS 43.23.005(d) is amended to read:

22 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is
23 not eligible for a permanent fund dividend for a dividend year when

24 (1) during the qualifying year, the individual was sentenced as a result
25 of conviction in this state of a felony;

26 (2) during all or part of the qualifying year, the individual was
27 incarcerated as a result of the conviction in this state of a

28 (A) felony; or

29 (B) misdemeanor if the individual has been convicted of

30 (i) a prior felony as defined in AS 11.81.900; or

31 (ii) two or more prior misdemeanors as defined in

1 AS 11.81.900;

2 **(3) during the qualifying year, and any subsequent year until**
3 **sentencing, the individual committed a felony in this state."**
4

5 Page 1, line 6:

6 Delete "Section 1"

7 Insert "Sec. 3"

8
9 Renumber the following bill sections accordingly.

10
11 Page 2, following line 2:

12 Insert a new bill section to read:

13 **** Sec. 4.** AS 43.23.015 is amended by adding a new subsection to read:

14 (k) The application form for claiming a permanent fund dividend must include
15 a warning that an individual who committed a crime punishable as a felony in this
16 state during the qualifying year will be ineligible for a permanent fund dividend for
17 that year until the individual is sentenced for the felony and will be required to
18 reimburse the state all permanent fund dividends paid to the individual from the date
19 of commission of the felony until the sentencing for the felony if the defendant is
20 sentenced as a result of that felony."
21

22 Renumber the following bill sections accordingly.

23
24 Page 2, following line 27:

25 Insert a new bill section to read:

26 *** Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 **APPLICABILITY.** AS 12.55.015(a), as amended by sec. 1 of this Act, applies to
29 sentences ordered on or after the effective date of this Act, for crimes committed on or after
30 the effective date of this Act."
31

1 **Renumber the following bill section accordingly.**

2

3 **Page 2, line 31:**

4 **Delete "sec. 1"**

5 **Insert "sec. 3"**

6

7 **Page 3, line 1:**

8 **Delete "sec. 1"**

9 **Insert "sec. 3"**

10

11 **Page 3, line 3:**

12 **Delete "sec. 1"**

13 **Insert "sec. 3"**