

AMENDMENT

#1

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE MILLETT

1 Page 1, line 3, following "**probation;**":

2 Insert "**relating to the duties of the commissioner of corrections;**"

3

4 Page 11, following line 21:

5 Insert a new bill section to read:

6 **** Sec. 19.** AS 33.30.011(a) is amended to read:

7 (a) The commissioner shall

8 (1) establish, maintain, operate, and control correctional facilities
9 suitable for the custody, care, and discipline of persons charged or convicted of
10 offenses against the state or held under authority of state law; each correctional facility
11 operated by the state shall be established, maintained, operated, and controlled in a
12 manner that is consistent with AS 33.30.015;

13 (2) classify prisoners;

14 (3) for persons committed to the custody of the commissioner,
15 establish programs, including furlough programs that are reasonably calculated to

16 (A) protect the public and the victims of crimes committed by
17 prisoners;

18 (B) maintain health;

19 (C) create or improve occupational skills;

20 (D) enhance educational qualifications;

21 (E) support court-ordered restitution; and

22 (F) otherwise provide for the rehabilitation and reformation of
23 prisoners, facilitating their reintegration into society;

1 (4) provide necessary

2 (A) medical services for prisoners in correctional facilities or
3 who are committed by a court to the custody of the commissioner, including
4 examinations for communicable and infectious diseases;

5 (B) psychological or psychiatric treatment if a physician or
6 other health care provider, exercising ordinary skill and care at the time of
7 observation, concludes that

8 (i) a prisoner exhibits symptoms of a serious disease or
9 injury that is curable or may be substantially alleviated; and

10 (ii) the potential for harm to the prisoner by reason of
11 delay or denial of care is substantial; and

12 (C) assessment or screening of the risks and needs of offenders
13 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
14 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based
15 disorder;

16 (5) establish minimum standards for sex offender treatment programs
17 offered to persons who are committed to the custody of the commissioner;

18 (6) provide for fingerprinting in correctional facilities in accordance
19 with AS 12.80.060;

20 (7) establish a program to conduct assessments of the risks and needs
21 of offenders sentenced to serve a term of incarceration of 30 days or more and provide
22 to the legislature, by electronic means, by January 15, 2017, and thereafter by
23 January 15, preceding the first regular session of each legislature, a report
24 summarizing the findings and results of the program; the program must include a
25 requirement for an assessment before a prisoner's release on parole, furlough, or
26 electronic monitoring from a correctional facility;

27 (8) establish a procedure that provides for each prisoner required to
28 serve an active term of imprisonment of 30 days or more a written case plan that

29 (A) is provided to the prisoner within 90 days after sentencing;

30 (B) is based on the results of the assessment of the prisoner's
31 risks and needs under (7) of this subsection;

- 1 (C) includes a requirement to follow the rules of the institution;
2 (D) is modified when necessary for changes in classification,
3 housing status, medical or mental health, and resource availability;
4 (E) includes participation in programming that addresses the
5 needs identified in the assessment;
- 6 (9) establish a program to begin reentry planning with each prisoner
7 serving an active term of imprisonment of 90 days or more; reentry planning must
8 begin at least 90 days before release on furlough or probation or parole; the reentry
9 program must include
- 10 (A) a written reentry plan for each prisoner completed upon
11 release on furlough or probation or parole that includes information on the
12 prisoner's proposed
- 13 (i) residence;
14 (ii) employment or alternative means of support;
15 (iii) treatment options;
16 (iv) counseling services;
17 (v) education or job training services;
- 18 (B) any other requirements for successful transition back to the
19 community, including electronic monitoring or furlough for the period between
20 a scheduled parole hearing and parole eligibility;
- 21 (C) coordination with the Department of Labor and Workforce
22 Development to provide access, after release, to job training and employment
23 assistance;
- 24 (10) for offenders under electronic monitoring, establish
- 25 (A) minimum standards for electronic monitoring, which may
26 include the requirement of active, real-time monitoring using global
27 positioning systems; and
- 28 (B) procedures for oversight and approving electronic
29 monitoring programs and systems provided by private contractors; [AND]
- 30 (11) assist a prisoner in obtaining a valid state identification card if the
31 prisoner does not have a valid state identification card before the prisoner's release; the

1 department shall pay the application fee for the identification card; and

2 (12) conduct a chemical test of a prisoner's breath at the time of
3 the prisoner's release and may release the prisoner only if the test result indicates
4 that the prisoner's breath has less than 0.08 grams of alcohol for each 210 liters
5 of breath."

6
7 Renumber the following bill sections accordingly.

8
9 Page 15, line 31:

10 Delete "sec. 24"

11 Insert "sec. 25"

AMENDMENT

#2

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE MILLETT

Page 11, following line 12:

Insert a new bill section to read:

"* **Sec. 18.** AS 33.07.020, enacted by sec. 117, ch. 36, SLA 2016, is amended to read:

Sec. 33.07.020. Duties of commissioner; pretrial services. The commissioner shall

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

(2) fix pretrial services officers' salaries;

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

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

(5) develop [APPROVE] a risk assessment instrument that is objective, standardized, and developed based on analysis of empirical data and risk factors relevant to pretrial failure, that evaluates the likelihood of failure to appear in court and the likelihood of rearrest during the pretrial period, and that is validated on the state's pretrial population; the commissioner shall obtain the approval of the Department of Law, the Department of Public Safety, and the Alaska Court System before implementing the risk assessment instrument; and

(6) adopt regulations in consultation with the Department of Law, the public defender, the Department of Public Safety, the office of victims' rights, and the Alaska Court System, consistent with this chapter and as necessary to implement the program; the regulations must include a process for pretrial services officers to make a recommendation to the court concerning a pretrial release decision and guidelines for

1 pretrial diversion recommendations."

2

3 Renumber the following bill sections accordingly.

4

5 Page 15, line 28:

6 Delete "sec. 18"

7 Insert "sec. 19"

8

9 Page 15, line 29:

10 Delete "sec. 18"

11 Insert "sec. 19"

12

13 Page 15, line 30:

14 Delete all material and insert:

15 "* **Sec. 25.** Sections 17 and 18 of this Act take effect January 1, 2018."

16

17 Page 15, line 31:

18 Delete "sec. 24"

19 Insert "sec. 25"

AMENDMENT #3

OFFERED IN THE HOUSE

TO: CSSB 54(FIN)

1 Page 2, following line 29:

2 Insert new bill sections to read:

3 **"* Sec. 6.** AS 12.55.025(a) is amended to read:

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

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

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

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

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

19 (B) if applicable, the approximate minimum term of
20 imprisonment the defendant must serve before becoming eligible for release on
21 discretionary [OR ADMINISTRATIVE] parole;

22 (4) any recommendations as to the place of confinement or the manner
23 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. 7.** AS 12.55.115 is amended to read:

8 **Sec. 12.55.115. Fixing eligibility for discretionary [OR**
9 **ADMINISTRATIVE] parole at sentencing.** The court may, as part of a sentence of
10 imprisonment, further restrict the eligibility of a prisoner for discretionary [OR
11 ADMINISTRATIVE] parole for a term greater than that required under AS 33.16.090
12 [AS 33.16.089, 33.16.090,] and 33.16.100."
13

14 Renumber the following bill sections accordingly.

15
16 Page 11, following line 12:

17 Insert new bill sections to read:

18 ** **Sec. 20.** AS 33.16.010(c) is amended to read:

19 (c) A prisoner who is not eligible for special medical [, ADMINISTRATIVE,]
20 or discretionary parole, or who is not released on special medical [,
21 ADMINISTRATIVE,] or discretionary parole, shall be released on mandatory parole
22 for the term of good time deductions credited under AS 33.20, if the term or terms of
23 imprisonment are two years or more.

24 * **Sec. 21.** AS 33.16.010(d) is amended to read:

25 (d) A prisoner released on special medical, [ADMINISTRATIVE,]
26 discretionary, or mandatory parole is subject to the conditions of parole imposed under
27 AS 33.16.150. Parole may be revoked under AS 33.16.220.

28 * **Sec. 22.** AS 33.16.060(a) is amended to read:

29 (a) The board shall

30 (1) serve as the parole authority for the state;

31 (2) consider the suitability for parole of a prisoner who is eligible for

1 discretionary parole at least 90 days before the prisoner's first date of eligibility and
 2 upon receipt of the prisoner's application for special medical parole;

3 (3) impose parole conditions on all prisoners released under special
 4 medical, [ADMINISTRATIVE,] discretionary, or mandatory parole;

5 (4) under AS 33.16.210, discharge a person from parole when custody
 6 is no longer required;

7 (5) maintain records of the meetings and proceedings of the board;

8 (6) recommend to the governor and the legislature changes in the law
 9 administered by the board;

10 (7) recommend to the governor or the commissioner changes in the
 11 practices of the department and of other departments of the executive branch
 12 necessary to facilitate the purposes and practices of parole;

13 (8) upon request of the governor, review and recommend applicants
 14 for executive clemency; and

15 (9) execute other responsibilities prescribed by law.

16 * Sec. 23. AS 33.16.090(a) is amended to read:

17 (a) A prisoner sentenced to an active term of imprisonment of at least 181
 18 days [AND WHO HAS NOT BEEN RELEASED ON ADMINISTRATIVE PAROLE
 19 AS PROVIDED IN AS 33.16.089] may, in the discretion of the board, be released on
 20 discretionary parole if the prisoner

21 (1) has served the amount of time specified under (b) of this section,
 22 except that

23 (A) a prisoner sentenced to one or more mandatory 99-year
 24 terms under AS 12.55.125(a) or one or more definite terms under
 25 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

26 (B) a prisoner is not eligible for consideration of discretionary
 27 parole if made ineligible by order of a court under AS 12.55.115;

28 (C) a prisoner imprisoned under AS 12.55.086 is not eligible
 29 for discretionary parole unless the actual term of imprisonment is more than
 30 one year; or

31 (2) is at least 60 years of age, has served at least 10 years of a sentence

1 for one or more crimes in a single judgment, and has not been convicted of an
 2 unclassified felony or a sexual felony as defined in AS 12.55.185.

3 * **Sec. 24.** AS 33.16.100(f) is amended to read:

4 (f) The board shall authorize the release of a prisoner who has been convicted
 5 of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole
 6 under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created
 7 under AS 33.30.011(8), and has agreed to and signed the condition of parole under
 8 AS 33.16.150, [AND HAS NOT BEEN RELEASED ON ADMINISTRATIVE
 9 PAROLE UNDER AS 33.16.089,] unless the board finds by clear and convincing
 10 evidence on the record that the prisoner poses a threat of harm to the public if released
 11 on parole. If the board finds that the incomplete case plan is not the fault of the
 12 prisoner or that the prisoner would not pose a threat of harm to the public if released
 13 on parole, the board may waive the case plan requirement.

14 * **Sec. 25.** AS 33.16.120(f) is amended to read:

15 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c)
 16 [, 33.16.089,] or 33.16.090, the board shall make every reasonable effort to notify the
 17 victim before the prisoner's release date. Notification under this subsection must
 18 include the expected date of the prisoner's release, the geographic area in which the
 19 prisoner is required to reside, and other pertinent information concerning the prisoner's
 20 conditions of parole that may affect the victim.

21 * **Sec. 26.** AS 33.16.130(a) is amended to read:

22 (a) The parole board shall hold a hearing before granting an eligible prisoner
 23 special medical or discretionary parole. [THE BOARD SHALL ALSO HOLD A
 24 HEARING IF REQUESTED BY A VICTIM UNDER PROCEDURES
 25 ESTABLISHED FOR THE REQUEST FOR A PRISONER ELIGIBLE FOR
 26 ADMINISTRATIVE PAROLE.] A hearing shall be conducted within the following
 27 time frames:

28 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90
 29 days before the first parole eligibility date [, UNLESS THE PRISONER IS ELIGIBLE
 30 FOR ADMINISTRATIVE PAROLE];

31 (2) for all other prisoners, not less than 30 days after the board is

1 notified of the need for a hearing by the commissioner or the commissioner's
2 designee."

3
4 Renumber the following bill sections accordingly.

5
6 Page 11, following line 21:

7 Insert new bill sections to read:

8 "* **Sec. 28.** AS 33.16.140 is amended to read:

9 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,
10 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole
11 custody ends, shall be furnished to each prisoner released on special medical,
12 [ADMINISTRATIVE,] discretionary, or mandatory parole.

13 * **Sec. 29.** AS 33.16.150(a) is amended to read:

14 (a) As a condition of parole, a prisoner released on special medical,
15 [ADMINISTRATIVE,] discretionary, or mandatory parole

16 (1) shall obey all state, federal, or local laws or ordinances, and any
17 court orders applicable to the parolee;

18 (2) shall make diligent efforts to maintain steady employment or meet
19 family obligations;

20 (3) shall, if involved in education, counseling, training, or treatment,
21 continue in the program unless granted permission from the parole officer assigned to
22 the parolee to discontinue the program;

23 (4) shall report

24 (A) upon release to the parole officer assigned to the parolee;

25 (B) at other times, and in the manner, prescribed by the board
26 or the parole officer assigned to the parolee that accommodate the diligent
27 efforts of the parolee to secure and maintain steady employment or to
28 participate in educational courses or training programs;

29 (5) shall reside at a stated place and not change that residence without
30 notifying, and receiving permission from, the parole officer assigned to the parolee;

31 (6) shall remain within stated geographic limits unless written

1 permission to depart from the stated limits is granted the parolee;

2 (7) may not use, possess, handle, purchase, give, distribute, or
3 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
4 drug for which a prescription is required under state or federal law without a
5 prescription from a licensed medical professional to the parolee;

6 (8) may not possess or control a firearm; in this paragraph, "firearm"
7 has the meaning given in AS 11.81.900;

8 (9) may not enter into an agreement or other arrangement with a law
9 enforcement agency or officer that will place the parolee in the position of violating a
10 law or parole condition without the prior approval of the board;

11 (10) may not contact or correspond with anyone confined in a
12 correctional facility of any type serving any term of imprisonment or a felon without
13 the permission of the parole officer assigned to a parolee;

14 (11) shall agree to waive extradition from any state or territory of the
15 United States and to not contest efforts to return the parolee to the state;

16 (12) shall provide a blood sample, an oral sample, or both, when
17 requested by a health care professional acting on behalf of the state to provide the
18 sample or samples, or an oral sample when requested by a juvenile or adult
19 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
20 released after a conviction of an offense requiring the state to collect the sample or
21 samples for the deoxyribonucleic acid identification registration, per state editorial
22 review of AS 33 system under AS 41.41.035;

23 (13) from a conviction for a sex offense shall submit to regular
24 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning
25 given in AS 12.63.100.

26 * Sec. 30. AS 33.16.150(b) is amended to read:

27 (b) The board may require as a condition of special medical,
28 [ADMINISTRATIVE,] discretionary, or mandatory parole, or a member of the board
29 acting for the board under (e) of this section may require as a condition of
30 [ADMINISTRATIVE OR] mandatory parole, that a prisoner released on parole

31 (1) not possess or control a defensive weapon, a deadly weapon other

1 than an ordinary pocket knife with a blade three inches or less in length, or
2 ammunition for a firearm, or reside in a residence where there is a firearm capable of
3 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly
4 weapon," "defensive weapon," and "firearm" have the meanings given in
5 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

6 (2) refrain from possessing or consuming alcoholic beverages;

7 (3) submit to reasonable searches and seizures by a parole officer, or a
8 peace officer acting under the direction of a parole officer;

9 (4) submit to appropriate medical, mental health, or controlled
10 substance or alcohol examination, treatment, or counseling;

11 (5) submit to periodic examinations designed to detect the use of
12 alcohol or controlled substances; the periodic examinations may include testing under
13 the program established under AS 33.16.060(c);

14 (6) make restitution ordered by the court according to a schedule
15 established by the board;

16 (7) refrain from opening, maintaining, or using a checking account or
17 charge account;

18 (8) refrain from entering into a contract other than a prenuptial contract
19 or a marriage contract;

20 (9) refrain from operating a motor vehicle;

21 (10) refrain from entering an establishment where alcoholic beverages
22 are served, sold, or otherwise dispensed;

23 (11) refrain from participating in any other activity or conduct
24 reasonably related to the parolee's offense, prior record, behavior or prior behavior,
25 current circumstances, or perceived risk to the community, or from associating with
26 any other person that the board determines is reasonably likely to diminish the
27 rehabilitative goals of parole, or that may endanger the public; in the case of special
28 medical parole, for a prisoner diagnosed with a communicable disease, comply with
29 conditions set by the board designed to prevent the transmission of the disease;

30 (12) refrain from traveling in the state to make diligent efforts to
31 secure or maintain steady employment or to participate in educational courses or

1 training programs only if the travel violates other conditions of parole.

2 * **Sec. 31.** AS 33.16.150(e) is amended to read:

3 (e) The board may designate a member of the board to act on behalf of the
4 board in imposing conditions of [ADMINISTRATIVE OR] mandatory parole under
5 (a) and (b) of this section, in delegating imposition of conditions of
6 [ADMINISTRATIVE OR] mandatory parole under (c) of this section, and in setting
7 the period of compliance with the conditions of [ADMINISTRATIVE OR] mandatory
8 parole under (d) of this section. The decision of a member of the board under this
9 section is the decision of the board. A prisoner or parolee aggrieved by a decision of a
10 member of the board acting for the board under this subsection may apply to the board
11 under AS 33.16.160 for a change in the conditions of [ADMINISTRATIVE OR]
12 mandatory parole.

13 * **Sec. 32.** AS 33.16.150(f) is amended to read:

14 (f) In addition to other conditions of parole imposed under this section, the
15 board may impose as a condition of special medical, [ADMINISTRATIVE,]
16 discretionary, or mandatory parole for a prisoner serving a term for a crime involving
17 domestic violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) -
18 (7); (2) a requirement that, at the prisoner's expense, the prisoner participate in and
19 complete, to the satisfaction of the board, a program for the rehabilitation of
20 perpetrators of domestic violence that meets the standards set by, and that is approved
21 by, the department under AS 44.28.020(b); and (3) any other condition necessary to
22 rehabilitate the prisoner. The board shall establish procedures for the exchange of
23 information concerning the parolee with the victim and for responding to reports of
24 nonattendance or noncompliance by the parolee with conditions imposed under this
25 subsection. The board may not under this subsection require a prisoner to participate
26 in and complete a program for the rehabilitation of perpetrators of domestic violence
27 unless the program meets the standards set by, and is approved by, the department
28 under AS 44.28.020(b).

29 * **Sec. 33.** AS 33.16.150(g) is amended to read:

30 (g) In addition to other conditions of parole imposed under this section for a
31 prisoner serving a sentence for an offense where the aggravating factor provided in

AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a condition of special medical, [ADMINISTRATIVE,] discretionary, and mandatory parole a requirement that the prisoner submit to electronic monitoring. Electronic monitoring under this subsection must comply with AS 33.30.011(10) and provide for monitoring of the prisoner's location and movements by Global Positioning System technology. The board shall require a prisoner serving a period of parole with electronic monitoring as provided under this subsection to pay all or a portion of the costs of the electronic monitoring, but only if the prisoner has sufficient financial resources to pay the costs or a portion of the costs. A prisoner subject to electronic monitoring under this subsection is not entitled to a credit for time served in a correctional facility while the defendant is on parole. In this subsection, "correctional facility" has the meaning given in AS 33.30.901.

* **Sec. 34.** AS 33.16.150(h) is amended to read:

(h) In addition to other conditions of parole imposed under this section, for a prisoner serving a sentence for an offense involving the use of alcohol or controlled substances, the board may impose, as a condition of special medical, [ADMINISTRATIVE,] discretionary, or mandatory parole, a requirement that the prisoner comply with a program established under AS 33.16.060(c) or AS 47.38.020. The board may require a prisoner serving a period of parole and complying with a program established under AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with the program.

* **Sec. 35.** AS 33.16.180 is amended to read:

Sec. 33.16.180. Duties of the commissioner. The commissioner shall

(1) conduct investigations of prisoners eligible for [ADMINISTRATIVE OR] discretionary parole, as requested by the board and as provided in this section;

(2) supervise the conduct of parolees;

(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

1 DISCRETIONARY PAROLE UNDER AS 33.16.090;

2 (5)] notify the board and provide information on a prisoner 120 days
3 before the prisoner's mandatory release date, if the prisoner is to be released on
4 mandatory parole;

5 (5) [(6)] maintain records, files, and accounts as requested by the
6 board;

7 (6) [(7)] prepare preparole reports under AS 33.16.110(a);

8 (7) [(8)] notify the board in writing of a prisoner's compliance or
9 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not less
10 than 30 days before the prisoner's next parole eligibility date or the prisoner's parole
11 hearing date, whichever is earlier;

12 (8) [(9)] establish an administrative sanction and incentive program to
13 facilitate a swift and certain response to a parolee's compliance with or violation of the
14 conditions of parole and shall adopt regulations to implement the program; at a
15 minimum, the regulations must include

16 (A) a decision-making process to guide parole officers in
17 determining the suitable response to positive and negative offender behavior
18 that includes a list of sanctions for the most common types of negative
19 behavior, including technical violations of conditions of parole, and a list of
20 incentives for compliance with conditions and positive behavior that exceeds
21 those conditions;

22 (B) policies and procedures that ensure

23 (i) a process for responding to negative behavior that
24 includes a review of previous violations and sanctions;

25 (ii) that enhanced sanctions for certain negative conduct
26 are approved by the commissioner or the commissioner's designee; and

27 (iii) that appropriate due process protections are
28 included in the process, including notice of negative behavior, an
29 opportunity to dispute the accusation and the sanction, and an
30 opportunity to request a review of the accusation and the sanction; and

31 (9) [(10)] within 30 days after sentencing of an offender, provide the

1 victim of a crime information on the earliest dates the offender could be released on
 2 furlough, probation, or parole, including deductions or reductions for good time or
 3 other good conduct incentives, and the process for release, including contact
 4 information for the decision-making bodies.

5 * **Sec. 36.** AS 33.16.200 is amended to read:

6 **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the
 7 board retains custody of special medical, [ADMINISTRATIVE,] discretionary, and
 8 mandatory parolees until the expiration of the maximum term or terms of
 9 imprisonment to which the parolee is sentenced."
 10

11 Renumber the following bill sections accordingly.

12
 13 Page 11, following line 31:

14 Insert a new bill section to read:

15 "* **Sec. 39.** AS 44.19.645(g) is amended to read:

16 (g) The Department of Corrections shall report quarterly to the working group
 17 authorized in (b)(3) of this section. The report shall include the following information:

18 (1) data on pretrial decision making and outcomes, including
 19 information on pretrial detainees admitted for a new criminal charge; detainees
 20 released at any point before case resolution; time spent detained before first release or
 21 case resolution; pretrial defendant risk level and charge; pretrial release
 22 recommendations made by pretrial services officers; pretrial conditions imposed on
 23 pretrial detainees by judicial officers, including amount of bail, and supervision
 24 conditions; and information on pretrial outcomes, including whether or not the
 25 defendant appeared in court or was re-arrested during the pretrial period;

26 (2) data on offenders admitted to the Department of Corrections for a
 27 new criminal conviction, including the offense type, number of prior felony
 28 convictions, sentence length, and length of stay;

29 (3) data on the population of the Department of Corrections, using a
 30 one-day snapshot on the first day of the first month of each quarter, broken down by
 31 type of admission, offense type, and risk level;

1 (4) data on offenders on probation supervised by the Department of
 2 Corrections, including the total number of offenders supervised using a one-day
 3 snapshot on the first month of each quarter; admissions to probation; assignments to a
 4 program under AS 33.05.020(f); probation sentence length; time served on the
 5 sentence; whether probation was successfully completed, any new convictions for a
 6 felony offense, and any sentences to a term of imprisonment while on probation;

7 (5) data on parole, including the number of offenders supervised on
 8 parole, using a one-day snapshot on the first month of each quarter; the number of
 9 parole hearings; the parole grant rate and number of parolees released on
 10 [ADMINISTRATIVE,] discretionary [,] and special medical parole; and information
 11 on parolees, including time spent on parole, whether parole was successfully
 12 completed, any new convictions for a new felony offense, and any sentences to a term
 13 of imprisonment while on parole;

14 (6) data on the implementation of policies from the 2015 justice
 15 reinvestment report, including the number and percentage of offenders who earn
 16 compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months,
 17 and the total amount of credits earned; the average number of sanctions issued under
 18 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
 19 common violations of probation or parole; and

20 (7) data on probation and parole revocations, including information on
 21 probationers and parolees admitted for a supervision violation pre-case and post-case
 22 resolution; probationers and parolees admitted solely for a technical violation;
 23 probationers and parolees admitted for a new arrest; the number of previous
 24 revocations on the current sentence, if any; the length of time held pre-case resolution;
 25 the length of time to case resolution; and the length of stay."
 26

27 Renumber the following bill sections accordingly.

28
 29 Page 15, line 7:

30 Delete "and"
 31

1 Page 15, line 8, following "12.55.125(e)(4)(D)":

2 Insert "; AS 33.16.010(f), 33.16.089, and 33.16.900(1)"

3

4 Page 15, line 18:

5 Delete "sec. 15"

6 Insert "sec. 17"

7

8 Page 15, line 21:

9 Delete "sec. 6"

10 Insert "sec. 8"

11

12 Page 15, line 22:

13 Delete "sec. 7"

14 Insert "sec. 9"

15

16 Page 15, line 23:

17 Delete "sec. 8"

18 Insert "sec. 10"

19

20 Page 15, line 24:

21 Delete "sec. 9"

22 Insert "sec. 11"

23

24 Page 15, line 25:

25 Delete "sec. 10"

26 Insert "sec. 12"

27

28 Page 15, line 26:

29 Delete "sec. 11"

30 Insert "sec. 13"

31

- 1 Page 15, line 27:
- 2 Delete "sec. 12"
- 3 Insert "sec. 14"
- 4
- 5 Page 15, line 28:
- 6 Delete "sec. 18"
- 7 Insert "sec. 27"
- 8
- 9 Page 15, line 29:
- 10 Delete "sec. 18"
- 11 Insert "sec. 27"
- 12
- 13 Page 15, line 30:
- 14 Delete "Section 17"
- 15 Insert "Section 19"
- 16
- 17 Page 15, line 31:
- 18 Delete "sec. 24"
- 19 Insert "sec. 43"

AMENDMENT #4

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 11, following line 3:

2 Insert a new bill section to read:

3 **"* Sec. 17.** AS 33.05.020(h) is amended to read:

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

9 (1) require that a probationer earn a credit of 10 [30] days for each 30-
10 day period served in which the defendant complied with the conditions of probation;

11 (2) include policies and procedures for

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

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

15 (C) notifying a victim under AS 33.30.013."
16

17 Renumber the following bill sections accordingly.
18

19 Page 11, following line 21:

20 Insert a new bill section to read:

21 **"* Sec. 20.** AS 33.16.270 is amended to read:

22 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
23 by regulation a program allowing parolees to earn credits for complying with the

1 conditions of parole. The earned compliance credits reduce the period of parole.
 2 Nothing in this section prohibits the department from recommending to the board the
 3 early discharge of the parolee as provided in this chapter. At a minimum, the
 4 regulations must

5 (1) require that a parolee earn a credit of 10 [30] days for each 30-day
 6 period served in which the parolee complied with the conditions of parole;

7 (2) include policies and procedures for

8 (A) calculating and tracking credits earned by parolees;

9 (B) reducing the parolee's period of parole based on credits
 10 earned by the parolee and notifying a victim under AS 33.30.013."
 11

12 Renumber the following bill sections accordingly.

13
 14 Page 15, line 28:

15 Delete "sec. 18"

16 Insert "sec. 19"

17
 18 Page 15, line 29:

19 Delete "sec. 18"

20 Insert "sec. 19"

21
 22 Page 15, following line 29:

23 Insert new subsections to read:

24 "(d) AS 33.05.020(h), as amended by sec. 17 of this Act, applies to sentences imposed
 25 on or after the effective date of sec. 17 of this Act for conduct occurring on or after the
 26 effective date of sec. 17 of this Act and to time served on probation on or after the effective
 27 date of sec. 17 of this Act.

28 (e) AS 33.16.270, as amended by sec. 20 of this Act, applies to parole granted on or
 29 after the effective date of sec. 20 of this Act for conduct occurring on or after the effective
 30 date of sec. 20 of this Act."
 31

- 1 Page 15, line 30:
- 2 Delete "Section 17"
- 3 Insert "Section 18"
- 4
- 5 Page 15, line 31:
- 6 Delete "sec. 24"
- 7 Insert "sec. 26"

AMENDMENT

#5

OFFERED IN THE HOUSE

BY REPRESENTATIVE LEDOUX

TO: CSSB 54(FIN)

1 Page 11, following line 12:

2 Insert a new bill section to read:

3 **"* Sec. 18.** AS 33.16.090(b) is amended to read:

4 (b) A prisoner eligible under (a)(1) of this section who is sentenced

5 (1) to a single sentence under AS 12.55.125(a) or (b) may not be
6 released on discretionary parole until the prisoner has served the mandatory minimum
7 term under AS 12.55.125(a) or (b), one-third of the active term of imprisonment
8 imposed, or any term set under AS 12.55.115, whichever is greatest;

9 (2) to a single sentence within or below a presumptive range set out in
10 AS 12.55.125(c), (d)(2) - (4), (e)(3) and (4), or (i) [AS 12.55.125(i)(1) AND (2)], and
11 has not been allowed by the three-judge panel under AS 12.55.175 to be considered
12 for discretionary parole release, may not be released on discretionary parole until the
13 prisoner has served the term imposed, less good time earned under AS 33.20.010;

14 (3) to a single sentence under AS 12.55.125(c), (d)(2) - (4), (e)(3) and
15 (4), or (i) [AS 12.55.125(i)], and has been allowed by the three-judge panel under
16 AS 12.55.175 to be considered for discretionary parole release during the second half
17 of the sentence, may not be released on discretionary parole until

18 (A) the prisoner has served that portion of the active term of
19 imprisonment required by the three-judge panel; and

20 (B) in addition to the factors set out in AS 33.16.100(a), the
21 board determines that

22 (i) the prisoner has successfully completed all
23 rehabilitation programs ordered by the three-judge panel that were

1 made available to the prisoner; and

2 (ii) the prisoner would not constitute a danger to the
3 public if released on parole;

4 (4) to a single enhanced sentence under AS 12.55.155(a) that is above
5 the applicable presumptive range may not be released on discretionary parole until the
6 prisoner has served the greater of the following:

7 (A) an amount of time, less good time earned under
8 AS 33.20.010, equal to the upper end of the presumptive range plus one-fourth
9 of the amount of time above the presumptive range; or

10 (B) any term set under AS 12.55.115;

11 (5) to a single sentence under any other provision of law may not be
12 released on discretionary parole until the prisoner has served at least one-fourth of the
13 active term of imprisonment, any mandatory minimum sentence imposed under any
14 provision of law, or any term set under AS 12.55.115, whichever is greatest;

15 (6) to concurrent sentences may not be released on discretionary parole
16 until the prisoner has served the greatest of

17 (A) any mandatory minimum sentence or sentences imposed
18 under any provision of law;

19 (B) any term set under AS 12.55.115; or

20 (C) the amount of time that is required to be served under (1) -
21 (5) of this subsection for the sentence imposed for the primary crime, had that
22 been the only sentence imposed;

23 (7) to consecutive or partially consecutive sentences may not be
24 released on discretionary parole until the prisoner has served the greatest of

25 (A) the composite total of any mandatory minimum sentence or
26 sentences imposed under any provision of law, including AS 12.55.127;

27 (B) any term set under AS 12.55.115; or

28 (C) the amount of time that is required to be served under (1) -
29 (5) of this subsection for the sentence imposed for the primary crime, had that
30 been the only sentence imposed, plus one-quarter of the composite total of the
31 active term of imprisonment imposed as consecutive or partially consecutive

1 sentences imposed for all crimes other than the primary crime.

2 (8) to a single sentence under AS 12.55.125(i)(3)(A) - (C)
 3 [AS 12.55.125(i)(3)] and (4), and has not been allowed by the three-judge panel under
 4 AS 12.55.175 to be considered for discretionary parole release, may not be released on
 5 discretionary parole until the prisoner has served, after a deduction for good time
 6 earned under AS 33.20.010, one-half of the active term of imprisonment imposed."
 7

8 Renumber the following bill sections accordingly.

9
 10 Page 15, following line 27:

11 Insert a new subsection to read:

12 "(c) AS 33.16.090(b), as amended by sec. 18 of this Act, applies to sentences imposed
 13 on or after the effective date of sec. 18 of this Act for conduct occurring on or after the
 14 effective date of sec. 18 of this Act."
 15

16 Reletter the following subsection accordingly.

17
 18 Page 15, line 28:

19 Delete "sec. 18"

20 Insert "sec. 19"

21
 22 Page 15, line 29:

23 Delete "sec. 18"

24 Insert "sec. 19"

25
 26 Page 15, line 31:

27 Delete "sec. 24"

28 Insert "sec. 25"

30-LS0461\N.42
Bruce/Martin
10/23/17

AMENDMENT

#6

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

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

AMENDMENT

#7

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 2, following line 29:

2 Insert a new bill section to read:

3 **** Sec. 6.** AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is
4 amended by adding a new subsection to read:

5 (I) Notwithstanding (c) of this section, a pretrial services officer may not
6 assess a person as low risk if the person has been charged with a class C felony under

7 (1) AS 11.46.310 or 11.46.360;

8 (2) AS 11.51.100(d)(2) or (f) or 11.51.200;

9 (3) AS 11.56.320, 11.56.335, 11.56.540, 11.56.590, 11.56.610,
10 11.56.770, or 11.56.835; or

11 (4) AS 11.61.123(f)(1), 11.61.140(h), 11.61.200, 11.61.240(b)(3), or
12 11.61.250."

13

14 Renumber the following bill sections accordingly.

15

16 Page 11, following line 12:

17 Insert a new bill section to read:

18 **** Sec. 19.** AS 33.07.030, enacted by sec. 117, ch. 36, SLA 2016, is amended by adding a
19 new subsection to read:

20 (h) Notwithstanding (c)(2) of this section, a pretrial services officer may not
21 assess a person as low risk if the person has been charged with a class C felony under

22 (1) AS 11.46.310, 11.46.360;

23 (2) AS 11.51.100(d)(2) or (f) or 11.51.200,

1 (3) AS 11.56.320, 11.56.335, 11.56.540, 11.56.590, 11.56.610,
2 11.56.770, or 11.56.835; or

3 (4) AS 11.61.123(f)(1), 11.61.140(h), 11.61.200, 11.61.240(b)(3), or
4 11.61.250."

5

6 Renumber the following bill sections accordingly.

7

8 Page 15, line 17:

9 Delete "and"

10

11 Page 15, following line 17:

12 Insert a new paragraph to read:

13 "(6) AS 12.30.011(*I*), enacted by sec. 6 of this Act; and"

14

15 Renumber the following paragraph accordingly.

16

17 Page 15, line 18:

18 Delete "sec. 15"

19 Insert "sec. 16"

20

21 Page 15, line 21:

22 Delete "sec. 6"

23 Insert "sec. 7"

24

25 Page 15, line 22:

26 Delete "sec. 7"

27 Insert "sec. 8"

28

29 Page 15, line 23:

30 Delete "sec. 8"

31 Insert "sec. 9"

1
2 Page 15, line 24:
3 Delete "sec. 9"
4 Insert "sec. 10"
5
6 Page 15, line 25:
7 Delete "sec. 10"
8 Insert "sec. 11"
9
10 Page 15, line 26:
11 Delete "sec. 11"
12 Insert "sec. 12"
13
14 Page 15, line 27:
15 Delete "sec. 12"
16 Insert "sec. 13"
17
18 Page 15, line 28:
19 Delete "sec. 18"
20 Insert "sec. 20"
21
22 Page 15, line 29:
23 Delete "sec. 18"
24 Insert "sec. 20"
25
26 Page 15, line 30:
27 Delete all material and insert:
28 **"* Sec. 26. Sections 6, 18, and 19 of this Act take effect January 1, 2018."**
29
30 Page 15, line 31:
31 Delete "sec. 24"

1 Insert "sec. 26"

AMENDMENT

8

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 2, following line 29:

2 Insert a new bill section to read:

3 **"* Sec. 6.** AS 12.30.006(b), as amended by sec. 55, ch. 36, SLA 2016, is amended to read:

4 (b) At the first appearance before a judicial officer, a person [WHO IS
5 CHARGED WITH A FELONY, OTHER THAN A CLASS C FELONY AND THE
6 PERSON HAS BEEN ASSESSED AS LOW RISK UNDER AS 12.30.011(c)(1),]
7 may be detained up to 48 hours for the prosecuting authority to demonstrate that
8 release of the person under AS 12.30.011 would not reasonably ensure the appearance
9 of the person or will pose a danger to the victim, other persons, or the community, if
10 the person has been charged with the following crimes:

11 (1) an unclassified, class A, or class B felony;

12 (2) a class C felony under AS 11.41.220, 11.41.260, 11.41.425,
13 AS 11.46.310, 11.46.360, AS 11.51.100(d)(2) or (f), 11.51.200, AS 11.56.320,
14 11.56.335, 11.56.540, 11.56.590, 11.56.610, 11.56.770, 11.56.835,
15 AS 11.61.123(f)(1), 11.61.127, 11.61.128(d), 11.61.140(h), 11.61.200,
16 11.61.240(b)(3), or 11.61.250; or

17 (3) a class C felony, other than a class C felony listed in (2) of this
18 subsection, and the person has been assessed as moderate to high risk under
19 AS 12.30.011(c)(2)."

20
21 Renumber the following bill sections accordingly.

22

23 Page 15, line 17:

1 Delete "and"

2

3 Page 15, following line 17:

4 Insert a new paragraph to read:

5 "(6) AS 12.30.006(b), as amended by sec. 6 of this Act; and"

6

7 Renumber the following paragraph accordingly.

8

9 Page 15, line 18:

10 Delete "sec. 15"

11 Insert "sec. 16"

12

13 Page 15, line 21:

14 Delete "sec. 6"

15 Insert "sec. 7"

16

17 Page 15, line 22:

18 Delete "sec. 7"

19 Insert "sec. 8"

20

21 Page 15, line 23:

22 Delete "sec. 8"

23 Insert "sec. 9"

24

25 Page 15, line 24:

26 Delete "sec. 9"

27 Insert "sec. 10"

28

29 Page 15, line 25:

30 Delete "sec. 10"

31 Insert "sec. 11"

1

2 Page 15, line 26:

3 Delete "sec. 11"

4 Insert "sec. 12"

5

6 Page 15, line 27:

7 Delete "sec. 12"

8 Insert "sec. 13"

9

10 Page 15, line 28:

11 Delete "sec. 18"

12 Insert "sec. 19"

13

14 Page 15, line 29:

15 Delete "sec. 18"

16 Insert "sec. 19"

17

18 Page 15, line 30:

19 Delete all material and insert:

20 **"* Sec. 25.** Sections 6 and 18 of this Act take effect January 1, 2018."

21

22 Page 15, line 31:

23 Delete "sec. 24"

24 Insert "sec. 25"

AMENDMENT

#9

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 5, following line 25:

2 Insert a new bill section to read:

3 "* **Sec. 11.** AS 12.55.135(m) is amended to read:

4 (m) A court may not impose a sentence of imprisonment for a definite term of
5 more than **five days** [24 HOURS] for a person convicted of disorderly conduct under
6 AS 11.61.110."

7

8 Renumber the following bill sections accordingly.

9

10 Page 15, line 18:

11 Delete "sec. 15"

12 Insert "sec. 16"

13

14 Page 15, following line 25:

15 Insert a new paragraph to read:

16 "(6) AS 12.55.135(m), as amended by sec. 11 of this Act;"

17

18 Renumber the following paragraphs accordingly.

19

20 Page 15, line 26:

21 Delete "sec. 11"

22 Insert "sec. 12"

23

1 Page 15, line 27:

2 Delete "sec. 12"

3 Insert "sec. 13"

4

5 Page 15, line 28:

6 Delete "sec. 18"

7 Insert "sec. 19"

8

9 Page 15, line 29:

10 Delete "sec. 18"

11 Insert "sec. 19"

12

13 Page 15, line 30:

14 Delete "Section 17"

15 Insert "Section 18"

16

17 Page 15, line 31:

18 Delete "sec. 24"

19 Insert "sec. 25"

AMENDMENT

#10

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

- 1 Page 5, line 10:
- 2 Delete "active"
- 3
- 4 Page 5, lines 15 - 16:
- 5 Delete "five days of active [OR SUSPENDED] imprisonment and a term of
- 6 probation of more than six months"
- 7 Insert "seven days of [ACTIVE OR SUSPENDED] imprisonment"
- 8
- 9 Page 5, line 22:
- 10 Delete "and a term of probation of more than six months"

AMENDMENT

#11

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 2, following line 29:

2 Insert a new bill section to read:

3 **** Sec. 6.** AS 12.25.150(a), as amended by sec. 50, ch. 36, SLA 2016, is amended to read:

4 (a) A person arrested shall be taken before a judge or magistrate without
5 unnecessary delay and in any event within 24 hours after arrest, absent compelling
6 circumstances, including Sundays and holidays. The unavailability of a report
7 prepared by the pretrial services officer under AS 33.07 or a delay in the transmittal of
8 that report to the parties or to the court may not be considered a sufficient compelling
9 circumstance to justify delaying a hearing beyond 24 hours. [THE HEARING
10 BEFORE THE JUDGE OR MAGISTRATE MAY NOT TAKE PLACE MORE
11 THAN 48 HOURS AFTER ARREST.] This requirement applies to municipal police
12 officers to the same extent as it does to state troopers."
13

14 Renumber the following bill sections accordingly.
15

16 Page 9, following line 29:

17 Insert a new bill section to read:

18 **** Sec. 15.** AS 12.70.130, as amended by sec. 98, ch. 36, SLA 2016, is amended to read:

19 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be
20 lawfully made by a peace officer or a private person without a warrant upon
21 reasonable information that the accused stands charged in the courts of another state
22 with a crime punishable by death or imprisonment for a term exceeding one year, but
23 when arrested the accused must be taken before a judge or magistrate without

unnecessary delay and, in any event, within 24 hours after arrest, absent compelling circumstances, including Sundays and holidays, and complaint shall be made against the accused under oath setting out the ground for the arrest as in AS 12.70.120. [THE HEARING BEFORE THE JUDGE OR MAGISTRATE MAY NOT TAKE PLACE MORE THAN 48 HOURS AFTER ARREST.] Thereafter the answer of the accused shall be heard as if the accused had been arrested on a warrant."

Renumber the following bill sections accordingly.

Page 15, line 18:

Delete "sec. 15"

Insert "sec. 17"

Page 15, line 21:

Delete "sec. 6"

Insert "sec. 7"

Page 15, line 22:

Delete "sec. 7"

Insert "sec. 8"

Page 15, line 23:

Delete "sec. 8"

Insert "sec. 9"

Page 15, line 24:

Delete "sec. 9"

Insert "sec. 10"

Page 15, line 25:

Delete "sec. 10"

1 Insert "sec. 11"

2

3 Page 15, line 26:

4 Delete "sec. 11"

5 Insert "sec. 12"

6

7 Page 15, line 27:

8 Delete "sec. 12"

9 Insert "sec. 13"

10

11 Page 15, following line 27:

12 Insert a new subsection to read:

13 "(c) AS 12.25.150(a), as amended by sec. 6 of this Act, applies to offenses committed
14 before, on, or after the effective date of sec. 6 of this Act."

15

16 Reletter the following subsection accordingly.

17

18 Page 15, line 28:

19 Delete "sec. 18"

20 Insert "sec. 20"

21

22 Page 15, line 29:

23 Delete "sec. 18"

24 Insert "sec. 20"

25

26 Page 15, line 30:

27 Delete "Section 17 of this Act takes"

28 Insert "Sections 6, 15, and 19 of this Act take"

29

30 Page 15, line 31:

31 Delete "sec. 24"

30-LS0461\N.46

1 Insert "sec. 26"

AMENDMENT

#12

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

- 1 Page 1, line 3, following "**license;**":
- 2 Insert "**relating to revocation of a driver's license;**"
- 3
- 4 Page 15, lines 7 - 8:
- 5 Delete "and 12.55.125(e)(4)(D)"
- 6 Insert "12.55.125(e)(4)(D); and AS 28.15.165(e)"

AMENDMENT #13

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 1, line 3, following "license;":

2 Insert "relating to driving while license canceled, suspended, or revoked;"

3

4 Page 10, following line 27:

5 Insert new bill sections to read:

6 **"* Sec. 16.** AS 28.15.291(a) is repealed and reenacted to read:

7 (a) A person is guilty of a class A misdemeanor if the person

8 (1) drives a motor vehicle on a highway or vehicular way or area at a
9 time when that person's driver's license, privilege to drive, or privilege to obtain a
10 license has been canceled, suspended, or revoked in this or another jurisdiction; or

11 (2) drives in violation of a limitation placed on that person's license or
12 privilege to drive in this or another jurisdiction.

13 *** Sec. 17.** AS 28.15.291(b) is repealed and reenacted to read:

14 (b) Upon conviction under (a) of this section, the court

15 (1) shall impose a minimum sentence of imprisonment

16 (A) if the person has not been previously convicted, of not less
17 than 10 days with 10 days suspended, including a mandatory condition of
18 probation that the defendant complete not less than 80 hours of community
19 work service;

20 (B) if the person has been previously convicted, of not less than
21 10 days;

22 (C) if the person's driver's license, privilege to drive, or
23 privilege to obtain a license was revoked under circumstances described in

1 AS 28.15.181(c)(1), if the person was driving in violation of a limited license
 2 issued under AS 28.15.201(d) following that revocation, or if the person was
 3 driving in violation of an ignition interlock device requirement following that
 4 revocation, of not less than 20 days with 10 days suspended, and a fine of not
 5 less than \$500, including a mandatory condition of probation that the
 6 defendant complete not less than 80 hours of community work service;

7 (D) if the person's driver's license, privilege to drive, or
 8 privilege to obtain a license was revoked under circumstances described in
 9 AS 28.15.181(c)(2), (3), or (4), if the person was driving in violation of a
 10 limited license issued under AS 28.15.201(d) following that revocation, or if
 11 the person was driving in violation of an ignition interlock device requirement
 12 following that revocation, of not less than 30 days and a fine of not less than
 13 \$1,000;

14 (2) may impose additional conditions of probation;

15 (3) may not

16 (A) suspend execution of sentence or grant probation except on
 17 condition that the person serve a minimum term of imprisonment and perform
 18 required community work service as provided in (1) of this subsection;

19 (B) suspend imposition of sentence;

20 (4) shall revoke the person's license, privilege to drive, or privilege to
 21 obtain a license, and the person may not be issued a new license or a limited license
 22 nor may the privilege to drive or obtain a license be restored for an additional period
 23 of not less than 90 days after the date that the person would have been entitled to
 24 restoration of driving privileges; and

25 (5) may order that the motor vehicle that was used in commission of
 26 the offense be forfeited under AS 28.35.036."

27
 28 Renumber the following bill sections accordingly.

29
 30 Page 15, line 17:

31 Delete "and"

1

2 Page 15, line 18, following "Act":

3 Insert ";

4 (7) AS 28.15.291(a), as repealed and reenacted by sec. 16 of this Act; and

5 (8) AS 28.15.291(b), as repealed and reenacted by sec. 17 of this Act"

6

7 Page 15, line 28:

8 Delete "sec. 18"

9 Insert "sec. 20"

10

11 Page 15, line 29:

12 Delete "sec. 18"

13 Insert "sec. 20"

14

15 Page 15, line 30:

16 Delete "Section 17"

17 Insert "Section 19"

18

19 Page 15, line 31:

20 Delete "sec. 24"

21 Insert "sec. 26"

AMENDMENT

#14

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 2, following line 29:

2 Insert new bill sections to read:

3 "* **Sec. 6.** AS 12.30.011(d), as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is
4 amended to read:

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

14 * **Sec. 7.** AS 12.30.011(f), as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is
15 amended to read:

16 (f) A person charged with an offense who is not otherwise required to be
17 released under (b) - (e) or (f) of this section and who is assessed by a pretrial services
18 officer as

19 (1) low risk shall be released on the person's own recognizance or
20 upon execution of an unsecured appearance bond or unsecured performance bond
21 unless the judicial officer finds on the record that there is clear and convincing
22 evidence that no nonmonetary conditions of release in combination with the release of
23 the person on the person's own recognizance or upon execution of an unsecured bond

1 can reasonably ensure the appearance of the person in court and the safety of the
2 victim, other persons, and the community; or

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

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

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

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

14 * Sec. 8. AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is
15 amended by adding a new subsection to read:

16 (d) A person charged with a felony offense under AS 28.35.030 or 28.35.032
17 who is assessed by a pretrial services officer as low, moderate, or high risk may be
18 required, singly or in combination, in addition to other conditions specified in this
19 section, to deposit with the court and execute

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

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

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

29 Renumber the following bill sections accordingly.

30
31 Page 15, line 17:

1 Delete "and"

2

3 Page 15, following line 17:

4 Insert new paragraphs to read:

5 "(6) AS 12.30.011(d), as amended by sec. 6 of this Act;

6 (7) AS 12.30.011(f), as amended by sec. 7 of this Act;

7 (8) AS 12.30.011(l), enacted by sec. 8 of this Act; and"

8

9 Renumber the following paragraph accordingly.

10

11 Page 15, line 18:

12 Delete "sec. 15"

13 Insert "sec. 18"

14

15 Page 15, line 21:

16 Delete "sec. 6"

17 Insert "sec. 9"

18

19 Page 15, line 22:

20 Delete "sec. 7"

21 Insert "sec. 10"

22

23 Page 15, line 23:

24 Delete "sec. 8"

25 Insert "sec. 11"

26

27 Page 15, line 24:

28 Delete "sec. 9"

29 Insert "sec. 12"

30

31 Page 15, line 25:

- 1 Delete "sec. 10"
- 2 Insert "sec. 13"
- 3
- 4 Page 15, line 26:
- 5 Delete "sec. 11"
- 6 Insert "sec. 14"
- 7
- 8 Page 15, line 27:
- 9 Delete "sec. 12"
- 10 Insert "sec. 15"
- 11
- 12 Page 15, line 28:
- 13 Delete "sec. 18"
- 14 Insert "sec. 21"
- 15
- 16 Page 15, line 29:
- 17 Delete "sec. 18"
- 18 Insert "sec. 21"
- 19
- 20 Page 15, line 30:
- 21 Delete "Section 17 of this Act takes"
- 22 Insert "Sections 6 - 8 and 20 of this Act take"
- 23
- 24 Page 15, line 31:
- 25 Delete "sec. 24"
- 26 Insert "sec. 27"

AMENDMENT

#15

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 11, following line 12:

2 Insert a new bill section to read:

3 **** Sec. 18.** AS 33.16.089(a) is amended to read:

4 (a) A prisoner convicted of a misdemeanor or a class [B OR] C felony that is
5 not a sex offense as defined in AS 12.63.100 or an offense under AS 11.41 who has
6 not been previously convicted of a felony in this or another jurisdiction and who has
7 been sentenced to an active term of imprisonment of at least 181 days shall be released
8 on administrative parole by the board without a hearing if

9 (1) the prisoner has served the greater of

10 (A) one-fourth of the active term of imprisonment imposed;

11 (B) the mandatory minimum term of imprisonment imposed; or

12 (C) a term of imprisonment imposed under AS 12.55.115;

13 (2) the prisoner is not excluded from eligibility for administrative
14 parole by court order;

15 (3) the prisoner has agreed to and signed the conditions of parole under
16 AS 33.16.150;

17 (4) the victim does not request a hearing to consider issues of public
18 safety under AS 33.16.120; and

19 (5) the prisoner has met the requirements of the case plan, including
20 completing programming in the case plan, under AS 33.30.011(8)."

21

22 Renumber the following bill sections accordingly.

23

1 Page 15, following line 27:

2 Insert a new subsection to read:

3 "(c) AS 33.16.089(a), as amended by sec. 18 of this Act, applies to sentences imposed
4 on or after the effective date of sec. 18 of this Act for conduct occurring on or after the
5 effective date of sec. 18 of this Act."
6

7 Reletter the following subsection accordingly.
8

9 Page 15, line 28:

10 Delete "sec. 18"

11 Insert "sec. 19"
12

13 Page 15, line 29:

14 Delete "sec. 18"

15 Insert "sec. 19"
16

17 Page 15, line 31:

18 Delete "sec. 24"

19 Insert "sec. 25"

AMENDMENT

#16

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 2, following line 29:

2 Insert a new bill section to read:

3 "* Sec. 6. AS 12.55.027(g) is amended to read:

4 (g) A court granting credit against a sentence of imprisonment under (d) of
5 this section may grant credit of not more than 120 [360] days against a total term of
6 imprisonment [IMPOSED FOR

7 (1) A FELONY CRIME AGAINST A PERSON UNDER AS 11.41;

8 (2) A CRIME INVOLVING DOMESTIC VIOLENCE AS DEFINED
9 IN AS 18.66.990;

10 (3) A SEX OFFENSE AS DEFINED IN AS 12.63.100;

11 (4) AN OFFENSE UNDER AS 11.71 INVOLVING THE DELIVERY
12 OF A CONTROLLED SUBSTANCE TO A PERSON UNDER 19 YEARS OF AGE;

13 (5) BURGLARY IN THE FIRST DEGREE UNDER AS 11.46.300;

14 OR

15 (6) ARSON IN THE FIRST DEGREE UNDER AS 11.46.400]."

16

17 Renumber the following bill sections accordingly.

18

19 Page 15, line 18:

20 Delete "sec. 15"

21 Insert "sec. 16"

22

23 Page 15, following line 20:

1 Insert a new paragraph to read:

2 "(1) AS 12.55.027(g), as amended by sec. 6 of this Act;"

3

4 Renumber the following paragraphs accordingly.

5

6 Page 15, line 21:

7 Delete "sec. 6"

8 Insert "sec. 7"

9

10 Page 15, line 22:

11 Delete "sec. 7"

12 Insert "sec. 8"

13

14 Page 15, line 23:

15 Delete "sec. 8"

16 Insert "sec. 9"

17

18 Page 15, line 24:

19 Delete "sec. 9"

20 Insert "sec. 10"

21

22 Page 15, line 25:

23 Delete "sec. 10"

24 Insert "sec. 11"

25

26 Page 15, line 26:

27 Delete "sec. 11"

28 Insert "sec. 12"

29

30 Page 15, line 27:

31 Delete "sec. 12"

- 1 Insert "sec. 13"
- 2
- 3 Page 15, line 28:
- 4 Delete "sec. 18"
- 5 Insert "sec. 19"
- 6
- 7 Page 15, line 29:
- 8 Delete "sec. 18"
- 9 Insert "sec. 19"
- 10
- 11 Page 15, line 30:
- 12 Delete "Section 17"
- 13 Insert "Section 18"
- 14
- 15 Page 15, line 31:
- 16 Delete "sec. 24"
- 17 Insert "sec. 25"

AMENDMENT

#17

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 11, following line 21:

2 Insert a new bill section to read:

3 "* **Sec. 19.** AS 33.16.270 is amended to read:

4 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
5 by regulation a program allowing parolees to earn credits for complying with the
6 conditions of parole. The earned compliance credits reduce the period of parole.
7 Nothing in this section prohibits the department from recommending to the board the
8 early discharge of the parolee as provided in this chapter. At a minimum, the
9 regulations must

10 (1) require that a parolee earn a credit of 10 [30] days for each 30-day
11 period served in which the parolee complied with the conditions of parole;

12 (2) include policies and procedures for

13 (A) calculating and tracking credits earned by parolees;

14 (B) reducing the parolee's period of parole based on credits
15 earned by the parolee and notifying a victim under AS 33.30.013."
16

17 Renumber the following bill sections accordingly.
18

19 Page 15, following line 29:

20 Insert a new subsection to read:

21 "(d) AS 33.16.270, as amended by sec. 19 of this Act, applies to parole granted on or
22 after the effective date of sec. 19 of this Act for conduct occurring on or after the effective
23 date of sec. 19 of this Act."

1

2 Page 15, line 31:

3 Delete "sec. 24"

4 Insert "sec. 25"

AMENDMENT

#18

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 11, following line 3:

2 Insert a new bill section to read:

3 "* Sec. 17. AS 33.05.020(h) is amended to read:

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

9 (1) require that a probationer earn a credit of 10 [30] days for each 30-
10 day period served in which the defendant complied with the conditions of probation;

11 (2) include policies and procedures for

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

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

15 (C) notifying a victim under AS 33.30.013."
16

17 Renumber the following bill sections accordingly.
18

19 Page 15, following line 17:

20 Insert a new subsection to read:

21 "(c) AS 33.05.020(h), as amended by sec. 17 of this Act, applies to sentences imposed
22 on or after the effective date of sec. 17 of this Act, for conduct occurring on or after the
23 effective date of sec. 17 of this Act, for time served on probation on or after the effective date

1 of sec. 17 of this Act."

2

3 Reletter the following subsection accordingly.

4

5 Page 15, line 28:

6 Delete "sec. 18"

7 Insert "sec. 19"

8

9 Page 15, line 29:

10 Delete "sec. 18"

11 Insert "sec. 19"

12

13 Page 15, line 30:

14 Delete "Section 17"

15 Insert "Section 18"

16

17 Page 15, line 31:

18 Delete "sec. 24"

19 Insert "sec. 25"

AMENDMENT

#19

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 11, following line 12:

2 Insert a new bill section to read:

3 "* **Sec. 18.** AS 33.16.089 is amended by adding a new subsection to read:

4 (e) Notwithstanding (a) of this section, a person is ineligible for administrative
5 parole if the person has been convicted of a class C felony under

6 (1) AS 11.46.310 or 11.46.360;

7 (2) AS 11.51.100(d)(2) or (f) or 11.51.200;

8 (3) AS 11.56.320, 11.56.335, 11.56.540, 11.56.590, 11.56.610,
9 11.56.770, or 11.56.835; or

10 (4) AS 11.61.123(f)(1), 11.61.140(h), 11.61.200, 11.61.240(b)(3), or
11 11.61.250."

12

13 Renumber the following bill sections accordingly.

14

15 Page 15, line 26:

16 Delete "and"

17

18 Page 15, line 27, following "Act":

19 Insert "; and

20 (8) AS 33.16.089(e), enacted by sec. 18 of this Act"

21

22 Page 15, line 28:

23 Delete "sec. 18"

1 Insert "sec. 19"

2

3 Page 15, line 29:

4 Delete "sec. 18"

5 Insert "sec. 19"

6

7 Page 15, line 31:

8 Delete "sec. 24"

9 Insert "sec. 25"

AMENDMENT

#20

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

- 1 Page 1, line 2:
- 2 Delete "**relating to sex trafficking**;"
- 3
- 4 Page 2, lines 2 - 29:
- 5 Delete all material.
- 6
- 7 Renumber the following bill sections accordingly.
- 8
- 9 Page 8, line 28, through page 10, line 25:
- 10 Delete all material.
- 11
- 12 Renumber the following bill sections accordingly.
- 13
- 14 Page 11, lines 28 - 31:
- 15 Delete all material.
- 16
- 17 Renumber the following bill sections accordingly.
- 18
- 19 Page 15, line 7:
- 20 Delete "AS 11.66.130(b), 11.66.135(b);"
- 21
- 22 Page 15, line 14, following "Act;":
- 23 Insert "and"

1

2 Page 15, lines 15 - 17:

3 Delete all material.

4

5 Renumber the following paragraph accordingly.

6

7 Page 15, line 18:

8 Delete "sec. 15"

9 Insert "sec. 10"

10

11 Page 15, line 21:

12 Delete "sec. 6"

13 Insert "sec. 3"

14

15 Page 15, line 22:

16 Delete "sec. 7"

17 Insert "sec. 4"

18

19 Page 15, line 23:

20 Delete "sec. 8"

21 Insert "sec. 5"

22

23 Page 15, line 24:

24 Delete "sec. 9"

25 Insert "sec. 6"

26

27 Page 15, line 25:

28 Delete "sec. 10"

29 Insert "sec. 7"

30

31 Page 15, line 26:

1 Delete "sec. 11"
2 Insert "sec. 8"
3
4 Page 15, line 27:
5 Delete "sec. 12"
6 Insert "sec. 9"
7
8 Page 15, line 28:
9 Delete "sec. 18"
10 Insert "sec. 13"
11
12 Page 15, line 29:
13 Delete "sec. 18"
14 Insert "sec. 13"
15
16 Page 15, line 30:
17 Delete "Section 17"
18 Insert "Section 12"
19
20 Page 15, line 31:
21 Delete "sec. 24"
22 Insert "sec. 18"

AMENDMENT

#21

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 11, following line 3:

2 Insert a new bill section to read:

3 "* Sec. 17. AS 33.05.020(h) is amended to read:

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

9 (1) require that a probationer earn a credit of 10 [30] days for each 30-
10 day period served in which the defendant complied with the conditions of probation;

11 (2) include policies and procedures for

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

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

15 (C) notifying a victim under AS 33.30.013."
16

17 Renumber the following bill sections accordingly.
18

19 Page 15, following line 17:

20 Insert a new subsection to read:

21 "(c) AS 33.05.020(h), as amended by sec. 17 of this Act, applies to sentences imposed
22 before, on, or after the effective date of sec. 17 of this Act, for conduct occurring before, on,
23 or after the effective date of sec. 17 of this Act, for time served on probation on or after the

1 effective date of sec. 17 of this Act."

2

3 Reletter the following subsection accordingly.

4

5 Page 15, line 28:

6 Delete "sec. 18"

7 Insert "sec. 19"

8

9 Page 15, line 29:

10 Delete "sec. 18"

11 Insert "sec. 19"

12

13 Page 15, line 30:

14 Delete "Section 17"

15 Insert "Section 18"

16

17 Page 15, line 31:

18 Delete "sec. 24"

19 Insert "sec. 25"

AMENDMENT #22

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE MILLETT

1 Page 1, line 4, following "program;":

2 Insert "relating to the Alaska Criminal Justice Commission;"

3

4 Page 11, following line 31:

5 Insert a new bill section to read:

6 "** Sec. 21. AS 44.19.645(a) is amended to read:

7 (a) The mission of the commission is to protect and improve public safety
8 while working toward a more efficient and cost-effective criminal justice system.

9 The commission shall evaluate the effect of sentencing laws and criminal justice
10 practices on the criminal justice system to evaluate whether those sentencing laws and
11 criminal justice practices provide for protection of the public, community
12 condemnation of the offender, the rights of victims of crimes, the rights of the accused
13 and the person convicted, restitution from the offender, and the principle of
14 reformation. The commission shall make recommendations for improving criminal
15 sentencing practices and criminal justice practices, including rehabilitation and
16 restitution. The commission shall annually make recommendations to the governor
17 and the legislature on how savings from criminal justice reforms should be reinvested
18 to reduce recidivism. In formulating its recommendations, the commission shall
19 consider

20 (1) statutes, court rules, and court decisions relevant to sentencing of
21 criminal defendants in misdemeanor and felony cases;

22 (2) sentencing practices of the judiciary, including use of presumptive
23 sentences;

- 1 (3) means of promoting uniformity, proportionality, and accountability
- 2 in sentencing;
- 3 (4) alternatives to traditional forms of incarceration;
- 4 (5) the efficacy of parole and probation in ensuring public safety,
- 5 achieving rehabilitation, and reducing recidivism;
- 6 (6) the adequacy, availability, and effectiveness of treatment and
- 7 rehabilitation programs;
- 8 (7) crime and incarceration rates, including the rate of violent crime
- 9 and the abuse of controlled substances, in this state compared to other states, and best
- 10 practices adopted by other states that have proven to be successful in reducing
- 11 recidivism;
- 12 (8) the relationship between sentencing priorities and correctional
- 13 resources;
- 14 (9) the effectiveness of the state's current methodologies for the
- 15 collection and dissemination of criminal justice data; and
- 16 (10) whether the schedules for controlled substances in AS 11.71.140 -
- 17 11.71.190 are reasonable and appropriate, considering the criteria established in
- 18 AS 11.71.120(c)."
- 19
- 20 Renumber the following bill sections accordingly.
- 21
- 22 Page 15, line 31:
- 23 Delete "sec. 24"
- 24 Insert "sec. 25"