

# Amendment #1

p1

Technical amendments requested by Law to SCS HB 49 (FIN) work draft O.

This is being offered as a conceptual amendment. Legislative Legal is directed to make any changes or deletions to the suggested language in order accomplish the intent, including changes to the title.

1. P21, lines 5-6, following AS 11.61.125 add a citation for AS 11.61.128, and make any needed grammatical changes.

2. P34, lines 1-3 – amend (2)

DELETE "That has not been used in determining the person's risk level in the pretrial risk assessment under as 33.07"

INSERT language identical to SB 33, section 3: [THAT HAS NOT BEEN USED IN DETERMINING THE PERSON'S RISK LEVEL IN THE PRETRIAL RISK ASSESSMENT UNDER AS 33.07].

3. P42, lines 30 – 31,

DELETE "A probation officer may not [SHALL] recommend to the court that probation be terminated and a defendant be discharged from probation unless [IF] the"

INSERT: "At the discretion of the probation officer, a [A] probation officer may [SHALL] recommend to the court that probation be terminated and a defendant be discharged from probation if the" with "At the discretion of the probation officer, a probation officer may recommend to the court that probation be terminated and a defendant be discharged from probation if the"

4. Pages 60 – 63, Replace sections 93 and 96 as detailed on the attached pages 2 and 3

5. Page 73, line 6 – add reference to AS 11.71.030(a)(9), which is enacted by this bill on page 28. Make any necessary grammatical changes.

6. Page 74, line 22 – 23 INSERT after "(c)"

DELTE "A"

INSERT: "At the discretion of the parole officer, [A] a"

7. Page 82, line 2 – following "person who"

DELETE "wishes to remain anonymous"

INSERT "reported a sexual assault anonymously."

8. Section 152, page 93, line 5 – DELETE "July, 2020"; INSERT "July 1, 2020"

9. Make changes to the applicability section as noted on the attached page 4

Page 60-61

P2

Replace Section 93  
with this language from  
Senate Bill 32

11 \* Sec. 41. AS 28.15.291(a) is amended to read:

12 (a) A person commits the crime of driving while license canceled, suspended,  
13 revoked, or in violation of a limitation if the person drives [(1)] a motor vehicle on a  
14 highway or vehicular way or area at a time when that person's driver's license,  
15 privilege to drive, or privilege to obtain a license has been canceled, suspended, or  
16 revoked in this or [UNDER CIRCUMSTANCES DESCRIBED IN AS 28.15.181(c)  
17 OR A SIMILAR LAW IN] another jurisdiction, [; (2) A MOTOR VEHICLE ON A  
18 HIGHWAY OR VEHICULAR WAY OR AREA AT A TIME WHEN THAT  
19 PERSON'S DRIVER'S LICENSE, PRIVILEGE TO DRIVE, OR PRIVILEGE TO  
20 OBTAIN A LICENSE HAS BEEN CANCELED, SUSPENDED, OR REVOKED  
21 UNDER CIRCUMSTANCES OTHER THAN THOSE DESCRIBED IN (1) OF THIS  
22 SUBSECTION;] or the person drives [(3)] in violation of a limitation placed on that  
23 person's license or privilege to drive in this or another jurisdiction.

Page 62-63  
Replace Sec 9b with this language<sup>p3</sup>  
from SB 34, Section 4

14 \* Sec. 4. AS 28.35.030(o) is amended to read:

15 (o) Upon request, the department shall review a driver's license revocation  
16 imposed under (n)(3) of this section and, unless the revocation was ordered in a  
17 case in which the person was also convicted of a crime under AS 11.41.100 -  
18 11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction,

19 (1) may restore the driver's license if

20 (A) the license has been revoked for a period of at least 10  
21 years;

22 (B) the person has not been convicted of a driving-related  
23 criminal offense or a felony in the 10 years preceding the request for  
24 restoration of [SINCE] the license [WAS REVOKED]; and

25 (C) the person provides proof of financial responsibility;

26 (2) shall restore the driver's license if

27 (A) the person has been granted limited license privileges  
28 under AS 28.15.201(g) and has successfully driven under that limited license  
29 for three years without having the limited license privileges revoked;

30 (B) the person has successfully completed a court-ordered  
31 treatment program under AS 28.35.028 or a rehabilitative treatment program  
1 under AS 28.15.201(h);

2 (C) the person 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 another  
4 jurisdiction since the license was revoked;

5 (D) the person is otherwise eligible to have the person's driving  
6 privileges restored as provided in AS 28.15.211; in an application under this  
7 subsection, a person whose license was revoked for a violation of  
8 AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as  
9 required under AS 28.35.030(h) or 28.35.032(l); and

10 (E) the person provides proof of financial responsibility.

The following sections apply to probation ordered before, on, or after the effective date of those sections for conduct occurring on or after the effective date of those sections.

- (1) AS 33.05.020(h), as amended by sec. 101 of this Act;
- (2) AS 33.05.020(i), enacted by sec. 102 of this Act
- (3) AS 12.55.025(c), as amended by sec. 34 of this Act
- (4) 33. 05.040(a)(6), as amended by sec. 104 of this Act

The following sections apply to parole ordered before, on, or after the effective date of those sections for conduct occurring on or after the effective date of those sections.

- (1) AS 33.16.270, as amended by sec. 120 of this Act;
- (2) AS 33.16.270(b) enacted by sec. 121 of this act;
- (3) AS 33.16.220(b) as amended by sec. 118 of this Act
- (4) AS 33.16.010, as amended by sec. 122 of this Act

CONCEPTUAL AMENDMENT

#2

OFFERED IN THE SENATE FINANCE COMMITTEE

TO: SCS CS HB 49 (FIN) work draft O

This is a conceptual amendment. Legislative Legal is directed to make any changes or deletions to the suggested language in order accomplish the intent, including changes to the title.

**INTENT OF AMENDMENT:** Add an oral report to be said by the court at time of sentencing.

Suggested Language:

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1 Insert a new bill section where appropriate:

2  
3 AS 12.55.025 is amended by adding a new subsection to read:

4 (m) When imposing a sentence for conviction of a felony offense or a sentence of  
5 imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a regulation  
6 adopted under AS 04, or an ordinance adopted in conformity with AS 04.21.010, the court  
7 shall orally state on the record the terms of sentence of imprisonment imposed, the  
8 approximate minimum sentence that must be served before the defendant may be eligible for  
9 mandatory parole, and that the terms of the sentence imposed may be reduced by the  
10 Department of Corrections under other provisions of law.”

11  
12 Renumber the following bill sections accordingly.

**AMENDMENT** #3

OFFERED IN THE SENATE

TO: SCS CSHB 49(FIN), Draft Version "O"

Page 62, line 29, following "**ordered**":

Insert "**under (v) of this section or**"

Page 63, following line 23:

Insert a new bill section to read:

**\*\* Sec. 97.** AS 28.35.030 is amended by adding a new subsection to read:

(v) In addition to the penalties imposed under (n) of this section, if a person is convicted under (a) of this section and has been previously convicted five or more times under (a) of this section or a similar law of another jurisdiction, upon conviction, the court shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license."

Renumber the following bill sections accordingly.

Page 65, line 2, following "**jurisdiction**":

Insert "**or revocation was ordered under AS 28.35.030(v)**"

Page 90, following line 29:

Insert a new paragraph to read:

"(19) AS 28.35.030(v), enacted by sec. 97 of this Act;"

Renumber the following paragraphs accordingly.

1 Page 90, line 30:  
2 Delete "sec. 97"  
3 Insert "sec. 98"  
4  
5 Page 90, line 31:  
6 Delete "sec. 122"  
7 Insert "sec. 123"  
8  
9 Page 91, line 1:  
10 Delete "sec. 123"  
11 Insert "sec. 124"  
12  
13 Page 91, line 12:  
14 Delete "sec. 100"  
15 Insert "sec. 101"  
16  
17 Page 91, line 13:  
18 Delete "sec. 101"  
19 Insert "sec. 102"  
20  
21 Page 91, line 14:  
22 Delete "sec. 102"  
23 Insert "sec. 103"  
24  
25 Page 91, line 15:  
26 Delete "sec. 103"  
27 Insert "sec. 104"  
28  
29 Page 91, line 16:  
30 Delete "sec. 104"  
31 Insert "sec. 105"

1  
2 Page 91, line 17:  
3 Delete "sec. 105"  
4 Insert "sec. 106"  
5  
6 Page 91, line 20:  
7 Delete "sec. 106"  
8 Insert "sec. 107"  
9  
10 Page 91, line 21:  
11 Delete "sec. 107"  
12 Insert "sec. 108"  
13  
14 Page 91, line 22:  
15 Delete "sec. 108"  
16 Insert "sec. 109"  
17  
18 Page 91, line 23:  
19 Delete "sec. 109"  
20 Insert "sec. 110"  
21  
22 Page 91, line 24:  
23 Delete "sec. 110"  
24 Insert "sec. 111"  
25  
26 Page 91, line 25:  
27 Delete "sec. 112"  
28 Insert "sec. 113"  
29  
30 Page 91, line 26:  
31 Delete "sec. 113"



1           Insert "sec. 114"  
2  
3   Page 91, line 27:  
4           Delete "sec. 114"  
5           Insert "sec. 115"  
6  
7   Page 91, line 28:  
8           Delete "sec. 115"  
9           Insert "sec. 116"  
10  
11   Page 91, line 30:  
12           Delete "sec. 116"  
13           Insert "sec. 117"  
14  
15   Page 91, line 31:  
16           Delete "sec. 117"  
17           Insert "sec. 118"  
18  
19   Page 92, line 1:  
20           Delete "sec. 118"  
21           Insert "sec. 119"  
22  
23   Page 92, line 2:  
24           Delete "sec. 119"  
25           Insert "sec. 120"  
26  
27   Page 92, line 3:  
28           Delete "sec. 120"  
29           Insert "sec. 121"  
30  
31   Page 92, line 4:

1 Delete "sec. 121"  
2 Insert "sec. 122"  
3  
4 Page 92, line 5:  
5 Delete "sec. 111"  
6 Insert "sec. 112"  
7  
8 Page 92, line 6:  
9 Delete "sec. 111"  
10 Insert "sec. 112"  
11  
12 Page 92, line 7:  
13 Delete "sec. 111"  
14 Insert "sec. 112"  
15  
16 Page 92, line 9:  
17 Delete "sec. 98"  
18 Insert "sec. 99"  
19  
20 Page 92, line 15:  
21 Delete "sec. 105"  
22 Insert "sec. 106"  
23  
24 Page 92, line 21:  
25 Delete "secs. 127 and 128"  
26 Insert "secs. 128 and 129"  
27  
28 Page 93, line 1:  
29 Delete "Sections 138 - 141"  
30 Insert "Sections 139 - 142"  
31

- 1 Page 93, lines 1 - 2:  
2 Delete "secs. 138 - 141"  
3 Insert "secs. 139 - 142"  
4  
5 Page 93, line 4:  
6 Delete "Sections 129 - 132"  
7 Insert "Sections 130 - 133"  
8  
9 Page 93, line 5:  
10 Delete "Sections 126 - 128"  
11 Insert "Sections 127 - 129"  
12  
13 Page 93, line 6:  
14 Delete "Section 134"  
15 Insert "Section 135"  
16  
17 Page 93, line 7:  
18 Delete "Sections 99, 143, 145, and 148"  
19 Insert "Sections 100, 144, 146, and 149"  
20  
21 Page 93, line 9:  
22 Delete "secs. 151 - 154"  
23 Insert "secs. 152 - 155"

AMENDMENT #4

OFFERED IN THE SENATE

TO: SCS CSHB 49(FIN), Draft Version "O"

1 Page 87, line 20, following "Corrections":

2 Insert ", Department of Education and Early Development, and Department of Labor  
3 and Workforce Development"

4

5 Page 87, line 23, following "Corrections":

6 Insert ", Department of Education and Early Development, and Department of Labor  
7 and Workforce Development"

**AMENDMENT** #5

OFFERED IN THE SENATE

TO: SCS CSHB 49(FIN), Draft Version "O"

1 Page 92, line 19, following "REGULATIONS.":

2 Insert "(a)"

3  
4 Page 92, following line 24:

5 Insert a new subsection to read:

6 "(b) Not later than 15 months after the effective date of AS 33.05.020(h), as amended  
7 by sec. 101 of this Act, and AS 33.16.270, as amended by sec. 120 of this Act, the  
8 commissioner of corrections shall adopt regulations necessary to establish the programs  
9 required by AS 33.05.020(h), as amended by sec. 101 of this Act, and AS 33.16.270, as  
10 amended by sec. 120 of this Act. The regulations take effect under AS 44.62 (Administrative  
11 Procedure Act), but a regulation may not take effect before the effective date of the relevant  
12 provision of this Act implemented by the regulation."