

**CS FOR SENATE BILL NO. 268(JUD) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Amended: 4/2/96

Offered: 3/29/96

Sponsor(s): SENATOR LEMAN

REPRESENTATIVE B.Davis

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to release before trial in cases involving alcohol, controlled  
2 substances, imitation controlled substances, stalking, or domestic violence."

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

4 \* **Section 1.** AS 12.30 is amended by adding a new section to read:

5 Sec. 12.30.023. RELEASE BEFORE TRIAL IN CASES INVOLVING  
6 CONTROLLED SUBSTANCES. In determining the conditions of release under  
7 AS 12.30.020 in cases involving a violation of AS 04.11.010, AS 04.11.499, AS 11.71,  
8 or AS 11.73, the court shall consider the conditions specified in AS 12.30.020 and the  
9 following conditions and impose one or more conditions it considers reasonably  
10 necessary to protect the public safety and security, including ordering the defendant

11 (1) to obey all laws;

12 (2) to submit to a search of the defendant's person, personal property,  
13 residence, vehicle, or any vehicle over which the defendant has control, for the  
14 presence of alcoholic beverages or illegal drugs and drug paraphernalia by a peace

officer who has reasonable suspicion that the defendant is violating the terms of the defendant's bail release by possessing alcoholic beverages or illegal drugs and drug paraphernalia;

(3) in

(A) controlled substances offenses, to enroll in a random drug testing program, at the defendant's expense, to detect the presence of an illegal drug, with testing to occur not less than once a week, and with the results being submitted to the court and the district attorney's office;

(B) alcoholic beverage offenses, to submit to a breath test when requested by a law enforcement officer;

(4) to not have on the defendant's person, in the defendant's residence, or in any vehicle over which the defendant has control, any alcoholic beverages, controlled substances, or related paraphernalia;

(5) to not use, manufacture, possess, handle, purchase, give, or administer any controlled substance or alcoholic beverage;

(6) to not associate with persons involved in using, manufacturing, growing, or distributing controlled substances or alcoholic beverages;

(7) to not enter or remain in places where controlled substances or alcoholic beverages are being used, manufactured, grown, or distributed;

(8) to not be physically present, within a two-block area of, or within a designated area near, the location at which the offense occurred or at other designated locations, unless the defendant actually resides within that area;

(9) to not use or possess a paging device, cellular phone, or other portable communicative device on the defendant's person, in any vehicle over which the defendant has control, or in the defendant's residence;

(10) to be physically inside the defendant's residence, or in the residence of the defendant's third-party custodian, between time periods set by the court, except as otherwise required by employment, education, counseling, or treatment and as specifically authorized by the court;

(11) to not

(A) have a firearm in the defendant's possession or control, in

1 any vehicle over which the defendant has control, or in the defendant's  
2 residence;

3 (B) possesses a knife, other than an ordinary pocket knife, on  
4 the defendant's person;

5 (12) to engage in any conduct or to refrain from any conduct that the  
6 court considers reasonably necessary to protect the public.

7 \* **Sec. 2.** AS 12.30.025(a) is amended to read:

8 (a) In determining the conditions of release under AS 12.30.020 in cases  
9 involving domestic violence or stalking, the court shall consider the conditions  
10 specified in AS 12.30.020 and the following conditions and impose one or more  
11 conditions it considers reasonably necessary to protect the alleged victim of the  
12 domestic violence or stalking, including ordering the defendant

13 (1) not to subject the victim to further domestic violence or stalking;

14 (2) to vacate the home of the victim;

15 (3) not to contact the victim other than through counsel;

16 (4) to engage in counseling; if the court directs the defendant to engage  
17 in personal counseling, the court shall provide in the order that the counseling must  
18 propose alternatives to aggression if that type of counseling is available; if the court  
19 directs the defendant to participate in family counseling, it shall make a finding that  
20 family counseling will not result in additional domestic violence or stalking;

21 (5) to refrain from the consumption of alcohol or the use of drugs.