



LAWS OF ALASKA

2006

Source

HCS CSSB 216(FIN)

Chapter No.

AN ACT

Relating to bail and unlawful evasion; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to bail and unlawful evasion; and providing for an effective date.

2 _____
3 * **Section 1.** AS 11.56.310(a) is amended to read:

4 (a) One commits the crime of escape in the second degree if, without lawful
5 authority, one

6 (1) removes oneself from

7 (A) a correctional facility while under official detention;

8 (B) official detention for a felony or for extradition; or

9 (C) official detention and, during the escape or at any time
10 before being restored to official detention, one possesses on or about oneself a
11 firearm;

12 (2) violates **AS 11.56.335 or 11.56.340** [AS 11.56.340] and, during the
13 time of the unlawful evasion or at any time before being restored to official detention,
14 one possesses on or about oneself a firearm; or

15 (3) removes, tampers with, or disables the electronic monitoring

1 equipment, or leaves one's residence or other place designated by the commissioner of
2 corrections for the service by electronic monitoring of official detention for a felony.

3 * **Sec. 2.** AS 11.56.320(a) is amended to read:

4 (a) One commits the crime of escape in the third degree if one

5 (1) removes oneself from official detention during any lawful
6 movement or activity incident to confinement within a correctional facility for a
7 misdemeanor; or

8 (2) violates **AS 11.56.335 or 11.56.340** [AS 11.56.340] and leaves or
9 attempts to leave the state.

10 * **Sec. 3.** AS 11.56 is amended by adding a new section to read:

11 **Sec. 11.56.335. Unlawful evasion in the first degree.** (a) A person commits
12 the crime of unlawful evasion in the first degree if, while charged with or convicted of
13 a felony,

14 (1) the person fails to return to official detention within the time
15 authorized following temporary leave granted for a specific purpose or limited period,
16 including leave granted under AS 33.30.181; or

17 (2) while on furlough under AS 33.30.101 - 33.30.131, the person fails
18 to return to the place of confinement or residence within the time authorized by those
19 having direct supervision.

20 (b) Unlawful evasion in the first degree is a class C felony.

21 * **Sec. 4.** AS 11.56.340 is amended to read:

22 **Sec. 11.56.340. Unlawful evasion in the second degree.** (a) A person
23 commits the crime of unlawful evasion **in the second degree** if, while charged with or
24 convicted of a [FELONY OR A] misdemeanor,

25 (1) the person fails to return to official detention within the time
26 authorized following temporary leave granted for a specific purpose or limited period,
27 including leave granted under AS 33.30.181; or

28 (2) while on furlough under AS 33.30.101 - 33.30.131, the person fails
29 to return to the place of confinement or residence within the time authorized by those
30 having direct supervision.

31 (b) Unlawful evasion **in the second degree** is a class A misdemeanor.

1 * **Sec. 5.** AS 12.30.010 is amended to read:

2 **Sec. 12.30.010. Bail before or after conviction.** The defendant in a criminal
3 proceeding is entitled to be admitted to bail before conviction as a matter of right if the
4 alleged victim can be reasonably protected through the imposition of bail and
5 conditions of release. **The defendant in a criminal case may be admitted to bail**
6 **after conviction only as permitted under AS 12.30.040. However, nothing in this**
7 **chapter allows a court to order a defendant who has not satisfied bail to be**
8 **released temporarily or periodically, either before trial or after conviction, unless**

9 **(1) the defendant is charged with a misdemeanor or class B or C**
10 **felony;**

11 **(2) the temporary release is because of the**

12 **(A) death of an immediate family member of the defendant;**

13 **(B) birth of the defendant's child and the defendant has**
14 **executed an affidavit of paternity before the release;**

15 **(C) defendant's need for a mental health or substance abuse**
16 **assessment that the court finds cannot be accommodated in the facility or**
17 **telephonically; or**

18 **(D) defendant's need for a medical or dental exam required**
19 **for acceptance into a residential treatment facility; and**

20 **(3) the court solicits information from the Department of**
21 **Corrections regarding the defendant's conduct while incarcerated and considers**
22 **that information when making a decision under this subsection.**

23 * **Sec. 6.** AS 12.30.010 is amended by adding a new subsection to read:

24 (b) If a court orders the temporary release of a defendant under (a) of this
25 section, the court shall order the defendant to appear in court during normal business
26 hours at the end of the period of temporary release and before the defendant is
27 returned to a correctional facility.

28 * **Sec. 7.** AS 33.30.141(b) is amended to read:

29 (b) The failure of a prisoner on a furlough to return to the place of
30 confinement or residence within the time specified by those having direct supervision
31 over the prisoner is an unlawful evasion under **AS 11.56.335 or 11.56.340**

1 [AS 11.56.340].

2 * **Sec. 8.** AS 12.30.020(b)(3) is repealed.

3 * **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).