

**CS FOR SENATE BILL NO. 167(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATORS KAWASAKI, Myers, Gray-Jackson, Yundt

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to eligibility of criminal offenders for certain benefits, including the**  
2 **permanent fund dividend; relating to a permanent fund dividend for an individual**  
3 **whose conviction has been vacated, reversed, or dismissed; and relating to the**  
4 **calculation of the value of the permanent fund dividend by including payment to**  
5 **individuals eligible for a permanent fund dividend because of a conviction that has been**  
6 **vacated, reversed, or dismissed."**

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

8 \* **Section 1.** AS 43.23.005(d) is amended to read:

9 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is  
10 not eligible for a permanent fund dividend for a dividend year **if** [WHEN]

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

13 (2) during all or part of the qualifying year, the individual was

1 incarcerated as a result of the conviction in this state of a

2 (A) felony; or

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

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

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

6 AS 11.81.900; or

7 **(3) the individual is not incarcerated and has ever been convicted**  
8 **of murder in the first or second degree under AS 11.41.100 or 11.41.110 or a**  
9 **similar law in another jurisdiction.**

10 \* **Sec. 2.** AS 43.23.005 is amended by adding new subsections to read:

11 (i) An individual who was ineligible to receive a permanent fund dividend for  
12 a dividend year under (d) of this section because of a conviction is eligible to receive  
13 the permanent fund dividend for each year the individual was ineligible if the  
14 individual's conviction is vacated or reversed, and

15 (1) the charges on which the conviction was based are later dismissed  
16 and the dismissal was not part of a plea agreement in another criminal case under Rule  
17 11, Alaska Rules of Criminal Procedure; or

18 (2) the individual is retried and found not guilty.

19 (j) To receive a permanent fund dividend under (i) of this section, the  
20 individual shall apply for the permanent fund dividend not later than one year after the  
21 dismissal or not guilty finding under (i) of this section.

22 \* **Sec. 3.** AS 43.23.025(a) is amended to read:

23 (a) By October 1 of each year, the commissioner shall determine the value of  
24 each permanent fund dividend for that year by

25 (1) determining the total amount available for dividend payments,  
26 which equals

27 (A) the amount of income of the Alaska permanent fund  
28 transferred to the dividend fund under AS 37.13.145(b) during the current year;

29 (B) plus the unexpended and unobligated balances of prior  
30 fiscal year appropriations that lapse into the dividend fund under  
31 AS 43.23.045(d);

1 (C) less the amount necessary to pay prior year dividends from  
2 the dividend fund in the current year under AS 43.23.005(h) and (i),  
3 43.23.021, and 43.23.055(3) and (7);

4 (D) less the amount necessary to pay dividends from the  
5 dividend fund due to eligible applicants who, as determined by the department,  
6 filed for a previous year's dividend by the filing deadline but who were not  
7 included in a previous year's dividend computation;

8 (E) less appropriations from the dividend fund during the  
9 current year, including amounts to pay costs of administering the dividend  
10 program and the hold harmless provisions of AS 43.23.240;

11 (2) determining the number of individuals eligible to receive a  
12 dividend payment for the current year and the number of estates and successors  
13 eligible to receive a dividend payment for the current year under AS 43.23.005(h); and

14 (3) dividing the amount determined under (1) of this subsection by the  
15 amount determined under (2) of this subsection.

16 \* **Sec. 4.** AS 43.23.028(a) is amended to read:

17 (a) By October 1 of each year, the commissioner shall give public notice of  
18 the value of each permanent fund dividend for that year and notice of the information  
19 required to be disclosed under (3) of this subsection. In addition, the stub attached to  
20 each individual dividend disbursement advice must

21 (1) disclose the amount of each dividend attributable to income earned  
22 by the permanent fund from deposits to that fund required under art. IX, sec. 15,  
23 Constitution of the State of Alaska;

24 (2) disclose the amount of each dividend attributable to income earned  
25 by the permanent fund from appropriations to that fund and from amounts added to  
26 that fund to offset the effects of inflation;

27 (3) disclose the amount by which each dividend has been reduced due  
28 to each appropriation from the dividend fund, including amounts to pay the costs of  
29 administering the dividend program and the hold harmless provisions of  
30 AS 43.23.240;

31 (4) include a statement that an individual is not eligible for a dividend

**if** [WHEN]

(A) during the qualifying year, the individual was convicted of a felony;

(B) during all or part of the qualifying year, the individual was incarcerated as a result of the conviction of a

(i) felony; or

(ii) misdemeanor if the individual has been convicted of a prior felony or two or more prior misdemeanors; **or**

**(C) the individual has ever been convicted of murder in the first or second degree under AS 11.41.100 or 11.41.110 or a similar law in another jurisdiction;**

(5) include a statement that the legislative purpose for making individuals listed under **(4)(A) and (B)** [(4)] of this subsection ineligible is to

(A) provide funds for services for and payments to crime victims and operating costs of the Violent Crimes Compensation Board;

(B) provide funds to pay restitution owed to crime victims;

(C) provide funds for grants to nonprofit organizations for services for crime victims and for mental health services and substance abuse treatment for offenders;

(D) provide funds for the office of victims' rights;

(E) provide funds to the Council on Domestic Violence and Sexual Assault for grants for the operation of domestic violence and sexual assault programs; and

(F) obtain reimbursement for some of the costs imposed on the Department of Corrections related to incarceration or probation of those individuals;

(6) disclose the total amount that would have been paid during the previous fiscal year to individuals who were ineligible to receive dividends under **AS 43.23.005(d)(1) or (2)** [AS 43.23.005(d)] if they had been eligible;

(7) disclose the total amount transferred or appropriated for the current fiscal year under AS 43.23.048 for each of the accounts, funds, and agencies listed in

1 AS 43.23.048.

2 \* **Sec. 5.** AS 43.23.048(a) is amended to read:

3 (a) The restorative justice account is created as a separate account in the  
4 dividend fund. The commissioner shall transfer from the dividend fund to the  
5 restorative justice account each fiscal year an amount equal to the amount that would  
6 have been paid during the previous fiscal year to individuals who were ineligible to  
7 receive dividends under AS 43.23.005(d)(1) or (2) [AS 43.23.005(d)] if they had been  
8 eligible.

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

11 APPLICABILITY. AS 43.23.005(d)(3), as amended by sec. 1 of this Act, applies to  
12 eligibility for a permanent fund dividend

13 (1) paid in 2027 and thereafter; and

14 (2) of an individual convicted of murder in the first or second degree under  
15 AS 11.41.100 or 11.41.110 or a similar law in another jurisdiction on or after the effective  
16 date of this Act.

17 \* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 TRANSITION. Notwithstanding the time limit for applying for a permanent fund  
20 dividend under AS 43.23.005(j), added by sec. 2 of this Act, an individual who is eligible  
21 under AS 43.23.005(i), added by sec. 2 of this Act, and whose dismissal or not guilty finding  
22 occurred before the effective date of this Act, shall apply for a permanent fund dividend under  
23 AS 43.23.005(j), added by sec. 2 of this Act, not later than one year after the effective date of  
24 this Act.