

HB 189: CRIM. CONV. OVERTURNED: RECEIVE PAST PFD
Sectional Analysis, Version 34-LS0895\N

Section 1:

Adds subsections (i) and (j) under AS.43.23.005.

Subsection (i) establishes that an individual who was previously ineligible to receive a permanent fund dividend, due to being incarcerated, would become eligible for past dividends for the years they were incarcerated if their charges are vacated, reversed and later dismissed, or the individual is retried and found not guilty. Establishes that the dismissal may not be part of a plea agreement under Rule 11 of the Alaska Rules of Criminal Procedure.

Subsection (j) sets the time frame for an individual who meets the requirements of subsection (i) to be able to apply for their past PFD payments after the dismissal of their charges or a not guilty finding, and specifies that back payment of a dividend is not prohibited because of a deposit of an equivalent amount of money into the restorative justice account.

Section 2:

Conforming changes to account for subsection (i) in calculation of the dividend amount. Amends AS 43.23.025(a), which deals with the calculation of the annual value of the PFD, under subsection (C), which deals with situations where prior year dividends need to be paid out, to include subsection (i) of this bill. Ensuring that the compensation of the permanent fund dividends to individuals who had their convictions overturned will be factored into the calculation of the annual PFD values.

Section 3:

Adds a new section to the uncodified law of the State of Alaska so that those who are eligible for PFD compensation under Section 1 of this bill, but had their convictions overturned before this bill is enacted, will still be eligible for PFD compensation if they apply within 1 year of this bill's effective date.

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