



**HB 66 Summary of Changes Made in Senate JUD**

**Version S.A to Version N**

**The sections and concepts below were added/changed in Senate JUD:**

- New intent language was added expressing the intent that the grand jury process in Alaska should be similar to that of the federal system. Also added language expressing that the Alaska Constitution states that crime victims have the right to be treated with dignity, respect, and fairness. Art. I, Sec. 24, Alaska Constitution. That provision supports allowing hearsay evidence to be presented at grand jury.
- Reclassified a homicide resulting from misconduct involving controlled substance in the first and second degrees from manslaughter to murder in the second degree.
- Added an affirmative defense to murder in the second degree where a person dies as a result of ingesting a controlled substance if the person:
  - 1.) sought medical or law enforcement assistance for the other person;
  - 2.) remained at the scene;
  - 3.) cooperated with medical or law enforcement personnel; and
  - 4.) the offense involved small quantities and was not delivered for a profit.

An affirmative defense must be proven by the defendant by a preponderance of the evidence. If the defendant were to successfully prove the affirmative defense the defendant would be subject to the A felony sentencing provisions (7-11 years) rather than the unclassified felony sentencing provisions (15-99 years).

- Changed the enhanced sentencing range previously in the bill for the manufacture or delivery of fentanyl and methamphetamine from 7-11 years to 4-11 years.

**Added Other Pieces of Legislation**

**HB 11** – Assault in the Presence of a Child: Enacts a new crime of assault in the presence of a child. A person commits the crime of assault in the presence of a child if they commit an assault with reckless disregard that a child under the age of 16 is present. Assault in the presence of a child is a class A misdemeanor.

**Sections Impacted:** Secs. 6, 54

**HB 28** – Marijuana Conviction Records: Prohibits the Department of Public Safety from releasing criminal justice information under certain criminal history background checks regarding a person who was convicted of small quantity possession of marijuana, was 21 years of age or older at the time of the offense, was not convicted of any other criminal charges in that case, and requests that the department not release the records.

**Sections Impacted:** Secs. 26-27, 53

**HB 67** – Sex Offenses and Domestic Violence:

- Makes a clean up amendment to stalking in the first degree (sec. 7).
- Adds to the list of information that registered sex offenders must provide to the Department of Public Safety, clarifies the tolling period for registration violations, adds a reporting requirement when a sex offender is traveling out of state or out of the country, makes sexual penetration of a corpse and sex trafficking in the first and second degrees registerable sex offenses.
- Amends AS 47.14.300(a) to allow multidisciplinary child protection teams to assist in the evaluation and investigation of cases involving reports of sexual contact and sexual penetration where both the perpetrator and the victim are children under the

age of 13. The purpose of this section is to be able to provide both children the resources necessary to address this type of behavior.

- Makes the applicability section in ch. 4, FSSLA 2019 (HB 49), retroactive as it pertains to the requirement for sex offenders who have to register in another state to also register in Alaska when they are present in Alaska regardless of when they were convicted.
- Amends Criminal Rule 6 to allow witnesses to summarize the testimony of other witnesses before the grand jury if the prosecutor believes that that evidence would be admissible at trial.

**Sections Impacted:** Secs. 7, 28-32 38, 50

**HB 265** – Child Sexual Abuse Material: Changes the name of possession and distribution of “child pornography” to “child sexual abuse material.” This is a name change only and does not have any legal effect. The name change more accurately describes the material.

**Sections Impacted:** Secs. 8-12, 16, 23-25, 32-33, 35-37

**HB 286** – Crime Victim Restitution: Clarifies that when ordering restitution, the court may order compensation for lost income, childcare, transportation, and other expenses incurred while the victim was participating in the investigation or prosecution of the offense or attendance at court hearings. This language has been added in direct response to *Smith v. State*, 2022 WL 3226305 (Alaska App. 2022) and *Seely v. State*, 2023 WL 2783265 (Alaska App. 2023). In both cases the court indicated that it was unclear on whether such expenses were to be considered when ordering restitution. This language has been added to clarify that those expenses can be included in a restitution order when the victim is able to sufficiently prove that those losses were incurred. Restitution for participating in the

investigation or prosecution of the offense or attendance at court hearings is in addition to any other forms of restitution that the victim may otherwise be entitled to.

**Sections Impacted:** Sec. 21

**SB 53** - Expands involuntary commitment law in Title 47 by adding the option of an up to two-year involuntary commitment for a limited number of individuals who: (1) have been found incompetent to stand trial on a felony offense against the person or felony arson, (2) have been previously subject to involuntary commitment orders, (3) have a history of a felony offense against the person or arson, (4) present a danger to themselves or others, and (5) present a danger to the public.

**Sections Impacted:** 17-20, 39-49