

ALASKA STATE LEGISLATURE

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Senate Bill 91

Summary of Changes *Version V to T*

Title Changes

Page 1

Deletes:

- Relating to off road system restricted noncommercial driver's licenses; relating to off road system eligible areas; relating to motor vehicle liability insurance.
- Relating to background checks for persons applying to operate marijuana establishments.
- Relating to major medical insurance coverage under the Public Employees' Retirement System of Alaska.
- Amending Rules of Criminal Procedure and repealing Rules 41(d) and (e).

Intent Language

Page 2, lines 4-7

Adds legislative intent that if marijuana taxes are lower than projected in FY17, alcohol and other drug abuse treatment and prevention fund monies may be used to cover the shortfall.

Theft Threshold

Pages 4-10; Deletes sections 20-21 (ver. V)

Removes automatic inflation-adjustment of the property crime threshold value.

Failure to Appear

Page 10, lines 29-30; Page 11, lines 1-20

Maintains failure to appear as class C felony if the person was released in connection with a felony charge and the person fails to appear for 30 days or more or does not appear in order to avoid prosecution. *Previously this offense was a Class-A misdemeanor.*

Controlled Substances

Page 16, lines 1-10; Page 20, lines 29-31; Page 21, lines 1-9

Reduces the weight threshold separating Felony B from Felony C schedule IA commercial drug offenses from 2.5 grams to 1 gram. Additionally, added dosage amounts alongside drug weights in determining commercial drug offenses. *Previously the threshold was 2.5 grams for IA substances and did not take dosage units into account.* Also, felonizes simple possession of GHB, which is commonly used as a date rape drug.

Arrest

Page 24, lines 4-30

Removes the presumption that a peace officer will issue a citation rather than making an arrest for lower-level offenses, and instead permits a peace officer to issue a citation for class C felonies in certain circumstances. Removes “danger to self” from the list of circumstances where an officer is required to make an arrest.

Pretrial

Page 26, line 31; Page 27, line 1; Page 27, lines 14-15

Removes misdemeanor sex offenses from the list of offenses that could require a release on a person’s own recognizance with appropriate release conditions.

Pretrial Credit

Page 38, lines 4-19

Establishes a 120-day cap on the amount of credit a defendant facing certain charges can receive for time spent on electronic monitoring pretrial.

Fines

Section 64 (ver. V)

Maintains the maximum fine for a Class A misdemeanor at \$10,000.

Probation Term Lengths

Page 42, lines 2-17

Increases the maximum probation term lengths to 15 years for felony sex offenses (up from 10 years); 10 years for unclassified felonies (up from five years); five years for other felonies (up from three years); and three years for misdemeanors under AS 11.41, crimes involving domestic violence, and misdemeanor sex offenses (up from two).

Technical Violation Caps

Page 46, lines 18-20; Page 84, lines 7-10

Adds exceptions so that the court or board of parole may impose a period of imprisonment up to the remainder of the suspended portion of the sentence for sex offenders who have violated a specific sex offender condition of probation/parole.

Murder

Page 47, lines 8-30; Section 86 (ver. V)

Increases the mandatory minimum for first degree murder to 30 years and eliminates provision relative to stacking of murder in the second degree charges.

Presumptive Ranges

Page 50, lines 1-2

Increases the presumptive term for first class C felonies from eighteen months suspended to up to 120 days of active imprisonment time.

Misdemeanors

Page 50, lines 28-31; Page 51, lines 1-3

Adds additional carve-outs from the class A misdemeanor sentencing policy for all assault-F's (rather than just DV-assault 4's) and all misdemeanor sexual offenses.

Background Checks

Section 91; Section 93 (ver. V)

Removes provision mandating a national criminal history check and fingerprinting for marijuana establishments under AS 17.38.

Off Road Licenses

Sections 95, 96, 98, 102, 107, 109, & 110

Removes exception to vehicle registration requirements for vehicles driven by an operator with an off-highway commercial driver's license or a noncommercial off-road driver's license.

Duties of Pretrial Services Officers

Page 65, lines 5-9; Page 65, lines 14-18; Page 67, lines 17-20

Adds requirement that pretrial service officers make recommendations concerning a defendant's dependency on, abuse of, or addiction to alcohol or controlled substances to the court.

Administrative Parole

Page 69, line 6

Removes crimes against a person (under AS 11.41) from eligibility for administrative parole.

Geriatric Parole

Page 70, lines 17-19

Increases the age of eligibility for geriatric parole to 60 years of age and removes unclassified and sexual offenders from eligibility.

Early Discharge

Page 83, line 9

Includes misdemeanants in the early discharge policy.

Electronic Monitoring Good Time

Page 87, lines 2-4

Clarifies that an individual receives good time while serving on electronic monitoring or in a residential treatment program for alcohol or drug abuse under prerelease furlough.

Electronic Monitoring

Page 89, lines 18-23

Requires the Department of Corrections to establish minimum standards for electronic monitoring, which may include the requirement for real-time GPS monitoring and permits the department to enter into contracts with private contractors for the provision of electronic monitoring services.

Identification Cards

Page 89, lines 24-26

Eliminates the requirement that the Department of Corrections provide driver's licenses before a prisoner's release, but retains the requirement to provide identification cards.

Sex Offender Treatment Credit

Section 155 (ver. V)

Eliminates the policy allowing sexual offenders to earn good time credit after completing treatment.

PERS

Sections 161-172 (ver. V)

Removes language permitting reimbursement of medical benefits to an eligible member's dependent children and spouse if the member dies.

Food Stamps

Page 99, lines 11-12

Creates an additional requirement for eligibility for food stamps, including successful compliance with the person's reentry plan.

Bail Schedules

Section 190 (ver. V)

Eliminates the requirement that the courts eliminate bail schedules.

Alaska Criminal Justice Commission

Section 170 (ver. V)

Eliminates the requirement that the ACJC study social impact bonds.