

**CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATORS COGHILL, Ellis, McGuire, Costello, Bishop, Micciche, Egan

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to criminal law and procedure; relating to controlled substances;  
2 relating to probation; relating to sentencing; establishing a pretrial services program  
3 with pretrial services officers in the Department of Corrections; relating to permanent  
4 fund dividends; relating to electronic monitoring; relating to penalties for violations of  
5 municipal ordinances; relating to parole; relating to correctional restitution centers;  
6 relating to community work service; relating to revocation, termination, suspension,  
7 cancellation, or restoration of a driver's license; relating to the disqualification of  
8 persons convicted of certain felony drug offenses from participation in the food stamp  
9 and temporary assistance programs; relating to the disqualification of persons convicted  
10 of specified drug offenses from receiving public assistance; relating to the duties of the  
11 commissioner of corrections; amending Rules 6, 32, 32.1, 38, 41, and 43, Alaska Rules of  
12 Criminal Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal

1 **Procedure; and providing for an effective date."**

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

3 **\* Section 1.** AS 11.41.110(a) is amended to read:

4 (a) A person commits the crime of murder in the second degree if

5 (1) with intent to cause serious physical injury to another person or  
6 knowing that the conduct is substantially certain to cause death or serious physical  
7 injury to another person, the person causes the death of any person;

8 (2) the person knowingly engages in conduct that results in the death  
9 of another person under circumstances manifesting an extreme indifference to the  
10 value of human life;

11 (3) under circumstances not amounting to murder in the first degree  
12 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the  
13 person commits or attempts to commit arson in the first degree, kidnapping, sexual  
14 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor  
15 in the first degree, sexual abuse of a minor in the second degree, burglary in the first  
16 degree, escape in the first or second degree, robbery in any degree, or misconduct  
17 involving a controlled substance under AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) -  
18 (8) [11.71.020(a), 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2) and, in the course  
19 of or in furtherance of that crime or in immediate flight from that crime, any person  
20 causes the death of a person other than one of the participants;

21 (4) acting with a criminal street gang, the person commits or attempts  
22 to commit a crime that is a felony and, in the course of or in furtherance of that crime  
23 or in immediate flight from that crime, any person causes the death of a person other  
24 than one of the participants; or

25 (5) the person with criminal negligence causes the death of a child  
26 under the age of 16, and the person has been previously convicted of a crime involving  
27 a child under the age of 16 that was

28 (A) a felony violation of AS 11.41;

29 (B) in violation of a law or ordinance in another jurisdiction  
30 with elements similar to a felony under AS 11.41; or

1 (C) an attempt, a solicitation, or a conspiracy to commit a  
2 crime listed in (A) or (B) of this paragraph.

3 \* **Sec. 2.** AS 11.41.150(a) is amended to read:

4 (a) A person commits the crime of murder of an unborn child if the person

5 (1) with intent to cause the death of an unborn child or of another  
6 person, causes the death of an unborn child;

7 (2) with intent to cause serious physical injury to an unborn child or to  
8 another person or knowing that the conduct is substantially certain to cause death or  
9 serious physical injury to an unborn child or to another person, causes the death of an  
10 unborn child;

11 (3) while acting alone or with one or more persons, commits or  
12 attempts to commit arson in the first degree, kidnapping, sexual assault in the first  
13 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,  
14 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the  
15 first or second degree, robbery in any degree, or misconduct involving a controlled  
16 substance under AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) - (8) [11.71.020(a),  
17 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2), and, in the course of or in  
18 furtherance of that crime or in immediate flight from that crime, any person causes the  
19 death of an unborn child;

20 (4) knowingly engages in conduct that results in the death of an unborn  
21 child under circumstances manifesting an extreme indifference to the value of human  
22 life; for purposes of this paragraph, a pregnant woman's decision to remain in a  
23 relationship in which domestic violence, as defined in AS 18.66.990, has occurred  
24 does not constitute conduct manifesting an extreme indifference to the value of human  
25 life.

26 \* **Sec. 3.** AS 11.46.130(a) is amended to read:

27 (a) A person commits the crime of theft in the second degree if the person  
28 commits theft as defined in AS 11.46.100 and

29 (1) the value of the property or services is \$2,000 [\$750] or more but  
30 less than \$25,000;

31 (2) the property is a firearm or explosive;

- 1 (3) the property is taken from the person of another;
- 2 (4) the property is taken from a vessel and is vessel safety or survival
- 3 equipment;
- 4 (5) the property is taken from an aircraft and the property is aircraft
- 5 safety or survival equipment;
- 6 (6) the value of the property is \$250 or more but less than **\$2,000**
- 7 **[\$750]** and, within the preceding five years, the person has been convicted and
- 8 sentenced on two or more separate occasions in this or another jurisdiction of
  - 9 (A) an offense under AS 11.46.120, or an offense under
  - 10 another law or ordinance with similar elements;
  - 11 (B) a crime set out in this subsection or an offense under
  - 12 another law or ordinance with similar elements;
  - 13 (C) an offense under AS 11.46.140(a)(1), or an offense under
  - 14 another law or ordinance with similar elements; or
  - 15 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an
  - 16 offense under another law or ordinance with similar elements; or
  - 17 (7) the property is an access device.

18 \* **Sec. 4.** AS 11.46.140(a) is amended to read:

- 19 (a) A person commits the crime of theft in the third degree if the person
- 20 commits theft as defined in AS 11.46.100 and
  - 21 (1) the value of the property or services is \$250 or more but less than
  - 22 **\$2,000** **[\$750]**; or
  - 23 (2) [REPEALED]
  - 24 (3) the value of the property is less than \$250 and, within the past five
  - 25 years, the person has been convicted and sentenced on two or more separate occasions
  - 26 in this or another jurisdiction of theft or concealment of merchandise, or an offense
  - 27 under another law or ordinance with similar elements.

28 \* **Sec. 5.** AS 11.46.220(c) is amended to read:

- 29 (c) Concealment of merchandise is
  - 30 (1) a class C felony if
    - 31 (A) the merchandise is a firearm;

1 (B) the value of the merchandise is \$2,000 [\$750] or more; or

2 (C) the value of the merchandise is \$250 or more but less than  
3 \$2,000 [\$750] and, within the preceding five years, the person has been  
4 convicted and sentenced on two or more separate occasions in this or another  
5 jurisdiction of

6 (i) the offense of concealment of merchandise under  
7 this paragraph or (2)(A) of this subsection, or an offense under another  
8 law or ordinance with similar elements; or

9 (ii) an offense under AS 11.46.120, 11.46.130, or  
10 11.46.140(a)(1), or an offense under another law or ordinance with  
11 similar elements;

12 (2) a class A misdemeanor if

13 (A) the value of the merchandise is \$250 or more but less than  
14 \$2,000 [\$750]; or

15 (B) the value of the merchandise is less than \$250 and, within  
16 the preceding five years, the person has been convicted and sentenced on two  
17 or more separate occasions of the offense of concealment of merchandise or  
18 theft in any degree, or an offense under another law or ordinance with similar  
19 elements;

20 (3) a class B misdemeanor if the value of the merchandise is less than  
21 \$250.

22 \* **Sec. 6.** AS 11.46.260(b) is amended to read:

23 (b) Removal of identification marks is

24 (1) a class C felony if the value of the property on which the serial  
25 number or identification mark appeared is \$2,000 [\$750] or more;

26 (2) a class A misdemeanor if the value of the property on which the  
27 serial number or identification mark appeared is \$250 or more but less than \$2,000  
28 [\$750];

29 (3) a class B misdemeanor if the value of the property on which the  
30 serial number or identification mark appeared is less than \$250.

31 \* **Sec. 7.** AS 11.46.270(b) is amended to read:

(b) Unlawful possession is

(1) a class C felony if the value of the property on which the serial number or identification mark appeared is \$2,000 [\$750] or more;

(2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared is \$250 or more but less than \$2,000 [\$750];

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared is less than \$250.

\* **Sec. 8.** AS 11.46.280(d) is amended to read:

(d) Issuing a bad check is

(1) a class B felony if the face amount of the check is \$25,000 or more;

(2) a class C felony if the face amount of the check is \$2,000 [\$750] or more but less than \$25,000;

(3) a class A misdemeanor if the face amount of the check is \$250 or more but less than \$2,000 [\$750];

(4) a class B misdemeanor if the face amount of the check is less than \$250.

\* **Sec. 9.** AS 11.46.285(b) is amended to read:

(b) Fraudulent use of an access device is

(1) a class B felony if the value of the property or services obtained is \$25,000 or more;

(2) a class C felony if the value of the property or services obtained is \$50 [\$750] or more but less than \$25,000;

(3) a class A misdemeanor if the value of the property or services obtained is less than \$50 [\$750].

\* **Sec. 10.** AS 11.46.460 is amended to read:

**Sec. 11.46.460. Disregard of a highway obstruction.** (a) A person commits the offense [CRIME] of disregard of a highway obstruction if, without the right to do so or a reasonable ground to believe the person has the right, the person

(1) drives a vehicle through, over, or around an obstruction erected on [UPON] a highway under authority of AS 19.10.100; or

1 (2) opens an obstruction erected on [UPON] a highway under authority  
2 of AS 19.10.100.

3 (b) Violation of this section is a **violation punishable by a fine of not more**  
4 **than \$1,000** [CLASS B MISDEMEANOR].

5 \* **Sec. 11.** AS 11.46.482(a) is amended to read:

6 (a) A person commits the crime of criminal mischief in the third degree if,  
7 having no right to do so or any reasonable ground to believe the person has such a  
8 right,

9 (1) with intent to damage property of another, the person damages  
10 property of another in an amount of **\$2,000** [\$750] or more;

11 (2) the person recklessly creates a risk of damage in an amount  
12 exceeding \$100,000 to property of another by the use of widely dangerous means; or

13 (3) the person knowingly

14 (A) defaces, damages, or desecrates a cemetery or the contents  
15 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,  
16 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or  
17 memorial appears to be abandoned, lost, or neglected;

18 (B) removes human remains or associated burial artifacts from  
19 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,  
20 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

21 \* **Sec. 12.** AS 11.46.484(a) is amended to read:

22 (a) A person commits the crime of criminal mischief in the fourth degree if,  
23 having no right to do so or any reasonable ground to believe the person has such a  
24 right

25 (1) with intent to damage property of another, the person damages  
26 property of another in an amount of \$250 or more but less than **\$2,000** [\$750];

27 (2) the person tampers with a fire protection device in a building that is  
28 a public place;

29 (3) the person knowingly accesses a computer, computer system,  
30 computer program, computer network, or part of a computer system or network;

31 (4) the person uses a device to descramble an electronic signal that has

1           been scrambled to prevent unauthorized receipt or viewing of the signal unless the  
2           device is used only to descramble signals received directly from a satellite or unless  
3           the person owned the device before September 18, 1984; or

4                       (5) the person knowingly removes, relocates, defaces, alters, obscures,  
5           shoots at, destroys, or otherwise tampers with an official traffic control device or  
6           damages the work on [UPON] a highway under construction.

7   \* **Sec. 13.** AS 11.46.530(b) is amended to read:

8           (b) Criminal simulation is

9                       (1) a class C felony if the value of what the object purports to represent  
10          is \$2,000 [\$750] or more;

11                      (2) a class A misdemeanor if the value of what the object purports to  
12          represent is \$250 or more but less than \$2,000 [\$750];

13                      (3) a class B misdemeanor if the value of what the object purports to  
14          represent is less than \$250.

15   \* **Sec. 14.** AS 11.46.620(d) is amended to read:

16           (d) Misapplication of property is

17                      (1) a class C felony if the value of the property misapplied is \$2,000  
18          [\$750] or more;

19                      (2) a class A misdemeanor if the value of the property misapplied is  
20          less than \$2,000 [\$750].

21   \* **Sec. 15.** AS 11.46.730(c) is amended to read:

22           (c) Defrauding creditors is a class A misdemeanor unless that secured party,  
23          judgment creditor, or creditor incurs a pecuniary loss of \$2,000 [\$750] or more as a  
24          result of [TO] the defendant's conduct, in which case defrauding secured creditors is

25                      (1) a class B felony if the loss is \$25,000 or more;

26                      (2) a class C felony if the loss is \$2,000 [\$750] or more but less than  
27          \$25,000.

28   \* **Sec. 16.** AS 11.56.730 is amended by adding a new subsection to read:

29           (d) In a prosecution for failure to appear under (a) of this section, it is not a  
30          defense that the defendant was not provided or did not receive a notice or reminder  
31          notification from a court or judicial officer under Rule 38(d), Alaska Rules of

1 Criminal Procedure.

2 \* **Sec. 17.** AS 11.56.757(a) is amended to read:

3 (a) A person commits the **offense** [CRIME] of violation of condition of  
4 release if the person

5 (1) has been charged with a crime or convicted of a crime;

6 (2) has been released under AS 12.30; and

7 (3) violates a condition of release imposed by a judicial officer under  
8 AS 12.30, other than the requirement to appear as ordered by a judicial officer.

9 \* **Sec. 18.** AS 11.56.757(b) is amended to read:

10 (b) Violation of condition of release is **a violation punishable by a fine of up**  
11 **to \$1,000** [(1) A CLASS A MISDEMEANOR IF THE PERSON IS RELEASED  
12 FROM A CHARGE OR CONVICTION OF A FELONY;

13 (2) A CLASS B MISDEMEANOR IF THE PERSON IS RELEASED  
14 FROM A CHARGE OR CONVICTION OF A MISDEMEANOR].

15 \* **Sec. 19.** AS 11.56.759(a) is amended to read:

16 (a) A person commits the crime of violation by sex offender of condition of  
17 probation if the person

18 (1) is on probation for conviction of a sex offense;

19 (2) has served the entire term of incarceration imposed for conviction  
20 of the sex offense; and

21 (3) violates a condition of probation imposed under  
22 **AS 12.55.100(a)(2)(E), (a)(2)(F)** [AS 12.55.100(a)(5), (a)(6)], or (e), 12.55.101(a)(1),  
23 or any other condition imposed by the court that the court finds to be specifically  
24 related to the defendant's offense.

25 \* **Sec. 20.** AS 11.61.110(c) is amended to read:

26 (c) Disorderly conduct is a class B misdemeanor and is punishable **by a**  
27 **definite term** [AS AUTHORIZED IN AS 12.55 EXCEPT THAT A SENTENCE] of  
28 imprisonment [, IF IMPOSED, SHALL BE FOR A DEFINITE TERM] of not more  
29 than **24 hours** [10 DAYS].

30 \* **Sec. 21.** AS 11.61.145(d) is amended to read:

31 (d) Promoting an exhibition of fighting animals

(1) under (a)(1) or (2) of this section is a class C felony;

(2) under (a)(3) of this section is

(A) a violation

(i) for the first offense;

(ii) punishable by a fine of not more than \$1,000 [, A

CLASS B MISDEMEANOR] for the second offense; [,] and

(B) a class A misdemeanor for the third and each subsequent

offense.

\* **Sec. 22.** AS 11.61.150(a) is amended to read:

(a) A person commits the offense [CRIME] of obstruction of highways if the person knowingly

(1) places, drops, or permits to drop on a highway any substance that creates a substantial risk of physical injury to others using the highway; or

(2) renders a highway impassable or passable only with unreasonable inconvenience or hazard.

\* **Sec. 23.** AS 11.61.150(c) is amended to read:

(c) Obstruction of highways is a violation punishable by a fine of not more than \$1,000 [CLASS B MISDEMEANOR].

\* **Sec. 24.** AS 11.66.200(c) is amended to read:

(c) Gambling is a violation

(1) for the first offense;

(2) punishable by a fine of not more than \$1,000 [. GAMBLING IS

A CLASS B MISDEMEANOR] for the second and each subsequent offense.

\* **Sec. 25.** AS 11.71.030(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the second [THIRD] degree if the person

(1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER AS 11.71.020(a)(2) - (6),] manufactures or delivers 2.5 grams or more [ANY AMOUNT] of a schedule IA, IIA, or IIIA controlled substance or possesses 2.5 grams or more [ANY AMOUNT] of a schedule IA, IIA, or IIIA controlled substance

1 with intent to manufacture or deliver;

2 (2) delivers any amount of a schedule IVA, VA, or VIA controlled  
3 substance to a person under 19 years of age who is at least three years younger than  
4 the person delivering the substance; [OR]

5 (3) possesses any amount of a schedule IA or IIA controlled substance

6 (A) with reckless disregard that the possession occurs

7 (i) on or within 500 feet of school grounds; or

8 (ii) at or within 500 feet of a recreation or youth center;

9 or

10 (B) on a school bus;

11 **(4) manufactures any material, compound, mixture, or**  
12 **preparation that contains**

13 **(A) methamphetamine, or its salts, isomers, or salts of**  
14 **isomers; or**

15 **(B) an immediate precursor of methamphetamine, or its**  
16 **salts, isomers, or salts of isomers;**

17 **(5) possesses an immediate precursor of methamphetamine, or the**  
18 **salts, isomers, or salts of isomers of the immediate precursor of**  
19 **methamphetamine, with the intent to manufacture any material, compound,**  
20 **mixture, or preparation that contains methamphetamine, or its salts, isomers, or**  
21 **salts of isomers;**

22 **(6) possesses a listed chemical with intent to manufacture any**  
23 **material, compound, mixture, or preparation that contains**

24 **(A) methamphetamine, or its salts, isomers, or salts of**  
25 **isomers; or**

26 **(B) an immediate precursor of methamphetamine, or its**  
27 **salts, isomers, or salts of isomers;**

28 **(7) possesses methamphetamine in an organic solution with intent**  
29 **to extract from it methamphetamine or its salts, isomers, or salts of isomers; or**

30 **(8) under circumstances not proscribed under AS 11.71.010(a)(2),**  
31 **delivers**

1                                   **(A) an immediate precursor of methamphetamine, or the**  
 2                                   **salts, isomers, or salts of isomers of the immediate precursor of**  
 3                                   **methamphetamine, to another person with reckless disregard that the**  
 4                                   **precursor will be used to manufacture any material, compound, mixture,**  
 5                                   **or preparation that contains methamphetamine, or its salts, isomers, or**  
 6                                   **salts of isomers; or**

7                                   **(B) a listed chemical to another person with reckless**  
 8                                   **disregard that the listed chemical will be used to manufacture any**  
 9                                   **material, compound, mixture, or preparation that contains**

10                                   **(i) methamphetamine, or its salts, isomers, or salts of**  
 11                                   **isomers;**

12                                   **(ii) an immediate precursor of methamphetamine, or**  
 13                                   **its salts, isomers, or salts of isomers; or**

14                                   **(iii) methamphetamine or its salts, isomers, or salts**  
 15                                   **of isomers in an organic solution.**

16 \* **Sec. 26.** AS 11.71.030(c) is amended to read:

17                                   (c) Misconduct involving a controlled substance in the **second** [THIRD]  
 18                                   degree is a class B felony.

19 \* **Sec. 27.** AS 11.71.030 is amended by adding new subsections to read:

20                                   (d) In a prosecution under (a) of this section, possession of more than six  
 21                                   grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or  
 22                                   the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that  
 23                                   the person intended to use the listed chemicals to manufacture, aid or abet another  
 24                                   person to manufacture, or deliver to another person who intends to manufacture  
 25                                   methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers  
 26                                   of methamphetamine or its immediate precursors. The prima facie evidence described  
 27                                   in this subsection does not apply to a person who possesses

28                                   (1) the listed chemicals ephedrine, pseudoephedrine,  
 29                                   phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

30                                   (A) and the listed chemical was dispensed to the person under a  
 31                                   valid prescription; or

1 (B) in the ordinary course of a legitimate business, or an  
2 employee of a legitimate business, as a

3 (i) retailer or wholesaler;

4 (ii) wholesale drug distributor licensed by the Board of  
5 Pharmacy;

6 (iii) manufacturer of drug products licensed by the  
7 Board of Pharmacy;

8 (iv) pharmacist licensed by the Board of Pharmacy; or

9 (v) health care professional licensed by the state; or

10 (2) less than 24 grams of ephedrine, pseudoephedrine,  
11 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals,  
12 kept in a locked storage area on the premises of a legitimate business or nonprofit  
13 organization operating a camp, lodge, school, day care center, treatment center, or  
14 other organized group activity, and the location or nature of the activity, or the age of  
15 the participants, makes it impractical for the participants in the activity to obtain  
16 medicinal products.

17 (e) In this section, "listed chemical" means a chemical described under  
18 AS 11.71.200.

19 \* **Sec. 28.** AS 11.71.040(a) is amended to read:

20 (a) Except as authorized in AS 17.30, a person commits the crime of  
21 misconduct involving a controlled substance in the third [FOURTH] degree if the  
22 person

23 (1) manufactures or delivers any amount of a schedule IVA or VA  
24 controlled substance or possesses any amount of a schedule IVA or VA controlled  
25 substance with intent to manufacture or deliver;

26 (2) manufactures or delivers, or possesses with the intent to  
27 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
28 of an aggregate weight of one ounce or more containing a schedule VIA controlled  
29 substance;

30 (3) possesses

31 (A) any amount of a

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- (i) schedule IA controlled substance; or
- (ii) IIA controlled substance except a controlled substance listed in AS 11.71.150(e)(11) - (15);
- (B) 25 or more tablets, ampules, or syrettes containing a schedule IIIA or IVA controlled substance;
- (C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of
  - (i) three grams or more containing a schedule IIIA or IVA controlled substance except a controlled substance in a form listed in (ii) of this subparagraph;
  - (ii) 12 grams or more containing a schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or otherwise applied to tobacco, an herb, or another organic material; or
  - (iii) 500 milligrams or more of a schedule IIA controlled substance listed in AS 11.71.150(e)(11) - (15);
- (D) 50 or more tablets, ampules, or syrettes containing a schedule VA controlled substance;
- (E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of six grams or more containing a schedule VA controlled substance;
- (F) one or more preparations, compounds, mixtures, or substances of an aggregate weight of four ounces or more containing a schedule VIA controlled substance; or
- (G) 25 or more plants of the genus cannabis;
- (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance
  - (A) with reckless disregard that the possession occurs
    - (i) on or within 500 feet of school grounds; or
    - (ii) at or within 500 feet of a recreation or youth center;
  - or
  - (B) on a school bus;

1 (5) knowingly keeps or maintains any store, shop, warehouse,  
2 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for  
3 keeping or distributing controlled substances in violation of a felony offense under this  
4 chapter or AS 17.30;

5 (6) makes, delivers, or possesses a punch, die, plate, stone, or other  
6 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying  
7 mark, imprint, or device of another or any likeness of any of these on [UPON] a drug,  
8 drug container, or labeling so as to render the drug a counterfeit substance;

9 (7) knowingly uses in the course of the manufacture or distribution of a  
10 controlled substance a registration number that is fictitious, revoked, suspended, or  
11 issued to another person;

12 (8) knowingly furnishes false or fraudulent information in or omits  
13 material information from any application, report, record, or other document required  
14 to be kept or filed under AS 17.30;

15 (9) obtains possession of a controlled substance by misrepresentation,  
16 fraud, forgery, deception, or subterfuge; [OR]

17 (10) affixes a false or forged label to a package or other container  
18 containing any controlled substance; or

19 **(11) manufactures or delivers less than 2.5 grams of a schedule IA,**  
20 **IIA, or IIIA controlled substance or possesses less than 2.5 grams of a schedule**  
21 **IA, IIA, or IIIA controlled substance with intent to manufacture or deliver.**

22 \* **Sec. 29.** AS 11.71.040(d) is amended to read:

23 (d) Misconduct involving a controlled substance in the **third** [FOURTH]  
24 degree is a class C felony.

25 \* **Sec. 30.** AS 11.71.050 is amended to read:

26 **Sec. 11.71.050. Misconduct involving a controlled substance in the fourth**  
27 **[FIFTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime  
28 of misconduct involving a controlled substance in the **fourth** [FIFTH] degree if the  
29 person

30 (1) manufactures or delivers, or possesses with the intent to  
31 manufacture or deliver, one or more preparations, compounds, mixtures, or substances

1 of an aggregate weight of less than one ounce containing a schedule VIA controlled  
2 substance;

3 (2) possesses

4 (A) less than 25 tablets, ampules, or syrettes containing a  
5 schedule IIIA or IVA controlled substance;

6 (B) one or more preparations, compounds, mixtures, or  
7 substances of an aggregate weight of less than

8 (i) three grams containing a schedule IIIA or IVA  
9 controlled substance except a controlled substance in a form listed in

10 (ii) of this subparagraph;

11 (ii) 12 grams but more than six grams containing a  
12 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16)  
13 that has been sprayed on or otherwise applied to tobacco, an herb, or  
14 another organic material; or

15 (iii) 500 milligrams containing a schedule IIA  
16 controlled substance listed in AS 11.71.150(e)(11) - (15);

17 (C) less than 50 tablets, ampules, or syrettes containing a  
18 schedule VA controlled substance;

19 (D) one or more preparations, compounds, mixtures, or  
20 substances of an aggregate weight of less than six grams containing a schedule  
21 VA controlled substance; or

22 (E) one or more preparations, compounds, mixtures, or  
23 substances of an aggregate weight of one ounce or more containing a schedule  
24 VIA controlled substance; [OR]

25 (3) fails to make, keep, or furnish any record, notification, order form,  
26 statement, invoice, or information required under AS 17.30; or

27 (4) under circumstances not proscribed under  
28 AS 11.71.060(a)(2)(B), possesses any amount of a schedule IA, IIA, IIIA, IVA, or  
29 VA controlled substance.

30 (b) Misconduct involving a controlled substance in the fourth [FIFTH] degree  
31 is a class A misdemeanor.

1 \* **Sec. 31.** AS 11.71.060 is amended to read:

2 **Sec. 11.71.060. Misconduct involving a controlled substance in the fifth**  
3 **[SIXTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime  
4 of misconduct involving a controlled substance in the **fifth** [SIXTH] degree if the  
5 person

6 (1) uses or displays any amount of a schedule VIA controlled  
7 substance;

8 (2) possesses one or more preparations, compounds, mixtures, or  
9 substances of an aggregate weight of

10 (A) less than one ounce containing a schedule VIA controlled  
11 substance;

12 (B) six grams or less containing a schedule IIIA controlled  
13 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or  
14 otherwise applied to tobacco, an herb, or another organic material; or

15 (3) refuses entry into a premise for an inspection authorized under  
16 AS 17.30.

17 (b) Misconduct involving a controlled substance in the **fifth** [SIXTH] degree  
18 is a class B misdemeanor.

19 \* **Sec. 32.** AS 11.71.311(a) is amended to read:

20 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),  
21 **11.71.040(a)(4), 11.71.050(a)(4)** [11.71.040(a)(3) OR (4), 11.71.050(a)(2)], or  
22 11.71.060(a)(1) or (2) if that person

23 (1) sought, in good faith, medical or law enforcement assistance for  
24 another person who the person reasonably believed was experiencing a drug overdose  
25 and

26 (A) the evidence supporting the prosecution for an offense  
27 under AS 11.71.030(a)(3), **11.71.040(a)(4), 11.71.050(a)(4)** [11.71.040(a)(3)  
28 OR (4), 11.71.050(a)(2)], or 11.71.060(a)(1) or (2) was obtained or discovered  
29 as a result of the person seeking medical or law enforcement assistance;

30 (B) the person remained at the scene with the other person until  
31 medical or law enforcement assistance arrived; and

1 (C) the person cooperated with medical or law enforcement  
2 personnel, including by providing identification;

3 (2) was experiencing a drug overdose and sought medical assistance,  
4 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),  
5 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3) OR (4), 11.71.050(a)(2)], or  
6 11.71.060(a)(1) or (2) was obtained as a result of the overdose and the need for  
7 medical assistance.

8 \* **Sec. 33.** AS 12.25.180 is amended to read:

9 **Sec. 12.25.180. When peace officer may issue citation or take person**  
10 **before the court.** (a) When a peace officer stops or contacts a person for the  
11 commission of a class C felony offense that is not a crime against a person under  
12 AS 11.41, arson in the third degree under AS 11.46.420, a misdemeanor, or the  
13 violation of a municipal ordinance, the officer shall [MAY, IN THE OFFICER'S  
14 DISCRETION,] issue a citation to the person instead of taking the person before a  
15 judge or magistrate under AS 12.25.150, unless

16 (1) the person does not furnish satisfactory evidence of identity;

17 (2) the contacting officer reasonably believes the person is a danger to  
18 self or others;

19 (3) the crime for which the person is contacted is one involving  
20 violence or harm to another person or to property;

21 (4) [THE PERSON ASKS TO BE TAKEN BEFORE A JUDGE OR  
22 MAGISTRATE UNDER AS 12.25.150; OR

23 (5)] the peace officer has probable cause to believe the person  
24 committed a crime against a person under AS 11.41, a sexual offense, theft in the  
25 second degree under AS 11.46.130, escape under AS 11.56.300 - 11.56.330,  
26 unlawful evasion under AS 11.56.335 or 11.56.340, unlawful contact under  
27 AS 11.56.750 or 11.56.755, or a crime involving domestic violence; in this paragraph,

28 (A) "crime involving domestic violence" has the meaning given  
29 in AS 18.66.990; **and**

30 (B) "sexual offense" means an offense defined in  
31 AS 11.41.410 - 11.41.470;

**(5) the person refuses to accept service of the citation;**

**(6) the contacting officer reasonably believes there is a risk the defendant will fail to appear in court; or**

**(7) the peace officer is required to arrest the person under another provision of law.**

(b) When a peace officer stops or contacts a person for the commission of an infraction or a violation, the officer shall issue a citation instead of taking the person before a judge or magistrate under AS 12.25.150, unless

(1) the person does not furnish satisfactory evidence of identity; [OR]

(2) the person refuses to accept service of the citation;

**(3) the peace officer has probable cause to believe the person has committed a violation of conditions of release under AS 11.56.757; or**

**(4) the violation is disorderly conduct under AS 11.61.110, in which case the peace officer may make an arrest, but the person may be held for not more than 24 hours after arrest.**

\* **Sec. 34.** AS 12.25.180 is amended by adding a new subsection to read:

(c) A person may not bring a civil action for damages for a failure to comply with the provisions of this section.

\* **Sec. 35.** AS 12.25.190(b) is amended to read:

(b) The time specified in the notice to appear shall be at least **two** [FIVE] working days after the issuance of the citation.

\* **Sec. 36.** AS 12.30.006(c) is amended to read:

(c) A person who remains in custody 48 hours after appearing before a judicial officer because of inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. If the judicial officer who imposed the conditions of release is not available, any judicial officer in the judicial district may review the conditions. **Upon review of the conditions, the judicial officer shall revise any conditions of release that have prevented the defendant from being released unless the judicial officer finds on the record that there is clear and convincing evidence that less restrictive release conditions cannot reasonably ensure the**

**(1) appearance of the person in court; and**

**(2) safety of the victim, other persons, and the community.**

\* **Sec. 37.** AS 12.30.006(d) is amended to read:

(d) If a person remains in custody after review of conditions by a judicial officer under (c) of this section, the person may request a subsequent review of conditions. Unless the prosecuting authority stipulates otherwise or the person has been incarcerated for a period equal to the maximum sentence for the most serious charge for which the person is being held, a judicial officer may not schedule a bail review hearing under this subsection unless

(1) the person provides to the court and the prosecuting authority a written statement that new information not considered at the previous review will be presented at the hearing; the statement must include a description of the information and the reason the information was not presented at a previous hearing; in this paragraph, "new information" **includes** [DOES NOT INCLUDE] the **person's** inability to post the required bail;

(2) the prosecuting authority and any surety, if applicable, have at least 48 hours' written notice before the time set for the review requested under this subsection; the defendant shall notify the surety; and

(3) at least seven days have elapsed between the previous review and the time set for the requested review; **however, a person may only receive one bail review hearing for new information.**

\* **Sec. 38.** AS 12.30.006(f) is amended to read:

(f) The judicial officer shall issue written or oral findings that explain the reasons the officer imposed the particular conditions of release or modifications or additions to conditions previously imposed. The judicial officer shall inform the person that a law enforcement officer **or a pretrial services officer under AS 33.07** may arrest the person without a warrant for violation of the court's order establishing conditions of release.

\* **Sec. 39.** AS 12.30.006 is amended by adding a new subsection to read:

(h) The first appearance under (a) and (b) of this section shall take place within 24 hours after a person's arrest absent compelling circumstances, and in no

instance shall the first appearance take place more than 48 hours after a person's arrest.

\* **Sec. 40.** AS 12.30.011 is amended to read:

**Sec. 12.30.011. Release before trial.** (a) A [EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, A] judicial officer shall order a person charged with an offense to be released on the person's personal recognizance, [OR] upon execution of an unsecured appearance bond, **or upon execution of an unsecured performance bond if** [ON THE CONDITION THAT THE PERSON]

(1) **the pretrial services officer, in a report required under AS 33.07, determined that the person is a low or moderate risk defendant and the person has been charged with a misdemeanor, or that the person is a low risk defendant and has been charged with a class C felony; and**

**(2) the person has not been charged with an offense under**

**(A) AS 11.41;**

**(B) AS 11.56.730;**

**(C) AS 11.56.757;**

**(D) AS 18.66.990 that involves domestic violence;**

**(E) AS 28.35.030; or**

**(F) AS 28.35.032** [OBEY ALL COURT ORDERS AND ALL

FEDERAL, STATE, AND LOCAL LAWS; (2) APPEAR IN COURT WHEN ORDERED;

(3) IF REPRESENTED, MAINTAIN CONTACT WITH THE PERSON'S LAWYER; AND

(4) NOTIFY THE PERSON'S LAWYER, WHO SHALL NOTIFY THE PROSECUTING AUTHORITY AND THE COURT, NOT MORE THAN 24 HOURS AFTER THE PERSON CHANGES RESIDENCE].

(b) [IF A JUDICIAL OFFICER DETERMINES THAT THE RELEASE UNDER (a) OF THIS SECTION WILL NOT REASONABLY ASSURE THE APPEARANCE OF THE PERSON OR WILL POSE A DANGER TO THE VICTIM, OTHER PERSONS, OR THE COMMUNITY, THE OFFICER SHALL IMPOSE THE LEAST RESTRICTIVE CONDITION OR CONDITIONS THAT WILL REASONABLY ASSURE THE PERSON'S APPEARANCE AND PROTECT THE

1 VICTIM, OTHER PERSONS, AND THE COMMUNITY]. In addition to **other**  
2 conditions under [(a) OF] this section, the judicial officer may, singly or in  
3 combination,

4 (1) [REQUIRE THE EXECUTION OF AN APPEARANCE BOND  
5 IN A SPECIFIED AMOUNT OF CASH TO BE DEPOSITED INTO THE  
6 REGISTRY OF THE COURT, IN A SUM NOT TO EXCEED 10 PERCENT OF  
7 THE AMOUNT OF THE BOND;

8 (2) REQUIRE THE EXECUTION OF A BAIL BOND WITH  
9 SUFFICIENT SOLVENT SURETIES OR THE DEPOSIT OF CASH;

10 (3) REQUIRE THE EXECUTION OF A PERFORMANCE BOND IN  
11 A SPECIFIED AMOUNT OF CASH TO BE DEPOSITED IN THE REGISTRY OF  
12 THE COURT; (4)] place restrictions on the person's travel, association, or residence;

13 **(2)** [(5)] order the person to refrain from possessing a deadly weapon  
14 on the person or in the person's vehicle or residence;

15 **(3)** [(6)] require the person to maintain employment or, if unemployed,  
16 actively seek employment;

17 **(4)** [(7)] require the person to notify the person's lawyer and the  
18 prosecuting authority within two business days after any change in employment;

19 **(5)** [(8)] require the person to avoid all contact with a victim, a  
20 potential witness, or a codefendant;

21 **(6)** [(9)] require the person to refrain from the consumption and  
22 possession of alcoholic beverages;

23 **(7)** [(10)] require the person to refrain from the use of a controlled  
24 substance as defined by AS 11.71, unless prescribed by a licensed health care provider  
25 with prescriptive authority;

26 **(8)** [(11)] require the person to be physically inside the person's  
27 residence, or in the residence of the person's third-party custodian, at time periods set  
28 by the court, **subject to AS 12.30.021**;

29 **(9)** [(12)] require the person to keep regular contact with a **pretrial**  
30 **services officer or** law enforcement officer or agency;

31 **(10)** [(13)] order the person to refrain from entering or remaining in

1 premises licensed under AS 04;

2 (11) [(14)] place the person in the custody of an individual who agrees  
3 to serve as a third-party custodian of the person as provided in AS 12.30.021;

4 (12) [(15)] if the person is under the treatment of a licensed health care  
5 provider, order the person to follow the provider's treatment recommendations;

6 (13) [(16)] order the person to take medication that has been prescribed  
7 for the person by a licensed health care provider with prescriptive authority;

8 (14) [(17)] order the person to comply with any other condition that is  
9 reasonably necessary to assure the appearance of the person and to assure the safety of  
10 the victim, other persons, and the community;

11 (15) [(18)] require the person to comply with a program established  
12 under AS 47.38.020 if the person has been charged with an alcohol-related or  
13 substance-abuse-related offense that is an unclassified felony, a class A felony, a  
14 sexual felony, or a crime involving domestic violence.

15 (c) In determining the conditions of release under this chapter, the court shall  
16 consider the following:

17 (1) the nature and circumstances of the offense charged;  
18 (2) the weight of the evidence against the person;  
19 (3) the nature and extent of the person's family ties and relationships;  
20 (4) the person's employment status and history;  
21 (5) the length and character of the person's past and present residence;  
22 (6) the person's record of convictions;  
23 (7) the person's record of appearance at court proceedings;  
24 (8) assets available to the person to meet monetary conditions of  
25 release;

26 (9) the person's reputation, character, and mental condition;  
27 (10) the effect of the offense on the victim, any threats made to the  
28 victim, and the danger that the person poses to the victim;

29 (11) any other facts that are relevant to the person's appearance or the  
30 person's danger to the victim, other persons, or the community;

31 **(12) the conditions of release recommended by the pretrial services**

**officer;**

**(13) the person's pretrial risk assessment score.**

(d) In making a finding regarding the release of a person under this chapter, [(1) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER,] the burden of proof is on the prosecuting authority that a person charged with an offense should be detained or released with conditions described in [(b) OF] this section or AS 12.30.016 [;

(2) THERE IS A REBUTTABLE PRESUMPTION THAT NO CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY ASSURE THE APPEARANCE OF THE PERSON OR THE SAFETY OF THE VICTIM, OTHER PERSONS, OR THE COMMUNITY, IF THE PERSON IS

(A) CHARGED WITH AN UNCLASSIFIED FELONY, A CLASS A FELONY, A SEXUAL FELONY, OR A FELONY UNDER AS 28.35.030 OR 28.35.032;

(B) CHARGED WITH A FELONY CRIME AGAINST A PERSON UNDER AS 11.41, WAS PREVIOUSLY CONVICTED OF A FELONY CRIME AGAINST A PERSON UNDER AS 11.41 IN THIS STATE OR A SIMILAR OFFENSE IN ANOTHER JURISDICTION, AND LESS THAN FIVE YEARS HAVE ELAPSED BETWEEN THE DATE OF THE PERSON'S UNCONDITIONAL DISCHARGE ON THE IMMEDIATELY PRECEDING OFFENSE AND THE COMMISSION OF THE PRESENT OFFENSE;

(C) CHARGED WITH A FELONY OFFENSE COMMITTED WHILE THE PERSON WAS ON RELEASE UNDER THIS CHAPTER FOR A CHARGE OR CONVICTION OF ANOTHER OFFENSE;

(D) CHARGED WITH A CRIME INVOLVING DOMESTIC VIOLENCE, AND HAS BEEN CONVICTED IN THE PREVIOUS FIVE YEARS OF A CRIME INVOLVING DOMESTIC VIOLENCE IN THIS STATE OR A SIMILAR OFFENSE IN ANOTHER JURISDICTION;

(E) ARRESTED IN CONNECTION WITH AN ACCUSATION THAT THE PERSON COMMITTED A FELONY OUTSIDE

1 THE STATE OR IS A FUGITIVE FROM JUSTICE FROM ANOTHER  
2 JURISDICTION, AND THE COURT IS CONSIDERING RELEASE UNDER  
3 AS 12.70].

4 \* **Sec. 41.** AS 12.30.011 is amended by adding new subsections to read:

5 (e) Except as provided in (f) of this section, a judicial officer may order that a  
6 person charged with an offense, in addition to other conditions imposed under this  
7 section, be released

- 8 (1) on the person's own recognizance;
- 9 (2) upon execution of an unsecured appearance bond; or
- 10 (3) upon execution of an unsecured performance bond.

11 (f) A judicial officer shall order a person charged with an offense released on  
12 the person's own recognizance upon execution of an unsecured appearance bond, or  
13 unsecured performance bond, unless the judicial officer makes a finding on the record  
14 that there is clear and convincing evidence that no nonmonetary conditions of release  
15 in combination with the release of the person on the person's own recognizance can  
16 reasonably ensure the appearance of the person in court and the safety of the victim,  
17 other persons, and the community, if the person

- 18 (1) has been assessed by a pretrial services officer under AS 33.07 as a
  - 19 (A) low risk defendant, unless the defendant is required to be  
20 released as provided in (a) and (b) of this section;
  - 21 (B) high risk defendant, and the defendant has been charged  
22 with a misdemeanor that does not include an offense under
    - 23 (i) AS 11.41;
    - 24 (ii) AS 11.56.340;
    - 25 (iii) AS 11.56.730;
    - 26 (iv) AS 11.56.750;
    - 27 (v) AS 11.56.757;
    - 28 (vi) AS 11.61.210;
    - 29 (vii) AS 11.61.220;
    - 30 (viii) AS 18.66.990 that involves domestic violence;
    - 31 (ix) AS 28.35.030; or

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(x) AS 28.35.032;

(C) moderate to high risk defendant, and the defendant has been charged with a class C felony that does not include an offense under

(i) AS 11.41;

(ii) AS 11.56.320;

(iii) AS 11.56.335;

(iv) AS 11.56.730;

(v) AS 11.56.757;

(vi) AS 11.56.810;

(vii) AS 11.61.127;

(viii) AS 11.61.200;

(ix) AS 11.66.130;

(x) AS 18.66.990 that involves domestic violence;

(xi) AS 28.35.030; or

(xii) AS 28.35.032;

(D) low to moderate risk defendant, and the defendant has been charged with an offense under AS 11.56.757; or

(2) has been charged with an offense under AS 28.35.030 or 28.35.032.

(g) A person released under this section shall be released on the condition that the person

(1) obey all court orders;

(2) obey all laws;

(3) make all court appearances;

(4) maintain contact with the person's pretrial services officer, if one is appointed by the court, and follow the pretrial services officer's instructions;

(5) maintain contact with the person's attorney;

(6) notify the person's attorney or, if the person is not represented by an attorney, the pretrial services officer or the court within 24 hours after a change in the person's residence.

(h) If a person charged with an offense is not required under this section to be

1 released on the person's own recognizance upon execution of an unsecured appearance  
2 bond or unsecured performance bond, a judicial officer may, singly or in combination,  
3 require that the person deposit with the court and execute

4 (1) an appearance bond with a 10 percent posting of the specified  
5 amount of the bond with the condition that the deposit be returned upon the  
6 performance of the conditions of release set by the court;

7 (2) a bail bond with a 10 percent posting of sufficient solvent sureties  
8 or the deposit of cash; or

9 (3) a performance bond in an amount specified by the court with the  
10 condition that the deposit be returned upon the performance of the conditions of  
11 release set by the court.

12 (i) In addition to other conditions under this section, a judicial officer may  
13 impose additional conditions of release and may require supervision of those  
14 conditions of release by a pretrial services officer to ensure compliance with the  
15 conditions of release if the conditions are the least restrictive conditions that will  
16 reasonably ensure the appearance of the person in court and the safety of the victim  
17 and the community.

18 \* **Sec. 42.** AS 12.30.016(b) is amended to read:

19 (b) In a prosecution charging a violation of AS 04.11.010, 04.11.499,  
20 AS 28.35.030, or 28.35.032, a judicial officer may order the person

21 (1) to refrain from

22 (A) consuming alcoholic beverages; or

23 (B) possessing on the person, in the person's residence, or in  
24 any vehicle or other property over which the person has control, alcoholic  
25 beverages;

26 (2) to submit to a search without a warrant of the person, the person's  
27 personal property, the person's residence, or any vehicle or other property over which  
28 the person has control, for the presence of alcoholic beverages by a peace officer **or**  
29 **pretrial services officer** who has reasonable suspicion that the person is violating the  
30 conditions of the person's release by possessing alcoholic beverages;

31 (3) to submit to a breath test when requested by a law enforcement

officer;

(4) to provide a sample for a urinalysis or blood test when requested by a law enforcement officer;

(5) to take a drug or combination of drugs intended to prevent substance abuse;

(6) to follow any treatment plan imposed by the court under AS 28.35.028;

(7) to comply with a program established under AS 47.38.020.

\* **Sec. 43.** AS 12.30.016(c) is amended to read:

(c) In a prosecution charging a violation of AS 11.71 or AS 11.73, a judicial officer may order the person

(1) to refrain from

(A) consuming a controlled substance; or

(B) possessing on the person, in the person's residence, or in any vehicle or other property over which the person has control, a controlled substance or drug paraphernalia;

(2) to submit to a search without a warrant of the person, the person's personal property, the person's residence, or any vehicle or other property over which the person has control, for the presence of a controlled substance or drug paraphernalia by a peace officer **or pretrial services officer** who has reasonable suspicion that the person is violating the terms of the person's release by possessing controlled substances or drug paraphernalia;

(3) to enroll in a random drug testing program, at the person's expense, **with testing to occur not less than once a week, or to submit to random drug testing by the pretrial services office in the Department of Corrections** to detect the presence of a controlled substance, [WITH TESTING TO OCCUR NOT LESS THAN ONCE A WEEK, AND] with the results being submitted to the court and the prosecuting authority;

(4) to refrain from entering or remaining in a place where a controlled substance is being used, manufactured, grown, or distributed;

(5) to refrain from being physically present at, within a two-block area

of, or within a designated area near, the location where the alleged offense occurred or at other designated places, unless the person actually resides within that area;

(6) to refrain from the use or possession of an inhalant; or

(7) to comply with a program established under AS 47.38.020.

\* **Sec. 44.** AS 12.30.016(d) is amended to read:

(d) In a prosecution charging misconduct involving a controlled substance under **AS 11.71.020(a)(4)** [AS 11.71.020(a)(2)] for the manufacture of methamphetamine, or its salts, isomers, or salts of isomers, if the person has been previously convicted in this or another jurisdiction of a crime involving the manufacturing, delivering, or possessing of methamphetamine, or its salts, isomers, or salts of isomers, a judicial officer shall require the posting of a minimum of \$250,000 cash bond before the person may be released. The judicial officer may reduce this requirement if the person proves to the satisfaction of the officer that the person's only role in the offense was as an aider or abettor and that the person did not stand to benefit financially from the manufacturing.

\* **Sec. 45.** AS 12.30.021(a) is amended to read:

(a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016, a judicial officer may appoint a third-party custodian if the officer finds, **on the record,** that

**(1) pretrial supervision under AS 33.07 is not available in the person's location;**

**(2) no secured appearance or performance bonds have been ordered; and**

**(3) no other conditions of release or combination of conditions can**

[THE APPOINTMENT WILL, SINGLY OR IN COMBINATION WITH OTHER CONDITIONS,] reasonably **ensure** [ASSURE] the person's appearance and the safety of the victim, other persons, and the community.

\* **Sec. 46.** AS 12.30.021(c) is amended to read:

(c) A judicial officer may not appoint a person as a third-party custodian if

(1) the proposed custodian is acting as a third-party custodian for another person;

1 (2) the proposed custodian has been convicted in the previous three  
2 years of a crime under AS 11.41 or a similar crime in this or another jurisdiction;

3 (3) criminal charges are pending in this state or another jurisdiction  
4 against the proposed custodian;

5 (4) the proposed custodian is on probation in this state or another  
6 jurisdiction for an offense;

7 (5) **there is a reasonable probability that the state will call** the  
8 proposed custodian [MAY BE CALLED] as a witness in the prosecution of the  
9 person;

10 (6) the proposed custodian resides out of state; however, a nonresident  
11 may serve as a custodian if the nonresident resides in the state while serving as  
12 custodian.

13 \* **Sec. 47.** AS 12.30.055 is amended by adding a new subsection to read:

14 (b) A person who is in custody in connection with a petition to revoke  
15 probation for a technical violation of probation under AS 12.55.110 shall be released  
16 without bail after the person has served the maximum number of days that the court  
17 could impose on the person for a technical violation of probation under AS 12.55.110.

18 \* **Sec. 48.** AS 12.55.015(a) is amended to read:

19 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing  
20 sentence on a defendant convicted of an offense, may singly or in combination

21 (1) impose a fine when authorized by law and as provided in  
22 AS 12.55.035;

23 (2) order the defendant to be placed on probation under conditions  
24 specified by the court that may include provision for active supervision;

25 (3) impose a definite term of periodic imprisonment, but only if an  
26 employment obligation of the defendant preexisted sentencing and the defendant  
27 receives a composite sentence of not more than two years to serve;

28 (4) impose a definite term of continuous imprisonment;

29 (5) order the defendant to make restitution under AS 12.55.045;

30 (6) order the defendant to carry out a continuous or periodic program  
31 of community work **for an offense and** under **conditions specified in** AS 12.55.055;

1 (7) suspend execution of all or a portion of the sentence imposed under  
2 AS 12.55.080;

3 (8) suspend imposition of sentence under AS 12.55.085;

4 (9) order the forfeiture to the commissioner of public safety or a  
5 municipal law enforcement agency of a deadly weapon that was in the actual  
6 possession of or used by the defendant during the commission of an offense described  
7 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

8 (10) order the defendant, while incarcerated, to participate in or  
9 comply with the treatment plan of a rehabilitation program that is related to the  
10 defendant's offense or to the defendant's rehabilitation if the program is made available  
11 to the defendant by the Department of Corrections;

12 (11) order the forfeiture to the state of a motor vehicle, weapon,  
13 electronic communication device, or money or other valuables, used in or obtained  
14 through an offense that was committed for the benefit of, at the direction of, or in  
15 association with a criminal street gang;

16 (12) order the defendant to have no contact, either directly or  
17 indirectly, with a victim or witness of the offense until the defendant is  
18 unconditionally discharged;

19 (13) order the defendant to refrain from consuming alcoholic  
20 beverages for a period of time.

21 \* **Sec. 49.** AS 12.55.025(a) is amended to read:

22 (a) When imposing a sentence for conviction of a felony offense or a sentence  
23 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a  
24 regulation adopted under AS 04, or an ordinance adopted in conformity with  
25 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that  
26 includes the following:

27 (1) a verbatim record of the sentencing hearing and any other in-court  
28 sentencing procedures;

29 (2) findings on material issues of fact and on factual questions required  
30 to be determined as a prerequisite to the selection of the sentence imposed;

31 (3) a clear statement of the terms of the sentence imposed; if a term of

1 imprisonment is imposed, the statement must include

2 (A) the approximate minimum term the defendant is expected  
3 to serve before being released or placed on mandatory parole if the defendant  
4 is eligible for and does not forfeit good conduct deductions under  
5 AS 33.20.010; and

6 (B) if applicable, the approximate minimum term of  
7 imprisonment the defendant must serve before becoming eligible for release on  
8 discretionary **or administrative** parole;

9 (4) any recommendations as to the place of confinement or the manner  
10 of treatment; and

11 (5) in the case of a conviction for a felony offense, information  
12 assessing

13 (A) the financial, emotional, and medical effects of the offense  
14 on the victim;

15 (B) the need of the victim for restitution; and

16 (C) any other information required by the court.

17 \* **Sec. 50.** AS 12.55.025(c) is amended to read:

18 (c) Except as provided in (d) of this section, when a defendant is sentenced to  
19 imprisonment, the term of confinement commences on the date of imposition of  
20 sentence unless the court specifically provides that the defendant must report to serve  
21 the sentence on another date. If the court provides another date to begin the term of  
22 confinement, the court shall provide the defendant with written notice of the date,  
23 time, and location of the correctional facility to which the defendant must report. A  
24 defendant shall receive credit for time spent in custody pending trial, sentencing, or  
25 appeal, if the detention was in connection with the offense for which sentence was  
26 imposed **including a technical violation of probation as provided in AS 12.55.110.**

27 A defendant may not receive credit for more than the actual time spent in custody  
28 pending trial, sentencing, or appeal. The time during which a defendant is voluntarily  
29 absent from official detention after the defendant has been sentenced may not be  
30 credited toward service of the sentence.

31 \* **Sec. 51.** AS 12.55.027(d) is amended to read:

1 (d) A court may grant credit **of not more than 120 days** against **the total**  
2 **term** [A SENTENCE] of imprisonment **imposed for a crime** for time spent under  
3 electronic monitoring **that complies with AS 33.30.011(10)**, if the person has not  
4 committed a criminal offense while under electronic monitoring and the court imposes  
5 restrictions on the person's freedom of movement and behavior while under the  
6 electronic monitoring program, including requiring the person to be confined to a  
7 residence except for a

8 (1) court appearance;

9 (2) meeting with counsel; or

10 (3) period during which the person is at a location ordered by the court  
11 for the purposes of employment, attending educational or vocational training,  
12 performing community volunteer work, or attending a rehabilitative activity or  
13 medical appointment.

14 \* **Sec. 52.** AS 12.55.051(a) is amended to read:

15 (a) If the defendant defaults in the payment of a fine or any installment or of  
16 restitution or any installment, the court may order the defendant to show cause why  
17 the defendant should not be sentenced to imprisonment for nonpayment and, if the  
18 payment was made a condition of the defendant's probation, may revoke the probation  
19 of the defendant **subject to the limits set out in AS 12.55.110**. In a contempt or  
20 probation revocation proceeding brought as a result of failure to pay a fine or  
21 restitution, it is an affirmative defense that the defendant was unable to pay despite  
22 having made continuing good faith efforts to pay the fine or restitution. If the court  
23 finds that the defendant was unable to pay despite having made continuing good faith  
24 efforts, the defendant may not be imprisoned solely because of the inability to pay. If  
25 the court does not find that the default was attributable to the defendant's inability to  
26 pay despite having made continuing good faith efforts to pay the fine or restitution, the  
27 court may order the defendant imprisoned **subject to the limits set out in**  
28 **AS 12.55.110** [UNTIL THE ORDER OF THE COURT IS SATISFIED]. A term of  
29 imprisonment imposed under this section may not exceed one day for each \$50 of the  
30 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall  
31 be given toward satisfaction of the order of the court for every day a person is

1 incarcerated for nonpayment of a fine or restitution.

2 \* **Sec. 53.** AS 12.55.051 is amended by adding a new subsection to read:

3 (k) The Department of Law may garnish a permanent fund dividend under  
4 AS 43.23.065 or garnish other income of a defendant as allowed by state law to collect  
5 restitution ordered by the court.

6 \* **Sec. 54.** AS 12.55.055(a) is amended to read:

7 (a) The court may order a defendant convicted of an offense **under AS 04,**  
8 **AS 28, or AS 47.12.030, that specifically provides for community work as**  
9 **authorized punishment** to perform community work as a condition of probation, [A  
10 SUSPENDED SENTENCE,] or **may order community work in a** suspended  
11 imposition of sentence, [OR] in addition to any fine or restitution ordered. [IF THE  
12 DEFENDANT IS SENTENCED TO IMPRISONMENT, THE COURT MAY  
13 RECOMMEND TO THE DEPARTMENT OF CORRECTIONS THAT THE  
14 DEFENDANT PERFORM COMMUNITY WORK.]

15 \* **Sec. 55.** AS 12.55.055(c) is amended to read:

16 (c) The court may offer a defendant convicted of an offense the option of  
17 performing community work in lieu of a fine, surcharge, or portion of a fine or  
18 surcharge if the court finds the defendant is unable to pay the fine. The value of  
19 community work in lieu of a fine is **the state's minimum wage for each** [\$3 PER]  
20 hour.

21 \* **Sec. 56.** AS 12.55.055 is amended by adding new subsections to read:

22 (g) The court may not

23 (1) offer a defendant convicted of an offense the option of serving jail  
24 time in lieu of performing uncompleted community work previously ordered by the  
25 court; or

26 (2) convert uncompleted community work hours into a sentence of  
27 imprisonment.

28 (h) If a court orders community work as part of the defendant's sentence under  
29 this section, the court shall provide notice to the defendant at sentencing and include  
30 as a provision of the judgment that if the defendant fails to provide proof of  
31 community work within 20 days after the date set by the court, the court shall convert

1 those community work hours to a fine equal to the number of uncompleted work hours  
2 multiplied by the state's minimum hourly wage and issue a judgment against the  
3 defendant for that amount.

4 \* **Sec. 57.** AS 12.55 is amended by adding a new section to read:

5 **Sec. 12.55.078. Suspending entry of judgment.** (a) Except as provided in (f)  
6 of this section, if a person is found guilty or pleads guilty to a crime, the court may,  
7 with the consent of the defendant and the prosecution and without imposing or  
8 entering a judgment of guilt, defer further proceedings and place the person on  
9 probation.

10 (b) The court shall impose conditions of probation for a person on probation  
11 as provided in (a) of this section, which may include that the person

- 12 (1) abide by all local, state, and federal laws;
- 13 (2) not leave the state without prior consent of the court;
- 14 (3) pay restitution as ordered by the court; and
- 15 (4) obey any other conditions of probation set by the court.

16 (c) At any time during the probationary term of the person released on  
17 probation, a probation officer may, without warrant or other process, rearrest the  
18 person so placed in the officer's care and bring the person before the court, or the court  
19 may, in its discretion, issue a warrant for the rearrest of the person. The court may  
20 revoke and terminate the probation if the court finds that the person placed upon  
21 probation is

- 22 (1) violating the conditions of probation;
- 23 (2) engaging in criminal practices; or
- 24 (3) violating an order of the court to participate in or comply with the  
25 treatment plan of a rehabilitation program under AS 12.55.015(a)(10).

26 (d) If the court finds that the person has successfully completed probation, the  
27 court shall, at the end of the probationary period set by the court, or at any time after  
28 the expiration of one year from the date of the original probation, discharge the person  
29 and dismiss the proceedings against the person.

30 (e) If the court finds that the person has violated the conditions of probation  
31 ordered by the court, the court may revoke and terminate the person's probation, enter

1 judgment on the person's previous plea or finding of guilt, and pronounce sentence at  
2 any time within the maximum probation period authorized by this section.

3 (f) The court may not suspend imposing or entering the judgment and defer  
4 prosecution under this section of a person who

5 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260  
6 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,  
7 AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;

8 (2) uses a firearm in the commission of the offense for which the  
9 person is convicted;

10 (3) has previously been granted a suspension of judgment under this  
11 section or a similar statute in another jurisdiction, unless the court enters written  
12 findings that by clear and convincing evidence the person's prospects for rehabilitation  
13 are high and suspending judgment under this section adequately protects the victim of  
14 the offense, if any, and the community;

15 (4) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony  
16 and the person has one or more prior convictions for a misdemeanor violation of  
17 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction  
18 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a  
19 felony in this state; for the purposes of this paragraph, a person shall be considered to  
20 have a prior conviction even if

21 (A) the charges were dismissed under this section;

22 (B) the conviction has been set aside under AS 12.55.085; or

23 (C) the charge or conviction was dismissed or set aside under  
24 an equivalent provision of the laws of another jurisdiction; or

25 (5) has been convicted of a crime involving domestic violence, as  
26 defined by AS 18.66.990.

27 \* **Sec. 58.** AS 12.55.090(b) is amended to read:

28 (b) Except as otherwise provided in (f) of this section, the court may revoke or  
29 modify any condition of probation, [OR MAY] change the period of probation, **or**  
30 **terminate probation and discharge the defendant from probation.**

31 \* **Sec. 59.** AS 12.55.090(c) is amended to read:

(c) The period of probation, together with any extension, may not exceed

(1) **10** [25] years for **an unclassified felony under AS 11 or** a felony sex offense; [OR]

(2) **five** [10] years for **a felony** [ANY OTHER] offense **not listed in (1) of this subsection;**

(3) **four years for a misdemeanor offense involving domestic violence;**

(4) **two years for a misdemeanor offense under AS 28.35.030 or 28.35.032, if the person has previously been convicted of an offense under AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or another jurisdiction; or**

(5) **one year for an offense not listed in (1) - (4) of this subsection.**

\* **Sec. 60.** AS 12.55.090(f) is amended to read:

(f) Unless the defendant and the prosecuting authority agree at the probation revocation proceeding or other proceeding **related to a probation violation, the person qualifies for a reduction under AS 33.05.025 or a probation officer recommends to the court that probation be terminated and the defendant be discharged from probation under (g) of this section or AS 33.05.040,** the court may not reduce the specific period of probation [,] or the specific term of suspended incarceration except by the amount of incarceration imposed for a probation violation, if

(1) the sentence was imposed in accordance with a plea agreement under Rule 11, Alaska Rules of Criminal Procedure; and

(2) the agreement required a specific period of probation or a specific term of suspended incarceration.

\* **Sec. 61.** AS 12.55.090 is amended by adding new subsections to read:

(g) A probation officer shall recommend to the court that probation be terminated and a defendant be discharged from probation if the defendant

(1) has completed at least one year on probation;

(2) has completed all treatment programs required as a condition of probation;

1 (3) is currently in compliance with all conditions of probation; and

2 (4) has not been convicted of an unclassified felony offense, a sexual  
3 felony as defined by AS 12.55.185, or a crime involving domestic violence as defined  
4 by AS 18.66.990.

5 (h) Before a court may reduce the period of probation or terminate probation  
6 and discharge the defendant before the period of probation for the offense has been  
7 completed, the court shall allow victims to comment in writing to the court or allow a  
8 victim to give sworn testimony or make an unsworn oral presentation at a hearing held  
9 to determine whether to reduce the period of probation or terminate probation and  
10 discharge the defendant.

11 (i) If a probation officer recommends to the court that probation be terminated  
12 and a defendant be discharged from probation under (g) of this section, the court shall,  
13 if feasible, send a copy of the motion to the Department of Corrections sufficiently in  
14 advance of any scheduled hearing to enable the Department of Corrections to notify  
15 the victim of that crime. If the victim has earlier requested to be notified, the  
16 Department of Corrections shall send the victim notice of the recommendation under  
17 (g) of this section and inform the victim of the victim's rights under this section, the  
18 deadline for receipt of written comments, the hearing date, and the court's address.

19 (j) The court shall provide copies of the victim's written comments to the  
20 prosecuting attorney, the defendant, and the defendant's attorney.

21 (k) In deciding whether to reduce a period of probation or terminate probation  
22 and discharge the defendant from probation, the court shall consider the victim's  
23 comments, testimony, or unsworn oral presentation, when relevant, and any response  
24 by the prosecuting attorney and defendant.

25 (l) If a victim desires notice under this section, the victim shall maintain a  
26 current, valid mailing address on file with the commissioner of corrections. The  
27 commissioner shall send the notice to the victim's last known address. The victim's  
28 address may not be disclosed to the defendant or the defendant's attorney.

29 \* **Sec. 62.** AS 12.55.100(a) is amended to read:

30 (a) While on probation and among the conditions of probation, the defendant

31 **(1) shall be required to obey all state, federal, and local laws or**

**ordinances, and any court orders applicable to the probationer; and**

**(2)** may be required

**(A)** [(1)] to pay a fine in one or several sums;

**(B)** [(2)] to make restitution or reparation to aggrieved parties for actual damages or loss caused by the crime for which conviction was had, including compensation to a victim that is a nonprofit organization for the value of labor or goods provided by volunteers if the labor or goods were necessary to alleviate or mitigate the effects of the defendant's crime; when determining the amount of actual damages or loss under this paragraph, the court shall value property as the market value of the property at the time and place of the crime or, if the market value cannot reasonably be ascertained, the cost of the replacement of the property within a reasonable time after the crime;

**(C)** [(3)] to provide for the support of any persons for whose support the defendant is legally responsible;

**(D)** [(4)] to perform community work in accordance with AS 12.55.055;

**(E)** [(5)] to participate in or comply with the treatment plan of an inpatient or outpatient rehabilitation program specified by either the court or the defendant's probation officer that is related to the defendant's offense or to the defendant's rehabilitation;

**(F)** [(6)] to satisfy the screening, evaluation, referral, and program requirements of an agency authorized by the court to make referrals for rehabilitative treatment or to provide rehabilitative treatment;

**(G)** [AND (7)] to comply with a program established under AS 47.38.020; **and**

**(H) to comply with the sanctions imposed by the defendant's probation officer under AS 33.05.020(g).**

\* **Sec. 63.** AS 12.55.100(c) is amended to read:

(c) A program of inpatient treatment may be required by the authorized agency under **(a)(2)(F)** [(a)(6)] of this section only if authorized in the judgment, and

1 may not exceed the maximum term of inpatient treatment specified in the judgment. A  
2 person who has been referred for inpatient treatment may make a written request to the  
3 sentencing court asking the court to review the referral. The request for review shall be  
4 made within seven days after [OF] the agency's referral, and shall specifically set out  
5 the grounds on [UPON] which the request for review is based. The court may order a  
6 hearing on the request for review.

7 \* **Sec. 64.** AS 12.55.110 is amended by adding new subsections to read:

8 (c) If a defendant is serving a period of probation for an offense, the court may  
9 find that the defendant has committed a technical violation of probation. If the court  
10 finds that a defendant has committed a technical violation of probation that does not  
11 include absconding, the court may reinstate the term of probation with appropriate  
12 conditions or impose a sentence of imprisonment of not more than

13 (1) three days for the first petition to revoke probation filed with the  
14 court;

15 (2) five days for the second petition to revoke probation filed with the  
16 court;

17 (3) 10 days for the third petition to revoke probation filed with the  
18 court; or

19 (4) up to the remainder of the suspended portion of the sentence for a  
20 fourth or subsequent petition to revoke probation.

21 (d) If the court revokes a person's probation for absconding, the court may  
22 impose a period of imprisonment not to exceed 30 days.

23 (e) The limits set out in this section on the length of imprisonment for a  
24 revocation do not apply if a probationer is enrolled in a program established under  
25 AS 33.05.020(f).

26 (f) If the defendant is ordered to complete treatment under  
27 AS 12.55.100(a)(2)(E) and does not comply with the court's order, the court may order  
28 the defendant to show cause why the defendant should not be sentenced to  
29 imprisonment for noncompletion of treatment and may revoke the suspended sentence  
30 subject to the limits established in this section. In a contempt or probation revocation  
31 proceeding brought as a result of failure to complete treatment, it is an affirmative

1 defense that the defendant was unable to afford the cost of treatment or secure a place  
2 in a free treatment program, despite having made continuing good faith efforts. If the  
3 court finds that the defendant was unable to complete treatment despite having made  
4 continuing good faith efforts, the defendant may not be imprisoned solely because of  
5 an inability to pay. If the court does not find that the noncompletion of treatment was  
6 attributable to the defendant's inability to pay, the court may order the defendant  
7 imprisoned subject to the limits established in this section.

8 (g) In this section,

9 (1) "absconding" means failing to report within five working days after  
10 release from custody under AS 33.20.030 or failing to report to a probation officer  
11 within 30 days after release from custody as directed by the court or probation officer;

12 (2) "technical violation" means a violation of the conditions of  
13 probation that does not result from

14 (A) an arrest for a new criminal offense; or

15 (B) failing to complete sex offender treatment.

16 \* **Sec. 65.** AS 12.55.115 is amended to read:

17 **Sec. 12.55.115. Fixing eligibility for discretionary or administrative parole**  
18 **at sentencing.** The court may, as part of a sentence of imprisonment, further restrict  
19 the eligibility of a prisoner for discretionary **or administrative** parole for a term  
20 greater than that required under **AS 33.16.089, 33.16.090,** [AS 33.16.090] and  
21 33.16.100.

22 \* **Sec. 66.** AS 12.55.125(c) is amended to read:

23 (c) Except as provided in (i) of this section, a defendant convicted of a class A  
24 felony may be sentenced to a definite term of imprisonment of not more than 20 years,  
25 and shall be sentenced to a definite term within the following presumptive ranges,  
26 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

27 (1) if the offense is a first felony conviction and does not involve  
28 circumstances described in (2) of this subsection, **three** [FIVE] to **six** [EIGHT] years;

29 (2) if the offense is a first felony conviction

30 (A) and the defendant possessed a firearm, used a dangerous  
31 instrument, or caused serious physical injury or death during the commission

1 of the offense, or knowingly directed the conduct constituting the offense at a  
 2 uniformed or otherwise clearly identified peace officer, firefighter, correctional  
 3 employee, emergency medical technician, paramedic, ambulance attendant, or  
 4 other emergency responder who was engaged in the performance of official  
 5 duties at the time of the offense, **five** [SEVEN] to **nine** [11] years;

6 (B) and the conviction is for manufacturing related to  
 7 methamphetamine under **AS 11.71.030(a)(4)(A) or (B)**  
 8 [AS 11.71.020(a)(2)(A) OR (B)], seven to 11 years, if

9 (i) the manufacturing occurred in a building with  
 10 reckless disregard that the building was used as a permanent or  
 11 temporary home or place of lodging for one or more children under 18  
 12 years of age or the building was a place frequented by children; or

13 (ii) in the course of manufacturing or in preparation for  
 14 manufacturing, the defendant obtained the assistance of one or more  
 15 children under 18 years of age or one or more children were present;

16 (3) if the offense is a second felony conviction, **eight** [10] to **12** [14]  
 17 years;

18 (4) if the offense is a third felony conviction and the defendant is not  
 19 subject to sentencing under (l) of this section, **13** [15] to 20 years.

20 \* **Sec. 67.** AS 12.55.125(d) is amended to read:

21 (d) Except as provided in (i) of this section, a defendant convicted of a class B  
 22 felony may be sentenced to a definite term of imprisonment of not more than 10 years,  
 23 and shall be sentenced to a definite term within the following presumptive ranges,  
 24 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

25 (1) if the offense is a first felony conviction and does not involve  
 26 circumstances described in (2) of this subsection, **zero** [ONE] to **two** [THREE] years;  
 27 a defendant sentenced under this paragraph may, if the court finds it appropriate, be  
 28 granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of  
 29 probation under AS 12.55.086, the defendant is required to serve an active term of  
 30 imprisonment within the range specified in this paragraph, unless the court finds that a  
 31 mitigation factor under AS 12.55.155 applies;

1 (2) if the offense is a first felony conviction,

2 (A) the defendant violated AS 11.41.130, and the victim was a  
3 child under 16 years of age, two to four years;

4 (B) two to four years if the conviction is for an attempt,  
5 solicitation, or conspiracy to manufacture related to methamphetamine under  
6 AS 11.31 and **AS 11.71.030(a)(4)(A) or (B)** [AS 11.71.020(a)(2)(A) OR (B)],  
7 and

8 (i) the attempted manufacturing occurred, or the  
9 solicited or conspired offense was to have occurred, in a building with  
10 reckless disregard that the building was used as a permanent or  
11 temporary home or place of lodging for one or more children under 18  
12 years of age or the building was a place frequented by children; or

13 (ii) in the course of an attempt to manufacture, the  
14 defendant obtained the assistance of one or more children under 18  
15 years of age or one or more children were present;

16 (3) if the offense is a second felony conviction, **two** [FOUR] to **five**  
17 [SEVEN] years;

18 (4) if the offense is a third felony conviction, **four** [SIX] to 10 years.

19 \* **Sec. 68.** AS 12.55.125(e) is amended to read:

20 (e) Except as provided in (i) of this section, a defendant convicted of a class C  
21 felony may be sentenced to a definite term of imprisonment of not more than five  
22 years, and shall be sentenced to a definite term within the following presumptive  
23 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

24 (1) if the offense is a first felony conviction and does not involve  
25 circumstances described in (4) of this subsection, **probation, with a suspended term**  
26 **of imprisonment of zero to 18 months** [TWO YEARS; A DEFENDANT  
27 SENTENCED UNDER THIS PARAGRAPH MAY, IF THE COURT FINDS IT  
28 APPROPRIATE, BE GRANTED A SUSPENDED IMPOSITION OF SENTENCE  
29 UNDER AS 12.55.085, AND THE COURT MAY, AS A CONDITION OF  
30 PROBATION UNDER AS 12.55.086, REQUIRE THE DEFENDANT TO SERVE  
31 AN ACTIVE TERM OF IMPRISONMENT WITHIN THE RANGE SPECIFIED IN

THIS PARAGRAPH];

(2) if the offense is a second felony conviction, two to four years;

(3) if the offense is a third felony conviction, three to five years;

(4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one to two years.

\* **Sec. 69.** AS 12.55.135(a) is amended to read:

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than

(1) one year, if the

(A) conviction is for a crime with a mandatory minimum term of more than 30 days of active imprisonment;

(B) trier of fact finds the aggravating factor that the conduct constituting the offense was among the most serious conduct included in the definition of the offense;

(C) the defendant has past criminal convictions for conduct violative of criminal laws, punishable as felonies or misdemeanors, similar in nature to the offense for which the defendant is being sentenced; or

(D) conviction is for the crime of assault in the fourth degree under AS 11.41.230; or

(2) 30 days.

\* **Sec. 70.** AS 12.55.135(b) is amended to read:

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than **10** [90] days unless otherwise specified in the provision of law defining the offense **or in this section.**

\* **Sec. 71.** AS 12.55.135 is amended by adding new subsections to read:

(l) A court may not impose a sentence of imprisonment or suspended imprisonment for a person convicted of theft under AS 11.46.150 if the person has not been previously convicted more than once for a violation of AS 11.46.120 - 11.46.150 or of a law or ordinance of this or another jurisdiction with elements substantially similar to those of an offense described in AS 11.46.120 - 11.46.150.

(m) A court may not impose a sentence of imprisonment or suspended

1 imprisonment for a person convicted of concealment of merchandise under  
2 AS 11.46.220 if the person has not been previously convicted more than once for a  
3 violation of AS 11.46.220 or of a law or ordinance of this or another jurisdiction with  
4 elements substantially similar to those of an offense described in AS 11.46.220.

5 (n) A court may not impose a sentence of imprisonment or suspended  
6 imprisonment for a person convicted of removal of identification marks under  
7 AS 11.46.260 if the person has not been previously convicted more than once for a  
8 violation of AS 11.46.260 or of a law or ordinance of this or another jurisdiction with  
9 elements substantially similar to those of an offense described in AS 11.46.260.

10 (o) A court may not impose a sentence of imprisonment or suspended  
11 imprisonment for a person convicted of unlawful possession under AS 11.46.270 if the  
12 person has not been previously convicted more than once for a violation of  
13 AS 11.46.270 or of a law or ordinance of this or another jurisdiction with elements  
14 substantially similar to those of an offense described in AS 11.46.270.

15 (p) A court may not impose a sentence of imprisonment or suspended  
16 imprisonment for a person convicted of issuing a bad check under AS 11.46.280 if the  
17 person has not been previously convicted more than once for a violation of  
18 AS 11.46.280 or of a law or ordinance of this or another jurisdiction with elements  
19 substantially similar to those of an offense described in AS 11.46.280.

20 (q) A court may not impose a sentence of imprisonment or suspended  
21 imprisonment for a person convicted of criminal simulation under AS 11.46.530 if the  
22 person has not been previously convicted more than once for a violation of  
23 AS 11.46.530 or of a law or ordinance of this or another jurisdiction with elements  
24 substantially similar to those of an offense described in AS 11.46.530.

25 (r) If an aggravating factor is a necessary element of the present offense, that  
26 factor may not be used to impose a sentence above the high end of the range.

27 (s) If the state seeks to establish an aggravating factor at sentencing

28 (1) under (a)(1) of this section, written notice must be served on the  
29 opposing party and filed with the court not later than 10 days before the date set for  
30 imposition of sentence; the aggravating factors in (a)(1) of this section must be  
31 established by clear and convincing evidence before the court sitting without a jury; all

1 findings must be set out with specificity;

2 (2) aggravating factors in (a)(1) of this section shall be presented to a  
3 trial jury under procedures set by the court, unless the defendant waives trial by jury,  
4 stipulates to the existence of the factor, or consents to have the factor proven under  
5 procedures set out in (1) of this subsection; an aggravating factor presented to a jury is  
6 established if proved beyond a reasonable doubt; written notice of the intent to  
7 establish an aggravating factor must be served on the defendant and filed with the  
8 court

9 (A) 20 days before trial or at a time specified by the court;

10 (B) within 48 hours, or at a time specified by the court, if the  
11 court instructs the jury about the option to return a verdict for a lesser included  
12 offense; or

13 (C) five days before entering a plea that results in a finding of  
14 guilt or at a time specified by the court.

15 \* **Sec. 72.** AS 12.61.015(a) is amended to read:

16 (a) If a victim of a felony or a crime involving domestic violence requests, the  
17 prosecuting attorney shall make a reasonable effort to

18 (1) confer with the person against whom the offense has been  
19 perpetrated about that person's testimony before the defendant's trial;

20 (2) in a manner reasonably calculated to give prompt actual notice,  
21 notify the victim

22 (A) of the defendant's conviction and the crimes of which the  
23 defendant was convicted;

24 (B) of the victim's right in a case that is a felony to make a  
25 written or oral statement for use in preparation of the defendant's presentence  
26 report, and of the victim's right to appear personally at the defendant's  
27 sentencing hearing to present a written statement and to give sworn testimony  
28 or an unsworn oral presentation;

29 (C) of the address and telephone number of the office that will  
30 prepare the presentence report; and

31 (D) of the time and place of the sentencing proceeding;

1 (3) notify the victim in writing of the final disposition of the case  
2 within 30 days after final disposition of the case;

3 (4) confer with the victim [OF A CRIME INVOLVING DOMESTIC  
4 VIOLENCE] concerning a proposed plea agreement before entering into an  
5 agreement;

6 (5) inform the victim of a pending motion that may substantially delay  
7 the prosecution and inform the court of the victim's position on the motion; in this  
8 paragraph, a "substantial delay" is

9 (A) for a misdemeanor, a delay of one month or longer;

10 (B) for a felony, a delay of two months or longer; and

11 (C) for an appeal, a delay of six months or longer.

12 \* **Sec. 73.** AS 22.35.030 is amended by adding a new subsection to read:

13 (b) Notwithstanding (a) of this section, the Alaska Court System shall publish  
14 the court record of a person who is

15 (1) granted a suspended entry of judgment under AS 12.55.078 on a  
16 publicly available website with a notation indicating a suspended entry of judgment;  
17 or

18 (2) convicted of violation of condition of release under AS 11.56.757.

19 \* **Sec. 74.** AS 28.15.165 is amended by adding a new subsection to read:

20 (e) A person whose driver's license, privilege to drive, or privilege to obtain a  
21 license has been revoked under this section as a result of a refusal to submit to a  
22 chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal  
23 ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar  
24 municipal ordinance in which the test produced a result described in  
25 AS 28.35.030(a)(2) may request that the department rescind the revocation. The  
26 department shall rescind a revocation under this subsection if the department finds that  
27 the person has supplied proof in a form satisfactory to the department that

28 (1) the person has been acquitted of driving while under the influence  
29 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a  
30 similar municipal ordinance for the incident on which the revocation was based; or

31 (2) all criminal charges against the person for driving while under the

1 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit  
2 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to  
3 the incident on which the revocation is based have been dismissed with prejudice.

4 \* **Sec. 75.** AS 28.15.181(f) is amended to read:

5 (f) The court may terminate a revocation for an offense described in (a)(5) or  
6 (8) of this section if

7 (1) **either**

8 (A) the person's license, privilege to drive, or privilege to  
9 obtain a license has been revoked for the minimum periods set out in (c) of this  
10 section; **or**

11 (B) **the person**

12 (i) **has successfully completed a court-ordered**  
13 **treatment program under AS 28.35.028;**

14 (ii) **has not been convicted of a violation of**  
15 **AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or**  
16 **another jurisdiction since completing the program; and**

17 (iii) **has been granted limited license privileges under**  
18 **AS 28.15.201(g) and has successfully driven for three years under**  
19 **that limited license without having the limited license privileges**  
20 **revoked;** and

21 (2) the person complies with the provisions of AS 28.15.211(d) and

22 (e).

23 \* **Sec. 76.** AS 28.15.201 is amended by adding new subsections to read:

24 (g) Notwithstanding (d) of this section, a court revoking a driver's license,  
25 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the  
26 department when revoking a driver's license, privilege to drive, or privilege to obtain a  
27 license under AS 28.15.165(c), may grant limited license privileges if

28 (1) the revocation was for a felony conviction under AS 28.35.030;

29 (2) the person has successfully participated for at least six months in,  
30 or has successfully completed, a court-ordered treatment program under  
31 AS 28.35.028;

1 (3) the person provides proof of insurance as required by AS 28.20.230  
2 and 28.20.240;

3 (4) the person is required to use an ignition interlock device during the  
4 period of the limited license whenever the person operates a motor vehicle in a  
5 community not included in the list published by the department under  
6 AS 28.22.011(b) and, when applicable,

7 (A) the person provides proof of installation of the ignition  
8 interlock device on every vehicle the person operates;

9 (B) the person signs an affidavit acknowledging that

10 (i) operation by the person of a vehicle that is not  
11 equipped with an ignition interlock device is subject to penalties for  
12 driving with a revoked license;

13 (ii) circumventing or tampering with the ignition  
14 interlock device is a class A misdemeanor; and

15 (iii) the person is required to maintain the ignition  
16 interlock device throughout the period of the limited license, to keep  
17 up-to-date records in each vehicle showing that any required service  
18 and calibration is current, and to produce those records immediately on  
19 request;

20 (5) the person is enrolled in and is in compliance with or has  
21 successfully completed the alcoholism screening, evaluation, referral, and program  
22 requirements of the Department of Health and Social Services under AS 28.35.030(h);

23 (6) the person has not previously been granted a limited license under  
24 this subsection and had the license revoked under (h) of this section;

25 (7) the person is participating in a program established under  
26 AS 47.38.020 for a minimum of 120 days from the date a limited license is granted  
27 under this section.

28 (h) The court or the department may immediately revoke a limited license  
29 granted under (g) of this section if the person is convicted of a violation of  
30 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction  
31 or if the person is not in compliance with a court-ordered treatment program under

AS 28.35.028.

\* **Sec. 77.** AS 28.15.291(a) is repealed and reenacted to read:

(a) A person commits the crime of driving while license canceled, suspended, revoked, or in violation of a limitation if the person drives

(1) a motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked under circumstances described in AS 28.15.181(c) or a similar law in another jurisdiction;

(2) a motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked under circumstances other than those described in (1) of this subsection; or

(3) in violation of a limitation placed on that person's license or privilege to drive in this or another jurisdiction.

\* **Sec. 78.** AS 28.15.291(b) is repealed and reenacted to read:

(b) Driving while license canceled, suspended, revoked, or in violation of a limitation is

(1) a class A misdemeanor if the person violates (a)(1) of this section; upon conviction the court shall impose a minimum sentence of imprisonment of not less than 10 days if the person has been previously convicted under (a)(1) of this section or a similar law in another jurisdiction;

(2) an infraction if the person violates (a)(2) or (3) of this section.

\* **Sec. 79.** AS 28.35.028(b) is amended to read:

(b) Once the court elects to proceed under this section, the defendant shall enter a no contest or guilty plea to the offense or shall admit to a probation violation, as appropriate. The state and the defendant may enter into a plea agreement to determine the offense or offenses to which the defendant is required to plead. If the court accepts the agreement, the court shall enforce the terms of the agreement. The court shall enter a judgment of conviction for the offense or offenses for which the defendant has pleaded or an order finding that the defendant has violated probation, as appropriate. A judgment of conviction or an order finding a probation violation must

1 set a schedule for payment of restitution owed by the defendant. In a judgment of  
2 conviction and on probation conditions that the court considers appropriate, the court  
3 may withhold pronouncement of a period of imprisonment or a fine to provide an  
4 incentive for the defendant to complete recommended treatment successfully.  
5 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any  
6 mandatory minimum or other sentencing provision applicable to the offense.  
7 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any  
8 other provision of law, the court, at any time after the period when a reduction of  
9 sentence is normally available, may consider and reduce the defendant's sentence,  
10 **including imprisonment, fine, or license revocation,** based on the defendant's  
11 compliance with the treatment plan; when reducing a sentence, the court (1) may not  
12 reduce the sentence below the mandatory minimum sentence for the offense unless the  
13 court finds that the defendant has successfully complied with and completed the  
14 treatment plan and that the treatment plan approximated the severity of the minimum  
15 period of imprisonment, and (2) may consider the defendant's compliance with the  
16 treatment plan as a mitigating factor allowing a reduction of a sentence under  
17 AS 12.55.155(a). A court entering an order finding the defendant has violated  
18 probation may withhold pronouncement of disposition to provide an incentive for the  
19 defendant to complete the recommended treatment successfully.

20 \* **Sec. 80.** AS 28.35.030(k) is amended to read:

21 (k) Imprisonment required under (b)(1)(A) of this section shall be served [AT  
22 A COMMUNITY RESIDENTIAL CENTER OR] by electronic monitoring at a  
23 private residence **under AS 33.30.065.** If [A COMMUNITY RESIDENTIAL  
24 CENTER OR] electronic monitoring [AT A PRIVATE RESIDENCE] is not available,  
25 imprisonment required under (b)(1)(A) of this section **shall** [MAY] be served at **a**  
26 **private residence by other means determined by the commissioner of corrections**  
27 [ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER  
28 OF CORRECTIONS]. Imprisonment required under (b)(1)(B) - (F) of this section  
29 may be served at a community residential center or at a private residence if approved  
30 by the commissioner of corrections. Imprisonment served at a private residence must  
31 include electronic monitoring **under AS 33.30.065 or, if electronic monitoring is not**

1 **available, by other means as determined by the commissioner of corrections.** The  
2 cost of imprisonment resulting from the sentence imposed under (b)(1) of this section  
3 shall be paid to the state by the person being sentenced. **The** [PROVIDED,  
4 **HOWEVER, THAT THE**] cost of imprisonment required to be paid under this  
5 subsection may not exceed \$2,000. Upon the person's conviction, the court shall  
6 include the costs of imprisonment as a part of the judgment of conviction. Except for  
7 reimbursement from a permanent fund dividend as provided in this subsection,  
8 payment of the cost of imprisonment is not required if the court determines the person  
9 is indigent. For costs of imprisonment that are not paid by the person as required by  
10 this subsection, the state shall seek reimbursement from the person's permanent fund  
11 dividend as provided under AS 43.23.065. **A** [WHILE AT THE COMMUNITY  
12 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A] person  
13 sentenced under (b)(1)(A) of this section shall perform at least 24 hours of community  
14 service work. A person sentenced under (b)(1)(B) of this section shall perform at least  
15 160 hours of community service work, as required by the director of the community  
16 residential center or other appropriate place, or as required by the commissioner of  
17 corrections if the sentence is being served at a private residence. In this subsection,  
18 "appropriate place" means a facility with 24-hour on-site staff supervision that is  
19 specifically adapted to provide a residence, and includes a correctional center,  
20 residential treatment facility, hospital, halfway house, group home, work farm, work  
21 camp, or other place that provides varying levels of restriction.

22 \* **Sec. 81.** AS 28.35.030(l) is amended to read:

23 (l) The commissioner of corrections shall determine and prescribe by  
24 regulation a uniform average cost of imprisonment for the purpose of determining the  
25 cost of imprisonment required to be paid under (k) of this section by a convicted  
26 person. **The regulations must include the costs associated with electronic**  
27 **monitoring under AS 33.30.065.**

28 \* **Sec. 82.** AS 28.35.030(o) is amended to read:

29 (o) Upon request, the department shall review a driver's license revocation  
30 imposed under **(b) or** (n)(3) of this section and  
31 **(1)** may restore the driver's license if

1 (A) [(1)] the license has been revoked for a period of at least 10  
2 years;

3 (B) [(2)] the person has not been convicted of a criminal  
4 offense since the license was revoked; and

5 (C) [(3)] the person provides proof of financial responsibility;

6 **(2) shall restore the driver's license if**

7 **(A) the person has been granted limited license privileges**  
8 **under AS 28.15.201(g) and has successfully driven under that limited**  
9 **license for three years without having the limited license privileges**  
10 **revoked;**

11 **(B) the person has successfully completed a court-ordered**  
12 **treatment program under AS 28.35.028;**

13 **(C) the court previously terminated the person's revocation**  
14 **as provided in AS 28.15.181(f)(1)(B);**

15 **(D) the person has not been convicted of a violation of**  
16 **AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another**  
17 **jurisdiction since the license was revoked;**

18 **(E) the person's privilege to drive may be restored as**  
19 **provided in AS 28.15.211; and**

20 **(F) the person provides proof of financial responsibility.**

21 \* **Sec. 83.** AS 28.35.032(o) is amended to read:

22 (o) Imprisonment required under (g)(1)(A) of this section shall be served **at a**  
23 **private residence by electronic monitoring under AS 33.30.065. If electronic**  
24 **monitoring** [AT A COMMUNITY RESIDENTIAL CENTER, OR IF A  
25 COMMUNITY RESIDENTIAL CENTER] is not available, **imprisonment under**  
26 **(g)(1)(A) of this section shall be served at a private residence by other means as**  
27 **determined by the commissioner of corrections** [AT ANOTHER APPROPRIATE  
28 PLACE DETERMINED BY THE COMMISSIONER OF CORRECTIONS].  
29 Imprisonment required under (g)(1)(B) - (F) of this section may be served at a  
30 community residential center or at a private residence if approved by the  
31 commissioner of corrections. Imprisonment served at a private residence must include

1 electronic monitoring under AS 33.30.065 or, if electronic monitoring is not  
2 available, shall be served by other means as determined by the commissioner of  
3 corrections. The cost of imprisonment resulting from the sentence imposed under  
4 (g)(1) of this section shall be paid to the state by the person being sentenced. The  
5 [PROVIDED, HOWEVER, THAT THE] cost of imprisonment required to be paid  
6 under this subsection may not exceed \$2,000. Upon the person's conviction, the court  
7 shall include the costs of imprisonment as a part of the judgment of conviction. Except  
8 for reimbursement from a permanent fund dividend as provided in this subsection,  
9 payment of the cost of imprisonment is not required if the court determines the person  
10 is indigent. For costs of imprisonment that are not paid by the person as required by  
11 this subsection, the state shall seek reimbursement from the person's permanent fund  
12 dividend as provided under AS 43.23.065. A [WHILE AT THE COMMUNITY  
13 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A] person  
14 sentenced under (g)(1)(A) of this section shall perform at least 24 hours of community  
15 service work. A person sentenced under (g)(1)(B) of this section shall perform at least  
16 160 hours of community service work, as required by the director of the community  
17 residential center or other appropriate place, or as required by the commissioner of  
18 corrections if the sentence is being served at a private residence. In this subsection,  
19 "appropriate place" means a facility with 24-hour on-site staff supervision that is  
20 specifically adapted to provide a residence, and includes a correctional center,  
21 residential treatment facility, hospital, halfway house, group home, work farm, work  
22 camp, or other place that provides varying levels of restriction.

23 \* **Sec. 84.** AS 29.10.200(21) is amended to read:

24 (21) AS 29.25.070(e) and (g) (penalties) [(NOTICES OF CERTAIN  
25 CIVIL ACTIONS)];

26 \* **Sec. 85.** AS 29.25.070(a) is amended to read:

27 (a) For the violation of an ordinance, a municipality may by ordinance  
28 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days,  
29 except as limited by (g) of this section. For a violation that cannot result in  
30 incarceration or the loss of a valuable license, a municipality may allow disposition of  
31 the violation without court appearance and establish a schedule of fine amounts for

1 each offense.

2 \* **Sec. 86.** AS 29.25.070 is amended by adding a new subsection to read:

3 (g) If a municipality prescribes a penalty for a violation of a municipal  
4 ordinance, including a violation under (a) of this section, and there is a comparable  
5 state offense under AS 11 with elements that are similar to the municipal ordinance,  
6 the municipality may not impose a greater punishment than that imposed for a  
7 violation of the state law. This subsection applies to home rule and general law  
8 municipalities.

9 \* **Sec. 87.** AS 33.05.020 is amended by adding a new subsection to read:

10 (g) The commissioner shall establish an administrative sanction and incentive  
11 program to facilitate a prompt and effective response to a probationer's compliance  
12 with or violation of the conditions of probation. The commissioner shall adopt  
13 regulations to implement the program. At a minimum, the regulations must include

14 (1) a decision-making process to guide probation officers in  
15 determining the suitable response to positive and negative offender behavior that  
16 includes a list of sanctions for the most common types of negative behavior, including  
17 technical violations of conditions of probation, and a list of incentives for compliance  
18 with conditions and positive behavior that exceeds those conditions;

19 (2) policies and procedures that ensure

20 (A) a process for responding to negative behavior that includes  
21 a review of previous violations and sanctions;

22 (B) that enhanced sanctions for certain negative conduct are  
23 approved by the commissioner or the commissioner's designee; and

24 (C) that appropriate due process protections are included in the  
25 process, including notice of negative behavior, an opportunity to dispute the  
26 accusation and the sanction, and an opportunity to request a review of the  
27 accusation and the sanction.

28 \* **Sec. 88.** AS 33.05 is amended by adding a new section to read:

29 **Sec. 33.05.025. Probation incentive reduction; time computation.** (a) A  
30 probation officer shall recommend to the sentencing court a probation incentive  
31 reduction for good conduct by a person on probation.

1 (b) If a recommendation is made under (a) of this section, the probation officer  
2 shall provide to the court a time computation for the reduction of the period of  
3 probation of 30 days for each 30-day period of probation that a defendant successfully  
4 complies with all of the conditions of probation for one or more 30-day period  
5 immediately preceding the reduction computation. The computation under this  
6 subsection may not include credit for less than a 30-day period.

7 \* **Sec. 89.** AS 33.05.040 is amended to read:

8 **Sec. 33.05.040. Duties of probation officers.** A probation officer shall

9 (1) furnish to each probationer under the supervision of the officer a  
10 written statement of the conditions of probation and shall instruct the probationer  
11 regarding the same;

12 (2) keep informed concerning the conduct and condition of each  
13 probationer under the supervision of the officer and shall report on the probationer to  
14 the court placing **the** [SUCH] person on probation;

15 (3) use all suitable methods, not inconsistent with the conditions  
16 imposed by the court, to aid probationers and to bring about improvements in their  
17 conduct and condition;

18 (4) keep records of the probation work **including sanctions and**  
19 **incentives the probation officer imposes under AS 33.05.020(g)**, keep accurate and  
20 complete accounts of all money collected from persons under the supervision of the  
21 officer, give receipts for money collected and make at least monthly returns of it,  
22 make the reports to the court and the commissioner required by them, and perform  
23 other duties the court may direct;

24 (5) **recommend to the court a probation reduction for a**  
25 **probationer who is eligible for the reduction under AS 33.05.025; a probation**  
26 **officer shall make the recommendation to the court at least 30 days before the**  
27 **earliest date a probationer could be discharged from further supervision because**  
28 **of the reduction under AS 33.05.025;**

29 (6) perform **the** [SUCH] duties with respect to persons on parole as the  
30 commissioner shall request [,] and, in **that** [SUCH] service, shall be termed a parole  
31 officer;

1                   (7) use sanctions and incentives developed under AS 33.05.020(g)  
2                   to respond to a probationer's negative and positive behavior, including responses  
3                   to technical violations of conditions of probation, in a way that is intended to  
4                   interrupt negative behavior in a swift, certain, and proportional manner and  
5                   support progress with a recognition of positive behavior; and

6                   (8) upon determining that a probationer under the supervision of  
7                   the officer meets the requirements of AS 12.55.090(g), recommend to the court as  
8                   soon as practicable that probation be terminated and the probationer be  
9                   discharged from probation.

10 \* **Sec. 90.** AS 33.05.080 is amended by adding a new paragraph to read:

11                   (3) "administrative sanctions and incentives" means responses by a  
12                   probation officer to a probationer's compliance with or violation of the conditions of  
13                   probation under AS 33.05.020(g).

14 \* **Sec. 91.** AS 33 is amended by adding a new chapter to read:

15                   **Chapter 07. Pretrial Services Program.**

16                   **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner  
17                   shall establish and administer a pretrial services program that provides a pretrial risk  
18                   assessment for all defendants, recommendations to the court concerning pretrial  
19                   release decisions, and supervision of defendants released while awaiting trial as  
20                   ordered by the court.

21                   **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner  
22                   shall

23                   (1) appoint and make available to the superior court and district court  
24                   qualified pretrial services officers;

25                   (2) fix pretrial services officers' salaries;

26                   (3) assign pretrial services officers to the various judicial districts;

27                   (4) provide for the necessary training, expenses, including clerical  
28                   services, and travel of pretrial services officers;

29                   (5) approve a risk assessment instrument that is objective,  
30                   standardized, developed based on analysis of empirical data and risk factors relevant  
31                   to pretrial failure, that evaluates the likelihood of failure to appear in court and the

1 likelihood of rearrest during the pretrial period, and that is validated on the state's  
2 pretrial population; and

3 (6) adopt regulations in consultation with the Department of Law, the  
4 public defender, the Department of Public Safety, and the Alaska Court System,  
5 consistent with this chapter and as necessary to implement the program; the  
6 regulations must include pretrial release decision-making process guidelines for  
7 pretrial services officers in making a recommendation to the court concerning a  
8 pretrial release decision, including guidelines for pretrial diversion recommendations.

9 **Sec. 33.07.030. Duties of pretrial services officers.** (a) Pretrial services  
10 officers shall, in advance of a first appearance before a judicial officer under  
11 AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument  
12 approved by the commissioner for the purpose of making a recommendation to the  
13 court concerning an appropriate pretrial release decision and conditions of release. In  
14 conducting a pretrial risk assessment and making a recommendation to the court, the  
15 department shall follow the decision-making process established by regulation under  
16 this chapter. The pretrial risk assessment shall be completed and presented to the court  
17 in a pretrial release report that contains a risk assessment rating of low, moderate, or  
18 high and a recommendation regarding release and release conditions before the  
19 defendant's first appearance before a judicial officer.

20 (b) A pretrial services officer shall make a recommendation under (a) of this  
21 section for pretrial release to the court based on factors that include the results of a  
22 pretrial risk assessment, the offense charged, the least restrictive condition, and  
23 conditions that will reasonably ensure the appearance of the person in court and the  
24 safety of the victim, other persons, and the community. The recommendation must  
25 take into account

26 (1) the level of risk of a defendant;

27 (2) the appropriateness for release on the defendant's own  
28 recognizance or on the execution of an unsecured appearance bond, unsecured  
29 performance bond, or both; and

30 (3) nonmonetary release conditions permitted under AS 12.30.011,  
31 12.30.016, 12.30.021, and 12.30.027 for defendants who are recommended for release.

1 (c) A pretrial services officer shall recommend for release on personal  
2 recognizance, upon execution of an unsecured appearance bond, upon execution of an  
3 unsecured performance bond, or to a pretrial diversion program, with nonmonetary  
4 conditions as appropriate, a defendant charged with

5 (1) a misdemeanor, unless that misdemeanor is

6 (A) a crime involving domestic violence, as defined in  
7 AS 18.66.990;

8 (B) a crime against the person under AS 11.41;

9 (C) an offense under AS 11.56.730;

10 (2) a class C felony unless that felony is

11 (A) a crime involving domestic violence, as defined in  
12 AS 18.66.990;

13 (B) a crime against the person under AS 11.41;

14 (C) an offense under AS 11.56.730;

15 (3) an offense under AS 28.35.030 or 28.35.032, if the defendant has  
16 been assessed as being low or moderate risk on the pretrial risk assessment;

17 (4) an offense for which no finding has been made under (d) of this  
18 section that is

19 (A) an offense under AS 28.35.030 or 28.35.032, and the  
20 defendant has been assessed as being high risk on the pretrial risk assessment;

21 (B) an offense under AS 11.56.730 or 11.56.757, and the  
22 defendant has been assessed as being low to moderate risk on the pretrial risk  
23 assessment;

24 (C) any other offense, and the defendant has been assessed as  
25 being low risk on the pretrial risk assessment.

26 (d) For an offense under (c)(4) of this section, if the pretrial services officer  
27 finds substantial evidence that no nonmonetary conditions of release in combination  
28 with a personal recognizance release or unsecured bond can reasonably ensure the  
29 appearance of the person in court and the safety of the victim, other persons, and the  
30 community, the pretrial services officer may recommend to the court more restrictive  
31 release conditions than otherwise provided for under (c) of this section.

1 (e) Pretrial services officers shall supervise defendants released during the  
2 pretrial period and prioritize supervision of defendants accused of serious charges or  
3 who are assessed as moderate or high risk on the pretrial risk assessment. Pretrial  
4 services officers shall impose the least restrictive level of supervision that will  
5 reasonably ensure the appearance of the person in court and the safety of the victim  
6 and the community.

7 (f) A pretrial services officer may

8 (1) recommend pretrial diversion to the court before adjudication;

9 (2) arrest a defendant who has been released pretrial without a warrant  
10 if the officer has reason to believe the defendant has committed an offense under  
11 AS 11.56.730 or 11.56.757 or has violated the defendant's release conditions;

12 (3) refer interested defendants for substance abuse screening,  
13 assessment, and treatment on a voluntary basis; and

14 (4) coordinate with community-based organizations and tribal courts  
15 and councils to develop and expand pretrial diversion options.

16 **Sec. 33.07.040. Pretrial services officers as officers of court.** (a) All pretrial  
17 services officers shall be available to the superior and district courts and shall be  
18 officers of the court.

19 (b) The appointment of a pretrial services officer shall be entered on the  
20 journal of the court in the judicial district where the pretrial services officer is  
21 assigned, and one copy of the journal entry shall be sent to the administrative director  
22 of the Alaska Court System.

23 **Sec. 33.07.090. Definitions.** In this chapter,

24 (1) "commissioner" means the commissioner of corrections;

25 (2) "program" means the pretrial services program.

26 \* **Sec. 92.** AS 33.16.010(c) is amended to read:

27 (c) A prisoner who is not eligible for special medical, administrative, or  
28 discretionary parole, or who is not released on special medical, administrative, or  
29 discretionary parole, shall be released on mandatory parole for the term of good time  
30 deductions credited under AS 33.20, if the term or terms of imprisonment are two  
31 years or more.

1 \* **Sec. 93.** AS 33.16.010(d) is amended to read:

2 (d) A prisoner released on special medical, **administrative**, discretionary, or  
3 mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.  
4 Parole may be revoked under AS 33.16.220.

5 \* **Sec. 94.** AS 33.16.010 is amended by adding a new subsection to read:

6 (f) A prisoner eligible under AS 33.16.089 shall be released on administrative  
7 parole by the board of parole.

8 \* **Sec. 95.** AS 33.16.060(a) is amended to read:

9 (a) The board shall

10 (1) serve as the parole authority for the state;

11 (2) upon receipt of an application, consider the suitability for parole of  
12 a prisoner who is eligible for special medical or discretionary parole;

13 (3) impose parole conditions on all prisoners released under  
14 **administrative**, discretionary, or mandatory parole;

15 (4) under AS 33.16.210, discharge a person from parole when custody  
16 is no longer required;

17 (5) maintain records of the meetings and proceedings of the board;

18 (6) recommend to the governor and the legislature changes in the law  
19 administered by the board;

20 (7) recommend to the governor or the commissioner changes in the  
21 practices of the department and of other departments of the executive branch  
22 necessary to facilitate the purposes and practices of parole;

23 (8) upon request of the governor, review and recommend applicants  
24 for executive clemency; [AND]

25 (9) execute other responsibilities prescribed by law; **and**

26 **(10) evaluate the eligibility and notify a prisoner of the prisoner's**  
27 **eligibility for administrative and discretionary parole at least 90 days before the**  
28 **prisoner's first date of eligibility.**

29 \* **Sec. 96.** AS 33.16 is amended by adding a new section to read:

30 **Sec. 33.16.089. Eligibility for administrative parole.** (a) A prisoner  
31 convicted of a misdemeanor or a class B or C felony that is not a sexual felony as

1 defined in AS 12.55.185, who has not been previously convicted of a felony in this or  
2 another jurisdiction, and who has been sentenced to an active term of imprisonment of  
3 at least 181 days shall be released on administrative parole by the board without a  
4 hearing if

5 (1) the prisoner has served the greater of

6 (A) one-fourth of the active term of imprisonment imposed;

7 (B) the mandatory minimum term of imprisonment imposed; or

8 (C) a term of imprisonment imposed under AS 12.55.115;

9 (2) the prisoner is not excluded from eligibility for administrative  
10 parole by court order;

11 (3) the prisoner has agreed to and signed the conditions of parole under  
12 AS 33.16.050;

13 (4) the victim does not request a hearing to consider issues of public  
14 safety under AS 33.16.120; and

15 (5) the prisoner has met the requirements of the case plan established  
16 under AS 33.30.011(8).

17 (b) If a prisoner who is eligible for discretionary parole under AS 33.16.090  
18 does not meet the criteria for release on administrative parole under (a) of this section,  
19 the board shall consider the prisoner for discretionary parole.

20 (c) If a victim makes a timely request for a hearing under AS 33.16.120, the  
21 board shall conduct the hearing not later than 30 days before the prisoner's earliest  
22 parole eligibility date.

23 \* **Sec. 97.** AS 33.16.090(a) is amended to read:

24 (a) A prisoner sentenced to an active term of imprisonment of at least 181  
25 days **and who has not been released on administrative parole as provided in**  
26 **AS 33.16.089** may, in the discretion of the board, be released on discretionary parole  
27 if the prisoner

28 **(1)** has served the amount of time specified under (b) of this section,  
29 except that

30 **(A)** [(1)] a prisoner sentenced to one or more mandatory 99-  
31 year terms under AS 12.55.125(a) or one or more definite terms under

AS 12.55.125(l) is not eligible for consideration for discretionary parole;

**(B)** [(2)] a prisoner is not eligible for consideration of discretionary parole if made ineligible by order of a court under AS 12.55.115;

**(C)** [(3)] a prisoner imprisoned under AS 12.55.086 is not eligible for discretionary parole unless the actual term of imprisonment is more than one year; **or**

**(2) is at least 60 years of age, has served at least 10 years of a sentence for one or more crimes in a single judgment, and has not been convicted of an unclassified felony or a sexual felony as defined in AS 12.55.185.**

\* **Sec. 98.** AS 33.16.090(b) is amended to read:

(b) A prisoner eligible under (a)**(1)** of this section who is sentenced

(1) to a single sentence under AS 12.55.125(a) or (b) may not be released on discretionary parole until the prisoner has served the mandatory minimum term under AS 12.55.125(a) or (b), one-third of the active term of imprisonment imposed, or any term set under AS 12.55.115, whichever is greatest;

(2) to a single sentence within or below a presumptive range set out in **AS 12.55.125(i)(1)(C) - (F)** [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)], and has not been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release, may not be released on discretionary parole until the prisoner has served the term imposed, less good time earned under AS 33.20.010;

(3) to a single sentence under **AS 12.55.125(i)(1)(C) - (F)** [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)], and has been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release during the second half of the sentence, may not be released on discretionary parole until

(A) the prisoner has served that portion of the active term of imprisonment required by the three-judge panel; and

(B) in addition to the factors set out in AS 33.16.100(a), the board determines that

(i) the prisoner has successfully completed all

1 rehabilitation programs ordered by the three-judge panel that were  
2 made available to the prisoner; and

3 (ii) the prisoner would not constitute a danger to the  
4 public if released on parole;

5 (4) to a single enhanced sentence under AS 12.55.155(a) that is above  
6 the applicable presumptive range may not be released on discretionary parole until the  
7 prisoner has served the greater of the following:

8 (A) an amount of time, less good time earned under  
9 AS 33.20.010, equal to the upper end of the presumptive range plus one-fourth  
10 of the amount of time above the presumptive range; or

11 (B) any term set under AS 12.55.115;

12 (5) to a single sentence under any other provision of law may not be  
13 released on discretionary parole until the prisoner has served at least one-fourth of the  
14 active term of imprisonment, any mandatory minimum sentence imposed under any  
15 provision of law, or any term set under AS 12.55.115, whichever is greatest;

16 (6) to concurrent sentences may not be released on discretionary parole  
17 until the prisoner has served the greatest of

18 (A) any mandatory minimum sentence or sentences imposed  
19 under any provision of law;

20 (B) any term set under AS 12.55.115; or

21 (C) the amount of time that is required to be served under (1) -  
22 (5) of this subsection for the sentence imposed for the primary crime, had that  
23 been the only sentence imposed;

24 (7) to consecutive or partially consecutive sentences may not be  
25 released on discretionary parole until the prisoner has served the greatest of

26 (A) the composite total of any mandatory minimum sentence or  
27 sentences imposed under any provision of law, including AS 12.55.127;

28 (B) any term set under AS 12.55.115; or

29 (C) the amount of time that is required to be served under (1) -  
30 (5) of this subsection for the sentence imposed for the primary crime, had that  
31 been the only sentence imposed, plus one-quarter of the composite total of the

1 active term of imprisonment imposed as consecutive or partially consecutive  
2 sentences imposed for all crimes other than the primary crime.

3 \* **Sec. 99.** AS 33.16.100(a) is amended to read:

4 (a) The board may authorize the release of a prisoner **convicted of an**  
5 **unclassified felony who is otherwise eligible under AS 12.55.115 and AS 33.16.090**  
6 on discretionary parole if it determines a reasonable probability exists that

7 (1) the prisoner will live and remain at liberty without violating any  
8 laws or conditions imposed by the board;

9 (2) the prisoner's rehabilitation and reintegration into society will be  
10 furthered by release on parole;

11 (3) the prisoner will not pose a threat of harm to the public if released  
12 on parole; and

13 (4) release of the prisoner on parole would not diminish the  
14 seriousness of the crime.

15 \* **Sec. 100.** AS 33.16.100(b) is amended to read:

16 (b) If the board finds a change in circumstances in a prisoner's **preparole**  
17 **reports listed in AS 33.16.110(a)** [PAROLE RELEASE PLAN SUBMITTED  
18 UNDER AS 33.16.130(a)], or discovers new information concerning a prisoner who  
19 has been granted a parole release date, the board may rescind or revise the previously  
20 granted parole release date. In reconsidering the release date, the procedures set out in  
21 **AS 33.16.130** [AS 33.16.130(b) AND (c)] shall be followed.

22 \* **Sec. 101.** AS 33.16.100 is amended by adding a new subsection to read:

23 (f) The board may authorize the release of a prisoner who has been convicted  
24 of more than one felony, other than an unclassified felony, in this or another  
25 jurisdiction, if the prisoner is eligible for discretionary parole under AS 12.55.115 and  
26 AS 33.16.090, has met the requirements of a case plan created under AS 33.30.011(8),  
27 and has agreed to the conditions of supervision, unless the board finds by clear and  
28 convincing evidence on the record that the prisoner poses a threat of harm to the  
29 public if released. If the board finds that failure to complete the requirements of a case  
30 plan was not caused by the prisoner, the board may waive the incomplete  
31 requirements.

1 \* **Sec. 102.** AS 33.16.110(a) is amended to read:

2 (a) In determining whether a prisoner is suitable for discretionary parole, the  
3 board shall consider the preparole reports including

4 (1) the presentence report made to the sentencing court;

5 (2) the recommendations made by the sentencing court, by the  
6 prosecuting attorney, and by the defense attorney, and any statements made by the  
7 victim or the prisoner at sentencing;

8 (3) the prisoner's institutional conduct history while incarcerated;

9 (4) recommendations made by the staff of the correctional facilities in  
10 which the prisoner was incarcerated;

11 (5) reports of prior crimes, juvenile histories, and previous experiences  
12 of the prisoner on parole or probation;

13 (6) physical, mental, and psychiatric examinations of the prisoner;

14 (7) information submitted by the prisoner, the sentencing court, the  
15 victim of the crime, the prosecutor, or other persons having knowledge of the prisoner  
16 or the crime;

17 (8) information concerning an unjustified disparity in the sentence  
18 imposed on a prisoner in relation to other sentences imposed under similar  
19 circumstances; [AND]

20 (9) other relevant information that may be reasonably available;

21 **(10) the case plan created under AS 33.30.011(8) for the prisoner,**  
22 **including a compliance report on the case plan; and**

23 **(11) a reentry plan created under AS 33.30.011(9).**

24 \* **Sec. 103.** AS 33.16.120(a) is amended to read:

25 (a) If the victim of a crime against a person or arson in the first degree  
26 requests notice of a scheduled hearing to review or consider discretionary parole for a  
27 prisoner convicted of that crime, the board shall send notice of the hearing to the  
28 victim at least 30 days before the hearing. The notice must be accompanied by a copy  
29 of the prisoner's **preparole reports listed in AS 33.16.110** [APPLICATION FOR  
30 PAROLE SUBMITTED UNDER AS 33.16.130(a)]. However, the copy of the  
31 **preparole reports** [APPLICATION] sent to the victim may not include the prisoner's

1 **confidential health information, information protected under AS 33.16.170,**  
2 proposed residence, **or** [AND] employment addresses.

3 \* **Sec. 104.** AS 33.16.120(f) is amended to read:

4 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),  
5 **33.16.089, or 33.16.090,** the board shall make every reasonable effort to notify the  
6 victim before the prisoner's release date. Notification under this subsection must  
7 include the expected date of the prisoner's release, the geographic area in which the  
8 prisoner is required to reside, and other pertinent information concerning the prisoner's  
9 conditions of parole that may affect the victim.

10 \* **Sec. 105.** AS 33.16.120(g) is amended to read:

11 (g) A victim of a crime involving domestic violence shall be informed by the  
12 board at least 30 days in advance of a scheduled hearing to review or consider  
13 [DISCRETIONARY] parole for a prisoner. The board shall inform the victim of any  
14 decision to grant or deny [DISCRETIONARY] parole or to release the prisoner under  
15 AS 33.16.010(c). If the prisoner is to be released, the victim shall be notified of the  
16 expected date of the release, the geographic area in which the prisoner will reside, and  
17 any other information concerning conditions of parole that may affect the victim. The  
18 victim shall also be informed of any changes in the conditions of parole that may  
19 affect the victim. The board shall send the notice required to the last known address of  
20 the victim. A person may not bring a civil action for damages for a failure to comply  
21 with the provisions of this subsection.

22 \* **Sec. 106.** AS 33.16.120 is amended by adding a new subsection to read:

23 (h) A victim who has a right to notice under (a) of this section may request a  
24 hearing before a prisoner is released on administrative parole under AS 33.16.089. The  
25 notice to the victim must include the procedure and time frame for requesting a  
26 hearing.

27 \* **Sec. 107.** AS 33.16.130 is repealed and reenacted to read:

28 **Sec. 33.16.130. Parole procedures.** (a) The parole board shall hold a hearing  
29 for all prisoners who are eligible for parole before granting an eligible prisoner special  
30 medical or discretionary parole. The board shall also hold a hearing if requested by a  
31 victim under procedures established for the request for a prisoner eligible for

1 administrative parole. A hearing shall be conducted within the following time frames:

2 (1) for prisoners eligible under AS 33.16.100(a), not less than 90 days  
3 before the first parole eligibility date;

4 (2) for all other prisoners, not less than 30 days after the board is  
5 notified of the need for a hearing by the commissioner or the commissioner's designee.

6 (b) The commissioner or the commissioner's designee shall furnish a copy of  
7 the preparole reports listed in AS 33.16.110(a), and the prisoner shall be permitted  
8 access to all records that the board will consider in making its decision except those  
9 that are made confidential by law. The prisoner may also respond in writing to all  
10 materials the board considers, be present at the hearing, and present evidence to the  
11 board.

12 (c) If the board denies parole, the board shall state the reasons for the denial,  
13 identify all of the factors considered relevant to the denial, and provide a written plan  
14 for addressing all of the factors relevant to the denial. The board may schedule a  
15 subsequent parole hearing at the time of the denial or at a later date as follows:

16 (1) for the first parole denial, within two years after the first parole  
17 eligibility date;

18 (2) for the second and subsequent denials, within two years after the  
19 most recent parole hearing.

20 (d) The board shall issue its decision in writing and provide a copy of the  
21 decision to the prisoner.

22 \* **Sec. 108.** AS 33.16.140 is amended to read:

23 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,  
24 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole  
25 custody ends, shall be furnished to each prisoner released on special medical,  
26 administrative, discretionary, or mandatory parole.

27 \* **Sec. 109.** AS 33.16.150(a) is amended to read:

28 (a) As a condition of parole, a prisoner released on special medical,  
29 administrative, discretionary, or mandatory parole

30 (1) shall obey all state, federal, or local laws or ordinances, and any  
31 court orders applicable to the parolee;

1 (2) shall make diligent efforts to maintain steady employment or meet  
2 family obligations;

3 (3) shall, if involved in education, counseling, training, or treatment,  
4 continue in the program unless granted permission from the parole officer assigned to  
5 the parolee to discontinue the program;

6 (4) shall report

7 (A) upon release to the parole officer assigned to the parolee;

8 (B) at other times, and in the manner, prescribed by the board  
9 or the parole officer assigned to the parolee;

10 (5) shall reside at a stated place and not change that residence without  
11 notifying, and receiving permission from, the parole officer assigned to the parolee;

12 (6) shall remain within stated geographic limits unless written  
13 permission to depart from the stated limits is granted the parolee;

14 (7) may not use, possess, handle, purchase, give, distribute, or  
15 administer a controlled substance as defined in AS 11.71.900 or under federal law or a  
16 drug for which a prescription is required under state or federal law without a  
17 prescription from a licensed medical professional to the parolee;

18 (8) may not possess or control a firearm; in this paragraph, "firearm"  
19 has the meaning given in AS 11.81.900;

20 (9) may not enter into an agreement or other arrangement with a law  
21 enforcement agency or officer that will place the parolee in the position of violating a  
22 law or parole condition without the prior approval of the board;

23 (10) may not contact or correspond with anyone confined in a  
24 correctional facility of any type serving any term of imprisonment or a felon without  
25 the permission of the parole officer assigned to a parolee;

26 (11) shall agree to waive extradition from any state or territory of the  
27 United States and to not contest efforts to return the parolee to the state;

28 (12) shall provide a blood sample, an oral sample, or both, when  
29 requested by a health care professional acting on behalf of the state to provide the  
30 sample or samples, or an oral sample when requested by a juvenile or adult  
31 correctional, probation, or parole officer, or a peace officer, if the prisoner is being

1 released after a conviction of an offense requiring the state to collect the sample or  
2 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

3 (13) from a conviction for a sex offense shall submit to regular  
4 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning  
5 given in AS 12.63.100.

6 \* **Sec. 110.** AS 33.16.150(b) is amended to read:

7 (b) The board may require as a condition of special medical, **administrative,**  
8 discretionary, or mandatory parole, or a member of the board acting for the board  
9 under (e) of this section may require as a condition of **administrative or** mandatory  
10 parole, that a prisoner released on parole

11 (1) not possess or control a defensive weapon, a deadly weapon other  
12 than an ordinary pocket knife with a blade three inches or less in length, or  
13 ammunition for a firearm, or reside in a residence where there is a firearm capable of  
14 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly  
15 weapon," "defensive weapon," and "firearm" have the meanings given in  
16 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

17 (2) refrain from possessing or consuming alcoholic beverages;

18 (3) submit to reasonable searches and seizures by a parole officer, or a  
19 peace officer acting under the direction of a parole officer;

20 (4) submit to appropriate medical, mental health, or controlled  
21 substance or alcohol examination, treatment, or counseling;

22 (5) submit to periodic examinations designed to detect the use of  
23 alcohol or controlled substances; the periodic examinations may include testing under  
24 the program established under AS 33.16.060(c);

25 (6) make restitution ordered by the court according to a schedule  
26 established by the board;

27 (7) refrain from opening, maintaining, or using a checking account or  
28 charge account;

29 (8) refrain from entering into a contract other than a prenuptial contract  
30 or a marriage contract;

31 (9) refrain from operating a motor vehicle;

1 (10) refrain from entering an establishment where alcoholic beverages  
2 are served, sold, or otherwise dispensed;

3 (11) refrain from participating in any other activity or conduct  
4 reasonably related to the parolee's offense, prior record, behavior or prior behavior,  
5 current circumstances, or perceived risk to the community, or from associating with  
6 any other person that the board determines is reasonably likely to diminish the  
7 rehabilitative goals of parole, or that may endanger the public; in the case of special  
8 medical parole, for a prisoner diagnosed with a communicable disease, comply with  
9 conditions set by the board designed to prevent the transmission of the disease.

10 \* **Sec. 111.** AS 33.16.150(e) is amended to read:

11 (e) The board may designate a member of the board to act on behalf of the  
12 board in imposing conditions of administrative or mandatory parole under (a) and (b)  
13 of this section, in delegating imposition of conditions of administrative or mandatory  
14 parole under (c) of this section, and in setting the period of compliance with the  
15 conditions of administrative or mandatory parole under (d) of this section. The  
16 decision of a member of the board under this section is the decision of the board. A  
17 prisoner or parolee aggrieved by a decision of a member of the board acting for the  
18 board under this subsection may apply to the board under AS 33.16.160 for a change  
19 in the conditions of administrative or mandatory parole.

20 \* **Sec. 112.** AS 33.16.150(f) is amended to read:

21 (f) In addition to other conditions of parole imposed under this section, the  
22 board may impose as a condition of special medical, administrative, discretionary, or  
23 mandatory parole for a prisoner serving a term for a crime involving domestic  
24 violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a  
25 requirement that, at the prisoner's expense, the prisoner participate in and complete, to  
26 the satisfaction of the board, a program for the rehabilitation of perpetrators of  
27 domestic violence that meets the standards set by, and that is approved by, the  
28 department under AS 44.28.020(b); and (3) any other condition necessary to  
29 rehabilitate the prisoner. The board shall establish procedures for the exchange of  
30 information concerning the parolee with the victim and for responding to reports of  
31 nonattendance or noncompliance by the parolee with conditions imposed under this

1 subsection. The board may not under this subsection require a prisoner to participate  
2 in and complete a program for the rehabilitation of perpetrators of domestic violence  
3 unless the program meets the standards set by, and is approved by, the department  
4 under AS 44.28.020(b).

5 \* **Sec. 113.** AS 33.16.150(g) is amended to read:

6 (g) In addition to other conditions of parole imposed under this section for a  
7 prisoner serving a sentence for an offense where the aggravating factor provided in  
8 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a  
9 condition of special medical, **administrative**, discretionary, and mandatory parole a  
10 requirement that the prisoner submit to electronic monitoring. Electronic monitoring  
11 under this subsection must provide for monitoring of the prisoner's location and  
12 movements by Global Positioning System technology. The board shall require a  
13 prisoner serving a period of probation with electronic monitoring as provided under  
14 this subsection to pay all or a portion of the costs of the electronic monitoring, but  
15 only if the prisoner has sufficient financial resources to pay the costs or a portion of  
16 the costs. A prisoner subject to electronic monitoring under this subsection is not  
17 entitled to a credit for time served in a correctional facility while the defendant is on  
18 parole. In this subsection, "correctional facility" has the meaning given in  
19 AS 33.30.901.

20 \* **Sec. 114.** AS 33.16.180 is amended to read:

21 **Sec. 33.16.180. Duties of the commissioner.** The commissioner shall

22 (1) conduct investigations of prisoners eligible for **administrative or**  
23 discretionary parole, as requested by the board **and as provided in this section;**

24 (2) supervise the conduct of parolees;

25 (3) appoint and assign parole officers and personnel;

26 (4) provide the board, within 30 days after sentencing, information on  
27 a sentenced prisoner who may be eligible for **administrative parole under**  
28 **AS 33.16.089 or** discretionary parole under AS 33.16.090;

29 (5) notify the board and provide information on a prisoner 120 days  
30 before the prisoner's mandatory release date, if the prisoner is to be released **on** [TO]  
31 mandatory parole; [AND]

- 1 (6) maintain records, files, and accounts as requested by the board;
- 2 (7) prepare preparole reports under AS 33.16.110(a);
- 3 (8) notify the board in writing of a prisoner's compliance or
- 4 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not
- 5 less than 30 days before the prisoner's next parole eligibility date or the
- 6 prisoner's parole hearing date, whichever is earlier;
- 7 (9) establish an administrative sanction and incentive program to
- 8 facilitate a swift and certain response to a parolee's compliance with or violation
- 9 of the conditions of parole and shall adopt regulations to implement the program;
- 10 at a minimum, the regulations must include
- 11 (A) a decision-making process to guide parole officers in
- 12 determining the suitable response to positive and negative offender
- 13 behavior that includes a list of sanctions for the most common types of
- 14 negative behavior, including technical violations of conditions of parole,
- 15 and a list of incentives for compliance with conditions and positive
- 16 behavior that exceeds those conditions;
- 17 (B) policies and procedures that ensure
- 18 (i) a process for responding to negative behavior
- 19 that includes a review of previous violations and sanctions;
- 20 (ii) that enhanced sanctions for certain negative
- 21 conduct are approved by the commissioner or the commissioner's
- 22 designee; and
- 23 (iii) that appropriate due process protections are
- 24 included in the process, including notice of negative behavior, an
- 25 opportunity to dispute the accusation and the sanction, and an
- 26 opportunity to request a review of the accusation and the sanction;
- 27 (10) calculate and keep records of the parole reduction for a
- 28 parolee who is eligible for the reduction under AS 33.16.210(d); and
- 29 (11) notify the board at least 30 days before the earliest date a
- 30 parolee's parole will be discharged under AS 33.16.210(d).

31 \* Sec. 115. AS 33.16.200 is amended to read:

1           **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the  
 2 board retains custody of special medical, administrative, discretionary, and  
 3 mandatory parolees until the expiration of the maximum term or terms of  
 4 imprisonment to which the parolee is sentenced.

5 \* **Sec. 116.** AS 33.16.210 is amended to read:

6           **Sec. 33.16.210. Discharge of parolee.** (a) The board may unconditionally  
 7 discharge a parolee from the jurisdiction and custody of the board after the parolee has  
 8 completed one year [TWO YEARS] of parole. A discretionary parolee with a residual  
 9 period of probation may, after one year [TWO YEARS] of parole, be discharged by  
 10 the board to immediately begin serving the residual period of probation.

11           (b) Notwithstanding (a) of this section, the board may unconditionally  
 12 discharge a mandatory parolee before the parolee has completed one year [TWO  
 13 YEARS] of parole if the parolee is serving a concurrent period of residual probation  
 14 under AS 33.20.040(c), and the period of residual probation and the period of  
 15 suspended imprisonment each equal or exceed the period of mandatory parole.

16 \* **Sec. 117.** AS 33.16.210 is amended by adding new subsections to read:

17           (c) Notwithstanding (a) of this section, the board may unconditionally  
 18 discharge a parolee if the parolee

19                   (1) has completed at least one year on parole;

20                   (2) has completed all treatment programs required as a condition of  
 21 parole;

22                   (3) is currently in compliance with all conditions of parole; and

23                   (4) has not been convicted of an unclassified felony offense, a sexual  
 24 felony as defined by AS 12.55.185, or a crime involving domestic violence as defined  
 25 by AS 18.66.990.

26           (d) The board shall grant a parole incentive reduction for good conduct by a  
 27 person on parole of 30 days for each 30-day period of parole that a parolee  
 28 successfully complies with all of the conditions of parole for one or more 30-day  
 29 period immediately preceding the reduction computation. The board may not grant a  
 30 reduction for less than a 30-day period.

31 \* **Sec. 118.** AS 33.16 is amended by adding a new section to read:

1           **Sec. 33.16.215. Sanctions for a technical violation of parole.** (a) If a parolee  
2 is serving a period of parole for an offense, the board may find that the parolee has  
3 committed a technical violation of parole. If the board finds that a parolee has  
4 committed a technical violation of parole that does not include absconding, the board  
5 may revoke parole and return the parolee to the custody of the commissioner and then  
6 place the person back on parole after the appropriate period of time below:

7                   (1) three days for the first technical violation of parole filed with the  
8 board;

9                   (2) five days for the second technical violation of parole filed with the  
10 board;

11                   (3) 10 days for the third technical violation of parole filed with the  
12 board; and

13                   (4) the remainder of the sentence for a fourth or subsequent technical  
14 violation of parole.

15           (b) If the board revokes parole for absconding, the board may place a person  
16 back on parole after the person has served up to 30 days.

17           (c) This section does not apply if the parolee is enrolled in the program  
18 established under AS 33.16.060(c).

19           (d) If the defendant is ordered to complete treatment under AS 33.16.150(a)(3)  
20 and does not comply with the board's order, the board may order the parolee to show  
21 cause why the board should not revoke the parole for noncompletion of treatment. In a  
22 parole revocation proceeding brought as a result of failure to complete treatment, it is  
23 an affirmative defense that the parolee was unable to afford the cost of treatment or  
24 secure a place in a free treatment program, despite having made continuing good faith  
25 efforts. If the board finds that the parolee was unable to complete treatment despite  
26 having made continuing good faith efforts, the parole may not be revoked solely  
27 because of an inability to pay. If the board does not find that the noncompletion of  
28 treatment was attributable to the parolee's inability to pay, the board may revoke  
29 parole subject to the limits established in this section.

30           (e) In this section,

31                   (1) "absconding" means failing to report within five working days after

1 release from custody under AS 33.20.030 or failing to report to a parole officer within  
2 30 days after release from custody;

3 (2) "technical violation" means a violation of the conditions of parole  
4 that does not result from

5 (A) an arrest for a new criminal offense; or

6 (B) failing to complete sex offender treatment.

7 \* **Sec. 119.** AS 33.16.220(b) is amended to read:

8 (b) **If a parolee has been arrested for the commission of a new criminal**  
9 **offense or for failing to complete a sex offender treatment program, except**  
10 [EXCEPT] as provided in (e) of this section, **the board or its designee shall hold a**  
11 **preliminary hearing** within 15 working days after the arrest and incarceration of a  
12 parolee for violation of a condition of parole [, THE BOARD OR ITS DESIGNEE  
13 SHALL HOLD A PRELIMINARY HEARING]. At the preliminary hearing, the board  
14 or its designee shall determine if there is probable cause to believe that the parolee  
15 violated the conditions of parole and, when probable cause exists, whether the parolee  
16 should be released pending a final revocation hearing. A finding of probable cause at a  
17 preliminary hearing in a criminal case is conclusive proof of probable cause that a  
18 parole violation occurred.

19 \* **Sec. 120.** AS 33.16.220(f) is amended to read:

20 (f) **If a parolee has had a preliminary hearing under (b) of this section, the**  
21 [THE] board shall hold a final revocation hearing **not** [NO] later than 120 days after a  
22 parolee's arrest, subject to restrictions arising under AS 33.36.110 and (g) of this  
23 section.

24 \* **Sec. 121.** AS 33.16.220(i) is amended to read:

25 (i) If, after the final revocation hearing, the board finds that the parolee has  
26 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or  
27 ordinance, the board may revoke all or a portion of the parole **subject to the limits set**  
28 **out in AS 33.16.215**, or change any condition of parole. **The board cannot extend**  
29 **the period of parole beyond the maximum sentence imposed by the sentencing**  
30 **court.**

31 \* **Sec. 122.** AS 33.16.220 is amended by adding a new subsection to read:

(j) If a parolee has been arrested for a technical violation of conditions of parole, the board or its designee shall hold a final hearing within 15 working days.

\* **Sec. 123.** AS 33.16.240(e) is amended to read:

(e) A parolee **charged with a new crime or failure to comply with a sex offender treatment program** [ARRESTED FOR VIOLATION OF PAROLE] is not entitled to bail.

\* **Sec. 124.** AS 33.16.240 is amended by adding new subsections to read:

(h) A parolee arrested under this section for a technical violation shall be released without bail once the parolee has served the maximum number of days that could be served for a technical violation under AS 33.16.215. Nothing in this subsection prohibits the board or its designee from releasing a parolee sooner.

(i) The board or its designee may impose additional conditions necessary to ensure the parolee's appearance at a hearing held under AS 33.16.220(h).

\* **Sec. 125.** AS 33.16.900 is amended by adding a new paragraph to read:

(14) "administrative sanctions and incentives" means responses by a parole officer to a parolee's compliance with or violation of the conditions of parole under AS 33.16.180.

\* **Sec. 126.** AS 33.20.010(c) is amended to read:

(c) A prisoner may not be awarded a good time deduction under (a) of this section for any period spent in a treatment program **or** [,] in a private residence. **A prisoner may be awarded a good time deduction under (a) of this section for any period spent** [, OR] while under electronic monitoring.

\* **Sec. 127.** AS 33.20.010 is amended by adding a new subsection to read:

(d) Notwithstanding (a) and (c) of this section, the commissioner of corrections shall award to a prisoner convicted of a sexual offense that is ineligible for a deduction under (a)(3)(A) or (B) of this section and sentenced to a term of imprisonment that exceeds three days a deduction of one-third of the term of imprisonment rounded off to the nearest day for periods during which the prisoner follows the rules of the correctional facility in which the prisoner is confined. The commissioner may not award the deduction under this subsection until the prisoner successfully completes the treatment requirements in the prisoner's case plan.

\* **Sec. 128.** AS 33.30.011 is amended to read:

**Sec. 33.30.011. Duties of commissioner.** The commissioner shall

(1) establish, maintain, operate, and control correctional facilities suitable for the custody, care, and discipline of persons charged or convicted of offenses against the state or held under authority of state law; each correctional facility operated by the state shall be established, maintained, operated, and controlled in a manner that is consistent with AS 33.30.015;

(2) classify prisoners;

(3) for persons committed to the custody of the commissioner, establish programs, including furlough programs that are reasonably calculated to

(A) protect the public and the victims of crimes committed by prisoners;

(B) maintain health;

(C) create or improve occupational skills;

(D) enhance educational qualifications;

(E) support court-ordered restitution; and

(F) otherwise provide for the rehabilitation and reformation of prisoners, facilitating their reintegration into society;

(4) provide necessary

(A) medical services for prisoners in correctional facilities or who are committed by a court to the custody of the commissioner, including examinations for communicable and infectious diseases;

(B) psychological or psychiatric treatment if a physician or other health care provider, exercising ordinary skill and care at the time of observation, concludes that

(i) a prisoner exhibits symptoms of a serious disease or injury that is curable or may be substantially alleviated; and

(ii) the potential for harm to the prisoner by reason of delay or denial of care is substantial; and

(C) assessment or screening of the risks and needs of offenders who may be vulnerable to harm, exploitation, or recidivism as a result of fetal

1 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based  
2 disorder;

3 (5) establish minimum standards for sex offender treatment programs  
4 offered to persons who are committed to the custody of the commissioner;

5 (6) provide for fingerprinting in correctional facilities in accordance  
6 with AS 12.80.060; [AND]

7 (7) establish a program to conduct assessments of the risks and needs  
8 of offenders sentenced to serve a term of incarceration of 30 days or more and provide  
9 to the legislature, by electronic means, by January 15, 2017, and thereafter by  
10 January 15, preceding the first regular session of each legislature, a report  
11 summarizing the findings and results of the program; **the program must include a**  
12 **requirement for an assessment before release and within 24 hours after initial**  
13 **arrest and detention;**

14 (8) **establish a procedure that provides for each prisoner required**  
15 **to serve an active term of imprisonment of 30 days or more a written case plan**  
16 **that is**

17 (A) **provided to the prisoner within 90 days after**  
18 **sentencing;**

19 (B) **based on the results of the assessment of the prisoner's**  
20 **risks and needs under (7) of this section;**

21 (C) **to the extent feasible, incorporated into institutional**  
22 **conduct of the prisoner and the correctional facility staff;**

23 (D) **modified when necessary for changes in classification,**  
24 **housing status, medical or mental health, and resource availability;**

25 (9) **establish a program for reentry planning for each prisoner**  
26 **serving an active term of imprisonment of 181 days or more that provides a**  
27 **written plan to the prisoner not less than 90 days before release to furlough,**  
28 **probation, or parole; the reentry plan must include**

29 (A) **information on the prisoner's proposed**

30 (i) **residence;**

31 (ii) **employment or alternative means of support;**

(iii) treatment options;

(iv) counseling services;

(v) education or job training services;

(B) any other requirements for successful transition back to the community, including electronic monitoring or furlough for the period between a scheduled parole hearing and parole eligibility; and

(10) establish minimum standards for electronic monitoring for offenders and procedures for approving electronic monitoring programs provided by private contractors.

\* **Sec. 129.** AS 33.30.013(a) is amended to read:

(a) The commissioner shall notify the victim if the offender

(1) escapes from custody;

(2) is eligible for or receives a parole reduction under AS 33.16.210(d); or

(3) is released to the community on a furlough, on an early release program, or for any other reason.

\* **Sec. 130.** AS 33.30 is amended by adding a new section to read:

**Sec. 33.30.095. Duties of commissioner before release of prisoner.** (a) The commissioner shall establish a program to prepare a prisoner who is serving a sentence of imprisonment exceeding one year for the prisoner's discharge, release on parole or probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the date of the prisoner's discharge, release, or furlough.

(b) The program established under (a) of this section must include

(1) instruction on

(A) obtaining state identification;

(B) community resources available for housing, employment, and treatment;

(2) an individualized reentry plan for the prisoner; and

(3) probation and parole orientation, if appropriate.

\* **Sec. 131.** AS 33.30.151 is amended to read:

**Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall

1 establish correctional restitution centers in the state. The purpose of the centers is to  
2 provide certain offenders with rehabilitation through **comprehensive treatment for**  
3 **substance abuse, cognitive behavioral disorders, and other criminal risk factors,**  
4 **including aftercare support,** community service, and employment, while protecting  
5 the community through partial incarceration of the offender, and to create a means to  
6 provide restitution to victims of crimes.

7 (b) The commissioner shall adopt regulations setting standards for the  
8 operation of the centers including

9 (1) requirements that the centers be secure and in compliance with  
10 state and local safety laws;

11 (2) standards for disciplinary rules to be imposed on prisoners confined  
12 to the centers;

13 (3) standards for the granting of emergency absence to prisoners  
14 confined to the centers;

15 (4) standards for classifying prisoners to centers;

16 (5) standards for mandatory employment and participation in  
17 community service programs in each center; [AND]

18 (6) standards for periodic review of the performance of prisoners  
19 confined to the centers **and quality assurance measures to ensure centers are**  
20 **meeting state standards and contractual obligations;**

21 **(7) standards for the provision of treatment, including substance**  
22 **abuse treatment, cognitive behavioral therapy, and aftercare designed to address**  
23 **an offender's individual criminogenic needs; and**

24 **(8) standards and a process to assess an offender's risk of**  
25 **recidivating and the criminal risk factors and needs that reduce the risk of**  
26 **recidivating and ensure that**

27 **(A) high risk offenders with moderate to high needs are a**  
28 **priority for acceptance into a correctional restitution center; and**

29 **(B) centers establish internal procedures to limit the mixing**  
30 **of low and high risk prisoners.**

31 \* **Sec. 132.** AS 34.03.360(7) is amended to read:

1 (7) "illegal activity involving a controlled substance" means a violation  
2 of AS 11.71.010(a), **11.71.030(a)(1), (2), or (4) - (8)** [11.71.020(a), 11.71.030(a)(1)  
3 OR (2)], or 11.71.040(a)(1), (2), or (5);

4 \* **Sec. 133.** AS 43.23.065(b) is amended to read:

5 (b) An exemption is not available under this section for permanent fund  
6 dividends taken to satisfy

7 (1) child support obligations required by court order or decision of the  
8 child support services agency under AS 25.27.140 - 25.27.220;

9 (2) court ordered restitution under AS 12.55.045 - 12.55.051,  
10 12.55.100, or AS 47.12.120(b)(4);

11 (3) claims on defaulted education loans under AS 43.23.067;

12 (4) court ordered fines;

13 (5) writs of execution under AS 09.35 of a judgment that is entered

14 (A) against a minor in a civil action to recover damages and  
15 court costs;

16 (B) under AS 09.65.255 against the parent, parents, or legal  
17 guardian of an unemancipated minor;

18 (6) a debt owed by an eligible individual to an agency of the state,  
19 including the University of Alaska, unless the debt is contested and an appeal is  
20 pending, or the time limit for filing an appeal has not expired;

21 (7) a debt owed to a person for a program for the rehabilitation of  
22 perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15),  
23 AS 25.20.061(3), or AS 33.16.150(f)(2);

24 (8) a judgment for unpaid rent or damage owed to a landlord by an  
25 eligible individual that was a tenant of the landlord; in this paragraph, "tenant" has the  
26 meaning given in AS 34.03.360;

27 **(9) court-ordered forfeiture of an appearance or performance**  
28 **bond under AS 12.30.075.**

29 \* **Sec. 134.** AS 47.05 is amended by adding a new section to read:

30 **Sec. 47.05.035. Disqualification from public assistance for felony drug**  
31 **offenses.** (a) A person convicted during or in the five years preceding a period in

1 which the person is receiving public assistance under AS 47.25 of an offense under  
2 AS 11.71.010 - 11.71.050, 11.71.060(a)(2)(B), or by the law of another jurisdiction  
3 that has as an element the possession, use, or distribution of a controlled substance, as  
4 defined in AS 11.71.900, is disqualified from receiving public assistance under this  
5 title unless the person participates in a testing program implemented by the department  
6 at least quarterly, on renewal of public assistance eligibility, and on a random basis for  
7 the use of illegal controlled substances. A person subject to this section who tests  
8 positive for the illegal use of controlled substances is disqualified from receiving  
9 public assistance for six months following the date of notice that the person tested  
10 positive for the use of illegal controlled substances.

11 (b) The department shall adopt regulations to implement (a) of this section.  
12 The regulations adopted by the department must

13 (1) include an appeal process for a person disqualified under (a) of this  
14 section; and

15 (2) provide that, where available, an alcohol safety action program  
16 approved under AS 47.37.130 shall perform the drug testing.

17 (c) In this section, "public assistance" means

18 (1) a program that provides

19 (A) day care assistance under AS 47.25.001 - 47.25.095;

20 (B) general relief assistance under AS 47.25.120 - 300; or

21 (C) adult public assistance under AS 47.25.430 - 47.25.615;

22 (2) the Alaska affordable heating program under AS 47.25.621 -  
23 47.25.626; or

24 (3) the food stamp program under AS 47.25.975 - 47.25.990.

25 \* **Sec. 135.** AS 47.27.015 is amended by adding a new subsection to read:

26 (i) A person convicted after August 22, 1996, of an offense that is classified as  
27 a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has  
28 as an element the possession, use, or distribution of a controlled substance, as defined  
29 in AS 11.71.900, is disqualified from receiving temporary assistance under this  
30 chapter or food stamps under AS 47.25 unless the person demonstrates, to the  
31 satisfaction of the department, that the person

1 (1) is satisfactorily serving, or has successfully completed, a period of  
2 probation or parole;

3 (2) is in the process of serving, or has successfully completed,  
4 mandatory participation in a drug or alcohol treatment program;

5 (3) has taken action toward rehabilitation, including participation in a  
6 drug or alcohol treatment program; or

7 (4) is in compliance with AS 47.05.035.

8 \* **Sec. 136.** The uncodified law of the State of Alaska is amended by adding a new section  
9 to read:

10 DIRECT COURT RULE AMENDMENT. Rule 38, Alaska Rules of Criminal  
11 Procedure, is amended by adding new subsections to read:

12 (d) **Hearing Notice.** The court shall provide a notice to a defendant of the  
13 date, time, and place of a scheduled hearing at which the defendant is required to  
14 appear in a form and manner established by the court.

15 (e) **Hearing Reminder.** In addition to the notice required under (d) of this  
16 rule, the court shall provide a reminder notification to a defendant who is not in  
17 custody and to the Department of Corrections at least 48 hours prior to a scheduled  
18 hearing at which the defendant is required to appear regarding the date, time, and  
19 place of the scheduled hearing and the potential consequences of failure to appear, in a  
20 form and manner established by the court.

21 \* **Sec. 137.** The uncodified law of the State of Alaska is amended by adding a new section  
22 to read:

23 DIRECT COURT RULE AMENDMENT. Rule 41, Alaska Rules of Criminal  
24 Procedure, is amended by adding a new subsection to read:

25 (j) **Misdemeanor and Felony Bail Schedules.** No bail schedule may be  
26 established for misdemeanors or felonies.

27 \* **Sec. 138.** The uncodified law of the State of Alaska is amended by adding a new section  
28 to read:

29 REPEAL OF COURT RULES. Rules 41(d) and (e), Alaska Rules of Criminal  
30 Procedure, are repealed.

31 \* **Sec. 139.** AS 11.71.020, 11.71.040(a)(3), and 11.71.050(a)(2) are repealed.

1     \* **Sec. 140.** The uncodified law of the State of Alaska is amended by adding a new section  
2 to read:

3           INDIRECT COURT RULE AMENDMENT. (a) AS 12.30.006(h), enacted by sec. 39  
4 of this Act, has the effect of changing Rule 6, Alaska Rules of Criminal Procedure, by  
5 directing the court to arraign a person within 24 hours after arrest, and in no instance later  
6 than 48 hours after the person's arrest.

7           (b) AS 12.30.011, as amended by sec. 40 of this Act, and AS 12.30.011(e) - (i),  
8 enacted by sec. 41 of this Act, have the effect of changing Rule 41, Alaska Rules of Criminal  
9 Procedure, by changing and establishing release conditions for certain defendants, providing  
10 for recommendations by pretrial services officers of release conditions based on a pretrial risk  
11 assessment score, providing that a court shall order the release of a person under certain  
12 circumstances upon execution of an appearance or performance bond, and providing new  
13 procedures for use of appearance, surety, and performance bonds.

14           (c) AS 12.55.055(g), enacted by sec. 56 of this Act, has the effect of changing Rule  
15 32, Alaska Rules of Criminal Procedure, by directing the court to include a provision in the  
16 judgment that community work hours that are not completed shall be converted to a fine as  
17 provided in AS 12.55.055(h), added by sec. 56 of this Act.

18           (d) AS 12.55.078, enacted by sec. 57 of this Act, has the effect of changing Rule 43,  
19 Alaska Rules of Criminal Procedure, by creating an alternate procedure for when the court  
20 may dismiss charges.

21           (e) AS 12.55.135(s), enacted by sec. 71 of this Act, has the effect of changing Rule  
22 32.1, Alaska Rules of Criminal Procedure, by changing the procedure for notice of  
23 aggravating factors.

24           (f) AS 33.07, enacted by sec. 91 of this Act, has the effect of changing Rule 41,  
25 Alaska Rules of Criminal Procedure, by establishing pretrial services officers and procedures  
26 and duties for pretrial services officers as officers of the superior and district courts, for the  
27 purposes of performing risk assessments and making pretrial recommendations to the court  
28 regarding a person's pretrial release and bail conditions.

29     \* **Sec. 141.** The uncodified law of the State of Alaska is amended by adding a new section  
30 to read:

31           APPLICABILITY. (a) The following sections apply to offenses committed on or after

1 the effective date of those sections:

- 2 (1) AS 11.46.130(a), as amended by sec. 3 of this Act;
- 3 (2) AS 11.46.140(a), as amended by sec. 4 of this Act;
- 4 (3) AS 11.46.220(c), as amended by sec. 5 of this Act;
- 5 (4) AS 11.46.260(b), as amended by sec. 6 of this Act;
- 6 (5) AS 11.46.270(b), as amended by sec. 7 of this Act;
- 7 (6) AS 11.46.280(d), as amended by sec. 8 of this Act;
- 8 (7) AS 11.46.285(b), as amended by sec. 9 of this Act;
- 9 (8) AS 11.46.482(a), as amended by sec. 11 of this Act;
- 10 (9) AS 11.46.484(a), as amended by sec. 12 of this Act;
- 11 (10) AS 11.46.530(b), as amended by sec. 13 of this Act;
- 12 (11) AS 11.46.620(d), as amended by sec. 14 of this Act;
- 13 (12) AS 11.46.730(c), as amended by sec. 15 of this Act;
- 14 (13) AS 11.61.110(c), as amended by sec. 20 of this Act;
- 15 (14) AS 11.61.145(d), as amended by sec. 21 of this Act;
- 16 (15) AS 11.66.200(c), as amended by sec. 24 of this Act;
- 17 (16) AS 11.71.030(a), as amended by sec. 25 of this Act;
- 18 (17) AS 11.71.040(a), as amended by sec. 28 of this Act;
- 19 (18) AS 11.71.050(a), as amended by sec. 30 of this Act;
- 20 (19) AS 11.71.311(a), as amended by sec. 32 of this Act;
- 21 (20) AS 28.15.291(a), as repealed and reenacted by sec. 77 of this Act;
- 22 (21) AS 28.15.291(b), as repealed and reenacted by sec. 78 of this Act;
- 23 (22) AS 29.10.200(21), as amended by sec. 84 of this Act;
- 24 (23) AS 29.25.070(a), as amended by sec. 85 of this Act;
- 25 (24) AS 29.25.070(g), enacted by sec. 86 of this Act; and
- 26 (25) AS 47.27.015(i), enacted by sec. 135 of this Act.

27 (b) The following sections apply to offenses committed before, on, or after the  
28 effective date of those sections:

- 29 (1) AS 11.46.460, as amended by sec. 10 of this Act;
- 30 (2) AS 11.56.757(b), as amended by sec. 18 of this Act; and
- 31 (3) AS 11.61.150(c), as amended by sec. 23 of this Act.

1 (c) The following sections apply to offenses committed before, on, or after the  
2 effective date of those sections for contacts with peace officers occurring on or after the  
3 effective date of those sections:

4 (1) AS 12.25.180, as amended by sec. 33 of this Act; and

5 (2) AS 12.25.190(b), as amended by sec. 35 of this Act.

6 (d) The following sections apply to sentences imposed on or after the effective date of  
7 those sections for conduct occurring before, on, or after the effective date of those sections:

8 (1) AS 12.55.015(a), as amended by sec. 48 of this Act;

9 (2) AS 12.55.025(a), as amended by sec. 49 of this Act;

10 (3) AS 12.55.025(c), as amended by sec. 50 of this Act;

11 (4) AS 12.55.027(d), as amended by sec. 51 of this Act;

12 (5) AS 12.55.115, as amended by sec. 65 of this Act;

13 (6) AS 12.55.125(c), as amended by sec. 66 of this Act;

14 (7) AS 12.55.125(d), as amended by sec. 67 of this Act;

15 (8) AS 12.55.125(e), as amended by sec. 68 of this Act;

16 (9) AS 12.55.135(a), as amended by sec. 69 of this Act;

17 (10) AS 12.55.135(b), as amended by sec. 70 of this Act;

18 (11) AS 12.55.135(l) - (s), enacted by sec. 71 of this Act;

19 (12) AS 28.35.030(k), as amended by sec. 80 of this Act;

20 (13) AS 28.35.032(o), as amended by sec. 83 of this Act;

21 (14) AS 33.16.010(c), as amended by sec. 92 of this Act;

22 (15) AS 33.16.010(d), as amended by sec. 93 of this Act;

23 (16) AS 33.16.010(f), enacted by sec. 94 of this Act;

24 (17) AS 33.16.060(a), as amended by sec. 95 of this Act;

25 (18) AS 33.16.089, enacted by sec. 96 of this Act;

26 (19) AS 33.16.090(a), as amended by sec. 97 of this Act;

27 (20) AS 33.16.100(a), as amended by sec. 99 of this Act;

28 (21) AS 33.16.100(f), enacted by sec. 101 of this Act;

29 (22) AS 33.20.010(c), as amended by sec. 126 of this Act; and

30 (23) AS 33.20.010(d), enacted by sec. 127 of this Act.

31 (e) AS 12.30.055(b), enacted by sec. 47 of this Act, applies to persons in custody for a

1 probation violation on or after the effective date of sec. 47 of this Act for a probation violation  
2 that occurred before, on, or after the effective date of sec. 47 of this Act.

3 (f) The following sections apply to community work service imposed on or after the  
4 effective date of those sections for offenses committed on or after the effective date of those  
5 sections:

6 (1) AS 12.55.055(a), as amended by sec. 54 of this Act;

7 (2) AS 12.55.055(c), as amended by sec. 55 of this Act; and

8 (3) AS 12.55.055(g) and (h), enacted by sec. 56 of this Act.

9 (g) AS 12.55.078, enacted by sec. 57 of this Act, applies to prosecutions occurring on  
10 or after the effective date of sec. 57 of this Act for offenses committed before, on, or after the  
11 effective date of sec. 57 of this Act.

12 (h) The following sections apply to probation ordered on or after the effective date of  
13 those sections for offenses committed before, on, or after the effective date of those sections:

14 (1) AS 12.55.051(a), as amended by sec. 52 of this Act;

15 (2) AS 12.55.090(b), as amended by sec. 58 of this Act;

16 (3) AS 12.55.090(c), as amended by sec. 59 of this Act;

17 (4) AS 12.55.090(f), as amended by sec. 60 of this Act;

18 (5) AS 12.55.090(g) - (l), enacted by sec. 61 of this Act;

19 (6) AS 12.55.100(a), as amended by sec. 62 of this Act;

20 (7) AS 12.55.110(c) - (g), enacted by sec. 64 of this Act;

21 (8) AS 33.05.025, enacted by sec. 88 of this Act; and

22 (9) AS 33.05.040, as amended by sec. 89 of this Act.

23 (i) The following sections apply to a revocation of a driver's license, privilege to  
24 drive, or privilege to obtain a license occurring on or after the effective date of those sections  
25 for conduct occurring before, on, or after the effective date of those sections:

26 (1) AS 28.15.165(e), enacted by sec. 74 of this Act;

27 (2) AS 28.15.181(f), as amended by sec. 75 of this Act;

28 (3) AS 28.15.201(g) and (h), enacted by sec. 76 of this Act; and

29 (4) AS 28.35.030(o), as amended by sec. 82 of this Act.

30 (j) The following sections apply to parole granted on or after the effective date of  
31 those sections for conduct occurring before, on, or after the effective date of those sections:

- 1 (1) AS 33.16.100(b), as amended by sec. 100 of this Act;
  - 2 (2) AS 33.16.130, as repealed and reenacted by sec. 107 of this Act;
  - 3 (3) AS 33.16.140, as amended by sec. 108 of this Act;
  - 4 (4) AS 33.16.150(a), as amended by sec. 109 of this Act;
  - 5 (5) AS 33.16.150(b), as amended by sec. 110 of this Act;
  - 6 (6) AS 33.16.150(e), as amended by sec. 111 of this Act;
  - 7 (7) AS 33.16.150(f), as amended by sec. 112 of this Act;
  - 8 (8) AS 33.16.150(g), as amended by sec. 113 of this Act;
  - 9 (9) AS 33.16.180, as amended by sec. 114 of this Act;
  - 10 (10) AS 33.16.200, as amended by sec. 115 of this Act;
  - 11 (11) AS 33.16.210, as amended by sec. 116 of this Act;
  - 12 (12) AS 33.16.210(c) and (d), enacted by sec. 117 of this Act;
  - 13 (13) AS 33.16.215, enacted by sec. 118 of this Act;
  - 14 (14) AS 33.16.220(b), as amended by sec. 119 of this Act;
  - 15 (15) AS 33.16.220(f), as amended by sec. 120 of this Act;
  - 16 (16) AS 33.16.220(i), as amended by sec. 121 of this Act;
  - 17 (17) AS 33.16.220(j), enacted by sec. 122 of this Act;
  - 18 (18) AS 33.16.240(e), as amended by sec. 123 of this Act; and
  - 19 (19) AS 33.16.240(h) and (i), enacted by sec. 124 of this Act.
- 20 (k) AS 11.56.730(d), enacted by sec. 16 of this Act, and secs. 136 - 138 of this Act  
21 apply to offenses committed on or after the effective date of secs. 16 and 136 - 138 of this  
22 Act.
- 23 (l) The following sections apply to an offense committed on or after the effective date  
24 of those sections:
- 25 (1) AS 12.55.006(c), as amended by sec. 36 of this Act;
  - 26 (2) AS 12.30.006(d), as amended by sec. 37 of this Act;
  - 27 (3) AS 12.30.006(f), as amended by sec. 38 of this Act;
  - 28 (4) AS 12.30.006(h), enacted by sec. 39 of this Act;
  - 29 (5) AS 12.30.011, as amended by sec. 40 of this Act;
  - 30 (6) AS 12.30.011(e) - (i), enacted by sec. 41 of this Act;
  - 31 (7) AS 12.30.016(b), as amended by sec. 42 of this Act;

- 1 (8) AS 12.30.016(c), as amended by sec. 43 of this Act;  
2 (9) AS 12.30.021(a), as amended by sec. 45 of this Act;  
3 (10) AS 12.30.021(c), as amended by sec. 46 of this Act;  
4 (11) AS 12.55.051(k), enacted by sec. 53 of this Act;  
5 (12) AS 33.07, enacted by sec. 91 of this Act; and  
6 (13) AS 43.23.065(b), as amended by sec. 133 of this Act.

7 \* **Sec. 142.** The uncodified law of the State of Alaska is amended by adding a new section  
8 to read:

9 SEVERABILITY. Under AS 01.10.030, if AS 47.05.035, enacted by sec. 134 of this  
10 Act, or the application of it to any person or circumstances, is held invalid by a court of  
11 competent jurisdiction, the remainder of this Act and the application to other persons or  
12 circumstances are not affected.

13 \* **Sec. 143.** The uncodified law of the State of Alaska is amended by adding a new section  
14 to read:

15 CONDITIONAL EFFECT. (a) AS 11.56.730(d), enacted by sec. 16 of this Act, takes  
16 effect only if sec. 136 of this Act receives the two-thirds majority vote of each house required  
17 by art. IV, sec. 15, Constitution of the State of Alaska.

18 (b) AS 12.30.006(h), added by sec. 39 of this Act, takes effect only if sec. 140(a) of  
19 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
20 Constitution of the State of Alaska.

21 (c) AS 12.30.011, as amended by sec. 40 of this Act, takes effect only if sec. 140(b)  
22 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
23 Constitution of the State of Alaska.

24 (d) AS 12.30.011(e) - (i), added by sec. 41 of this Act, take effect only if sec. 140(b)  
25 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
26 Constitution of the State of Alaska.

27 (e) AS 12.55.055(g), enacted by sec. 56 of this Act, takes effect only if sec. 140(c) of  
28 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
29 Constitution of the State of Alaska.

30 (f) AS 12.55.078, enacted by sec. 57 of this Act, takes effect only if sec. 140(d) of this  
31 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,

1 Constitution of the State of Alaska.

2 (g) AS 12.55.135(s), enacted by sec. 71 of this Act, takes effect only if sec. 140(e) of  
3 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
4 Constitution of the State of Alaska.

5 (h) AS 33.07, added by sec. 91 of this Act, takes effect only if sec. 140(f) of this Act  
6 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution  
7 of the State of Alaska.

8 \* **Sec. 144.** Sections 36 - 46, 53, 91, and 133 of this Act take effect July 1, 2017.

9 \* **Sec. 145.** If AS 11.56.730(d), enacted by sec. 16 of this Act, and sec. 136 of this Act take  
10 effect, they take effect January 1, 2018.

11 \* **Sec. 146.** Sections 137 and 138 of this Act take effect January 1, 2018.