

29-LS0102\N

Martin

4/8/15

**CS FOR HOUSE BILL NO. 15( )****IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-NINTH LEGISLATURE - FIRST SESSION****BY****Offered:****Referred:****Sponsor(s): REPRESENTATIVES WILSON, Gattis****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to credits toward a sentence of imprisonment for certain persons under**  
2 **electronic monitoring."**

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

4 **\* Section 1.** AS 12.55.027(a) is amended to read:

5 (a) A court may grant a defendant credit toward a sentence of imprisonment  
6 for time spent in a treatment program or under electronic monitoring only as  
7 provided in this section.

8 **\* Sec. 2.** AS 12.55.027(d) is amended to read:

9 (d) A court may [NOT] grant credit against a sentence of imprisonment for  
10 time spent [IN A PRIVATE RESIDENCE OR] under electronic monitoring if the  
11 person has not committed a criminal offense while under electronic monitoring  
12 and the court imposes restrictions on the person's freedom of movement and  
13 behavior while under the electronic monitoring program, including requiring the  
14 person to be confined to a residence except for a

1                   (1) court appearance;

2                   (2) meeting with counsel; or

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

7       \* Sec. 3. AS 12.55.027(e) is amended to read:

8                   (e) If a defendant intends to claim credit toward a sentence of imprisonment  
9                   for time spent in a treatment program or under electronic monitoring either as a  
10                  condition of probation or as a condition of bail release after a petition to revoke  
11                  probation has been filed, the defendant shall file notice with the court and the  
12                  prosecutor 10 days before the disposition hearing. The notice shall include the amount  
13                  of time the defendant is claiming. The defendant must prove by a preponderance of the  
14                  evidence that the credit claimed meets the requirements of this section. A court may  
15                  not consider, except for good cause, a request for credit made under this subsection  
16                  more than 90 days after the disposition hearing.

17       \* Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to  
18       read:

19                  APPLICABILITY. AS 12.55.027(a), as amended by sec. 1 of this Act,  
20       AS 12.55.027(d), as amended by sec. 2 of this Act, and AS 12.55.027(e), as amended by sec.  
21       3 of this Act, apply to an offense committed before, on, or after the effective date of this Act.