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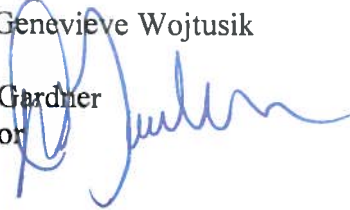
MEMORANDUM

April 16, 2015

SUBJECT: SCS CSHB 15(JUD) (Work Order No. 29-LS0102\X)

TO: Senator Lesil McGuire
Attn: Genevieve Wojtusik

FROM: Doug Gardner
Director



This memorandum is a response to Ms. Wojtusik's e-mail of April 16, 2015. The question presented is whether a person on electronic monitoring, as described in the amendments proposed in section 2 of the bill to AS 12.55.027(d), would be eligible for day-for-day jail credit, if while the person is under electronic monitoring, the person commits a criminal offense.

As the bill is drafted, the answer is no.

For example, if a person is under electronic monitoring for 45 days, and on day 45 the person commits the criminal offense of assault, as the statute is written, the court cannot give the person credit for 44 days of successful performance under electronic monitoring, since the person "committed a criminal offense while under electronic monitoring." My advice is that there is nothing ambiguous about this phrase, and that further language in the bill to address this issue is not necessary.

Please advise if you want me to draft an amendment or a new committee substitute for the bill in light of this memorandum.

DDG:lnd
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