

AMENDMENT

#29

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE KREISS-TOMKINS

1 Page 1, line 4, following "program;":

2 Insert "relating to peremptory challenges; amending Rule 24(d), Alaska Rules of
3 Criminal Procedure;"

4

5 Page 15, following line 6:

6 Insert a new bill section to read:

7 **** Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 DIRECT COURT RULE AMENDMENT. Rule 24(d), Alaska Rules of
10 Criminal Procedure, is amended to read:

11 (d) **Peremptory Challenges.** A party who waives peremptory challenge as to
12 the jurors in the box does not thereby lose the challenge but may exercise it as to new
13 jurors who may be called. A juror peremptorily challenged is excused without cause.
14 If the offense is punishable by imprisonment for more than one year, each side is
15 entitled to six [10] peremptory challenges. If the offense charged is punishable by
16 imprisonment for not more than one year, or by a fine or both, each side is entitled to 3
17 peremptory challenges. If there is more than one defendant, the court may allow the
18 defendants additional peremptory challenges and permit them to be exercised
19 separately or jointly."

20

21 Renumber the following bill sections accordingly.

22

23 Page 15, following line 29:

1 Insert a new bill section to read:

2 **"* Sec. 25.** Section 22 of this Act takes effect only if sec. 22 of this Act receives the two-
3 thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
4 Alaska."

5

6 Renumber the following bill sections accordingly.

7

8 Page 15, line 31:

9 Delete "sec. 24"

10 Insert "sec. 26"

AMENDMENT

#30

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 2, following line 29:

2 Insert a new bill section to read:

3 **** Sec. 6.** AS 12.55.027(g) is amended to read:

4 (g) A court granting credit against a sentence of imprisonment under (d) of
5 this section may grant credit of not more than 120 [360] days against a total term of
6 imprisonment imposed for

7 (1) a felony crime against a person under AS 11.41;

8 (2) a crime involving domestic violence as defined in AS 18.66.990;

9 (3) a sex offense as defined in AS 12.63.100;

10 (4) an offense under AS 11.71 involving the delivery of a controlled
11 substance to a person under 19 years of age;

12 (5) burglary in the first degree under AS 11.46.300; or

13 (6) arson in the first degree under AS 11.46.400."
14

15 Renumber the following bill sections accordingly.
16

17 Page 15, line 18:

18 Delete "sec. 15"

19 Insert "sec. 16"
20

21 Page 15, following line 20:

22 Insert a new paragraph to read:

23 "(1) AS 12.55.027(g), as amended by sec. 6 of this Act;"

1

2 Renumber the following paragraphs accordingly.

3

4 Page 15, line 21:

5 Delete "sec. 6"

6 Insert "sec. 7"

7

8 Page 15, line 22:

9 Delete "sec. 7"

10 Insert "sec. 8"

11

12 Page 15, line 23:

13 Delete "sec. 8"

14 Insert "sec. 9"

15

16 Page 15, line 24:

17 Delete "sec. 9"

18 Insert "sec. 10"

19

20 Page 15, line 25:

21 Delete "sec. 10"

22 Insert "sec. 11"

23

24 Page 15, line 26:

25 Delete "sec. 11"

26 Insert "sec. 12"

27

28 Page 15, line 27:

29 Delete "sec. 12"

30 Insert "sec. 13"

31

- 1 Page 15, line 28:
- 2 Delete "sec. 18"
- 3 Insert "sec. 19"
- 4
- 5 Page 15, line 29:
- 6 Delete "sec. 18"
- 7 Insert "sec. 19"
- 8
- 9 Page 15, line 30:
- 10 Delete "Section 17"
- 11 Insert "Section 18"
- 12
- 13 Page 15, line 31:
- 14 Delete "sec. 24"
- 15 Insert "sec. 25"

AMENDMENT #31

OFFERED IN THE HOUSE

TO: CSSB 54(FIN)

1 Page 2, following line 29:

2 Insert a new bill section to read:

3 **** Sec. 6.** AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is
4 amended by adding a new subsection to read:

5 (l) If the supreme court establishes a schedule of bail amounts or conditions of
6 release for misdemeanor offenses, the schedule must include a condition providing
7 that a correctional facility shall, at the time of release, conduct a chemical test of the
8 breath of a person who has been arrested and who is intoxicated and may detain the
9 person until the test result indicates that the person's breath has less than 0.08 grams of
10 alcohol for each 210 liters of breath."

11

12 Renumber the following bill sections accordingly.

13

14 Page 15, line 17:

15 Delete "and"

16

17 Page 15, following line 17:

18 Insert a new paragraph to read:

19 "(6) AS 12.30.011(l), enacted by sec. 6 of this Act; and"

20

21 Renumber the following paragraph accordingly.

22

23 Page 15, line 18:

- 1 Delete "sec. 15"
- 2 Insert "sec. 16"
- 3
- 4 Page 15, line 21:
- 5 Delete "sec. 6"
- 6 Insert "sec. 7"
- 7
- 8 Page 15, line 22:
- 9 Delete "sec. 7"
- 10 Insert "sec. 8"
- 11
- 12 Page 15, line 23:
- 13 Delete "sec. 8"
- 14 Insert "sec. 9"
- 15
- 16 Page 15, line 24:
- 17 Delete "sec. 9"
- 18 Insert "sec. 10"
- 19
- 20 Page 15, line 25:
- 21 Delete "sec. 10"
- 22 Insert "sec. 11"
- 23
- 24 Page 15, line 26:
- 25 Delete "sec. 11"
- 26 Insert "sec. 12"
- 27
- 28 Page 15, line 27:
- 29 Delete "sec. 12"
- 30 Insert "sec. 13"
- 31

- 1 Page 15, line 28:
- 2 Delete "sec. 18"
- 3 Insert "sec. 19"
- 4
- 5 Page 15, line 29:
- 6 Delete "sec. 18"
- 7 Insert "sec. 19"
- 8
- 9 Page 15, line 30:
- 10 Delete "Section 17 of this Act takes"
- 11 Insert "Sections 6 and 18 of this Act take"
- 12
- 13 Page 15, line 31:
- 14 Delete "sec. 24"
- 15 Insert "sec. 25"

AMENDMENT

#32

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

- 1 Page 5, line 9, following "AS 11.46.530(b)(3)":
- 2 Insert "shall impose a sentence including restitution as required under
- 3 AS 12.55.045 and"

30-LS0461\N.16
Bruce/Martin
10/19/17

AMENDMENT

33

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

- 1 Page 1, line 14:
- 2 Delete "class B"
- 3 Insert "class A"

AMENDMENT

#34

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

- 1 Page 2, following line 29:
2 Insert a new bill section to read:
3 ** Sec. 6. AS 12.55.090(c) is amended to read:
4 (c) The period of probation, together with any extension, may not exceed
5 (1) 15 years for a felony sex offense;
6 (2) 10 years for an unclassified felony under AS 11 not listed in (1) of
7 this subsection;
8 (3) five years for a felony offense not listed in (1) or (2) of this
9 subsection; or
10 (4) three years for a misdemeanor offense
11 [(A) UNDER AS 11.41;
12 (B) THAT IS A CRIME INVOLVING DOMESTIC
13 VIOLENCE; OR
14 (C) THAT IS A SEX OFFENSE, AS THAT TERM IS
15 DEFINED IN AS 12.63.100;
16 (5) TWO YEARS FOR A MISDEMEANOR OFFENSE UNDER
17 AS 28.35.030 OR 28.35.032, IF THE PERSON HAS PREVIOUSLY BEEN
18 CONVICTED OF AN OFFENSE UNDER AS 28.35.030 OR 28.35.032, OR A
19 SIMILAR LAW OR ORDINANCE OF THIS OR ANOTHER JURISDICTION; OR
20 (6) ONE YEAR FOR AN OFFENSE NOT LISTED IN (1) - (5) OF
21 THIS SUBSECTION]."
22
23 Renumber the following bill sections accordingly.

- 1
- 2 Page 15, line 18:
- 3 Delete "sec. 15"
- 4 Insert "sec. 16"
- 5
- 6 Page 15, following line 18:
- 7 Insert a new subsection to read:
- 8 "(b) AS 12.55.090(c), as amended by sec. 6 of this Act, applies to probation ordered
- 9 on or after the effective date of sec. 6 of this Act for offenses committed on or after the
- 10 effective date of sec. 6 of this Act."
- 11
- 12 Reletter the following subsections accordingly.
- 13
- 14 Page 15, line 21:
- 15 Delete "sec. 6"
- 16 Insert "sec. 7"
- 17
- 18 Page 15, line 22:
- 19 Delete "sec. 7"
- 20 Insert "sec. 8"
- 21
- 22 Page 15, line 23:
- 23 Delete "sec. 8"
- 24 Insert "sec. 9"
- 25
- 26 Page 15, line 24:
- 27 Delete "sec. 9"
- 28 Insert "sec. 10"
- 29
- 30 Page 15, line 25:
- 31 Delete "sec. 10"

- 1 Insert "sec. 11"
- 2
- 3 Page 15, line 26:
- 4 Delete "sec. 11"
- 5 Insert "sec. 12"
- 6
- 7 Page 15, line 27:
- 8 Delete "sec. 12"
- 9 Insert "sec. 13"
- 10
- 11 Page 15, line 28:
- 12 Delete "sec. 18"
- 13 Insert "sec. 19"
- 14
- 15 Page 15, line 29:
- 16 Delete "sec. 18"
- 17 Insert "sec. 19"
- 18
- 19 Page 15, line 30:
- 20 Delete "Section 17"
- 21 Insert "Section 18"
- 22
- 23 Page 15, line 31:
- 24 Delete "sec. 24"
- 25 Insert "sec. 25"

AMENDMENT

#35

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 1, line 14, through page 2, line 1:

2 Delete all material and insert:

3 "(b) Violation of condition of release is a

4 (1) class A misdemeanor if the person is released from a charge or
5 conviction of a felony;

6 (2) class B misdemeanor if the person is released from a charge or
7 conviction of a misdemeanor [VIOLATION PUNISHABLE BY A FINE OF UP TO
8 \$1,000]."

AMENDMENT

#36

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 1, line 3, following "license;":

2 Insert "relating to restoration of a driver's license;"

3

4 Page 10, following line 27:

5 Insert new bill sections to read:

6 ** Sec. 16. AS 28.35.030(k) is amended to read:

7 (k) Imprisonment required under (b)(1)(A) of this section shall be served at a
8 community residential center or by electronic monitoring at a private residence
9 [UNDER AS 33.30.065]. If electronic monitoring is not available, imprisonment
10 required under (b)(1)(A) of this section may [SHALL] be served at another
11 appropriate place determined by the commissioner of corrections [A PRIVATE
12 RESIDENCE BY OTHER MEANS DETERMINED BY THE COMMISSIONER OF
13 CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF
14 IMPRISONMENT REQUIRED UNDER (b)(1)(A) OF THIS SECTION BY
15 ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE
16 SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE
17 OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC
18 MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE].
19 Imprisonment required under (b)(1)(B) - (F) of this section may be served at a
20 community residential center or at a private residence if approved by the
21 commissioner of corrections. Imprisonment served at a private residence must include
22 electronic monitoring [UNDER AS 33.30.065 OR, IF ELECTRONIC MONITORING
23 IS NOT AVAILABLE, BY OTHER MEANS AS DETERMINED BY THE

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

21 * Sec. 17. AS 28.35.030(l) is amended to read:

22 (l) The commissioner of corrections shall determine and prescribe by
 23 regulation a uniform average cost of imprisonment for the purpose of determining the
 24 cost of imprisonment required to be paid under (k) of this section by a convicted
 25 person. [THE REGULATIONS MUST INCLUDE THE COSTS ASSOCIATED
 26 WITH ELECTRONIC MONITORING UNDER AS 33.30.065.]

27 * Sec. 18. AS 28.35.030(o) is amended to read:

28 (o) Upon request, the department shall review a driver's license revocation
 29 imposed under (n)(3) of this section and

30 [(1)] may restore the driver's license if

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

1 (2) [(B)] the person has not been convicted of a [DRIVING-
2 RELATED] criminal offense since the license was revoked; and

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

4 (2) SHALL RESTORE THE DRIVER'S LICENSE IF

5 (A) THE PERSON HAS BEEN GRANTED LIMITED
6 LICENSE PRIVILEGES UNDER AS 28.15.201(g) AND HAS
7 SUCCESSFULLY DRIVEN UNDER THAT LIMITED LICENSE FOR
8 THREE YEARS WITHOUT HAVING THE LIMITED LICENSE
9 PRIVILEGES REVOKED;

10 (B) THE PERSON HAS SUCCESSFULLY COMPLETED A
11 COURT-ORDERED TREATMENT PROGRAM UNDER AS 28.35.028 OR
12 A REHABILITATIVE TREATMENT PROGRAM UNDER AS 28.15.201(h);

13 (C) THE PERSON HAS NOT BEEN CONVICTED OF A
14 VIOLATION OF AS 28.35.030 OR 28.35.032 OR A SIMILAR LAW OR
15 ORDINANCE OF THIS OR ANOTHER JURISDICTION SINCE THE
16 LICENSE WAS REVOKED;

17 (D) THE PERSON IS OTHERWISE ELIGIBLE TO HAVE
18 THE PERSON'S DRIVING PRIVILEGES RESTORED AS PROVIDED IN
19 AS 28.15.211; IN AN APPLICATION UNDER THIS SUBSECTION, A
20 PERSON WHOSE LICENSE WAS REVOKED FOR A VIOLATION OF
21 AS 28.35.030(n) OR 28.35.032(p) IS NOT REQUIRED TO SUBMIT
22 COMPLIANCE AS REQUIRED UNDER AS 28.35.030(h) OR 28.35.032(l);
23 AND

24 (E) THE PERSON PROVIDES PROOF OF FINANCIAL
25 RESPONSIBILITY].

26 * Sec. 19. AS 28.35.032(o) is amended to read:

27 (o) Imprisonment required under (g)(1)(A) of this section shall be served at a
28 community residential center, or if a community residential center [PRIVATE
29 RESIDENCE BY ELECTRONIC MONITORING UNDER AS 33.30.065. IF
30 ELECTRONIC MONITORING] is not available, at another appropriate place as
31 determined by the commissioner of corrections [IMPRISONMENT UNDER

1 (g)(1)(A) OF THIS SECTION SHALL BE SERVED AT A PRIVATE RESIDENCE
2 BY OTHER MEANS AS DETERMINED BY THE COMMISSIONER OF
3 CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF
4 IMPRISONMENT REQUIRED UNDER (g)(1)(A) OF THIS SECTION BY
5 ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE
6 SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE
7 OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC
8 MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE.]
9 Imprisonment required under (g)(1)(B) - (F) of this section may be served at a
10 community residential center or at a private residence if approved by the
11 commissioner of corrections. Imprisonment served at a private residence must include
12 electronic monitoring [UNDER AS 33.30.065 OR, IF ELECTRONIC MONITORING
13 IS NOT AVAILABLE, SHALL BE SERVED BY OTHER MEANS AS
14 DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. The cost of
15 imprisonment resulting from the sentence imposed under (g)(1) of this section shall be
16 paid to the state by the person being sentenced **provided, however, that the** [. THE]
17 cost of imprisonment required to be paid under this subsection may not exceed \$2,000.
18 Upon the person's conviction, the court shall include the costs of imprisonment as a
19 part of the judgment of conviction. Except for reimbursement from a permanent fund
20 dividend as provided in this subsection, payment of the cost of imprisonment is not
21 required if the court determines the person is indigent. For costs of imprisonment that
22 are not paid by the person as required by this subsection, the state shall seek
23 reimbursement from the person's permanent fund dividend as provided under
24 AS 43.23.065. **While at the community residential center or another appropriate**
25 **place, a person sentenced under (g)(1)(A) of this section shall perform at least 24**
26 **hours of community service work.** A person sentenced under (g)(1)(B) of this
27 section shall perform at least 160 hours of community service work, as required by the
28 director of the community residential center or other appropriate place, or as required
29 by the commissioner of corrections if the sentence is being served at a private
30 residence. In this subsection, "appropriate place" means a facility with 24-hour on-site
31 staff supervision that is specifically adapted to provide a residence, and includes a

1 correctional center, residential treatment facility, hospital, halfway house, group home,
2 work farm, work camp, or other place that provides varying levels of restriction."

3
4 Renumber the following bill sections accordingly.

5
6 Page 11, following line 27:

7 Insert a new bill section to read:

8 **"* Sec. 24. AS 33.30.065(a) is amended to read:**

9 (a) If the commissioner designates a prisoner to serve the prisoner's term of
10 imprisonment or period of temporary commitment, or a part of the term or period, by
11 electronic monitoring, the commissioner shall direct the prisoner to serve the term or
12 period at the prisoner's residence or other place selected by the commissioner. The
13 electronic monitoring shall be administered by the department [OR BY A PRIVATE
14 CONTRACTOR APPROVED BY THE DEPARTMENT UNDER
15 AS 33.30.011(10)(B)] and shall be designed so that any attempt to remove, tamper
16 with, or disable the monitoring equipment or to leave the place selected for the service
17 of the term or period will result in a report or notice to the department."

18
19 Renumber the following bill sections accordingly.

20
21 Page 15, line 26:

22 Delete "and"

23
24 Page 15, line 27, following "Act":

25 Insert ";

26 (8) AS 28.35.030(k), as amended by sec. 16 of this Act; and

27 (9) AS 28.35.032(o), as amended by sec. 19 of this Act"

28
29 Page 15, following line 27:

30 Insert a new subsection to read:

31 "(c) AS 28.35.030(o), as amended by sec. 18 of this Act, applies to revocation of a

1 driver's license, privilege to drive, privilege to obtain a driver's license, or an identification
2 card or driver's license occurring on or after the effective date of sec. 18 of this Act."

3

4 Reletter the following subsection accordingly.

5

6 Page 15, line 28:

7 Delete "sec. 18"

8 Insert "sec. 22"

9

10 Page 15, line 29:

11 Delete "sec. 18"

12 Insert "sec. 22"

13

14 Page 15, line 30:

15 Delete "Section 17"

16 Insert "Section 21"

17

18 Page 15, line 31:

19 Delete "sec. 24"

20 Insert "sec. 29"

AMENDMENT

#37

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 14, lines 23 - 28:

2 Delete all material and insert:

3 "(21) develop and implement, or designate, in cooperation with other
4 state or local agencies, an alcohol safety action program that provides alcohol and
5 substance abuse screening, referral, and monitoring services to persons who have
6 been referred by a court in connection with a charge or conviction of a
7 misdemeanor involving the use of a motor vehicle, aircraft, or watercraft and
8 alcohol or a controlled substance, referred by a court under [AS 04.16.049,
9 04.16.050,] AS 28.35.028 [, 28.35.030, OR 28.35.032,] or referred by an agency of the
10 state with the responsibility for administering motor vehicle laws in connection with a
11 driver's license action involving the use of alcohol or a controlled substance;"

12
13 Page 15, line 7:

14 Delete "and"

15

16 Page 15, line 8, following "12.55.125(e)(4)(D)":

17 Insert "; and AS 47.37.130(h)(3)"

AMENDMENT # 38

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 10, following line 27:

2 Insert new bill sections to read:

3 **** Sec. 16. AS 28.15.291(a) is repealed and reenacted to read:**

4 (a) A person is guilty of a class A misdemeanor if the person

5 (1) drives a motor vehicle on a highway or vehicular way or area at a
6 time when that person's driver's license, privilege to drive, or privilege to obtain a
7 license has been canceled, suspended, or revoked in this or another jurisdiction; or

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

10 *** Sec. 17. AS 28.15.291(b) is repealed and reenacted to read:**

11 (b) Upon conviction under (a) of this section, the court

12 (1) shall impose a minimum sentence of imprisonment

13 (A) if the person has not been previously convicted, of not less
14 than 10 days with 10 days suspended, including a mandatory condition of
15 probation that the defendant complete not less than 80 hours of community
16 work service;

17 (B) if the person has been previously convicted, of not less than
18 10 days;

19 (C) if the person's driver's license, privilege to drive, or
20 privilege to obtain a license was revoked under circumstances described in
21 AS 28.15.181(c)(1), if the person was driving in violation of a limited license
22 issued under AS 28.15.201(d) following that revocation, or if the person was
23 driving in violation of an ignition interlock device requirement following that

1 revocation, of not less than 20 days with 10 days suspended, and a fine of not
2 less than \$500, including a mandatory condition of probation that the
3 defendant complete not less than 80 hours of community work service;

4 (D) if the person's driver's license, privilege to drive, or
5 privilege to obtain a license was revoked under circumstances described in
6 AS 28.15.181(c)(2), (3), or (4), if the person was driving in violation of a
7 limited license issued under AS 28.15.201(d) following that revocation, or if
8 the person was driving in violation of an ignition interlock device requirement
9 following that revocation, of not less than 30 days and a fine of not less than
10 \$1,000;

11 (2) may impose additional conditions of probation;

12 (3) may not

13 (A) suspend execution of sentence or grant probation except on
14 condition that the person serve a minimum term of imprisonment and perform
15 required community work service as provided in (1) of this subsection;

16 (B) suspend imposition of sentence;

17 (4) shall revoke the person's license, privilege to drive, or privilege to
18 obtain a license, and the person may not be issued a new license or a limited license
19 nor may the privilege to drive or obtain a license be restored for an additional period
20 of not less than 90 days after the date that the person would have been entitled to
21 restoration of driving privileges; and

22 (5) may order that the motor vehicle that was used in commission of
23 the offense be forfeited under AS 28.35.036."

24

25 Renumber the following bill sections accordingly.

26

27 Page 15, line 17:

28 Delete "and"

29

30 Page 15, line 18, following "Act":

31 Insert ";

- 1 (7) AS 28.15.291(a), as repealed and reenacted by sec. 16 of this Act; and
- 2 (8) AS 28.15.291(b), as repealed and reenacted by sec. 17 of this Act"

3

4 Page 15, line 28:

5 Delete "sec. 18"

6 Insert "sec. 20"

7

8 Page 15, line 29:

9 Delete "sec. 18"

10 Insert "sec. 20"

11

12 Page 15, line 30:

13 Delete "Section 17"

14 Insert "Section 19"

15

16 Page 15, line 31:

17 Delete "sec. 24"

18 Insert "sec. 26"

AMENDMENT

#39

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 1, following line 5:

2 Insert new bill sections to read:

3 **** Section 1. AS 11.46.130(a) is amended to read:**

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

6 (1) the value of the property or services [, ADJUSTED FOR
7 INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or more but less than
8 \$25,000;

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

10 (3) the property is taken from the person of another;

11 (4) the property is taken from a vessel and is vessel safety or survival
12 equipment;

13 (5) the property is taken from an aircraft and the property is aircraft
14 safety or survival equipment;

15 (6) the value of the property [, ADJUSTED FOR INFLATION AS
16 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$1,000 and, within the
17 preceding five years, the person has been convicted and sentenced on two or more
18 separate occasions in this or another jurisdiction of

19 (A) an offense under AS 11.46.120, or an offense under
20 another law or ordinance with similar elements;

21 (B) a crime set out in this subsection or an offense under
22 another law or ordinance with similar elements;

23 (C) an offense under AS 11.46.140(a)(1), or an offense under

1 another law or ordinance with similar elements; or

2 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an
3 offense under another law or ordinance with similar elements; or

4 (7) the property is an access device.

5 * Sec. 2. AS 11.46.140(a) is amended to read:

6 (a) A person commits the crime of theft in the third degree if the person
7 commits theft as defined in AS 11.46.100 and

8 (1) the value of the property or services [, ADJUSTED FOR
9 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
10 \$1,000; or

11 (2) [REPEALED]

12 (3) [REPEALED]

13 **(4) the value of the property is less than \$250 and, within the past**
14 **five years, the person has been convicted and sentenced on two or more separate**
15 **occasions in this or another jurisdiction of theft or concealment of merchandise,**
16 **or an offense under another law or ordinance with similar elements.**

17 * Sec. 3. AS 11.46.150(a) is amended to read:

18 (a) A person commits the crime of theft in the fourth degree if the person
19 commits theft as defined in AS 11.46.100 and the value of the property or services [,
20 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

21 * Sec. 4. AS 11.46.220(c) is amended to read:

22 (c) Concealment of merchandise is

23 (1) a class C felony if

24 (A) the merchandise is a firearm;

25 (B) the value of the merchandise [, ADJUSTED FOR
26 INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or more; or

27 (C) the value of the merchandise [, ADJUSTED FOR
28 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
29 \$1,000 and, within the preceding five years, the person has been convicted and
30 sentenced on two or more separate occasions in this or another jurisdiction of

31 (i) the offense of concealment of merchandise under

1 this paragraph or (2)(A) of this subsection, or an offense under another
2 law or ordinance with similar elements; or

3 (ii) an offense under AS 11.46.120, 11.46.130, or
4 11.46.140(a)(1), or an offense under another law or ordinance with
5 similar elements;

6 (2) a class A misdemeanor if

7 (A) the value of the merchandise [, ADJUSTED FOR
8 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
9 \$1,000; or

10 (B) [REPEALED]

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

16 (3) a class B misdemeanor if the value of the merchandise [,
17 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

18 * Sec. 5. AS 11.46.260(b) is amended to read:

19 (b) Removal of identification marks is

20 (1) a class C felony if the value of the property on which the serial
21 number or identification mark appeared [, ADJUSTED FOR INFLATION AS
22 PROVIDED IN AS 11.46.982,] is \$1,000 or more;

23 (2) a class A misdemeanor if the value of the property on which the
24 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
25 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$1,000;

26 (3) a class B misdemeanor if the value of the property on which the
27 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
28 PROVIDED IN AS 11.46.982,] is less than \$250.

29 * Sec. 6. AS 11.46.270(b) is amended to read:

30 (b) Unlawful possession is

31 (1) a class C felony if the value of the property on which the serial

1 number or identification mark appeared [, ADJUSTED FOR INFLATION AS
2 PROVIDED IN AS 11.46.982,] is \$1,000 or more;

3 (2) a class A misdemeanor if the value of the property on which the
4 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
5 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$1,000;

6 (3) a class B misdemeanor if the value of the property on which the
7 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
8 PROVIDED IN AS 11.46.982,] is less than \$250.

9 * Sec. 7. AS 11.46.280(d) is amended to read:

10 (d) Issuing a bad check is

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

12 (2) a class C felony if the face amount of the check [, ADJUSTED
13 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or more but less than
14 \$25,000;

15 (3) a class A misdemeanor if the face amount of the check [,
16 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more
17 but less than \$1,000;

18 (4) a class B misdemeanor if the face amount of the check [,
19 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

20 * Sec. 8. AS 11.46.285(b) is amended to read:

21 (b) Fraudulent use of an access device is

22 (1) a class B felony if the value of the property or services obtained is
23 \$25,000 or more;

24 (2) a class C felony if the value of the property or services obtained [,
25 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or more
26 but less than \$25,000;

27 (3) a class A misdemeanor if the value of the property or services
28 obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less
29 than \$1,000.

30 * Sec. 9. AS 11.46.295 is amended to read:

31 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior

1 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or
2 11.46.140(a)(4) or in prosecuting the crime of concealment of merchandise under
3 AS 11.46.220(c),

4 (1) a conviction for an offense under another law or ordinance with
5 similar elements is a conviction of an offense having elements similar to those of an
6 offense defined as such under Alaska law at the time the offense was committed;

7 (2) a conviction for an offense under Alaska law where the value of the
8 property or services for the offense was lower than the value of property or services
9 for the offense under current Alaska law is a prior conviction for that offense; and

10 (3) the court shall consider the date of a prior conviction as occurring
11 on the date that sentence is imposed for the prior offense.

12 * Sec. 10. AS 11.46.360(a) is amended to read:

13 (a) A person commits the crime of vehicle theft in the first degree if, having
14 no right to do so or any reasonable ground to believe the person has such a right, the
15 person drives, tows away, or takes

16 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft
17 of another;

18 (2) the propelled vehicle of another and

19 (A) the vehicle or any other property of another is damaged in a
20 total amount [, ADJUSTED FOR INFLATION AS PROVIDED IN
21 AS 11.46.982,] of \$1,000 or more;

22 (B) the owner incurs reasonable expenses as a result of the loss
23 of use of the vehicle, in a total amount [, ADJUSTED FOR INFLATION AS
24 PROVIDED IN AS 11.46.982,] of \$1,000 or more; or

25 (C) the owner is deprived of the use of the vehicle for seven
26 days or more;

27 (3) the propelled vehicle of another and the vehicle is marked as a
28 police or emergency vehicle; or

29 (4) the propelled vehicle of another and, within the preceding seven
30 years, the person was convicted under

31 (A) this section or AS 11.46.365;

- 1 (B) former AS 11.46.482(a)(4) or (5);
- 2 (C) former AS 11.46.484(a)(2);
- 3 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft
- 4 of a propelled vehicle; or
- 5 (E) a law or ordinance of this or another jurisdiction with
- 6 elements substantially similar to those of an offense described in (A) - (D) of
- 7 this paragraph.

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

9 (a) A person commits the crime of criminal mischief in the third degree if,

10 having no right to do so or any reasonable ground to believe the person has such a

11 right,

12 (1) with intent to damage property of another, the person damages

13 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED

14 IN AS 11.46.982,] of \$1,000 or more;

15 (2) the person recklessly creates a risk of damage in an amount

16 exceeding \$100,000 to property of another by the use of widely dangerous means; or

17 (3) the person knowingly

18 (A) defaces, damages, or desecrates a cemetery or the contents

19 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,

20 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or

21 memorial appears to be abandoned, lost, or neglected;

22 (B) removes human remains or associated burial artifacts from

23 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,

24 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

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

26 (a) A person commits the crime of criminal mischief in the fourth degree if,

27 having no right to do so or any reasonable ground to believe the person has such a

28 right,

29 (1) with intent to damage property of another, the person damages

30 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED

31 IN AS 11.46.982,] of \$250 or more but less than \$1,000;

- 1 (2) the person tampers with a fire protection device in a building that is
- 2 a public place;
- 3 (3) the person knowingly accesses a computer, computer system,
- 4 computer program, computer network, or part of a computer system or network;
- 5 (4) the person uses a device to descramble an electronic signal that has
- 6 been scrambled to prevent unauthorized receipt or viewing of the signal unless the
- 7 device is used only to descramble signals received directly from a satellite or unless
- 8 the person owned the device before September 18, 1984; or
- 9 (5) the person knowingly removes, relocates, defaces, alters, obscures,
- 10 shoots at, destroys, or otherwise tampers with an official traffic control device or
- 11 damages the work on a highway under construction.

12 * Sec. 13. AS 11.46.486(a) is amended to read:

13 (a) A person commits the crime of criminal mischief in the fifth degree if,

14 having no right to do so or any reasonable ground to believe the person has such a

15 right,

16 (1) with reckless disregard for the risk of harm to or loss of the

17 property or with intent to cause substantial inconvenience to another, the person

18 tampers with property of another;

19 (2) with intent to damage property of another, the person damages

20 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED

21 IN AS 11.46.982,] less than \$250; or

22 (3) the person rides in a propelled vehicle knowing it has been stolen

23 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

24 * Sec. 14. AS 11.46.530(b) is amended to read:

25 (b) Criminal simulation is

26 (1) a class C felony if the value of what the object purports to represent

27 [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or

28 more;

29 (2) a class A misdemeanor if the value of what the object purports to

30 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is

31 \$250 or more but less than \$1,000;

1 (3) a class B misdemeanor if the value of what the object purports to
2 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less
3 than \$250.

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

5 (d) Misapplication of property is

6 (1) a class C felony if the value of the property misapplied [,
7 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or
8 more;

9 (2) a class A misdemeanor if the value of the property misapplied [,
10 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than
11 \$1,000.

12 * Sec. 16. AS 11.46.730(c) is amended to read:

13 (c) Defrauding creditors is a class A misdemeanor unless that secured party,
14 judgment creditor, or creditor incurs a pecuniary loss [, ADJUSTED FOR
15 INFLATION AS PROVIDED IN AS 11.46.982,] of \$1,000 or more as a result of the
16 defendant's conduct, in which case defrauding secured creditors is

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

18 (2) a class C felony if the loss [, ADJUSTED FOR INFLATION AS
19 PROVIDED IN AS 11.46.982,] is \$1,000 or more but less than \$25,000."

20
21 Page 1, line 6:

22 Delete "Section 1"

23 Insert "Sec. 17"

24

25 Renumber the following bill sections accordingly.

26

27 Page 15, lines 7 - 8:

28 Delete all material and insert:

29 "** Sec. 38. AS 11.46.980(d), 11.46.982; AS 11.66.130(b), 11.66.135(b);
30 AS 12.55.125(e)(4)(B), 12.55.125(e)(4)(C), and 12.55.125(e)(4)(D) are repealed."

31

1 Page 15, following line 12:

2 Insert new material to read:

- 3 "(1) AS 11.46.130(a), as amended by sec. 1 of this Act;
- 4 (2) AS 11.46.140(a), as amended by sec. 2 of this Act;
- 5 (3) AS 11.46.150(a), as amended by sec. 3 of this Act;
- 6 (4) AS 11.46.220(c), as amended by sec. 4 of this Act;
- 7 (5) AS 11.46.260(b), as amended by sec. 5 of this Act;
- 8 (6) AS 11.46.270(b), as amended by sec. 6 of this Act;
- 9 (7) AS 11.46.280(d), as amended by sec. 7 of this Act;
- 10 (8) AS 11.46.285(b), as amended by sec. 8 of this Act;
- 11 (9) AS 11.46.295, as amended by sec. 9 of this Act;
- 12 (10) AS 11.46.360(a), as amended by sec. 10 of this Act;
- 13 (11) AS 11.46.482(a), as amended by sec. 11 of this Act;
- 14 (12) AS 11.46.484(a), as amended by sec. 12 of this Act;
- 15 (13) AS 11.46.486(a), as amended by sec. 13 of this Act;
- 16 (14) AS 11.46.530(b), as amended by sec. 14 of this Act;
- 17 (15) AS 11.46.620(d), as amended by sec. 15 of this Act;
- 18 (16) AS 11.46.730(c), as amended by sec. 16 of this Act;"

19

20 Renumber the following paragraphs accordingly.

21

22 Page 15, line 13:

23 Delete "sec. 1"

24 Insert "sec. 17"

25

26 Page 15, line 14:

27 Delete "sec. 2"

28 Insert "sec. 18"

29

30 Page 15, line 15:

31 Delete "sec. 3"

- 1 Insert "sec. 19"
- 2
- 3 Page 15, line 16:
- 4 Delete "sec. 4"
- 5 Insert "sec. 20"
- 6
- 7 Page 15, line 17:
- 8 Delete "sec. 5"
- 9 Insert "sec. 21"
- 10
- 11 Page 15, line 18:
- 12 Delete "sec. 15"
- 13 Insert "sec. 31"
- 14
- 15 Page 15, line 21:
- 16 Delete "sec. 6"
- 17 Insert "sec. 22"
- 18
- 19 Page 15, line 22:
- 20 Delete "sec. 7"
- 21 Insert "sec. 23"
- 22
- 23 Page 15, line 23:
- 24 Delete "sec. 8"
- 25 Insert "sec. 24"
- 26
- 27 Page 15, line 24:
- 28 Delete "sec. 9"
- 29 Insert "sec. 25"
- 30
- 31 Page 15, line 25:

- 1 Delete "sec. 10"
- 2 Insert "sec. 26"
- 3
- 4 Page 15, line 26:
- 5 Delete "sec. 11"
- 6 Insert "sec. 27"
- 7
- 8 Page 15, line 27:
- 9 Delete "sec. 12"
- 10 Insert "sec. 28"
- 11
- 12 Page 15, line 28:
- 13 Delete "sec. 18"
- 14 Insert "sec. 34"
- 15
- 16 Page 15, line 29:
- 17 Delete "sec. 18"
- 18 Insert "sec. 34"
- 19
- 20 Page 15, line 30:
- 21 Delete "Section 17"
- 22 Insert "Section 33"
- 23
- 24 Page 15, line 31:
- 25 Delete "sec. 24"
- 26 Insert "sec. 40"

AMENDMENT

#40

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 2, following line 29:

2 Insert new bill sections to read:

3 **** Sec. 6. AS 12.55.025(a) is amended to read:**

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

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

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

13 (3) a clear statement of the terms of the sentence imposed; if a term of
14 imprisonment is imposed, the statement must include

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

19 (B) if applicable, the approximate minimum term of
20 imprisonment the defendant must serve before becoming eligible for release on
21 discretionary [OR ADMINISTRATIVE] parole;

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

- 1 (5) in the case of a conviction for a felony offense, information
2 assessing
3 (A) the financial, emotional, and medical effects of the offense
4 on the victim;
5 (B) the need of the victim for restitution; and
6 (C) any other information required by the court.

7 * Sec. 7. AS 12.55.115 is amended to read:

8 **Sec. 12.55.115. Fixing eligibility for discretionary [OR**
9 **ADMINISTRATIVE] parole at sentencing.** The court may, as part of a sentence of
10 imprisonment, further restrict the eligibility of a prisoner for discretionary [OR
11 ADMINISTRATIVE] parole for a term greater than that required under AS 33.16.090
12 [AS 33.16.089, 33.16.090,] and 33.16.100."
13

14 Renumber the following bill sections accordingly.

15

16 Page 11, following line 12:

17 Insert new bill sections to read:

18 ** Sec. 20. AS 33.16.010(c) is amended to read:

19 (c) A prisoner who is not eligible for special medical [, ADMINISTRATIVE,]
20 or discretionary parole, or who is not released on special medical [,
21 ADMINISTRATIVE,] or discretionary parole, shall be released on mandatory parole
22 for the term of good time deductions credited under AS 33.20, if the term or terms of
23 imprisonment are two years or more.

24 * Sec. 21. AS 33.16.010(d) is amended to read:

25 (d) A prisoner released on special medical, [ADMINISTRATIVE,]
26 discretionary, or mandatory parole is subject to the conditions of parole imposed under
27 AS 33.16.150. Parole may be revoked under AS 33.16.220.

28 * Sec. 22. AS 33.16.060(a) is amended to read:

29 (a) The board shall

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

31 (2) consider the suitability for parole of a prisoner who is eligible for

1 discretionary parole at least 90 days before the prisoner's first date of eligibility and
2 upon receipt of the prisoner's application for special medical parole;

3 (3) impose parole conditions on all prisoners released under special
4 medical, [ADMINISTRATIVE,] discretionary, or mandatory parole;

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

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

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

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

13 (8) upon request of the governor, review and recommend applicants
14 for executive clemency; and

15 (9) execute other responsibilities prescribed by law.

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

17 (a) A prisoner sentenced to an active term of imprisonment of at least 181
18 days [AND WHO HAS NOT BEEN RELEASED ON ADMINISTRATIVE PAROLE
19 AS PROVIDED IN AS 33.16.089] may, in the discretion of the board, be released on
20 discretionary parole if the prisoner

21 (1) has served the amount of time specified under (b) of this section,
22 except that

23 (A) a prisoner sentenced to one or more mandatory 99-year
24 terms under AS 12.55.125(a) or one or more definite terms under
25 AS 12.55.125(f) is not eligible for consideration for discretionary parole;

26 (B) a prisoner is not eligible for consideration of discretionary
27 parole if made ineligible by order of a court under AS 12.55.115;

28 (C) a prisoner imprisoned under AS 12.55.086 is not eligible
29 for discretionary parole unless the actual term of imprisonment is more than
30 one year; or

31 (2) is at least 60 years of age, has served at least 10 years of a sentence

1 for one or more crimes in a single judgment, and has not been convicted of an
2 unclassified felony or a sexual felony as defined in AS 12.55.185.

3 * Sec. 24. AS 33.16.100(f) is amended to read:

4 (f) The board shall authorize the release of a prisoner who has been convicted
5 of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole
6 under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created
7 under AS 33.30.011(8), and has agreed to and signed the condition of parole under
8 AS 33.16.150, [AND HAS NOT BEEN RELEASED ON ADMINISTRATIVE
9 PAROLE UNDER AS 33.16.089,] unless the board finds by clear and convincing
10 evidence on the record that the prisoner poses a threat of harm to the public if released
11 on parole. If the board finds that the incomplete case plan is not the fault of the
12 prisoner or that the prisoner would not pose a threat of harm to the public if released
13 on parole, the board may waive the case plan requirement.

14 * Sec. 25. AS 33.16.120(f) is amended to read:

15 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c)
16 [, 33.16.089,] or 33.16.090, the board shall make every reasonable effort to notify the
17 victim before the prisoner's release date. Notification under this subsection must
18 include the expected date of the prisoner's release, the geographic area in which the
19 prisoner is required to reside, and other pertinent information concerning the prisoner's
20 conditions of parole that may affect the victim.

21 * Sec. 26. AS 33.16.130(a) is amended to read:

22 (a) The parole board shall hold a hearing before granting an eligible prisoner
23 special medical or discretionary parole. [THE BOARD SHALL ALSO HOLD A
24 HEARING IF REQUESTED BY A VICTIM UNDER PROCEDURES
25 ESTABLISHED FOR THE REQUEST FOR A PRISONER ELIGIBLE FOR
26 ADMINISTRATIVE PAROLE.] A hearing shall be conducted within the following
27 time frames:

28 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90
29 days before the first parole eligibility date [, UNLESS THE PRISONER IS ELIGIBLE
30 FOR ADMINISTRATIVE PAROLE];

31 (2) for all other prisoners, not less than 30 days after the board is

1 notified of the need for a hearing by the commissioner or the commissioner's
2 designee."

3

4 Renumber the following bill sections accordingly.

5

6 Page 11, following line 21:

7 Insert new bill sections to read:

8 **** Sec. 28.** AS 33.16.140 is amended to read:

9 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,
10 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole
11 custody ends, shall be furnished to each prisoner released on special medical,
12 [ADMINISTRATIVE,] discretionary, or mandatory parole.

13 *** Sec. 29.** AS 33.16.150(a) is amended to read:

14 (a) As a condition of parole, a prisoner released on special medical,
15 [ADMINISTRATIVE,] discretionary, or mandatory parole

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

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

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

23 (4) shall report

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

25 (B) at other times, and in the manner, prescribed by the board
26 or the parole officer assigned to the parolee that accommodate the diligent
27 efforts of the parolee to secure and maintain steady employment or to
28 participate in educational courses or training programs;

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

31 (6) shall remain within stated geographic limits unless written

1 permission to depart from the stated limits is granted the parolee;

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

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

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

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

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

16 (12) shall provide a blood sample, an oral sample, or both, when
17 requested by a health care professional acting on behalf of the state to provide the
18 sample or samples, or an oral sample when requested by a juvenile or adult
19 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
20 released after a conviction of an offense requiring the state to collect the sample or
21 samples for the deoxyribonucleic acid identification registration, per state editorial
22 review of AS 33 system under AS 41.41.035;

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

26 * Sec. 30. AS 33.16.150(b) is amended to read:

27 (b) The board may require as a condition of special medical,
28 [ADMINISTRATIVE,] discretionary, or mandatory parole, or a member of the board
29 acting for the board under (e) of this section may require as a condition of
30 [ADMINISTRATIVE OR] mandatory parole, that a prisoner released on parole

31 (1) not possess or control a defensive weapon, a deadly weapon other

1 than an ordinary pocket knife with a blade three inches or less in length, or
2 ammunition for a firearm, or reside in a residence where there is a firearm capable of
3 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly
4 weapon," "defensive weapon," and "firearm" have the meanings given in
5 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

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

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

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

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

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

16 (7) refrain from opening, maintaining, or using a checking account or
17 charge account;

18 (8) refrain from entering into a contract other than a prenuptial contract
19 or a marriage contract;

20 (9) refrain from operating a motor vehicle;

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

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

30 (12) refrain from traveling in the state to make diligent efforts to
31 secure or maintain steady employment or to participate in educational courses or

1 training programs only if the travel violates other conditions of parole.

2 * Sec. 31. AS 33.16.150(e) is amended to read:

3 (e) The board may designate a member of the board to act on behalf of the
4 board in imposing conditions of [ADMINISTRATIVE OR] mandatory parole under
5 (a) and (b) of this section, in delegating imposition of conditions of
6 [ADMINISTRATIVE OR] mandatory parole under (c) of this section, and in setting
7 the period of compliance with the conditions of [ADMINISTRATIVE OR] mandatory
8 parole under (d) of this section. The decision of a member of the board under this
9 section is the decision of the board. A prisoner or parolee aggrieved by a decision of a
10 member of the board acting for the board under this subsection may apply to the board
11 under AS 33.16.160 for a change in the conditions of [ADMINISTRATIVE OR]
12 mandatory parole.

13 * Sec. 32. AS 33.16.150(f) is amended to read:

14 (f) In addition to other conditions of parole imposed under this section, the
15 board may impose as a condition of special medical, [ADMINISTRATIVE,]
16 discretionary, or mandatory parole for a prisoner serving a term for a crime involving
17 domestic violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) -
18 (7); (2) a requirement that, at the prisoner's expense, the prisoner participate in and
19 complete, to the satisfaction of the board, a program for the rehabilitation of
20 perpetrators of domestic violence that meets the standards set by, and that is approved
21 by, the department under AS 44.28.020(b); and (3) any other condition necessary to
22 rehabilitate the prisoner. The board shall establish procedures for the exchange of
23 information concerning the parolee with the victim and for responding to reports of
24 nonattendance or noncompliance by the parolee with conditions imposed under this
25 subsection. The board may not under this subsection require a prisoner to participate
26 in and complete a program for the rehabilitation of perpetrators of domestic violence
27 unless the program meets the standards set by, and is approved by, the department
28 under AS 44.28.020(b).

29 * Sec. 33. AS 33.16.150(g) is amended to read:

30 (g) In addition to other conditions of parole imposed under this section for a
31 prisoner serving a sentence for an offense where the aggravating factor provided in

1 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a
2 condition of special medical, [ADMINISTRATIVE,] discretionary, and mandatory
3 parole a requirement that the prisoner submit to electronic monitoring. Electronic
4 monitoring under this subsection must comply with AS 33.30.011(10) and provide for
5 monitoring of the prisoner's location and movements by Global Positioning System
6 technology. The board shall require a prisoner serving a period of parole with
7 electronic monitoring as provided under this subsection to pay all or a portion of the
8 costs of the electronic monitoring, but only if the prisoner has sufficient financial
9 resources to pay the costs or a portion of the costs. A prisoner subject to electronic
10 monitoring under this subsection is not entitled to a credit for time served in a
11 correctional facility while the defendant is on parole. In this subsection, "correctional
12 facility" has the meaning given in AS 33.30.901.

13 * **Sec. 34.** AS 33.16.150(h) is amended to read:

14 (h) In addition to other conditions of parole imposed under this section, for a
15 prisoner serving a sentence for an offense involving the use of alcohol or controlled
16 substances, the board may impose, as a condition of special medical,
17 [ADMINISTRATIVE,] discretionary, or mandatory parole, a requirement that the
18 prisoner comply with a program established under AS 33.16.060(c) or AS 47.38.020.
19 The board may require a prisoner serving a period of parole and complying with a
20 program established under AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of
21 the costs associated with the program.

22 * **Sec. 35.** AS 33.16.180 is amended to read:

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

24 (1) conduct investigations of prisoners eligible for
25 [ADMINISTRATIVE OR] discretionary parole, as requested by the board and as
26 provided in this section;

27 (2) supervise the conduct of parolees;

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

29 (4) [PROVIDE THE BOARD, WITHIN 30 DAYS AFTER
30 SENTENCING, INFORMATION ON A SENTENCED PRISONER WHO MAY BE
31 ELIGIBLE FOR ADMINISTRATIVE PAROLE UNDER AS 33.16.089 OR

1 DISCRETIONARY PAROLE UNDER AS 33.16.090;

2 (5) notify the board and provide information on a prisoner 120 days
3 before the prisoner's mandatory release date, if the prisoner is to be released on
4 mandatory parole;

5 (5) [(6)] maintain records, files, and accounts as requested by the
6 board;

7 (6) [(7)] prepare preparole reports under AS 33.16.110(a);

8 (7) [(8)] notify the board in writing of a prisoner's compliance or
9 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not less
10 than 30 days before the prisoner's next parole eligibility date or the prisoner's parole
11 hearing date, whichever is earlier;

12 (8) [(9)] establish an administrative sanction and incentive program to
13 facilitate a swift and certain response to a parolee's compliance with or violation of the
14 conditions of parole and shall adopt regulations to implement the program; at a
15 minimum, the regulations must include

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

22 (B) policies and procedures that ensure

23 (i) a process for responding to negative behavior that
24 includes a review of previous violations and sanctions;

25 (ii) that enhanced sanctions for certain negative conduct
26 are approved by the commissioner or the commissioner's designee; and

27 (iii) that appropriate due process protections are
28 included in the process, including notice of negative behavior, an
29 opportunity to dispute the accusation and the sanction, and an
30 opportunity to request a review of the accusation and the sanction; and

31 (9) [(10)] within 30 days after sentencing of an offender, provide the

1 victim of a crime information on the earliest dates the offender could be released on
2 furlough, probation, or parole, including deductions or reductions for good time or
3 other good conduct incentives, and the process for release, including contact
4 information for the decision-making bodies.

5 * **Sec. 36.** AS 33.16.200 is amended to read:

6 **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the
7 board retains custody of special medical, [ADMINISTRATIVE,] discretionary, and
8 mandatory parolees until the expiration of the maximum term or terms of
9 imprisonment to which the parolee is sentenced."

10

11 Renumber the following bill sections accordingly.

12

13 Page 11, following line 31:

14 Insert a new bill section to read:

15 **** Sec. 39.** AS 44.19.645(g) is amended to read:

16 (g) The Department of Corrections shall report quarterly to the working group
17 authorized in (b)(3) of this section. The report shall include the following information:

18 (1) data on pretrial decision making and outcomes, including
19 information on pretrial detainees admitted for a new criminal charge; detainees
20 released at any point before case resolution; time spent detained before first release or
21 case resolution; pretrial defendant risk level and charge; pretrial release
22 recommendations made by pretrial services officers; pretrial conditions imposed on
23 pretrial detainees by judicial officers, including amount of bail, and supervision
24 conditions; and information on pretrial outcomes, including whether or not the
25 defendant appeared in court or was re-arrested during the pretrial period;

26 (2) data on offenders admitted to the Department of Corrections for a
27 new criminal conviction, including the offense type, number of prior felony
28 convictions, sentence length, and length of stay;

29 (3) data on the population of the Department of Corrections, using a
30 one-day snapshot on the first day of the first month of each quarter, broken down by
31 type of admission, offense type, and risk level;

1 (4) data on offenders on probation supervised by the Department of
2 Corrections, including the total number of offenders supervised using a one-day
3 snapshot on the first month of each quarter; admissions to probation; assignments to a
4 program under AS 33.05.020(f); probation sentence length; time served on the
5 sentence; whether probation was successfully completed, any new convictions for a
6 felony offense, and any sentences to a term of imprisonment while on probation;

7 (5) data on parole, including the number of offenders supervised on
8 parole, using a one-day snapshot on the first month of each quarter; the number of
9 parole hearings; the parole grant rate and number of parolees released on
10 [ADMINISTRATIVE,] discretionary [,] and special medical parole; and information
11 on parolees, including time spent on parole, whether parole was successfully
12 completed, any new convictions for a new felony offense, and any sentences to a term
13 of imprisonment while on parole;

14 (6) data on the implementation of policies from the 2015 justice
15 reinvestment report, including the number and percentage of offenders who earn
16 compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months,
17 and the total amount of credits earned; the average number of sanctions issued under
18 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
19 common violations of probation or parole; and

20 (7) data on probation and parole revocations, including information on
21 probationers and parolees admitted for a supervision violation pre-case and post-case
22 resolution; probationers and parolees admitted solely for a technical violation;
23 probationers and parolees admitted for a new arrest; the number of previous
24 revocations on the current sentence, if any; the length of time held pre-case resolution;
25 the length of time to case resolution; and the length of stay."

26
27 Renumber the following bill sections accordingly.

28
29 Page 15, line 7:

30 Delete "and"

31

- 1 Page 15, line 8, following "12.55.125(e)(4)(D)":
- 2 Insert "; AS 33.16.010(f), 33.16.089, and 33.16.900(1)"
- 3
- 4 Page 15, line 18:
- 5 Delete "sec. 15"
- 6 Insert "sec. 17"
- 7
- 8 Page 15, line 21:
- 9 Delete "sec. 6"
- 10 Insert "sec. 8"
- 11
- 12 Page 15, line 22:
- 13 Delete "sec. 7"
- 14 Insert "sec. 9"
- 15
- 16 Page 15, line 23:
- 17 Delete "sec. 8"
- 18 Insert "sec. 10"
- 19
- 20 Page 15, line 24:
- 21 Delete "sec. 9"
- 22 Insert "sec. 11"
- 23
- 24 Page 15, line 25:
- 25 Delete "sec. 10"
- 26 Insert "sec. 12"
- 27
- 28 Page 15, line 26:
- 29 Delete "sec. 11"
- 30 Insert "sec. 13"
- 31

- 1 Page 15, line 27:
- 2 Delete "sec. 12"
- 3 Insert "sec. 14"
- 4
- 5 Page 15, line 28:
- 6 Delete "sec. 18"
- 7 Insert "sec. 27"
- 8
- 9 Page 15, line 29:
- 10 Delete "sec. 18"
- 11 Insert "sec. 27"
- 12
- 13 Page 15, line 30:
- 14 Delete "Section 17"
- 15 Insert "Section 19"
- 16
- 17 Page 15, line 31:
- 18 Delete "sec. 24"
- 19 Insert "sec. 43"

AMENDMENT

#41

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 11, following line 12:

2 Insert new bill sections to read:

3 ** Sec. 18. AS 33.16.090(a) is amended to read:

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

8 [(1)] has served the amount of time specified under (b) of this section,
9 except that

10 (1) [(A)] a prisoner sentenced to one or more mandatory 99-year terms
11 under AS 12.55.125(a) or one or more definite terms under AS 12.55.125(l) is not
12 eligible for consideration for discretionary parole;

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

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

18 (2) IS AT LEAST 60 YEARS OF AGE, HAS SERVED AT LEAST
19 10 YEARS OF A SENTENCE FOR ONE OR MORE CRIMES IN A SINGLE
20 JUDGMENT, AND HAS NOT BEEN CONVICTED OF AN UNCLASSIFIED
21 FELONY OR A SEXUAL FELONY AS DEFINED IN AS 12.55.185].

22 * Sec. 19. AS 33.16.090(b) is amended to read:

23 (b) A prisoner eligible under (a) [(a)(1)] of this section who is sentenced

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

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

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

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

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

18 (i) the prisoner has successfully completed all
19 rehabilitation programs ordered by the three-judge panel that were
20 made available to the prisoner; and

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

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

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

29 (B) any term set under AS 12.55.115;

30 (5) to a single sentence under any other provision of law may not be
31 released on discretionary parole until the prisoner has served at least one-fourth of the

1 active term of imprisonment, any mandatory minimum sentence imposed under any
2 provision of law, or any term set under AS 12.55.115, whichever is greatest;

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

5 (A) any mandatory minimum sentence or sentences imposed
6 under any provision of law;

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

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

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

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

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

16 (C) the amount of time that is required to be served under (1) -
17 (5) of this subsection for the sentence imposed for the primary crime, had that
18 been the only sentence imposed, plus one-quarter of the composite total of the
19 active term of imprisonment imposed as consecutive or partially consecutive
20 sentences imposed for all crimes other than the primary crime.

21 [(8) TO A SINGLE SENTENCE UNDER AS 12.55.125(i)(3) AND
22 (4), AND HAS NOT BEEN ALLOWED BY THE THREE-JUDGE PANEL UNDER
23 AS 12.55.175 TO BE CONSIDERED FOR DISCRETIONARY PAROLE RELEASE,
24 MAY NOT BE RELEASED ON DISCRETIONARY PAROLE UNTIL THE
25 PRISONER HAS SERVED, AFTER A DEDUCTION FOR GOOD TIME EARNED
26 UNDER AS 33.20.010, ONE-HALF OF THE ACTIVE TERM OF IMPRISONMENT
27 IMPOSED.]

28 * Sec. 20. AS 33.16.100(a) is amended to read:

29 (a) The board may authorize the release of a prisoner [CONVICTED OF AN
30 UNCLASSIFIED FELONY WHO IS OTHERWISE ELIGIBLE UNDER
31 AS 12.55.115 AND AS 33.16.090(a)(1)] on discretionary parole if it determines a

1 reasonable probability exists that

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

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

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

8 (4) release of the prisoner on parole would not diminish the
9 seriousness of the crime.

10 * Sec. 21. AS 33.16.130(a) is amended to read:

11 (a) The parole board shall hold a hearing before granting an eligible prisoner
12 special medical or discretionary parole. The board shall also hold a hearing if
13 requested by a victim under procedures established for the request for a prisoner
14 eligible for administrative parole. A hearing shall be conducted within the following
15 time frames:

16 (1) for prisoners eligible under AS 33.16.100(a) [OR (f)], not less than
17 90 days before the first parole eligibility date, unless the prisoner is eligible for
18 administrative parole;

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

22

23 Renumber the following bill sections accordingly.

24

25 Page 11, following line 21:

26 Insert new bill sections to read:

27 * Sec. 23. AS 33.16.210(a) is amended to read:

28 (a) The board may unconditionally discharge a parolee from the jurisdiction
29 and custody of the board after the parolee has completed two years [ONE YEAR] of
30 parole. A discretionary parolee with a residual period of probation may, after two
31 years [ONE YEAR] of parole, be discharged by the board to immediately begin

1 serving the residual period of probation.

2 * Sec. 24. AS 33.16.210(b) is amended to read:

3 (b) Notwithstanding (a) of this section, the board may unconditionally
4 discharge a mandatory parolee before the parolee has completed two years [ONE
5 YEAR] of parole if the parolee is serving a concurrent period of residual probation
6 under AS 33.20.040(c), and the period of residual probation and the period of
7 suspended imprisonment each equal or exceed the period of mandatory parole."
8

9 Renumber the following bill sections accordingly.

10

11 Page 15, line 7:

12 Delete "and"

13

14 Page 15, line 8, following "12.55.125(e)(4)(D)":

15 Insert "; AS 33.16.100(f), and 33.16.100(g)"

16

17 Page 15, line 28:

18 Delete "sec. 18"

19 Insert "sec. 22"

20

21 Page 15, line 29:

22 Delete "sec. 18"

23 Insert "sec. 22"

24

25 Page 15, following line 29:

26 Insert new subsections to read:

27 "(d) The following sections apply to parole granted on or after the effective date of
28 those sections for conduct occurring on or after the effective date of those sections:

29 (1) AS 33.16.090(a), as amended by sec. 18 of this Act;

30 (2) AS 33.16.090(b), as amended by sec. 19 of this Act;

31 (3) AS 33.16.210(a), as amended by sec. 23 of this Act; and

1 (4) AS 33.16.210(b), as amended by sec. 24 of this Act.
2 (e) AS 33.16.100(a), as amended by sec. 20 of this Act, applies to parole granted on
3 or after the effective date of sec. 20 of this Act, for conduct occurring before, on, or after the
4 effective date of sec. 20 of this Act."

5

6 Page 15, line 31:

7 Delete "sec. 24"

8 Insert "sec. 30"

AMENDMENT #42

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

- 1 Page 1, line 4, following "program;":
- 2 Insert "relating to eligibility for temporary assistance;"
- 3
- 4 Page 15, line 7:
- 5 Delete "and"
- 6
- 7 Page 15, line 8, following "12.55.125(e)(4)(D)":
- 8 Insert "; and AS 47.27.015(i)"

AMENDMENT # 43

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 1, following line 5:

2 Insert a new bill section to read:

3 **** Section 1. AS 11.56.730(d) is amended to read:**

4 (d) Failure to appear is a

5 (1) class C felony if the person was released in connection with a
6 charge of a felony or while awaiting sentence or appeal after conviction of a felony
7 [AND THE PERSON

8 (A) DOES NOT MAKE CONTACT WITH THE COURT OR
9 A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES
10 NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED
11 HEARING, OR

12 (B) DOES NOT APPEAR AT THE TIME AND PLACE OF A
13 SCHEDULED HEARING TO AVOID PROSECUTION];

14 (2) class A misdemeanor if the person was released in connection with
15 a charge of a misdemeanor, while awaiting sentence or appeal after conviction of a
16 misdemeanor, or in connection with a requirement to appear as a material witness in a
17 criminal proceeding [, AND THE PERSON

18 (A) DOES NOT MAKE CONTACT WITH THE COURT OR
19 A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES
20 NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED
21 HEARING; OR

22 (B) DOES NOT APPEAR AT THE TIME AND PLACE OF A
23 SCHEDULED HEARING TO AVOID PROSECUTION; OR

(3) VIOLATION PUNISHABLE BY A FINE OF UP TO \$1,000]."

1

2

3 Page 1, line 6:

4 Delete "Section 1"

5 Insert "Sec. 2"

6

7 Renumber the following bill sections accordingly.

8

9 Page 15, line 13:

10 Delete "sec. 1"

11 Insert "sec. 2"

12

13 Page 15, line 14:

14 Delete "sec. 2"

15 Insert "sec. 3"

16

17 Page 15, line 15:

18 Delete "sec. 3"

19 Insert "sec. 4"

20

21 Page 15, line 16:

22 Delete "sec. 4"

23 Insert "sec. 5"

24

25 Page 15, line 17:

26 Delete "sec. 5"

27 Insert "sec. 6"

28

29 Page 15, line 18:

30 Delete "sec. 15"

31 Insert "sec. 16"

- 1
- 2 Page 15, line 21:
 - 3 Delete "sec. 6"
 - 4 Insert "sec. 7"
 - 5
- 6 Page 15, line 22:
 - 7 Delete "sec. 7"
 - 8 Insert "sec. 8"
 - 9
- 10 Page 15, line 23:
 - 11 Delete "sec. 8"
 - 12 Insert "sec. 9"
 - 13
- 14 Page 15, line 24:
 - 15 Delete "sec. 9"
 - 16 Insert "sec. 10"
 - 17
- 18 Page 15, line 25:
 - 19 Delete "sec. 10"
 - 20 Insert "sec. 11"
 - 21
- 22 Page 15, line 26:
 - 23 Delete "sec. 11"
 - 24 Insert "sec. 12"
 - 25
- 26 Page 15, line 27:
 - 27 Delete "sec. 12"
 - 28 Insert "sec. 13"
 - 29
- 30 Page 15, following line 27:
 - 31 Insert a new subsection to read:

1 "(c) AS 11.56.730(d), as amended by sec. 1 of this Act, applies to sentences imposed
2 on or after the effective date of sec. 1 of this Act for offenses committed on or after the
3 effective date of sec. 1 of this Act."
4

5 Reletter the following subsection accordingly.
6

7 Page 15, line 28:

8 Delete "sec. 18"

9 Insert "sec. 19"

10

11 Page 15, line 29:

12 Delete "sec. 18"

13 Insert "sec. 19"

14

15 Page 15, line 30:

16 Delete "Section 17"

17 Insert "Section 18"

18

19 Page 15, line 31:

20 Delete "sec. 24"

21 Insert "sec. 25"

AMENDMENT

#44

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 5, following line 25:

2 Insert a new bill section to read:

3 **"* Sec. 11. AS 12.55.135(n) is amended to read:**

4 (n) A court sentencing a person convicted of misconduct involving a
5 controlled substance in the fourth degree under AS 11.71.050(a)(4) or misconduct
6 involving a controlled substance in the fifth degree under AS 11.71.060(a)(2) may not
7 impose

8 (1) a sentence of active imprisonment, unless the person has previously
9 been convicted more than once of an offense under AS 11.71 or a law of this or
10 another jurisdiction with elements substantially similar to an offense under AS 11.71;
11 or

12 (2) a sentence of [SUSPENDED IMPRISONMENT GREATER
13 THAN]

14 (A) suspended imprisonment greater than 30 days, if the
15 defendant has not been previously convicted of an offense under AS 11.71 or a
16 law of this or another jurisdiction with elements substantially similar to an
17 offense under AS 11.71; or

18 (B) active imprisonment greater than 180 days, if the person
19 has been previously convicted of an offense under AS 11.71 or a law of this or
20 another jurisdiction with elements substantially similar to an offense under
21 AS 11.71."

22

23 Renumber the following bill sections accordingly.

- 1
- 2 Page 15, line 18:
 - 3 Delete "sec. 15"
 - 4 Insert "sec. 16"
 - 5
- 6 Page 15, line 26:
 - 7 Delete "sec. 11"
 - 8 Insert "sec. 12"
 - 9
- 10 Page 15, line 27:
 - 11 Delete "sec. 12"
 - 12 Insert "sec. 13"
 - 13
- 14 Page 15, following line 27:
 - 15 Insert a new subsection to read:
 - 16 "(c) AS 12.55.135(n), as amended by sec. 11 of this Act, applies to sentences imposed
 - 17 on or after the effective date of sec. 11 of this Act, for offenses committed on or after the
 - 18 effective date of sec. 11 of this Act."
 - 19
 - 20 Reletter the following subsection accordingly.
 - 21
- 22 Page 15, line 28:
 - 23 Delete "sec. 18"
 - 24 Insert "sec. 19"
 - 25
- 26 Page 15, line 29:
 - 27 Delete "sec. 18"
 - 28 Insert "sec. 19"
 - 29
- 30 Page 15, line 30:
 - 31 Delete "Section 17"

- 1 Insert "Section 18"
- 2
- 3 Page 15, line 31:
- 4 Delete "sec. 24"
- 5 Insert "sec. 25"

AMENDMENT

45

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE *EASTMAN*

- 1 Page 1, following line 5:
2 Insert new bill sections to read:
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), 11.71.021(a),
18 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2)
19 and, in the course of or in furtherance of that crime or in immediate flight from that
20 crime, any person 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

1 than one of the participants; or

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

5 (A) a felony violation of AS 11.41;

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

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

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

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

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

14 (2) with intent to cause serious physical injury to an unborn child or to
15 another person or knowing that the conduct is substantially certain to cause death or
16 serious physical injury to an unborn child or to another person, causes the death of an
17 unborn child;

18 (3) while acting alone or with one or more persons, commits or
19 attempts to commit arson in the first degree, kidnapping, sexual assault in the first
20 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,
21 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the
22 first or second degree, robbery in any degree, or misconduct involving a controlled
23 substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9)
24 [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2), and, in the course of or
25 in furtherance of that crime or in immediate flight from that crime, any person causes
26 the death of an unborn child;

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

1 life."

2

3 Page 1, line 9:

4 Delete "Section 1"

5 Insert "Sec. 3"

6

7 Renumber the following bill sections accordingly.

8

9 Page 2, following line 29:

10 Insert new bill sections to read:

11 **** Sec. 8. AS 11.71 is amended by adding a new section to read:**

12 **Sec. 11.71.021. Misconduct involving a controlled substance in the second**
13 **degree. (a) Except as authorized in AS 17.30, a person commits the crime of**
14 **misconduct involving a controlled substance in the second degree if the person**

15 (1) manufactures or delivers any amount of a schedule IA controlled
16 substance or possesses any amount of a schedule IA controlled substance with intent
17 to manufacture or deliver;

18 (2) manufactures any material, compound, mixture, or preparation that
19 contains

20 (A) methamphetamine, or its salts, isomers, or salts of isomers;

21 or

22 (B) an immediate precursor of methamphetamine, or its salts,
23 isomers, or salts of isomers;

24 (3) possesses an immediate precursor of methamphetamine, or the
25 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,
26 with the intent to manufacture any material, compound, mixture, or preparation that
27 contains methamphetamine, or its salts, isomers, or salts of isomers;

28 (4) possesses a listed chemical with intent to manufacture any material,
29 compound, mixture, or preparation that contains

30 (A) methamphetamine, or its salts, isomers, or salts of isomers;

31 or

1 (B) an immediate precursor of methamphetamine, or its salts,
2 isomers, or salts of isomers;

3 (5) possesses methamphetamine in an organic solution with intent to
4 extract from it methamphetamine or its salts, isomers, or salts of isomers; or

5 (6) under circumstances not proscribed under AS 11.71.010(a)(2),
6 delivers

7 (A) an immediate precursor of methamphetamine, or the salts,
8 isomers, or salts of isomers of the immediate precursor of methamphetamine,
9 to another person with reckless disregard that the precursor will be used to
10 manufacture any material, compound, mixture, or preparation that contains
11 methamphetamine, or its salts, isomers, or salts of isomers; or

12 (B) a listed chemical to another person with reckless disregard
13 that the listed chemical will be used to manufacture any material, compound,
14 mixture, or preparation that contains

15 (i) methamphetamine, or its salts, isomers, or salts of
16 isomers;

17 (ii) an immediate precursor of methamphetamine, or its
18 salts, isomers, or salts of isomers; or

19 (iii) methamphetamine or its salts, isomers, or salts of
20 isomers in an organic solution.

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

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

31 (A) and the listed chemical was dispensed to the person under a

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valid prescription; or

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

(i) retailer or as a wholesaler;

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

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

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

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

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

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

(d) Misconduct involving a controlled substance in the second degree is a class A felony.

* Sec. 9. 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 third [SECOND] degree if the person

(1) manufactures or delivers, or possesses with intent to manufacture or deliver,

(A) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one gram or more containing a schedule IA controlled substance;

(B) 25 or more tablets, ampules, or syrettes containing a

- 1 schedule IA controlled substance;
- 2 (C) one or more preparations, compounds, mixtures, or
- 3 substances of an aggregate weight of 2.5 grams or more containing a schedule
- 4 IIA or IIIA controlled substance; or
- 5 (D) 50 or more tablets, ampules, or syrettes containing a
- 6 schedule IIA or IIIA controlled substance;
- 7 (2) delivers any amount of a schedule IVA, VA, or VIA controlled
- 8 substance to a person under 19 years of age who is at least three years younger than
- 9 the person delivering the substance;
- 10 (3) possesses any amount of a schedule IA or IIA controlled substance
- 11 (A) with reckless disregard that the possession occurs
- 12 (i) on or within 500 feet of school grounds; or
- 13 (ii) at or within 500 feet of a recreation or youth center;
- 14 or
- 15 (B) on a school bus;
- 16 (4) manufactures any material, compound, mixture, or preparation that
- 17 contains
- 18 (A) methamphetamine, or its salts, isomers, or salts of isomers;
- 19 or
- 20 (B) an immediate precursor of methamphetamine, or its salts,
- 21 isomers, or salts of isomers;
- 22 (5) possesses an immediate precursor of methamphetamine, or the
- 23 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,
- 24 with the intent to manufacture any material, compound, mixture, or preparation that
- 25 contains methamphetamine, or its salts, isomers, or salts of isomers;
- 26 (6) possesses a listed chemical with intent to manufacture any material,
- 27 compound, mixture, or preparation that contains
- 28 (A) methamphetamine, or its salts, isomers, or salts of isomers;
- 29 or
- 30 (B) an immediate precursor of methamphetamine, or its salts,
- 31 isomers, or salts of isomers;

1 (7) possesses methamphetamine in an organic solution with intent to
2 extract from it methamphetamine or its salts, isomers, or salts of isomers; [OR]

3 (8) under circumstances not proscribed under AS 11.71.010(a)(2),
4 delivers

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

10 (B) a listed chemical to another person with reckless disregard
11 that the listed chemical will be used to manufacture any material, compound,
12 mixture, or preparation that contains

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

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

17 (iii) methamphetamine or its salts, isomers, or salts of
18 isomers in an organic solution; or

19 **(9) under circumstances not proscribed under AS 11.71.021(a)(2) -**
20 **(6), manufactures or delivers any amount of a schedule IIA or IIIA controlled**
21 **substance or possesses any amount of a schedule IIA or IIIA controlled substance**
22 **with intent to manufacture or deliver.**

23 * Sec. 10. AS 11.71.030(d) is amended to read:

24 (d) Misconduct involving a controlled substance in the **third** [SECOND]
25 degree is a class B felony.

26 * Sec. 11. AS 11.71.040(a) is amended to read:

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

30 (1) manufactures or delivers any amount of a schedule IVA or VA
31 controlled substance or possesses any amount of a schedule IVA or VA controlled

1 substance with intent to manufacture or deliver;

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

6 (3) possesses

7 (A) any amount of a

8 (i) schedule IA controlled substance [LISTED IN
9 AS 11.71.140(e)];

10 (ii) IIA controlled substance except a controlled
11 substance listed in AS 11.71.150(e)(11) - (15);

12 (B) 25 or more tablets, ampules, or syrettes containing a
13 schedule IIIA or IVA controlled substance;

14 (C) one or more preparations, compounds, mixtures, or
15 substances of an aggregate weight of

16 (i) three grams or more containing a schedule IIIA
17 or IVA controlled substance except a controlled substance in a
18 form listed in (ii) of this subparagraph;

19 (ii) 12 grams or more containing a schedule IIIA
20 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been
21 sprayed on or otherwise applied to tobacco, an herb, or another
22 organic material; or

23 (iii) 500 milligrams or more of a schedule IIA
24 controlled substance listed in AS 11.71.150(e)(11) - (15);

25 (D) 50 or more tablets, ampules, or syrettes containing a
26 schedule VA controlled substance;

27 (E) one or more preparations, compounds, mixtures, or
28 substances of an aggregate weight of six grams or more containing a
29 schedule VA controlled substance;

30 (F) one or more preparations, compounds, mixtures, or
31 substances of an aggregate weight of four ounces or more containing a

1 **schedule VIA controlled substance; or**

2 **(G) 25 or more plants of the genus cannabis;**

3 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

4 (A) with reckless disregard that the possession occurs

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

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

7 or

8 (B) on a school bus;

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

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

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

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

23 (9) obtains possession of a controlled substance by misrepresentation,
24 fraud, forgery, deception, or subterfuge;

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

27 (11) manufactures or delivers, or possesses with the intent to
28 manufacture or deliver,

29 (A) one or more preparations, compounds, mixtures, or
30 substances of an aggregate weight of less than one gram containing a schedule
31 IA controlled substance;

1 (B) less than 25 tablets, ampules, or syrettes containing a
2 schedule IA controlled substance;

3 (C) one or more preparations, compounds, mixtures, or
4 substances of an aggregate weight of less than 2.5 grams containing a schedule
5 IIA or IIIA controlled substance; or

6 (D) less than 50 tablets, ampules, or syrettes containing a
7 schedule IIA or IIIA controlled substance.

8 * Sec. 12. AS 11.71.040(d) is amended to read:

9 (d) Misconduct involving a controlled substance in the fourth [THIRD]
10 degree is a class C felony.

11 * Sec. 13. AS 11.71.050 is amended to read:

12 **Sec. 11.71.050. Misconduct involving a controlled substance in the fifth**
13 **[FOURTH] degree.** (a) Except as authorized in AS 17.30, a person commits the
14 crime of misconduct involving a controlled substance in the fifth [FOURTH] degree if
15 the person

16 (1) manufactures or delivers, or possesses with the intent to
17 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
18 of an aggregate weight of less than one ounce containing a schedule VIA controlled
19 substance;

20 (2) [REPEALED]

21 (3) fails to make, keep, or furnish any record, notification, order form,
22 statement, invoice, or information required under AS 17.30; [OR]

23 (4) under circumstances not proscribed under AS 11.71.030(a)(3),
24 11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a
25 schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance; or

26 (5) possesses

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

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

31 (i) three grams containing a schedule IIIA or IVA

1 controlled substance except a controlled substance in a form listed
 2 in (ii) of this subparagraph;

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

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

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

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

14 (E) one or more preparations, compounds, mixtures, or
 15 substances of an aggregate weight of one ounce or more containing a
 16 schedule VIA controlled substance.

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

19 * Sec. 14. AS 11.71.060 is amended to read:

20 **Sec. 11.71.060. Misconduct involving a controlled substance in the sixth**
 21 **[FIFTH] degree. (a) Except as authorized in AS 17.30, a person commits the crime**
 22 **of misconduct involving a controlled substance in the sixth [FIFTH] degree if the**
 23 **person**

24 (1) uses or displays any amount of a schedule VIA controlled
 25 substance;

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

28 (A) less than one ounce containing a schedule VIA controlled
 29 substance;

30 (B) six grams or less containing a schedule IIIA controlled
 31 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or

1 otherwise applied to tobacco, an herb, or another organic material; or
2 (3) refuses entry into a premise for an inspection authorized under
3 AS 17.30.

4 (b) Misconduct involving a controlled substance in the sixth [FIFTH] degree
5 is a class B misdemeanor.

6 * Sec. 15. AS 11.71.311(a) is amended to read:

7 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),
8 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) if
9 that person

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

13 (A) the evidence supporting the prosecution for an offense
14 under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(5)
15 [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) was obtained or discovered as a
16 result of the person seeking medical or law enforcement assistance;

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

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

21 (2) was experiencing a drug overdose and sought medical assistance,
22 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),
23 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2)
24 was obtained as a result of the overdose and the need for medical assistance."
25

26 Renumber the following bill sections accordingly.

27
28 Page 11, following line 27:

29 Insert a new bill section to read:

30 ** Sec. 30. AS 34.03.360(7) is amended to read:

31 (7) "illegal activity involving a controlled substance" means a violation

1 of AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4)
2 - (8)], or 11.71.040(a)(1), (2), or (5);"
3

4 Renumber the following bill sections accordingly.
5

6 Page 15, lines 7 - 8:

7 Delete all material and insert:

8 "* Sec. 33. AS 11.66.130(b), 11.66.135(b); AS 11.71.030(a)(1), 11.71.030(a)(4),
9 11.71.030(a)(5), 11.71.030(a)(6), 11.71.030(a)(7), 11.71.030(a)(8), 11.71.030(c),
10 11.71.030(e), 11.71.040(a)(11), 11.71.050(a)(4); AS 12.55.125(e)(4)(B), 12.55.125(e)(4)(C),
11 12.55.125(e)(4)(D), and 12.55.135(n) are repealed."
12

13 Page 15, line 13:

14 Delete "sec. 1"

15 Insert "sec. 3"
16

17 Page 15, line 14:

18 Delete "sec. 2"

19 Insert "sec. 4"
20

21 Page 15, line 15:

22 Delete "sec. 3"

23 Insert "sec. 5"
24

25 Page 15, line 16:

26 Delete "sec. 4"

27 Insert "sec. 6"
28

29 Page 15, line 17:

30 Delete "sec. 5"

31 Insert "sec. 7"

1 Delete "and"

2

3 Page 15, following line 17:

4 Insert new material to read:

5 "(6) AS 11.71.021, enacted by sec. 8 of this Act;

6 (7) AS 11.71.030(a), as amended by sec. 9 of this Act;

7 (8) AS 11.71.030(d), as amended by sec. 10 of this Act;

8 (9) AS 11.71.040(a), as amended by sec. 11 of this Act;

9 (10) AS 11.71.040(d), as amended by sec. 12 of this Act;

10 (11) AS 11.71.050, as amended by sec. 13 of this Act;

11 (12) AS 11.71.060, as amended by sec. 14 of this Act; and"

12

13 Renumber the following paragraph accordingly.

14

15 Page 15, line 18:

16 Delete "sec. 15"

17 Insert "sec. 25"

18

19 Page 15, line 21:

20 Delete "sec. 6"

21 Insert "sec. 16"

22

23 Page 15, line 22:

24 Delete "sec. 7"

25 Insert "sec. 17"

26

27 Page 15, line 23:

28 Delete "sec. 8"

29 Insert "sec. 18"

30

31 Page 15, line 24:

- 1 Delete "sec. 9"
- 2 Insert "sec. 19"
- 3
- 4 Page 15, line 25:
- 5 Delete "sec. 10"
- 6 Insert "sec. 20"
- 7
- 8 Page 15, line 26:
- 9 Delete "sec. 11"
- 10 Insert "sec. 21"
- 11
- 12 Page 15, line 27:
- 13 Delete "sec. 12"
- 14 Insert "sec. 22"
- 15
- 16 Page 15, line 28:
- 17 Delete "sec. 18"
- 18 Insert "sec. 28"
- 19
- 20 Page 15, line 29:
- 21 Delete "sec. 18"
- 22 Insert "sec. 28"
- 23
- 24 Page 15, line 30:
- 25 Delete "Section 17"
- 26 Insert "Section 27"
- 27
- 28 Page 15, line 31:
- 29 Delete "sec. 24"
- 30 Insert "sec. 35"

AMENDMENT #46

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

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Page 1, following line 5:

Insert new bill sections to read:

"* **Section 1.** AS 11.46.130(a) is amended to read:

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

(1) the value of the property or services [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or more but less than \$25,000;

(2) the property is a firearm or explosive;

(3) the property is taken from the person of another;

(4) the property is taken from a vessel and is vessel safety or survival equipment;

(5) the property is taken from an aircraft and the property is aircraft safety or survival equipment;

(6) the value of the property [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$1,000 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

(A) an offense under AS 11.46.120, or an offense under another law or ordinance with similar elements;

(B) a crime set out in this subsection or an offense under another law or ordinance with similar elements;

(C) an offense under AS 11.46.140(a)(1), or an offense under

1 another law or ordinance with similar elements; or

2 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an
3 offense under another law or ordinance with similar elements; or

4 (7) the property is an access device.

5 * Sec. 2. AS 11.46.140(a) is amended to read:

6 (a) A person commits the crime of theft in the third degree if the person
7 commits theft as defined in AS 11.46.100 and

8 (1) the value of the property or services [, ADJUSTED FOR
9 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
10 \$1,000; or

11 (2) [REPEALED]

12 (3) [REPEALED].

13 * Sec. 3. AS 11.46.150(a) is amended to read:

14 (a) A person commits the crime of theft in the fourth degree if the person
15 commits theft as defined in AS 11.46.100 and the value of the property or services [,
16 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

17 * Sec. 4. AS 11.46.220(c) is amended to read:

18 (c) Concealment of merchandise is

19 (1) a class C felony if

20 (A) the merchandise is a firearm;

21 (B) the value of the merchandise [, ADJUSTED FOR
22 INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or more; or

23 (C) the value of the merchandise [, ADJUSTED FOR
24 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
25 \$1,000 and, within the preceding five years, the person has been convicted and
26 sentenced on two or more separate occasions in this or another jurisdiction of

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

30 (ii) an offense under AS 11.46.120, 11.46.130, or
31 11.46.140(a)(1), or an offense under another law or ordinance with

1 similar elements;

2 (2) a class A misdemeanor if

3 (A) the value of the merchandise [, ADJUSTED FOR
4 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
5 \$1,000; or

6 (B) [REPEALED]

7 (3) a class B misdemeanor if the value of the merchandise [,
8 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less
9 than \$250.

10 * Sec. 5. AS 11.46.260(b) is amended to read:

11 (b) Removal of identification marks is

12 (1) a class C felony if the value of the property on which the serial
13 number or identification mark appeared [, ADJUSTED FOR INFLATION AS
14 PROVIDED IN AS 11.46.982,] is \$1,000 or more;

15 (2) a class A misdemeanor if the value of the property on which the
16 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
17 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$1,000;

18 (3) a class B misdemeanor if the value of the property on which the
19 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
20 PROVIDED IN AS 11.46.982,] is less than \$250.

21 * Sec. 6. AS 11.46.270(b) is amended to read:

22 (b) Unlawful possession is

23 (1) a class C felony if the value of the property on which the serial
24 number or identification mark appeared [, ADJUSTED FOR INFLATION AS
25 PROVIDED IN AS 11.46.982,] is \$1,000 or more;

26 (2) a class A misdemeanor if the value of the property on which the
27 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
28 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$1,000;

29 (3) a class B misdemeanor if the value of the property on which the
30 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
31 PROVIDED IN AS 11.46.982,] is less than \$250.

1 * **Sec. 7.** AS 11.46.280(d) is amended to read:

2 (d) Issuing a bad check is

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

4 (2) a class C felony if the face amount of the check [, ADJUSTED
5 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or more but less than
6 \$25,000;

7 (3) a class A misdemeanor if the face amount of the check [,
8 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more
9 but less than \$1,000;

10 (4) a class B misdemeanor if the face amount of the check [,
11 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

12 * **Sec. 8.** AS 11.46.285(b) is amended to read:

13 (b) Fraudulent use of an access device is

14 (1) a class B felony if the value of the property or services obtained is
15 \$25,000 or more;

16 (2) a class C felony if the value of the property or services obtained [,
17 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or more
18 but less than \$25,000;

19 (3) a class A misdemeanor if the value of the property or services
20 obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less
21 than \$1,000.

22 * **Sec. 9.** AS 11.46.360(a) is amended to read:

23 (a) A person commits the crime of vehicle theft in the first degree if, having
24 no right to do so or any reasonable ground to believe the person has such a right, the
25 person drives, tows away, or takes

26 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft
27 of another;

28 (2) the propelled vehicle of another and

29 (A) the vehicle or any other property of another is damaged in a
30 total amount [, ADJUSTED FOR INFLATION AS PROVIDED IN
31 AS 11.46.982,] of \$1,000 or more;

1 (B) the owner incurs reasonable expenses as a result of the loss
2 of use of the vehicle, in a total amount [, ADJUSTED FOR INFLATION AS
3 PROVIDED IN AS 11.46.982,] of \$1,000 or more; or

4 (C) the owner is deprived of the use of the vehicle for seven
5 days or more;

6 (3) the propelled vehicle of another and the vehicle is marked as a
7 police or emergency vehicle; or

8 (4) the propelled vehicle of another and, within the preceding seven
9 years, the person was convicted under

10 (A) this section or AS 11.46.365;

11 (B) former AS 11.46.482(a)(4) or (5);

12 (C) former AS 11.46.484(a)(2);

13 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft
14 of a propelled vehicle; or

15 (E) a law or ordinance of this or another jurisdiction with
16 elements substantially similar to those of an offense described in (A) - (D) of
17 this paragraph.

18 * Sec. 10. AS 11.46.482(a) is amended to read:

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

22 (1) with intent to damage property of another, the person damages
23 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
24 IN AS 11.46.982,] of \$1,000 or more;

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

27 (3) the person knowingly

28 (A) defaces, damages, or desecrates a cemetery or the contents
29 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
30 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
31 memorial appears to be abandoned, lost, or neglected;

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

4 * Sec. 11. AS 11.46.484(a) is amended to read:

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

8 (1) with intent to damage property of another, the person damages
9 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
10 IN AS 11.46.982,] of \$250 or more but less than \$1,000;

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

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

15 (4) the person uses a device to descramble an electronic signal that has
16 been scrambled to prevent unauthorized receipt or viewing of the signal unless the
17 device is used only to descramble signals received directly from a satellite or unless
18 the person owned the device before September 18, 1984; or

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

22 * Sec. 12. AS 11.46.486(a) is amended to read:

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

26 (1) with reckless disregard for the risk of harm to or loss of the
27 property or with intent to cause substantial inconvenience to another, the person
28 tampers with property of another;

29 (2) with intent to damage property of another, the person damages
30 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
31 IN AS 11.46.982,] less than \$250; or

1 (3) the person rides in a propelled vehicle knowing it has been stolen
2 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

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

4 (b) Criminal simulation is

5 (1) a class C felony if the value of what the object purports to represent
6 [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or
7 more;

8 (2) a class A misdemeanor if the value of what the object purports to
9 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is
10 \$250 or more but less than \$1,000;

11 (3) a class B misdemeanor if the value of what the object purports to
12 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less
13 than \$250.

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

15 (d) Misapplication of property is

16 (1) a class C felony if the value of the property misapplied [,
17 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$1,000 or
18 more;

19 (2) a class A misdemeanor if the value of the property misapplied [,
20 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than
21 \$1,000.

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

23 (c) Defrauding creditors is a class A misdemeanor unless that secured party,
24 judgment creditor, or creditor incurs a pecuniary loss [, ADJUSTED FOR
25 INFLATION AS PROVIDED IN AS 11.46.982,] of \$1,000 or more as a result of the
26 defendant's conduct, in which case defrauding secured creditors is

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

28 (2) a class C felony if the loss [, ADJUSTED FOR INFLATION AS
29 PROVIDED IN AS 11.46.982,] is \$1,000 or more but less than \$25,000."
30

31 Page 1, line 6:

1 Delete "Section 1"

2 Insert "Sec. 16"

3

4 Renumber the following bill sections accordingly.

5

6 Page 15, lines 7 - 8:

7 Delete all material and insert:

8 "* Sec. 37. AS 11.46.980(d), 11.46.982; AS 11.66.130(b), 11.66.135(b);
9 AS 12.55.125(e)(4)(B), 12.55.125(e)(4)(C), and 12.55.125(e)(4)(D) are repealed."
10

11 Page 15, following line 12:

12 Insert new material to read:

- 13 "(1) AS 11.46.130(a), as amended by sec. 1 of this Act;
14 (2) AS 11.46.140(a), as amended by sec. 2 of this Act;
15 (3) AS 11.46.150(a), as amended by sec. 3 of this Act;
16 (4) AS 11.46.220(c), as amended by sec. 4 of this Act;
17 (5) AS 11.46.260(b), as amended by sec. 5 of this Act;
18 (6) AS 11.46.270(b), as amended by sec. 6 of this Act;
19 (7) AS 11.46.280(d), as amended by sec. 7 of this Act;
20 (8) AS 11.46.285(b), as amended by sec. 8 of this Act;
21 (9) AS 11.46.360(a), as amended by sec. 9 of this Act;
22 (10) AS 11.46.482(a), as amended by sec. 10 of this Act;
23 (11) AS 11.46.484(a), as amended by sec. 11 of this Act;
24 (12) AS 11.46.486(a), as amended by sec. 12 of this Act;
25 (13) AS 11.46.530(b), as amended by sec. 13 of this Act;
26 (14) AS 11.46.620(d), as amended by sec. 14 of this Act;
27 (15) AS 11.46.730(c), as amended by sec. 15 of this Act;"
28

29 Renumber the following paragraphs accordingly.

30

31 Page 15, line 13:

- 1 Delete "sec. 1"
- 2 Insert "sec. 16"
- 3
- 4 Page 15, line 14:
- 5 Delete "sec. 2"
- 6 Insert "sec. 17"
- 7
- 8 Page 15, line 15:
- 9 Delete "sec. 3"
- 10 Insert "sec. 18"
- 11
- 12 Page 15, line 16:
- 13 Delete "sec. 4"
- 14 Insert "sec. 19"
- 15
- 16 Page 15, line 17:
- 17 Delete "sec. 5"
- 18 Insert "sec. 20"
- 19
- 20 Page 15, line 18:
- 21 Delete "sec. 15"
- 22 Insert "sec. 30"
- 23
- 24 Page 15, line 21:
- 25 Delete "sec. 6"
- 26 Insert "sec. 21"
- 27
- 28 Page 15, line 22:
- 29 Delete "sec. 7"
- 30 Insert "sec. 22"
- 31

1 Page 15, line 23:

2 Delete "sec. 8"

3 Insert "sec. 23"

4

5 Page 15, line 24:

6 Delete "sec. 9"

7 Insert "sec. 24"

8

9 Page 15, line 25:

10 Delete "sec. 10"

11 Insert "sec. 25"

12

13 Page 15, line 26:

14 Delete "sec. 11"

15 Insert "sec. 26"

16

17 Page 15, line 27:

18 Delete "sec. 12"

19 Insert "sec. 27"

20

21 Page 15, line 28:

22 Delete "sec. 18"

23 Insert "sec. 33"

24

25 Page 15, line 29:

26 Delete "sec. 18"

27 Insert "sec. 33"

28

29 Page 15, line 30:

30 Delete "Section 17"

31 Insert "Section 32"

- 1
- 2 Page 15, line 31:
- 3 Delete "sec. 24"
- 4 Insert "sec. 39"

AMENDMENT

47

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 1, following line 5:

2 Insert a new bill section to read:

3 **** Section 1.** AS 11.46.460 is amended to read:

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

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

9 (2) opens an obstruction erected on a highway under authority of
10 AS 19.10.100.

11 (b) Violation of this section is a **class B misdemeanor** [VIOLATION
12 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000]."

13
14 Page 1, line 6:

15 Delete "Section 1"

16 Insert "Sec. 2"

17

18 Renumber the following bill sections accordingly.

19

20 Page 15, following line 12:

21 Insert a new paragraph to read:

22 "(1) AS 11.46.460, as amended by sec. 1 of this Act;"

23

- 1 Renumber the following paragraphs accordingly.
- 2
- 3 Page 15, line 13:
 - 4 Delete "sec. 1"
 - 5 Insert "sec. 2"
 - 6
- 7 Page 15, line 14:
 - 8 Delete "sec. 2"
 - 9 Insert "sec. 3"
 - 10
- 11 Page 15, line 15:
 - 12 Delete "sec. 3"
 - 13 Insert "sec. 4"
 - 14
- 15 Page 15, line 16:
 - 16 Delete "sec. 4"
 - 17 Insert "sec. 5"
 - 18
- 19 Page 15, line 17:
 - 20 Delete "sec. 5"
 - 21 Insert "sec. 6"
 - 22
- 23 Page 15, line 18:
 - 24 Delete "sec. 15"
 - 25 Insert "sec. 16"
 - 26
- 27 Page 15, line 21:
 - 28 Delete "sec. 6"
 - 29 Insert "sec. 7"
 - 30
- 31 Page 15, line 22:

- 1 Delete "sec. 7"
- 2 Insert "sec. 8"
- 3
- 4 Page 15, line 23:
- 5 Delete "sec. 8"
- 6 Insert "sec. 9"
- 7
- 8 Page 15, line 24:
- 9 Delete "sec. 9"
- 10 Insert "sec. 10"
- 11
- 12 Page 15, line 25:
- 13 Delete "sec. 10"
- 14 Insert "sec. 11"
- 15
- 16 Page 15, line 26:
- 17 Delete "sec. 11"
- 18 Insert "sec. 12"
- 19
- 20 Page 15, line 27:
- 21 Delete "sec. 12"
- 22 Insert "sec. 13"
- 23
- 24 Page 15, line 28:
- 25 Delete "sec. 18"
- 26 Insert "sec. 19"
- 27
- 28 Page 15, line 29:
- 29 Delete "sec. 18"
- 30 Insert "sec. 19"
- 31

- 1 Page 15, line 30:
- 2 Delete "Section 17"
- 3 Insert "Section 18"
- 4
- 5 Page 15, line 31:
- 6 Delete "sec. 24"
- 7 Insert "sec. 25"

AMENDMENT

#48

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

1 Page 2, following line 29:

2 Insert new bill sections to read:

3 **"* Sec. 6.** AS 12.30.006(b), as amended by sec. 55, ch. 36, SLA 2016, is amended to read:

4 (b) At the first appearance before a judicial officer, a person who is charged
5 with a felony [, OTHER THAN A CLASS C FELONY AND THE PERSON HAS
6 BEEN ASSESSED AS LOW RISK UNDER AS 12.30.011(c)(1),] may be detained up
7 to 48 hours for the prosecuting authority to demonstrate that release of the person
8 under AS 12.30.011(a) [AS 12.30.011] would not reasonably ensure the appearance of
9 the person or will pose a danger to the victim, other persons, or the community.

10 *** Sec. 7.** AS 12.30.006(c), as amended by sec. 56, ch. 36, SLA 2016, is amended to read:

11 (c) A person who remains in custody 48 hours after appearing before a judicial
12 officer because of inability to meet the conditions of release shall, upon application, be
13 entitled to have the conditions reviewed by the judicial officer who imposed them. If
14 the judicial officer who imposed the conditions of release is not available, any judicial
15 officer in the judicial district may review the conditions. [UPON REVIEW OF THE
16 CONDITIONS, THE JUDICIAL OFFICER SHALL REVISE ANY CONDITIONS
17 OF RELEASE THAT HAVE PREVENTED THE DEFENDANT FROM BEING
18 RELEASED UNLESS THE JUDICIAL OFFICER FINDS ON THE RECORD THAT
19 THERE IS CLEAR AND CONVINCING EVIDENCE THAT LESS RESTRICTIVE
20 RELEASE CONDITIONS CANNOT REASONABLY ENSURE THE

21 (1) APPEARANCE OF THE PERSON IN COURT; AND

22 (2) SAFETY OF THE VICTIM, OTHER PERSONS, AND THE
23 COMMUNITY.]"

1

2 Renumber the following bill sections accordingly.

3

4 Page 15, line 17:

5 Delete "and"

6

7 Page 15, following line 17:

8 Insert new paragraphs to read:

9 "(6) AS 12.30.006(b), as amended by sec. 6 of this Act;

10 (7) AS 12.30.006(c), as amended by sec. 7 of this Act; and"

11

12 Renumber the following paragraph accordingly.

13

14 Page 15, line 18:

15 Delete "sec. 15"

16 Insert "sec. 17"

17

18 Page 15, line 21:

19 Delete "sec. 6"

20 Insert "sec. 8"

21

22 Page 15, line 22:

23 Delete "sec. 7"

24 Insert "sec. 9"

25

26 Page 15, line 23:

27 Delete "sec. 8"

28 Insert "sec. 10"

29

30 Page 15, line 24:

31 Delete "sec. 9"

1 Insert "sec. 11"

2

3 Page 15, line 25:

4 Delete "sec. 10"

5 Insert "sec. 12"

6

7 Page 15, line 26:

8 Delete "sec. 11"

9 Insert "sec. 13"

10

11 Page 15, line 27:

12 Delete "sec. 12"

13 Insert "sec. 14"

14

15 Page 15, line 28:

16 Delete "sec. 18"

17 Insert "sec. 20"

18

19 Page 15, line 29:

20 Delete "sec. 18"

21 Insert "sec. 20"

22

23 Page 15, line 30:

24 Delete "Section 17 of this Act takes"

25 Insert "Sections 6, 7, and 19 of this Act take"

26

27 Page 15, line 31:

28 Delete "sec. 24"

29 Insert "sec. 26"