

AMENDMENT #3 Adopted

OFFERED IN THE HOUSE

TO: CSSB 54(FIN)

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

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

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

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

(C) any other information required by the court.

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

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

Renumber the following bill sections accordingly.

Page 11, following line 12:

Insert new bill sections to read:

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

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

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

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

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

(a) The board shall

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

(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(d) 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

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

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

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

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

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

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

(2) supervise the conduct of parolees;

(3) appoint and assign parole officers and personnel;

(4) [PROVIDE THE BOARD, WITHIN 30 DAYS AFTER SENTENCING, INFORMATION ON A SENTENCED PRISONER WHO MAY BE 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;

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

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

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

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

Renumber the following bill sections accordingly.

Page 15, line 7:

Delete "and"

- 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

8 Adopted

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 12.30.006(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
5 CHARGED WITH A FELONY, OTHER THAN A CLASS C FELONY AND THE
6 PERSON HAS BEEN ASSESSED AS LOW RISK UNDER AS 12.30.011(c)(1),]
7 may be detained up to 48 hours for the prosecuting authority to demonstrate that
8 release of the person under AS 12.30.011 would not reasonably ensure the appearance
9 of the person or will pose a danger to the victim, other persons, or the community, if
10 the person has been charged with the following crimes:

11 (1) an unclassified, class A, or class B felony;

12 (2) a class C felony under AS 11.41.220, 11.41.260, 11.41.425,
13 AS 11.46.310, 11.46.360, AS 11.51.100(d)(2) or (f), 11.51.200, AS 11.56.320,
14 11.56.335, 11.56.540, 11.56.590, 11.56.610, 11.56.770, 11.56.835,
15 AS 11.61.123(f)(1), 11.61.127, 11.61.128(d), 11.61.140(h), 11.61.200,
16 11.61.240(b)(3), or 11.61.250; or

17 (3) a class C felony, other than a class C felony listed in (2) of this
18 subsection, and the person has been assessed as moderate to high risk under
19 AS 12.30.011(c)(2)."

20
21 Renumber the following bill sections accordingly.

22
23 Page 15, line 17:

1 Delete "and"

2

3 Page 15, following line 17:

4 Insert a new paragraph to read:

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

6

7 Renumber the following paragraph accordingly.

8

9 Page 15, line 18:

10 Delete "sec. 15"

11 Insert "sec. 16"

12

13 Page 15, line 21:

14 Delete "sec. 6"

15 Insert "sec. 7"

16

17 Page 15, line 22:

18 Delete "sec. 7"

19 Insert "sec. 8"

20

21 Page 15, line 23:

22 Delete "sec. 8"

23 Insert "sec. 9"

24

25 Page 15, line 24:

26 Delete "sec. 9"

27 Insert "sec. 10"

28

29 Page 15, line 25:

30 Delete "sec. 10"

31 Insert "sec. 11"

1

2 Page 15, line 26:

3 Delete "sec. 11"

4 Insert "sec. 12"

5

6 Page 15, line 27:

7 Delete "sec. 12"

8 Insert "sec. 13"

9

10 Page 15, line 28:

11 Delete "sec. 18"

12 Insert "sec. 19"

13

14 Page 15, line 29:

15 Delete "sec. 18"

16 Insert "sec. 19"

17

18 Page 15, line 30:

19 Delete all material and insert:

20 **"* Sec. 25. Sections 6 and 18 of this Act take effect January 1, 2018."**

21

22 Page 15, line 31:

23 Delete "sec. 24"

24 Insert "sec. 25"

AMENDMENT

#9 Adopted

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE LEDOUX

1 Page 5, following line 25:

2 Insert a new bill section to read:

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

4 (m) A court may not impose a sentence of imprisonment for a definite term of
5 more than **five days** [24 HOURS] for a person convicted of disorderly conduct under
6 AS 11.61.110."
7

8 Renumber the following bill sections accordingly.
9

10 Page 15, line 18:

11 Delete "sec. 15"

12 Insert "sec. 16"

13

14 Page 15, following line 25:

15 Insert a new paragraph to read:

16 "(6) AS 12.55.135(m), as amended by sec. 11 of this Act;"
17

18 Renumber the following paragraphs accordingly.
19

20 Page 15, line 26:

21 Delete "sec. 11"

22 Insert "sec. 12"

23

1 Page 15, line 27:

2 Delete "sec. 12"

3 Insert "sec. 13"

4

5 Page 15, line 28:

6 Delete "sec. 18"

7 Insert "sec. 19"

8

9 Page 15, line 29:

10 Delete "sec. 18"

11 Insert "sec. 19"

12

13 Page 15, line 30:

14 Delete "Section 17"

15 Insert "Section 18"

16

17 Page 15, line 31:

18 Delete "sec. 24"

19 Insert "sec. 25"

AMENDMENT

27 Adopted

OFFERED IN THE HOUSE

TO: CSSB 54(FIN)

1 Page 1, line 2, following "trafficking";

2 Insert "classifying U-47700 as a schedule IA controlled substance; classifying
3 tramadol and related substances as schedule IVA controlled substances;"

4
5 Page 2, following line 29:

6 Insert new bill sections to read:

7 "** Sec. 6. AS 11.71.140(c) is amended to read:

8 (c) Schedule IA includes, unless specifically excepted or unless listed in
9 another schedule, any of the following opiates, including their isomers, esters, ethers,
10 salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers,
11 esters, ethers, and salts is possible within the specific chemical designation,
12 dextrophan excepted:

- 13 (1) acetylmethadol;
- 14 (2) allylprodine;
- 15 (3) alphacetylmethadol;
- 16 (4) alphameprodine;
- 17 (5) alphamethadol;
- 18 (6) alphaprodine;
- 19 (7) anileridine;
- 20 (8) benzethidine;
- 21 (9) betacetylmethadol;
- 22 (10) betameprodine;
- 23 (11) betamethadol;

- 1 (12) betaprodine;
- 2 (13) bezitramide;
- 3 (14) clonitazene;
- 4 (15) dextromoramide;
- 5 (16) diampromide;
- 6 (17) diethylthiambutene;
- 7 (18) difenoxin;
- 8 (19) dihydrocodeine;
- 9 (20) dimenoxadol;
- 10 (21) dimepheptanol;
- 11 (22) dimethylthiambutene;
- 12 (23) dioxaphetyl butyrate;
- 13 (24) diphenoxylate;
- 14 (25) dipipanone;
- 15 (26) ethylmethythiamutene;
- 16 (27) etonitazene;
- 17 (28) etoxeridine;
- 18 (29) fentanyl;
- 19 (30) furethidine;
- 20 (31) hydroxpethidine;
- 21 (32) isomethadone;
- 22 (33) ketobemidone;
- 23 (34) levomethorphan;
- 24 (35) levomoramide;
- 25 (36) levorphanol;
- 26 (37) levophenacymorphan;
- 27 (38) meperidine, also known as pethidine;
- 28 (39) metazocine;
- 29 (40) methadone;
- 30 (41) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl
- 31 butane;

- 1 (42) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-
- 2 propane-carboxylic acid;
- 3 (43) morpheridine;
- 4 (44) noracymethadol;
- 5 (45) norlevorphanol;
- 6 (46) normethadone;
- 7 (47) norpipanone;
- 8 (48) pethidine, also known as merperidine;
- 9 (49) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 10 (50) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carbox-
- 11 ylate;
- 12 (51) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-
- 13 carboxylic acid;
- 14 (52) phenadoxone;
- 15 (53) phenampromide;
- 16 (54) phenazocine;
- 17 (55) phenomorphan;
- 18 (56) phenoperidine;
- 19 (57) piminodine;
- 20 (58) piritramide;
- 21 (59) propheptazine;
- 22 (60) properidine;
- 23 (61) propiram;
- 24 (62) racemethorphan;
- 25 (63) racemoramide;
- 26 (64) racemorphan;
- 27 (65) trimeperidine;
- 28 (66) alfentanil;
- 29 (67) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)- ethyl-4-
- 30 piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4(N-propanilido) piperidine);
- 31 (68) bulk dextropropoxyphene (non-dosage form);

1

2 Page 15, line 18:

3 Delete "sec. 15"

4 Insert "sec. 17"

5

6 Page 15, line 21:

7 Delete "sec. 6"

8 Insert "sec. 8"

9

10 Page 15, line 22:

11 Delete "sec. 7"

12 Insert "sec. 9"

13

14 Page 15, line 23:

15 Delete "sec. 8"

16 Insert "sec. 10"

17

18 Page 15, line 24:

19 Delete "sec. 9"

20 Insert "sec. 11"

21

22 Page 15, line 25:

23 Delete "sec. 10"

24 Insert "sec. 12"

25

26 Page 15, line 26:

27 Delete "sec. 11"

28 Insert "sec. 13"

29

30 Page 15, line 27:

31 Delete "sec. 12"

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

AMENDMENT

28 Adopted

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 12.55.125(c) is amended to read:

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

8 (1) if the offense is a first felony conviction and does not involve
9 circumstances described in (2) of this subsection, three to six years;

10 (2) if the offense is a first felony conviction and the defendant

11 **(A)** possessed a firearm, used a dangerous instrument, or
12 caused serious physical injury or death during the commission of the offense,
13 **five to nine years;** or

14 **(B)** knowingly directed the conduct constituting the offense at a
15 uniformed or otherwise clearly identified peace officer, firefighter, correctional
16 employee, emergency medical technician, paramedic, ambulance attendant, or
17 other emergency responder who was engaged in the performance of official
18 duties at the time of the offense, **seven** [FIVE] to **11** [NINE] years;

19 (3) if the offense is a second felony conviction, eight to 12 years;

20 (4) if the offense is a third felony conviction and the defendant is not
21 subject to sentencing under (d) of this section, 13 to 20 years."

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 20:

7 Insert a new paragraph to read:

8 "(1) AS 12.55.125(c), as amended by sec. 6 of this Act;"

9

10 Renumber the following paragraphs accordingly.

11

12 Page 15, line 21:

13 Delete "sec. 6"

14 Insert "sec. 7"

15

16 Page 15, line 22:

17 Delete "sec. 7"

18 Insert "sec. 8"

19

20 Page 15, line 23:

21 Delete "sec. 8"

22 Insert "sec. 9"

23

24 Page 15, line 24:

25 Delete "sec. 9"

26 Insert "sec. 10"

27

28 Page 15, line 25:

29 Delete "sec. 10"

30 Insert "sec. 11"

31

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

AMENDMENT

#31 Adopted
w/Conceptual
Amendment #3

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"

Approved

Conceptual Amendment #3 to Amendment # 31 (N.67) (Rep. Kopp)

... or, ~~release~~ with the consent of the defendant, released to a person who is willing and able to safely provide care to the defendant.

Amend. #1 to Conceptual Amendment #3:

Delete "safely"

AMENDMENT

#37 Adopted
w/Conceptual

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

Amendment #

Page 14, lines 23 - 28:

Delete all material and insert:

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

Page 15, line 7:

Delete "and"

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

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

Conceptual Amendment #1 to Amendment #37 (N.38) (Rep. LeDonx)

Line 7

Delete

"a motor vehicle, aircraft,
or watercraft and"

Line 8

Delete

"under"

Line 9

Delete

"AS 28.35.028"

Line 16

Delete all material

Line 17

Delete all material

AMENDMENT

#39 Adopted
w/ Conceptual

OFFERED IN THE HOUSE
TO: CSSB 54(FIN)

BY REPRESENTATIVE EASTMAN

Amendment #1

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"

Approved

Conceptual Amendment #1
to Amendment #39 (N.23) (Rep. LeDoux)

Add the language

" , adjusted for inflation as
provided in AS 11.46.982, "

back into Amendment #39 in
all areas it has been deleted.