

AMENDMENT

#1 Adopted

OFFERED IN THE HOUSE

TO: HB 145

1 Page 13, line 1, through page 14, line 23:

2 Delete all material.

3

4 Renumber the following bill sections accordingly.

5

6 Page 21, following line 6:

7 Insert a new bill section to read:

8 "\*\* Sec. 31. AS 12.55.015 is amended by adding a new subsection to read:

9 (f) In making a determination under (a)(12) of this section for a defendant  
10 convicted of a crime involving a sex offense as defined in AS 12.63.100 or a crime  
11 involving domestic violence as defined in AS 18.66.990, there is a presumption that,  
12 unless the court finds on the record, by clear and convincing evidence, that contact  
13 between a defendant and the victim of the offense is necessary, the court shall order  
14 the defendant to have no contact, either directly or indirectly, with the victim until the  
15 defendant is unconditionally discharged."

16

17 Renumber the following bill sections accordingly.

18

19 Page 22, line 7, through page 24, line 28:

20 Delete all material.

21

22 Renumber the following bill sections accordingly.

23

1 Page 26, lines 16 - 24:

2 Delete all material and insert:

3 **\*\* Sec. 37.** AS 12.61.050 is amended by adding a new subsection to read:

4 (c) Through the automated victim notification system established in (a) of this  
5 section, the Department of Corrections shall notify a victim of a sex offense as defined  
6 in AS 12.63.100 or a crime involving domestic violence as defined in AS 18.66.990 of  
7 the option to request a protective order under AS 18.65.850 or AS 18.66.100 and  
8 provide contact information for state victim resources, including the Council on  
9 Domestic Violence and Sexual Assault, the Alaska Network on Domestic Violence  
10 and Sexual Assault, the Office of Victims' Rights, and the Violent Crimes  
11 Compensation Board. This notification must occur when the offender of the victim is  
12 released from incarceration or when the order under AS 12.55.015(*l*) expires,  
13 whichever is later."  
14

15 Renumber the following bill sections accordingly.

16

17 Page 35, line 28:

18 Insert "and"

19

20 Page 35, following line 28:

21 Insert a new paragraph to read:

22 "(5) the number of crime victims that participated in the  
23 prosecution of and court process relating to the offense in which the person was a  
24 victim; and"  
25

26 Renumber the following paragraph accordingly.

27 Page 39, line 30, through page 40, line 3:

28 Delete all material.

29

30 Renumber the following paragraph accordingly.

31

- 1 Page 40, line 4:  
2 Delete "sec. 28"  
3 Insert "sec. 23"  
4  
5 Page 40, line 5:  
6 Delete "sec. 29"  
7 Insert "sec. 24"  
8  
9 Page 40, line 6:  
10 Delete "sec. 30"  
11 Insert "sec. 25"  
12  
13 Page 40, line 7:  
14 Delete "sec. 31"  
15 Insert "sec. 26"  
16  
17 Page 40, line 8:  
18 Delete "sec. 32"  
19 Insert "sec. 27"  
20  
21 Page 40, line 9:  
22 Delete "sec. 33"  
23 Insert "sec. 28"  
24  
25 Page 40, line 10:  
26 Delete "sec. 34"  
27 Insert "sec. 29"  
28  
29 Page 40, line 11:  
30 Delete "sec. 35"  
31 Insert "sec. 30"

- 1
- 2 Page 40, line 12:
  - 3 Delete all material and insert:
  - 4 "(31) AS 12.55.015(*l*), enacted by sec. 31 of this Act;"
  - 5
- 6 Page 40, line 13:
  - 7 Delete "sec. 49"
  - 8 Insert "sec. 44"
  - 9
- 10 Page 40, line 14:
  - 11 Delete "sec. 50"
  - 12 Insert "sec. 45"
  - 13
- 14 Page 40, line 17:
  - 15 Delete "sec. 36"
  - 16 Insert "sec. 32"
  - 17
- 18 Page 40, line 18:
  - 19 Delete "sec. 37"
  - 20 Insert "sec. 33"
  - 21
- 22 Page 40, line 19:
  - 23 Delete all material.
  - 24
- 25 Renumber the following paragraphs accordingly.
- 26
- 27 Page 40, line 20:
  - 28 Delete "sec. 39"
  - 29 Insert "sec. 34"
  - 30
- 31 Page 40, line 21:

1 Delete "sec. 40"

2 Insert "sec. 35"

3

4 Page 40, line 22:

5 Delete "sec. 41"

6 Insert "sec. 36"

7

8 Page 40, line 25:

9 Delete "sec. 43"

10 Insert "sec. 38"

11

12 Page 40, line 26:

13 Delete "sec. 44"

14 Insert "sec. 39"

15

16 Page 40, line 27:

17 Delete "sec. 45"

18 Insert "sec. 40"

19

20 Page 40, line 28:

21 Delete "sec. 46"

22 Insert "sec. 41"

23

24 Page 41, line 2:

25 Delete "sec. 51"

26 Insert "sec. 46"

**Amendment #1 to Amendment #1**

Page 1, line 9, following “(l)”:

Delete “In making a determination under (a)(12) of this section”

Inset “At sentencing”

Page 1, lines 12, following “record”:

Delete “,by clear and convincing evidence,”

**Amendment #2 (Conceptual) to Amendment #1**

Page 2, lines 20-24

This change currently applies to Section 53, but the change needs to apply to Section 55.

AMENDMENT

#2 Adopted

OFFERED IN THE HOUSE

TO: HB 145

- 1 Page 19, line 8, following "AS 11.71.050(a)(4)":
- 2 Insert "within the preceding 10 years"

**Amendment #1 to Amendment #2**

Page 1, line 1

Delete “8”

Insert “5”

Delete “AS 11.71.050(a)(4)”

Insert “and”

AMENDMENT

#3 Adopted

OFFERED IN THE HOUSE  
TO: HB 145

BY REPRESENTATIVE LEDOUX

1 Page 25, line 11:

2 Delete "or"

3 Insert "[OR]"

4

5 Page 25, line 18, following "AS 11.61.118(a)(2);":

6 Insert "or

7

(F) conviction is for a crime involving domestic violence;

8

or"

AMENDMENT

#4 Adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE SHAW

TO: HB 145

1 Page 1, line 5, following "test;":

2 Insert "relating to a pretrial risk assessment instrument;"

3

4 Page 32, following line 7:

5 Insert new bill sections to read:

6 "\*\* Sec. 51. AS 33.07.020 is amended to read:

7 **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner

8 shall

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

11 (2) fix pretrial services officers' salaries;

12 (3) assign pretrial services officers to each judicial district;

13 (4) provide for the necessary supervision, training, expenses, including  
14 clerical services, and travel of pretrial services officers;

15 (5) approve a risk assessment instrument that is objective,  
16 standardized, and developed based on analysis of empirical data and risk factors  
17 relevant to pretrial failure, that evaluates the likelihood of failure to appear in court  
18 and the likelihood of rearrest during the pretrial period, [AND] that is validated on the  
19 state's pretrial population, and that has been verified by peer review as provided in  
20 (b) - (e) of this section; and

21 (6) adopt regulations in consultation with the Department of Law, the  
22 public defender, the Department of Public Safety, the office of victims' rights, and the  
23 Alaska Court System, consistent with this chapter and as necessary to implement the

1 program; the regulations must include a process for pretrial services officers to make a  
2 recommendation to the court concerning a pretrial release decision and guidelines for  
3 pretrial diversion recommendations.

4 \* Sec. 52. AS 33.07.020 is amended by adding new subsections to read:

5 (b) Before the commissioner approves a risk assessment instrument under  
6 (a)(5) of this section, and every three years thereafter, the commissioner shall submit  
7 the studies on which the risk assessment instrument is based and other related data for  
8 peer review by a minimum of three separate parties who are not employees of the  
9 department and whom the commissioner determines to be technically qualified in the  
10 subject matter under review. The commissioner shall ensure that the peer review  
11 includes an analysis of the factors considered by the commissioner in supporting the  
12 changes or additions to the risk assessment instrument proposed to be adopted and  
13 recommendations, if any, for additional research or investigation considered  
14 appropriate. Peer review reports shall be submitted to the commissioner within 45  
15 days after the department submits a matter for peer review unless the commissioner  
16 determines that additional time is required.

17 (c) Before the commissioner approves a risk assessment instrument under  
18 (a)(5) of this section, and every three years thereafter, the commissioner shall make  
19 available to the public, at convenient locations and on the department's Internet  
20 website, copies of the department's proposed risk assessment instrument, the findings  
21 of the department describing the basis for adoption of the risk assessment instrument,  
22 and the peer review reports submitted under (b) of this section.

23 (d) The commissioner shall contract with persons to perform peer review  
24 under (b) of this section. All persons shall be selected based on competitive sealed  
25 proposals under AS 36.30.200 - 36.30.270 (State Procurement Code). The  
26 commissioner may not contract with a person to perform peer review under this  
27 section if the person has a significant financial interest or other significant interest that  
28 could bias evaluation of the proposed risk assessment instrument. An interest is not  
29 considered significant under this subsection if it is an interest possessed generally by  
30 the public or a large class of persons or if the effect of the interest on the person's  
31 ability to be impartial is only conjectural.

1           (e) If one or more peer review reports submitted to the commissioner under  
2           (b) of this section state the risk assessment instrument is flawed based on the analysis  
3           of empirical data and risk factors relevant to pretrial failure, the commissioner shall  
4           review the risk assessment instrument to determine what changes are necessary,  
5           amend the risk assessment instrument, and resubmit the risk assessment instrument for  
6           peer review."

7  
8    Renumber the following bill sections accordingly.

9  
10   Page 41, line 2:

11       Delete "sec. 51"

12       Insert "sec. 53"

AMENDMENT

#5 Failed

OFFERED IN THE HOUSE  
TO: HB 145

BY REPRESENTATIVE SHAW

1 Page 21, following line 11:

2 Insert a new bill section to read:

3 \*\*\* Sec. 37. 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, five [THREE] to eight [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  
15 a uniformed or otherwise clearly identified peace officer, firefighter,  
16 correctional employee, emergency medical technician, paramedic, ambulance  
17 attendant, or other emergency responder who was engaged in the performance  
18 of official duties at the time of the offense, seven to 11 years;

19 (3) if the offense is a second felony conviction, 10 [EIGHT] to 14 [12]  
20 years;

21 (4) if the offense is a third felony conviction and the defendant is not  
22 subject to sentencing under (1) of this section, 15 [13] to 20 years."  
23

1 Renumber the following bill sections accordingly.

2

3 Page 21, line 18:

4 Delete "90 days [ZERO] to two"

5 Insert "one [ZERO] to three [TWO]"

6

7 Page 22, line 5:

8 Delete "two to five"

9 Insert "four [TWO] to seven [FIVE]"

10

11 Page 22, line 6:

12 Delete "four"

13 Insert "six [FOUR]"

14

15 Page 22, following line 6:

16 Insert a new bill section to read:

17 "\*\* Sec. 39. AS 12.55.125(e) is amended to read:

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

22 (1) if the offense is a first felony conviction and does not involve  
23 circumstances described in (4) of this subsection, zero to two years; a defendant  
24 sentenced under this paragraph may, if the court finds it appropriate, be granted a  
25 suspended imposition of sentence under AS 12.55.085, and the court may, as a  
26 condition of probation under AS 12.55.086, require the defendant to serve an active  
27 term of imprisonment within the range specified in this paragraph;

28 (2) if the offense is a second felony conviction, two [ONE] to four  
29 years;

30 (3) if the offense is a third felony conviction, three [TWO] to five  
31 years;

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

3

4   Renumber the following bill sections accordingly.

5

6   Page 40, line 12:

7           Delete "sec. 42"

8           Insert "sec. 44"

9

10   Page 40, line 13:

11           Delete "sec. 49"

12           Insert "sec. 51"

13

14   Page 40, line 14:

15           Delete "sec. 50"

16           Insert "sec. 52"

17

18   Page 40, following line 17:

19           Insert a new paragraph to read:

20                   "(2) AS 12.55.125(c), as amended by sec. 37 of this Act;"

21

22   Renumber the following paragraphs accordingly.

23

24   Page 40, line 18:

25           Delete "sec. 37"

26           Insert "sec. 38"

27

28   Page 40, following line 18:

29           Insert a new paragraph to read:

30                   "(4) AS 12.55.125(e), as amended by sec. 39 of this Act;"

31

1    Renumber the following paragraphs accordingly.

2

3    Page 40, line 19:

4       Delete "sec. 38"

5       Insert "sec. 40"

6

7    Page 40, line 20:

8       Delete "sec. 39"

9       Insert "sec. 41"

10

11   Page 40, line 21:

12       Delete "sec. 40"

13       Insert "sec. 42"

14

15   Page 40, line 22:

16       Delete "sec. 41"

17       Insert "sec. 43"

18

19   Page 40, line 25:

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23   Page 40, line 26:

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25       Insert "sec. 46"

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27   Page 40, line 27:

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29       Insert "sec. 47"

30

31   Page 40, line 28:

1 Delete "sec. 46"

2 Insert "sec. 48"

3

4 Page 41, line 2:

5 Delete "sec. 51"

6 Insert "sec. 53"