

AMENDMENT

#1

OFFERED IN THE HOUSE

BY REPRESENTATIVE LEDOUX

TO: CSHB 49(JUD), Draft Version "M"

1 Page 28, following line 22:

2 Insert a new bill section to read:

3 **"* Sec. 49.** AS 28.35.030(o) is amended to read:

4 (o) Upon request, the department shall review a driver's license revocation
5 imposed under (n)(3) of this section and, unless the revocation was ordered in a
6 case in which the person was also convicted of a crime under AS 11.41.100 -
7 11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction,

8 (1) may restore the driver's license if

9 (A) the license has been revoked for a period of at least 10
10 years;

11 (B) the person has not been convicted of a [DRIVING-
12 RELATED] criminal offense in the 10 years preceding the request for
13 restoration of [SINCE] the license [WAS REVOKED]; and

14 (C) the person provides proof of financial responsibility;

15 (2) shall restore the driver's license if

16 (A) the person has been granted limited license privileges
17 under AS 28.15.201(g) and has successfully driven under that limited license
18 for three years without having the limited license privileges revoked;

19 (B) the person has successfully completed a court-ordered
20 treatment program under AS 28.35.028 or a rehabilitative treatment program
21 under AS 28.15.201(h);

22 (C) the person has not been convicted of a violation of
23 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another

jurisdiction since the license was revoked:

(D) the person is otherwise eligible to have the person's driving privileges restored as provided in AS 28.15.211; in an application under this subsection, a person whose license was revoked for a violation of AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as required under AS 28.35.030(h) or 28.35.032(f); and

(E) the person provides proof of financial responsibility."

Renumber the following bill sections accordingly.

Page 29, following line 26:

Insert a new bill section to read:

**** Sec. 51.** AS 28.35.032(q) is amended to read:

(q) Upon request, the department shall review a driver's license revocation imposed under (p)(3) of this section and, unless the revocation was ordered in a case in which the person was also convicted of a crime under AS 11.41.100 - 11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction, may restore the driver's license if

(1) the license has been revoked for a period of at least 10 years;

(2) the person has not been convicted of a criminal offense in the 10 years preceding the request for restoration of [SINCE] the license [WAS REVOKED]; and

(3) the person provides proof of financial responsibility."

Renumber the following bill sections accordingly.

Page 40, line 7:

Delete "Act."

Insert "Act;"

Page 40, following line 7:

1 Insert new paragraphs to read:

2 "(36) AS 28.35.030(o), as amended by sec. 49 of this Act;

3 (37) AS 28.35.032(q), as amended by sec. 51 of this Act."

4

5 Page 40, line 16:

6 Delete "sec. 49"

7 Insert "sec. 50"

8

9 Page 40, line 27:

10 Delete "sec. 52"

11 Insert "sec. 54"

12

13 Page 41, line 1:

14 Delete "Section 62"

15 Insert "Section 64"

16 Delete "sec. 62"

17 Insert "sec. 64"

AMENDMENT #2

OFFERED IN THE HOUSE

TO: CSHB 49(JUD), Draft Version "M"

1 Page 35, line 9, following "action;":

2 Insert "and"

3

4 Page 35, lines 10 - 12:

5 Delete all material.

6

7 Renumber the following paragraph accordingly.

8

9 Page 36, line 7:

10 Delete "and"

11

12 Page 36, line 9, following "offense":

13 Insert "; and

14 (5) the number of crime victims that participated in the prosecution of

15 and court process relating to the offense in which the person was a victim"

AMENDMENT

#3

OFFERED IN THE HOUSE

TO: CSHB 49(JUD), Draft Version "M"

1 Page 13, following line 14:

2 Insert a new bill section to read:

3 **** Sec. 26.** AS 11.61.120(a) is amended to read:

4 (a) A person commits the crime of harassment in the second degree if, with
5 intent to harass or annoy another person, that person

6 (1) insults, taunts, or challenges another person in a manner likely to
7 provoke an immediate violent response;

8 (2) telephones another and fails to terminate the connection with intent
9 to impair the ability of that person to place or receive telephone calls;

10 (3) makes repeated telephone calls at extremely inconvenient hours;

11 (4) makes an anonymous or obscene telephone call, an obscene
12 electronic communication, or a telephone call or electronic communication that
13 threatens physical injury or sexual contact;

14 (5) subjects another person to offensive physical contact;

15 (6) except as provided in AS 11.61.116, publishes or distributes
16 electronic or printed photographs, pictures, or films that show the genitals, anus, or
17 female breast of the other person or show that person engaged in a sexual act; [OR]

18 (7) repeatedly sends or publishes an electronic communication that
19 insults, taunts, challenges, or intimidates a person under 18 years of age in a manner
20 that places the person in reasonable fear of physical injury; or

21 (8) under circumstances not proscribed under AS 11.41.455 or
22 AS 11.61.125, repeatedly sends to another person, publishes, or distributes
23 electronic or printed photographs, pictures, or films that show the genitals of any

1 person."

2

3 Renumber the following bill sections accordingly.

4

5 Page 39, following line 28:

6 Insert a new paragraph to read:

7 "(26) AS 11.61.120(a), as amended by sec. 26 of this Act;"

8

9 Renumber the following paragraphs accordingly.

10

11 Page 39, line 29:

12 Delete "sec. 26"

13 Insert "sec. 27"

14

15 Page 39, line 30:

16 Delete "sec. 27"

17 Insert "sec. 28"

18

19 Page 39, line 31:

20 Delete "sec. 28"

21 Insert "sec. 29"

22

23 Page 40, line 1:

24 Delete "sec. 29"

25 Insert "sec. 30"

26

27 Page 40, line 2:

28 Delete "sec. 30"

29 Insert "sec. 31"

30

31 Page 40, line 3:

1 Delete "sec. 31"
 2 Insert "sec. 32"
 3
 4 Page 40, line 4:
 5 Delete "sec. 32"
 6 Insert "sec. 33"
 7
 8 Page 40, line 5:
 9 Delete "sec. 33"
 10 Insert "sec. 34"
 11
 12 Page 40, line 6:
 13 Delete "sec. 34"
 14 Insert "sec. 35"
 15
 16 Page 40, line 7:
 17 Delete "sec. 40"
 18 Insert "sec. 41"
 19
 20 Page 40, line 10:
 21 Delete "sec. 35"
 22 Insert "sec. 36"
 23
 24 Page 40, line 11:
 25 Delete "sec. 36"
 26 Insert "sec. 37"
 27
 28 Page 40, line 12:
 29 Delete "sec. 37"
 30 Insert "sec. 38"
 31

1 Page 40, line 13:

2 Delete "sec. 38"

3 Insert "sec. 39"

4

5 Page 40, line 14:

6 Delete "sec. 39"

7 Insert "sec. 40"

8

9 Page 40, line 15:

10 Delete "sec. 48"

11 Insert "sec. 49"

12

13 Page 40, line 16:

14 Delete "sec. 49"

15 Insert "sec. 50"

16

17 Page 40, line 19:

18 Delete "sec. 42"

19 Insert "sec. 43"

20

21 Page 40, line 20:

22 Delete "sec. 43"

23 Insert "sec. 44"

24

25 Page 40, line 21:

26 Delete "sec. 44"

27 Insert "sec. 45"

28

29 Page 40, line 22:

30 Delete "sec. 45"

31 Insert "sec. 46"

1

2 Page 40, line 27:

3 Delete "sec. 52"

4 Insert "sec. 53"

5

6 Page 41, line 1:

7 Delete "Section 62"

8 Insert "Section 63"

9 Delete "sec. 62"

10 Insert "sec. 63"

AMENDMENT

4

OFFERED IN THE HOUSE

TO: CSHB 49(JUD), Draft Version "M"

1 Page 22, line 25, through page 23, line 1:

2 Delete all material.

3

4 Renumber the following bill sections accordingly.

5

6 Page 40, line 6:

7 Delete "Act;"

8 Insert "Act."

9

10 Page 40, line 7:

11 Delete all material.

12

13 Page 40, line 15:

14 Delete "sec. 48"

15 Insert "sec. 47"

16

17 Page 40, line 16:

18 Delete "sec. 49"

19 Insert "sec. 48"

20

21 Page 40, line 19:

22 Delete "sec. 42"

23 Insert "sec. 41"

1

2 Page 40, line 20:

3 Delete "sec. 43"

4 Insert "sec. 42"

5

6 Page 40, line 21:

7 Delete "sec. 44"

8 Insert "sec. 43"

9

10 Page 40, line 22:

11 Delete "sec. 45"

12 Insert "sec. 44"

13

14 Page 40, line 27:

15 Delete "sec. 52"

16 Insert "sec. 51"

17

18 Page 41, line 1:

19 Delete "Section 62"

20 Insert "Section 61"

21 Delete "sec. 62"

22 Insert "sec. 61"

AMENDMENT

5

OFFERED IN THE HOUSE

TO: CSHB 49(JUD), Draft Version "M"

1 Page 21, following line 5:

2 Insert a new bill section to read:

3 **** Sec. 37.** AS 12.55.125(i) is amended to read:

4 (i) A defendant convicted of

5 (1) sexual assault in the first degree, sexual abuse of a minor in the
6 first degree, or sex trafficking in the first degree under AS 11.66.110(a)(2) may be
7 sentenced to a definite term of imprisonment of not more than 99 years and shall be
8 sentenced to a definite term within the following presumptive ranges, subject to
9 adjustment as provided in AS 12.55.155 - 12.55.175:

10 (A) if the offense is a first felony conviction, the offense does
11 not involve circumstances described in (B) of this paragraph, and the victim
12 was

13 (i) less than 13 years of age, 25 to 35 years;

14 (ii) 13 years of age or older, 20 to 30 years;

15 (B) if the offense is a first felony conviction and the defendant
16 possessed a firearm, used a dangerous instrument, or caused serious physical
17 injury during the commission of the offense, 25 to 35 years;

18 (C) if the offense is a second felony conviction and does not
19 involve circumstances described in (D) of this paragraph, 30 to 40 years;

20 (D) if the offense is a second felony conviction and the
21 defendant has a prior conviction for a sexual felony, 35 to 45 years;

22 (E) if the offense is a third felony conviction and the defendant
23 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40

1 to 60 years;

2 (F) if the offense is a third felony conviction, the defendant is
3 not subject to sentencing under (I) of this section, and the defendant has two
4 prior convictions for sexual felonies, 99 years;

5 (2) unlawful exploitation of a minor under AS 11.41.455(c)(2),
6 [ONLINE] enticement of a minor under AS 11.41.452(e), or attempt, conspiracy, or
7 solicitation to commit sexual assault in the first degree, sexual abuse of a minor in the
8 first degree, or sex trafficking in the first degree under AS 11.66.110(a)(2) may be
9 sentenced to a definite term of imprisonment of not more than 99 years and shall be
10 sentenced to a definite term within the following presumptive ranges, subject to
11 adjustment as provided in AS 12.55.155 - 12.55.175:

12 (A) if the offense is a first felony conviction, the offense does
13 not involve circumstances described in (B) of this paragraph, and the victim
14 was

15 (i) under 13 years of age, 20 to 30 years;

16 (ii) 13 years of age or older, 15 to 30 years;

17 (B) if the offense is a first felony conviction and the defendant
18 possessed a firearm, used a dangerous instrument, or caused serious physical
19 injury during the commission of the offense, 25 to 35 years;

20 (C) if the offense is a second felony conviction and does not
21 involve circumstances described in (D) of this paragraph, 25 to 35 years;

22 (D) if the offense is a second felony conviction and the
23 defendant has a prior conviction for a sexual felony, 30 to 40 years;

24 (E) if the offense is a third felony conviction, the offense does
25 not involve circumstances described in (F) of this paragraph, and the defendant
26 is not subject to sentencing under (I) of this section, 35 to 50 years;

27 (F) if the offense is a third felony conviction, the defendant is
28 not subject to sentencing under (I) of this section, and the defendant has two
29 prior convictions for sexual felonies, 99 years;

30 (3) sexual assault in the second degree, sexual abuse of a minor in the
31 second degree, [ONLINE] enticement of a minor under AS 11.41.452(d), unlawful

1 exploitation of a minor under AS 11.41.455(c)(1), or distribution of child pornography
2 under AS 11.61.125(e)(2) may be sentenced to a definite term of imprisonment of not
3 more than 99 years and shall be sentenced to a definite term within the following
4 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

5 (A) if the offense is a first felony conviction, five to 15 years;

6 (B) if the offense is a second felony conviction and does not
7 involve circumstances described in (C) of this paragraph, 10 to 25 years;

8 (C) if the offense is a second felony conviction and the
9 defendant has a prior conviction for a sexual felony, 15 to 30 years;

10 (D) if the offense is a third felony conviction and does not
11 involve circumstances described in (E) of this paragraph, 20 to 35 years;

12 (E) if the offense is a third felony conviction and the defendant
13 has two prior convictions for sexual felonies, 99 years;

14 (4) sexual assault in the third degree, incest, indecent exposure in the
15 first degree, possession of child pornography, distribution of child pornography under
16 AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual assault in
17 the second degree, sexual abuse of a minor in the second degree, unlawful exploitation
18 of a minor, or distribution of child pornography, may be sentenced to a definite term
19 of imprisonment of not more than 99 years and shall be sentenced to a definite term
20 within the following presumptive ranges, subject to adjustment as provided in
21 AS 12.55.155 - 12.55.175:

22 (A) if the offense is a first felony conviction, two to 12 years;

23 (B) if the offense is a second felony conviction and does not
24 involve circumstances described in (C) of this paragraph, eight to 15 years;

25 (C) if the offense is a second felony conviction and the
26 defendant has a prior conviction for a sexual felony, 12 to 20 years;

27 (D) if the offense is a third felony conviction and does not
28 involve circumstances described in (E) of this paragraph, 15 to 25 years;

29 (E) if the offense is a third felony conviction and the defendant
30 has two prior convictions for sexual felonies, 99 years."
31

1 Renumber the following bill sections accordingly.

2

3 Page 22, following line 24:

4 Insert a new bill section to read:

5 "* **Sec. 41.** AS 12.55.185(10) is amended to read:

6 (10) "most serious felony" means

7 (A) arson in the first degree, sex trafficking in the first degree

8 under AS 11.66.110(a)(2), [ONLINE] enticement of a minor under

9 AS 11.41.452(e), or any unclassified or class A felony prescribed under

10 AS 11.41; or

11 (B) an attempt, or conspiracy to commit, or criminal

12 solicitation under AS 11.31.110 of, an unclassified felony prescribed under

13 AS 11.41;"

14

15 Renumber the following bill sections accordingly.

16

17 Page 22, line 31:

18 Delete "online"

19 Insert "[ONLINE]"

20

21 Page 40, line 7:

22 Delete "sec. 40"

23 Insert "sec. 42"

24

25 Page 40, line 12:

26 Delete "sec. 37"

27 Insert "sec. 38"

28

29 Page 40, line 13:

30 Delete "sec. 38"

31 Insert "sec. 39"

1
2 Page 40, line 14:
3 Delete "sec. 39"
4 Insert "sec. 40"
5
6 Page 40, line 15:
7 Delete "sec. 48"
8 Insert "sec. 50"
9
10 Page 40, line 16:
11 Delete "sec. 49 "
12 Insert "sec. 51 "
13
14 Page 40, line 19:
15 Delete "sec. 42"
16 Insert "sec. 44"
17
18 Page 40, line 20:
19 Delete "sec. 43"
20 Insert "sec. 45"
21
22 Page 40, line 21:
23 Delete "sec. 44"
24 Insert "sec. 46"
25
26 Page 40, line 22:
27 Delete "sec. 45"
28 Insert "sec. 47"
29
30 Page 40, line 27:
31 Delete "sec. 52"

1 Insert "sec. 54"

2

3 Page 41, line 1:

4 Delete "Section 62"

5 Insert "Section 64"

6 Delete "sec. 62"

7 Insert "sec. 64"

AMENDMENT

#6

OFFERED IN THE HOUSE

TO: CSHB 49(JUD), Draft Version "M"

1 Page 1, line 5:

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

3

4 Page 29, line 27, through page 31, line 19:

5 Delete all material.

6

7 Renumber the following bill sections accordingly.

8

9 Page 40, line 27:

10 Delete "sec. 52"

11 Insert "sec. 51"

12

13 Page 41, line 1:

14 Delete "Section 62"

15 Insert "Section 60"

16 Delete "sec. 62"

17 Insert "sec. 60"

AMENDMENT

#7

OFFERED IN THE HOUSE

TO: CSHB 49(JUD), Draft Version "M"

- 1 Page 38, lines 29 - 30:
- 2 Delete all material and insert:
- 3 **"* Sec. 63.** AS 11.46.980(d), 11.46.982; and AS 12.55.135(*l*) are repealed."