

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOHNSTON

TO: CSHB 49(FIN), Draft Version "E"

1 Page 27, line 10:

2 Delete "or"

3 Insert "[OR]"

4

5 Page 27, line 13:

6 Delete "VA, or VIA controlled substance."

7 Insert "or VA [, OR VIA] controlled substance; or

8 (5) under circumstances not proscribed under AS 11.71.030(a)(3),

9 11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a

10 schedule VIA controlled substance."

#2

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE LEBON

TO: CSHB 49(FIN), Draft Version "E"

- 1 Page 32, line 29, following "convictions":
- 2 Insert "and any pending criminal charges"

#3

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE LEBON

TO: CSHB 49(FIN), Draft Version "E"

1 Page 33, line 4:

2 Delete "and"

3

4 Page 33, line 6, following "community":

5 Insert "; and

6 (12) the pretrial risk assessment provided by the commissioner of  
7 corrections."

8

9 Page 34, lines 6 - 7:

10 Delete all material.

#4

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE LEBON

TO: CSHB 49(FIN), Draft Version "E"

1 Page 53, following line 21:

2 Insert a new subsection to read:

3 "(k) In establishing the program under (j) of this section, the commissioner  
4 shall approve a risk assessment instrument that is objective, standardized, and  
5 developed based on analysis of empirical data and risk factors relevant to pretrial  
6 failure, that evaluates the likelihood of an offender's failure to appear in court and the  
7 likelihood of an offender's rearrest during the pretrial period, and that is validated on  
8 the state's pretrial population. The commissioner shall periodically reassess the risk  
9 assessment instrument for its effectiveness in determining the likelihood of an  
10 offender's failure to appear in court or rearrest during the pretrial period."

#5  
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE LEBON

TO: CSHB 49(FIN); Draft Version "E"

1 Page 36, lines 13 - 22:

2 Delete all material and insert:

3 "(1) has completed at least

4 (A) two years on probation if the person was convicted of a  
5 class A or class B felony that is not a crime under (5) of this subsection; or

6 (B) 18 months on probation if the person was convicted of a  
7 crime that is not a crime

8 (i) under (a) of this paragraph; or

9 (ii) under (5) of this subsection;

10 (2) has completed all treatment programs required as a condition of  
11 probation;

12 (3) [HAS NOT BEEN FOUND IN VIOLATION OF CONDITIONS  
13 OF PROBATION BY THE COURT FOR THE PERIOD SPECIFIED IN (1) OF  
14 THIS SUBSECTION;

15 (4)] is currently in compliance with all conditions of probation for all  
16 of the cases for which the person is on probation; and

17 (4) [(5)] has not been convicted of an unclassified felony offense, a  
18 sexual felony as defined in AS 12.55.185, or a crime involving domestic violence as  
19 defined in AS 18.66.990."

20

21 Page 54, lines 16 - 17:

22 Delete "consider recommending [RECOMMEND]"

23 Insert "recommend"



1

2 Page 59, lines 24 - 27:

3 Delete all material and insert:

4 "(3) is currently in compliance with all conditions of parole for all  
5 of the cases for which the person is on parole and has not been found in violation of  
6 conditions of parole by the board for at least one year; and"

#6  
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: CSHB 49(FIN), Draft Version "E"

1 Page 61, following line 25:

2 Insert a new bill section to read:

3 **\*\* Sec. 91.** AS 33.30.011(a) is amended to read:

4 (a) The commissioner shall

5 (1) establish, maintain, operate, and control correctional facilities  
6 suitable for the custody, care, and discipline of persons charged or convicted of  
7 offenses against the state or held under authority of state law; each correctional facility  
8 operated by the state shall be established, maintained, operated, and controlled in a  
9 manner that is consistent with AS 33.30.015;

10 (2) classify prisoners;

11 (3) for persons committed to the custody of the commissioner,  
12 establish programs, including furlough programs that are reasonably calculated to

13 (A) protect the public and the victims of crimes committed by  
14 prisoners;

15 (B) maintain health;

16 (C) create or improve occupational skills;

17 (D) enhance educational qualifications;

18 (E) support court-ordered restitution; and

19 (F) otherwise provide for the rehabilitation and reformation of  
20 prisoners, facilitating their reintegration into society;

21 (4) provide necessary

22 (A) medical services for prisoners in correctional facilities or  
23 who are committed by a court to the custody of the commissioner, including

1 examinations for communicable and infectious diseases;

2 (B) psychological or psychiatric treatment if a physician or  
3 other health care provider, exercising ordinary skill and care at the time of  
4 observation, concludes that

5 (i) a prisoner exhibits symptoms of a serious disease or  
6 injury that is curable or may be substantially alleviated; and

7 (ii) the potential for harm to the prisoner by reason of  
8 delay or denial of care is substantial; and

9 (C) assessment or screening of the risks and needs of offenders  
10 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal  
11 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based  
12 disorder;

13 (5) establish minimum standards for sex offender treatment programs  
14 offered to persons who are committed to the custody of the commissioner;

15 (6) provide for fingerprinting in correctional facilities in accordance  
16 with AS 12.80.060;

17 (7) establish a program to conduct assessments of the risks and needs  
18 of offenders sentenced to serve a term of incarceration of 90 [30] days or more [AND  
19 PROVIDE TO THE LEGISLATURE, BY ELECTRONIC MEANS, BY JANUARY  
20 15, 2017, AND THEREAFTER BY JANUARY 15, PRECEDING THE FIRST  
21 REGULAR SESSION OF EACH LEGISLATURE, A REPORT SUMMARIZING  
22 THE FINDINGS AND RESULTS OF THE PROGRAM]; the program must include a  
23 requirement for an assessment before a prisoner's release on parole, furlough, or  
24 electronic monitoring from a correctional facility;

25 (8) establish a procedure that provides for each prisoner required to  
26 serve an active term of imprisonment of 90 [30] days or more a written case plan that

27 (A) takes effect and is provided to the prisoner within 90 days  
28 after sentencing;

29 (B) is based on the results of the assessment of the prisoner's  
30 risks and needs under (7) of this subsection;

31 (C) includes a requirement to follow the rules of the institution;



(D) is modified when necessary for changes in classification, housing status, medical or mental health, and resource availability;

(E) includes participation in programming that addresses the needs identified in the assessment;

(9) establish a program to begin reentry planning with each prisoner serving an active term of imprisonment of 90 days or more; reentry planning must begin at least 90 days before release on furlough or probation or parole; the reentry program must include

(A) a written reentry plan for each prisoner completed upon release on furlough or probation or parole that includes information on the prisoner's proposed

(i) residence;

(ii) employment or alternative means of support;

(iii) treatment options;

(iv) counseling services;

(v) education or job training services;

(B) any other requirements for successful transition back to the community, including electronic monitoring or furlough for the period between a scheduled parole hearing and parole eligibility;

(C) coordination with the Department of Labor and Workforce Development to provide access, after release, to job training and employment assistance; **and**

**(D) coordination with community reentry coalitions or other providers of reentry services if available;**

(10) for offenders under electronic monitoring, establish

(A) minimum standards for electronic monitoring, which may include the requirement of active, real-time monitoring using global positioning systems; and

(B) procedures for oversight and approving electronic monitoring programs and systems provided by private contractors; [AND]

(11) assist a prisoner in obtaining a valid state identification card if the

prisoner does not have a valid state identification card before the prisoner's release; the department shall pay the application fee for the identification card; and

(12) provide to the legislature, by electronic means, by January 10 preceding the first regular session of each legislature, a report summarizing the findings and results of the program established under (7) of this subsection; the report must include

(A) the number of prisoners who were provided with written case plans under (8) of this subsection;

(B) the number of written case plans under (8) of this subsection initiated within the preceding year; and

(C) the number of written case plans under (8) of this subsection that were updated in the preceding year."

Renumber the following bill sections accordingly.

Page 63, following line 21:

Insert a new bill section to read:

"\* **Sec. 98.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT TO LEGISLATURE; COMMISSIONER OF CORRECTIONS. On or before January 10, 2020, the commissioner of corrections shall provide a report to the legislature as described under AS 33.30.011(a)(12), enacted by sec. 91 of this Act. The commissioner shall submit the report to the senate secretary and chief clerk of the house of representatives and notify the legislature that the report is available."

Renumber the following bill sections accordingly.

Page 67, line 21:

Delete "Sections 93 - 95"

Insert "Sections 94 - 96"

Delete "secs. 93 - 95"

1           Insert "secs. 94 - 96"

2

3   Page 67, line 24:

4           Delete "Section 98"

5           Insert "Section 100"

6

7   Page 67, line 25:

8           Delete "Section 92"

9           Insert "Section 93"

10

11   Page 67, line 26:

12           Delete "secs. 101 and 102"

13           Insert "secs. 103 and 104"

AMENDMENT #7

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: CSHB 49(FIN), Draft Version "E"

1 Page 61, line 30, through page 62, line 6:

2 Delete all material and insert:

3 **"\* Sec. 92.** AS 44.41 is amended by adding a new section to read:

4 **Sec. 44.41.065. Sexual assault examination kits.** (a) When a law enforcement  
5 agency collects a sexual assault examination kit under AS 18.68.010, the agency shall

6 (1) within 30 days after the agency collects the sexual assault  
7 examination kit, send the sexual assault examination kit to an accredited laboratory in  
8 coordination with the Department of Public Safety or a laboratory operated by the  
9 Department of Public Safety;

10 (2) ensure that the laboratory to which the sexual assault examination  
11 kit is sent under (1) of this subsection conducts a serological or DNA test on the  
12 sexual assault examination kit within one year after the laboratory receives the sexual  
13 assault examination kit; and

14 (3) within two weeks after the laboratory that receives the sexual  
15 assault examination kit under (1) of this subsection completes serological or DNA  
16 testing, make a reasonable effort to notify the victim from whom the sexual assault  
17 examination kit was collected that the sexual assault examination kit has been tested.

18 (b) A criminal action may not be dismissed nor the evidence deemed  
19 nonadmissible for failure to be tested within the times established in (a)(1) and (2) of  
20 this section.

21 (c) If a case is resolved before a sexual assault examination kit is tested, a law  
22 enforcement agency is not required to meet the time limits established in (a) of this  
23 section.



(d) In this section,

(1) "law enforcement agency" and "agency" have the meaning given to "law enforcement agency" in AS 12.36.090;

(2) "victim" has the meaning given in AS 11.41.470.

\* Sec. 93. AS 44.41.070(a) is amended to read:

(a) By September 1 of each year, each law enforcement agency and state department charged with the maintenance, storage, and preservation of sexual assault examination kits shall conduct an inventory of untested sexual assault examination kits and report, in writing, to the Department of Public Safety the number of untested sexual assault examination kits in the possession of the agency or department, the number of sexual assault examination kits that the law enforcement agency or state department has determined are ineligible for testing under (e) of this section, with the reason or reasons the untested sexual assault examination kits were determined to be ineligible for testing, and the date on which each untested sexual assault examination kit was collected.

\* Sec. 94. AS 44.41.070(b) is amended to read:

(b) By November 1 of each year, the Department of Public Safety shall prepare and transmit a report to the president of the senate and the speaker of the house of representatives that contains

(1) the number of untested sexual assault examination kits stored by each law enforcement agency or department and the number of sexual assault examination kits that the law enforcement agency or state department has determined are ineligible for testing under (e) of this section, with the reason or reasons the untested sexual assault examination kits were determined to be ineligible for testing;

(2) the date each untested sexual assault examination kit was collected;

and

(3) a plan for addressing the backlog and prevention of a backlog of untested sexual assault examination kits.

\* Sec. 95. AS 44.41.070 is amended by adding a new subsection to read:

(e) A sexual assault examination kit is ineligible for testing if the law



1 enforcement agency or state department finds that the sexual assault examination kit  
 2 (1) is scientifically unviable;  
 3 (2) does not meet eligibility requirements for inclusion in the  
 4 Combined DNA Index System database; or  
 5 (3) was collected from a person who wishes to remain anonymous."  
 6

7 Renumber the following bill sections accordingly.  
 8

9 Page 67, line 21:

10 Delete "Sections 93 - 95"  
 11 Insert "Sections 96 - 98"  
 12 Delete "secs. 93 - 95"  
 13 Insert "secs. 96 - 98"  
 14

15 Page 67, line 24:

16 Delete "Section 98"  
 17 Insert "Section 101"  
 18

19 Page 67, line 25:

20 Delete "Section 92 of this Act takes"  
 21 Insert "Sections 92 - 95 of this Act take"  
 22

23 Page 67, line 26:

24 Delete "secs. 101 and 102"  
 25 Insert "secs. 104 and 105"

#8

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE CARPENTER

TO: CSHB 49(FIN), Draft Version "E"

1 Page 35, line 1:

2 Delete "or"

3 Insert "[OR]"

4

5 Page 35, line 2, following "AS 11.46.400":

6 Insert "; or

7

(7) a theft offense under AS 11.46.100"

#9

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE CARPENTER

TO: CSHB 49(FIN), Draft Version "E"

1 Page 35, line 1:

2 Delete "or"

3 Insert "[OR]"

4

5 Page 35, line 2, following "AS 11.46.400":

6 Insert "or

7 (7) vehicle theft under AS 11.46.360 or 11.46.365"

#10  
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE CARPENTER

TO: CSHB 49(FIN), Draft Version "E"

- 1 Page 34, line 31:
- 2 Delete "to a person under 19 years of age"
- 3 Insert "[TO A PERSON UNDER 19 YEARS OF AGE]"

#11  
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: CSHB 49(FIN), Draft Version "E"

- 1 Page 63, line 18, following "11.71.030(a)(8)":
- 2 Insert ", 11.71.030(c), 11.71.030(e), 11.71.040(a)(11)"



AMENDMENT

#12

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: CSHB 49(FIN), Draft Version "E"

1 Page 2, line 18:

2 Delete "sec. 62"

3 Insert "sec. 64"

4

5 Page 2, line 19:

6 Delete "sec. 66"

7 Insert "sec. 68"

8

9 Page 2, line 22:

10 Delete "sec. 62"

11 Insert "sec. 64"

12

13 Page 2, line 28:

14 Delete "sec. 62"

15 Insert "sec. 64"

16

17 Page 3, line 10:

18 Delete "sec. 71"

19 Insert "sec. 73"

20

21 Page 3, line 15:

22 Delete "sec. 71"

23 Insert "sec. 73"

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Page 3, line 19:

Delete "sec. 71"

Insert "sec. 73"

Page 34, following line 7:

Insert new bill sections to read:

**\*\* Sec. 55.** AS 12.30.021(a) is amended to read:

(a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016, a judicial officer may appoint a third-party custodian if the officer finds [, ON THE RECORD,] that the appointment will, singly or in combination with other conditions,

[(1) PRETRIAL SUPERVISION UNDER AS 33.07 IS NOT AVAILABLE IN THE PERSON'S LOCATION;

(2) NO SECURED APPEARANCE OR PERFORMANCE BONDS HAVE BEEN ORDERED; AND

(3) NO OTHER CONDITIONS OF RELEASE OR COMBINATION OF CONDITIONS CAN] reasonably ensure the person's appearance and the safety of the victim, other persons, and the community.

**\* Sec. 56.** AS 12.30.021(c) is amended to read:

(c) A judicial officer may not appoint a person as a third-party custodian if

(1) the proposed custodian is acting as a third-party custodian for another person;

(2) the proposed custodian has been unconditionally discharged within [CONVICTED IN] the previous five [THREE] years from a felony, [OF] a crime under AS 11.41, or a similar crime in this or another jurisdiction;

(3) criminal charges are pending in this state or another jurisdiction against the proposed custodian;

(4) the proposed custodian is on probation in this state or another jurisdiction for an offense;

(5) [THERE IS A REASONABLE PROBABILITY THAT THE

1 STATE WILL CALL] the proposed custodian may be called as a witness in the  
2 prosecution of the person;

3 (6) the proposed custodian resides out of state; however, a nonresident  
4 may serve as a custodian if the nonresident resides in the state while serving as  
5 custodian."

6

7 Renumber the following bill sections accordingly.

8

9 Page 66, following line 2:

10 Insert new paragraphs to read:

11 "(54) AS 12.30.021(a), as amended by sec. 55 of this Act;

12 (55) AS 12.30.021(c), as amended by sec. 56 of this Act;"

13

14 Renumber the following paragraphs accordingly.

15

16 Page 66, line 3:

17 Delete "sec. 73"

18 Insert "sec. 75"

19

20 Page 66, line 4:

21 Delete "sec. 74"

22 Insert "sec. 76"

23

24 Page 66, line 5:

25 Delete "sec. 75"

26 Insert "sec. 77"

27

28 Page 66, line 8:

29 Delete "sec. 55"

30 Insert "sec. 57"

31

1 Page 66, line 9:  
2 Delete "sec. 56"  
3 Insert "sec. 58"  
4  
5 Page 66, line 10:  
6 Delete "sec. 57"  
7 Insert "sec. 59"  
8  
9 Page 66, line 11:  
10 Delete "sec. 60"  
11 Insert "sec. 62"  
12  
13 Page 66, line 12:  
14 Delete "sec. 61"  
15 Insert "sec. 63"  
16  
17 Page 66, line 13:  
18 Delete "sec. 62"  
19 Insert "sec. 64"  
20  
21 Page 66, line 14:  
22 Delete "sec. 63"  
23 Insert "sec. 65"  
24  
25 Page 66, line 15:  
26 Delete "sec. 64"  
27 Insert "sec. "66"  
28  
29 Page 66, line 16:  
30 Delete "sec. 65"  
31 Insert "sec. 67"

1  
2 Page 66, line 17:  
3 Delete "sec. 66"  
4 Insert "sec. 68"  
5  
6 Page 66, line 18:  
7 Delete "sec. 67"  
8 Insert "sec. 69"  
9  
10 Page 66, line 19:  
11 Delete "sec. 68"  
12 Insert "sec. 70"  
13  
14 Page 66, line 20:  
15 Delete "sec. 80"  
16 Insert "sec. 82"  
17  
18 Page 66, line 21:  
19 Delete "sec. 81"  
20 Insert "sec. 83"  
21  
22 Page 66, line 24:  
23 Delete "sec. 69"  
24 Insert "sec. 71"  
25  
26 Page 66, line 25:  
27 Delete "sec. 70"  
28 Insert "sec. 72"  
29  
30 Page 66, line 26:  
31 Delete "sec. 71"



1           Insert "sec. 73"  
2  
3   Page 66, line 27:  
4           Delete "sec. 72"  
5           Insert "sec. 74"  
6  
7   Page 66, line 30:  
8           Delete "sec. 58"  
9           Insert "sec. 60"  
10  
11   Page 67, line 1:  
12           Delete "sec. 59"  
13           Insert "sec. 61"  
14  
15   Page 67, line 2:  
16           Delete "sec. 76"  
17           Insert "sec. 78"  
18  
19   Page 67, line 3:  
20           Delete "sec. 77"  
21           Insert "sec. 79"  
22  
23   Page 67, line 4:  
24           Delete "sec. 78"  
25           Insert "sec. 80"  
26  
27   Page 67, line 7:  
28           Delete "sec. 79"  
29           Insert "sec. 81"  
30  
31   Page 67, line 8:

1 Delete "sec. 83"  
2 Insert "sec. 85"  
3  
4 Page 67, line 9:  
5 Delete "sec. 84"  
6 Insert "sec. 86"  
7  
8 Page 67, line 10:  
9 Delete "sec. 85"  
10 Insert "sec. 87"  
11  
12 Page 67, line 11:  
13 Delete "sec. 86"  
14 Insert "sec. 88"  
15  
16 Page 67, line 12:  
17 Delete "sec. 87"  
18 Insert "sec. 89"  
19  
20 Page 67, line 13:  
21 Delete "sec. 88"  
22 Insert "sec. 90"  
23  
24 Page 67, line 14:  
25 Delete "sec. 89"  
26 Insert "sec. 91"  
27  
28 Page 67, line 15:  
29 Delete "sec. 90"  
30 Insert "sec. 92"  
31

1 Page 67, line 16:

2 Delete "sec. 82"

3 Insert "sec. 84"

4

5 Page 67, line 17:

6 Delete "sec. 82"

7 Insert "sec. 84"

8

9 Page 67, line 21:

10 Delete "Sections 93 - 95"

11 Insert "Sections 95 - 97"

12 Delete "secs. 93 - 95"

13 Insert "secs. 95 - 97"

14

15 Page 67, line 24:

16 Delete "Section 98"

17 Insert "Section 100"

18

19 Page 67, line 25:

20 Delete "Section 92"

21 Insert "Section 94"

22

23 Page 67, line 26:

24 Delete "secs. 101 and 102"

25 Insert "secs. 103 and 104"

#13

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: CSHB 49(FIN), Draft Version "E"

- 1 Page 27, line 12, following "11.71.040(a)(4),":
- 2 Insert "11.71.040(a)(12)."

#14

**AMENDMENT**

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: CSHB 49(FIN), Draft Version "E"

- 1 Page 40, line 22, following "AS 11.41.455(c)(1),":
- 2 Insert "**indecent viewing or production of a picture under AS 11.61.123(f)(1),**"
- 3
- 4 Page 41, line 4, following "degree,":
- 5 Insert "**sexual abuse of a minor in the third degree under AS 11.41.438(c),**"
- 6
- 7 Page 41, line 5, following "degree,":
- 8 Insert "**indecent viewing or production of a picture under AS 11.61.123(f)(2),**"



AMENDMENT

#15

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: CSHB 49(FIN), Draft Version "E"

- 1 Page 54, line 31, following "conditions":
- 2 Insert "when a petition to revoke probation is filed"

#16

**AMENDMENT**

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOSEPHSON

TO: CSHB 49(FIN), Draft Version "E"

1 Page 23, line 15:

2 Delete "schedule IVA, VA, or VIA"

3 Insert "schedule IVA or VA [IVA, VA, OR VIA]"

4

5 Page 26, line 20:

6 Delete "or"

7

8 Page 26, line 26, following "paragraph":

9 Insert "; or

10 (13) violates AS 11.71.050(a)(1) and, within the preceding five  
11 years, has been convicted of a crime under

12 (A) this paragraph; or

13 (B) a law or ordinance of this or another jurisdiction with  
14 elements similar to a crime under AS 11.71.050(a)(1)."

#17

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOSEPHSON

TO: CSHB 49(FIN), Draft Version "E"

- 1 Page 64, line 4:
- 2 Delete "2011"
- 3 Insert "1981"

# 18

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOSEPHSON

TO: CSHB 49(FIN), Draft Version "E"

1 Page 42, line 31:

2 Delete "30 [10]"

3 Insert "10"

4

5 Page 43, lines 2 - 6:

6 Delete all material and insert:

7 "(2) 90 days if the conviction is for a violation of

8 (A) AS 11.61.116(c)(1) and the person is 21 years of age or  
9 older; [OR]

10 (B) AS 11.61.120(a)(6) and the person is 21 years of age or  
11 older; or

12 (C) AS 11.61.220(a)(4)(B) or (C); or"