

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE EASTMAN

TO: CSHB 66(STA), Draft Version "N"

Page 1, line 2, following "voting,":

Insert "voter misconduct,"

Page 1, following line 4:

Insert new bill sections to read:

"* Section 1. AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in the first degree;

(2) \$250,000 for a class A felony;

(3) \$100,000 for a class B felony, except as provided in (5) of this

subsection;

(4) \$50,000 for a class C felony;

(5) \$25,000 for

(A) an offense under AS 15.56.040(b)(1);

(B) a class A misdemeanor;

(6) \$2,000 for a class B misdemeanor;

(7) \$500 for a violation.

1 * **Sec. 2.** AS 12.55.078(f) is amended to read:

2 (f) The court may not suspend the imposition or entry of judgment and may
3 not defer prosecution under this section of a person who

4 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260
5 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
6 AS 11.61.125 - 11.61.128, [OR] AS 11.66.110 - 11.66.135, or AS 15.56.040(a)(1);

7 (2) uses a firearm in the commission of the offense for which the
8 person is charged;

9 (3) has previously been granted a suspension of judgment under this
10 section or a similar statute in another jurisdiction, unless the court enters written
11 findings that by clear and convincing evidence the person's prospects for rehabilitation
12 are high and suspending judgment under this section adequately protects the victim of
13 the offense, if any, and the community;

14 (4) is charged with a violation of AS 11.41.230, 11.41.250, or a felony
15 and the person has one or more prior convictions for a misdemeanor violation of
16 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
17 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
18 felony in this state; for the purposes of this paragraph, a person shall be considered to
19 have a prior conviction even if

20 (A) the charges were dismissed under this section;

21 (B) the conviction has been set aside under AS 12.55.085; or

22 (C) the charge or conviction was dismissed or set aside under
23 an equivalent provision of the laws of another jurisdiction; or

24 (5) is charged with a crime involving domestic violence, as defined in
25 AS 18.66.990.

26 * **Sec. 3.** AS 12.55.085(f) is amended to read:

27 (f) The court may not suspend the imposition of sentence of a person who

28 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260
29 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
30 AS 11.61.125 - 11.61.128, [OR] AS 11.66.110 - 11.66.135, or AS 15.56.040(a)(1);

31 (2) uses a firearm in the commission of the offense for which the

1 person is convicted; or

2 (3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony
3 and the person has one or more prior convictions for a misdemeanor violation of
4 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
5 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
6 felony in this state; for the purposes of this paragraph, a person shall be considered to
7 have a prior conviction even if that conviction has been set aside under (e) of this
8 section or under the equivalent provision of the laws of another jurisdiction.

9 * **Sec. 4.** AS 12.55.090(a) is amended to read:

10 (a) **Except as provided under (o) of this section, probation** [PROBATION]
11 may be granted whether the offense under AS 11 or AS 16 or the crime is punishable
12 by fine or imprisonment or both. If an offense under AS 11 or AS 16 or a crime is
13 punishable by both fine and imprisonment, the court may impose a fine and place the
14 defendant on probation as to imprisonment. Probation may be limited to one or more
15 counts or indictments, but, in the absence of express limitation, shall extend to the
16 entire sentence and judgment.

17 * **Sec. 5.** AS 12.55.090 is amended by adding a new subsection to read:

18 (o) A defendant is not eligible for probation under this section if the defendant
19 has been convicted of a crime under AS 15.56.040(a)(1).

20 * **Sec. 6.** AS 12.55.125(d) is amended to read:

21 (d) Except as provided in (i) of this section, a defendant convicted of a class B
22 felony may be sentenced to a definite term of imprisonment of not more than 10 years,
23 and shall be sentenced to a definite term within the following presumptive ranges,
24 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

25 (1) if the offense is a first felony conviction and does not involve
26 circumstances described in (2) **or (5)** of this subsection, one to three years; a defendant
27 sentenced under this paragraph may, if the court finds it appropriate, be granted a
28 suspended imposition of sentence under AS 12.55.085 if, as a condition of probation
29 under AS 12.55.086, the defendant is required to serve an active term of imprisonment
30 within the range specified in this paragraph, unless the court finds that a mitigation
31 factor under AS 12.55.155 applies;

(2) if the offense is a first felony conviction,

(A) the defendant violated AS 11.41.130, and the victim was a child under 16 years of age, two to four years;

(B) two to four years if the conviction is for attempt, solicitation, or conspiracy to manufacture related to methamphetamine under AS 11.31 and AS 11.71.021(a)(2)(A) or (B), and

(i) the attempted manufacturing occurred, or the solicited or conspired offense was to have occurred, in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children; or

(ii) in the course of an attempt to manufacture, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present;

(3) if the offense is a second felony conviction, three to seven years;

(4) if the offense is a third felony conviction, six to 10 years;

(5) if the offense is a felony conviction under AS 15.56.040(b)(1), two to four years.

* Sec. 7. AS 12.55.127(c) is amended to read:

(c) If the defendant is being sentenced for

(1) escape, the term of imprisonment shall be consecutive to the term for the underlying crime;

(2) two or more crimes under AS 11.41, a consecutive term of imprisonment shall be imposed for at least

(A) the mandatory minimum term under AS 12.55.125(a) for each additional crime that is murder in the first degree;

(B) the mandatory minimum term for each additional crime that is an unclassified felony governed by AS 12.55.125(b);

(C) the presumptive term specified in AS 12.55.125(c) or the active term of imprisonment, whichever is less, for each additional crime that is

(i) manslaughter; or

(ii) kidnapping that is a class A felony;

(D) two years or the active term of imprisonment, whichever is less, for each additional crime that is criminally negligent homicide;

(E) one-fourth of the presumptive term under AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the first degree under AS 11.41.410 or sexual abuse of a minor in the first degree under AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those offenses; and

(F) some additional term of imprisonment for each additional crime, or each additional attempt or solicitation to commit the offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or 11.41.500 - 11.41.520;

(3) voter misconduct in the first degree under AS 15.56.040(b)(1), the term of imprisonment shall be consecutive to the term for each additional crime.

Page 1, line 5:

Delete "Section 1"

Insert "Sec. 8"

Renumber the following bill sections accordingly.

Page 23, following line 25:

Insert a new bill section to read:

"* **Sec. 55.** AS 15.56.040(b) is amended to read:

(b) Voter misconduct in the first degree

(1) is a class B felony if the person violates (a)(1) of this section;

(2) is a class C felony if the person violates (a)(2), (3), or (4) of this section.

1 Renumber the following bill sections accordingly.

2
3 Page 26, following line 17:

4 Insert new bill sections to read:

5 **"* Sec. 64.** AS 33.16.010(g) is amended to read:

6 (g) A prisoner is not eligible for mandatory parole if the prisoner has been
7 convicted of a crime under AS 11.41.100, [OR] 11.41.110, **or AS 15.56.040(a)(1).**

8 *** Sec. 65.** AS 33.16.090(a) is amended to read:

9 (a) A prisoner sentenced to an active term of imprisonment of at least 181
10 days may, in the discretion of the board, be released on discretionary parole if the
11 prisoner

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

14 (A) a prisoner sentenced to one or more mandatory 99-year
15 terms under AS 12.55.125(a), [OR] one or more definite terms under
16 AS 12.55.125(l), **or under AS 15.56.040(b)(1)** is not eligible for consideration
17 for discretionary parole;

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

20 (C) a prisoner imprisoned under AS 12.55.086 is not eligible
21 for discretionary parole unless the actual term of imprisonment is more than
22 one year;

23 (D) a prisoner sentenced to a single sentence within or below a
24 presumptive range set out in AS 12.55.125(c), (d)(2) - (4), (e)(3) and (4), or (i)
25 who has not been allowed by the three-judge panel under AS 12.55.175 to be
26 considered for discretionary parole release is not eligible for consideration of
27 discretionary parole;

28 (E) a prisoner sentenced to a single sentence, including a
29 consecutive or partially consecutive sentence, that is not eligible for a good
30 time deduction under AS 33.20.010(a)(3) and that has not been allowed by the
31 three-judge panel under AS 12.55.175 to be considered for discretionary parole

1 release is not eligible for consideration of discretionary parole; or

2 (2) is at least 60 years of age, has served at least 10 years of a sentence
3 for one or more crimes in a single judgment, and has not been convicted of an
4 unclassified felony or a sexual felony as defined in AS 12.55.185.

5 * **Sec. 66.** AS 33.20.010(a) is amended to read:

6 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
7 convicted of an offense against the state or a political subdivision of the state and
8 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
9 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
10 follows the rules of the correctional facility in which the prisoner is confined. A
11 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

12 (1) to a mandatory 99-year term of imprisonment under
13 AS 12.55.125(a) after June 27, 1996;

14 (2) to a definite term under AS 12.55.125(l);

15 (3) for a sexual felony under AS 12.55.125(i)

16 (A) and has one or more prior sexual felony convictions as
17 determined under AS 12.55.145(a)(4); or

18 (B) that is an unclassified or a class A felony; [OR]

19 (4) for an unclassified felony under AS 11.41.100 or 11.41.110; **or**

20 **(5) for an offense under AS 15.56.040(b)(1).**"

21
22 Renumber the following bill sections accordingly.

23
24 Page 26, line 22:

25 Following "APPLICABILITY.":

26 Insert "AS 12.55.035(b), as amended by sec. 1 of this Act, AS 12.55.078(f), as
27 amended by sec. 2 of this Act, AS 12.55.085(f), as amended by sec. 3 of this Act,
28 AS 12.55.090(a), as amended by sec. 4 of this Act, AS 12.55.090(o), enacted by sec. 5
29 of this Act, AS 12.55.125(d), as amended by sec. 6 of this Act, AS 12.55.127(c), as
30 amended by sec. 7 of this Act,"

31 Delete "sec. 45"

1 Insert "sec. 52"

2

3 Page 26, line 23:

4 Delete "sec. 46"

5 Insert "sec. 53"

6 Following "Act,":

7 Insert "AS 15.56.040(b), as amended by sec. 55 of this Act,"

8 Delete "sec. 48"

9 Insert "sec. 56"

10

11 Page 26, line 24:

12 Delete "sec. 49"

13 Insert "sec. 57"

14

15 Page 26, line 25:

16 Delete "sec. 50""

17 Insert "sec. 58"

18

19 Page 26, lines 25 - 26:

20 Delete "secs. 45, 46, and 48 - 50"

21 Insert "secs. 1 - 7, 52, 53, and 55 - 58"

22

23 Page 27, line 2:

24 Delete "Sections 43 and 44"

25 Insert "Sections 50 and 51"

26

27 Page 27, line 3:

28 Delete "Section 58"

29 Insert "Section 69"

30

31 Page 27, line 4:

- 1 Delete "secs. 59 and 60"
- 2 Insert "secs. 70 and 71"