



# LAWS OF ALASKA

1996

**Source**

CSSB 268(JUD) am

**Chapter No.**

37

**AN ACT**

Relating to release before trial in cases involving alcohol, controlled substances, imitation controlled substances, stalking, or domestic violence.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** May 23, 1996

**Actual Effective Date:** August 21, 1996

AN ACT

1 Relating to release before trial in cases involving alcohol, controlled substances, imitation  
2 controlled substances, stalking, or domestic violence.

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4 \* **Section 1.** AS 12.30 is amended by adding a new section to read:

5           Sec. 12.30.023. **RELEASE BEFORE TRIAL IN CASES INVOLVING**  
6 **CONTROLLED SUBSTANCES.** In determining the conditions of release under  
7 AS 12.30.020 in cases involving a violation of AS 04.11.010, 04.11.499, AS 11.71, or  
8 AS 11.73, the court shall consider the conditions specified in AS 12.30.020 and the  
9 following conditions and impose one or more conditions it considers reasonably  
10 necessary to protect the public safety and security, including ordering the defendant

11                   (1) to obey all laws;

12                   (2) to submit to a search of the defendant's person, personal property,  
13 residence, vehicle, or any vehicle over which the defendant has control, for the  
14 presence of alcoholic beverages or illegal drugs and drug paraphernalia by a peace

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1 officer who has reasonable suspicion that the defendant is violating the terms of the  
2 defendant's bail release by possessing alcoholic beverages or illegal drugs and drug  
3 paraphernalia;

4 (3) in

5 (A) controlled substances offenses, to enroll in a random drug  
6 testing program, at the defendant's expense, to detect the presence of an illegal  
7 drug, with testing to occur not less than once a week, and with the results  
8 being submitted to the court and the district attorney's office;

9 (B) alcoholic beverage offenses, to submit to a breath test when  
10 requested by a law enforcement officer;

11 (4) to not have on the defendant's person, in the defendant's residence,  
12 or in any vehicle over which the defendant has control, any alcoholic beverages,  
13 controlled substances, or related paraphernalia;

14 (5) to not use, manufacture, possess, handle, purchase, give, or  
15 administer any controlled substance or alcoholic beverage;

16 (6) to not associate with persons involved in using, manufacturing,  
17 growing, or distributing controlled substances or alcoholic beverages;

18 (7) to not enter or remain in places where controlled substances or  
19 alcoholic beverages are being used, manufactured, grown, or distributed;

20 (8) to not be physically present, within a two-block area of, or within  
21 a designated area near, the location at which the offense occurred or at other  
22 designated locations, unless the defendant actually resides within that area;

23 (9) to not use or possess a paging device, cellular phone, or other  
24 portable communicative device on the defendant's person, in any vehicle over which  
25 the defendant has control, or in the defendant's residence;

26 (10) to be physically inside the defendant's residence, or in the  
27 residence of the defendant's third-party custodian, between time periods set by the  
28 court, except as otherwise required by employment, education, counseling, or treatment  
29 and as specifically authorized by the court;

30 (11) to not

31 (A) have a firearm in the defendant's possession or control, in

1 any vehicle over which the defendant has control, or in the defendant's  
2 residence;

3 (B) possess a knife, other than an ordinary pocket knife, on the  
4 defendant's person;

5 (12) to engage in any conduct or to refrain from any conduct that the  
6 court considers reasonably necessary to protect the public.

7 \* Sec. 2. AS 12.30.025(a) is amended to read:

8 (a) In determining the conditions of release under AS 12.30.020 in cases  
9 involving domestic violence or stalking, the court shall consider the conditions  
10 specified in AS 12.30.020 and the following conditions and impose one or more  
11 conditions it considers reasonably necessary to protect the alleged victim of the  
12 domestic violence or stalking, including ordering the defendant

13 (1) not to subject the victim to further domestic violence or stalking;

14 (2) to vacate the home of the victim;

15 (3) not to contact the victim other than through counsel;

16 (4) to engage in counseling; if the court directs the defendant to engage  
17 in personal counseling, the court shall provide in the order that the counseling must  
18 propose alternatives to aggression if that type of counseling is available; if the court  
19 directs the defendant to participate in family counseling, it shall make a finding that  
20 family counseling will not result in additional domestic violence or stalking;

21 (5) to refrain from the consumption of alcohol or the use of drugs.