

**CS FOR SENATE BILL NO. 268(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 3/29/96**

**Referred: Rules**

**Sponsor(s): SENATOR LEMAN**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act relating to release before trial in cases involving controlled substances,  
2 imitation controlled substances, stalking, or domestic violence."**

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

**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 11.71 or AS 11.73, the court shall  
**8 consider the conditions specified in AS 12.30.020** and the following conditions and  
**9 impose one or more conditions it considers reasonably necessary to protect the public  
10 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 illegal drugs and drug paraphernalia by a peace officer who has reasonable**

1 suspicion that the defendant is violating the terms of the defendant's bail release by  
2 possessing illegal drugs and drug paraphernalia;

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

7 (4) to not have on the defendant's person, in the defendant's residence,  
8 or in any vehicle over which the defendant has control, any controlled substances or  
9 related paraphernalia;

10 (5) to not use, manufacture, possess, handle, purchase, give, or  
11 administer any controlled substance;

12 (6) to not associate with persons involved in using, manufacturing,  
13 growing, or distributing controlled substances;

14 (7) to not enter or remain in places where controlled substances are  
15 being used, manufactured, grown, or distributed;

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

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

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

26 (11) to not

27 (A) have a firearm in the defendant's possession or control, in  
28 any vehicle over which the defendant has control, or in the defendant's  
29 residence;

30 (B) possesses a knife, other than an ordinary pocket knife, on  
31 the defendant's person;

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

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

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

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

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

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

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

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