

HOUSE CS FOR CS FOR SENATE BILL NO. 104(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/2/05

Referred: Rules

Sponsor(s): SENATORS SEEKINS, Therriault, Bunde, Wilken, Stedman, Cowdery, Guess, Elton, Kookesh, Wagoner, Ellis, Olson, Gary Stevens, Green, French, Huggins, Dyson, Ben Stevens

REPRESENTATIVES Gruenberg, Anderson, Gara, McGuire, Elkins, Kerttula, Samuels, Gardner, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the crimes of unsworn falsification in the first degree involving an
2 application for a permanent fund dividend and false information or report involving
3 eligibility for a permanent fund dividend; requiring the establishment of a permanent
4 fund dividend fraud investigation unit in the Department of Revenue; relating to service
5 in the peace corps and as a member of the United States Olympic Team as allowable
6 absences from the state for purposes of eligibility for permanent fund dividends and to
7 the period for filing an application for a permanent fund dividend; authorizing the
8 Department of Revenue to issue administrative orders imposing sanctions for certain
9 misrepresentations or other actions concerning eligibility for a permanent fund dividend
10 and providing for administrative appeal of those orders; and providing for an effective
11 date."

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

1 * **Section 1.** AS 05.15.095(a) is amended to read:

2 (a) The applications and reports to the department required by this chapter
3 shall be signed under penalty of unsworn falsification **in the second degree** by the
4 following person, as applicable:

- 5 (1) the member in charge for the qualified organization;
- 6 (2) a person authorized to sign on behalf of the municipality;
- 7 (3) the operator or the operator's agent;
- 8 (4) the licensed pull-tab distributor or the distributor's agent; or
- 9 (5) the licensed pull-tab manufacturer or the manufacturer's agent.

10 * **Sec. 2.** AS 05.15.680(b) is amended to read:

11 (b) A person who, with the intent to mislead a public servant in the
12 performance of the public servant's duty, submits a false statement in an application
13 for a permit, license, or vendor registration under this chapter is guilty of unsworn
14 falsification **in the second degree**.

15 * **Sec. 3.** AS 06.05.045(a) is amended to read:

16 (a) Each state bank shall make at least four reports of condition each year to
17 the department on days designated by, and on forms prescribed by, the department.
18 The report shall be signed by a duly authorized officer of the bank and shall be signed
19 by at least three directors who certify under penalty of unsworn falsification **in the**
20 **second degree** under AS 11.56.210 that they, and each of them, have personal
21 knowledge of the facts stated in the report and that the facts are true. The reports must
22 exhibit in detail and under appropriate heads the resources and liabilities of the bank
23 and must be received by the department within 30 calendar days after the end of the
24 period covered by the report.

25 * **Sec. 4.** AS 06.50.310(a) is amended to read:

26 (a) On or before March 15 of each year, a licensee shall file with the
27 department a composite annual report for the preceding calendar year in the form
28 prescribed by the department relating to all advances made by the licensee. The
29 department may require that the report be submitted under oath or affirmation, or with
30 notice that false statements made are punishable as unsworn falsification **in the**
31 **second degree** under AS 11.56.210.

1 * **Sec. 5.** AS 08.88.460(a) is amended to read:

2 (a) Subject to (e) of this section, a person seeking reimbursement for a loss
3 suffered in a real estate transaction as a result of fraud, misrepresentation, deceit, or
4 the conversion of trust funds or the conversion of community association accounts
5 under the control of a community association manager on the part of a licensee
6 licensed under this chapter shall make a claim to the commission for reimbursement
7 on a form furnished by the commission. In order to be eligible for reimbursement by
8 the commission, the claim form must be filed within two years after the occurrence of
9 the fraud, misrepresentation, deceit, or conversion of trust funds or the conversion of
10 community association accounts under the control of a community association
11 manager claimed as the basis for the reimbursement. The form shall be executed under
12 penalty of unsworn falsification **in the second degree** and must include the following:

- 13 (1) the name and address of each real estate licensee involved;
14 (2) the amount of the alleged loss;
15 (3) the date or period of time during which the alleged loss occurred;
16 (4) the date upon which the alleged loss was discovered;
17 (5) the name and address of the claimant; and
18 (6) a general statement of facts relative to the claim.

19 * **Sec. 6.** AS 10.20.655(b) is amended to read:

20 (b) The interrogatories shall be answered within 30 days after mailing, or
21 within the additional time fixed by the commissioner, and the answers shall be full and
22 complete, in writing and under penalty of unsworn falsification **in the second degree**
23 under AS 11.56.210. If the interrogatories are directed to an individual, they shall be
24 answered by that individual and, if directed to a corporation, they shall be answered by
25 the president, vice-president, secretary, or assistant secretary of the corporation.

26 * **Sec. 7.** AS 11.56 is amended by adding a new section to read:

27 **Sec. 11.56.205. Unsworn falsification in the first degree.** (a) A person
28 commits the crime of unsworn falsification in the first degree if the person violates
29 AS 11.56.210(a)(1) and the application is an application for a permanent fund
30 dividend.

31 (b) In this section,

1 (1) "application for a permanent fund dividend" includes a written or
 2 electronic application and any other documentation submitted to support an
 3 application for a permanent fund dividend;

4 (2) "permanent fund dividend" has the meaning given in
 5 AS 43.23.095.

6 (c) Unsworn falsification in the first degree is a class C felony.

7 * **Sec. 8.** AS 11.56.210 is amended to read:

8 **Sec. 11.56.210. Unsworn falsification in the second degree.** (a) A person
 9 commits the crime of unsworn falsification in the second degree if, with the intent to
 10 mislead a public servant in the performance of a duty, the person submits a false
 11 written or recorded statement **that** [WHICH] the person does not believe to be true

12 (1) in an application for a benefit; or

13 (2) on a form bearing notice, authorized by law, that false statements
 14 made in it are punishable.

15 (b) Unsworn falsification in the second degree is a class A misdemeanor.

16 * **Sec. 9.** AS 11.56.220 is amended to read:

17 **Sec. 11.56.220. Proof of guilt.** In a prosecution for perjury or unsworn
 18 falsification in the first or second degree it is not necessary that proof be made by a
 19 particular number of witnesses or by documentary or other type of evidence.

20 * **Sec. 10.** AS 11.56.800(a) is amended to read:

21 (a) A person commits the crime of false information or report if the person
 22 knowingly

23 (1) gives false information to a peace officer

24 (A) with the intent of implicating another in an offense; or

25 (B) concerning the person's identity while the person is

26 (i) under arrest, detention, or investigation for a crime;

27 or

28 (ii) being served with an arrest warrant or being issued a

29 citation;

30 (2) makes a false report to a peace officer that a crime has occurred or
 31 is about to occur;

1 (3) makes a false report or gives a false alarm, under circumstances not
 2 amounting to terroristic threatening in the second degree under AS 11.56.810, that a
 3 fire or other incident dangerous to life or property calling for an emergency response
 4 has occurred or is about to occur; [OR]

5 (4) makes a false report to the Department of Natural Resources under
 6 AS 46.17 concerning the condition of a dam or reservoir; or

7 **(5) gives false information to a public employee relating to a**
 8 **person's eligibility for a permanent fund dividend under AS 43.23 and the false**
 9 **information does not also violate AS 11.56.205.**

10 * **Sec. 11.** AS 12.55.045(j) is amended to read:

11 (j) A defendant who is convicted of an offense for which restitution may be
 12 ordered shall submit financial information as ordered by the court. The Alaska Court
 13 System shall prepare a form, in consultation with the Department of Law, for the
 14 submission of the information; the form must include a warning that submission of
 15 incomplete or inaccurate information is punishable as unsworn falsification **in the**
 16 **second degree** under AS 11.56.210. A defendant who is convicted of (1) a felony
 17 shall submit the form to the probation office within 30 days after conviction, and the
 18 probation officer shall attach the form to the presentence report, or (2) a misdemeanor
 19 shall file the form with the defendant's response or opposition to the restitution
 20 amount. The defendant shall provide a copy of the completed form to the prosecuting
 21 authority.

22 * **Sec. 12.** AS 16.05.450(a) is amended to read:

23 (a) The commissioner or an authorized agent shall issue a crewmember fishing
 24 license under AS 16.05.480 to each qualified person who files a written application at
 25 a place in the state designated by the commissioner, containing the reasonable
 26 information required by the commissioner together with the required fee. The
 27 commissioner shall require the reporting of the applicant's social security number on
 28 the application. The application shall be simple in form and shall be executed by the
 29 applicant under the penalty of unsworn falsification **in the second degree.**

30 * **Sec. 13.** AS 16.05.450(b) is amended to read:

31 (b) The Alaska Commercial Fisheries Entry Commission shall issue a vessel

1 license under AS 16.05.490 to each qualified vessel for which a written application
 2 has been filed, at a place in the state designated by the commission, containing the
 3 reasonable information required by the commission together with the required fee.
 4 The application shall be simple in form and shall be executed by the applicant under
 5 the penalty of unsworn falsification in the second degree.

6 * **Sec. 14.** AS 16.43.970(b) is amended to read:

7 (b) A person or entity who knowingly makes a false statement to the
 8 commission for the purpose of obtaining a benefit, including the issuance, renewal,
 9 duplication, or transfer of an entry or interim-use permit, vessel license, vessel
 10 interim-use permit, or vessel entry permit, or a person who assists another by
 11 knowingly making a false statement to the commission for the purpose of obtaining a
 12 benefit for another, is guilty of the crime of unsworn falsification in the second
 13 degree as set out in AS 11.56.210. Upon conviction, the person or entity is also
 14 subject to suspension of commercial fishing privileges and revocation of commercial
 15 fishing permits under (i) of this section.

16 * **Sec. 15.** AS 18.60.095(f) is amended to read:

17 (f) A person who knowingly makes a false statement, representation, or
 18 certification with the intent to mislead in an application, record, report, plan or other
 19 document filed or required to be maintained under AS 18.60.010 - 18.60.105 is guilty
 20 of unsworn falsification in the second degree.

21 * **Sec. 16.** AS 18.65.710(a) is amended to read:

22 (a) The application for a permit to carry a concealed handgun must contain the
 23 following information:

24 (1) the applicant's name, physical residence, mailing address, place and
 25 date of birth, physical description, including height, weight, race, hair color, and eye
 26 color, Alaska driver's license or identification card number, and the city and state of
 27 each place the applicant has resided in the five years immediately preceding the
 28 application;

29 (2) a statement that the applicant qualifies under AS 18.65.705;

30 (3) a statement that the applicant has been furnished with a copy of the
 31 state laws and regulations relating to concealed handguns, has read those sections, and

1 understands them;

2 (4) a statement that the applicant desires a permit to carry a concealed
3 handgun for a lawful purpose, which may include self-defense;

4 (5) a statement by the applicant that all statements, answers, and
5 attachments to the application are true and complete;

6 (6) a conspicuous warning that an applicant who supplies a false
7 statement, answer, or document in connection with the application that the applicant
8 does not believe to be true may be prosecuted for unsworn falsification **in the second**
9 **degree** and, if found guilty, may be punished for violation of a class A misdemeanor,
10 and that, in such cases, the permit shall be revoked and the applicant may be barred
11 from any further application for a permit; and

12 (7) a statement that the applicant understands that a permit eligibility
13 investigation will be conducted as a part of the application process, that this may
14 involve computerized records searches, and that the applicant authorizes the
15 investigation.

16 * **Sec. 17.** AS 21.27.110(h) is amended to read:

17 (h) A notice of termination submitted to the director under this section must
18 include a statement of the reasons for the termination. A statement of the reasons for
19 termination is confidential and not subject to inspection and copying under
20 AS 40.25.110. A statement of reasons for the termination may not be admitted as
21 evidence in a civil action or an administrative proceeding against an insurer, reinsurer,
22 or authorized representative by or on behalf of a person affected by the termination,
23 except when the action or proceeding involves perjury, unsworn falsification **in the**
24 **second degree**, fraud, or failure to comply with this subsection.

25 * **Sec. 18.** AS 28.35.130 is amended to read:

26 **Sec. 28.35.130. False report or destruction of evidence.** An officer or
27 person who knowingly makes or subscribes a false report concerning an investigation
28 of a vehicle or damage or injury caused by a vehicle, as provided in this chapter, is
29 guilty of unsworn falsification **in the second degree**. A person who destroys,
30 obliterates, conceals or removes, or who aids, abets, or assists in the destruction,
31 obliteration, concealment, or removal from a vehicle, of evidence showing or tending

1 to show that the vehicle collided with a person or property, is punishable by a fine of
 2 not more than \$500, or by imprisonment for not more than six months, or by both.

3 * **Sec. 19.** AS 28.35.135(a) is amended to read:

4 (a) A person may not knowingly make a false affidavit, statement, or
 5 representation, or affirm falsely with respect to a matter or fact required to be set out
 6 under this title, nor may the person use a name other than the person's true name. A
 7 person convicted of violating this section is guilty of unsworn falsification **in the**
 8 **second degree** and is punishable as prescribed by law.

9 * **Sec. 20.** AS 43.23.008(a) is amended to read:

10 (a) Subject to (b) and (c) of this section, an otherwise eligible individual who
 11 is absent from the state during the qualifying year remains eligible for a current year
 12 permanent fund dividend if the individual was absent

13 (1) receiving secondary or postsecondary education on a full-time
 14 basis;

15 (2) receiving vocational, professional, or other specific education on a
 16 full-time basis for which, as determined by the Alaska Commission on Postsecondary
 17 Education, a comparable program is not reasonably available in the state;

18 (3) serving on active duty as a member of the armed forces of the
 19 United States or accompanying, as that individual's spouse, minor dependent, or
 20 disabled dependent, an individual who is

21 (A) serving on active duty as a member of the armed forces of
 22 the United States; and

23 (B) eligible for a current year dividend;

24 (4) serving under foreign or coastal articles of employment aboard an
 25 oceangoing vessel of the United States merchant marine;

26 (5) receiving continuous medical treatment recommended by a
 27 licensed physician or convalescing as recommended by the physician that treated the
 28 illness if the treatment or convalescence is not based on a need for climatic change;

29 (6) providing care for a parent, spouse, sibling, child, or stepchild with
 30 a critical life-threatening illness whose treatment plan, as recommended by the
 31 attending physician, requires travel outside the state for treatment at a medical

1 specialty complex;

2 (7) providing care for the individual's terminally ill family member;

3 (8) settling the estate of the individual's deceased parent, spouse,
4 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

5 (9) serving as a member of the United States Congress;

6 (10) serving on the staff of a member from this state of the United
7 States Congress;

8 (11) serving as an employee of the state in a field office or other
9 location;

10 (12) accompanying a minor who is absent under (5) of this subsection;

11 (13) accompanying another eligible resident who is absent for a reason
12 permitted under (1), (2), (5) - (12), or (16) [14] of this subsection as the spouse, minor
13 dependent, or disabled dependent of the eligible resident;

14 (14) servicing as a volunteer in the federal peace corps program;

15 (15) because of training or competing as a member of the United
16 States Olympic Team;

17 (16) for any reason consistent with the individual's intent to remain a
18 state resident, provided the absence or cumulative absences do not exceed

19 (A) 180 days in addition to any absence or cumulative absences
20 claimed under (3) of this subsection if the individual is not claiming an absence
21 under (1), (2), or (4) - (15) [(4) - (13)] of this subsection;

22 (B) 120 days in addition to any absence or cumulative absences
23 claimed under (1) - (3) of this subsection if the individual is not claiming an
24 absence under (4) - (15) [(4) - (13)] of this subsection but is claiming an
25 absence under (1) or (2) of this subsection; or

26 (C) 45 days in addition to any absence or cumulative absences
27 claimed under (1) - (15) [(1) - (13)] of this subsection if the individual is
28 claiming an absence under (1) - (15) [(4) - (13)] of this subsection.

29 * **Sec. 21.** AS 43.23.008(b) is amended to read:

30 (b) An individual may not claim an allowable absence under (a)(1) - (15)
31 [(a)(1) - (13)] of this section unless the individual was a resident of the state for at

1 least six consecutive months immediately before leaving the state.

2 * **Sec. 22.** AS 43.23.011(a) is amended to read:

3 (a) An application for a permanent fund dividend shall be filed during the
4 period that begins **January 1** [JANUARY 2] and ends March 31 of that dividend year.

5 * **Sec. 23.** AS 43.23.035(c) is amended to read:

6 (c) **In addition to any criminal penalties imposed by state law, if the**
7 **department finds that an** [AN] individual [WHO], in claiming a permanent fund
8 dividend, or an individual [WHO], in certifying another person's eligibility, willfully
9 misrepresents, exercises gross negligence **with respect to**, or recklessly disregards a
10 material fact pertaining to, eligibility, **the department may issue an order against**
11 **the individual for the**

12 **(1) forfeiture of** [FORFEITS] the dividend;

13 **(2) imposition of** [, IS SUBJECT TO] a civil fine of up to **\$3,000;**
14 [\$5,000,] and

15 **(3) loss of** [LOSES] eligibility to receive the next five dividends
16 following the forfeited **dividend** [DIVIDENDS. THE COMMISSIONER MAY
17 COMMENCE PROCEEDINGS IN COURT TO ENFORCE THIS SUBSECTION].

18 * **Sec. 24.** AS 43.23.035 is amended by adding a new subsection to read:

19 (e) The provisions of AS 43.23.015(g) and (i) apply to a request for review of,
20 and to appeal of, a decision under (c) of this section by an individual aggrieved by the
21 decision. When all appeals have been exhausted under this chapter or the time when
22 all of the appeals that could have been taken has expired, the order issued imposing a
23 civil fine, forfeiture, or loss of eligibility becomes final and enforceable in the same
24 manner as a judgment of the court.

25 * **Sec. 25.** AS 43.23.055 is amended by adding a new paragraph to read:

26 (10) establish a fraud investigation unit for the purpose of assisting the

27 (A) Department of Law in the prosecution of individuals who
28 apply for or obtain a permanent fund dividend in violation of a provision in
29 AS 11, by detecting and investigating those crimes; and

30 (B) commissioner to detect and investigate the claiming or
31 paying of permanent fund dividends that should not have been claimed by or

1 paid to an individual and to impose the penalties and enforcement provisions
2 under AS 43.23.035.

3 * **Sec. 26.** AS 43.65.020(a) is amended to read:

4 (a) A person subject to tax under this chapter shall make a return stating
5 specifically the items of gross income from the property, including royalty received
6 and the deductions and credits allowed by this chapter and the exploration incentive
7 credit authorized by AS 27.30, and other information for carrying out this chapter that
8 the department prescribes. The return must show the mining license number and must
9 be signed by the taxpayer or an authorized agent of the taxpayer, under penalty of
10 unsworn falsification **in the second degree**. If receivers, trustees, or assigns are
11 operating the property or business, they shall make returns for the person engaged in
12 mining, or the recipient of royalty in connection with mining property. The tax due on
13 the basis of the returns shall be collected in the same manner as if collected from the
14 person of whose business they have custody and control. In a tax year in which a
15 taxpayer applies against the tax levied under this chapter the exploration incentive
16 credit authorized by AS 27.30, the commissioner shall require the taxpayer to submit
17 the accounting of mining operation activities form required by AS 27.30.030(b).

18 * **Sec. 27.** AS 43.75.030(a) is amended to read:

19 (a) A person subject to the tax shall file a return stating the value of fisheries
20 resources processed during the license year, computed as required by this chapter, and
21 such other information as the department prescribes by regulation. The return must
22 show the license number and must be signed by the taxpayer or an authorized agent,
23 under penalty of unsworn falsification **in the second degree**. If a receiver, trustee, or
24 assign is operating the property or business, that person shall file the return for the
25 person. A tax due on the basis of such a return shall be collected in the same manner
26 as if collected from the person of whose business the receiver, trustee, or assign has
27 custody and control.

28 * **Sec. 28.** AS 43.75.110 is amended to read:

29 **Sec. 43.75.110. Duty of taxpayer and payment of tax.** A person subject to
30 taxes under AS 43.75.100 shall make a return stating the value of fisheries resources
31 taken, purchased, or otherwise acquired during the license year for sale to fisheries

1 businesses outside of the taxing jurisdiction of the state computed as required by
 2 AS 43.75.100, and other information to carry out the provisions of AS 43.75.100 as
 3 may be prescribed by the department. The return must contain the license number and
 4 must be signed by the taxpayer or an authorized agent, under penalty of unsworn
 5 falsification **in the second degree**. If a receiver, trustee, or assign is operating the
 6 property or business, that person shall make the return for the person. A tax due on
 7 the basis of such return shall be collected in the same manner as if collected from the
 8 person of whose business the receiver, trustee, or assign has custody and control. The
 9 requirements for time and place of payment of tax, and the obligation to keep records
 10 and make the records available to the commissioner are the same as those prescribed
 11 in AS 43.75.011 - 43.75.050.

12 * **Sec. 29.** AS 45.63.010(d) is amended to read:

13 (d) The notice of intent must be on a form or in a format provided and
 14 established by the department by regulation. The department may require the notice
 15 of intent to be submitted under oath or affirmation or with notice that false statements
 16 made are punishable as unsworn falsification **in the second degree** under
 17 AS 11.56.210. The notice of intent must include detailed information about the nature
 18 of the solicitation campaign and the identity and business practices of the telephone
 19 seller, including information on the employees, agents, and officers affiliated with the
 20 telephone seller. The notice of intent must disclose criminal convictions, civil
 21 judgments, orders, consent decrees, or administrative determinations involving
 22 allegations of unfair or deceptive business practices by the telephone seller.

23 * **Sec. 30.** AS 45.68.010(f) is amended to read:

24 (f) The department may require the registration and registration renewal
 25 statement required under (c)(1) and (d) of this section to be submitted

26 (1) under oath or affirmation; or

27 (2) with notice that false statements made in the statement are
 28 punishable as unsworn falsification **in the second degree** under AS 11.56.210.

29 * **Sec. 31.** AS 45.68.055(c) is amended to read:

30 (c) The authorized contracting agent for the paid solicitor shall sign the report
 31 required by (b) of this section. Signature of the report under this subsection must be

1 made under oath or affirmation, but submission of false information in a notice that is
 2 not signed under oath or affirmation is punishable as an unsworn falsification **in the**
 3 **second degree** under AS 11.56.210.

4 * **Sec. 32.** AS 46.03.550(a) is amended to read:

5 (a) Property for which a notice has been issued under AS 46.03.500 shall be
 6 determined by the department to be fit for use if the owner certifies to the department
 7 under penalty of unsworn falsification **in the second degree** that

8 (1) based on sampling and testing procedures established by the
 9 department under AS 46.03.520(b) and performed by laboratories that are on the list
 10 maintained by the department under AS 46.03.520(c), the limits on substances
 11 specified in regulations adopted under AS 46.03.530 are not exceeded on the property;

12 (2) if the property was ever sampled and tested under AS 46.03.520
 13 and the test results showed the property to be unfit for use under AS 46.03.530,
 14 decontamination procedures were performed in accordance with the guidelines
 15 established under AS 46.03.540(b) and the requirements of (1) of this subsection have
 16 been met; or

17 (3) a court has held that the determination that the property was an
 18 illegal drug manufacturing site was not made in compliance with AS 46.03.500(a).

19 * **Sec. 33.** AS 47.12.120(b) is amended to read:

20 (b) If the minor is not subject to (j) of this section and the court finds that the
 21 minor is delinquent, it shall

22 (1) order the minor committed to the department for a period of time
 23 not to exceed two years or in any event extend past the day the minor becomes 19
 24 years of age, except that the department may petition for and the court may grant in a
 25 hearing (A) two-year extensions of commitment that do not extend beyond the minor's
 26 19th birthday if the extension is in the best interests of the minor and the public; and
 27 (B) an additional one-year period of supervision past age 19 if continued supervision
 28 is in the best interests of the person and the person consents to it; the department shall
 29 place the minor in the juvenile facility that the department considers appropriate and
 30 that may include a juvenile correctional school, juvenile work camp, treatment facility,
 31 detention home, or detention facility; the minor may be released from placement or

1 detention and placed on probation on order of the court and may also be released by
2 the department, in its discretion, under AS 47.12.260;

3 (2) order the minor placed on probation, to be supervised by the
4 department, and released to the minor's parents, guardian, or a suitable person; if the
5 court orders the minor placed on probation, it may specify the terms and conditions of
6 probation; the probation may be for a period of time not to exceed two years and in no
7 event to extend past the day the minor becomes 19 years of age, except that the
8 department may petition for and the court may grant in a hearing

9 (A) two-year extensions of supervision that do not extend
10 beyond the minor's 19th birthday if the extension is in the best interests of the
11 minor and the public; and

12 (B) an additional one-year period of supervision past age 19 if
13 the continued supervision is in the best interests of the person and the person
14 consents to it;

15 (3) order the minor committed to the custody of the department and
16 placed on probation, to be supervised by the department and released to the minor's
17 parents, guardian, other suitable person, or suitable nondetention setting such as with a
18 relative or in a foster home or residential child care facility, whichever the department
19 considers appropriate to implement the treatment plan of the predisposition report; if
20 the court orders the minor placed on probation, it may specify the terms and conditions
21 of probation; the department may transfer the minor, in the minor's best interests, from
22 one of the probationary placement settings listed in this paragraph to another, and the
23 minor, the minor's parents or guardian, the minor's foster parent, and the minor's
24 attorney are entitled to reasonable notice of the transfer; the probation may be for a
25 period of time not to exceed two years and in no event to extend past the day the
26 minor becomes 19 years of age, except that the department may petition for and the
27 court may grant in a hearing

28 (A) two-year extensions of commitment that do not extend
29 beyond the minor's 19th birthday if the extension is in the best interests of the
30 minor and the public; and

31 (B) an additional one-year period of supervision past age 19 if

1 the continued supervision is in the best interests of the person and the person
2 consents to it;

3 (4) order the minor and the minor's parent to make suitable restitution
4 in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection;
5 under this paragraph,

6 (A) except as provided in (B) of this paragraph, the court may
7 not refuse to make an order of restitution to benefit the victim of the act of the
8 minor that is the basis of the delinquency adjudication; under this
9 subparagraph, the court may require the minor to use the services of a
10 community dispute resolution center that has been recognized by the
11 commissioner under AS 47.12.450(b) to resolve any dispute between the minor
12 and the victim of the minor's offense as to the amount of or manner of payment
13 of the restitution;

14 (B) the court may not order payment of restitution by the parent
15 of a minor who is a runaway or missing minor for an act of the minor that was
16 committed by the minor after the parent has made a report to a law
17 enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
18 away or is missing; for purposes of this subparagraph, "runaway or missing
19 minor" means a minor who a parent reasonably believes is absent from the
20 minor's residence for the purpose of evading the parent or who is otherwise
21 missing from the minor's usual place of abode without the consent of the
22 parent; and

23 (C) at the request of the department, the Department of Law,
24 the victims' advocate, or on its own motion, the court shall, at any time, order
25 the minor and the minor's parent, if applicable, to submit financial information
26 on a form approved by the Alaska Court System to the court, the department,
27 and the Department of Law for the purpose of establishing the amount of
28 restitution or enforcing an order of restitution under AS 47.12.170; the form
29 must include a warning that submission of incomplete or inaccurate
30 information is punishable as unsworn falsification **in the second degree** under
31 AS 11.56.210;

1 (5) order the minor committed to the department for placement in an
 2 adventure-based education program established under AS 47.21.020 with conditions
 3 the court considers appropriate concerning release upon satisfactory completion of the
 4 program or commitment under (1) of this subsection if the program is not satisfactorily
 5 completed;

6 (6) in addition to an order under (1) - (5) of this subsection, order the
 7 minor to perform community service; for purposes of this paragraph, "community
 8 service" includes work

9 (A) on a project identified in AS 33.30.901; or

10 (B) that, on the recommendation of the city council or
 11 traditional village council, would benefit persons within the city or village who
 12 are elderly or disabled; or

13 (7) in addition to an order under (1) - (6) of this subsection, order the
 14 minor's parent or guardian to comply with orders made under AS 47.12.155, including
 15 participation in treatment under AS 47.12.155(b)(1).

16 * **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to
 17 read:

18 REGULATIONS AND APPLICATION. (a) The Department of Revenue may
 19 immediately adopt regulations necessary to implement the changes made by secs. 22 - 24 of
 20 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
 21 before July 1, 2005.

22 (b) AS 43.23.035(c), as amended in sec. 23 of this Act, and AS 43.23.035(e), as
 23 added in sec. 24 of this Act, apply only with respect to applications filed on or after July 1,
 24 2005. AS 43.23.035(c) as it read immediately before July 1, 2005, applies with respect to
 25 applications filed before July 1, 2005.

26 * **Sec. 35.** Section 34 of this Act takes effect immediately under AS 01.10.070(c).

27 * **Sec. 36.** Sections 1 - 19 and 22 - 33 of this Act take effect July 1, 2005.

28 * **Sec. 37.** Sections 20 and 21 of this Act take effect January 1, 2006.