

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 303

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARA, Kerttula

Introduced: 2/17/12

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to suspended imposition of sentence for certain misdemeanor criminal
2 offences; relating to conditions of probation for criminal defendants; and relating to
3 parole conditions for parolees."

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

5 * **Section 1.** AS 12.55.085(e) is amended to read:

6 (e) Upon the discharge by the court without imposition of sentence, the court
7 may set aside the conviction and issue to the person a certificate to that effect. **As a**
8 **matter of state law and policy, a person who receives or received a certificate**
9 **under this subsection for a misdemeanor offense listed in (f) of this section as it**
10 **read on or after the effective date of this Act may truthfully answer questions**
11 **relating to the offense that the person has not been convicted of the offense that**
12 **was set aside.**

13 * **Sec. 2.** AS 12.55.100(e) is amended to read:

14 (e) In addition to other conditions imposed on the defendant, while on

1 probation and as a condition of probation

2 (1) for a sex offense, as described in AS 12.63.100, the defendant

3 (A) shall be required to submit to regular periodic polygraph
4 examinations;

5 **(B) shall be required to have contact at least once each**
6 **week with the defendant's probation officer as directed by the probation**
7 **officer; or**

8 **(C)** [(B)] may be required to provide each electronic mail
9 address, instant messaging address, and other Internet communication
10 identifier that the defendant uses to the defendant's probation officer; the
11 probation officer shall forward those addresses and identifiers to the Alaska
12 state troopers and to the local law enforcement agency;

13 (2) if the defendant was convicted of a violation of AS 11.41.434 -
14 11.41.455, AS 11.61.125 - 11.61.128, or a similar offense in another jurisdiction, the
15 defendant may be required to refrain from

16 (A) using or creating an Internet site;

17 (B) communicating with children under 16 years of age;

18 (C) possessing or using a computer; or

19 (D) residing within 500 feet of school grounds; in this
20 subparagraph, "school grounds" has the meaning given in AS 11.71.900.

21 * **Sec. 3.** AS 33.16.150(a) is amended to read:

22 (a) As a condition of parole, a prisoner released on special medical,
23 discretionary, or mandatory parole

24 (1) shall obey all state, federal, or local laws or ordinances, and any
25 court orders applicable to the parolee;

26 (2) shall make diligent efforts to maintain steady employment or meet
27 family obligations;

28 (3) shall, if involved in education, counseling, training, or treatment,
29 continue in the program unless granted permission from the parole officer assigned to
30 the parolee to discontinue the program;

31 (4) shall report

1 (A) upon release to the parole officer assigned to the parolee;

2 (B) at other times, and in the manner, prescribed by the board
3 or the parole officer assigned to the parolee;

4 (5) shall reside at a stated place and not change that residence without
5 notifying, and receiving permission from, the parole officer assigned to the parolee;

6 (6) shall remain within stated geographic limits unless written
7 permission to depart from the stated limits is granted the parolee;

8 (7) may not use, possess, handle, purchase, give, distribute, or
9 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
10 drug for which a prescription is required under state or federal law without a
11 prescription from a licensed medical professional to the parolee;

12 (8) may not possess or control a firearm; in this paragraph, "firearm"
13 has the meaning given in AS 11.81.900;

14 (9) may not enter into an agreement or other arrangement with a law
15 enforcement agency or officer that will place the parolee in the position of violating a
16 law or parole condition without the prior approval of the board;

17 (10) may not contact or correspond with anyone confined in a
18 correctional facility of any type serving any term of imprisonment or a felon without
19 the permission of the parole officer assigned to a parolee;

20 (11) shall agree to waive extradition from any state or territory of the
21 United States and to not contest efforts to return the parolee to the state;

22 (12) shall provide a blood sample, an oral sample, or both, when
23 requested by a health care professional acting on behalf of the state to provide the
24 sample or samples, or an oral sample when requested by a juvenile or adult
25 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
26 released after a conviction of an offense requiring the state to collect the sample or
27 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

28 (13) from a conviction for a sex offense shall submit to regular
29 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning
30 given in AS 12.63.100;

31 **(14) shall be required to have contact at least once each week with**

1 **the defendant's parole officer as directed by the parole officer.**

2 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 APPLICABILITY. The changes made to conditions of probation in AS 12.55.100(e)
5 by sec. 2 of this Act, and the changes made to AS 33.16.150 by sec. 3 of this Act, apply to
6 offenses committed on or after the effective date of this Act.