

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

**SENATE CS FOR CS FOR HOUSE BILL NO. 15(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/18/15

Referred: Rules

Sponsor(s): REPRESENTATIVES WILSON, Gattis, Millett, Hughes, Pruitt, LeDoux

SENATORS Ellis, Gardner, McGuire, Coghill, Stevens, Micciche, Bishop, Giessel, MacKinnon, Egan, Stedman, Costello

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to credits toward a sentence of imprisonment for certain persons under  
2 electronic monitoring; and relating to mitigating factors at sentencing."

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

4 \* **Section 1.** AS 12.55.027(a) is amended to read:

5 (a) A court may grant a defendant credit toward a sentence of imprisonment  
6 for time spent in a treatment program or under electronic monitoring only as  
7 provided in this section.

8 \* **Sec. 2.** AS 12.55.027(d) is amended to read:

9 (d) A court may [NOT] grant credit against a sentence of imprisonment for  
10 time spent [IN A PRIVATE RESIDENCE OR] under electronic monitoring if the  
11 person has not committed a criminal offense while under electronic monitoring  
12 and the court imposes restrictions on the person's freedom of movement and  
13 behavior while under the electronic monitoring program, including requiring the  
14 person to be confined to a residence except for a

1                   **(1) court appearance;**

2                   **(2) meeting with counsel; or**

3                   **(3) period during which the person is at a location ordered by the**  
 4                   **court for the purposes of employment, attending an educational or vocational**  
 5                   **training, performing community volunteer work, or attending a rehabilitative**  
 6                   **activity or medical appointment.**

7                   \* **Sec. 3.** AS 12.55.027(e) is amended to read:

8                   (e) If a defendant intends to claim credit toward a sentence of imprisonment  
 9                   for time spent in a treatment program **or under electronic monitoring** either as a  
 10                   condition of probation or as a condition of bail release after a petition to revoke  
 11                   probation has been filed, the defendant shall file notice with the court and the  
 12                   prosecutor 10 days before the disposition hearing. The notice shall include the amount  
 13                   of time the defendant is claiming. The defendant must prove by a preponderance of the  
 14                   evidence that the credit claimed meets the requirements of this section. A court may  
 15                   not consider, except for good cause, a request for credit made under this subsection  
 16                   more than 90 days after the disposition hearing.

17                   \* **Sec. 4.** AS 12.55.155(d) is amended by adding a new paragraph to read:

18                   (21) the defendant, as a condition of release ordered by the court,  
 19                   successfully completed an alcohol and substance abuse monitoring program  
 20                   established under AS 47.38.020.

21                   \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
 22                   read:

23                   APPLICABILITY. (a) AS 12.55.027(a), as amended by sec. 1 of this Act,  
 24                   AS 12.55.027(d), as amended by sec. 2 of this Act, and AS 12.55.027(e), as amended by sec.  
 25                   3 of this Act, apply to an offense committed before, on, or after the effective date of this Act.

26                   (b) AS 12.55.155(d), as amended by sec. 4 of this Act, applies to a sentence imposed  
 27                   on or after the effective date of this Act for an offense committed before, on, or after the  
 28                   effective date of this Act.