

HOUSE BILL NO. 205

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MILLETT, LeDoux, Tarr

Introduced: 4/17/15

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to conditions of release; relating to community work service; relating
2 to credit toward a sentence of imprisonment for certain persons under electronic
3 monitoring; relating to the restoration under certain circumstances of an
4 administratively revoked driver's license, privilege to drive, or privilege to obtain a
5 license; allowing a reduction of penalties for offenders successfully completing court-
6 ordered treatment programs for persons convicted of driving under the influence;
7 relating to termination of a revocation of a driver's license; relating to restoration of a
8 driver's license; relating to credits toward a sentence of imprisonment, to good time
9 deductions, and to providing for earned good time deductions for prisoners; relating to
10 early termination of probation and reduction of probation for good conduct; relating to
11 the rights of crime victims; relating to the disqualification of persons convicted of
12 certain felony drug offenses from participation in the food stamp and temporary

1 assistance programs; relating to probation; relating to mitigating factors; relating to
 2 treatment programs for prisoners; relating to the duties of the commissioner of
 3 corrections; amending Rule 32, Alaska Rules of Criminal Procedure; and providing for
 4 an effective date."

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

6 * **Section 1.** AS 12.30.011(b) is amended to read:

7 (b) If a judicial officer determines that the release under (a) of this section will
 8 not reasonably assure the appearance of the person or will pose a danger to the victim,
 9 other persons, or the community, the officer shall impose the least restrictive condition
 10 or conditions that will reasonably assure the person's appearance and protect the
 11 victim, other persons, and the community. In addition to conditions under (a) of this
 12 section, the judicial officer may, singly or in combination,

13 (1) require the execution of an appearance bond in a specified amount
 14 of cash to be deposited into the registry of the court, in a sum not to exceed 10 percent
 15 of the amount of the bond;

16 (2) require the execution of a bail bond with sufficient solvent sureties
 17 or the deposit of cash;

18 (3) require the execution of a performance bond in a specified amount
 19 of cash to be deposited in the registry of the court;

20 (4) place restrictions on the person's travel, association, or residence;

21 (5) order the person to refrain from possessing a deadly weapon on the
 22 person or in the person's vehicle or residence;

23 (6) require the person to maintain employment or, if unemployed,
 24 actively seek employment;

25 (7) require the person to notify the person's lawyer and the prosecuting
 26 authority within two business days after any change in employment;

27 (8) require the person to avoid all contact with a victim, a potential
 28 witness, or a codefendant;

29 (9) require the person to refrain from the consumption and possession

1 of alcoholic beverages;

2 (10) require the person to refrain from the use of a controlled substance
3 as defined by AS 11.71, unless prescribed by a licensed health care provider with
4 prescriptive authority;

5 (11) require the person to be physically inside the person's residence,
6 or in the residence of the person's third-party custodian, at time periods set by the
7 court;

8 (12) require the person to keep regular contact with a law enforcement
9 officer or agency;

10 (13) order the person to refrain from entering or remaining in premises
11 licensed under AS 04;

12 (14) place the person in the custody of an individual who agrees to
13 serve as a third-party custodian of the person as provided in AS 12.30.021;

14 (15) if the person is under the treatment of a licensed health care
15 provider, order the person to follow the provider's treatment recommendations;

16 (16) order the person to take medication that has been prescribed for
17 the person by a licensed health care provider with prescriptive authority;

18 (17) order the person to comply with any other condition that is
19 reasonably necessary to assure the appearance of the person and to assure the safety of
20 the victim, other persons, and the community;

21 (18) require the person to comply with a program established under
22 AS 47.38.020 if the person has been charged with an alcohol-related or substance-
23 abuse-related offense that is an unclassified felony, a class A felony, a sexual felony,
24 or a crime involving domestic violence;

25 **(19) order the person to comply with an electronic monitoring**
26 **program as provided in AS 12.55.029.**

27 * **Sec. 2.** AS 12.55.015(a) is amended to read:

28 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing
29 sentence on a defendant convicted of an offense, may singly or in combination

30 (1) impose a fine when authorized by law and as provided in
31 AS 12.55.035;

1 (2) order the defendant to be placed on probation under conditions
2 specified by the court that may include provision for active supervision;

3 (3) impose a definite term of periodic imprisonment, but only if an
4 employment obligation of the defendant preexisted sentencing and the defendant
5 receives a composite sentence of not more than two years to serve;

6 (4) impose a definite term of continuous imprisonment;

7 (5) order the defendant to make restitution under AS 12.55.045;

8 (6) order the defendant to carry out a continuous or periodic program
9 of community work **for an offense and** under **conditions specified in** AS 12.55.055;

10 (7) suspend execution of all or a portion of the sentence imposed under
11 AS 12.55.080;

12 (8) suspend imposition of sentence under AS 12.55.085;

13 (9) order the forfeiture to the commissioner of public safety or a
14 municipal law enforcement agency of a deadly weapon that was in the actual
15 possession of or used by the defendant during the commission of an offense described
16 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

17 (10) order the defendant, while incarcerated, to participate in or
18 comply with the treatment plan of a rehabilitation program that is related to the
19 defendant's offense or to the defendant's rehabilitation if the program is made available
20 to the defendant by the Department of Corrections;

21 (11) order the forfeiture to the state of a motor vehicle, weapon,
22 electronic communication device, or money or other valuables, used in or obtained
23 through an offense that was committed for the benefit of, at the direction of, or in
24 association with a criminal street gang;

25 (12) order the defendant to have no contact, either directly or
26 indirectly, with a victim or witness of the offense until the defendant is
27 unconditionally discharged;

28 (13) order the defendant to refrain from consuming alcoholic
29 beverages for a period of time.

30 * **Sec. 3.** AS 12.55 is amended by adding a new section to read:

31 **Sec. 12.55.029. Credit for time spent on electronic monitoring toward**

1 **service of a sentence.** (a) A court may grant a defendant credit toward a sentence of
2 imprisonment for time spent on electronic monitoring only as provided in this section.

3 (b) A court may grant a defendant one day of credit toward a sentence of
4 imprisonment for each full day the defendant was on electronic monitoring if

5 (1) before the defendant began electronic monitoring, the court ordered
6 the defendant to be on electronic monitoring;

7 (2) the defendant did not commit a criminal offense while on
8 electronic monitoring; and

9 (3) the electronic monitoring ordered by the court imposed substantial
10 restrictions on the person's freedom of movement and behavior while on electronic
11 monitoring that included requiring the person to be confined to a residence except for
12 a

13 (A) court appearance;

14 (B) meeting with counsel; or

15 (C) period during which the person is at a location other than a
16 residence, as ordered by the court, for purposes of employment, attending
17 educational or vocational training, performing community work, attending a
18 counseling or medical appointment, or participating in a rehabilitative
19 program.

20 (c) If a defendant intends to claim credit toward a sentence of imprisonment
21 for time spent on electronic monitoring either as a condition of probation or as a
22 condition of bail release after a petition to revoke probation has been filed, the
23 defendant shall file notice with the court and the prosecutor 10 days before the
24 disposition hearing. The notice shall include the amount of time the defendant is
25 claiming. The defendant must prove by a preponderance of the evidence that the credit
26 claimed meets the requirements of this section. A court may not consider, except for
27 good cause, a request for credit made under this subsection more than 90 days after the
28 disposition hearing.

29 (d) In this section, "electronic monitoring" means an electronic system
30 approved by the commissioner of corrections under AS 33.30.011, that provides
31 monitoring 24 hours a day of the defendant's location and, where ordered by the court,

1 also provides monitoring of the defendant's consumption of alcohol.

2 * **Sec. 4.** AS 12.55.039(a) is amended to read:

3 (a) In addition to any fine or other penalty prescribed by law, a defendant who
4 pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a

5 (1) felony shall be assessed a surcharge of **\$125** [\$100];

6 (2) violation of a misdemeanor offense under AS 28.33.030,
7 28.33.031, AS 28.35.030, or 28.35.032, or a violation of a municipal ordinance
8 comparable to a misdemeanor offense under AS 28.33.030, 28.33.031, AS 28.35.030,
9 or 28.35.032 and adopted under AS 28.01.010, shall be assessed a surcharge of **\$100**
10 [\$75];

11 (3) misdemeanor or a violation of a municipal ordinance if a sentence
12 of incarceration may be imposed for the misdemeanor or ordinance violation, other
13 than a provision identified in (2) of this subsection, shall be assessed a surcharge of
14 **\$75** [\$50];

15 (4) misdemeanor for which a sentence of incarceration may not be
16 imposed, a violation or an infraction under state law, or a violation of a municipal
17 ordinance imposing a penalty authorized by AS 29.25.070(a) if a sentence of
18 incarceration may not be imposed for the ordinance violation, shall be assessed a
19 surcharge of **\$15** [\$10] if the fine or bail forfeiture amount for the offense is \$30 or
20 more.

21 * **Sec. 5.** AS 12.55.055(a) is amended to read:

22 (a) The court may order a defendant convicted of an offense **under AS 04,**
23 **AS 28, or AS 47.12.030, that specifically provides for community work as**
24 **authorized punishment** to perform community work as a condition of probation, [A
25 SUSPENDED SENTENCE,] or **may order community work in a** suspended
26 imposition of sentence, [OR] in addition to any fine or restitution ordered. [IF THE
27 DEFENDANT IS SENTENCED TO IMPRISONMENT, THE COURT MAY
28 RECOMMEND TO THE DEPARTMENT OF CORRECTIONS THAT THE
29 DEFENDANT PERFORM COMMUNITY WORK.]

30 * **Sec. 6.** AS 12.55.055(c) is amended to read:

31 (c) The court may offer a defendant convicted of an offense the option of

1 performing community work in lieu of a fine, surcharge, or portion of a fine or
 2 surcharge if the court finds the defendant is unable to pay the fine. The value of
 3 community work in lieu of a fine is **the state's minimum wage for each** [\$3 PER]
 4 hour.

5 * **Sec. 7.** AS 12.55.055 is amended by adding new subsections to read:

6 (g) The court may not

7 (1) offer a defendant convicted of an offense the option of serving jail
 8 time in lieu of performing uncompleted community work previously ordered by the
 9 court; or

10 (2) convert uncompleted community work hours into a sentence of
 11 imprisonment.

12 (h) If a court orders community work as part of the defendant's sentence under
 13 this section, the court shall provide notice to the defendant at sentencing and include
 14 as a provision of the judgment that if the defendant fails to provide proof of
 15 community work within 20 days after the date set by the court, the court shall convert
 16 those community work hours to a fine equal to the number of uncompleted work hours
 17 multiplied by the state's minimum hourly wage and issue a judgment against the
 18 defendant for that amount.

19 * **Sec. 8.** AS 12.55.085(b) is amended to read:

20 (b) At any time during the probationary term of the person released on
 21 probation, a probation officer may **administratively sanction the person using the**
 22 **process provided under AS 33.05.020, or** [,] without warrant or other process,
 23 rearrest the person so placed in the officer's care and bring the person before the court,
 24 or the court may, in its discretion, issue a warrant for the rearrest of the person. The
 25 court may revoke and terminate the probation if the interests of justice require, and if
 26 the court, in its judgment, has reason to believe that the person placed **on** [UPON]
 27 probation is

28 (1) violating the conditions of probation;

29 (2) engaging in criminal practices; or

30 (3) violating an order of the court to participate in or comply with the
 31 treatment plan of a rehabilitation program under AS 12.55.015(a)(10).

1 * **Sec. 9.** AS 12.55.085(d) is amended to read:

2 (d) The court may, at any time during the period of probation, revoke or
 3 modify its order of suspension of imposition of sentence. It may, at any time, **reduce**
 4 **the period of probation for a felony offense as provided in AS 33.05.025 or** when
 5 the ends of justice will be served, and when the good conduct and reform of the person
 6 held on probation warrant it, terminate the period of probation and discharge the
 7 person held. If the court has not revoked the order of probation and pronounced
 8 sentence, the defendant shall, at the end of the term of probation, be discharged by the
 9 court.

10 * **Sec. 10.** AS 12.55.090(b) is amended to read:

11 (b) Except as otherwise provided in (f) of this section, the court may revoke or
 12 modify any condition of probation or may change the period of probation, **including a**
 13 **reduction in the period of probation as provided by AS 33.05.025.**

14 * **Sec. 11.** AS 12.55.090(c) is amended to read:

15 (c) The period of probation, together with any extension, may not exceed
 16 (1) 25 years for a felony sex offense; [OR]
 17 (2) 10 years for **an unclassified or class A felony** [ANY OTHER]
 18 offense; **or**
 19 **(3) five years for any other offense.**

20 * **Sec. 12.** AS 12.55.110 is amended by adding new subsections to read:

21 (c) If a court finds that a defendant who is serving a period of probation for a
 22 felony offense has committed a technical violation of probation, the court shall revoke
 23 the probation and

24 (1) require the defendant to serve a period of imprisonment of up to
 25 (A) 30 days for a first violation and place the defendant back
 26 on probation under terms and conditions the court considers best;
 27 (B) 60 days for a second violation and place the defendant back
 28 on probation under terms and conditions the court considers best;
 29 (2) impose sentence, if imposition of sentence was suspended, or
 30 execute the sentence or the balance of the sentence remaining.

31 (d) The court may order a defendant to serve a period of imprisonment above

1 the terms specified in (c)(1)(A) or (B) of this section if the court finds the technical
 2 violation of probation was committed under circumstances that demonstrate that the
 3 defendant presents a risk to public safety.

4 (e) In this section, "technical violation of probation" means a violation of the
 5 conditions of probation, but does not include a violation of conditions of probation
 6 resulting from the commission of a new crime.

7 * **Sec. 13.** AS 12.55.155(d)(17) is amended to read:

8 (17) except in the case of an offense defined by AS 11.41.410 -
 9 11.41.427 [AS 11.41] or AS 11.46.400, the defendant has been convicted of a class B
 10 or C felony, and, at the time of sentencing, has successfully completed a court-ordered
 11 treatment program [AS DEFINED IN AS 28.35.028] that was begun after the offense
 12 was committed;

13 * **Sec. 14.** AS 12.61.010(a) is amended to read:

14 (a) Victims of crimes have the following rights:

15 (1) the right to be present during any proceeding in

16 (A) the prosecution and sentencing of a defendant if the
 17 defendant has the right to be present, including being present during testimony
 18 even if the victim is likely to be called as a witness;

19 (B) the adjudication of a minor as provided under
 20 AS 47.12.110;

21 (2) the right to be notified by the appropriate law enforcement agency
 22 or the prosecuting attorney of any request for a continuance that may substantially
 23 delay the prosecution and of the date of trial, sentencing, including a proceeding
 24 before a three-judge panel under AS 12.55.175, an appeal, and any hearing in which
 25 the defendant's release from custody is considered;

26 (3) the right to be notified that a sentencing hearing or a court
 27 proceeding to which the victim has been subpoenaed will not occur as scheduled;

28 (4) the right to receive protection from harm and threats of harm
 29 arising out of cooperation with law enforcement and prosecution efforts and to be
 30 provided with information as to the protection available;

31 (5) the right to be notified of the procedure to be followed to apply for

1 and receive any compensation under AS 18.67;

2 (6) at the request of the prosecution or a law enforcement agency, the
3 right to cooperate with the criminal justice process without loss of pay and other
4 employee benefits except as authorized by AS 12.61.017 and without interference in
5 any form by the employer of the victim of crime;

6 (7) the right to obtain access to immediate medical assistance and not
7 to be detained for an unreasonable length of time by a law enforcement agency before
8 having medical assistance administered; however, an employee of the law
9 enforcement agency may, if necessary, accompany the person to a medical facility to
10 question the person about the criminal incident if the questioning does not hinder the
11 administration of medical assistance;

12 (8) the right to make a written or oral statement for use in preparation
13 of the presentence report of a felony defendant;

14 (9) the right to appear personally at the defendant's sentencing hearing
15 to present a written statement and to give sworn testimony or an unsworn oral
16 presentation;

17 (10) the right to be informed by the prosecuting attorney, at any time
18 after the defendant's conviction, about the complete record of the defendant's
19 convictions;

20 (11) the right to notice under AS 12.47.095 concerning the status of the
21 defendant found not guilty by reason of insanity;

22 (12) the right to notice under AS 33.16.087 of a hearing concerning
23 special medical parole of the defendant;

24 (13) the right to notice under AS 33.16.120 of a hearing to consider or
25 review discretionary parole of the defendant;

26 (14) the right to notice under AS 33.30.013 of the release or escape of
27 the defendant; [AND]

28 (15) the right to be notified orally and in writing of and receive
29 information about the office of victims' rights from the law enforcement officer
30 initially investigating the crime and from the prosecuting attorney assigned to the
31 offense; at a minimum, the information provided must include the address, telephone

1 number, and Internet address of the office of victims' rights; this paragraph

2 (A) applies only to victims of felonies and to victims of class A
3 misdemeanors if the class A misdemeanor is a crime involving domestic
4 violence or a crime against a person under AS 11.41; if the victim is an
5 unemancipated minor, the law enforcement officer and the prosecuting
6 attorney shall also provide the notice required by this paragraph to the parent
7 or guardian of the minor;

8 (B) is satisfied if, at the time of initial contact with the crime
9 victim, the investigating officer and prosecuting attorney each give each crime
10 victim a brochure or other written material prepared by the office of victims'
11 rights and provided to law enforcement agencies for that purpose; **and**

12 **(16) the right to be notified as provided in AS 12.61.050 that a**
13 **probation officer has made a recommendation for a reduction for good conduct**
14 **for a person on probation for a felony conviction as provided by AS 33.05.025.**

15 * **Sec. 15.** AS 12.61.050(a) is amended to read:

16 (a) The Department of Corrections shall establish an automated victim
17 notification system that automatically provides crime victims with notice by telephone
18 when there is a change in the status of their offender, **including notice that a**
19 **probation officer has filed a recommendation with the sentencing court for**
20 **reduction in a person's period of probation for good conduct as provided by**
21 **AS 33.05.025.** The system must also allow crime victims to initiate telephone calls to
22 the system to receive the latest status report for their offender. An automated victim
23 notification system established under this section satisfies the duty of a state agency to
24 notify a crime victim of the change in status of an offender. The failure of a system to
25 provide notice to a crime victim does not give rise to a separate cause of action by the
26 crime victim against the state, an agency of the state, or a municipality, or the officers,
27 employees, or contractors of the state, agency of the state, or municipality.

28 * **Sec. 16.** AS 28.15.165 is amended by adding a new subsection to read:

29 (e) A person whose driver's license, privilege to drive, or privilege to obtain a
30 license has been revoked under this section as a result of a refusal to submit to a
31 chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal

1 ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar
 2 municipal ordinance in which the test produced a result described in
 3 AS 28.35.030(a)(2) may request that the department rescind the revocation. The
 4 department shall rescind a revocation under this subsection if the department finds that
 5 the person has supplied proof in a form satisfactory to the department that

6 (1) the person has been acquitted of driving while under the influence
 7 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a
 8 similar municipal ordinance for the incident on which the revocation was based; or

9 (2) all criminal charges against the person for driving while under the
 10 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit
 11 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to
 12 the incident on which the revocation is based have been dismissed with prejudice.

13 * **Sec. 17.** AS 28.15.181(f) is amended to read:

14 (f) The court may terminate a revocation for an offense described in (a)(5) or
 15 (8) of this section if

16 (1) **either**

17 (A) the person's license, privilege to drive, or privilege to
 18 obtain a license has been revoked for the minimum periods set out in (c) of this
 19 section; **or**

20 (B) **the person**

21 (i) **has successfully completed a court-ordered**
 22 **treatment program under AS 28.35.028;**

23 (ii) **has not been convicted of a violation of**
 24 **AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or**
 25 **another jurisdiction since completing the program; and**

26 (iii) **has been granted limited license privileges under**
 27 **AS 28.15.201(g) and has successfully driven for three years under**
 28 **that limited license without having the limited license privileges**
 29 **revoked;** and

30 (2) the person complies with the provisions of AS 28.15.211(d) and

31 (e).

1 * **Sec. 18.** AS 28.15.201 is amended by adding new subsections to read:

2 (g) Notwithstanding (d) of this section, a court revoking a driver's license,
3 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the
4 department when revoking a driver's license, privilege to drive, or privilege to obtain a
5 license under AS 28.15.165(c), may grant limited license privileges if

6 (1) the revocation was for a felony conviction under AS 28.35.030;

7 (2) the person has successfully participated for at least six months in,
8 or has successfully completed, a court-ordered treatment program under
9 AS 28.35.028;

10 (3) the person provides proof of insurance as required by AS 28.20.230
11 and 28.20.240;

12 (4) the person is required to use an ignition interlock device during the
13 period of the limited license whenever the person operates a motor vehicle in a
14 community not included in the list published by the department under
15 AS 28.22.011(b) and, when applicable,

16 (A) the person provides proof of installation of the ignition
17 interlock device on every vehicle the person operates;

18 (B) the person signs an affidavit acknowledging that

19 (i) operation by the person of a vehicle that is not
20 equipped with an ignition interlock device is subject to penalties for
21 driving with a revoked license;

22 (ii) circumventing or tampering with the ignition
23 interlock device is a class A misdemeanor; and

24 (iii) the person is required to maintain the ignition
25 interlock device throughout the period of the limited license, to keep
26 up-to-date records in each vehicle showing that any required service
27 and calibration is current, and to produce those records immediately on
28 request;

29 (5) the person is enrolled in and is in compliance with or has
30 successfully completed the alcoholism screening, evaluation, referral, and program
31 requirements of the Department of Health and Social Services under AS 28.35.030(h);

1 (6) the person has not previously been granted a limited license under
2 this subsection and had the license revoked under (h) of this section;

3 (7) the person is participating in a program established under
4 AS 47.38.020 for a minimum of 120 days from the date a limited license is granted
5 under this section.

6 (h) The court or the department may immediately revoke a limited license
7 granted under (g) of this section if the person is convicted of a violation of
8 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction
9 or if the person is not in compliance with a court-ordered treatment program under
10 AS 28.35.028.

11 * **Sec. 19.** AS 28.35.028(b) is amended to read:

12 (b) Once the court elects to proceed under this section, the defendant shall
13 enter a no contest or guilty plea to the offense or shall admit to a probation violation,
14 as appropriate. The state and the defendant may enter into a plea agreement to
15 determine the offense or offenses to which the defendant is required to plead. If the
16 court accepts the agreement, the court shall enforce the terms of the agreement. The
17 court shall enter a judgment of conviction for the offense or offenses for which the
18 defendant has pleaded or an order finding that the defendant has violated probation, as
19 appropriate. A judgment of conviction or an order finding a probation violation must
20 set a schedule for payment of restitution owed by the defendant. In a judgment of
21 conviction and on probation conditions that the court considers appropriate, the court
22 may withhold pronouncement of a period of imprisonment or a fine to provide an
23 incentive for the defendant to complete recommended treatment successfully.
24 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any
25 mandatory minimum or other sentencing provision applicable to the offense.
26 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any
27 other provision of law, the court, at any time after the period when a reduction of
28 sentence is normally available, may consider and reduce the defendant's sentence,
29 **including imprisonment, fine, or license revocation,** based on the defendant's
30 compliance with the treatment plan; when reducing a sentence, the court (1) may not
31 reduce the sentence below the mandatory minimum sentence for the offense unless the

1 court finds that the defendant has successfully complied with and completed the
 2 treatment plan and that the treatment plan approximated the severity of the minimum
 3 period of imprisonment, and (2) may consider the defendant's compliance with the
 4 treatment plan as a mitigating factor allowing a reduction of a sentence under
 5 AS 12.55.155(a). A court entering an order finding the defendant has violated
 6 probation may withhold pronouncement of disposition to provide an incentive for the
 7 defendant to complete the recommended treatment successfully.

8 * **Sec. 20.** AS 28.35.030(o) is amended to read:

9 (o) Upon request, the department shall review a driver's license revocation
 10 imposed under **(b) or** (n)(3) of this section and

11 **(1)** may restore the driver's license if

12 **(A)** [(1)] the license has been revoked for a period of at least 10
 13 years;

14 **(B)** [(2)] the person has not been convicted of a criminal
 15 offense since the license was revoked; and

16 **(C)** [(3)] the person provides proof of financial responsibility;

17 **(2) shall restore the driver's license if**

18 **(A) the person has been granted limited license privileges**
 19 **under AS 28.15.201(g) and has successfully driven under that limited**
 20 **license for three years without having the limited license privileges**
 21 **revoked;**

22 **(B) the person has successfully completed a court-ordered**
 23 **treatment program under AS 28.35.028;**

24 **(C) the court previously terminated the person's revocation**
 25 **as provided in AS 28.15.181(f)(1)(B);**

26 **(D) the person has not been convicted of a violation of**
 27 **AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another**
 28 **jurisdiction since the license was revoked;**

29 **(E) the person's privilege to drive may be restored as**
 30 **provided in AS 28.15.211; and**

31 **(F) the person provides proof of financial responsibility.**

1 * **Sec. 21.** AS 33.05.020 is amended by adding a new subsection to read:

2 (g) The commissioner shall, after consulting with the Department of Law, the
3 Public Defender Agency, and the Alaska Court System, create an administrative
4 sanction procedure for probationers who commit technical violations of probation. At
5 a minimum, the administrative sanction procedure must require that the imposition of
6 an administrative sanction by a probation officer be approved by the commissioner, or
7 the commissioner's designee, and provide for a timely judicial review of the sanction
8 imposed. In this subsection, "technical violation of probation" has the meaning given
9 in AS 12.55.110.

10 * **Sec. 22.** AS 33.05 is amended by adding a new section to read:

11 **Sec. 33.05.025. Probation incentive reduction; time computation.** (a) A
12 probation officer shall recommend to the sentencing court a probation incentive
13 reduction for good conduct by a person on probation for a felony conviction

14 (1) that was not a sexual felony under AS 12.55.125(i) or a crime
15 involving domestic violence;

16 (2) if the defendant has been identified as a low risk offender in a risk-
17 needs assessment by the Department of Corrections;

18 (3) if the defendant has been on minimum supervision by the
19 Department of Corrections for at least 180 days and has not been charged with a
20 criminal offense during that period;

21 (4) if there are no criminal charges or unadjudicated technical
22 violations of probation pending before the person; in this paragraph, "technical
23 violation of probation" has the meaning given in AS 12.55.110;

24 (5) if the person has satisfactorily completed all special conditions of
25 probation imposed by the court; and

26 (6) if the defendant does not pose a risk to public safety.

27 (b) If a recommendation is made under (a) of this section, the probation officer
28 shall provide to the court a time computation for the reduction of the period of
29 probation of 10 days for each month of probation that a defendant successfully
30 complies with all of the conditions of probation for one or more months immediately
31 preceding the reduction computation.

1 (c) The commissioner or the commissioner's designee shall make available to
 2 a person who qualifies for a probation reduction under this section monthly reports
 3 that describe the computation made under (b) of this section and the person's
 4 remaining probationary term.

5 * **Sec. 23.** AS 33.05.040 is amended to read:

6 **Sec. 33.05.040. Duties of probation officers.** A probation officer shall

7 (1) furnish to each probationer under the supervision of the officer a
 8 written statement of the conditions of probation and shall instruct the probationer
 9 regarding the same;

10 (2) keep informed concerning the conduct and condition of each
 11 probationer under the supervision of the officer and shall report on the probationer to
 12 the court placing **the** [SUCH] person on probation;

13 (3) use all suitable methods, not inconsistent with the conditions
 14 imposed by the court, to aid probationers and to bring about improvements in their
 15 conduct and condition;

16 (4) keep records of the probation work, keep accurate and complete
 17 accounts of all money collected from persons under the supervision of the officer, give
 18 receipts for money collected and make at least monthly returns of it, make the reports
 19 to the court and the commissioner required by them, and perform other duties the court
 20 may direct;

21 (5) **recommend to the court a probation reduction for a**
 22 **probationer who is eligible for the reduction under AS 33.05.025;**

23 **(6) for a probationer who the probation officer determines has**
 24 **committed a technical violation of probation, determine whether an**
 25 **administrative sanction provided in a procedure implemented under**
 26 **AS 33.05.020(g) is an appropriate remedy before filing a petition to revoke**
 27 **probation with the court; in this paragraph, "technical violation of probation"**
 28 **has the meaning given in AS 12.55.110; and**

29 (7) perform **the** [SUCH] duties with respect to persons on parole as the
 30 commissioner shall request [,] and, in **that** [SUCH] service, shall be termed a parole
 31 officer.

1 * **Sec. 24.** AS 33.16.210 is amended by adding a new subsection to read:

2 (c) Notwithstanding (a) of this section, the board shall unconditionally
3 discharge a mandatory parolee if the parolee participates in, and successfully
4 completes, all treatment programs recommended by the risk and needs assessment
5 under AS 33.30.011(7) and commits no new offenses or serious parole violations
6 during the first two-thirds of the parolee's term of mandatory parole. A mandatory
7 parolee with a period of residual probation shall be discharged by the board to
8 immediately begin serving the residual period of probation.

9 * **Sec. 25.** AS 33.20.010(c) is amended to read:

10 (c) A prisoner **shall** [MAY NOT] be awarded a good time deduction under (a)
11 of this section for any period spent in a treatment program, in a private residence, or
12 while under electronic monitoring.

13 * **Sec. 26.** AS 33.20 is amended by adding a new section to read:

14 **Sec. 33.20.025. Earned good time.** (a) The commissioner shall allow a
15 prisoner sentenced to a term of imprisonment of more than six days a deduction of
16 one-sixth of the term of imprisonment following the successful completion of a
17 program approved by the commissioner that is

- 18 (1) a substance abuse treatment program;
- 19 (2) a general education development diploma program;
- 20 (3) a vocational training program;
- 21 (4) an intervention program for batterers;
- 22 (5) an anger management program; or
- 23 (6) a criminal attitudes program.

24 (b) The deduction allowed under this section is in addition to the deduction
25 allowed under AS 33.20.010. A prisoner may only receive one deduction under (a) of
26 this section.

27 (c) A prisoner is not eligible for a deduction under this section if the prisoner
28 has been sentenced

- 29 (1) for a conviction under AS 11.41;
- 30 (2) to a mandatory 99-year term of imprisonment under
31 AS 12.55.125(a) after June 27, 1996;

1 (3) for a sexual felony under AS 12.55.125(i); or

2 (4) to a definite term under AS 12.55.125(J).

3 * **Sec. 27.** AS 33.30.011 is amended to read:

4 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

5 (1) establish, maintain, operate, and control correctional facilities
6 suitable for the custody, care, and discipline of persons charged or convicted of
7 offenses against the state or held under authority of state law; each correctional facility
8 operated by the state shall be established, maintained, operated, and controlled in a
9 manner that is consistent with AS 33.30.015;

10 (2) classify prisoners;

11 (3) for persons committed to the custody of the commissioner,
12 establish programs, including furlough programs that are reasonably calculated to

13 (A) protect the public and the victims of crimes committed by
14 prisoners;

15 (B) maintain health;

16 (C) create or improve occupational skills;

17 (D) enhance educational qualifications;

18 (E) support court-ordered restitution; and

19 (F) otherwise provide for the rehabilitation and reformation of
20 prisoners, facilitating their reintegration into society;

21 (4) provide necessary

22 (A) medical services for prisoners in correctional facilities or
23 who are committed by a court to the custody of the commissioner, including
24 examinations for communicable and infectious diseases;

25 (B) psychological or psychiatric treatment if a physician or
26 other health care provider, exercising ordinary skill and care at the time of
27 observation, concludes that

28 (i) a prisoner exhibits symptoms of a serious disease or
29 injury that is curable or may be substantially alleviated; and

30 (ii) the potential for harm to the prisoner by reason of
31 delay or denial of care is substantial; and

1 (C) assessment or screening of the risks and needs of offenders
 2 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
 3 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based
 4 disorder;

5 (5) establish minimum standards for sex offender treatment programs
 6 offered to persons who are committed to the custody of the commissioner;

7 (6) provide for fingerprinting in correctional facilities in accordance
 8 with AS 12.80.060; [AND]

9 (7) establish a program to conduct assessments of the risks and needs
 10 of offenders sentenced to serve a term of incarceration of 30 days or more and provide
 11 to the legislature, by electronic means, by January 15, 2017, and thereafter by
 12 January 15, preceding the first regular session of each legislature, a report
 13 summarizing the findings and results of the program;

14 **(8) approve programs to qualify a prisoner for earned good time**
 15 **under AS 33.20.025; and**

16 **(9) establish minimum standards for electronic monitoring for**
 17 **offenders and procedures for approving electronic monitoring programs**
 18 **provided by private contractors.**

19 * **Sec. 28.** AS 33.30.061(c) is amended to read:

20 (c) The commissioner may, under AS 33.30.065, designate a prisoner to serve
 21 the prisoner's term of imprisonment or period of temporary commitment, or a part of
 22 the term or period, by electronic monitoring. A prisoner serving a term of
 23 imprisonment, or a period of temporary commitment, for a crime involving domestic
 24 violence **against a household member as described in AS 18.66.990(5)(D)** is not
 25 eligible for electronic monitoring.

26 * **Sec. 29.** AS 33.30 is amended by adding a new section to read:

27 **Sec. 33.30.095. Duties of commissioner before release of prisoner.** (a) The
 28 commissioner shall establish a program to prepare a prisoner who is serving a sentence
 29 of imprisonment exceeding one year for the prisoner's discharge, release on parole or
 30 probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the
 31 date of the prisoner's discharge, release, or furlough.

1 (b) The program established under (a) of this section must include

2 (1) instruction on

3 (A) obtaining state identification;

4 (B) community resources available for housing, employment,
5 and treatment;

6 (2) an individualized reentry plan for the prisoner; and

7 (3) probation and parole orientation, if appropriate.

8 * **Sec. 30.** AS 47.27.015 is amended by adding a new subsection to read:

9 (i) A person convicted after August 22, 1996, of an offense that is classified as
10 a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has
11 as an element the possession, use, or distribution of a controlled substance, as defined
12 in AS 11.71.900, is disqualified from receiving temporary assistance under this
13 chapter or food stamps under AS 47.25 unless the person demonstrates, to the
14 satisfaction of the department, that the person

15 (1) is satisfactorily serving, or has successfully completed, a period of
16 probation or parole;

17 (2) is in the process of serving, or has successfully completed,
18 mandatory participation in a drug or alcohol treatment program; or

19 (3) has taken action toward rehabilitation, including participation in a
20 drug or alcohol treatment program.

21 * **Sec. 31.** AS 12.55.027(d) is repealed.

22 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 **INDIRECT COURT RULE AMENDMENT.** AS 12.55.055(g), added by sec. 7 of this
25 Act, has the effect of changing Rule 32, Alaska Rules of Criminal Procedure, by directing the
26 court to include a provision in the judgment that community work hours that are not
27 completed shall be converted to a fine as provided in AS 12.55.055(h), added by sec. 7 of this
28 Act.

29 * **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **APPLICABILITY.** (a) AS 12.30.011(b), as amended by sec. 1 of this Act, applies to

1 conditions of release imposed on or after the effective date of sec. 1 of this Act for offenses
2 occurring before, on, or after the effective date of sec. 1 of this Act.

3 (b) AS 12.55.029, enacted by sec. 3 of this Act, applies to a sentence imposed on or
4 after the effective date of sec. 3 of this Act for an offense committed before, on, or after the
5 effective date of sec. 3 of this Act.

6 (c) AS 12.55.039(a), as amended by sec. 4 of this Act, AS 12.55.055(a), as amended
7 by sec. 5 of this Act, AS 12.55.055(c), as amended by sec. 6 of this Act, and AS 12.55.055(g)
8 and (h), enacted by sec. 7 of this Act, apply to a surcharge or community work service
9 imposed on or after the effective date of secs. 4 - 7 of this Act for an offense committed on or
10 after the effective date of secs. 4 - 7 of this Act.

11 (d) AS 12.55.085(b), as amended by sec. 8 of this Act, AS 12.55.090(c), as amended
12 by sec. 11 of this Act, AS 12.55.110(c) - (e), enacted by sec. 12 of this Act,
13 AS 12.55.155(d)(17), as amended by sec. 13 of this Act, AS 33.05.025, enacted by sec. 22 of
14 this Act, AS 33.20.010(c), as amended by sec. 25 of this Act, and AS 33.30.061(c), as
15 amended by sec. 28 of this Act, apply to a sentence imposed on or after the effective date of
16 secs. 8, 11, 12, 13, 22, 25, and 28 of this Act for an offense committed on or after the effective
17 date of secs. 8, 11, 12, 13, 22, 25, and 28 of this Act.

18 (e) AS 28.15.165(e), enacted by sec. 16 of this Act, applies to the revocation of a
19 driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.165
20 occurring on or after the effective date of sec. 16 of this Act for conduct occurring before, on,
21 or after the effective date of sec. 16 of this Act.

22 (f) AS 28.15.181(f), as amended by sec. 17 of this Act, AS 28.15.201(g) and (h),
23 enacted by sec. 18 of this Act, AS 28.35.028(b), as amended by sec. 19 of this Act, and
24 AS 28.35.030(o), as amended by sec. 20 of this Act, apply to convictions occurring before,
25 on, or after the effective date of secs. 17 - 20 of this Act.

26 (g) AS 12.55.085(d), as amended by sec. 9 of this Act, AS 12.55.090(b), as amended
27 by sec. 10 of this Act, AS 12.61.010(a), as amended by sec. 14 of this Act, AS 12.61.050(a),
28 as amended by sec. 15 of this Act, AS 33.05.040, as amended by sec. 23 of this Act,
29 AS 33.20.025, enacted by sec. 26 of this Act, AS 33.30.011, as amended by sec. 27 of this
30 Act, and AS 33.30.095, enacted by sec. 29 of this Act, apply to a sentence imposed on or after
31 the effective date of secs. 9, 10, 14, 15, 23, 26, 27, and 29 of this Act for an offense

1 committed on or after the effective date of secs. 9, 10, 14, 15, 23, 26, 27, and 29 of this Act.

2 (h) AS 33.16.210(c), enacted by sec. 24 of this Act, applies to a sentence imposed on
3 or after the effective date of sec. 24 of this Act for an offense committed on or after the
4 effective date of sec. 24 of this Act.

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

7 **CONDITIONAL EFFECT.** AS 12.55.055(g), added by sec. 7 of this Act, takes effect
8 only if sec. 32 of this Act receives the two-thirds majority vote of each house required by art.
9 IV, sec. 15, Constitution of the State of Alaska.

10 * **Sec. 35.** Sections 9, 10, 14, 15, 17 - 20, 23, 26, 27, 29, and 33(f) and (g) of this Act take
11 effect July 1, 2015.

12 * **Sec. 36.** Sections 24 and 33(h) of this Act take effect January 1, 2016.