

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

April 8, 2016

1:38 p.m.

**MEMBERS PRESENT**

Representative Gabrielle LeDoux, Chair  
Representative Wes Keller, Vice Chair  
Representative Neal Foster  
Representative Bob Lynn  
Representative Charisse Millett  
Representative Matt Claman  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

Representative Kurt Olson (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 205

"An Act relating to conditions of release; relating to community work service; relating to credit toward a sentence of imprisonment for certain persons under electronic monitoring; relating to the restoration under certain circumstances of an administratively revoked driver's license, privilege to drive, or privilege to obtain a license; allowing a reduction of penalties for offenders successfully completing court-ordered treatment programs for persons convicted of driving under the influence; relating to termination of a revocation of a driver's license; relating to restoration of a driver's license; relating to credits toward a sentence of imprisonment, to good time deductions, and to providing for earned good time deductions for prisoners; relating to early termination of probation and reduction of probation for good conduct; relating to the rights of crime victims; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to probation; relating to mitigating factors; relating to treatment programs for prisoners; relating to the duties of the commissioner of corrections; amending Rule 32, Alaska Rules of Criminal Procedure; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 205

SHORT TITLE: CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB AID

SPONSOR(S): REPRESENTATIVE(S) MILLETT

04/17/15	(H)	READ THE FIRST TIME - REFERRALS
04/17/15	(H)	JUD, FIN
03/11/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/11/16	(H)	-- MEETING CANCELED --
03/12/16	(H)	JUD AT 2:00 PM GRUENBERG 120
03/12/16	(H)	-- MEETING CANCELED --
03/14/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/14/16	(H)	Heard & Held
03/14/16	(H)	MINUTE (JUD)
03/16/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/16/16	(H)	Heard & Held
03/16/16	(H)	MINUTE (JUD)
03/18/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/18/16	(H)	Heard & Held
03/18/16	(H)	MINUTE (JUD)
03/21/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/21/16	(H)	Heard & Held
03/21/16	(H)	MINUTE (JUD)
03/21/16	(H)	JUD AT 5:00 PM GRUENBERG 120
03/21/16	(H)	Heard & Held
03/21/16	(H)	MINUTE (JUD)
03/22/16	(H)	JUD AT 5:00 PM GRUENBERG 120
03/22/16	(H)	Heard & Held
03/22/16	(H)	MINUTE (JUD)
03/23/16	(H)	JUD AT 12:30 AM GRUENBERG 120
03/23/16	(H)	-- MEETING CANCELED --
03/23/16	(H)	JUD AT 1:00 PM GRUENBERG 120
03/23/16	(H)	-- Continued from 3/22/16 --
03/28/16	(H)	JUD AT 1:00 PM GRUENBERG 120
03/28/16	(H)	Heard & Held
03/28/16	(H)	MINUTE (JUD)
03/30/16	(H)	JUD AT 1:00 PM GRUENBERG 120
03/30/16	(H)	Heard & Held
03/30/16	(H)	MINUTE (JUD)
03/31/16	(H)	JUD AT 1:00 PM GRUENBERG 120
03/31/16	(H)	-- Will be Continued from 3/30/16 --
04/04/16	(H)	JUD AT 1:00 PM GRUENBERG 120
04/04/16	(H)	Scheduled but Not Heard
04/04/16	(H)	JUD AT 5:30 PM GRUENBERG 120
04/04/16	(H)	-- MEETING CANCELED --
04/05/16	(H)	JUD AT 1:00 PM GRUENBERG 120
04/05/16	(H)	Scheduled but Not Heard

04/05/16 (H) JUD AT 5:00 PM GRUENBERG 120  
04/05/16 (H) -- MEETING CANCELED --  
04/06/16 (H) JUD AT 1:00 PM GRUENBERG 120  
04/06/16 (H) Heard & Held  
04/06/16 (H) MINUTE (JUD)  
04/07/16 (H) JUD AT 1:00 PM GRUENBERG 120  
04/07/16 (H) Heard & Held  
04/07/16 (H) MINUTE (JUD)  
04/08/16 (H) JUD AT 1:00 PM GRUENBERG 120

#### **WITNESS REGISTER**

GRACE ABBOTT, Staff  
Charisse Millett, Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of HB 205 discussed various amendments.

NANCY MEADE, General Counsel  
Administrative Staff  
Office of the Administrative Director  
Alaska Court System (ACS)  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of HB 205 answered questions.

JOHN SKIDMORE, Director  
Legal Services Section  
Criminal Division  
Department of Law (DOL)  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of HB 205 answered questions.

QUINLAN STEINER, Director  
Central Office  
Public Defender Agency (PDA)  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of HB 205 offered testimony and answered questions.

#### **ACTION NARRATIVE**

[1:38:04 PM](#)

**CHAIR GABRIELLE LEDOUX** called the House Judiciary Standing Committee meeting to order at 1:38 p.m. Representatives Millett, Claman, Kreiss-Tomkins, Keller, and LeDoux were present at the call to order. Representatives Foster and Lynn arrived as the meeting was in progress.

**HB 205-CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB AID**

[1:38:44 PM](#)

CHAIR LEDOUX announced that the only order of business would be HOUSE BILL NO. 205, "An Act relating to conditions of release; relating to community work service; relating to credit toward a sentence of imprisonment for certain persons under electronic monitoring; relating to the restoration under certain circumstances of an administratively revoked driver's license, privilege to drive, or privilege to obtain a license; allowing a reduction of penalties for offenders successfully completing court-ordered treatment programs for persons convicted of driving under the influence; relating to termination of a revocation of a driver's license; relating to restoration of a driver's license; relating to credits toward a sentence of imprisonment, to good time deductions, and to providing for earned good time deductions for prisoners; relating to early termination of probation and reduction of probation for good conduct; relating to the rights of crime victims; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to probation; relating to mitigating factors; relating to treatment programs for prisoners; relating to the duties of the commissioner of corrections; amending Rule 32, Alaska Rules of Criminal Procedure; and providing for an effective date."

[Before the House Judiciary Standing Committee was CSHB 205, labeled 29-LS0896\H, adopted 3/14/16.]

[Due to their length, some amendments discussed or adopted during the meeting are found at the end of the minutes of HB 205. Shorter amendments are included in the main test.]

[1:38:56 PM](#)

CHAIR LEDOUX reminded the committee that Amendments 10 and 19 were previously set aside, and advised they will be brought forward at this time.

1:39:35 PM

CHAIR LEDOUX asked Representative Claman to explain Amendment 10, [Version 29-LS0896\H.69, Gardner, 4/6/16] for the record. [The text of Amendment 10 is listed at the end of the 4/7/16 minutes of HB 205.]

REPRESENTATIVE CLAMAN related that the amendment offers the court more discretion in approving treatment programs eligible for jail credit for pretrial release, provided the person complies with all of the requirements of the program.

REPRESENTATIVE KELLER explained that he was on the commission made up of judges, public safety people, victims' rights advocates, and the whole spectrum wherein many hours were spent on every one of these decisions. Frankly, he said, there are nuances he is struggling with here, but Representative Claman makes an interestingly good point. He offered that he is putting this on the record because if there are any problems or concerns it offers the commission an opportunity to review it again. He pointed out that the review and the ongoing role of the commission will include the changes of this year.

1:41:43 PM

CHAIR LEDOUX removed her objection. There being no objection, Amendment 10 was adopted.

1:42:01 PM

CHAIR LEDOUX advised that Amendment 19 [Version 29-LS0896/H.66, Martin/Gardner, 4/1/16] is before the committee. [The text of Amendment 19 is listed at the end of the 4/7/16 minutes of HB 205.]

REPRESENTATIVE MILLETT stated she supports the threshold of \$1,000 in Amendment 19. She described it as palatable, and it does "sway the concerns of retailers and folks out in the public that we have to strike a balance with, those folks in addition to taking some of the recommendations from the commission." There may be a time to revisit this issue further down the road, she opined, and not do it all in one fell swoop.

REPRESENTATIVE KELLER said he supports the amendment but "squirms" because he knows the commission spent a lot of time on this one and it was a good faith effort. He remarked he is aware [the recommendation] is tied to evidence and economic

returns, but this is a compromise and it is one that he supports. He also said he wanted to make it clear that he did not make any promises to the commission in the process that he was very careful.

CHAIR LEDOUX removed her objection. There being no further objection, Amendment 19 was adopted.

[1:43:58 PM](#)

REPRESENTATIVE CLAMAN moved to adopt Amendment 24, Version 29-LS0896\H.11, Martin/Gardner, 3/24/16, as follows: [Amendment 24 is provided at the end of the minutes of HB 205.]

CHAIR LEDOUX objected for purposes of discussion.

[1:44:08 PM](#)

REPRESENTATIVE CLAMAN advised this amendment is a product of the a witness testifying on behalf of the National Federation of Independent Business (NFIB) wherein the witness objected to the felony theft threshold increase and suggested raising the fine for misdemeanors from \$10,000 to \$25,000. Representative Claman noted that this allows retailers the opportunity to put signs in their windows indicating that theft will be prosecuted to the maximum amount authorized by law, and the amendment allows those signs to read \$25,000. The retailers believe this will have a positive deterrent on people thinking of shoplifting, he related.

CHAIR LEDOUX removed her objection. There being no objection, Amendment 24 was adopted.

[1:45:33 PM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 25, Version 29-LS0896\H.10, Gardener, 3/24/16, as follows: [Amendment 25 is provided at the end of the minutes of HB 205.]

CHAIR LEDOUX objected for purposes of discussion.

[1:45:39 PM](#)

REPRESENTATIVE KREISS-TOMKINS offered that the amendment relates to off-highway driver's licenses and citations issued in certain communities that have inadvertently been excluded from this program. He said the subject was vetted with unanimous positive

reaction by the [House] Transportation Standing Committee, and he is looking to fix this inadvertent exclusion in this legislation.

CHAIR LEDOUX asked Representative Kreiss-Tomkins to restate his testimony.

REPRESENTATIVE KREISS-TOMKINS restated that the amendment relates to off-highway driver's licenses and the separate category of driver's license in Alaska that allows a person to drive in the non-road system communities, such as Kwethluk, Sand Point, Angoon or wherever, and a person is not required to take a road test for these driver's licenses. The idea being that the special off-highway driver's licenses can only be used in rural communities and not any community on the road system. He explained Angoon, Hoonah, Kake, and Seldovia, and possibly other communities have been inadvertently excluded from being able to use off-highway driver's licenses due to the criteria in statute and some of the ambiguities surrounding the criteria. Consequently, he explained, many of the people are driving without a driver's license period because they don't want to spend \$300-\$500 to travel into the big city to take their road test just for the ability to drive in their village.

CHAIR LEDOUX asked how the exclusion came about.

[1:48:11 PM](#)

REPRESENTATIVE KREISS-TOMKINS advised that the exclusion is two-fold, such that the DMV interprets the ferry system as part of the highway system; therefore, communities that are ferry connected, yet are villages with no DMV office, are excluded from being eligible for these off-highway driver's licenses. Secondly, any community that has a DOT traffic count that registers more than 500 vehicles passing over the traffic strip per day is excluded. He found in reviewing the traffic count data is that any community that is over 350-400 residents likely is to exclude that threshold and that community gets excluded. The Department of Transportation rarely performs traffic counts but any community that might be so unfortunate to have a traffic count conducted would be excluded if the count exceeds 500, he related.

[1:49:13 PM](#)

CHAIR LEDOUX asked whether the amendment specifically mentions communities, or simply solves the problem for any community that

may not have been mentioned. She related that Ouzinkie is located in the Kodiak area and is serviced by the ferry system with probably only has 200-300 people.

REPRESENTATIVE KREISS-TOMKINS said that Ouzinkie and Sand Point are a perfect examples, and perhaps the letter of the law is not universally uniform. For example, in a community such as Sand Point, which is ferry system connected, has still been made eligible to have these licenses even though, basically, the DMV doesn't want to take them off the list because it recognizes there is not a problem. He pointed out that this amendment would not only solve the problem for the communities presently excluded, but it would prevent communities in the future from being excluded.

CHAIR LEDOUX stated she had no idea there was such a thing and removed her objection.

REPRESENTATIVE CLAMAN noted that he heard this in the [House] Transportation Standing Committee and he believes it is reasonable to add the amendment to the bill.

CHAIR LEDOUX clarified that this is not held up in the [House] Transportation Standing Committee.

REPRESENTATIVE KREISS-TOMKINS agreed, and he said it passed out with all "do pass" recommendations.

REPRESENTATIVE KREISS-TOMKINS, in response to Representative Millett, advised the bill is in the House State Affairs Standing Committee which had its last meeting for house bills two days ago.

[1:51:14 PM](#)

The committee took a brief at ease.

[1:51:48 PM](#)

CHAIR LEDOUX removed her objection. There being no objection, Amendment 25 was adopted.

[1:51:54 PM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 26, Version 29-LS0896\H.43, Martin/Gardner, 3/31/16, as follows:

Page 98, following line 12:

Insert a new bill section to read:

"\* **Sec. 157.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING SOCIAL IMPACT BONDS. The Alaska Criminal Justice Commission established in AS 44.19.641 shall submit to the governor and the legislature not later than December 15, 2016, a report regarding the potential of using social impact bonds to reduce recidivism rates. The commission shall deliver the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available. The report shall cover the following topics:

(1) identification and evaluation of grant programs, contracts, and services of the Department of Corrections and the Department of Health and Social Services that may be suitable for social impact financing;

(2) the possibility of private sector investors providing social impact financing;

(3) programs operated by nonprofit corporations that could be funded through a social impact financing mechanism;

(4) independent evaluators that could determine whether performance targets for a nonprofit corporation funded by social impact financing are met at the end of an agreed-on time frame; and

(5) whether federal funding is available for independent evaluators participating in social impact funding."

Renumber the following bill sections accordingly.

CHAIR LEDOUX objected for purposes of discussion.

[1:52:06 PM](#)

REPRESENTATIVE KREISS-TOMKINS advised that the amendment tasks the Alaska Criminal Justice Commission to review and examine the applicability of social impact bonds in Alaska and whether they may have promise to improve the efficacy of different treatment or anti-recidivism programs available. He described it as a relatively new public policy financing tool being attempted in a few places around the United States and around the world. Ideas where there are evidence outcomes and results oriented programs

being rewarded for being effective and creating a financial alignment, he explained. Basically, he said, he wanted to flag it as something the legislature should review to determine whether there is the potential to use social impact bonds.

CHAIR LEDOUX asked whether the idea of the social impact bonds would be to obtain a grant from the Rasmuson Foundation, PEW Charitable Trust, or something of that nature.

REPRESENTATIVE KREISS-TOMKINS answered correct, wherein a third party entity would finance the bond, such as a for-profit entity, and the idea is that it invests in a program or finance a program. In the event that program produces results such as, reduces recidivism, or achieves a certain threshold of success of sobriety of individuals working through a program, the financing entity is then paid back with a return on the initial bond, he explained.

[1:54:10 PM](#)

CHAIR LEDOUX asked where the payment to the investor would come from.

REPRESENTATIVE KREISS-TOMKINS explained it would come from the State of Alaska with the idea that the state is already paying for many social related programs and the social impact bond creates a free market lens that evaluates the efficacy of programs. The idea is that a third party entity invests in the program and if that program is successful, the state pays back that investor with interest with a return on investment. In the event the program is not successful, the investor loses its money and is not repaid by the State of Alaska because it did not accomplish the goals of the program. Basically, he noted, the investor has a financial interest to invest only in programs that produce results that work.

CHAIR LEDOUX remarked that it is fascinating.

REPRESENTATIVE KREISS-TOMKINS related that possibly it should be reviewed and examined.

[1:55:35 PM](#)

REPRESENTATIVE CLAMAN surmised that an example would be the Nugen Ranch wherein people are being rehabilitated and also work on the farm. The state may believe a similar program would be too risky, yet a private investor might believe in the program

and loan money to get the program started. Subsequently, after working the program it may be discovered that it works better than expected, the state pays the loan back over time, and the state is not at risk for the experimental program. He offered that this is a way the state can explore new ways to reduce recidivism without actually making the investment up front.

REPRESENTATIVE KREISS-TOMKINS opined that he was correct, but qualified that he does not claim to be an expert and is rather a curious onlooker. He added they are something referred to as "Pay for Success Bonds" because the idea is that it creates a strong market incentive to search out the effective programs. Also, it creates an elegant alignment that a short term investment will lead to a long term positive outcome and the connection can be financially justified. In the event the connection cannot be financially justified, he noted, then the bonds fail and no one would invest in the program. He referred to the area of recidivism and alcohol treatment and said there is a close cause and effect that is easy to evaluate and it creates that alignment for programs that work.

[1:58:08 PM](#)

The committee took an at-ease from 1:58 to 1:59 p.m.

[1:59:03 PM](#)

REPRESENTATIVE KELLER related that the [Alaska Criminal Justice Commission] is a great place to put the amendment and it will provide a thorough report.

REPRESENTATIVE MILLETT noted that the theory is the same as a performance contract in that a contract is entered into with someone who says they can save [the state] a certain amount of money, and if they do, a certain portion of that savings is passed on to them. She described it as an incentive to make the program work well or whatever service they are providing, she noted there was a TED talk on this issue and that she is in favor of the amendment.

[1:59:53 PM](#)

CHAIR LEDOUX removed her objection. There being no objection, Amendment 26 was adopted.

[2:00:11 PM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 27, Version 29-LS0896/H.29, Gardner, 3/29/16, as follows:

Page 84, lines 10 - 12:

Delete "the written reentry plan must be completed upon release on furlough or probation or parole and must include

(A) information on the prisoner's proposed

Insert "the reentry program must include

(A) a written reentry plan for each prisoner completed upon release on furlough or probation or parole that includes information on the prisoner's proposed"

Page 84, line 20:

Delete "and"

Page 84, following line 20:

Insert a new subparagraph to read:

"(C) coordination with the Department of Labor and Workforce Development to provide access, after release, to job training and employment assistance; and"

CHAIR LEDOUX objected for purposes of discussion.

[2:00:18 PM](#)

REPRESENTATIVE KREISS-TOMKINS advised the amendment relates to Section 137, and the prisoner reentry plan established within HB 205. Currently, the prisoner reentry plan prescribes a few components the Department of Corrections (DOC), in consultation with other agencies, should create to assist people who have served their time to have the best possible chance of reentering society and becoming productive members of society. He said medical coverage was addressed within the committee substitute, and such issues as the prisoners receiving identification cards. He advised this amendment adds language asking DOC to coordinate with the Department of Labor and Workforce Development to identify job training programs and employment assistance to help people have the best possible chance of obtaining a job, or training for a job, so they can become self-sufficient members of society.

CHAIR LEDOUX removed her objection. There being no objection, Amendment 27 was adopted.

2:01:43 PM

REPRESENTATIVE MILLETT moved to adopt Amendment 28, Version 29-LS0896\H.38, Martin/Gardner, 3/31/16, as follows: [Amendment 28 is provided at the end of the minutes of HB 205.]

CHAIR LEDOUX objected for purposes of discussion.

2:01:54 PM

REPRESENTATIVE MILLETT acknowledged she intends to withdraw this amendment and referred to spirited conversations she has had in committee regarding restitution for victims. She expressed, "Unfortunately, when it comes to the victim, child support goes forward before restitution to a victim" and at some point there must be a faster and better way for victims to become whole. These victims need to receive some monetary value to possibly use it for counseling or moving out of state. She said, she will continue to work toward finding a better way to get restitution to folks when the incarcerated defendant has a PFD coming to them. She said she knows the downside of it and there might be some cross-state information when discussing child support and child support attachment to the PFD. She related she was bothered when "Kaci Schroeder spoke about victims and restitution that they are so far down on the list that sometimes they never get monetary restitution," and is looking for a solution where restitution rises to a higher level for victims. She related she will continue to work over interim to figure out a way a portion of the PFD can go to victims.

2:04:06 PM

REPRESENTATIVE MILLETT withdrew Amendment 28.

REPRESENTATIVE CLAMAN commented that the Alaska Criminal Justice Commission currently has the topic of restitution on its agenda to review during the next year and a report will be received by the time the legislature convenes in January, 2017. Also, he said he contacted Stacy Steinberg, Supervisor, Collections and Support Section, Department of Law in order to understand the interplay between federal law and the laws of other states. Ms. Steinberg advised with regard to wages, the federal law has a specific priority for child support. In the event someone places a lien on someone's wages for back child support, every state has to have child support first on the list of a wage lien. There is not that same federal law that would require the

PFD put child support before restitution. Apparently, he offered, there is not a requirement amongst the other states on a reciprocity theory that they would have to have the same priority to collect. The PFD would be an option to try equal footing, which is a significant policy call, and he would like more research from the commission before making a decision.

[2:06:15 PM](#)

CHAIR LEDOUX stated that when the Child Support Enforcement Division gets into child support cases it is because the person who is owed the child support is receiving public assistance benefits. Therefore, she pointed out, in actuality most of the restitution is going back to the State of Alaska, and the person owed child support isn't actually receiving the restitution payment. The state, who paid the public assistance benefits, receives that restitution payment. She related it is not necessarily a policy call between the children and the victim, it's a policy call between the state coffers and the victim. Chair LeDoux remarked that this issue is an item for next year.

REPRESENTATIVE MILLETT noted it is a worthy discussion to continue to have.

[2:07:44 PM](#)

REPRESENTATIVE MILLETT moved to adopt Amendment 29, Version 29-LS0896\H.64, Martin/Gardner, 3/31/16, as follows:

Page 14, line 30, through page 15, line 3:

Delete all material and insert:

"(1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER AS 11.71.020(a)(2) - (6),] manufactures or delivers, [ANY AMOUNT OF A SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] or possesses [ANY AMOUNT OF A SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] with intent to manufacture or deliver,

(A) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one gram or more containing a schedule IA controlled substance;

(B) 25 or more tablets, ampules, or syrettes containing a schedule IA controlled substance;

(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of 2.5

grams or more containing a schedule IIA or IIIA controlled substance; or

(D) 50 or more tablets, ampules, or syrettes containing a schedule IIA or IIIA controlled substance;"

Page 19, line 20:

Delete "or"

Page 19, lines 21 - 23:

Delete all material and insert:

"(11) manufactures or delivers, or possesses with the intent to manufacture or deliver,

(A) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one gram containing a schedule IA controlled substance;

(B) less than 25 tablets, ampules, or syrettes containing a schedule IA controlled substance;

(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than 2.5 grams containing a schedule IIA or IIIA controlled substance; or

(D) less than 50 tablets, ampules, or syrettes containing a schedule IIA or IIIA controlled substance; or

(12) violates AS 11.71.050(a)(4) and has been previously convicted two or more times in the preceding 10 years under AS 11.71.050(a)(4) or for an offense in another jurisdiction with similar elements."

Page 48, line 21, through page 49, line 4:

Delete all material and insert:

"(n) A court sentencing a person convicted of misconduct involving a controlled substance in the fourth degree under AS 11.71.050(a)(4) or a person convicted of misconduct involving a controlled substance in the fifth degree under AS 11.71.060(a)(2) may impose

(1) a sentence of suspended imprisonment of not more than 30 days if the person has not been previously convicted within the preceding 10 years of an offense under AS 11.71 or a law of this or another jurisdiction with elements substantially similar to an offense under AS 11.71; or

(2) a sentence of active imprisonment of not more than 180 days if the person has been previously convicted within the preceding 10 years of an offense under AS 11.71 or a law of this or another jurisdiction with elements substantially similar to an offense under AS 11.71."

CHAIR LEDOUX objected for purposes of discussion.

2:07:52 PM

REPRESENTATIVE MILLETT acknowledged that she intends to withdraw this amendment and noted it involves a conversation with the Anchorage Police Department regarding drug quantities, how drugs are measured, and the use of the misdemeanor felony system. She deferred to Ms. Abbott to explain the evolving drugs, delivery system, and potency.

2:08:38 PM

GRACE ABBOTT, Staff, Charisse Millett, Alaska State Legislature, said the amendment addresses a problem of subjectivity. The current drug statutes are complicated in that there are multiple amounts of different schedules of drugs carved out based upon what have been different presumptions about dosages and potency of drugs. The commission took into account that there is a convoluted structure to Alaska's drug statutes and the intent is to simplify and acknowledge the inherent subjectivity in the use of drugs, and possession of different types of drugs. The commission addressed the issue by changing Alaska's drug statute based upon the certain weight of each drug, it put the dividing line at 2.5 grams as the differentiation between misdemeanor possession and felony possession of drugs. She explained that the 2.5 gram amount was used to distinguish IA, IIA, and IIIA drugs from felony and misdemeanor levels, and noted there is no perfect way to write drug statutes when considering the dosages that different people use for different drugs. The dosage varies widely, especially drugs that are often cut with other materials to extend them for commercial value and, also, habitual drug user's dosages vary widely from someone who has never used that drug before and for whom it would be incredibly potent. She said the Municipality of Anchorage and the Anchorage Police Department worked with colleagues in the [other body] and different agencies to come up with a way to acknowledge that sometimes dosages do not fit the 2.5 gram level perfectly.

MS. ABBOTT noted this is the first draft of what they came up with, and in the other body there were different changes that addressed this same goal. She reiterated for some people this would not address the dosage limitation, and this would not necessarily address every problem that could arise as a result of the possession of drugs. She opined that trust was put into the state's experienced law enforcement and judicial system to try to assess, and it is understandable that a lot of people are still working to determine a perfect system.

[2:12:36 PM](#)

REPRESENTATIVE MILLETT described this as a difficult part of law in trying to keep up with what is too much, drug trafficking, intent to sell, and what amounts constitute distribution. She said she will continue to work with the Alaska Criminal Justice Commission and the Public Defender's Office.

REPRESENTATIVE MILLETT withdrew Amendment 29.

CHAIR LEDOUX related that she understands the frustration of law enforcement because in reviewing the amendment she is looking at what was deleted, and is trying to figure out whether this makes it easier or harder.

[2:13:58 PM](#)

REPRESENTATIVE MILLETT moved to adopt Amendment 30, Version 29-LS0896\H.64, Martin/Gardner, 3/31/16, as follows: [Amendment 30 is provided at the end of the minutes of HB 205.]

CHAIR LEDOUX objected for purposes of discussion.

[2:14:20 PM](#)

MS. ABBOTT explained the amendment seeks to right the state's murder statutes with the state's sexual assault and rape statutes by raising the mandatory minimums for first and second degree murder to 10 years above current statute. She offered that the mandatory minimum for first degree murder is currently 20 years and this amendment raises it to 30 years; second degree murder is currently at 10 years and the amendment raises it to 20 years. The Public Defender's Office rectified a potential unintended consequence with regard to second degree murder in which there were multiple victims. She explained, in the case of multiple victims for each sentence of second degree murder, they would have to have 20 years stacked on top of each other.

She offered that Amendment 30 rectifies it by allowing a judge discretion to set a sentence with multiple victims at least one-fourth of that mandatory minimum. For example, she said, in the case of a second degree murder DUI accident where multiple people were killed in a car, a person could receive up to 100 years in jail for a single crime if the stackability clause was not in the amendment and, the judge would still have the discretion to sentence far above that if they so deemed.

[2:16:40 PM](#)

REPRESENTATIVE KREISS-TOMKINS asked whether the motivation for this amendment is that currently the mandatory minimums for sexual assault versus murder are not what common sense would dictate. He offered that he thinks of murder as the most heinous crime one could commit and currently the mandatory minimums for sexual assault are more stringent than those of murder. He questioned whether he understood the testimony correctly.

MS. ABBOTT replied that, conceptually, he was correct in that the sentencing statute for sexual assault and rape is a higher level than murder. She noted it is a bit different in some cases because there may be the issue of a presumptive range as opposed to a mandatory minimum. Although, she remarked, if one were to reason through the two statutes, a person could see a disparity in the way Alaska sentences murder as well as sexual assault and rape.

[2:18:03 PM](#)

REPRESENTATIVE KREISS-TOMKINS asked how many convictions of murder in the first and second degree are there in Alaska every year.

MS. ABBOTT answered she does not have the numbers off the top of her head, but offered that there are few, especially in the first degree murder category, not sentenced at the mandatory minimum. This amendment adds a layer of protection and comfort for victims, she said.

[2:19:00 PM](#)

NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System (ACS), opined that with murder and unclassified felonies there have been roughly fewer than 16 per year for the last couple of years.

REPRESENTATIVE KREISS-TOMKINS commented that the amendment appeared intelligent and he appreciated the context.

REPRESENTATIVE MILLETT said it was through public testimony and recommendations from the public that this amendment was born in honoring people that have gone through sentencing and such a difference in range.

[2:20:37 PM](#)

REPRESENTATIVE KELLER stated the bill elicits a positive response and he wanted to put on the record that he is uneasy.

Making data based decisions about these things in the House Judiciary Standing Committee that does not have a broad spectrum of expertise, makes him uncomfortable. He related that he will not stand in the way of the amendment, but stated he is "squirming a bit" because the committee does not know that the extra 10 years will increase public safety, which is the bottom line issue, and surely there is data out there. Also, he commented, the committee does not know the impact on recidivism, and he is uneasy.

[2:22:08 PM](#)

CHAIR LEDOUX referred to the constitutional prohibition against ex post facto laws, and asked Mr. Skidmore whether that applies to increases in the sentencing if the substance of the crime is not being changed.

[2:22:39 PM](#)

JOHN SKIDMORE, Director, Legal Services Section, Criminal Division, Department of Law (DOL), responded that ex post facto is not implicated when the sentence is raised, and ex post facto is implicated when the elements of the crime are changed and the intent is to prosecute someone for an event or incident committed at the time that it wasn't actually illegal. There are several instances within HB 205 in which it changes the way the sentencing structure works either with probation, parole, or sentencing itself. Such as, saying that sentencing will be different at the time the person comes up to the sentencing. He opined he does not believe ex post facto implicates that, but he does believe there are concerns people have about raising penalties, which is something to be cautious of. He reiterated

he does not believe the law prohibits the changing of the sentence in that manner.

2:23:51 PM

CHAIR LEDOUX referred to the concerns and asked whether they would be policy concerns rather than constitutional or legal concerns.

MR. SKIDMORE noted it would be a policy and not a legal concern, although, he commented, he is thinking he hasn't actually read a Supreme Court case that would answer that question for him. Therefore, he said, he wants to be careful about giving that definitive answer, but he believes it would be policy and not legal.

2:24:51 PM

QUINLAN STEINER, Director, Central Office, Public Defender Agency (PDA), Department of Administration (DOA), said he is the Director of the Public Defender Agency and also a commissioner on the Alaska Criminal Justice Commission, and wanted to further explain concerns and cautions about raising the penalties when they were not vetted. He described concern especially with second degree murder, which has a broad range of conduct, in that it can go from very violent crimes just short of intentional murder, down to DUI accidents for a first time individual who may have never committed a crime. The 20 year mandatory minimum will generally put the sentencing range above what some people are receiving in sentences for this conduct. That's what also raised the concern about stacking and the suggested change with regard to making sure they don't stack completely, which would ultimately end up in disparities potentially from comparison to the sex assault cases versus murder cases, he said. He explained that mandatory minimums are very different from presumptive ranges, and he would be happy to answer any questions regarding the commission's work on this issue.

REPRESENTATIVE KREISS-TOMKINS thanked Representative Keller and Mr. Steiner's for their testimony which gave him cause to consider this issue more. He opined that Ms. Meade provided ballpark data of approximately 16 first degree murder convictions yearly, and that Mr. Steiner spoke to how second degree murder is a more broad crime which presumably includes a greater number of people. When discussing mandatory minimum sentencing, presumptive sentences, and the recalibration the

commission performed with evidence based analysis, there are multiple bottom lines. He indicated that one of the bottom lines is how many people this will affect in future years, how many people will be convicted of such crimes, and what would a change in presumptive sentencing or mandatory minimums do in terms of the number of people in jail for a certain number of years, and beyond what the (indisc.) provides. He referred to the number of years Mr. Steiner has performed criminal law in Alaska and asked his sense of the impact this would have.

2:27:46 PM

MR. STEINER explained with respect to first degree murder, of which there are a small number of cases, those sentences tend to be long and, he opined, the data provided to the commission was that the average sentence was 90 years. As a practical matter, he said, the mandatory minimum for that would likely have little impact, although some impact because it affects parole eligibility, but likely limited actual impact. Murder in the second degree would have more of an impact because there is such a broad range and, he opined, there are more murder in the first degree convictions than murder in the second degree. Plus, he explained, intentional murder is a narrower actual set of scenarios, wherein second degree murder is a broader category and can cover conduct which would likely result in a lengthy sentence just short of intentional murder that results in sentences of 60, 70, 80 years. Second degree murder can have much shorter sentences due to the circumstances involved, and he expects this to have some impact, but he does not have the data on which cases.

REPRESENTATIVE KREISS-TOMKINS asked Mr. Steiner to describe a scenario of a second degree murder conviction that would be on the lower end of sentencing possibilities.

MR. STEINER responded that an actual scenario might be someone driving while intoxicated at a little over .08, driving too fast and runs a red light, or speeding or texting while intoxicated and possibly results in someone's death, would be on the lower end of the range of conduct. The upper range of the conduct would be a more violent, intentional act that fell just short of intentional murder that possibly the state was unable to prove, or there just wasn't evidence of someone's intent but it was a more directed violent physical act at a person. As opposed to hyper-recklessness around the theory of DUI accidents being second degree murder, that's range of conduct at issue, he said.

2:30:41 PM

CHAIR LEDOUX related she is uncomfortable as Representative Keller stated, about this. She extended she is not at all uncomfortable with first degree murder whether it is evidence based or not because she believes sometimes retribution is appropriate. Whereas, she pointed out, she is uncomfortable with respect to second degree murder and would like to consider a way to bifurcate this amendment.

REPRESENTATIVE MILLETT offered that she talked with Mr. Steiner regarding the stacking, but the discussion is still about murder. She opined the data is out there but when a person drinks, drives, and kills two girls in one fell swoop, with a sentence less than someone committing rape, she has a problem with that. She reiterated that the discussion is murder and describing someone as a little drunk, they are still drunk, such as texting drunk while driving. She said a teen-age daughter was murdered by someone a little drunk and texting that could possibly receive a sentence less than someone raped, the daughter is gone, and the end result is still murder.

2:32:55 PM

CHAIR LEDOUX related she understands, and pointed out she does have experience along those lines, and still feels uncomfortable including second degree murder. She expressed that she maintains her objection towards the second degree murder, and would remove her objection to the first degree murder. She stated, in the event there is only one amendment she maintains her objection to Amendment 30.

REPRESENTATIVE KREISS-TOMKINS suggested that the amendment not move today and perhaps there could be further deliberation.

REPRESENTATIVE MILLETT said that is acceptable because this committee has great minds, and she is happy to work on this amendment. She stated she feels strongly and if she is voted down then so be it, but she must try.

2:35:03 PM

REPRESENTATIVE LYNN suggested withdrawing the amendment and submitting a conceptual amendment.

REPRESENTATIVE CLAMAN said he does not have a problem with the first degree murder portion because the statistics are that the

average first degree murder sentences are 80 to 90 years, and on the rare occasion they are released they will be old, infirmed, and supervised. He stated that a typical second degree murder sentence is over 20 years, with the average at 35 years to 45 years. He said he is a fan of a reasonable degree of judicial discretion and agrees with pondering the amendment.

REPRESENTATIVE KREISS-TOMKINS reiterated his suggestion of spending a day to possibly bifurcate the amendment or deliberate further.

[2:37:43 PM](#)

CHAIR LEDOUX suggested the committee vote on a conceptual amendment for first degree murder now, and another amendment could be provided tomorrow or the next day with respect to second degree murder, she remarked.

REPRESENTATIVE MILLETT suggested withdrawing Amendment 30, and tomorrow Chair LeDoux provide an amendment with regard to first degree murder, and she will provide an amendment with regard to second degree murder and the committee can further debate.

[2:38:21 PM](#)

REPRESENTATIVE MILLETT withdrew Amendment 30, with the note that it will be revisited tomorrow.

REPRESENTATIVE KREISS-TOMKINS asked Mr. Steiner whether second degree murder would include incidental events such as a hunting accident where someone is shot or a gun accidentally discharges at a shooting range.

MR. STEINER responded that the two scenarios would not be second degree murder, accidents are in the negligence or reckless range, and second degree murder is hyper-recklessness and acting with extreme indifference to the value of human life. He explained that is what distinguishes it from manslaughter, if a person was reckless and with criminal negligence it would be something less.

[2:39:36 PM](#)

CHAIR LEDOUX asked whether second degree murder could be when many people attend a party, everyone is smashed, and one person drives with the others knowing that the driver is intoxicated and still got into the car.

CHAIR LEDOUX, in response to Mr. Steiner, advised she was speaking about the driver ending up in an accident where his/her passengers had gotten into the car.

MR. STEINER opined that it could, but the distinguishing factors in case law are someone's history, their knowledge of the risks, being warned, and the level of recklessness of their conduct such as speeding, running red lights, driving in a reckless manner. He explained those are the factors that distinguish second degree murder from manslaughter, acting with indifference to the value of human life. Certainly a warning would be evidence of that, but that alone would ultimately be a jury question because there is not case law that defines the boundaries between second degree murder and manslaughter, he said.

[2:40:57 PM](#)

REPRESENTATIVE CLAMAN offered that the classic example of distinguishing second degree murder and manslaughter is that a hunting accident would typically be manslaughter, depending upon how the weapons were being managed, but Russian roulette would be the classic example of second degree murder because it reflects the gross indifference to the value of human life. He asked Mr. Steiner if he was correct in his statement of the average sentence for second degree murder.

[2:41:41 PM](#)

MR. STEINER said he could not answer that question.

MR. SKIDMORE commented that he found a U.S. Supreme Court case that raised an ex post facto issue when sentencing guidelines were changed and the way in which the change was enacted after the person had committed the offense. The U.S. Supreme Court said that the older guidelines should be used. He offered that he gave the committee that information in the event the committee were to pursue changing mandatory minimums. It does appear that the safest approach would be for the committee to make it for any offense that is committed after the effective date of the law that would be passed, he said.

REPRESENTATIVE KREISS-TOMKINS commented that part of the reason the discussion is murder is the relativity of the severity of sentencing for murder versus various sexual crimes. He reminded the committee there have been discussions throughout the

building about that, and especially the so-called "Romeo and Juliet" situation, and what sort of mandatory minimums are there. He said he found it worth noting that part of the reason the committee is thinking about ratcheting up the murder minimum is because sexual assault minimums have been ratcheted up so much over the years. He acknowledged this amendment does not touch on that, nor should it for the sake of political and other kinds of simplicity, but the comment might be worth stating. He opined that the Alaska Criminal Justice Commission may be reviewing that issue in the future.

#### AMENDMENTS

The following amendments to HB 205 were either discussed or adopted during the hearing. [Shorter amendments are provided in the main text only.]

#### AMENDMENT 24 [29-LS0896\H.11, Martin/Gardner, 3/24/16]

Page 36, following line 14:

Insert a new bill section to read:

"\* **Sec. 62.** AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in the first degree;

(2) \$250,000 for a class A felony;

(3) \$100,000 for a class B felony;

(4) \$50,000 for a class C felony;

(5) \$25,000 [\$10,000] for a class A misdemeanor;

(6) \$2,000 for a class B misdemeanor;

(7) \$500 for a violation."

Renumber the following bill sections accordingly.

Page 97, line 29:

Delete "sec. 66"

Insert "sec. 67"

Page 98, line 1:  
Delete "sec. 66"  
Insert "sec. 67"

Page 98, line 2:  
Delete "sec. 67"  
Insert "sec. 68"

Page 98, line 5:  
Delete "sec. 81"  
Insert "sec. 82"

Page 98, line 8:  
Delete "sec. 99"  
Insert "sec. 100"

Page 99, following line 10:  
Insert a new paragraph to read:  
    "(26) AS 12.55.035(b), as amended by sec.  
62 of this Act;"

Renumber the following paragraphs accordingly.

Page 99, line 11:  
Delete "86"  
Insert "87"

Page 99, line 12:  
Delete "sec. 87"  
Insert "sec. 88"

Page 99, line 13:  
Delete "sec. 93"  
Insert "sec. 94"

Page 99, line 14:  
Delete "sec. 94"  
Insert "sec. 95"

Page 99, line 15:  
Delete "sec. 95"  
Insert "sec. 96"

Page 99, line 16:  
Delete "sec. 148"  
Insert "sec. 149"

Page 99, line 31:  
Delete "sec. 76"  
Insert "sec. 77"

Page 100, line 1:  
Delete "sec. 77"  
Insert "sec. 78"

Page 100, line 2:  
Delete "sec. 78"  
Insert "sec. 79"

Page 100, line 3:  
Delete "sec. 79"  
Insert "sec. 80"

Page 100, line 4:  
Delete "sec. 80"  
Insert "sec. 81"

Page 100, line 5:  
Delete "sec. 81"  
Insert "sec. 82"

Page 100, line 6:  
Delete "sec. 134"  
Insert "sec. 135"

Page 100, line 7:  
Delete "sec. 135"  
Insert "sec. 136"

Page 100, line 12:  
Delete "sec. 75"  
Insert "sec. 76"

Page 100, line 13:  
Delete "sec. 89"  
Insert "sec. 90"

Page 100, line 14:  
Delete "sec. 92"  
Insert "sec. 93"

Page 100, line 15:  
Delete "sec. 102"

Insert "sec. 103"

Page 100, line 16:  
Delete "sec. 104"  
Insert "sec. 105"

Page 100, line 17:  
Delete "sec. 136"  
Insert "sec. 137"

Page 100, line 24:  
Delete "sec. 64"  
Insert "sec. 65"

Page 100, line 25:  
Delete "sec. 65"  
Insert "sec. 66"

Page 100, line 26:  
Delete "sec. 66"  
Insert "sec. 67"

Page 100, line 27:  
Delete "sec. 67"  
Insert "sec. 68"

Page 100, line 29:  
Delete "sec. 67"  
Insert "sec. 68"

Page 101, line 1:  
Delete "sec. 62"  
Insert "sec. 63"

Page 101, line 2:  
Delete "sec. 69"  
Insert "sec. 70"

Page 101, line 5:  
Delete "sec. 68"  
Insert "sec. 69"

Page 101, line 6:  
Delete "sec. 70"  
Insert "sec. 71"

Page 101, line 7:

Delete "sec. 71"  
Insert "sec. 72"

Page 101, line 8:  
Delete "sec. 72"  
Insert "sec. 73"

Page 101, line 9:  
Delete "sec. 74"  
Insert "sec. 75"

Page 101, line 10:  
Delete "sec. 96"  
Insert "sec. 97"

Page 101, line 11:  
Delete "sec. 97"  
Insert "sec. 98"

Page 101, line 15:  
Delete "sec. 83"  
Insert "sec. 84"

Page 101, line 16:  
Delete "sec. 84"  
Insert "sec. 85"

Page 101, line 17:  
Delete "sec. 85"  
Insert "sec. 86"

Page 101, line 18:  
Delete "sec. 91"  
Insert "sec. 92"

Page 101, line 21:  
Delete "sec. 100"  
Insert "sec. 101"

Page 101, line 22:  
Delete "sec. 101"  
Insert "sec. 102"

Page 101, line 23:  
Delete "sec. 103"  
Insert "sec. 104"

Page 101, line 24:  
Delete "sec. 105"  
Insert "sec. 106"

Page 101, line 25:  
Delete "sec. 107"  
Insert "sec. 108"

Page 101, line 26:  
Delete "sec. 108"  
Insert "sec. 109"

Page 101, line 27:  
Delete "sec. 109"  
Insert "sec. 110"

Page 101, line 28:  
Delete "sec. 115"  
Insert "sec. 116"

Page 101, line 29:  
Delete "sec. 116"  
Insert "sec. 117"

Page 101, line 30:  
Delete "sec. 117"  
Insert "sec. 118"

Page 101, line 31:  
Delete "sec. 118"  
Insert "sec. 119"

Page 102, line 1:  
Delete "sec. 119"  
Insert "sec. 120"

Page 102, line 2:  
Delete "sec. 120"  
Insert "sec. 121"

Page 102, line 3:  
Delete "sec. 121"  
Insert "sec. 122"

Page 102, line 4:  
Delete "sec. 122"  
Insert "sec. 123"

Page 102, line 5:  
Delete "sec. 123"  
Insert "sec. 124"

Page 102, line 6:  
Delete "sec. 124"  
Insert "sec. 125"

Page 102, line 7:  
Delete "sec. 125"  
Insert "sec. 126"

Page 102, line 8:  
Delete "sec. 126"  
Insert "sec. 127"

Page 102, line 9:  
Delete "sec. 127"  
Insert "sec. 128"

Page 102, line 10:  
Delete "sec. 128"  
Insert "sec. 129"

Page 102, line 11:  
Delete "sec. 129"  
Insert "sec. 130"

Page 102, line 12:  
Delete "sec. 130"  
Insert "sec. 131"

Page 102, line 13:  
Delete "sec. 131"  
Insert "sec. 132"

Page 102, line 14:  
Delete "sec. 132"  
Insert "sec. 133"

Page 102, line 15:  
Delete "secs. 152 - 154"  
Insert "secs. 153 - 155"

Page 102, line 16:  
Delete "152 - 154"

Insert "153 - 155"

Page 102, line 31:

Delete "sec. 63"

Insert "sec. 64"

Page 103, line 1:

Delete "sec. 99"

Insert "sec. 100"

Page 103, line 2:

Delete "sec. 142"

Insert "sec. 143"

Page 103, line 6:

Delete "sec. 152"

Insert "sec. 153"

Page 103, line 8:

Delete "sec. 156(a)"

Insert "sec. 157(a)"

Page 103, line 11:

Delete "sec. 156(b)"

Insert "sec. 157(b)"

Page 103, line 14:

Delete "sec. 156(b)"

Insert "sec. 157(b)"

Page 103, line 17:

Delete "sec. 66"

Insert "sec. 67"

Delete "sec. 156(c)"

Insert "sec. 157(c)"

Page 103, line 20:

Delete "sec. 67"

Insert "sec. 68"

Delete "sec. 156(d)"

Insert "sec. 157(d)"

Page 103, line 23:

Delete "sec. 81"

Insert "sec. 82"

Delete "sec. 156(e)"

Insert "sec. 157(e)"

Page 103, line 26:  
Delete "sec. 99"  
Insert "sec. 100"  
Delete "sec. 156(f)"  
Insert "sec. 157(f)"

Page 103, lines 29 - 30:  
Delete "61, 62, 65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"  
Insert "61 - 63, 66, 68, 70, 74, 77 - 89, 92, 94 - 96, 135, 136, 144 - 152, and 156"

Page 103, line 31, through page 104, line 1:  
Delete "66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"  
Insert "67, 69, 71 - 73, 75, 76, 90, 91, 93, 97 - 99, 101 - 134, and 137 - 141"

Page 104, line 2:  
Delete "sec. 152"  
Insert "sec. 153"

Page 104, line 4:  
Delete "63, 99, 142, 152 - 154, and 156(f)"  
Insert "64, 100, 143, 153 - 155, and 157(f)"

**AMENDMENT 25** [29-LS0896\H.10, Gardner, 3/24/16]

Page 1, line 1, following "Act relating to":  
Insert "**vehicle registration; relating to off-road system restricted noncommercial drivers' licenses; relating to off-road system eligible areas; relating to motor vehicle liability insurance; relating to**"

Page 50, following line 22:  
Insert new bill sections to read:  
"**\* Sec. 83.** AS 28.10.011 is amended to read:  
**Sec. 28.10.011. Vehicles subject to registration.**  
Every vehicle driven, moved, or parked on [UPON] a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is  
(1) driven or moved on a highway only for the purpose of crossing the highway from one private

property to another, including an implement of husbandry as defined by regulation;

(2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in AS 28.10.031 and 28.10.181(j);

(3) special mobile equipment as defined by regulation;

(4) owned by the United States;

(5) moved by human or animal power;

(6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil Relief Act);

(7) driven or parked only on private property;

(8) the vehicle of a nonresident as provided under AS 28.10.121;

(9) transported under a special permit under AS 28.10.151;

(10) [BEING] driven or moved **by an operator with an off-highway commercial driver's license** on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to

(A) the land-connected state highway system; or

(B) a highway or vehicular way with an average daily traffic volume greater than 499;

**(11) driven or moved in an off-road system eligible area by an operator with a noncommercial driver's license, including an off-road system restricted noncommercial driver's license issued under AS 28.15.126;**

**(12)** [(11)] an implement of husbandry operated in accordance with the provisions of AS 19.10.065;

**(13)** [(12)] an electric personal motor vehicle.

\* **Sec. 84.** AS 28.15 is amended by adding a new section to read:

**Sec. 28.15.126. Off-road system restricted noncommercial driver's license.** (a) The department shall waive the road test and issue an off-road system restricted noncommercial driver's license to an applicant who resides and operates a motor vehicle in an off-road system eligible area of the state. A driver issued an off-road system restricted noncommercial driver's license may operate a motor vehicle in an off-road system eligible area of the

state. A driver issued an off-road system restricted noncommercial driver's license may not operate a motor vehicle

(1) outside the off-road system eligible area of the state on a highway, vehicular way, or a public parking place in the state unless the person has or is accompanied by a person with a driver's license that is not restricted under this section; or

(2) outside the state.

(b) The department shall annually publish a list of off-road system eligible areas. The department shall make the list available at each office of the department and on the department's Internet website."

Renumber the following bill sections accordingly.

Page 51, following line 26:

Insert a new bill section to read:

"\* **Sec. 87.** AS 28.15.201(d) is amended to read:

(d) A court revoking a driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the department when revoking a driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant limited license privileges if

(1) the revocation was for a misdemeanor conviction under AS 28.35.030 or a similar municipal ordinance and not for a violation of AS 28.35.032;

(2) the person

(A) has not been previously convicted and the limited license is not granted during the first 30 days of the period of revocation; or

(B) has been previously convicted and the limited license is not granted during the first 90 days of the period of revocation;

(3) the court or department requires the person to use an ignition interlock device during the period of the limited license whenever the person operates a motor vehicle in an area [A COMMUNITY] not included in the list published by the department under AS 28.15.126 [AS 28.22.011(b)] and, when applicable,

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

(B) the person signs an affidavit acknowledging that

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

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

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

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

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

(6) the person has not previously been convicted of violating the limitations of an ignition interlock limited license or been convicted of violating the provisions of AS 28.35.030 or 28.35.032 while on probation for a violation of those sections."

Renumber the following bill sections accordingly.

Page 53, following line 30:

Insert a new bill section to read:

"\* **Sec. 91.** AS 28.22.011(a) is amended to read:

(a) The operator or owner of a motor vehicle subject to registration under AS 28.10.011 when driven on a highway, vehicular way or area, or on other public property in the state, shall be insured under a motor vehicle liability policy that complies with this chapter or a certificate of self-insurance that complies with AS 28.20.400 unless the operator has not been cited within the preceding five years for a traffic law violation with a demerit point value of six or more on the point schedule determined under regulations adopted by the department under AS 28.15.221 and

(1) the motor vehicle is being driven or moved by an operator with an off-highway commercial driver's license on a highway, vehicular way, or a

public parking place in the state that is not connected by a land highway or vehicular way to

(A) the land-connected state highway system; [,] or

(B) a highway or vehicular way with an average daily traffic volume greater than 499; or  
[AND]

(2) the operator has a noncommercial driver's license, including an off-road system restricted noncommercial driver's license issued under AS 28.15.126 and is operating the motor vehicle in an off-road system eligible area of the state [NOT BEEN CITED WITHIN THE PRECEDING FIVE YEARS FOR A TRAFFIC LAW VIOLATION WITH A DEMERIT POINT VALUE OF SIX OR MORE ON THE POINT SCHEDULE DETERMINED UNDER REGULATIONS ADOPTED BY THE DEPARTMENT UNDER AS 28.15.221]."

Renumber the following bill sections accordingly.

Page 56, following line 28:

Insert a new bill section to read:

"\* **Sec. 96.** AS 28.35.030(t) is amended to read:

(t) Notwithstanding (b) or (n) of this section, the court shall waive the requirement of the use of an ignition interlock device when a person operates a motor vehicle in an area [A COMMUNITY] included on the list published by the department under AS 28.15.126 [AS 28.22.011(b)]."

Renumber the following bill sections accordingly.

Page 57, following line 30:

Insert new bill sections to read:

"\* **Sec. 98.** AS 28.35.032(t) is amended to read:

(t) Notwithstanding (g) or (p) of this section, the court shall waive the requirement of the use of an ignition interlock device when a person operates a motor vehicle in an area [A COMMUNITY] included on the list published by the department under AS 28.15.126 [AS 28.22.011(b)].

\* **Sec. 99.** AS 28.90.990(a) is amended by adding a new paragraph to read:

(32) "off-road system eligible area" means an area of the state, as determined by the department, that does not have land-connected road access to an office that offers road testing at least once every

three months and offers a sufficient number of road tests to meet public demand."

Renumber the following bill sections accordingly.

Page 97, line 15, following "AS 12.55.135(j);":  
Insert "AS 28.22.011(b);"

Page 98, line 8:  
Delete "sec. 99"  
Insert "sec. 106"

Page 99, line 11:  
Delete "sec. 86"  
Insert "sec. 89"

Page 99, line 12:  
Delete "sec. 87"  
Insert "sec. 90"

Page 99, line 13:  
Delete "sec. 93"  
Insert "sec. 100"

Page 99, line 14:  
Delete "sec. 94"  
Insert "sec. 101"

Page 99, line 15:  
Delete "sec. 95"  
Insert "sec. 102"

Page 99, line 16:  
Delete "sec. 148"  
Insert "sec. 155"

Page 100, line 6:  
Delete "sec. 134"  
Insert "sec. 141"

Page 100, line 7:  
Delete "sec. 135"  
Insert "sec. 142"

Page 100, line 13:  
Delete "sec. 89"  
Insert "sec. 93"

Page 100, line 14:  
Delete "sec. 92"  
Insert "sec. 97"

Page 100, line 15:  
Delete "sec. 102"  
Insert "sec. 109"

Page 100, line 16:  
Delete "sec. 104"  
Insert "sec. 111"

Page 100, line 17:  
Delete "sec. 136"  
Insert "sec. 143"

Page 101, line 10:  
Delete "sec. 96"  
Insert "sec. 103"

Page 101, line 11:  
Delete "sec. 97"  
Insert "sec. 104"

Page 101, line 15:  
Delete "sec. 83"  
Insert "sec. 85"

Page 101, line 16:  
Delete "sec. 84"  
Insert "sec. 86"

Page 101, line 17:  
Delete "sec. 85"  
Insert "sec. 88"

Page 101, line 18:  
Delete "sec. 91"  
Insert "sec. 95"

Page 101, line 21:  
Delete "sec. 100"  
Insert "sec. 107"

Page 101, line 22:  
Delete "sec. 101"

Insert "sec. 108"

Page 101, line 23:  
Delete "sec. 103"  
Insert "sec. 110"

Page 101, line 24:  
Delete "sec. 105"  
Insert "sec. 112"

Page 101, line 25:  
Delete "sec. 107"  
Insert "sec. 114"

Page 101, line 26:  
Delete "sec. 108"  
Insert "sec. 115"

Page 101, line 27:  
Delete "sec. 109"  
Insert "sec. 116"

Page 101, line 28:  
Delete "sec. 115"  
Insert "sec. 122"

Page 101, line 29:  
Delete "sec. 116"  
Insert "sec. 123"

Page 101, line 30:  
Delete "sec. 117"  
Insert "sec. 124"

Page 101, line 31:  
Delete "sec. 118"  
Insert "sec. 125"

Page 102, line 1:  
Delete "sec. 119"  
Insert "sec. 126"

Page 102, line 2:  
Delete "sec. 120"  
Insert "sec. 127"

Page 102, line 3:

Delete "sec. 121"  
Insert "sec. 128"

Page 102, line 4:  
Delete "sec. 122"  
Insert "sec. 129"

Page 102, line 5:  
Delete "sec. 123"  
Insert "sec. 130"

Page 102, line 6:  
Delete "sec. 124"  
Insert "sec. 131"

Page 102, line 7:  
Delete "sec. 125"  
Insert "sec. 132"

Page 102, line 8:  
Delete "sec. 126"  
Insert "sec. 133"

Page 102, line 9:  
Delete "sec. 127"  
Insert "sec. 134"

Page 102, line 10:  
Delete "sec. 128"  
Insert "sec. 135"

Page 102, line 11:  
Delete "sec. 129"  
Insert "sec. 136"

Page 102, line 12:  
Delete "sec. 130"  
Insert "sec. 137"

Page 102, line 13:  
Delete "sec. 131"  
Insert "sec. 138"

Page 102, line 14:  
Delete "sec. 132"  
Insert "sec. 139"

Page 102, line 15:  
Delete "secs. 152 - 154"  
Insert "secs. 159 - 161"

Page 102, line 16:  
Delete "152 - 154"  
Insert "159 - 161"

Page 103, line 1:  
Delete "sec. 99"  
Insert "sec. 106"

Page 103, line 2:  
Delete "sec. 142"  
Insert "sec. 149"

Page 103, line 6:  
Delete "sec. 152"  
Insert "sec. 159"

Page 103, line 8:  
Delete "sec. 156(a)"  
Insert "sec. 163(a)"

Page 103, line 11:  
Delete "sec. 156(b)"  
Insert "sec. 163(b)"

Page 103, line 14:  
Delete "sec. 156(b)"  
Insert "sec. 163(b)"

Page 103, line 17:  
Delete "sec. 156(c)"  
Insert "sec. 163(c)"

Page 103, line 20:  
Delete "sec. 156(d)"  
Insert "sec. 163(d)"

Page 103, line 23:  
Delete "sec. 156(e)"  
Insert "sec. 163(e)"

Page 103, line 26:  
Delete "sec. 99"  
Insert "sec. 106"

Delete "sec. 156(f)"  
Insert "sec. 163(f)"

Page 103, lines 29 - 30:

Delete "76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"  
Insert "76 - 82, 85, 86, 88 - 90, 92, 95, 100 - 102, 141, 142, 150 - 158, and 162"

Page 103, line 31, through page 104, line 1:

Delete "89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"  
Insert "93, 94, 97, 103 - 105, 107 - 140, and 143 - 147"

Page 104, line 2:

Delete "sec. 152"  
Insert "sec. 159"

Page 92, line 2:

Delete "99, 142, 152 - 154, and 156(f)"  
Insert "106, 149, 159 - 161, and 163(f)"

**AMENDMENT 28** [29-LS0896\H.38, Martin/Gardner, 3/31/16]

Page 87, following line 11:

Insert a new bill section to read:

**\* Sec. 143.** AS 43.23.065(c) is amended to read:

(c) Claims listed in (b) of this section have priority in the order listed over other claims on a permanent fund dividend whether payments are sought through legal actions for the collection of debts or through assignments from the debtor, except that claims under (b)(1) and (2) of this section have the same priority. If a person owes both child support and restitution, and the amount due for a child support obligation under (b)(1) of this section or for court ordered restitution under (b)(2) of this section is greater than the total amount of the permanent fund dividend, the permanent fund dividend shall be divided equally between the child support obligation and the court ordered restitution."

Renumber the following bill sections accordingly.

Page 99, line 16:

Delete "sec. 148"  
Insert "sec. 149"

Page 102, line 15:  
Delete "secs. 152 - 154"  
Insert "secs. 153 - 155"

Page 102, line 16:  
Delete "152 - 154"  
Insert "153 - 155"

Page 103, line 6:  
Delete "sec. 152"  
Insert "sec. 153"

Page 103, line 8:  
Delete "sec. 156(a)"  
Insert "sec. 157(a)"

Page 103, line 11:  
Delete "sec. 156(b)"  
Insert "sec. 157(b)"

Page 103, line 14:  
Delete "sec. 156(b)"  
Insert "sec. 157(b)"

Page 103, line 17:  
Delete "sec. 156(c)"  
Insert "sec. 157(c)"

Page 103, line 20:  
Delete "sec. 156(d)"  
Insert "sec. 157(d)"

Page 103, line 23:  
Delete "sec. 156(e)"  
Insert "sec. 157(e)"

Page 103, line 26:  
Delete "sec. 156(f)"  
Insert "sec. 157(f)"

Page 103, line 30:  
Delete "143 - 151, and 155"  
Insert "143 - 152, and 156"

Page 104, line 2:  
Delete "sec. 152"  
Insert "sec. 153"

Page 104, line 4:  
Delete "152 - 154, and 156(f)"  
Insert "153 - 155, and 157(f)"

**AMENDMENT 30** [29-LS0896\H.70, Gardner, 4/6/16]

Page 44, following line 27:  
Insert new bill sections to read:

"\* **Sec. 76.** AS 12.55.125(a) is amended to read:

(a) A defendant convicted of murder in the first degree or murder of an unborn child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment of at least 30 [20] years but not more than 99 years. A defendant convicted of murder in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years when

(1) the defendant is convicted of the murder of a uniformed or otherwise clearly identified peace officer, firefighter, or correctional employee who was engaged in the performance of official duties at the time of the murder;

(2) the defendant has been previously convicted of

(A) murder in the first degree under AS 11.41.100 or former AS 11.15.010 or 11.15.020;

(B) murder in the second degree under AS 11.41.110 or former AS 11.15.030; or

(C) homicide under the laws of another jurisdiction when the offense of which the defendant was convicted contains elements similar to first degree murder under AS 11.41.100 or second degree murder under AS 11.41.110;

(3) the defendant subjected the murder victim to substantial physical torture;

(4) the defendant is convicted of the murder of and personally caused the death of a person, other than a participant, during a robbery; or

(5) the defendant is a peace officer who used the officer's authority as a peace officer to facilitate the murder.

\* **Sec. 77.** AS 12.55.125(b) is amended to read:

(b) A defendant convicted of attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years. A defendant convicted of murder in the second degree or murder of an unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at least 20 [10] years but not more than 99 years. A defendant convicted of murder in the second degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years when the defendant is convicted of the murder of a child under 16 years of age and the court finds by clear and convincing evidence that the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal guardian, or a person occupying a position of authority in relation to the child; or (2) caused the death of the child by committing a crime against a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of authority" have the meanings given in AS 11.41.470."

Renumber the following bill sections accordingly.

Page 47, following line 13:

Insert a new bill section to read:

"\* **Sec. 81.** AS 12.55.127(c) is amended to read:

(c) If the defendant is being sentenced for  
(1) escape, the term of imprisonment shall be consecutive to the term for the underlying crime;

(2) two or more crimes under AS 11.41, a consecutive term of imprisonment shall be imposed for at least

(A) the mandatory minimum term under AS 12.55.125(a) for each additional crime that is murder in the first degree;

(B) one-fourth of the mandatory minimum term under AS 12.55.125(b) for each additional crime that is murder in the second degree;

(C) [(B)] the mandatory minimum term for each additional crime that is an unclassified felony governed by AS 12.55.125(b) other than murder in the second degree;

(D) [(C)] the presumptive term specified in AS 12.55.125(c) or the active term of imprisonment, whichever is less, for each additional crime that is

(i) manslaughter; or

(ii) kidnapping that is a class A felony;

(E) [(D)] two years or the active term of imprisonment, whichever is less, for each additional crime that is criminally negligent homicide;

(F) [(E)] one-fourth of the presumptive term under AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the first degree under AS 11.41.410 or sexual abuse of a minor in the first degree under AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those offenses; and

(G) [(F)] some additional term of imprisonment for each additional crime, or each additional attempt or solicitation to commit the offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or 11.41.500 - 11.41.520."

Renumber the following bill sections accordingly.

Page 98, line 5:

Delete "sec. 81"

Insert "sec. 84"

Page 98, line 8:

Delete "sec. 99"

Insert "sec. 102"

Page 99, following line 10:

Insert new paragraphs to read:

"(26) AS 12.55.125(a), as amended by sec. 76 of this Act;

(27) AS 12.55.125(b), as amended by sec. 77 of this Act;

(28) AS 12.55.127(c), as amended by sec. 81 of this Act;"

Renumber the following paragraphs accordingly.

Page 98, line 5:

Delete "sec. 81"

Insert "sec. 84"

Page 98, line 8:  
Delete "sec. 99"  
Insert "sec. 102"

Page 99, line 11:  
Delete "sec. 86"  
Insert "sec. 89"

Page 99, line 12:  
Delete "sec. 87"  
Insert "sec. 90"

Page 99, line 13:  
Delete "sec. 93"  
Insert "sec. 96"

Page 99, line 14:  
Delete "sec. 94"  
Insert "sec. 97"

Page 99, line 15:  
Delete "sec. 95"  
Insert "sec. 98"

Page 99, line 16:  
Delete "sec. 148"  
Insert "sec. 151"

Page 99, line 31:  
Delete "sec. 76"  
Insert "sec. 78"

Page 100, line 1:  
Delete "sec. 77"  
Insert "sec. 79"

Page 100, line 2:  
Delete "sec. 78"  
Insert "sec. 80"

Page 100, line 3:  
Delete "sec. 79"  
Insert "sec. 82"

Page 100, line 4:  
Delete "sec. 80"  
Insert "sec. 83"

Page 100, line 5:  
Delete "sec. 81"  
Insert "sec. 84"

Page 100, line 6:  
Delete "sec. 134"  
Insert "sec. 137"

Page 100, line 7:  
Delete "sec. 135"  
Insert "sec. 138"

Page 100, line 13:  
Delete "sec. 89"  
Insert "sec. 92"

Page 100, line 14:  
Delete "sec. 92"  
Insert "sec. 95"

Page 100, line 15:  
Delete "sec. 102"  
Insert "sec. 105"

Page 100, line 16:  
Delete "sec. 104"  
Insert "sec. 107"

Page 100, line 17:  
Delete "sec. 136"  
Insert "sec. 139"

Page 101, line 10:  
Delete "sec. 96"  
Insert "sec. 99"

Page 101, line 11:  
Delete "sec. 97"  
Insert "sec. 100"

Page 101, line 15:  
Delete "sec. 83"  
Insert "sec. 86"

Page 101, line 16:  
Delete "sec. 84"

Insert "sec. 87"

Page 101, line 17:  
Delete "sec. 85"  
Insert "sec. 88"

Page 101, line 18:  
Delete "sec. 91"  
Insert "sec. 94"

Page 101, line 21:  
Delete "sec. 100"  
Insert "sec. 103"

Page 101, line 22:  
Delete "sec. 101"  
Insert "sec. 104"

Page 101, line 23:  
Delete "sec. 103"  
Insert "sec. 106"

Page 101, line 24:  
Delete "sec. 105"  
Insert "sec. 108"

Page 101, line 25:  
Delete "sec. 107"  
Insert "sec. 110"

Page 101, line 26:  
Delete "sec. 108"  
Insert "sec. 111"

Page 101, line 27:  
Delete "sec. 109"  
Insert "sec. 112"

Page 101, line 28:  
Delete "sec. 115"  
Insert "sec. 118"

Page 101, line 29:  
Delete "sec. 116"  
Insert "sec. 119"

Page 101, line 30:

Delete "sec. 117"  
Insert "sec. 120"

Page 101, line 31:  
Delete "sec. 118"  
Insert "sec. 121"

Page 102, line 1:  
Delete "sec. 119"  
Insert "sec. 122"

Page 102, line 2:  
Delete "sec. 120"  
Insert "sec. 123"

Page 102, line 3:  
Delete "sec. 121"  
Insert "sec. 124"

Page 102, line 4:  
Delete "sec. 122"  
Insert "sec. 125"

Page 102, line 5:  
Delete "sec. 123"  
Insert "sec. 126"

Page 102, line 6:  
Delete "sec. 124"  
Insert "sec. 127"

Page 102, line 7:  
Delete "sec. 125"  
Insert "sec. 128"

Page 102, line 8:  
Delete "sec. 126"  
Insert "sec. 129"

Page 102, line 9:  
Delete "sec. 127"  
Insert "sec. 130"

Page 102, line 10:  
Delete "sec. 128"  
Insert "sec. 131"

Page 102, line 11:  
Delete "sec. 129"  
Insert "sec. 132"

Page 102, line 12:  
Delete "sec. 130"  
Insert "sec. 133"

Page 102, line 13:  
Delete "sec. 131"  
Insert "sec. 134"

Page 102, line 14:  
Delete "sec. 132"  
Insert "sec. 135"

Page 102, line 15:  
Delete "secs. 152 - 154"  
Insert "secs. 155 - 157"

Page 102, line 16:  
Delete "152 - 154"  
Insert "155 - 157"

Page 103, line 1:  
Delete "sec. 99"  
Insert "sec. 102"

Page 103, line 2:  
Delete "sec. 142"  
Insert "sec. 145"

Page 103, line 6:  
Delete "sec. 152"  
Insert "sec. 155"

Page 103, line 8:  
Delete "sec. 156(a)"  
Insert "sec. 159(a)"

Page 103, line 11:  
Delete "sec. 156(b)"  
Insert "sec. 159(b)"

Page 103, line 14:  
Delete "sec. 156(b)"  
Insert "sec. 159(b)"

Page 103, line 17:  
Delete "sec. 156(c)"  
Insert "sec. 159(c)"

Page 103, line 20:  
Delete "sec. 156(d)"  
Insert "sec. 159(d)"

Page 103, line 23:  
Delete "sec. 156(e)"  
Insert "sec. 159(e)"

Page 103, line 26:  
Delete "sec. 99"  
Insert "sec. 102"  
Delete "sec. 156(f)"  
Insert "sec. 159(f)"

Page 103, lines 29 - 30:  
Delete "76 - 88, 91, 93 - 95, 134, 135, 143 -  
151, and 155"  
Insert "78 - 91, 94, 96 - 98, 137, 138, 146 -  
154, and 158"

Page 103, line 31, through page 104, line 1:  
Delete "89, 90, 92, 96 - 98, 100 - 133, and 136 -  
140"  
Insert "92, 93, 95, 99 - 101, 103 - 136, and 139  
- 143"

Page 104, line 2:  
Delete "sec. 152"  
Insert "sec. 155"

Page 104, line 4:  
Delete "99, 142, 152 - 154, and 156(f)"  
Insert "102, 145, 155 - 157, and 159(f)"

[2:44:35 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:44 p.m.