

**ALASKA STATE LEGISLATURE**  
**HOUSE JUDICIARY STANDING COMMITTEE**

April 14, 2016

8:05 a.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)

**OTHER MEMBERS PRESENT**

Senator John Coghill

**COMMITTEE CALENDAR**

CS FOR SS FOR SENATE BILL NO. 91(FIN) AM

"An Act relating to criminal law and procedure; relating to controlled substances; relating to immunity from prosecution for the crime of prostitution; relating to probation; relating to sentencing; establishing a pretrial services program with pretrial services officers in the Department of Corrections; relating to the publication of suspended entries of judgment on a publicly available Internet website; relating to permanent fund dividends; relating to electronic monitoring; relating to penalties for violations of municipal ordinances; relating to parole; relating to correctional restitution centers; relating to community work service; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to the excise tax on marijuana; establishing the recidivism reduction fund; relating to the Alaska Criminal Justice Commission; relating to the disqualification of persons convicted of specified drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 32, 32.1, 38, 41, and 43, Alaska Rules of Criminal Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal Procedure; and providing for an effective date."

- MOVED HCS CSSSSB 91(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 91

SHORT TITLE: OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

SPONSOR(S): SENATOR(S) COGHILL

03/25/15	(S)	READ THE FIRST TIME - REFERRALS
03/25/15	(S)	STA, JUD, FIN
04/02/15	(S)	STA AT 9:00 AM BUTROVICH 205
04/02/15	(S)	Heard & Held
04/02/15	(S)	MINUTE (STA)
02/03/16	(S)	SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
02/03/16	(S)	STA, JUD, FIN
02/13/16	(S)	STA AT 10:00 AM BUTROVICH 205
02/13/16	(S)	Heard & Held
02/13/16	(S)	MINUTE (STA)
02/18/16	(S)	STA AT 8:30 AM BUTROVICH 205
02/18/16	(S)	Heard & Held
02/18/16	(S)	MINUTE (STA)
02/25/16	(S)	STA AT 9:00 AM BUTROVICH 205
02/25/16	(S)	Heard & Held
02/25/16	(S)	MINUTE (STA)
03/01/16	(S)	STA AT 8:30 AM BUTROVICH 205
03/01/16	(S)	Heard & Held
03/01/16	(S)	MINUTE (STA)
03/03/16	(S)	STA AT 8:30 AM BUTROVICH 205
03/03/16	(S)	Heard & Held
03/03/16	(S)	MINUTE (STA)
03/08/16	(S)	STA AT 9:00 AM BUTROVICH 205
03/08/16	(S)	Moved CSSSSB 91(STA) Out of Committee
03/08/16	(S)	MINUTE (STA)
03/08/16	(S)	STA AT 5:00 PM BUTROVICH 205
03/08/16	(S)	-- MEETING CANCELED --
03/09/16	(S)	STA RPT CS 2DP 1DNP 1NR 1AM NEW TITLE
03/09/16	(S)	DP: COGHILL, MCGUIRE
03/09/16	(S)	DNP: STOLTZE
03/09/16	(S)	NR: HUGGINS
03/09/16	(S)	AM: WIELECHOWSKI
03/09/16	(S)	JUD WAIVED PUBLIC HEARING NOTICE, RULE 23
03/09/16	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/09/16	(S)	Heard & Held
03/09/16	(S)	MINUTE (JUD)
03/11/16	(S)	JUD AT 2:00 PM BELTZ 105 (TSBldg)

03/11/16 (S) Heard & Held  
 03/11/16 (S) MINUTE (JUD)  
 03/16/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
 03/16/16 (S) Heard & Held  
 03/16/16 (S) MINUTE (JUD)  
 03/18/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
 03/18/16 (S) Heard & Held  
 03/18/16 (S) MINUTE (JUD)  
 03/21/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
 03/21/16 (S) Heard & Held  
 03/21/16 (S) MINUTE (JUD)  
 03/23/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
 03/23/16 (S) Moved CSSSSB 91(JUD) Out of Committee  
 03/23/16 (S) MINUTE (JUD)  
 03/24/16 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 03/24/16 (S) <Bill Hearing Canceled>  
 03/25/16 (S) JUD RPT CS 3DP 1NR NEW TITLE  
 03/25/16 (S) DP: MCGUIRE, COGHILL, COSTELLO  
 03/25/16 (S) NR: WIELECHOWSKI  
 03/25/16 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 03/25/16 (S) -- MEETING CANCELED --  
 03/28/16 (S) FIN AT 1:00 PM SENATE FINANCE 532  
 03/28/16 (S) Heard & Held  
 03/28/16 (S) MINUTE (FIN)  
 03/29/16 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 03/29/16 (S) Heard & Held  
 03/29/16 (S) MINUTE (FIN)  
 03/30/16 (S) FIN AT 1:00 PM SENATE FINANCE 532  
 03/30/16 (S) Heard & Held  
 03/30/16 (S) MINUTE (FIN)  
 03/31/16 (S) FIN AT 1:00 PM SENATE FINANCE 532  
 03/31/16 (S) Heard & Held  
 03/31/16 (S) MINUTE (FIN)  
 04/01/16 (S) FIN AT 8:00 AM SENATE FINANCE 532  
 04/01/16 (S) Heard & Held  
 04/01/16 (S) MINUTE (FIN)  
 04/01/16 (S) FIN AT 1:00 PM SENATE FINANCE 532  
 04/01/16 (S) Heard & Held  
 04/01/16 (S) MINUTE (FIN)  
 04/02/16 (S) FIN AT 10:00 AM SENATE FINANCE 532  
 04/02/16 (S) Heard & Held  
 04/02/16 (S) MINUTE (FIN)  
 04/04/16 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/04/16 (S) Heard & Held  
 04/04/16 (S) MINUTE (FIN)  
 04/04/16 (S) FIN AT 1:30 PM SENATE FINANCE 532  
 04/04/16 (S) Heard & Held

04/04/16 (S) MINUTE (FIN)  
 04/05/16 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/05/16 (S) -- MEETING CANCELED --  
 04/05/16 (S) FIN AT 1:30 PM SENATE FINANCE 532  
 04/05/16 (S) Heard & Held  
 04/05/16 (S) MINUTE (FIN)  
 04/06/16 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/06/16 (S) Scheduled but Not Heard  
 04/07/16 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/07/16 (S) Heard & Held  
 04/07/16 (S) MINUTE (FIN)  
 04/07/16 (S) FIN AT 5:00 PM SENATE FINANCE 532  
 04/07/16 (S) Moved CSSSSB 91(FIN) Out of Committee  
 04/07/16 (S) MINUTE (FIN)  
 04/08/16 (S) FIN RPT CS 4DP 1NR 1AM NEW TITLE  
 04/08/16 (S) DP: KELLY, MACKINNON, MICCICHE, BISHOP  
 04/08/16 (S) NR: DUNLEAVY  
 04/08/16 (S) AM: HOFFMAN  
 04/09/16 (S) TRANSMITTED TO (H)  
 04/09/16 (S) VERSION: CSSSSB 91(FIN) AM  
 04/10/16 (H) READ THE FIRST TIME - REFERRALS  
 04/10/16 (H) JUD, FIN  
 04/10/16 (H) JUD AT 2:00 PM GRUENBERG 120  
 04/10/16 (H) -- MEETING CANCELED --  
 04/11/16 (H) JUD AT 1:00 PM GRUENBERG 120  
 04/11/16 (H) Heard & Held  
 04/11/16 (H) MINUTE (JUD)  
 04/13/16 (H) JUD AT 1:00 PM GRUENBERG 120  
 04/13/16 (H) Heard & Held  
 04/13/16 (H) MINUTE (JUD)  
 04/14/16 (H) JUD AT 8:00 AM GRUENBERG 120

**WITNESS REGISTER**

JORDAN SHILLING, Staff  
 Senator John Coghill  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 91, discussed amendments.

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

**POSITION STATEMENT:** During the hearing of SB 91, discussed amendments.

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

**POSITION STATEMENT:** During the hearing of SB 91, discussed amendments.

TRACEY WOLLENBERG, Deputy Director  
Appellate Division  
Central Office  
Public Defender Agency (PDA)  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of SB 91, discussed amendments.

KACI SCHROEDER, Assistant Attorney General  
Criminal Division  
Legal Services Section  
Department of Law  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 91, discussed amendments.

#### **ACTION NARRATIVE**

[8:05:46 AM](#)

**CHAIR GABRIELLE LEDOUX** called the House Judiciary Standing Committee meeting to order at 8:05 a.m. Representatives Keller, Millett, Claman, and LeDoux were present at the call to order. Representatives Lynn, Foster and Kreiss-Tomkins arrived as the meeting was in progress.

#### **SB 91-OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS**

[8:06:21 AM](#)

CHAIR LEDOUX announced the only order of business would be CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91(FIN) am, "An Act relating to criminal law and procedure; relating to controlled substances; relating to immunity from prosecution for the crime

of prostitution; relating to probation; relating to sentencing; establishing a pretrial services program with pretrial services officers in the Department of Corrections; relating to the publication of suspended entries of judgment on a publicly available Internet website; relating to permanent fund dividends; relating to electronic monitoring; relating to penalties for violations of municipal ordinances; relating to parole; relating to correctional restitution centers; relating to community work service; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to the excise tax on marijuana; establishing the recidivism reduction fund; relating to the Alaska Criminal Justice Commission; relating to the disqualification of persons convicted of specified drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 32, 32.1, 38, 41, and 43, Alaska Rules of Criminal Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal Procedure; and providing for an effective date."

[Due to their length, some amendments discussed or adopted during the meeting are located at the end of the minutes for SB 91. Shorter amendments are included within the main text.]

[8:06:42 AM](#)

CHAIR LEDOUX moved to adopt Amendment 1, Version 29-LS0541\X.17, Martin/Gardner, 4/13/16, as follows: [Amendment 1 is provided at the end of the minutes of SB 91.]

REPRESENTATIVE KELLER objected for purposes of discussion.

[8:07:07 AM](#)

JORDAN SHILLING, Staff, Senator John Coghill, Alaska State Legislature, advised that the amendment is a large technical amendment and deferred to the Alaska Court System, the Public Defender's Office, and the Department of Law.

[8:08:07 AM](#)

NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System, advised she had just received the amendment and believed the amendment incorporated technical amendments from the three entities who worked on it ...

CHAIR LEDOUX offered to allow Ms. Meade an opportunity to review the amendment while the other two agencies testified.

8:08:50 AM

QUINLAN STEINER, Director, Central Office, Public Defender Agency (PDA), Department of Administration (DOA), deferred to Tracey Wollenberg for the technical amendments.

8:09:10 AM

TRACEY WOLLENBERG, Deputy Director, Appellate Division, Central Office, Public Defender Agency (PDA), Department of Administration (DOA), agreed that this is a technical amendment incorporating the many technical changes made on SB 91, carried over to the bill [Version 29-LS0541\X] before the committee. She acknowledged that these changes were suggested by the Public Defender Agency, Alaska Court System, and the Department of Law and she could walk through the changes and explain the changes relating to the Public Defender Agency.

8:09:52 AM

REPRESENTATIVE KELLER drew the committee's attention to the "great summary" before the members and that some of the technical amendments could be mind-numbing, such as punctuation changes.

CHAIR LEDOUX suggested explaining technical amendments that have substantive characteristics.

8:10:46 AM

MS. WOLLENBERG referred to [Amendment 1, page 1, lines 1-7] and explained that the amendment adds back into the citation provision, a line that had been previously taken out, which gives the contacting officer discretion to arrest if the person is a danger to others. Previously, she offered, there was an exception for arresting someone if the crime involved harm to persons or property. This amendment would give the officer discretion to arrest, if it's not one of those types of crimes, but the officer still makes a determination whether the person presents a danger. Together with that, she explained, it would give an officer discretion to arrest for disorderly conduct, which can range from making unreasonably loud noise to failing to observe an officer's request to disburse, she explained.

[8:11:52 AM](#)

MS. WOLLENBERG referred to [Sec. 55, AS 12.30.011, page 33, line 7 of the bill] and advised that the change Representative Keller referenced, Sec. 55, line 7, makes clear how a judicial officer should set bail on a Petition to Revoke Probation. She offered there had been a rewrite of the bill statute tied to specific events and risk levels, and it was unclear exactly how the judge should set bail when a person is brought in on a Petition to Revoke Probation and not necessarily charged with a new offense. She reiterated that adding this change makes it clear that under those circumstances the judge should set the least restrictive conditions that are reasonably necessary to ensure appearance and safety.

[8:12:38 AM](#)

MS. WOLLENBERG referred to Sec. 80, page 2 of the spreadsheet [Sec. 80, AS 12.55110, page 48, line 13 of the bill], and advised that previously excluded from the definition of "technical violation" for a probation violation, was the notion that the conduct resulted from an arrest for new criminal conduct. This change makes clear that a person does not necessarily have to be arrested and charged with a new crime, it's enough to take it out of the technical violation status if the conduct engaged in constitutes new criminal conduct, she explained.

[8:13:53 AM](#)

MS. WOLLENBERG turned to Sec. 116, page 3, of the spreadsheet [Sec. 116, AS 33.07.030, page 71 of the bill] and advised that it is a drafting error this, inserted into the Pretrial Services provision, is a whole rewrite of the recommendation that the Pretrial Services Officer is to make to the court. She explained that it was drafted in an earlier version of the Senate bill, but never inserted into the Senate bill, and it was inadvertently put into this bill. This, she pointed out, reverses it back to Version H, which comports with the recommendations.

[8:14:41 AM](#)

MS. WOLLENBERG turned to Sec. 144, page 5 of the spreadsheet [AS 33.16.215, page 92, line 30 of the bill] and advised that the change is similar to the change she discussed with regard to technical probation violations. This would make a similar

change in the parole statute, in not making the exclusion from technical violations for new criminal conduct contingent on arrest, she offered.

[8:15:39 AM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Legal Services Section, Department of Law, turned to the spreadsheet and offered to explain provisions within the spreadsheet with her name attached.

CHAIR LEDOUX agreed.

REPRESENTATIVE CLAMAN directed that she should only explain the provisions she believes are significant.

CHAIR LEDOUX clarified that she should explain any change with a more substantive component.

[8:16:40 AM](#)

The committee took an at-ease from 8:16 p.m. to 8:17 p.m.

[8:17:04 AM](#)

CHAIR LEDOUX asked Ms. Schroeder to refer to the entire code section.

MS. SCHROEDER turned to AS 12.25.180, Sec. 47, page 1 of the spreadsheet, [page 25, lines 18-19 of the bill] and advised that it adds disorderly conduct as one of the reasons someone can be arrested. For example, if someone is on another person's premises and refuses to leave, that is disorderly conduct and they could be arrested rather than just cited, she explained.

[8:17:40 AM](#)

MS. SCHROEDER turned to AS 12.55.090, Sec. 77, page 2 of the spreadsheet, [page 44, lines 25-27 of the bill] and advised the change makes certain the person is in full compliance with all of the conditions of probation for all of the cases they are on probation for, because some defendants have multiple cases and multiple probation conditions.

[8:18:45 AM](#)

MS. SCHROEDER turned to Sec. 121, AS 33.16.089, page 4 of the spreadsheet [page 78, lines 26-27 of the bill] and advised that this change relates to the eligibility for administrative parole. She explained that it references the person who is potentially eligible that has to be in compliance with the case plan under AS 33.30.011(8), and the phrasing of that particular section of statute reads that they participate in programing. She advised there was a question as to whether or not it was intended that they just be participating or whether they had to have actually completed the programing. Language is added there to ensure clarity that the person must have actually completed the programming and not just be participating. She added that the remainder of the changes were technical.

[8:20:11 AM](#)

MS. MEADE noted that only "not hyper-technical" change was in Sec. 55, AS 12.30.011(h)(14), page 1 of the spreadsheet, [page 32, lines 4-8 of the bill], are the bail conditions that a judge may impose. The judge, after receiving recommendations from the pretrial services office has a list of things they can make as conditions when releasing a person. She explained that this refers to the 24/7 program, and the language was modified to be consistent with other statutes. Specifically, if the crime is under Title 4, alcohol related or DUI related, a person can be ordered to go to a 24/7 program as a bail condition, and similarly, drug crime offenders can be ordered to go to a 24/7 program as a bail condition. She advised that this change made the same thing available in the generalized bail statute, and now the judge can send anyone with an alcohol or drug related offense to a 24/7 program in appropriate cases. Other than that, she offered, the changes the court system requested are clarifying and are non-controversial.

[8:21:58 AM](#)

REPRESENTATIVE KELLER removed his objection. There being no further objection, Amendment 1 was adopted.

[8:22:08 AM](#)

REPRESENTATIVE CLAMAN moved to adopt Amendment 2, Version 29-LS0541\X.2, Martin/Gardner, 4/12/16, as follows:

Page 17, lines 16 - 20:

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, one or more preparations, compounds, mixtures, or substances of an aggregate weight of 2.5 grams or more containing a schedule IA, IIA, or IIIA controlled substance;"

Page 22, lines 7 - 9:

Delete all material and insert:

"(1) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than 2.5 grams containing a schedule IA, IIA, or IIIA controlled substance."

CHAIR LEDOUX objected for purposes of discussion.

[8:22:15 AM](#)

REPRESENTATIVE CLAMAN explained that the amendment is to align HB 205 with SB 91 wherein the weight that would apply would be a 2.5 gram weight, and it also includes the concept that the weight is by aggregate weight, rather than the specific weight of the controlled substance. He pointed out that according to the commission, using the aggregate weight was important for purposes of actually being able to weigh the substance. He said controlled substances may have mixes, and when attempting to determine how much is cocaine, and how much is another agent, becomes almost impossible for law enforcement to perform its enforcement duties.

CHAIR LEDOUX offered clarification for the public, the weight Representative Claman is discussing is the weight of a controlled substance.

REPRESENTATIVE CLAMAN said it is the weight of the substance seized.

[8:23:21 AM](#)

REPRESENTATIVE KELLER referred to the people following along in the bill and to make it easier, he pointed to SB 91, Version X, AS 11.71.030(a)(1), Sec. 38, page 17, lines 16-20, which read:

(1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER AS 11.71.020(a)(2) - (6),] manufactures or delivers 2.5 grams or more [ANY AMOUNT] of a schedule IA, IIA, or IIIA controlled substance with intent to manufacture or deliver;

REPRESENTATIVE KELLER then referred to SB 91, Version X, AS 11.71.040(a)(11), Sec. 41, AS, page 22, lines 7-9, which read:

(11) manufactures or delivers less than 2.5 grams of a schedule IA, IIA, or IIIA controlled substance or possesses less than 2.5 grams of a schedule IA, IIA, or IIIA controlled substance with intent to manufacture or deliver.

[8:23:44 AM](#)

CHAIR LEDOUX removed her objection. There being no further objection, Amendment 2 was adopted.

[8:24:14 AM](#)

CHAIR LEDOUX moved to adopt Amendment 3, Version 29-LS0541\X.7, Wayne/Gardner, 4/12/16, which read:

Page 43, line 30:

Delete "involving domestic violence"

Insert "under AS 11.41.230"

REPRESENTATIVE MILLETT objected for purposes of discussion.

[8:24:29 AM](#)

MR. SHILLING advised the amendment applies the two year misdemeanor probation limit to all assaults in the fourth degree, domestic violence related assaults in the fourth degree, and regular assaults in the fourth degree, rather than all crimes involving domestic violence.

REPRESENTATIVE MILLETT asked what is currently in statute.

MR. SHILLING opined that, currently, there are two tiers of limits on probation term lengths, there is 25 years for a felony

sex offense, and 10 years for all other crimes, he opined. The commission recommended creating a five tiered system to account for the different seriousness of offenses, and this amendment closely comports with the commission's recommendations.

REPRESENTATIVE MILLETT asked to set Amendment 3 aside until the remaining amendments have been heard.

CHAIR LEDOUX agreed.

[8:26:37 AM](#)

REPRESENTATIVE KELLER moved to adopt Amendment 4, Version 29-LS0541\X.8, Martin/Gardner, 4/12/16, which read:

Page 48, line 13:  
Delete "or"

Page 48, line 14, following "treatment":  
Insert "; or  
(C) failing to complete an intervention  
program for batterers"

Page 92, line 31:  
Delete "or"

Page 93, line 1, following "treatment":  
Insert "; or  
(C) failing to complete an intervention  
program for batterers"

CHAIR LEDOUX objected for purposes of discussion.

MR. SHILLING advised that the amendment would exclude, failing to complete a batterer's intervention programming from the definition of technical violation for the purposes of the policy that caps the length of stay for a technical violation.

[8:27:18 AM](#)

CHAIR LEDOUX removed her objection. There being no further objection, Amendment 4 was adopted.

[8:27:28 AM](#)

REPRESENTATIVE CLAMAN moved to adopt Amendment 5, Version 29-LS0541\X.3, Martin/Gardner, 4/12/16, which read: [Amendment 5 is provided at the end of the minutes for SB 91.]

CHAIR LEDOUX objected for purposes of discussion.

REPRESENTATIVE CLAMAN explained that the amendment does two things, the first change will increase the mandatory minimum sentence for murder in the first degree from 20 years to 30 years, which is consistent with the commission's view that the increase will not have any impact on the commission's goals. Secondly, he said, in terms of applying the mandatory minimum of murder in the second degree with cases of multiple victims, it would give the judge the discretion to stack the mandatory minimums. He explained that with murder in the second degree the mandatory minimum is 10 years, and if two people were killed the judge would have the discretion for the second victim to have only 25 percent of the mandatory minimum be consecutive. Therefore, he explained, the mandatory minimum in that instance would 12.5 years, and the judge would still have discretion to sentence up to the maximum amount. He advised this would offer, in cases in which the defendant had unusual prospects of rehabilitation, the judge some flexibility in stacking.

REPRESENTATIVE MILLETT noted it was a good compromise with regard to discussions during a previous hearing.

[8:29:27 AM](#)

CHAIR LEDOUX removed her objection. There being no objection, Amendment 5 was adopted.

[8:29:38 AM](#)

REPRESENTATIVE LYNN moved to adopt Amendment 6, Version 29-LS0541\X.13, Martin/Gardner, 4/12/16, which read:

Page 71, line 15, following "Safety,"  
Insert "the office of victims' rights,"

CHAIR LEDOUX objected for purposes of discussion.

REPRESENTATIVE LYNN explained the amendment adds the Office of Victims' Rights to the list of agencies to be consulted by the Department of Corrections in developing its pretrial release recommendations and regulations.

[8:30:17 AM](#)

CHAIR LEDOUX removed her objection. There being no objection, Amendment 6 was adopted.

[8:30:23 AM](#)

CHAIR LEDOUX moved to adopt Amendment 7, Version 29-LS0541\X.19, Gardner, 4/13/16, which read:

Page 79, line 22, through page 81, line 14:

Delete all material and insert:

"\* **Sec. 123.** AS 33.16.090(b) is amended to read:

(b) A prisoner eligible under **(a)(1)** [(a)] of this section who is sentenced

(1) to a single sentence under AS 12.55.125(a) or (b) may not be released on discretionary parole until the prisoner has served the mandatory minimum term under AS 12.55.125(a) or (b), one-third of the active term of imprisonment imposed, or any term set under AS 12.55.115, whichever is greatest;

(2) to a single sentence within or below a presumptive range set out in **AS 12.55.125(i)(1) and (2)** [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)], and has not been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release, may not be released on discretionary parole until the prisoner has served the term imposed, less good time earned under AS 33.20.010;

(3) to a single sentence under **AS 12.55.125(i)** [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)], and has been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release during the second half of the sentence, may not be released on discretionary parole until

(A) the prisoner has served that portion of the active term of imprisonment required by the three-judge panel; and

(B) in addition to the factors set out in AS 33.16.100(a), the board determines that

(i) the prisoner has successfully completed all rehabilitation programs ordered by the three-judge panel that were made available to the prisoner; and

(ii) the prisoner would not constitute a danger to the public if released on parole;

(4) to a single enhanced sentence under AS 12.55.155(a) that is above the applicable presumptive range may not be released on discretionary parole until the prisoner has served the greater of the following:

(A) an amount of time, less good time earned under AS 33.20.010, equal to the upper end of the presumptive range plus one-fourth of the amount of time above the presumptive range; or

(B) any term set under AS 12.55.115;

(5) to a single sentence under any other provision of law may not be released on discretionary parole until the prisoner has served at least one-fourth of the active term of imprisonment, any mandatory minimum sentence imposed under any provision of law, or any term set under AS 12.55.115, whichever is greatest;

(6) to concurrent sentences may not be released on discretionary parole until the prisoner has served the greatest of

(A) any mandatory minimum sentence or sentences imposed under any provision of law;

(B) any term set under AS 12.55.115; or

(C) the amount of time that is required to be served under (1) - (5) of this subsection for the sentence imposed for the primary crime, had that been the only sentence imposed;

(7) to consecutive or partially consecutive sentences may not be released on discretionary parole until the prisoner has served the greatest of

(A) the composite total of any mandatory minimum sentence or sentences imposed under any provision of law, including AS 12.55.127;

(B) any term set under AS 12.55.115; or

(C) the amount of time that is required to be served under (1) - (5) of this subsection for the sentence imposed for the primary crime, had that been the only sentence imposed, plus one-quarter of the composite total of the active term of imprisonment imposed as consecutive or partially consecutive sentences imposed for all crimes other than the primary crime;

**(8) to a single sentence under AS 12.55.125(i)(3) and (4), and has not been allowed by the three-judge panel under AS 12.55.175 to be**

considered for discretionary parole release, may not be released on discretionary parole until the prisoner has served, after a deduction for good time earned under AS 33.20.010, one-half of the active term of imprisonment imposed."

REPRESENTATIVE KELLER objected for purposes of discussion.

MR. SHILLING explained that the amendment mirrors an amendment adopted by the Senate Finance Committee excluding unclassified sex offenders from discretionary parole eligibility, and moves the point at which the remaining sex offenders that would fall under the policy, become eligible from the one-third point in their sentence to the one-half point in their sentence.

[8:31:15 AM](#)

REPRESENTATIVE KELLER removed his objection. There being no objection, Amendment 7 was adopted.

[8:31:41 AM](#)

CHAIR LEDOUX moved to adopt Amendment 8, Version 29-LS0541\X.1, Gardner, 4/12/16, which read: [Amendment 8 is provided at the end of the minutes for SB 91.]

REPRESENTATIVE KELLER objected for purposes of discussion.

CHAIR LEDOUX advised that the amendment may be held due to the possibility of controversy. She explained it prohibits the court from awarding pretrial credit for time spent on non-Department of Corrections electronic monitoring. She expressed that being in charge of monitoring is one of the essential governmental functions the government should be performing, and asked whether the Department of Corrections (DOC) had any comments.

REPRESENTATIVE MILLETT surmised that when someone is on DOC electronic monitoring they receive time served credit, and when someone is on private electronic monitoring they do not receive time served credit. Thereby, creating two different classes of electronic monitoring, she said.

CHAIR LEDOUX responded that in reality the way it will work is that DOC will be in charge of everything.

[8:33:12 AM](#)

REPRESENTATIVE CLAMAN pointed out that the department would have the ability to contract out for the service with the private companies under DOC's purview. Therefore, complaints regarding the private electronic monitoring companies would go to DOC, he said.

CHAIR LEDOUX agreed.

REPRESENTATIVE KELLER asked whether the court system has a comment regarding the amendment.

[8:34:32 AM](#)

MS. MEADE related that it is a policy call for the committee, and the court would give credit depending upon the legislature's decision on the policy. She opined that under the bill, the pretrial services office would be in charge of electronic monitoring the higher risk defendants who are released pretrial. There would be no dispute that those people would get credit for time spent on electronic monitoring pretrial with DOC oversight. The question becomes when, and if, the court still releases people pretrial under the current system, similar to professional third-party custodians where the individual hires a private person as their custodian. In that matter, the Department of Corrections (DOC) is not administering or in charge of those people -- that's the question for the committee. The court is neutral on that and whatever call is made on the bill the court system could do.

CHAIR LEDOUX set Amendment 8 aside until the remaining amendments have been heard.

[8:35:54 AM](#)

CHAIR LEDOUX moved to adopt Amendment 9, Version 29-LS0541\X.14, Martin/Gardner, 4/12/16, which read:

Page 110, lines 26 - 29:

Delete all material and insert:

"\* **Sec. 171.** AS 47.38.020 is amended to read:

**Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The commissioner, in cooperation with the commissioner of corrections, shall establish a program using a competitive procurement process for certain persons with release conditions ordered as provided under AS 12.30, or

offenders with conditions of probation, that include not consuming controlled substances or alcoholic beverages.

(b) The commissioner shall adopt regulations to implement the program. The regulations must include regulations regarding products and services that provide alcohol and substance abuse monitoring.

(c) The commissioner shall include in the program

(1) a requirement for twice-a-day testing, either remotely or in person [IF PRACTICABLE], for alcoholic beverage use and random testing for controlled substances;

(2) a means to provide the probation officer, prosecutor's office, or local law enforcement agency with notice within 24 hours, so that a complaint may be filed alleging a violation of AS 11.56.757, a petition may be filed with the court seeking appropriate sanctions and may be scheduled by the court for a prompt hearing, or an arrest warrant may be issued for the person on release or offender with conditions of probation provided in this subsection, if the person or offender

(A) fails to appear for an appointment or fails to complete a test through the use of remote alcohol or substance abuse monitoring technology as required by the program requirements; or

(B) tests positive for the use of controlled substances or alcoholic beverages; and

(3) a requirement that the person or offender pay, based on the person's or offender's ability under financial guidelines established by the commissioner, for the cost of participating in the program.

(d) The department shall contract with one or more vendors using a competitive procurement process in accordance with AS 36.30 to provide or conduct the testing required under (c) of this section."

REPRESENTATIVE KELLER objected for purposes of discussion

MR. SHILLING explained that the amendment mirrors an amendment adopted by the Senate Judiciary Standing Committee requiring the Department of Health and Social Services to contract out, in a competitive manner through a competitive procurement process, when choosing to contract with a 24/7 vendor to administer the sobriety program.

[8:37:14 AM](#)

REPRESENTATIVE KELLER removed his objection. There being no objection, Amendment 9 was adopted.

[8:37:27 AM](#)

CHAIR LEDOUX moved to adopt Amendment 10, Version 29LS0541\X.18, Martin/Gardner, 4/12/16, which read:

Page 78, line 11:  
Delete "sexual felony"  
Insert "sex offense"

Page 78, line 12:  
Delete "AS 12.55.185"  
Insert "AS 12.63.100"

REPRESENTATIVE KELLER objected for purposes of discussion.

MR. SHILLING advised the amendment mirrors an amendment adopted by the Senate Judiciary Standing Committee. Currently, he said, the bill reads that sex offenders who have committed a felony sex offense are excluded from the administrative parole provision. He explained that this amendment deletes sexual felony, and in its place inserts sex offense, which would now mean that misdemeanor sex offenders would similarly not be eligible for administrative parole. He further explained that this reduces the number of people eligible by including misdemeanants.

[8:38:14 AM](#)

REPRESENTATIVE KELLER said he would like to remove his objection, but he would like to understand the impact of this amendment as to safety, and the implication of filling beds at the corrections centers. He asked to set the bill aside.

CHAIR LEDOUX set Amendment 10 aside.

[8:38:46 AM](#)

CHAIR LEDOUX moved to adopt Amendment 11, Version 29LS0541\X.10, Gardner, 4/13/16, which read:

Page 92, lines 1 - 3:

Delete all material and insert:

- "(4) has not been convicted of  
(A) an unclassified felony offense under AS  
11;  
(B) a sexual felony as defined by AS  
12.55.185;  
(C) a crime involving domestic violence as  
defined by AS 18.66.990; or  
(D) a misdemeanor."

REPRESENTATIVE KELLER objected for purposes of discussion.

MR. SHILLING explained that the amendment excludes misdemeanants from the early discharge policy. The commission recommended that if an individual were to successfully complete one year of probation, without any violations and in full compliance with their conditions, that a recommendation be made to the court that they be discharged early. The Senate Finance Committee adopted an amendment similar to this, due to thought that because a misdemeanant is not actively supervised by the Department of Corrections (DOC), and does not have a probation or parole officer, that it would be difficult to ensure they have truly been in compliance with their conditions; therefore, this policy should not apply to misdemeanants.

[8:39:57 AM](#)

CHAIR LEDOUX suggested setting Amendment 11 aside.

REPRESENTATIVE CLAMAN offered that this amendment relates to parole supervision, and not probation supervision. In fact, he said, people on a misdemeanor sentence are never put on parole. He added that this amendment recognizes the fact that people on misdemeanors are never on parole supervision, so there is nothing to release. He remarked that it makes it more of a technical correction on the reality of people serving misdemeanor sentences, and it does not rise to a policy call from his perspective.

[8:40:54 AM](#)

REPRESENTATIVE KELLER said that with Representative Claman's explanation he removed his objection. There being no objection, Amendment 11 was adopted.

[8:41:11 AM](#)

CHAIR LEDOUX moved to adopt Amendment 12, Version 29-LS0541\X.11, Martin/Gardner, 4/12/16, which read:

Page 99, line 5:  
Delete "and"

Page 99, line 6, following "appropriate":  
Insert "; and

(4) a partnership with one or more nonprofit organizations to allow access to a prisoner before the prisoner's discharge, release, or furlough to assist the prisoner with the prisoner's application for Medicaid, Social Security benefits, public assistance under AS 47.25, and a state identification card or driver's license and provide other programs to assist the prisoner's transition into the community, promote rehabilitation, and reduce recidivism."

REPRESENTATIVE KELLER objected for purposes of discussion.

MR. SHILLING explained that the amendment mirrors an amendment adopted by the Senate Finance Committee requiring the Department of Corrections (DOC) to partner with non-profit organizations. The non-profit organization would have access to those inmates close to re-entering into society, and would assist inmates in applying for public assistance and various other benefits, including obtaining a state identification card or a driver's license. He pointed out that this is an effort to improve the inmate's transition into the community.

[8:42:05 AM](#)

REPRESENTATIVE KELLER removed his objection. There being no objection, Amendment 12 was adopted.

[8:42:16 AM](#)

CHAIR LEDOUX moved to adopt Amendment 13, Version 29-LS0541\X.12, Martin/Gardner, 4/12/16, which read: [Amendment 13 is provided at the end of the minutes on SB 91.]

REPRESENTATIVE KELLER objected for purposes of discussion.

MR. SHILLING explained that the amendment mirrors an amendment adopted by the Senate Finance Committee in an effort to fund some of the reinvestment priorities of the commission. The amendment is similar in nature to the statutes regarding alcohol

tax revenue, because 50 percent of the alcohol tax revenue can be used for alcohol treatment, and the amendment reads that 50 percent of marijuana tax revenue can be used for recidivism reduction programs. He explained that it is not a dedicated fund, and within the fiscal note \$3 million in FY17 is expected to be collected for the purposes of this fund. It will be used to fund Victims' Services Violence Prevention through Council on Domestic Violence and Sexual Assault (CDVSA), through re-entry and substance abuse treatment through the Department of Health and Social Services, and pretrial supervision through the Department of Corrections.

[8:43:39 AM](#)

REPRESENTATIVE KELLER removed his objection. There being no objection, Amendment 13 was adopted.

[8:43:48 AM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 14, Version 29-LS0541\X.21, Gardner, 4/13/16, which read:

Page 102, line 30, following "reforms;":  
Delete "and"

Page 103, line 1, following "reform":  
Insert "; and"

(4) appoint a working group to review and analyze sexual offense statutes and report to the legislature if there are circumstances under which victims' rights, public safety, and the rehabilitation of offenders are better served by changing existing laws; 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 commission may include in the working group people representing a variety of viewpoints who are not members of the commission"

CHAIR LEDOUX objected for purposes of discussion.

REPRESENTATIVE KREISS-TOMKINS related that the amendment is motivated by discussions of minimums associated with murder in the second degree, the associated minimums for various sex crimes, and how some sex crimes had more stringent, harsh, and severe minimums than murder. Therefore, he related, given the

complexity of this issue, the amendment asks the Alaska Criminal Justice Commission to direct its attention to this issue.

REPRESENTATIVE MILLETT asked whether the commission has a working group on this issue.

REPRESENTATIVE KELLER opined, not specifically, although it was a matter of concern and discussion, it was not targeted in the past, but probably will be targeted in the future. He asked Commissioner Quinlan Steiner to respond.

[8:45:29 AM](#)

MR. STEINER responded that the commission discussed weighing into this area, but decided on the limited suggestions in the recommendations. As a commissioner, he opined, the commission would welcome the opportunity to review this area as a whole. He added, the commission didn't specifically not want to look at it, but rather the commission took the minimum steps that everyone on the commission agreed would provide a positive reduction on recidivison.

REPRESENTATIVE KELLER offered, from his own perspective, he welcomes this amendment because it directs the commission to review policy it may need to review.

[8:46:32 AM](#)

REPRESENTATIVE MILLETT remarked that she would like the Office of Victims' Rights (OBR) to participate within the amendment, because it works for the legislature and she wants it to be a participant in this working group. She expressed it is important that victims' voices have a part in this as they may bring insight. She asked to add a conceptual amendment that includes the Office of Victims' Rights to participate within this working group.

REPRESENTATIVE KELLER related that he does not oppose the conceptual amendment, and added that having spent time on the commission, he knows the commission's door is always open. He said the conceptual amendment isn't necessary, but if it gives comfort there is no problem.

REPRESENTATIVE MILLETT advised that it would give her comfort to know the legislature is telling the Office of Victims' Rights (OBR) to participate.

[8:47:26 AM](#)

REPRESENTATIVE MILLETT moved to adopt Conceptual Amendment 1 to Amendment 14, to add the Office of Victims' Rights to the working group.

CHAIR LEDOUX said there being no objection, Conceptual Amendment 1 to Amendment 14 was adopted.

[8:47:48 AM](#)

CHAIR LEDOUX removed her objection to Amendment 14. There being no objection, Amendment 14, as amended, was adopted.

[8:48:12 AM](#)

REPRESENTATIVE MILLETT moved to adopt Amendment 15, Version 29-LS0541\X.15, Wayne/Gardner, 4/12/16, which read: [Amendment 15 is provided at the end of the minutes on SB 91.]

CHAIR LEDOUX objected for purposes of discussion.

REPRESENTATIVE MILLETT advised that the amendment deals with line of death benefits for peace officers in the PERS system, and allows for spouses and dependent children of officers killed in the line of duty to receive insurance benefits in the retiree program.

[8:48:44 AM](#)

CHAIR LEDOUX removed her objection. There being no objection, Amendment 15 was adopted.

[8:49:00 AM](#)

CHAIR LEDOUX moved to adopt Amendment 16, Version 29-LS0541.X20, Martin/Gardner, 4/15/16, which read:

Page 111, line 18:

Delete "**counseling, and medical care**"

Insert "**and counseling**"

Page 111, line 31:

Delete "peer-reviewed data"

Insert "research"

REPRESENTATIVE KELLER objected for purposes of discussion.

MR. SHILLING advised the amendment is a technical amendment to ensure that the previous reinvestment language in HB 205 exactly mirrors the reinvestment language in the committee substitute for SB 91. For example, it requires that when determining whether a program is worthy of funding that it is based upon best research rather than simply peer-reviewed research. He reiterated that it is a technical amendment to conform the language with SB 91 as it came to the House of Representatives.

8:50:20 AM

REPRESENTATIVE MILLETT referred to a person leaving prison with a limited license, and asked whether there is a portion of this that applies to the limited license with a red line through it indicating the person is under treatment. She asked whether that amendment was made within this legislation.

MR. SHILLING opined that the provision is not in the committee substitute nor is there an amendment addressing that issue. Although, he said, this concept has been discussed to ensure when an individual is released from prison, on the various types of parole, with a condition they not consume or possess alcohol, there would be something on the license to indicate they are not to drink.

REPRESENTATIVE MILLETT said she did not want to hold up this amendment, but she believes the committee is lacking one amendment. The amendment would be that when folks are released with alcohol provisions as part of their release -- because the bill is directing the Department of Corrections (DOC) to make sure people have identification. The provision not in the bill is when folks are issued their driving license, if not consuming alcohol is part of their condition of release that there should be that standard. She said the issue would be that they can't go into a liquor store and buy alcohol.

CHAIR LEDOUX suggested that Representative Millett draft an amendment, and she pointed out that after SB 91 is passed out of this committee, the bill has one more stop [before moving to the floor of the House of Representatives].

8:52:11 AM

REPRESENTATIVE CLAMAN surmised that Amendment 16 removes the provisions helping someone getting out of prison to learn where they might have access to medical care, and only a reference to

counseling. He asked whether there was a reason to delete medical care, he said he is aware Amendment 12 has provisions regarding working with a non-profit to make certain the prisoner knows how to apply for different medical benefits.

MR. SHILLING responded that it is a policy call of this committee, and could conceptually be amended. The recidivism reduction program can fund various types of programs, and there is medical care that can be provided through this fund. For example, the non-profits would now be able to assist individuals in applying for medical care, such as drug and alcohol treatment, mental health treatment, and cognitive behavioral treatment.

REPRESENTATIVE CLAMAN noted the amendment is actually not giving them guidance to where they find medical care, this actually would be a program that would provide medical care. He surmised by removing medical care, the committee is saying this particular program won't provide medical care, but there are other provisions in the bill giving exiting prisoners direction about where resources are in the community for medical care.

MR. SHILLING agreed.

CHAIR LEDOUX set Amendment 16 aside.

[8:54:14 AM](#)

CHAIR LEDOUX moved to adopt Amendment 17, Version 29-LS0541\X.16, Martin/Gardner, 4/13/16, which read: [Amendment 17 is provided at the end of the minutes on SB 91.]

REPRESENTATIVE KELLER objected for purposes of discussion.

MR. SHILLING advised there are provisions in the bill providing for a felony limited license, and currently the state has misdemeanor limited licenses. He advised that Senator John Coghill worked for several sessions to put a provision such as this in place, and it is in SB 91. However, technical changes and clean-up language was required to make the license work for both the courts, and the DMV. He opined that this is largely a technical amendment, and deferred to Ms. Meade on specifics.

[8:55:09 AM](#)

MS. MEADE noted that she worked with the Senator Coghill and Chair LeDoux's staff members to ensure that [Amendment 17] would

work in keeping with the intent. She explained that the intent is to allow certain people with felony DUIs, after their driver's license was revoked permanently, to obtain a limited license for a time period and; thereafter, have their license restored if they drive successfully under that limited license. She stated that the court system is neutral on this amendment, but acknowledged that she did make suggestions to make it workable in keeping with its intent. She described that the version in the bill, before the amendment, made it quite complicated for individuals to obtain the limited license because they had to make several stops along the way, and the amendment would fix some technical things. For example, she said, it read that the person must have completed therapeutic court, or have done it for six-months. Except, she explained, the six-months was intended to be, if the person is in therapeutic court for at least six-months of the entire time period, the person can obtain it then also. The Department of Motor Vehicles will be giving these limited licenses and it wanted to ensure that it receives verification from the applicant that they actually did go through therapeutic court, which would be the third entry on Amendment 17.

[8:56:47 AM](#)

MS. MEADE noted the provisions currently in SB 91, without the amendment, are quite difficult for a person to meet honestly. She described that they must have gone through therapeutic court, and must buy the insurance required to drive after having a DUI on their record. She continued that, almost by definition, this would be their third DUI, and because they are in felony-land they must have the ignition interlock device installed in their car. The amendment removes the 24/7 requirement, because people thought it would be duplicative of the ignition interlock requirement. She explained that after people drive on a limited license for three years, they can submit proof to the DMV that they have complied with the six items on the checklist and receive their license back fully restored. This also deletes the requirement that felons go through the Alaska Alcohol Safety Action Program (ASAP), because these are felons and felons don't work in the ASAP programs, she said. Therefore, she pointed out, these changes could be viewed as somewhat technical, and noted there were some wording changes that appear to be included within this amendment.

[8:58:26 AM](#)

REPRESENTATIVE KELLER removed his objection. There being no objection, Amendment 17 was adopted.

[8:58:38 AM](#)

CHAIR LEDOUX moved to adopt Amendment 18, Version 29-LS0541.X22, Martin/Gardner, 4/13/16, which read:

Page 116, line 17, following "Act;":  
Insert "and"

Page 116, lines 18 - 19:  
Delete "; and  
(35) AS 47.27.015(i), enacted by sec. 167 of  
this Act"

Page 116, lines 20 - 23:  
Delete all material and insert:  
"(b) AS 12.55.035(b), as amended by sec. 68 of  
this Act, applies to offenses committed on or after  
the effective date of sec. 68 of this Act.  
(c) AS 12.55.027(f), enacted by sec. 67 of this  
Act, applies to sentences imposed on or after the  
effective date of sec. 67 of this Act, for conduct  
occurring before, on, or after the effective date of  
sec. 67 of this Act."

Reletter the following subsections accordingly.

Page 117, line 4:  
Delete "and"

Page 117, line 5, following "Act":  
Insert "; and  
(5) AS 33.20.010(d), enacted by sec. 154 of  
this Act"

Page 117, line 13:  
Delete "and"

Page 117, line 14, following "Act":  
Insert "; and  
(8) AS 33.16.090(b), as amended by sec. 123  
of this Act"

Page 120, line 24, following "Act;":  
Insert "and"

Page 120, lines 25 - 26:

Delete "; and

(7) AS 33.20.010(c), as amended by sec. 153  
of this Act"

Page 120, following line 26:

Insert a new subsection to read:

"(x) AS 47.27.015(i), enacted by sec. 167 of  
this Act, applies to offenses committed before, on, or  
after the effective date of sec. 167 of this Act."

REPRESENTATIVE KELLER objected for purposes of discussion.

MR. SHILLING explained that the amendment is technical and cleans up the applicability sections of the bill. He deferred to the Department of Law or the Public Defender Agency to explain the five applicability changes. He then pointed to a change on page 2, of the amendment, related to opting Alaska out of the prohibition on food stamps for felony drug offenders. This would make that provision of the bill retroactive to apply to current drug felons, she explained.

CHAIR LEDOUX asked Ms. Wollenberg to come forward.

MS. WOLLENBERG apologized that she was just seeing this amendment for the first time.

CHAIR LEDOUX set Amendment 18 aside, and noted that four other amendments have been set aside.

[9:00:43 AM](#)

CHAIR LEDOUX advised that the House Judiciary Standing Committee meeting was recessed at 9:00 a.m. to a call of the chair.

[10:12:29 AM](#)

CHAIR LEDOUX called the House Judiciary Standing Committee meeting back to order at 10:12 a.m. Representatives Millett, Lynn, Foster, Claman, Kreiss-Tomkins, Keller, and LeDoux were present at the call to order.

CHAIR LEDOUX returned the committee to SB 91, and amendments.

[10:13:14 AM](#)

REPRESENTATIVE MILLETT moved to adopt Amendment 3, [Version 29-LS0541.X7, Wayne/Gardner, 4/12/16]. [Text provided previously within these minutes.]

CHAIR LEDOUX objected for purposes of discussion.

REPRESENTATIVE CLAMAN related that within HB 205, fourth degree assault was limited to one year probation, except in cases involving domestic violence. Amendment 3 allows the court the ability to put a person convicted of any assault in the fourth degree up to two years' probation, rather than the one year limit. He offered that this gives the court more discretion in looking at the offender and the seriousness of the offense, in any assault case, to have up to two years' probation.

REPRESENTATIVE FOSTER surmised that it is not a mandatory two years, rather it is discretion up to two years.

REPRESENTATIVE CLAMAN agreed.

[10:14:29 AM](#)

CHAIR LEDOUX removed her objection. There being no objection, Amendment 3 was adopted.

[10:14:48 AM](#)

REPRESENTATIVE MILLETT moved to adopt Amendment 10, [Version 29-LS0541.X.18, Gardner, 4/13/16]. [Text provided previously within these minutes.]

CHAIR LEDOUX objected for purposes of discussion.

REPRESENTATIVE KELLER offered that he had objected previously to the amendment, and said that as he read through the amendment, he realized it truly is a technical change and removed his [previous] objection.

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

[10:15:38 AM](#)

CHAIR LEDOUX advised the committee that Amendment 16, [Version 29-LS0541\X.20, Martin/Gardner, 4/13/16] was withdrawn.

10:16:07 AM

CHAIR LEDOUX reminded the committee that she had previously moved to adopt, and then set Amendment 18 aside [Amendment 18 Version 29-LS0541.X22, Martin/Gardner, 4/13/16]. Chair LeDoux invited Ms. Wollenberg to testify.

MS. WOLLENBERG explained that the amendment is an amendment to the applicability provisions and it does the five main things, as follows: it makes retroactive the provision dealing with eligibility for food stamps and temporary assistance, and applies to offenses committed before, on, or after the effective date; and the amendment makes prospective the section increasing the maximum permissible fine for a class A misdemeanor, increasing that to \$25,000 which would apply to offenses committed on, or after, consistent with the prohibition on ex post facto laws. The third, fourth, and fifth impacts would all make applicability apply to sentences imposed on, or after, the effective date for offenses occurring before, on, or after. She explained that those three provisions are: the treatment provision in AS 12.55.027(f) which further defined what a treatment program is. That provision, consistent with the other changes made to the pretrial credit for treatment provisions, would apply to sentences imposed on, or after, the effective date. She further explained that the earned good time credit provision for individuals convicted of sex offenses would also apply to sentences imposed on, or after, as would the changes to the discretionary parole provision. Therefore, she pointed out, at sentencing all of the parties and victims are aware of what the possibilities were in terms of statutory good time credit and discretionary parole eligibility.

10:18:35 AM

REPRESENTATIVE KELLER removed his objection. There being no objection, Amendment 18 was adopted.

10:18:49 AM

CHAIR LEDOUX returned the committee to Amendment 8, [Version 29-LS0541\X.1, Gardner, 4/12/16, and advised she is withdrawing Amendment 8.

CHAIR LEDOUX noted there were no further amendments and asked the pleasure of this committee.

10:19:16 AM

REPRESENTATIVE MILLETT thanked Chair LeDoux for her leadership, every member of this committee, Senator Coghill's staff Jordan Shilling, Chair LeDoux's staff, Kalyssa Maile and Amy Michel, and her staff, Grace Abbott. She acknowledged that this is not an easy subject and she is convinced the legislature is moving down the right path for criminal justice reform. The commission and commissioners provided an exceptional explanation of the recommendations and backed it up with data. She said she wants the public to know the changes that came to the House Judiciary Standing Committee were based upon public testimony, people with experience within the criminal justice system, people that had success, limited success, and future successes in the criminal justice system. In moving forward there is a fundamental shift in how criminal justice is viewed for Alaskans as they enter and exit the criminal justice system. She remarked that Alaska is good at having people enter the criminal justice system, and has failed many Alaskans exiting the criminal justice system, and opined this bill will change that to better outcomes for Alaskans and safer communities. Resistance came from victims' advocates, she acknowledged, and their testimonies helped to shape this version of the bill. The bill was also shaped with incredible work and due diligence in attempting to understand the criminal justice system as it stands now, and what this shift will look like in the future.

[10:22:19 AM](#)

REPRESENTATIVE KELLER offered that Representative Millett's hard work was obvious, and that he appreciates the work of staff members who put many hours into the work. He also recognized that Representative Millett is carrying the House of Representative's side of the work and he thanked her.

REPRESENTATIVE LYNN related that while he is not a fan of this bill, he is a fan of how the entire hearings have been conducted. He expressed congratulations to Chair LeDoux, each member on the committee, and to the many people who testified and shared their personal stories that helped the committee to come to each member's decisions.

REPRESENTATIVE KREISS-TOMKINS echoes the thoughts of the three previous speakers and asked for a brief at ease.

[10:23:50 AM](#)

The committee took a brief at ease from 10:23 a.m. to 10:26 a.m.

10:26:22 AM

REPRESENTATIVE KREISS-TOMKINS stated that the House Judiciary Standing Committee is the best functioning committee he has seen in the legislature. This piece of legislation is one of the hardest in terms of sincere emotional and intellectual engagement with the policies in the bill. People worked as people, and not as members of any caucus, or area of the state, or party, and he expressed that is how the legislature should work. He commented that he wished every committee was like this committee, and the committee of the whole, for that matter.

10:27:03 AM

REPRESENTATIVE CLAMAN noted that it has been a pleasure to be involved in this committee on this bill because it works well together, and the work reflects a common commitment for what is best for Alaska, while recognizing the DOC has been imperfect, which is consistent with government. Government is imperfect and part of the committee's job is to help government do a better job. He said he is pleased to support this bill, he thanked Chair LeDoux and the committee for all of its work, and in particular, Representative Millett for introducing a long and complex bill.

REPRESENTATIVE FOSTER expressed that he wanted to include with the committee's many thanks, the Alaska Criminal Justice Commission and all of its hard work, and he described it as a good bill.

CHAIR LEDOUX commented that it is always hard to be the last speaker after everyone goes around and offers compliments. She particularly thanked her invaluable staff throughout this process, and said it has been great working with Representatives Millett and Claman, and the entire committee. She said, "After Max's passing it was like ... well, how are we going to do this huge bill without Max? But somehow, or other, we made it through it, and we did listen to public testimony, and we took much of that public testimony to heart." She acknowledged there were significant changes to this bill as a result of the public's testimonies. Everyone did their best to get this right, she expressed, nothing is perfect in this world and, certainly, not in the legislature, but it is trying "not to let the perfect get in the way of the good." Chair LeDoux described SB 91 as a good bill, and she is looking forward to passing it on to its next committee.

CHAIR LEDOUX asked the will of the committee.

REPRESENTATIVE KELLER deferred to the sponsor of the bill.

10:29:53 AM

REPRESENTATIVE MILLETT moved to report House CS for CS for SS for SB 91, Version 29-LS0541\X, Martin, 4/12/16, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection House CS for CS for SS for SB 91(JUD), as amended, passed out of the House Judiciary Standing Committee.

CHAIR LEDOUX advised that the bill passed out of committee and that Legislative Legal and Research Services will make the necessary conforming and technical changes to incorporate the amendments.

#### AMENDMENTS

The following amendments, 1, 5, 8, 13, 15, 17, to SB 91 were either discussed or adopted during the hearing. [Shorter amendments are provided within the main text.]

AMENDMENT 1 [29-LS0541\X.17, Martin/Gardner, 4/13/16]

Page 25, lines 16 - 18:

Delete "[THE CONTACTING OFFICER REASONABLY BELIEVES THE PERSON IS A DANGER TO SELF OR OTHERS; (3)]"

Insert "the peace [CONTACTING] officer reasonably believes the person is a danger to [SELF OR] others; (3)"

Renumber the following paragraphs accordingly.

Page 25, line 22, following "AS 11.56.750,":

Insert "disorderly conduct under AS 11.61.110,"

Page 26, line 23:

Delete ", and who"

Insert "and the person"

Page 27, line 26:

Delete "only receive"

Insert "receive only"

Page 32, lines 4 - 8:

Delete all material and insert:

"(14) require the person to comply with a program established under AS 47.38.020 if the person has been charged with an alcohol-related or substance-abuse-related offense;"

Page 33, line 7:

Delete "or bail review hearing"

Insert ", bail review hearing, or bail hearing in connection with a petition to revoke probation"

Page 40, line 27, through page 41, line 4:

Delete all material and insert:

"\* **Sec. 70.** AS 12.55.055(a) is amended to read:

(a) The court may order a defendant convicted of an offense to perform community work as a condition of probation, a suspended sentence, [OR] suspended imposition of sentence, or suspended entry of judgment, or in addition to any fine or restitution ordered. If the defendant is sentenced to imprisonment, the court may recommend to the Department of Corrections that the defendant perform community work."

Page 42, lines 25 - 26:

Delete all material and insert:

"(f) The court may not suspend the imposition or entry of judgment and may not defer prosecution under this section of a person who"

Page 44, line 24:

Delete "and"

Page 44, following line 24:

Insert a new paragraph to read:

"(4) is currently in compliance with all conditions of probation for all of the cases for which the person is on probation; and"

Renumber the following paragraph accordingly.

Page 46, line 6:

Delete "paragraph"

Insert "subparagraph [PARAGRAPH]"

Page 48, line 12:  
Delete "result from"  
Insert "constitute"

Page 48, line 13:  
Delete "commission of"

Page 51, line 11:  
Delete "or"

Page 51, line 15:  
Delete "the"

Page 52, line 12:  
Delete "fifth"  
Insert "fourth"

Page 52, lines 12 - 13:  
Delete "a person convicted of"

Page 52, line 13:  
Delete "sixth"  
Insert "fifth"

Page 53, line 3:  
Delete "aggravating factors in"  
Insert "an aggravating factor under"

Page 53, line 10:  
Delete "20 days"  
Insert "not later than 10 days"

Page 53, line 11:  
Delete "within"  
Insert "not later than"

Page 53, line 14, following "(C)":  
Insert "not later than"

Page 53, line 15, following "court":  
Insert "unless the defendant waives the notice requirement"

Page 72, line 14, through page 76, line 17:  
Delete all material and insert:  
"(c) A pretrial services officer shall recommend for release on personal recognizance, upon

execution of an unsecured appearance bond, or upon execution of an unsecured performance bond, with nonmonetary conditions as appropriate, if a defendant is charged with

(1) a misdemeanor, unless that misdemeanor is

(A) a crime involving domestic violence, as defined in AS 18.66.990;

(B) a crime against the person under AS 11.41;

(C) an offense under AS 11.56.730 or 11.56.757;

(2) a class C felony unless that felony is

(A) a crime involving domestic violence, as defined in AS 18.66.990;

(B) a crime against the person under AS 11.41;

(C) an offense under AS 11.56.730;

(3) an offense under AS 28.35.030 or 28.35.032, if the defendant has been assessed as being low or moderate risk on the pretrial risk assessment.

(d) A pretrial services officer shall recommend release on personal recognizance, upon execution of an unsecured appearance bond, or upon execution of an unsecured performance bond, with nonmonetary conditions as appropriate, unless the pretrial services officer finds

(1) by substantial evidence that no nonmonetary conditions of release in combination with release on personal recognizance or upon execution of unsecured bond can reasonably ensure public safety and appearance in court; and

(2) the defendant has been charged with

(A) an offense under AS 28.35.030 or 28.35.032, and the offender has been assessed as high risk under a pretrial risk assessment;

(B) an offense under AS 11.56.730 or 11.56.757, and the offender has been assessed as low to moderate risk under a pretrial risk assessment; or

(C) any other offense, and the defendant has been assessed as being low risk under a pretrial risk assessment.

(e) A pretrial services officer may supervise a defendant released while awaiting trial, imposing the least restrictive level of supervision

that will reasonably ensure the appearance of the person in court and the safety of the victim, other persons, and the community, and prioritizing higher levels of supervision for a defendant accused of serious charges or assessed as moderate or high risk under a pretrial risk assessment. The commissioner may, in accordance with AS 36.30, procure and enter into agreements or contracts for the supervision of defendants on electronic monitoring during the pretrial period."

Reletter the following subsection accordingly.

Page 76, line 22:

Delete "arrest a defendant who has been released pretrial without a warrant"

Insert "arrest, without a warrant, a defendant who has been released while awaiting trial"

Page 78, line 23:

Delete "AS 33.16.050"

Insert "AS 33.16.150"

Page 78, line 26:

Delete "established"

Insert ", including completing programming in the case plan,"

Page 78, line 31, through page 79, line 2:

Delete all material and insert:

"(c) If a victim makes a request at least 60 days before the prisoner's earliest parole eligibility date for a hearing under AS 33.16.120, the board shall conduct the hearing not later than 30 days before the prisoner's earliest parole eligibility date. The board may release or deny release of a prisoner on administrative parole after the hearing.

(d) The board shall send notice to the victim at least 90 days before the prisoner's earliest parole eligibility date and provide instructions on how to request a hearing under AS 33.16.120."

Page 83, lines 15 - 19:

Delete "[AND]

(9) other relevant information that may be reasonably available;

(10) the case plan created under AS 33.30.011(8) for the prisoner, including a compliance report on the case plan; and

(11) a reentry plan created under AS 33.30.011(9)."

Insert "(9) the case plan created under AS 33.30.011(8) for the prisoner, including a compliance report on the case plan;

(10) a reentry plan created under AS 33.30.011(9); and

(11) [AND (9)] other relevant information that may be reasonably available."

Page 84, line 7, following "violence":

Insert "or of a sexual assault under AS 11.41.110 - 11.41.427"

Page 91, line 24, through page 92, line 3:

Delete all material and insert:

"\* **Sec. 143.** AS 33.16.210 is amended by adding a new subsection to read:

(c) A parole officer shall recommend to the board early discharge for all parolees who

(1) have completed at least one year on parole;

(2) have completed all treatment programs required as a condition of parole;

(3) have not been found in violation of conditions of parole by the board for at least one year; and

(4) have not been convicted of

(A) an unclassified felony offense under AS 11;

(B) a sexual felony as defined by AS 12.55.185;

(C) a crime involving domestic violence as defined by AS 18.66.990; or

(D) a misdemeanor."

Page 92, line 5:

Delete "a technical violation"

Insert "technical and other violations"

Page 92, following line 23:

Insert a new subsection to read:

"(d) If the defendant is ordered to complete treatment under AS 33.16.150(a)(3) and does not comply with the board's order, the board may order the parolee to show cause why the board should not revoke the parole for noncompletion of treatment. In a parole revocation proceeding brought as a result of failure to complete treatment, it is an affirmative defense that the parolee was unable to afford the cost of treatment or secure a place in a free treatment program, despite having made continuing good faith efforts. If the board finds that the parolee was unable to complete treatment despite having made continuing good faith efforts, the parole may not be revoked solely because of an inability to pay. If the board does not find that the noncompletion of treatment was attributable to the parolee's inability to pay, the board may revoke parole subject to the limits established in this section."

Reletter the following subsection accordingly.

Page 92, line 30:

Delete "result from"

Insert "constitute"

Page 92, line 31:

Delete "commission of"

Page 93, line 27:

Delete "cannot"

Insert "may not"

Page 95, lines 15 - 20:

Delete all material and insert:

"\* **Sec. 153.** AS 33.20.010(c) is amended to read:

(c) A prisoner may not be awarded a good time deduction under (a) of this section for any time [PERIOD] spent [IN A TREATMENT PROGRAM,] in a private residence unless, during that time, the prisoner was [, OR WHILE] under electronic monitoring."

Page 95, line 21:

Delete "a new subsection"

Insert "new subsections"

Page 95, following line 21:

Insert a new subsection to read:

"(d) A prisoner may be awarded a good time deduction under (a) of this section for any time spent in a treatment program."

Reletter the following subsection accordingly.

Page 97, line 10, following "program;":

Insert "the program must include a requirement for an assessment before a prisoner's release on parole, furlough, or electronic monitoring from a correctional facility;"

Page 102, line 30:

Delete the second occurrence of "and"

Page 103, line 1, following "reform":

Insert "; and

(4) explore the possibility of entering into mutually agreeable arrangements with regional nonprofit organizations, including tribes and tribal organizations, to provide the pretrial, probation, and parole services needed in underserved areas of the state"

Page 110, lines 16 - 19:

Delete "(A) assessments are conducted using a validated risk and needs assessment tool; and

(B) supervision of participants is appropriate to the assessed risk of re-offense of the participant."

Insert "(A) screenings are conducted using a validated risk tool; and

(B) monitoring of participants is appropriate to the risk of reoffense of the participant as determined by the screening."

Page 110, lines 23 - 25:

Delete "(1) assessment of eligible participants to determine the risk of the person to re-offend and the criminal risk factors that are contributing to the risk; and

(2) supervision of participants based on the assessed risk to re-offend."

Insert "(1) screening of eligible persons to determine the risk of the person to reoffend and the criminal risk factors that are contributing to the risk; and

(2) monitoring of participants based on the risk to reoffend as determined by the screening."

**AMENDMENT 5** [29LS0541\X.3, Martin/Gardner, 4/12/16]

Page 48, following line 20:

Insert a new bill section to read:

"\* **Sec. 82.** 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."

Renumber the following bill sections accordingly.

Page 51, following line 5:

Insert a new bill section to read:

"\* **Sec. 86.** 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 113, line 12:

Delete "sec. 87"

Insert "sec. 89"

Page 113, line 15:

Delete "sec. 116"

Insert "sec. 118"

Page 116, following line 12:

Insert new paragraphs to read:

"(29) AS 12.55.125(a), as amended by sec. 82 of this Act;

(30) AS 12.55.127(c), as amended by sec. 86 of this Act;"

Renumber the following paragraphs accordingly.

Page 116, line 13:

Delete "sec. 99"

Insert "sec. 101"

Page 116, line 14:

Delete "sec. 100"

Insert "sec. 102"

Page 116, line 15:

Delete "sec. 110"

Insert "sec. 112"

Page 116, line 16:

Delete "sec. 111"

Insert "sec. 113"

Page 116, line 17:

Delete "sec. 112"

Insert "sec. 114"

Page 116, line 18:

Delete "sec. 160"

Insert "sec. 162"

Page 116, line 19:

Delete "sec. 167"

Insert "sec. 169"

Page 117, line 5:

Delete "sec. 152"

Insert "sec. 154"

Page 117, line 11:

Delete "sec. 103"

Insert "sec. 105"

Page 117, line 12:

Delete "sec. 107"

Insert "sec. 109"

Page 117, line 13:  
Delete "sec. 119"  
Insert "sec. 121"

Page 117, line 14:  
Delete "sec. 121"  
Insert "sec. 123"

Page 118, line 12:  
Delete "sec. 114"  
Insert "sec. 116"

Page 118, line 16:  
Delete "sec. 95"  
Insert "sec. 97"

Page 118, line 17:  
Delete "sec. 96"  
Insert "sec. 98"

Page 118, line 18:  
Delete "sec. 98"  
Insert "sec. 100"

Page 118, line 19:  
Delete "sec. 105"  
Insert "sec. 107"

Page 118, line 22:  
Delete "sec. 117"  
Insert "sec. 119"

Page 118, line 23:  
Delete "sec. 118"  
Insert "sec. 120"

Page 118, line 24:  
Delete "sec. 120"  
Insert "sec. 122"

Page 118, line 25:  
Delete "sec. 122"  
Insert "sec. 124"

Page 118, line 26:

Delete "sec. 124"  
Insert "sec. 126"

Page 118, line 27:  
Delete "sec. 125"  
Insert "sec. 127"

Page 118, line 28:  
Delete "sec. 126"  
Insert "sec. 128"

Page 118, line 29:  
Delete "sec. 132"  
Insert "sec. 134"

Page 118, line 30:  
Delete "sec. 133"  
Insert "sec. 135"

Page 118, line 31:  
Delete "sec. 134"  
Insert "sec. 136"

Page 119, line 1:  
Delete "sec. 135"  
Insert "sec. 137"

Page 119, line 2:  
Delete "sec. 136"  
Insert "sec. 138"

Page 119, line 3:  
Delete "sec. 137"  
Insert "sec. 139"

Page 119, line 4:  
Delete "sec. 138"  
Insert "sec. 140"

Page 119, line 5:  
Delete "sec. 139"  
Insert "sec. 141"

Page 119, line 6:  
Delete "sec. 141"  
Insert "sec. 143"

Page 119, line 7:  
Delete "sec. 175"  
Insert "sec. 177"

Page 119, line 8:  
Delete "175"  
Insert "177"

Page 119, line 20:  
Delete "sec. 116"  
Insert "sec. 118"

Page 119, line 23:  
Delete "sec. 140"  
Insert "sec. 142"

Page 119, line 24:  
Delete "sec. 142"  
Insert "sec. 144"

Page 119, line 25:  
Delete "sec. 143"  
Insert "sec. 145"

Page 119, line 26:  
Delete "sec. 144"  
Insert "sec. 146"

Page 119, line 27:  
Delete "sec. 145"  
Insert "sec. 147"

Page 119, line 28:  
Delete "sec. 146"  
Insert "sec. 148"

Page 119, line 29:  
Delete "sec. 147"  
Insert "sec. 149"

Page 119, line 30:  
Delete "sec. 148"  
Insert "sec. 150"

Page 119, line 31:  
Delete "sec. 149"  
Insert "sec. 151"

Page 120, line 1:  
Delete "sec. 150"  
Insert "sec. 152"

Page 120, line 2:  
Delete "sec. 113"  
Insert "sec. 115"

Page 120, line 3:  
Delete "sec. 113"  
Insert "sec. 115"

Page 120, line 4:  
Delete "sec. 113"  
Insert "sec. 115"

Page 120, line 5:  
Delete "sec. 113"  
Insert "sec. 115"

Page 120, line 6:  
Delete "sec. 153"  
Insert "sec. 155"

Page 120, line 7:  
Delete "sec. 153"  
Insert "sec. 155"

Page 120, line 8:  
Delete "sec. 153"  
Insert "sec. 155"

Page 120, line 9:  
Delete "sec. 153"  
Insert "sec. 155"

Page 120, line 20:  
Delete "sec. 82"  
Insert "sec. 83"

Page 120, line 21:  
Delete "sec. 83"  
Insert "sec. 84"

Page 120, line 22:  
Delete "sec. 84"

Insert "sec. 85"

Page 120, line 23:  
Delete "sec. 85"  
Insert "sec. 87"

Page 120, line 24:  
Delete "sec. 86"  
Insert "sec. 88"

Page 120, line 25:  
Delete "sec. 87"  
Insert "sec. 89"

Page 120, line 26:  
Delete "sec. 153"  
Insert "sec. 155"

Page 120, line 30:  
Delete "sec. 175"  
Insert "sec. 177"

Page 121, line 2:  
Delete "sec. 179(a)"  
Insert "sec. 181(a)"

Page 121, line 4:  
Delete "sec. 179(b)"  
Insert "sec. 181(b)"

Page 121, line 7:  
Delete "sec. 179(c)"  
Insert "sec. 181(c)"

Page 121, line 10:  
Delete "sec. 87"  
Insert "sec. 89"  
Delete "sec. 179(d)"  
Insert "sec. 181(d)"

Page 121, line 13:  
Delete "sec. 116"  
Insert "sec. 118"  
Delete "sec. 179(e)"  
Insert "sec. 181(e)"

Page 121, line 16:

Delete "Sections 89 and 91"  
Insert "Sections 91 and 93"

Page 121, lines 17 - 18:

Delete "82 - 88, 95, 96, 98 - 100, 102, 105, 110  
- 112, 153, 159 - 168, 178, 179(b), 179(c), and  
179(d)"

Insert "83 - 90, 97, 98, 100 - 102, 104, 107, 112  
- 114, 155, 161 - 170, 180, 181(b), 181(c), and  
181(d)"

Page 121, line 20:

Delete "Section 92"  
Insert "Section 94"

Page 121, lines 21 - 22:

Delete "90, 103, 104, 107, 113 - 115, 117 - 152,  
155 - 157, and 169 - 171"

Insert "92, 105, 106, 109, 115 - 117, 119 - 154,  
157 - 159, and 171 - 173"

Page 121, line 23:

Delete "116, 176, 177, 179(a), and 179(e)"  
Insert "118, 178, 179, 181(a), and 181(e)"

Page 121, line 25:

Delete "Section 158"  
Insert "Section 160"

Page 121, line 26:

Delete "sec. 175"  
Insert "sec. 177"

**AMENDMENT 8** [29-LS0541\X.1, Gardner, 4/12/16]

Page 39, following line 17:

Insert a new bill section to read:

"\* **Sec. 67.** AS 12.55.027(d) is amended to read:

(d) A court may grant credit against a sentence of imprisonment for time spent under electronic monitoring if the electronic monitoring is administered by the Department of Corrections, the person has not committed a criminal offense while under electronic monitoring, and the court imposes restrictions on the person's freedom of movement and behavior while under the electronic monitoring

program, including requiring the person to be confined to a residence except for a

(1) court appearance;

(2) meeting with counsel; or

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

Renumber the following bill sections accordingly.

Page 98, lines 12 - 13:

Delete "and procedures for approving electronic monitoring programs provided by private contractors"

Page 113, line 5:

Delete "sec. 72"

Insert "sec. 73"

Page 113, line 8:

Delete "sec. 72"

Insert "sec. 73"

Page 113, line 9:

Delete "sec. 73"

Insert "sec. 74"

Page 113, line 12:

Delete "sec. 87"

Insert "sec. 88"

Page 113, line 15:

Delete "sec. 116"

Insert "sec. 117"

Page 116, line 13:

Delete "sec. 99"

Insert "sec. 100"

Page 116, line 14:

Delete "sec. 100"

Insert "sec. 101"

Page 116, line 15:

Delete "sec. 110"

Insert "sec. 111"

Page 116, line 16:  
Delete "sec. 111"  
Insert "sec. 112"

Page 116, line 17:  
Delete "sec. 112"  
Insert "sec. 113"

Page 116, line 18:  
Delete "sec. 160"  
Insert "sec. 161"

Page 116, line 19:  
Delete "sec. 167"  
Insert "sec. 168"

Page 116, line 22:  
Delete "sec. 67"  
Insert "sec. 68"

Page 116, line 23:  
Delete "sec. 68"  
Insert "sec. 69"

Page 117, line 5:  
Delete "sec. 152"  
Insert "sec. 153"

Page 117, line 10:  
Delete "sec. 81"  
Insert "sec. 82"

Page 117, line 11:  
Delete "sec. 103"  
Insert "sec. 104"

Page 117, line 12:  
Delete "sec. 107"  
Insert "sec. 108"

Page 117, line 13:  
Delete "sec. 119"  
Insert "sec. 120"

Page 117, line 14:

Delete "sec. 121"  
Insert "sec. 122"

Page 117, line 21:  
Delete "sec. 70"  
Insert "sec. 71"

Page 117, line 22:  
Delete "sec. 71"  
Insert "sec. 72"

Page 117, line 23:  
Delete "sec. 72"  
Insert "sec. 73"

Page 117, line 24:  
Delete "sec. 73"  
Insert "sec. 74"

Page 117, line 25:  
Delete "sec. 73"  
Insert "sec. 74"

Page 117, line 26:  
Delete "sec. 73"  
Insert "sec. 74"

Page 117, line 27:  
Delete "sec. 69"  
Insert "sec. 70"

Page 117, line 28:  
Delete "sec. 69"  
Insert "sec. 70"

Page 117, line 29:  
Delete "sec. 69"  
Insert "sec. 70"

Page 117, line 30:  
Delete "sec. 75"  
Insert "sec. 76"

Page 117, line 31:  
Delete "sec. 75"  
Insert "sec. 76"

Page 118, line 1:  
Delete "sec. 75"  
Insert "sec. 76"

Page 118, line 2:  
Delete "sec. 78"  
Insert "sec. 79"

Page 118, line 3:  
Delete "sec. 78"  
Insert "sec. 79"

Page 118, line 4:  
Delete "sec. 78"  
Insert "sec. 79"

Page 118, line 8:  
Delete "sec. 74"  
Insert "sec. 75"

Page 118, line 9:  
Delete "sec. 76"  
Insert "sec. 77"

Page 118, line 10:  
Delete "sec. 77"  
Insert "sec. 78"

Page 118, line 11:  
Delete "sec. 80"  
Insert "sec. 81"

Page 118, line 12:  
Delete "sec. 114"  
Insert "sec. 115"

Page 118, line 16:  
Delete "sec. 95"  
Insert "sec. 96"

Page 118, line 17:  
Delete "sec. 96"  
Insert "sec. 97"

Page 118, line 18:  
Delete "sec. 98"  
Insert "sec. 99"

Page 118, line 19:  
Delete "sec. 105"  
Insert "sec. 106"

Page 118, line 22:  
Delete "sec. 117"  
Insert "sec. 118"

Page 118, line 23:  
Delete "sec. 118"  
Insert "sec. 119"

Page 118, line 24:  
Delete "sec. 120"  
Insert "sec. 121"

Page 118, line 25:  
Delete "sec. 122"  
Insert "sec. 123"

Page 118, line 26:  
Delete "sec. 124"  
Insert "sec. 125"

Page 118, line 27:  
Delete "sec. 125"  
Insert "sec. 126"

Page 118, line 28:  
Delete "sec. 126"  
Insert "sec. 127"

Page 118, line 29:  
Delete "sec. 132"  
Insert "sec. 133"

Page 118, line 30:  
Delete "sec. 133"  
Insert "sec. 134"

Page 118, line 31:  
Delete "sec. 134"  
Insert "sec. 135"

Page 119, line 1:  
Delete "sec. 135"

Insert "sec. 136"

Page 119, line 2:  
Delete "sec. 136"  
Insert "sec. 137"

Page 119, line 3:  
Delete "sec. 137"  
Insert "sec. 138"

Page 119, line 4:  
Delete "sec. 138"  
Insert "sec. 139"

Page 119, line 5:  
Delete "sec. 139"  
Insert "sec. 140"

Page 119, line 6:  
Delete "sec. 141"  
Insert "sec. 142"

Page 119, line 7:  
Delete "sec. 175"  
Insert "sec. 176"

Page 119, line 8:  
Delete "175"  
Insert "176"

Page 119, line 20:  
Delete "sec. 116"  
Insert "sec. 117"

Page 119, line 23:  
Delete "sec. 140"  
Insert "sec. 141"

Page 119, line 24:  
Delete "sec. 142"  
Insert "sec. 143"

Page 119, line 25:  
Delete "sec. 143"  
Insert "sec. 144"

Page 119, line 26:

Delete "sec. 144"  
Insert "sec. 145"

Page 119, line 27:  
Delete "sec. 145"  
Insert "sec. 146"

Page 119, line 28:  
Delete "sec. 146"  
Insert "sec. 147"

Page 119, line 29:  
Delete "sec. 147"  
Insert "sec. 148"

Page 119, line 30:  
Delete "sec. 148"  
Insert "sec. 149"

Page 119, line 31:  
Delete "sec. 149"  
Insert "sec. 150"

Page 120, line 1:  
Delete "sec. 150"  
Insert "sec. 151"

Page 120, line 2:  
Delete "sec. 113"  
Insert "sec. 114"

Page 120, line 3:  
Delete "sec. 113"  
Insert "sec. 114"

Page 120, line 4:  
Delete "sec. 113"  
Insert "sec. 114"

Page 120, line 5:  
Delete "sec. 113"  
Insert "sec. 114"

Page 120, line 6:  
Delete "sec. 153"  
Insert "sec. 154"

Page 120, line 7:  
Delete "sec. 153"  
Insert "sec. 154"

Page 120, line 8:  
Delete "sec. 153"  
Insert "sec. 154"

Page 120, line 9:  
Delete "sec. 153"  
Insert "sec. 154"

Page 120, line 20:  
Delete "sec. 82"  
Insert "sec. 83"

Page 120, line 21:  
Delete "sec. 83"  
Insert "sec. 84"

Page 120, line 22:  
Delete "sec. 84"  
Insert "sec. 85"

Page 120, line 23:  
Delete "sec. 85"  
Insert "sec. 86"

Page 120, line 24:  
Delete "sec. 86"  
Insert "sec. 87"

Page 120, line 25:  
Delete "sec. 87"  
Insert "sec. 88"

Page 120, line 26:  
Delete "sec. 153"  
Insert "sec. 154"

Page 120, line 30:  
Delete "sec. 175"  
Insert "sec. 176"

Page 121, line 2:  
Delete "sec. 179(a)"  
Insert "sec. 180(a)"

Page 121, line 4:  
Delete "sec. 72"  
Insert "sec. 73"  
Delete "sec. 179(b)"  
Insert "sec. 180(b)"

Page 121, line 7:  
Delete "sec. 73"  
Insert "sec. 74"  
Delete "sec. 179(c)"  
Insert "sec. 180(c)"

Page 121, line 10:  
Delete "sec. 87"  
Insert "sec. 88"  
Delete "sec. 179(d)"  
Insert "sec. 180(d)"

Page 121, line 13:  
Delete "sec. 116"  
Insert "sec. 117"  
Delete "sec. 179(e)"  
Insert "sec. 180(e)"

Page 121, line 16:  
Delete "Sections 89 and 91"  
Insert "Sections 90 and 92"

Page 121, lines 17 - 18:  
Delete "70 - 73, 75, 82 - 88, 95, 96, 98 - 100,  
102, 105, 110 - 112, 153, 159 - 168, 178, 179(b),  
179(c), and 179(d)"  
Insert "71 - 74, 76, 83 - 89, 96, 97, 99 - 101,  
103, 106, 111 - 113, 154, 160 - 169, 179, 180(b),  
180(c), and 180(d)"

Page 121, line 20:  
Delete "Section 92"  
Insert "Section 93"

Page 121, lines 21 - 22:  
Delete "69, 74, 76 - 81, 90, 103, 104, 107, 113 -  
115, 117 - 152, 155 - 157, and 169 - 171"  
Insert "70, 75, 77 - 82, 91, 104, 105, 108, 114 -  
116, 118 - 153, 156 - 158, and 170 - 172"

Page 121, line 23:

Delete "116, 176, 177, 179(a), and 179(e)"

Insert "117, 177, 178, 180(a), and 180(e)"

Page 121, line 25:

Delete "Section 158"

Insert "Section 159"

Page 121, line 26:

Delete "sec. 175"

Insert "sec. 176"

**AMENDMENT 13** [29-LS0541\X.12, Martin/Gardner, 4/12/16]

Page 101, following line 5:

Insert a new bill section to read:

"\* **Sec. 161.** AS 43.61.010 is amended by adding new subsections to read:

(c) The recidivism reduction fund is established in the general fund. The Department of Administration shall separately account for 50 percent of the tax collected under this section and deposit it into the recidivism reduction fund.

(d) The legislature may use the annual estimated balance in the fund to make appropriations to the Department of Corrections, the Department of Health and Social Services, or the Department of Public Safety for recidivism reduction programs.

(e) Nothing in this section creates a dedicated fund."

Renumber the following bill sections accordingly.

Page 116, line 19:

Delete "sec. 167"

Insert "sec. 168"

Page 119, line 7:

Delete "sec. 175"

Insert "sec. 176"

Page 119, line 8:

Delete "175"

Insert "176"

Page 120, line 30:

Delete "sec. 175"  
Insert "sec. 176"

Page 121, line 2:  
Delete "sec. 179(a)"  
Insert "sec. 180(a)"

Page 121, line 4:  
Delete "sec. 179(b)"  
Insert "sec. 180(b)"

Page 121, line 7:  
Delete "sec. 179(c)"  
Insert "sec. 180(c)"

Page 121, line 10:  
Delete "sec. 179(d)"  
Insert "sec. 180(d)"

Page 121, line 13:  
Delete "sec. 179(e)"  
Insert "sec. 180(e)"

Page 121, line 18:  
Delete "159 - 168, 178, 179(b), 179(c), and  
179(d)"  
Insert "159, 160, 162 - 169, 179, 180(b), 180(c),  
and 180(d)"

Page 121, line 22:  
Delete "169 - 171"  
Insert "170 - 172"

Page 121, line 23:  
Delete "176, 177, 179(a), and 179(e)"  
Insert "177, 178, 180(a), and 180(e)"

Page 121, line 26:  
Delete "sec. 175"  
Insert "sec. 176"

**AMENDMENT 15** [29-LS0541\X.15, Wayne/Gardner, 4/12/16]

Page 2, line 2, following "**corrections**":

Insert "relating to major medical insurance coverage under the Public Employees' Retirement System of Alaska;"

Page 100, following line 11:

Insert new bill sections to read:

"\* **Sec. 160.** AS 39.30.400(b) is amended to read:

(b) Upon application of an eligible person, the administrator shall reimburse to the eligible person the costs for medical care expenses as defined in 26 U.S.C. 213(d). Reimbursement is limited to the medical expenses of

(1) an eligible member, the spouse of an eligible member, and the dependent children of an eligible member; [OR]

(2) a surviving spouse and the dependent children of an eligible member dependent on the surviving spouse; or

**(3) an eligible member's dependent children if the member dies and there is no surviving spouse.**

\* **Sec. 161.** AS 39.35.535(a) is amended to read:

(a) Except as provided in (d) of this section, the following persons are entitled to major medical insurance coverage under this section:

(1) for employees first hired before July 1, 1986,

(A) an employee who is receiving a monthly benefit from the plan and who has elected coverage;

(B) the spouse and dependent children of the employee described in (A) of this paragraph;

(C) the surviving spouse of a deceased employee who is receiving a monthly benefit from the plan and who has elected coverage;

(D) the dependent children of a deceased employee **for whom coverage has been elected** [WHO ARE DEPENDENT ON THE SURVIVING SPOUSE DESCRIBED IN (C) OF THIS PARAGRAPH];

(2) for members first hired on or after July 1, 1986,

(A) an employee who is receiving a monthly benefit from the plan and who has elected coverage for the employee;

(B) the spouse of the employee described in (A) of this paragraph if the employee elected coverage for the spouse;

(C) the dependent children of the employee described in (A) of this paragraph if the employee elected coverage for the dependent children;

(D) the surviving spouse of a deceased employee who is receiving a monthly benefit from the plan and who has elected coverage;

(E) the dependent children of a deceased employee **for whom coverage has been elected;**

**(3) for deceased members who were peace officers or firefighters,**

**(A) the dependent children of the deceased member who are eligible to receive a pension benefit under AS 39.35.430 and for whom coverage has been elected;**

**(B) the surviving spouse of the deceased member** who [ARE DEPENDENT ON THE SURVIVING SPOUSE DESCRIBED IN (D) OF THIS PARAGRAPH IF THE SURVIVING SPOUSE] has elected coverage **and is eligible to receive a pension benefit under AS 39.35.430** [FOR THE DEPENDENT CHILDREN].

\* **Sec. 162.** AS 39.35.535(c) is amended to read:

(c) A benefit recipient may elect major medical insurance coverage in accordance with regulations and under the following conditions:

(1) a person, other than a disabled member or a disabled member who is appointed to normal retirement, must pay an amount equal to the full monthly group premium for retiree major medical insurance coverage if the person is

(A) younger than 60 years of age and has less than

(i) 25 years of credited service as a peace officer under AS 39.35.360 and 39.35.370; or

(ii) 30 years of credited service under AS 39.35.360 and 39.35.370 that is not service as a peace officer; or

(B) of any age and has less than 10 years of credited service;

(2) a person is not required to make premium payments for retiree major medical coverage if the person

(A) is a disabled member;

(B) is a disabled member who is appointed to normal retirement;

(C) is 60 years of age or older and has at least 10 years of credited service; [OR]

(D) has at least

(i) 25 years of credited service as a peace officer under AS 39.35.360 and 39.35.370; or

(ii) 30 years of credited service under AS 39.35.360 and 39.35.370 not as a peace officer; or

(E) is receiving a benefit under (a)(3) of this section.

\* **Sec. 163.** AS 39.35.870(c) is repealed and reenacted to read:

(c) The following persons are eligible to elect medical benefits under AS 39.35.880:

(1) a member who is eligible for retirement under (a) of this section;

(2) a member's surviving spouse if the member had retired or was eligible for retirement and medical benefits at the time of the member's death;

(3) a deceased member's surviving spouse, if the deceased member was a peace officer or firefighter and the deceased member's surviving spouse is eligible to receive a benefit under AS 39.35.892; and

(4) a deceased member's dependent children if the deceased member was a peace officer or firefighter and the deceased member's surviving spouse or dependent children are eligible to receive a benefit under AS 39.35.892.

\* **Sec. 164.** AS 39.35.870(d) is amended to read:

(d) A person [MEMBERS] shall apply for retirement and medical benefits on the forms and in the manner prescribed by the administrator.

\* **Sec. 165.** AS 39.35.870(g) is repealed and reenacted to read:

(g) If an eligible person elects not to participate in the retiree major medical insurance plan, the election becomes irrevocable upon application for retirement and medical benefits or when the person reaches 70 1/2 years of age, whichever is later.

\* **Sec. 166.** AS 39.35.870 is amended by adding a new subsection to read:

(h) Notwithstanding cessation of benefits under AS 39.35.892(b), medical benefits for a survivor under (c)(3) and (4) of this section shall be paid until the last day of the month in which there is no surviving spouse and no dependent child.

\* **Sec. 167.** AS 39.35.880(b) is repealed and reenacted to read:

(b) Retiree major medical insurance plan coverage elected by a person who is eligible under AS 39.35.870(c) covers

(1) the member, the spouse of the eligible member, and the dependent children of the eligible member if the member is the elector;

(2) the surviving spouse and the dependent children of the eligible member who are dependent on the surviving spouse if the surviving spouse is the elector;

(3) the dependent child if the dependent child, or a person authorized to act on behalf of the dependent child, is the elector.

\* **Sec. 168.** AS 39.35.880(d) is amended to read:

(d) Major medical insurance coverage takes effect on the first day of the month following the date of the administrator's approval of the election and stops when the person who elects coverage is no longer eligible to receive coverage [DIES] or fails to make a required premium payment.

\* **Sec. 169.** AS 39.35.880(g) is amended to read:

(g) The cost of premiums for retiree major medical insurance coverage for an eligible person [MEMBER OR SURVIVING SPOUSE] who is

(1) not eligible for Medicare is an amount equal to the full monthly group premiums for retiree major medical insurance coverage;

(2) eligible for Medicare is the following percentage of the premium amounts established for retirees who are eligible for Medicare:

(A) 30 percent if the member had 10 or more, but less than 15, years of service;

(B) 25 percent if the member had 15 or more, but less than 20, years of service;

(C) 20 percent if the member had 20 or more, but less than 25, years of service;

(D) 15 percent if the member had 25 or more, but less than 30, years of service;

(E) 10 percent if the member had 30 or more years of service.

\* **Sec. 170.** AS 39.35.880 is amended by adding a new subsection to read:

(1) Notwithstanding (g) of this section, a person who is eligible for major medical insurance coverage under AS 39.35.870(c)(3) or (4) is not required to pay premiums under (g)(1) of this section.

\* **Sec. 171.** AS 39.35.894 is amended to read:

**Sec. 39.35.894. Premiums for retiree major medical insurance coverage upon termination of disability benefits or survivor's pension.** The premium for retiree major medical insurance coverage payable by an employee whose disability benefit is terminated under AS 39.35.890(g) or by an eligible survivor whose survivor pension is terminated under AS 39.35.890(k) [OR 39.35.892(e)] when the employee would have been eligible for normal retirement if the employee had survived shall be determined under AS 39.35.880(g)(2) as if the employee or survivor were eligible for Medicare."

Renumber the following bill sections accordingly.

Page 112, following line 26:

Insert a new bill section to read:

"\* **Sec. 19.** AS 39.35.880(c) is repealed."

Renumber the following bill sections accordingly.

Page 116, line 18:

Delete "sec. 160"

Insert "sec. 172"

Page 116, line 19:

Delete "sec. 167"

Insert "sec. 179"

Page 119, line 7:

Delete "sec. 175"

Insert "sec. 187"

Page 119, line 8:

Delete "175"

Insert "187"

Page 120, following line 26:

Insert new bill sections to read:

"\* **Sec. 198.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. (a) The Department of Administration may adopt regulations necessary to implement secs. 160 - 171, 191, and 199 of this Act. Regulations adopted by the Department of Administration under this section relate to the internal management of a state agency and are not

subject to AS 44.62 (Administrative Procedure Act) under AS 39.30.160 and AS 39.35.005.

(b) Regulations adopted under this section may not take effect before the effective date of the law being implemented by the regulation.

\* **Sec. 199.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. Sections 160 - 171 and 191 of this Act are retroactive to January 1, 2013."

Renumber the following bill sections accordingly.

Page 120, line 30:

Delete "sec. 175"

Insert "sec. 187"

Page 121, line 2:

Delete "sec. 179(a)"

Insert "sec. 192(a)"

Page 121, line 4:

Delete "sec. 179(b)"

Insert "sec. 192(b)"

Page 121, line 7:

Delete "sec. 179(c)"

Insert "sec. 192(c)"

Page 121, line 10:

Delete "sec. 179(d)"

Insert "sec. 192(d)"

Page 121, line 13:

Delete "sec. 179(e)"

Insert "sec. 192(e)"

Page 121, line 16:

Delete "and 91"

Insert ", 91, 198, and 199"

Page 121, line 18:

Delete "159 - 168, 178, 179(b), 179(c), and 179(d)"

Insert "159, 172 - 180, 190, 192(b), 192(c), and 192(d)"

Page 121, line 22:

Delete "169 - 171"  
Insert "181 - 183, and 191"

Page 121, line 23:  
Delete "176, 177, 179(a), and 179(e)"  
Insert "188, 189, 192(a), and 192(e)"

Page 121, line 26:  
Delete "sec. 175"  
Insert "sec. 187"

**AMENDMENT 17** [29-LS0541\X.16, Martin/Gardner, 4/13/16]

Page 58, line 23, through page 59, line 10:  
Delete all material.

Re-number the following bill sections accordingly.

Page 60, line 25, following "person":  
Insert "is participating in and"

Page 60, line 27, following "AS 28.35.028":  
Insert ", and submits verification acceptable to  
the department"

Page 61, lines 16 - 18:  
Delete all material.

Re-number the following paragraphs accordingly.

Page 61, line 20:  
Delete "subsection"  
Insert "section"  
Delete "section;"  
Insert "section."

Page 61, lines 21 - 23:  
Delete all material.

Page 65, line 23:  
Delete "**(b) or**"

Page 65, line 27, following "a":  
Insert "**driving related**"

Page 66, lines 11 - 12:

Delete all material and insert:

"(E) the person is otherwise eligible to have the person's driving privileges restored as provided in AS 28.15.211; in an application under this subsection, a person whose license was revoked for a violation of AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as required under AS 28.35.030(h) or 28.35.032(l); and"

Page 113, line 15:

Delete "sec. 116"

Insert "sec. 115"

Page 116, line 13:

Delete "sec. 99"

Insert "sec. 98"

Page 116, line 14:

Delete "sec. 100"

Insert "sec. 99"

Page 116, line 15:

Delete "sec. 110"

Insert "sec. 109"

Page 116, line 16:

Delete "sec. 111"

Insert "sec. 110"

Page 116, line 17:

Delete "sec. 112"

Insert "sec. 111"

Page 116, line 18:

Delete "sec. 160"

Insert "sec. 159"

Page 116, line 19:

Delete "sec. 167"

Insert "sec. 166"

Page 117, line 5:

Delete "sec. 152"

Insert "sec. 151"

Page 117, line 11:

Delete "sec. 103"

Insert "sec. 102"

Page 117, line 12:  
Delete "sec. 107"  
Insert "sec. 106"

Page 117, line 13:  
Delete "sec. 119"  
Insert "sec. 118"

Page 117, line 14:  
Delete "sec. 121"  
Insert "sec. 120"

Page 118, line 12:  
Delete "sec. 114"  
Insert "sec. 113"

Page 118, line 17:  
Delete all material.

ReNUMBER the following paragraphs accordingly.

Page 118, line 18:  
Delete "sec. 98"  
Insert "sec. 97"

Page 118, line 19:  
Delete "sec. 105"  
Insert "sec. 104"

Page 118, line 22:  
Delete "sec. 117"  
Insert "sec. 116"

Page 118, line 23:  
Delete "sec. 118"  
Insert "sec. 117"

Page 118, line 24:  
Delete "sec. 120"  
Insert "sec. 119"

Page 118, line 25:  
Delete "sec. 122"  
Insert "sec. 121"

Page 118, line 26:  
Delete "sec. 124"  
Insert "sec. 123"

Page 118, line 27:  
Delete "sec. 125"  
Insert "sec. 124"

Page 118, line 28:  
Delete "sec. 126"  
Insert "sec. 125"

Page 118, line 29:  
Delete "sec. 132"  
Insert "sec. 131"

Page 118, line 30:  
Delete "sec. 133"  
Insert "sec. 132"

Page 118, line 31:  
Delete "sec. 134"  
Insert "sec. 133"

Page 119, line 1:  
Delete "sec. 135"  
Insert "sec. 134"

Page 119, line 2:  
Delete "sec. 136"  
Insert "sec. 135"

Page 119, line 3:  
Delete "sec. 137"  
Insert "sec. 136"

Page 119, line 4:  
Delete "sec. 138"  
Insert "sec. 137"

Page 119, line 5:  
Delete "sec. 139"  
Insert "sec. 138"

Page 119, line 6:  
Delete "sec. 141"  
Insert "sec. 140"

Page 119, line 7:  
Delete "sec. 175"  
Insert "sec. 174"

Page 119, line 8:  
Delete "175"  
Insert "174"

Page 119, line 20:  
Delete "sec. 116"  
Insert "sec. 115"

Page 119, line 23:  
Delete "sec. 140"  
Insert "sec. 139"

Page 119, line 24:  
Delete "sec. 142"  
Insert "sec. 141"

Page 119, line 25:  
Delete "sec. 143"  
Insert "sec. 142"

Page 119, line 26:  
Delete "sec. 144"  
Insert "sec. 143"

Page 119, line 27:  
Delete "sec. 145"  
Insert "sec. 144"

Page 119, line 28:  
Delete "sec. 146"  
Insert "sec. 145"

Page 119, line 29:  
Delete "sec. 147"  
Insert "sec. 146"

Page 119, line 30:  
Delete "sec. 148"  
Insert "sec. 147"

Page 119, line 31:  
Delete "sec. 149"

Insert "sec. 148"

Page 120, line 1:  
Delete "sec. 150"  
Insert "sec. 149"

Page 120, line 2:  
Delete "sec. 113"  
Insert "sec. 112"

Page 120, line 3:  
Delete "sec. 113"  
Insert "sec. 112"

Page 120, line 4:  
Delete "sec. 113"  
Insert "sec. 112"

Page 120, line 5:  
Delete "sec. 113"  
Insert "sec. 112"

Page 120, line 6:  
Delete "sec. 153"  
Insert "sec. 152"

Page 120, line 7:  
Delete "sec. 153"  
Insert "sec. 152"

Page 120, line 8:  
Delete "sec. 153"  
Insert "sec. 152"

Page 120, line 9:  
Delete "sec. 153"  
Insert "sec. 152"

Page 120, line 26:  
Delete "sec. 153"  
Insert "sec. 152"

Page 120, line 30:  
Delete "sec. 175"  
Insert "sec. 174"

Page 121, line 2:

Delete "sec. 179(a)"  
Insert "sec. 178(a)"

Page 121, line 4:  
Delete "sec. 179(b)"  
Insert "sec. 178(b)"

Page 121, line 7:  
Delete "sec. 179(c)"  
Insert "sec. 178(c)"

Page 121, line 10:  
Delete "sec. 179(d)"  
Insert "sec. 178(d)"

Page 121, line 13:  
Delete "sec. 116"  
Insert "sec. 115"  
Delete "sec. 179(e)"  
Insert "sec. 178(e)"

Page 121, lines 17 - 18:  
Delete "98 - 100, 102, 105, 110 - 112, 153, 159 -  
168, 178, 179(b), 179(c), and 179(d)"  
Insert "97 - 99, 101, 104, 109 - 111, 152, 158 -  
167, 177, 178(b), 178(c), and 178(d)"

Page 121, lines 21 - 22:  
Delete "103, 104, 107, 113 - 115, 117 - 152, 155  
- 157, and 169 - 171"  
Insert "102, 103, 106, 112 - 114, 116 - 151, 154  
- 156, and 168 - 170"

Page 121, line 23:  
Delete "116, 176, 177, 179(a), and 179(e)"  
Insert "115, 175, 176, 178(a), and 178(e)"

Page 121, line 25:  
Delete "Section 158"  
Insert "Section 157"

Page 121, line 26:  
Delete "sec. 175"  
Insert "sec. 174"

[10:30:57 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 10:30 p.m.