SENATE FINANCE COMMITTEE
April 2, 2016
10:48 a.m.

10:48:54 AM

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 10:48 a.m.

MEMBERS PRESENT

Senator Anna MacKinnon, Co-Chair
Senator Pete Kelly, Co-Chair
Senator Peter Micciche, Vice-Chair
Senator Click Bishop
Senator Mike Dunleavy
Senator Lyman Hoffman
Senator Donny Olson

MEMBERS ABSENT

None

ALSO PRESENT

Jordan Schilling, Staff, Senator John Coghill, Sponsor; Quinlan Steiner, Director, Public Defender Agency, Department of Administration; Kaci Schroeder, Assistant Attorney General, Department of Law; Nancy Meade, General Counsel, Alaska Court System; John Skidmore, Director, Criminal Division, Department of Law; Senator John Coghill, Sponsor; Dean Williams, Commissioner, Department of Corrections; Nancy Meade, General Counsel, Alaska Court System; Chuck Kopp, Staff, Senator Peter Micciche; Denise Liccioli, Staff, Senator Donnie Olson; Tracy Wollenberg, Public Defender Office, Juneau.

PRESENT VIA TELECONFERENCE

Doug Gardner, Legislative Legal, Juneau; Tony Piper, ASAP Program Manager, Division of Behavioral Services, Department of Health and Social Services, Anchorage; Seneca Theno, Municipality of Anchorage, Anchorage; Jeff Edwards, Executive Director, Parole Board, Anchorage; Gary Folger, Commissioner, Department of Public Safety; Alan Adair,

Detective, Anchorage Police Department, Anchorage; Sean O'Brien, Director, Division of Public Assistance, Juneau.

SUMMARY

SB 91 OMNIBUS CRIM LAW and PROCEDURE; CORRECTIONS

SB 91 was HEARD and HELD in committee for further consideration.

#sb91
SENATE BILL NO. 91

"An Act relating to protective orders; relating to conditions of release; relating to community work service; relating to credit toward a sentence of imprisonment for certain persons under electronic monitoring; relating to the restoration under certain circumstances of an administratively revoked driver's license, privilege to drive, or privilege to obtain a license; allowing a reduction of penalties for offenders successfully completing court-ordered treatment programs for persons convicted of driving under the influence; relating to termination of a revocation of a driver's license; relating to restoration of a driver's license; relating to credits toward a sentence of imprisonment, to good time deductions, and to providing for earned good time deductions for prisoners; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to probation; relating to mitigating factors; relating to treatment programs for prisoners; relating to the duties of the commissioner of corrections; amending Rules 32 and 35(b), Alaska Rules of Criminal Procedure; and providing for an effective date."

10:49:35 AM

Co-Chair MacKinnon thanked the Legislative Legal team and the other departments to prepare for the start of the amendment process. She announced that Hillary Martin and Doug Gardner were awake until 1am the previous night, working to draft the amendments for the day's meeting. She hoped that there would be a committee substitute drafted by Monday morning, so fiscal notes could be ready to attach to

the bill. She stated that she hoped to move the bill out of committee on Tuesday. She announced all the individuals' names available online and in the room for testimony.

10:53:21 AM

JORDAN SCHILLING, STAFF, SENATOR JOHN COGHILL, SPONSOR, explained Amendment 1. He stated that the Municipality of Anchorage, the Anchorage Police Department, and other law enforcement agencies had worked to address the arrest provisions in the bill. The intent of the amendment was not to make any substantive policy changes, rather to structure a more readable arrest provision. He stressed that the amendment was not drafted properly, so it would be addressed at a later date.

Co-Chair MacKinnon wondered if there was a way to provide the amendment drafters with technical instructions to fix the amendment. Mr. Shilling replied that there was not yet a submission for revision to the amendment drafters.

10:54:21 AM
AT EASE

10:54:37 AM
RECONVENED

10:55:02 AM

Co-Chair MacKinnon queried any recommendations to Legislative Legal to address the issues with Amendment 1.

10:55:06 AM

QUINLAN STEINER, DIRECTOR, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION, replied that the commission's recommendation was to create a presumption of citation for misdemeanors and Class C felonies, with exceptions. He stated that the rewrite included exceptions, but had changed the order from the statute. He stated that compulsory citations did not include any reference to misdemeanors or the Class C felony presumption. As a result, the presumption was missing, so everything defaulted to "may arrest." The specifics were not an infraction or citation.

Co-Chair MacKinnon queried feedback from the Municipality of Anchorage on Amendment 1. Mr. Shilling replied that he did not know if they had seen the amendment. He announced that the proposal was vetted by the Department of Law (DOL).

10:56:57 AM
AT EASE

10:57:57 AM
RECONVENED

10:58:06 AM

DOUG GARDNER, LEGISLATIVE LEGAL, JUNEAU (via teleconference), introduced himself.

Co-Chair MacKinnon queried the drafting of a technical amendment. Mr. Gardner replied that the technical amendment could be ready for later in the meeting. He stated that the rewriting of the amendment would begin in the next five minutes.

Co-Chair MacKinnon asked for a restatement of the public defender's issues to ensure clarification of the amendment. Mr. Gardner responded that Mr. Steiner wanted to return to a different version of the arrest paradigm.

Co-Chair MacKinnon wondered if that statement was correct. Mr. Steiner replied that he did not want to return to a particular version. He stated that there was a version vetted that contained unclear language that the burden remained. He shared that he could send the exact language to the amendment drafters.

Mr. Gardner requested a call from the public defender so a proper amendment could be drafted.

Vice-Chair Micciche MOVED to ADOPT Amendment 2, 29-LS0541\S.31, Martin/Gardner, 3/31/16 (copy on file).

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained the Amendment 2. He stated that it was a rewrite of a commission recommendation. The commission recommended that Alaska move to a risk-based release decision framework in the pre-trial phase. The

amendment did not make any substantive policy changes to the how the commission recommended that the release framework be structured. It simply repealed and reenacted the bail statute to provide clarity to magistrates and judges that would need to apply the statutes statewide. The amendment was a result of the combined work of the Public Defenders and the Department of Law (DOL). He stated that they agreed on the new restructuring, because it was easier to apply.

Co-Chair MacKinnon queried the will of the committee.

Senator Olson wondered if the committee could speak directly to the amendment.

Co-Chair MacKinnon stated that the committee would speak directly to the amendment.

11:03:25 AM

KACI SCHROEDER, ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF LAW, wondered if she should offer the difference between the amendment and the current language in the bill.

Senator Bishop asked if DOL and the public defender were in concurrence over the amendment. Ms. Schroeder replied in the affirmative.

Co-Chair MacKinnon wanted to ensure that DOL, the public defender, and the administration were all in support of the amendment. She wondered if there was any significant change that the public should be aware. She announced that the amendment rewrote and restated current law. Ms. Schroeder agreed.

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, introduced herself.

Co-Chair MacKinnon wondered if the amendment had been reviewed. Ms. Meade replied in the affirmative. She stated that she had worked with DOL and the public defender, and she had no objection to Amendment 2.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO further OBJECTION, Amendment 2 was adopted.

Vice-Chair Micciche MOVED to ADOPT Amendment 3, 29-LS0541\S.30, Martin, 3/31/16 (copy on file):

Page 98, lines 23 - 26:
Delete all material and insert:
* Sec. 152. 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 offenders ability under financial guidelines established by the commissioner, for the cost of participating 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.

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 3. He explained that the 24/7 Sobriety programming was created in SB 64 [legislation from a previous legislative session]. The implementation of the program revealed some concerns that a competitive procurement process was not used in contracting with private providers to administer the program. The amendment required that the commissioner, when establishing the program, shall use a competitive procurement process in the future.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO OBJECTION, Amendment 3 was adopted.

Vice-Chair Micciche MOVED to ADOPT Amendment 4, 29-LS0541\S.43, Martin/Gardner, 4/1/16 (copy on file):

Page 33, line 19, following "credit":
Insert "of not more than 120 days"

Page 33, line 3l:
Delete "new subsections"
Insert "a new subsection"

Page 34, lines 1 - 9:
Delete all material.

Reletter the following subsection accordingly.

Page 102, line 31:
Delete "AS 12.55.027(g)"
Insert "AS 12.55.027(1)"

Page 103, line 23:
Delete all material.

Renumber the following paragraphs accordingly.

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 4. He stated that the amendment returned to an original version of the bill. He stated that there was a provision that limited the amount of pre-trial credit an individual could receive. He stated that it limited the pre-trial and electronic monitoring to

120 days, which was a cap that applied to all offenses. He stated that the provision was included at the request of the Office of Victims' Rights. He stated that the Senate Judiciary Committee made the 120 cap to apply to certain offenses. He stated that, as a response to the Office of Victims' Rights, the amendment applied the 120 cap firmly across the board to all defendants, regardless of crime.

Co-Chair MacKinnon wondered if Senator Dunleavy wanted to speak to that amendment. Senator Dunleavy felt that Mr. Schilling provided an accurate description.

Co-Chair MacKinnon WITHDREW the OBJECTION.

Vice-Chair Micciche queried the percentage of people who were in pre-trial for more than 120 days. Mr. Shilling replied that the individuals were not in a Department of Corrections (DOC) facility, but rather on electronic monitoring. He stated that he did not know the average length of time for a case to be disposed. He shared that felony cases could take over a year to dispose.

Vice-Chair Micciche surmised that the amendment would limit the credit to 120 days. He stated that it was possible that there would be a possible longer period of electronic monitoring, based on the seriousness of the crime. Mr. Shilling replied in the affirmative, and explained that there could be delays and continuances. He stated that there were be no credit beyond the 120-day mark.

11:08:54 AM
AT EASE

11:10:26 AM
RECONVENED

11:10:31 AM

Co-Chair MacKinnon asked for a restatement of the motion.

Vice-Chair Micciche restated the motion to adopt Amendment 4.

There being NO further OBJECTION, Amendment 4 was adopted.

Vice-Chair Micciche MOVED to ADOPT Amendment 5, 29-LS0541\S.6, Martin/Gardner, 3/25/16 (copy on file).

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 5. He stated that it would revert back to an original version of the bill. He explained that the felony theft threshold was $750, which was defined in statute to divide between a Class C felony theft, and a Class A misdemeanor theft. The commission recommended increasing the felony theft threshold to $2000, to account for inflation. He stated that the first committee of referral, the theft threshold was increased for multiple property crimes. The first committee of referral reduced the threshold to $50 for the crime of "fraudulent use of an access device." The amendment would bring the threshold for that conduct to $2000. The first committee of referral chose not to increase the threshold for vehicle theft. The vehicle theft threshold remained at $750, but the amendment would bring that threshold from $750 to $2000 in accordance with the commission's recommendations.

Co-Chair MacKinnon queried an example of the devices and a real life example of the changes. Mr. Shilling explained that currently, if the value of the stolen vehicle was under $750 it would be a Class A misdemeanor. If the value of the stolen vehicle was over $750 it would be a Class C felony. The amendment changed $750 to $2000.

11:13:24 AM
AT EASE

11:14:27 AM
RECONVENED

11:14:38 AM

Co-Chair MacKinnon wondered if the access device was a credit card. Mr. Shilling replied in the affirmative. He stated that the amendment addressed credit theft and use. He explained that in the early 2000s, the threshold for fraudulent use of an access device was $500. There was a bill at the time, which reduced the threshold to $50. He stated that the amendment raised the threshold to $2000 as recommended by the commission.

Co-Chair MacKinnon stated that Amendment 5 would be set aside. She wondered if any departments had any comments.

Senator Bishop shared that there was public testimony addressing access devices.

Co-Chair MacKinnon stressed that some felt that raising the threshold would make it so perpetrators of the crime were not held accountable. Mr. Shilling agreed that some people had expressed that concern.

Co-Chair MacKinnon queried the various ways the public would be affected by the change in threshold offered in the amendment.

11:17:48 AM

JOHN SKIDMORE, DIRECTOR, CRIMINAL DIVISION, DEPARTMENT OF LAW, explained that access device was defined by AS 11.81.900, "a card, credit card, plate, code, account number, logarithm, identification number, including social security number, electronic serial number, or password that was capable of being used alone, or in conjunction with another access device or identification document to obtain property, services, or that can be used to initiate a transfer of property." He stated that it was simply referred to as "identity theft." He remarked that it was the concept that each citizen had various accounts or numbers that were assigned to us, and someone could impersonate us using the funds for that purpose. The amendment would say that the amount of damage caused financially must be at least $2000 for it to be considered a felony. He stressed that it was still a crime below $2000, but the difference was merely the level of the crime that it occurred.

Senator Dunleavy remarked that it was difficult to calculate a person's damages. He stressed that there were other financial factors outside of the direct impact from the theft.

11:20:12 AM

Co-Chair MacKinnon queried the consequence to the fiscal note in lowering the threshold from $750 to $50. She stressed that the threshold limits were placed based on the ability to respond. She remarked that the current threshold was $750. The current bill suggested $50. She felt that there would be many more cases. Mr. Skidmore replied that

the number of cases did not change, because it was a criminal offense regardless of the theft. He stated that the difference was the classification of the crime. He stated that felonies often had additional due processes. A felony required a grand jury proceeding, and a jury of 12 instead of a jury of 6 people. He stated that there were other sentencing requirements. He stated that there was a greater fiscal impact in making more crimes felonies, but he could not quantify that fiscal impact.

Vice-Chair Micciche queried how the number of years that the threshold was at $750. Mr. Skidmore replied that he believed that the adjustment to $750 was made within the prior two years.

Vice-Chair Micciche wondered if it was increased from $500 to $750. Mr. Skidmore replied in the affirmative.

Mr. Shilling clarified the history of the bill. He explained that the threshold was set for this crime at $500 in the 1970s; was reduced to $50 in the mid-2000s; raised to $750 in 2014; and was currently raised to $2000.

Vice-Chair Micciche remarked that there was a dependence on the method for valuation. He shared that his district had recently seen an increase in property crimes in his district. He stated that a family's business was essentially destroyed, because the valuation of the crime was based solely on the property. He felt that the number was not necessarily as important as the method of valuation. Mr. Skidmore replied that the valuation of property offenses was controlled by AS 11.46.980, "we use the market value of the property." He understood that there could be other consequences, but it was not measured in current criminal law. He stated that the legislature must change that statute in order to address the change in the method of valuation.

Co-Chair MacKinnon shared that there was an issue with the valuation method.

Co-Chair MacKinnon set aside Amendment 5.

11:25:44 AM

Vice-Chair Micciche MOVED to ADOPT Amendment 6, 29-LS0541\S.5, Martin/Gardner, 3/25/16 (copy on file).

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained that the commission recommended increasing the felony theft threshold from $250 to $2000. The amendment would go beyond the commission's recommendations to increase the threshold for property crimes to $2500.

Co-Chair MacKinnon set aside Amendment 6

Vice-Chair Micciche MOVED to ADOPT Amendment 7, 29-LS0541\S.28, Martin/Gardner, 3/31/16 (copy on file).

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained that the amendment increased the threshold, which was reduced in the first committee of referral for vehicle theft in the first degree and fraudulent use of an access device. It also provided that the felony theft threshold would be adjusted for inflation every five years, to account for possible increase in the consumer price index (CPI). He stated that the provision was removed in the first committee of referral.

Co-Chair MacKinnon set aside Amendment 7.

11:27:38 AM
AT EASE

11:29:08 AM
RECONVENED

Co-Chair MacKinnon requested feedback for Amendments 5, 6, and 7.

SENATOR JOHN COGHILL, SPONSOR explained that Amendment 7 provided the calculation for inflation. He felt that it was better than the previous plan of a one-year calculation, which he felt would be too costly. He stated that the plan was a five-year calculation, and asked the commission to notify those on a five-year basis. He remarked that it was a new concept, and he did not know if any other entity in the United States had integrated the concept. He reiterated that it was a request from the commission. He expressed reluctance to the change, because the valuation was important, but he was not in favor of indexing the costs.

Senator Olson understood that even though other states may not have adopted the CPI, they had conversations about the CPI integration. He queried another method to adjust the rates so there was a comparable entity to deal with a valuation. Senator Coghill responded that there would be language in the bill that would require a review and report by the Judicial Council and the commission. He remarked that there were many ways that accountability was changed, so he was not comfortable indexing. He shared that there was a report and review methodology in place, and he would probably rely on the current methodology.

Vice-Chair Micciche remarked that the $2000 would increase, should the CPI was enacted. He queried the logic of the increase from $750 to $2000. Senator Coghill replied that there had been changes to the value of felonies in many ways. He explained that the changes in society had consequences to felonies for the rest of the felon's life. He stated that restitution was difficult, and a felony had not proven to be a good restitution methodology. He stressed that there was an attempt to use the misdemeanors for better restitution, and he felt that property crimes could be better served in that area. He shared that valuation was somewhat arbitrary. He stated that in the 1970s, the threshold was set at $500, and the inflation was the justification for the increase to $2000. He restated that he was "not a fan" of indexing. He felt that it was an issue that must be continually addressed.

11:34:34 AM

Vice-Chair Micciche remarked that the assumptions in the bill was about rehabilitating individuals. He stressed that there were some people who spent time perpetrating property crimes against others. He queried the ultimate effect of increasing the limit. Mr. Skidmore replied the bill was focused on attempting to adjust the process by which crimes were addressed in the state. The commission consisted of stakeholders from across the criminal justice system. They tried to examine the problems, and address the issues at a lower cost without sacrificing public safety. The increase in the threshold on theft crimes was based on inflation.

Vice-Chair Micciche wondered if access device theft remained a first degree impersonation Class B felony. He wondered if there was a threshold for that crime. Mr.

Skidmore replied that AS 11.46.565, which was "Criminal Impersonation in the First Degree." He detailed the elements of the crime. He stated that there was a distinction between the use of an access device and the impersonation was when there was an impact on the credit rating.

Vice-Chair Micciche looked at the property crime issue. He wondered if the increase in the threshold maintained a lower level offender from being put in jail. Mr. Skidmore replied that changing the levels of value did not impact the habitual offender statutes. He did not believe that the legislation eliminated the habitual offenses, but may have adjusted the value under the habitual offenses to be consistent.

11:42:28 AM

Senator Bishop wondered if the bail matrix would greater, because of the repeating offense. Mr. Shilling replied in the affirmative.

Mr. Skidmore furthered that the bill addressed the development of a risk assessment tool. He stressed that there was a hope that the structure would work as planned, but noted that the tool was not yet in place.

Vice-Chair Micciche remarked that, with the absence of the risk assessment tool, the judge had the ability to consider the repeat offender. Mr. Skidmore agreed. He stated that there were statutes that impacted bail based on repeat offenses.

Co-Chair MacKinnon noted that Amendment 7 was before the committee, which provided inflation proofing on the value. Mr. Shilling agreed. He stated that the amendment increased the felony theft threshold every five years in accordance with the CPI.

Co-Chair Kelly disagreed with inflation proofing. He felt that the committee may miss an opportunity to raise the threshold. He recommended a division of the ideas.

Co-Chair MacKinnon explained that the amendment was inflation proofing only for whatever number was selected in other amendments or current state statute.

Vice-Chair Micciche stated that the amendment did both, but the other two amendments addressed the increase.

Co-Chair Kelly wondered what the amendment addressed.

Mr. Shilling clarified that the amendment would revert to the two increases in the first committee of referral, plus inflation proofing. He clarified that the amendment only inflation proofed, and then reverted to the State Affairs Committee amendments.

11:47:04 AM
AT EASE

11:49:20 AM
RECONVENED

11:49:23 AM

Co-Chair MacKinnon stated that Amendments 5, 6, and 7 each address a threshold limit.

Co-Chair MacKinnon queried the impact of Amendment 5. Mr. Shilling explained that Amendment 5 would revert to the two changes in the State Affairs Committee.

11:50:26 AM
AT EASE

11:51:42 AM
RECONVENED

Co-Chair MacKinnon MAINTAINED her OBJECTION to Amendment 5.

A roll call vote was taken on the motion.

IN FAVOR: Bishop, Hoffman, Micciche, Olson, Kelly
OPPOSED: Dunleavy, Mackinnon

The MOTION PASSED (5/2). There being NO further OBJECTION, Amendment 5 was ADOPTED.

11:52:24 AM
AT EASE

11:52:55 AM

RECONVENED

11:53:15 AM

Mr. Shilling explained that Amendment 6 was an increase of the felony theft threshold from $2000 to $2500.

Senator Dunleavy surmised that the commission recommended the threshold be $2000, but Amendment 6 increased it to $2500. Mr. Shilling indicated in the affirmative.

Co-Chair MacKinnon MAINTAINED her OBJECTION to Amendment 6.

A roll call vote was taken on the motion.

IN FAVOR: None
OPPOSED: Dunleavy, Hoffman, Micciche, Olson, Bishop, MacKinnon, Kelly

The MOTION to FAILED (0/7). Amendment 6 FAILED to be adopted.

Mr. Shilling explained that Amendment 7 would take the $2000 threshold, and link it to the CPI adjustment every five years.

Senator Olson shared that increasing the threshold did not lead to higher property crime rates. He stated that 23 states raised their felony theft thresholds from 2001 to 2011, and none saw a corresponding increase in property crime.

Vice-Chair Micciche did not feel comfortable adjusting to the CPI, until he could see the result of the threshold increase. Mr. Shilling shared that the commission felt there should be oversight, and tracking the outcomes of the reform in the out years and report to the legislature with the results.

11:56:34 AM
AT EASE

11:56:50 AM
RECONVENED

11:56:55 AM

Senator Olson remarked that the commission would publish a report related to the amendment that included several issues related to the numbers discussed.

Co-Chair MacKinnon MAINTAINED her OBJECTION to Amendment 7.

A roll call vote was taken on the motion.

IN FAVOR: Hoffman, Olson, MacKinnon
OPPOSED: Micciche, Bishop, Dunleavy, Kelly

The MOTION FAILED (3/4). Amendment 7 FAILED to be adopted.

11:57:52 AM

Vice-Chair Micciche MOVED to ADOPT Amendment 8, 29-LS0541\S.15, Martin/Gardner, 3/28/16 (copy on file):

Page 82, line 24, through page 83, line 1:
Delete all material.

Renumber the following bill sections accordingly.

Page 9l, line 23:
Delete “length of stay, and the number of offenders earning a good time deduction under AS 33.20.010(d)”
Insert “and length of stay”

Page l03 ,line 8:
Delete “sec. 148”
Insert “sec. 147”

Page 104, line 9, following “Act;”:
Insert “and”

Page lO4, linesl0-ll:
Delete “; and”
(9) AS 33.20.010(d), enacted by sec. 134 of this Act”

Page 106, line 8:
Delete “secs. 156 - 158”
Insert “secs. 155 - 157”

Page 106, line 9:
Delete “156 - 158”
Insert “155- 157”
Page 106, line26:

Delete “sec. 141”
Insert ‘sec. 140”

Page 106, line 30:
Delete “sec. 146”
Insert “sec. 155”

Page 107, line 1:
Delete “sec. 160(a)”
Insert “sec. 159(a)”

Page 107, line 4:
Delete “sec. 160(b)”
Insert “sec. 159(h)”

Page 107, line 7:
Delete “sec. 160(b)”
Insert “sec. 159(b)”

Page 107, line 10:
Delete “sec. 160(c)”
Insert “sec. 159(c)”

Page 107, line 13:
Delete “sec. 160(d)”
Insert “sec. 159(d)”

Page 107, line 16:
Delete “sec. 160(e)”

Page 107, line 19:
Delete “sec. 160(f)”
Insert “sec. 159(f)”

Page 107, lines 22 -23:
Delete “142- 151, and 159”
Insert “141 - 150, and 158”

Page 107, lines 25 - 26:
Delete “134- 139”
Insert “134- 138”

Page 107, line 27:
Delete “sec. 156”
Insert “sec. 155”

Page 107, line 29:

Delete “141, 156- 158, and 160(f)”
Insert “140, 155- 157, and 159(f)”

Co-Chair MacKinnon OBJECTED for DISCUSSION.

11:58:00 AM

Mr. Shilling explained Amendment 8. He stated that the amendment would delete the provision of the bill that awarded a credit to a sex offender who completed sex offender treatment. The commission recommended that, upon completion of sex offender treatment, a sex offender should receive one-third reduction in the sentence. He stated that the credit was reduced from one-third to one-fifth in the Senate Judiciary Committee. The amendment would remove the policy completely.

Vice-Chair Micciche surmised that the amendment provided zero credit for completion. Mr. Shilling agreed.

11:58:56 AM
AT EASE

12:01:45 PM
RECONVENED

12:01:51 PM

Co-Chair MacKinnon was attempting to ensure that the description of the amendment was accurate. Mr. Shilling explained that, currently, first time Class C and Class B felony sex offenders received "good time." The credit recommendation by the commission was for the higher level sex offenders. He stated that the credit applied to the "worst sex offenders." He remarked that the removal of the credit would only apply to the lower level sex offenders.

Co-Chair MacKinnon wondered if the committee needed clarification about the levels of sex offenders.

Vice-Chair Micciche felt that a summary of the difference between the levels of offenses. Mr. Skidmore explained that high level sex offenses (unclassified or Class A sex offenses) were sexual assault in the first degree. He stated that sexual assault in the first degree was sexual penetration without consent; sexual abuse of a minor in the first degree. He wanted to ensure that sexual abuse of a

minor was sexual penetration for individuals of a certain age with someone below a certain age, and was considered the most serious.

12:04:21 PM
AT EASE

12:06:54 PM
RECONVENED

12:07:03 PM

Mr. Skidmore explained that there were various tiers of sexual abuse of a minor. The elements in evaluation the criminality was the age of the offender; the age of the victim; the difference in the age range; whether or not there was a position of authority; and whether or not there was sexual contact versus sexual penetration. He stated that sexual abuse of a minor in the first degree, considered the most serious, was when the offender was over the age of 16 and the victim was under the age of 13. He stated that was also when the offender was over the age of 18 and was related to the victim as a parent, step-parent, adopted parent, or legal guardian. He also stated that there was a section which separated the age from 18 to 16 in the same household in a position of authority. He stressed that sexual abuse of a minor in the first degree was sexual penetration, and could be the "classic definition of statutory rape." The lower levels of sexual abuse of a minor were about a closer age between the offender and the victim; or if it was contact as opposed to penetration.

Co-Chair MacKinnon WITHDREW her OBJECTION. There being NO OBJECTION, Amendment 8 was adopted.

12:09:30 PM
AT EASE

12:38:26 PM
RECONVENED

12:38:54 PM

Senator Dunleavy MOVED to ADOPT Amendment 10, 29-LS0541\S.23, Gardner, 3/30/16 (copy on file):

Page 45, line 14, following “victim’:
Insert "(i)"

Page 45, following line 15:
Insert a new subsubparagraph to read:
“(ii) was 16 years of age or older, one to two years;”

Page 64, line 28, through page 65, line 1:
Delete all material and insert:

> “Sec. 33.16.089. Eligibility for administrative parole. (a) A prisoner who has been convicted of a class B or C felony that is not a sex offense as defined in AS 12.63.100 or criminally negligent homicide under AS 11.41.130, has not been previously convicted of a felony in this or another jurisdiction, and has been sentenced to an active term of imprisonment of at least 181 days shall he released on administrative parole by the board without a hearing if’

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 10. The commission recommended that presumptive sentencing ranges for Class A, B, and C felonies be reduced. He stated that criminally negligent homicide was a Class B felony that caused the death of someone. He stated that, rather than reducing the range for that conduct, the amendment maintained the conduct at its existing range, which was one to three years. He stated that the amendment also removed that crime from the administrative parole policy in the legislation.

Senator Hoffman wondered if the issue was addressed by the commission. Mr. Shilling responded that the commission recommended reducing the presumptive range for all Class B felonies, including criminally negligent homicide. The amendment was in response to meetings with the Office of Victim's Rights.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO further OBJECTION, Amendment 10 was adopted.

Co-Chair MacKinnon stated that Amendments 11 and 12 would not be offered.

12:41:51 PM

AT EASE

12:43:10 PM
RECONVENED

12:43:19 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 24, 29-LS0541\S.54, Martin/Gardner, 4/2/16 (copy on file):

> Page 106, following line 26:
> Insert a new subsection to read:
> "(o) AS 33.20.0lO(c), as amended by sec. 133 of this Act, applies to sentences imposed before, on, or after the effective date of sec. 133 of this Act, for offenses committed before, on, or after the effective date of sec. 133 of this Act, for time served on electronic monitoring on or after the effect date of sec. 13 3 of this Act."

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained that Amendment 24 changed the applicability of the good time on electronic monitoring. He stated that the amendment stated that, upon passage of the bill, those that were on electronic monitoring at that point would begin accruing good time for good behavior.

Co-Chair MacKinnon wondered how quickly DOC could calculated the time. Mr. Shilling replied that the third credit was the same type of credit in the facility. He deferred to DOC.

12:44:31 PM
AT EASE

12:45:09 PM
RECONVENED

12:45:20 PM

DEAN WILLIAMS, COMMISSIONER, DEPARTMENT OF CORRECTIONS, announced that he had reviewed the amendment, and understood its importance. He stated that DOC was able to follow the guidelines.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO OBJECTION, Amendment 24 was adopted.

Vice-Chair Micciche MOVED to ADOPT Amendment 13, 29-LS0541\S.36, Martin/Gardner, 4/1/16 (copy on file):

> Page 98, lines 11-13 Delete all material and 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 98, lines 20 - 22:
> Delete all material and 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."
>
> Page 107, lines 22 23:
> Delete "142-15]"
> Insert "142 - 149"
>
> Page 107, following line 24:
> Insert a new bill section to read:
> "Sec. 167. Sections 150 and 151 of this Act take effect January 1, 2017."
>
> Renumber the following bill sections accordingly.

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling stated that the commission recommended that referrals to the ASAP program be limited to those that were statutorily required, so that ASAP could return to its original core-intended purpose to provide screenings and assessments to DUI offenders. The amendment was a technical change requested by the administration and ASAP to clarify the level of expected supervision and screening. He stated that the Division of Behavioral Health felt that they would need to provide a higher level of service at a greater cost than the vision and intent of the commission.

12:47:46 PM

TONY PIPER, ASAP PROGRAM MANAGER, DIVISION OF BEHAVIORAL SERVICES, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, ANCHORAGE (via teleconference), introduced himself.

Co-Chair MacKinnon wondered whether Mr. Piper had reviewed Amendment 13. Mr. Piper replied in the affirmative.

Co-Chair MacKinnon queried a position on Amendment 13. Mr. Piper replied that he was in support of the amendment.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO OBJECTION, Amendment 13 was ADOPTED.

Vice-Chair Micciche MOVED to ADOPT Amendment 14, 29-LS0541\S.18, Martin/Gardner, 3/28/16 (copy on file):

> Page 58, line 18:
> Delete "probationers"
> Insert "offenders on probation for a felony offense"
>
> Page 18, line 12:
> Delete "parolees"
> Insert "offenders on parole for a felony offense"

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 14. He stated that the commission recommended a system of earned compliance credits for probationers who remained in compliance with their conditions of probation or parole. He stated that the earned compliance credit currently in the bill applied to both felons and misdemeanants. He shared that the Municipality of Anchorage had revealed that the policy should not apply to misdemeanants, because they were not under active supervision.

12:50:08 PM

SENECA THENO, MUNICIPALITY OF ANCHORAGE, ANCHORAGE (via teleconference), introduced herself.

Co-Chair MacKinnon queried comments on the amendment. Ms. Theno replied that she had not reviewed the specific language of the amendment, but shared that she supported Mr. Shillings' statements about the intent of the amendment.

Co-Chair MacKinnon wondered if DOL had any issue with the amendment. Mr. Skidmore replied that DOL had no issue with the amendment. He stated that he had reviewed the amendments, and Mr. Shillings' comments accurately reflected the amendment's impact.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO OBJECTION, Amendment 14 was adopted.

Vice-Chair Micciche MOVED to ADOPT Amendment 15, 29-LS0541\S.19, Martin/Gardner, 3/28/16 (copy on file):

> Page 38, lines 29-31:
> Delete all material and insert:
> "(5) 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."
>
> Page 78, lines 25-27
> Delete all material and insert:
> "(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."

Co-Chair MacKinnon OBJECTED for DISCUSSION.

12:51:28 PM

Mr. Shilling explained Amendment 15. He stated that the justification for the amendment was similar to Amendment 14. He stated that the commission had recommended an early discharge policy in the following acknowledgement: the data shows that if an individual completes one year on probation without any violations, the individual was highly unlikely to violate in the out years. He stressed that it was an intuitive policy, however, because misdemeanants were not actively supervised by DOC there was no way to verify that they were compliant with their provisions, therefore it was odd to extend the provision to misdemeanants. The amendment

removed misdemeanants from the early discharge policy recommended by the commission.

Co-Chair MacKinnon wondered if DOL had any objections to Amendment 15. Mr. Skidmore indicated in the negative.

Mr. Skidmore announced that DOL had no objections to the amendment.

Co-Chair MacKinnon queried comments. Mr. Skidmore stated that he had no comments.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO further OBJECTION, Amendment 15 was adopted.

12:53:44 PM
AT EASE

12:54:24 PM
RECONVENED

12:54:29 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 16, 29-LS0541\S.10, Gardner, 3/29/16 (copy on file):

> Page 37, line 24, through page 38, line 5:
> Delete all material and insert:
> "*Sec. 63. AS 12.55.090(c) is amended to read:
> (c) The period of probation, together with any extension, may not exceed
> (1) 15[25] years for a felony sex offense; [OR]
> (2) 10 years for an unclassified felony under AS 11;
> (3) five years for a felony offense not listed in (1) or (2) of this subsection;
> (4) three years for an offense under AS 11.41.230;
> (5) two years for a misdemeanor offense under AS 28.35.030 or 28.35.032, if the person has previously been convicted of an offense under AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or another jurisdiction; or
> (6) one year for an offense not listed in (1) -(5) of this subsection
> [ANY OTHER OFFENSE]

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 16. He stated that the amendment consolidated all assaults into the same maximum term of probation of 3 years. The amendment, most importantly, increased the maximum term of probation that the court could impose for felony sex offense. The bill currently had the maximum term of probation imposed for a felony sex offense was ten years. The amendment raised the maximum term to 15 years.

Co-Chair MacKinnon wondered if the amendment was specific to all sex offenders, or was it only the higher level of sex offense. Mr. Shilling replied that the felony sex offense referred to all unclassified felonies A, B, and C felonies.

Co-Chair MacKinnon set Amendment 16 aside.

Vice-Chair Micciche MOVED to ADOPT Amendment 17, 29-LS0541\S.13, Gardner, 3/30/16 (copy on file):

> Page 42, following line 7:
> Insert a new subsection to read:
> "(g) Notwithstanding (c) of this section, a court may not find a technical violation under this section id a person convicted of a sex offense, as described in AS 12.63.100(e), that is reasonably related to the person's sex offense, that endangers the public, or that diminishes the rehabilitative goals of probation."
>
> Reletter the following subsection accordingly.
>
> Page 79, following line 27:
> Insert a new subsection to read:
> "(e) Notwithstanding (a) of this section, the board may not find a technical violation under this section if a person convicted of a sex offense, as described in AS 12.63.100, violates a condition of parole, including AS 33.16.150(a)(13), that is reasonably related to the person's sex offense, that endangers the public, or that diminishes the rehabilitative goals of parole."
>
> Reletter the following subsection accordingly.
>
> Page 105, line 2:
> Delete "AS 12.55.110(c) - (g)"

Insert "AS 12.55.110(c) - (h)"

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 17. He stated that the commission acknowledged that probation violations had varying degrees of severity. The commission recommended excluding incompletion of sex offender treatment and batters intervention programming. The amendment specified that there were some special conditions of probation that could be imposed on a sex offender, like preventing a sex offender from owning a computer or requiring that a sex offender stay a certain number of feet away from schools. The amendment stated that those types of violations were not technical, and the individual could be incarcerated for the remainder of the suspended sentence.

Co-Chair MacKinnon queried comments on Amendment 17.

12:57:58 PM

JEFF EDWARDS, EXECUTIVE DIRECTOR, PAROLE BOARD, ANCHORAGE (via teleconference), replied in the negative. He wondered if the amendment was applicable to the Parole Board or through the Court System. He stressed that the amendment was a policy decision.

Mr. Shilling stated that the amendment applied to the Parole Board and the Court System.

Co-Chair MacKinnon announced that the amendment applied to the Parole Board. Mr. Edwards replied he had no direct comments. He stressed that the Parole Board took the violations seriously. He understood that the amendment would expand the ability for the Parole Board to increase the sanctions for the serious sex offender violations. He reiterated that it was a policy for the committee to consider, and the board would support the legislature's decision.

Senator Dunleavy wondered if unlawful contact was a technical contact. Mr. Shilling replied that unlawful contact would be considered a new crime.

12:59:33 PM

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, stated that the Court System did not have any objection to the amendment. She shared that there may be a question as to the interpretation of the provision. She suspected that a judge may believe that all conditions of probations were reasonably related to that person's offense. There may be some disagreement in the courtroom as to which violations were technical and which were not.

Co-Chair MacKinnon wondered if there was a way to clarify that issue. She understood that the technical violations may be perceived as a direct violation because it related to their underlying offense. Ms. Meade pointed out that most judgments included conditions of probations, both general conditions of probation and special conditions of probation. The general conditions of probation were used for most felonies. The special conditions were related to a specific crime. She remarked that that the provisions specifically related to the sexual aspect of the felony offense would be considered "special conditions."

Co-Chair MacKinnon agreed that the special conditions were the focus of the amendment.

Senator Hoffman wondered if the issue was addressed by the commission. Mr. Shilling replied that the commission acknowledged that there was some requirements that a sexual offenders may have that should not be considered "technical." He stated that there were not specific details. He remarked that the committee made some high level recommendations with the expectation that the legislature would identify the details.

Senator Dunleavy asked for a repeat of the request.

Co-Chair MacKinnon understood that the amendments addressed special conditions for the parole. Ms. Meade replied that the conditions of probation were often general and special. The special conditions would relate specifically to the fact that it was a condition of a sexual offense. She understood that it was the committee's intent that violation of those conditions specific to a sexual offense should not be considered technical violations.

Mr. Gardner remarked that he was listening to the testimony. He pointed out that the amendment covered violations to a condition of probation, which would include

general and other special conditions. He furthered that the amendment addressed the specific probation conditions in AS 12.55.10(e) on line 6 of the amendment. It specifically referred to sex offenders, such as requiring periodic polygraph examinations; address changes; internet site use; communicating with children; possessing or using a computer; residing within 500 of a school; etc. He stressed that the amendment appeared to address all probation conditions - special, general, and statutory - that a court may impose on a sex offender. She felt that the amendment addressed the concerns from Ms. Meade.

Co-Chair MacKinnon queried a response. Ms. Meade agreed with Mr. Gardner. She felt that the committee may not want to cover all conditions for all sex offenders. She understood that the intent was to "carve out" only the conditions of probation that related to the sexual aspect of the offense.

1:06:29 PM

Vice-Chair Micciche wondered whether lines 6 and 7 separated the conditions. Mr. Gardner replied that, because of the different kinds of conditions, he felt that the language attempted to focus the court on whether or not the conditions had a nexus to the sex offense and whether or not they were related to the rehabilitative goals.

Vice-Chair Micciche wondered if that explanation satisfied Ms. Meade's concerns. Ms. Meade replied in the affirmative.

1:08:25 PM
AT EASE

1:10:37 PM
RECONVENED

Vice-Chair Micciche WITHDREW Amendment 17.

Co-Chair MacKinnon explained that there would be an amendment drafted with better clarity.

Vice-Chair Micciche MOVED to ADOPT Amendment 18, 29-LS0541\S.34, Martin/Gardner, 4/1/16 (copy on file):

> Page 12, lines 3-7:
> Delete all material and insert:

"(1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER AS 11.71.020(a)(2) -(6),] manufactures or delivers, [ANY AMOUNT OF A SCHEDULE IIA or IIIA CONTROLLED SUBSTANCE] or possesses [ANY AMOUNT OF A SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] with intent to manufacture or deliver,
(A) one more preparations, compounds, mixtures, or substances of an aggregate weight of one gram or more containing a schedule IA controlled substance;
(B) 25 or more tablets, ampules, or syrettes containing a schedule IA controlled substance;
(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of 2.5 grams or more containing a schedule IIA or IIIA controlled substance; or
(D) 50 or more tablets, ampules, or syrettes containing a schedule IIA or IIIA controlled substance;"

Page 16, lines 25-27:
Delete all material and insert:
"(11) manufactures or delivers, or possesses with the intent to manufacture or deliver,
(A) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one gram containing a schedule IA controlled substance;
(B) less than 25 tablets, ampules, or syrettes containing a schedule IA controlled substance;
(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than 2.5 grams containing a schedule IIA or IIIA controlled substance; or
(D) less than 50 tablets, ampules, or syrettes containing a schedule IIA or IIIA controlled substance."

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Vice-Chair Micciche invited Mr. Kopp to explain the amendment.

1:11:34 PM

CHUCK KOPP, STAFF, SENATOR PETER MICCICHE, explained Amendment 18. He stated that the amendment addressed a section of the bill that included the descriptive language on drug volumes, which allowed prosecution for the total

weight of a possessed substance. The language was increasingly important, because the law formerly criminalized any amount of a controlled substance-even a size that fit on the head of a pin. He stressed that there was now a focus on volume amounts. He stated that the amendment recognized that there was an "explosion" in opioid deaths. He announced that there were over 5500 fentanyl fatalities. He shared that law enforcement had expressed concern that the substance on page 12, lines 3 through 7. That portion of the bill kept schedule 1A, 2A, and 3A drugs in the same Class B felony for trafficking a controlled substance or possessing with intent to manufacture or deliver. He stressed that the Class A drug, fentanyl was approximately 50 times more heroin and 100 times more powerful than morphine. The fentanyl overdoses were occurring at an alarming enough rate that the Center for Disease Control was asking state post-mortem toxicologists to look for fentanyl in their testing in order to submit public health alerts to watch for the substance. He stated that the amendment would separate the Class 1A drugs from the 2A and 3A drugs. He noted that the amendment language recognized 1A alone, and incorporated a dosage amount, because there are many drugs that were not conducive to total volume weight but rather were distributed in dosage. He looked at lines 8 through 12 of the amendment, which increased the Class B felony to 1.5 grams of a 1A substance. He stated that one gram was approximately 100 hits of heroin, and one hit of heroin was approximately 10 milligrams. He stressed that someone who was selling that amount of heroin would be creating many additional addicts. He noted that lines 11 and 12 of the amendment established 25 or more tablets as a 1A schedule. He stated that the 2A and 3A substances remained at 2.5 grams, or 50 or more tablets in a dosage amount to be prosecuted as a Class B felony. He explained that the second part of the amendment recognized the Class C felony. He looked at page 16, lines 25 through 27, and remarked the change.

1:16:32 PM

Senator Bishop remarked that the amendment was aimed at the dealer. Mr. Kopp agreed.

Co-Chair MacKinnon wondered if the amendment affected the marijuana legislation. Mr. Kopp replied that it did not affect the marijuana legislation.

Co-Chair MacKinnon surmised that the protections offered in the citizen's initiative was not altered by the amendment. Mr. Kopp agreed.

1:17:33 PM

GARY FOLGER, COMMISSIONER, DEPARTMENT OF PUBLIC SAFETY (via teleconference), introduced himself.

Co-Chair MacKinnon queried comments related to the quantity of the controlled substance in the amendment. Commissioner Folger replied that he would support the amendment, if the focus was at the dealer level. He furthered that the schedule was originally 5 grams, and was reduced to 2.5 grams. He shared that he strongly supported the context of the dealer delivery scope.

Co-Chair MacKinnon queried comments on Amendment 18. Ms. Theno replied that she had worked on the amendment to account for the variety of forms of the drugs. She supported the amendment.

1:19:24 PM

ALAN ADAIR, DETECTIVE, ANCHORAGE POLICE DEPARTMENT, ANCHORAGE (via teleconference), echoed Mr. Kopp's statements.

Senator Dunleavy surmised that the amendment was intended to contemplate the purity of the actual weight of the substance. Mr. Kopp responded that most drugs were never seen in a pure form.

Co-Chair MacKinnon queried comments on Amendment 18. Mr. Skidmore replied that he had no comments on the amendment.

Co-Chair MacKinnon asked whether the amendment affected the marijuana citizen's initiative. Mr. Skidmore replied "no."

Co-Chair MacKinnon queried closing comments on the amendment. Mr. Shilling responded that Mr. Kopp accurately described the amendment.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO further OBJECTION, Amendment 18 was adopted.

1:21:37 PM
AT EASE

1:23:24 PM
RECONVENED

1:23:27 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 19, 29-LS0541\S.24, Martin/Gardner, 3/30/16 (copy on file):

Page 1, lines 10 11:
Delete “and other public assistance programs”

Page 93, line 15, through page 94, line 12:
Delete all material.

Renumber the following bill sections accordingly.

Page 103, line 8:
Delete “sec. 148”
Insert “sec. 147”

Page 106, line 8:
Delete “secs. 156 - 158”
Insert “secs. 155 - 157”

Page l06,line 9:
Delete “156- 158”
19 Insert “155 - 157”

Page 107, line 1:
Delete “sec. 160(a)”
Insert “sec. 159(a)”
Page 107, line 4:
Delete “sec. 160(b)”
Insert “sec. 159(b)”

Page 107, line 7T—
Delete “sec. 160(b)”
Insert “sec. 159(b)”

Page 107, line 10:
Delete “sec. 160(c)”
Insert ‘sec. 159(c)”

Page 107, line 13:

Delete “sec. 160(d)”
Insert “sec. 159(d)”

Page 107, line 16:
Delete “sec. 160(e)”
Insert “sec. 159(e)”

Page 107, line 19:
Delete “sec. 160(1)”
Insert “sec. 159(1)”

Page 107, lines 22 - 23:
Delete”142- 151, and 159”
Insert “142- 150, and 158”

Page 107, line 27:
Delete “sec. 156”
Insert s1e1c. 155

Page 107, Iine29:
Delete “156 - 158, and 160(t)”
Insert “155 - 157, and 159(f)”

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 19. He stated that there was a provision, which entered the bill in the first committee of referral. It required that those convicted of a felony drug offense undergo random quarterly drug testing in order to receive public assistance. The amendment would remove that provision.

Senator Dunleavy queried the fiscal impact of the amendment. Mr. Shilling replied that the provision in the bill received fiscal notes. He stated that the removal of the provision would eliminate the cost and savings reflected in the fiscal notes.

Senator Dunleavy surmised that the adoption of the amendment would reduce the fiscal note. Mr. Shilling replied that the fiscal notes showed that the cost of the drug testing exceeded the savings that the state would receive in not paying out the public assistance. He stated that removing the provision would reduce the cost.

1:25:02 PM
AT EASE

1:32:31 PM
RECONVENED

1:32:44 PM

Senator Olson explained that there were some complications related the issue, and the financial consequences.

1:33:02 PM

DENISE LICCIOLI, STAFF, SENATOR DONNIE OLSON, explained that the amendment would save the state money, because the amendment that included the provision for drug testing said that it would cost $247,100 to implement the program. She noted that there were three other fiscal notes that stated that amounts that totaled $80,300 that the state would save by denying the benefits to those who failed the drug tests. He stated that the $80,300 was mostly federal money, and all of the $247,100 was general funds.

1:34:22 PM

SEAN O'BRIEN, DIRECTOR, DIVISION OF PUBLIC ASSISTANCE, JUNEAU (via teleconference), stated that the adoption of the amendment would save the state approximately $180,000 per year of general funds.

Vice-Chair Micciche agreed with the approximation of savings. He stressed that there would be additional cost avoidance of approximately $368,000 from the federal SNAP program.

Senator Coghill stated that the reason for the provision was an incentive and a public safety component. He remarked that the commission did not recommend the provision. He stated that there were various problems with the drug testing. He remarked that many people had to go through various drug treatment programs before they succeed. He shared that the incentives to treatment must be in place for the public safety component. He stressed that there were many people who must undergo drug testing, but he understood that there were many issues with this provision. He supported the State Affairs Committee action.

Senator Olson wondered if Senator Coghill agreed that there would be a savings of $180,000. Senator Coghill agreed with

the assessment from Department of Health and Social Services (DHSS). He furthered that there would be cost end savings.

1:38:47 PM

Vice-Chair Micciche understood the philosophy behind the provision. He remarked that there should be a question of whether state funds should be used to support a destructive lifestyle. He expressed support of the amendment.

Senator Bishop stressed that nutrition was a step in the right direction to becoming healthy.

Senator Dunleavy wondered if the benefits were bartered by those addicted to drugs. Senator Coghill replied that there was no discussion regarding that issue.

Co-Chair MacKinnon MAINTAINED her OBJECTION on Amendment 19.

A roll call vote was taken on the motion.

IN FAVOR: Micciche, Olson, Bishop, Dunleavy, Hoffman
OPPOSED: MacKinnon, Kelly

The MOTION PASSED (5/2). There being NO further OBJECTION, Amendment 19 was adopted.

Vice-Chair Micciche MOVED to ADOPT Amendment 20, 29-LS0541\S.32, Gardner, 3/31/16 (copy on file):

> Page 86, line 14:
> Delete "and"
>
> Page 86, line 15, 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 into the community, promote rehabilitation, and reduce recidivism."

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 20. He stated that the amendment was offered by Partners for Progress, which was a nonprofit organization that provided reentry services. He shared that there were some nonprofit organizations that wanted to help inmates who were close to reentering into society to apply for benefits and other assistance.

Co-Chair MacKinnon recalled that she had asked a question on the topic, and it was stated that the proposal was already possible. She shared that she had been notified that it was an intermittent process. The current administration was receptive to the partnership. She wanted the committee to consider whether the proposal should be consistent, or allow the administration to continue current practices. She queried an outline of their recent conversation. Mr. Shilling shared that, currently, DOC was working with organization to complete the work. He felt that outlining the process in statute ensured the practice in the future.

Co-Chair MacKinnon queried any concerns with the amendment. Commissioner Williams replied that he was in support of Amendment 20.

Co-Chair MacKinnon queried comments on the amendment. Mr. Skidmore replied that he did not have any comment on the amendment.

Co-Chair MacKinnon stressed that she wanted to address any possible concerns.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO OBJECTION, Amendment 20 was adopted.

1:45:53 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 21, 29-LS0541\S.38, Gardner, 4/1/16 (copy on file):

> Page 66, line 19:
> Delete “AS 12.55.125(i)(1WC) - (F)’
> Insert “AS 12.55J25(i)(1) and (2)”
>
> Page 66, line 24:
> Delete “AS 12.55.125(i)(1)(C) - (F)”
> Insert “AS 12.55.125(i)”

Page 68, line 4, following “crime”:
Insert “;
(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”

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 21. He stated that the amendment would accomplish two things. The commission recommended expanding eligibility for discretionary parole to all sex offenders, except for repeat Class A and unclassified sex offenders. The amendment would exclude unclassified sex offenders from the policy, so they would not be eligible for discretionary parole. He stated that unclassified sex offenders included sexual abuse of a minor in the first degree and sexual assault in the first degree. He stressed that it was already existing law to exclude those offenders from discretionary parole. He stated that the amendment took the remaining lower level felony sex offenders (Class B and C), and moved the point at which they became eligible for discretionary parole. He stated that the bill currently allowed those offenders to be eligible for a hearing to consider discretionary parole upon serving one-third of their sentence. The amendment would require that offender to serve one-half of their sentence before becoming eligible for a hearing.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO further OBJECTION, Amendment 21 was adopted.

1:47:48 PM
AT EASE

1:53:15 PM
RECONVENED

1:53:19 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 22, 29-LS0541\S.33, Martin/Gardner, 4/1/16 (copy on file).

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained the amendment public defender and DOL had been meticulous in identifying slight changes that were necessary to make the provisions of the bill work upon passage. The amendment was a continuance of the effort to address the technical changes.

Co-Chair MacKinnon discussed the expected timeline of the bill in committee.

Co-Chair MacKinnon wondered if there were policy decisions contained in the amendment.

Ms. Meade explained that the changes in the amendment were wholly technical. She did not believe that there were any policy changes in the amendment.

1:58:26 PM

TRACY WOLLENBERG, PUBLIC DEFENDER OFFICE, JUNEAU, looked at page 1, line 10 of the amendment, which related to a provision in law AS 12.30.006(b). It allowed, at a first appearance before a judicial officer for a person who has been charged with a felony to be detained for an additional 48 hours for the prosecuting authority to demonstrate that release of the person would not reasonable assure safety of the public. This technical amendment would excludes from the ability to further detain the person. The section of the bail statute that required release for low-risk individuals charged with a Class C felony. She remarked that cross-reference may need to be updated, because of the adoption of Amendment 2. She looked at page 1, line 19, which addressed the need to move forward with a hearing notwithstanding the unavailability of a pre-trial services report and risk assessment. She stressed that there was needed direction to judges about how to set bail in the limited instances where the pre-trial risk assessment may not be available at the time of the bail hearing. The courts shall impose the least restrictive condition or conditions that would reasonably ensure the appearance of the person and the safety of the victim, if the pre-trial risk assessment was unavailable. She looked at page 2, line 8, which was intended to conform to changes in the bill. The law, AS 12.55.055(a) dealt with the ability to order community work service as condition of probation. She stated that current law allowed judges to do so, with

regard to suspended imposition of sentence. The change added suspended entry of judgment to the list of instances in which a judge could order community work service, because it was a new concept under the bill. She looked at page 2, line 16, which also dealt with suspended entry of judgment. It made clear that the period of probation that could be imposed on a suspended entry of judgment could not exceed the maximum periods of probation that were being set for all types of offenses under AS 12.55.090(c). The reason for the change was to ensure that periods of probation being set for suspended entries of judgment, which were given to people who were seen as significantly rehabilitatable, were not potentially longer than the periods of probation that were set generally for other people.

2:02:09 PM

Ms. Wollenberg looked at page 2, line 22, which dealt with the early discharge from probation. She explained that, under the early discharge program, a probation officer was required to recommend a person for early discharge if the person met certain conditions. Currently, the bill stated that it required a person who was recommended for early discharge to have been in compliance with all conditions of probation for at least one year. The amendment changed the language to say that the person was not found in violation of conditions of probation by the court for at least a year. It should not inadvertently include someone who may have missed an appointment, and had an administrative sanction by the probation officer unconnected to their rehabilitation. She looked at page 3, line 8, which was a technical amendment to say that the probation was completed when granted early discharge. She looked at page 4, line 12, which were errors in the bill. She addressed page 4, line 22, which was a provision to deal with the information sent to victims of certain offenses when they're requested notice of a discretionary parole hearing. She stated that, under current law, the victim was to be sent notice of the hearing accompanied by an application for parole submitted by the applicant. She recalled that the application process for discretionary parole was eliminated, so there needed to be a substitute for the application. She understood that the Parole Board still intended to solicit the same information, but it would be called an "inmate parole plan." That plan would contain the same information as the application: why the person was seeking parole; the

treatment programs and work they had participated in since sentencing; and their release plan including any residence, employment, and treatment programs upon release. She stressed that substituting an inmate parole plan preserves the information currently sent to the victim who requested notice of a hearing, and preserved confidentiality for the inmate. The pre-parole report in the current version of the bill contained confidential information.

Co-Chair MacKinnon noted that there was a large number of inmates who qualified for parole, but only a few applied for parole. She wondered if the amendment would create a barrier to those who may be eligible for parole. Mr. Shilling replied that there were approximately 450 inmates that were eligible for discretionary parole, but were not applying or receiving hearings. He stated that the technical change did not change the process, but ensured that the pre-parole report that was provided to the victim did not contain confidential information.

Co-Chair MacKinnon wondered if that was an accurate statement. Ms. Wollenberg replied in the affirmative.

Co-Chair MacKinnon asked whether an administrative clerk or the potential parolee who was providing the data. Ms. Wollenberg looked at the bill, and stated that there was a list of the contents of the pre-parole report in Section 107, page 69. She stated that DOC prepared the pre-sentence report. The pre-sentence report could include information from the person's family history, treatment history, criminal history, and an evaluation from a probation officer prior to sentencing. It could also have attachments from prior pre-sentence reports. She stated that it could also include juvenile history, which was statutorily confidential. The pre-parole report also included the prisoner's institutional conduct history; physical, mental, and psychiatric examinations of the prisoner; and other information.

Co-Chair MacKinnon surmised that the potential parolee was required to create the report. Mr. Shilling replied that the requirements to create the pre-parole report was found under duties of the commissioner, so he felt that DOC would be required to draft the report.

Co-Chair MacKinnon wanted to ensure that the bill did not create a barrier to the possibility for parole.

2:09:54 PM

Ms. Wollenberg continued to discuss the changes outlined in the amendment. She looked at page 4, line 30. The section currently stated that the commissioner or the commissioner's designee shall furnish a copy of the pre-parole reports. She stated that the bill did not make clear to whom they should be furnished, so the amendment added "to the prisoner." She looked at page 5, line 2, which was similar to a previous change with regard to early discharge on parole. It provided that a parolee's period of parole was told from the data filing with the Parole Board of a violation report for absconding, and the date of the person's arrest. She noted that line 13 stated that the time could be added to the end of the parole period.

2:11:51 PM

Mr. Skidmore shared that he had requested a few technical amendments in the process. He looked at page 3, line 15, and stated that under the new scheme for sentencing of misdemeanors there was a presumptive range of 30 days for all Class A misdemeanors. He stated that there were certain exceptions to the 30 days, and one of the exceptions was written to address those crimes for which there was a mandatory minimum of 30 days. He stressed that the 30-day provisions collided with each other, and made for an absolute sentence of 30 days for minor offenses. He stated that it should be considered a small technical change. He looked at page 3, line 23, which addressed the aggravators for the misdemeanors. He shared that it was the difference between which aggravators had to be proved to a jury, versus which aggravators needed to be proved to a judge. He stated that he had reviewed the amendments, and achieved the desire. He looked at page 3, line 31 through page 4, lines 1 and 2. He stated that that portion addressed how to count good time. The DOC calculation did not count months, but rather the counts were days, so the amendment substituted a 30-day portion for a one-month portion. He looked at page 1, line 10, which addressed the Class C felonies, and the suspects not being detained up to 48 hours to determine danger. He stated that he did not have an objection to the amendment, but did not feel that it was a technical change. He stated that it may be considered a policy change. He also remarked that page 1, line 14 deleted material that was related to the first appearance.

He stated that it was consistent with a recommendation from the commission, and removed the provision that allowed up to 48 hours for an arraignment. He looked at page 2, line 7 of the amendment which dealt with a provision that addressed DOL's ability to garnish a person's wages for purposes of restitution. He stated that the referred statute related to community work service, which he did not feel belonged to the provision. He did not recall a conversation about garnished wages.

2:17:35 PM

Ms. Meade explained that the she had discussed the garnished wages portion of the bill, because she felt it was potentially confusing. She stated that DOL already, under other statutes, had the clear ability to garnish wages to collect restitution. She felt that duplicating the provision in another statute could be unnecessary and potentially confusing.

Mr. Shilling furthered that the commission specifically addressed the DOL ability to garnish funds, but it was duplicitous.

Co-Chair MacKinnon queried further comments. Mr. Gardner did not have a comment on the amendment, and did not disagree with the explanation of the amendment.

Co-Chair MacKinnon wanted to ensure that the statutes were accurate in the amendment.

2:19:32 PM
AT EASE

2:21:11 PM
RECONVENED

2:21:21 PM

Co-Chair MacKinnon looked at page 1, line 10, and noted a possible cross-reference error. She wondered if the reference should be AS 12.30.011(c1). She wondered if there was a conceptual amendment required. Mr. Gardner replied that it would be fixed after the adoption of the amendment.

Co-Chair MacKinnon directed Legislative Legal to make the technical and conforming changes. There being NO OBJECTION, it was so ordered.

Co-Chair MacKinnon WITHDREW the OBJECTION to Amendment 22. There being NO OBJECTION, Amendment 22 was adopted.

Co-Chair MacKinnon MOVED to ADOPT Amendment 23, 29-LS0541\S.52, Martin/Gardner, 4/1/16 (copy on file):

> Page 106, following line 26:
> Insert a new subsection to read:
> "(o) AS 33.05.020(h), enacted by sec. 93 of this Act, applies to sentences imposed before, on, or after the effective date of sec. 93 of this Act, for conduct occurring before, on, or after the effective date of sec. 93 of this Act, for time served on probation on or after the effective date of sec. 93 of this Act."

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained Amendment 23. He stated that the amendment referred to the earned compliance credit recommended by the commission. He explained that earned compliance was a policy where an individual who was in compliance with all the conditions of probation for parole was incentivized with additional credit for continued compliance. The provision changed the applicability of the policy to apply to those individuals who were on probation or parole at the time of passage of the bill.

Co-Chair MacKinnon wondered if DOL had any comments on the amendment. Mr. Skidmore stated that he had no comments on the amendment.

Co-Chair Kelly queried the sponsor's opinion of the amendment. Mr. Shilling replied that the sponsor was in support of the amendment.

Co-Chair MacKinnon queried the position of DOC. Commissioner Williams replied that DOC was in support of the amendment, if the sponsor was in support of the amendment.

Co-Chair MacKinnon wondered if there would be a delay in compliance with the amendment, and would that delay cause the state any liability. Commissioner Williams responded

that he was already concerned with the current time accounting issue with the current bill. He stated that DOC would be put in a difficult position, but he had the good faith that DOC would be able to move forward. He stressed that the time accountability was an issue with many of the aspects of the bill.

2:26:44 PM

Mr. Shilling stated that the policy did not go into effect until July 1, 2017.

Co-Chair MacKinnon stated that she did not want to have a paperwork issue to slow down the enactment of the provision.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO OBJECTION, Amendment 23 was adopted.

2:27:46 PM
AT EASE

2:28:26 PM
RECONVENED

Co-Chair MacKinnon announced that there would be a recess until 3:30pm.

2:29:34 PM
RECESSED

4:43:42 PM
RECONVENED

4:44:29 PM

Ms. Schroeder introduced herself.

Co-Chair MacKinnon requested an overview of Amendment 2. Mr. Schilling explained that the amendment was a rewrite of the current bail provision in SB 91. It was the risk-based release decision making framework, based on a pretrial risk assessment. He stated that there were mostly technical changes, but also a couple of substantive policy changes. He announced that there were no exclusions for weapons misconduct, and deferred to the Department of Law for more information.

Co-Chair MacKinnon stressed that Amendment 2 was 10 pages long. She noted that the amendment repealed and reenacted the risk-based release. She queried any changes that the amendment made within the bill, and how it differed from current statute. Ms. Schroeder replied that the amendment would restructure the current language in the bill, and was a departure from current law. She stated that the amendment was an attempt to codify the recommendations from Alaska Criminal Justice Commission. The commission adopted a grid, which outlined bail determinations based on their risk assessments. She stated that the amendment was an attempt to imbed the grid into statute. She stated that the current bill's language was difficult, so there was an attempt to restructure.

Co-Chair MacKinnon MAINTAINED the OBJECTION on Amendment 16.

Mr. Shilling explained Amendment 16. He stated that the amendment raised the maximum term of probations imposed by the courts for a felony sex offense from 10 years to 15 years. He also stated that the amendment consolidated all assault fours into a three-year maximum term of probation that could be imposed by the courts.

4:49:14 PM

Co-Chair MacKinnon offered CONCEPTUAL AMENDMENT to amend Amendment 16:

Page 1, line 5:

Delete "15"
Insert "10"

Vice-Chair Micciche OBJECTED for DISCUSSION. Mr. Shilling explained that the conceptual amendment would bring the maximum probation terms to the previous committee's terms. The change made the amendment accomplish one difference: the consolidation of all assault fours into sub-fours, which was a maximum of three years on probation.

Senator Olson queried the position of the commission. Mr. Shilling replied that the commission recommended that the maximum term of probation imposed by the courts for a felony sex offense be five years.

Senator Olson surmised that the amendment was a compromise. Mr. Shilling agreed.

Vice-Chair Micciche WITHDREW his OBJECTION to the conceptual amendment. There being NO OBJECTION, the conceptual amendment to Amendment 16 was ADOPTED.

Co-Chair MacKinnon WITHDREW the OBJECTION for Amendment 16. There being NO OBJECTION, Amendment 16 was adopted as amended.

Vice-Chair Micciche MOVED to ADOPT Amendment 25, 29-LS0541\S.58, Martin/Gardner, 4/2/16 (copy on file):

> Page 42, following line 7:
> Insert a new subsection to read:
> "(g) Notwithstanding (c) of this section, a court may not find a technical violation under this section if a person convicted of a sex offense, as described in AS 12.63.100, violates a condition of probation provided in AS 12.55.lOO(e)."
>
> Reletter the following subsection accordingly.
>
> Page 79, following line 27:
> Insert a new subsection to read:
> "(e) Notwithstanding (a) of this section, the board may not find a technical violation under this section if a person convicted of a sex offense, as described in AS 12.63.100, violates a special condition of parole imposed under AS 33.16.150(a)(l3) or a condition under AS 33.16.150(b) that is reasonably related to the person's sex offense, that endangers the public, or that diminishes the rehabilitative goals of parole."
>
> Reletter the following subsection accordingly.
>
> Page 105, line 2:
> Delete "AS 12.55.1 l0(c) - (g)"
> Insert "AS 12.55.1 (c) - (h)"

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained the amendment.

Co-Chair MacKinnon offered a CONCEPTUAL AMENDMENT to amend Amendment 25:

Page 1, delete lines 11-16

Insert
(e) Notwithstanding (a) of this section, the board may not find a technical violation under this section if a person convicted of a sex offense, as described in AS 12.63.100, violates a special condition of parole that is similar to a probation condition described in AS 12.55.100(e).

Senator Dunleavy OBJECTED for DISCUSSION.

Mr. Shilling explained the conceptual amendment.

Senator Dunleavy WITHDREW the OBJECTION.

Mr. Gardner shared that he had noted the conceptual amendments.

Co-Chair MacKinnon queried comment on the conceptual amendments. Mr. Gardner replied that he had no comment on the conceptual amendments.

Co-Chair MacKinnon wondered if the language, as amended, was acceptable to the Department of Law. Mr. Skidmore replied in the affirmative.

4:54:53 PM
AT EASE

4:57:47 PM
RECONVENED

4:58:07 PM

Co-Chair MacKinnon asked if there was further objection to the conceptual amendment. There being NO OBJECTION, conceptual amendment was adopted.

Co-Chair MacKinnon WITHDREW the OBJECTION to Amendment 25.

Vice-Chair Micciche MOVED to ADOPT Amendment 26, 29-LS0541\S.57, Martin/Gardner, 4/2/16 (copy on file).

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Mr. Shilling explained the amendment. He stated that it implemented the commission's recommendation to make "failure to appear" a violation, unless the individual had absconded for 30 or more days. He deferred to Mr. Skidmore for more information.

Co-Chair MacKinnon queried the impact of Amendment 26. Mr. Skidmore replied that he could describe how Amendment 26 would change from current law, and he furthered that he could also address how it would change the bill. In current law, an individual who had failed to appear for court would be charged with a crime called, "failure to appear." He stated that there were some affirmative defenses, which he would not address. He explained that, if the underlying crime for which you failed to appear was a misdemeanor, then the failure to appear was also a misdemeanor. The same held true for a felony crime. He stated that the amendment for SB 91 allowed for a 30-day grace period. A person could "fail to appear", but it would be considered a violation in the first thirty days. After the thirty days, it would be a misdemeanor or felony, based on the underlying crime.

Co-Chair MacKinnon queried how the amendment would affect SB 91. Mr. Skidmore explained that, in SB 91 the "failure to appear" was considered a misdemeanor, regardless of whether the underlying offense was a misdemeanor or a felony.

Vice-Chair Micciche queried the 30 day time clock within the amendment. Mr. Skidmore looked at page 2, line of the amendment, which addressed the Class C felony, "does not make contact with court or judicial officer within 30 days." He also noted line 23 of the same page, which was the same paragraph repeated but addressed underlying misdemeanor offenses.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO further OBJECTION, Amendment 26 was adopted.

5:03:13 PM
AT EASE

5:16:11 PM
RECONVENED

5:16:20 PM

Co-Chair MacKinnon stated that Amendment 26 replaced Amendment 11.

Mr. Shilling explained that the commission had recommended a presumption of citations, rather than make an arrest- unless the individual was dangerous, a flight risk, no identification, and a number of other exceptions. He stated that he had worked with Municipality of Anchorage to make it easier to implement for law enforcement officers. He stated that Amendment 27 was an attempt to make that occur, and felt that the committee may want to hear a newer version of the amendment at a later meeting.

Co-Chair MacKinnon stated that she would not offer Amendment 27.

Co-Chair MacKinnon expressed gratitude for the Legislative Legal drafters. She requested a committee substitute on Monday. Mr. Gardner replied that there was a plan to move forward, which was consistent with the schedule.

Co-Chair MacKinnon discussed housekeeping.

Mr. Gardner stated that he was willing to work to draft a new Amendment 27.

Co-Chair MacKinnon discussed the schedule.

SB 91 was HEARD and HELD in committee for further consideration.

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ADJOURNMENT

5:22:07 PM

The meeting was adjourned at 5:21 p.m.