

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

March 23, 2016

1:39 p.m.

**MEMBERS PRESENT**

Senator Lesil McGuire, Chair  
Senator John Coghill, Vice Chair  
Senator Mia Costello  
Senator Bill Wielechowski

**MEMBERS ABSENT**

Senator Peter Micciche

**COMMITTEE CALENDAR**

SENATE BILL NO. 8

"An Act relating to the regulation and production of industrial hemp."

- BILL HEARING CANCELED

SENATE BILL NO. 165

"An Act relating to the presence of minors in the licensed premises of manufacturers, wholesalers, and retailers of alcoholic beverages; relating to the Alcoholic Beverage Control Board; relating to the offense of minor consuming; relating to revocation of a driver's license for a minor consuming offense; relating to the effect of the revocation of a driver's license for a minor consuming offense on a motor vehicle liability insurance policy; and amending Rule 17, Alaska Rules of Minor Offense Procedure."

- BILL HEARING CANCELED

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91

"An Act relating to criminal law and procedure; relating to controlled substances; relating to probation; relating to sentencing; establishing a pretrial services program with pretrial services officers in the Department of Corrections; 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 disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 6, 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 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)

**WITNESS REGISTER**

CHET HARVEY-ADKINS, representing himself  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 91.

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

**POSITION STATEMENT:** Described the changes between version I and  
version G of SB 91.

**ACTION NARRATIVE**

1:39:13 PM

**CHAIR LESIL MCGUIRE** called the Senate Judiciary Standing  
Committee meeting to order at 1:39 p.m. Present at the call to  
order were Senators Coghill, Costello, Wielechowski, and Chair  
McGuire.

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

[1:40:00 PM](#)

CHAIR MCGUIRE announced the consideration of SSSB 91. She thanked everyone who worked on the bill, noted the proposed CS in the packets, said public testimony was open, and listed those who were available to answer questions.

[1:41:42 PM](#)

SENATOR JOHN COGHILL, sponsor of SB 91, moved to adopt the CS for SSSB 91, labeled 29-LS0541\G, as the working document.

CHAIR MCGUIRE stated that without objection, version G is before the committee.

[1:42:18 PM](#)

CHET HARVEY-ADKINS, representing himself, testified in support of SB 91. He shared his story of incarceration and rehabilitation. He spoke of barrier crimes being an obstacle to his success.

CHAIR MCGUIRE closed public testimony.

[1:44:45 PM](#)

JORDAN SHILLING, Staff, Senator John Coghill, Alaska State Legislature, presented the changes between version I and version G of SB 91. He pointed out that the committee substitute (CS) incorporates the accumulated technical changes and clarifications identified by Legislative Legal Services, the Department of Law, the Public Defender Agency, the Court System, and the Office of Victims' Rights.

He highlighted the technical change to ensure that possession of methamphetamine precursors are not subject to the 2.5 gram threshold.

CHAIR MCGUIRE asked about dosage versus gram weight.

MR. SHILLING explained that under current law, possession of any amount of a methamphetamine precursor is treated with a certain penalty. Since SB 91 uses weight as the dividing line between a class B and class C felony, it was important to exclude methamphetamine precursors from that provision so that possession of any amount of methamphetamine precursor is a class B felony, rather than apply the 2.5 gram threshold.

Change two is technical to ensure a defendant is entitled to only one bail review hearing due to an inability to post bond.

Change three is substantive and excludes sex offenders from the mandatory own recognizance (OR) offender release provision.

Change four removes provisions limiting judicial discretion to impose community work as a condition of probation.

Change five establishes a maximum probation term that may be imposed under the Suspended Entry of Judgment policy. This change is intended to mirror a similar provision found in the Suspended Imposition of Sentence statute.

Change six ensures that an early discharge recommendation made to the court may only be made if the person remains in compliance with the conditions of probation or parole for a full year prior to being eligible for early discharge.

[1:48:22 PM](#)

Change seven requires the Department of Corrections to notify a victim when a recommendation has been made to the court for early discharge.

Change eight ensures that the Alaska Criminal Justice Commission (ACJC) recommendations to reduce presumptive ranges for class A, class B, and class C felonies is correctly implemented in the bill.

Change nine conforms to the ACJC sentencing recommendation to impose one month and six months of suspended time for first- and second-time simple drug possession.

[1:49:41 PM](#)

Change ten requires the Department of Corrections to notify a victim at least 90 days before the prisoner's earliest administrative parole eligibility date and provides instructions on how to request a hearing. The notification must be done at least 60 days before the prisoner's eligibility date. He noted this will need additional attention and work.

Change eleven extends victim notification provisions to victims of sexual assault, departing from current law that only requires notification to a victim of domestic violence.

Change twelve prevents good time from being awarded to probationers serving time for violating the conditions of their probation or parole. This ensures that the three- five- and ten-day durations do not apply.

[1:51:13 PM](#)

Change thirteen gives new responsibilities to the ACJC including making reinvestment recommendations to the legislature, tracking and measuring outcomes of the reform package, and reporting to the legislature.

Change fourteen restricts Alcohol Safety Action Program (ASAP) referrals to only those required by statute.

[1:51:58 PM](#)

CHAIR MCGUIRE listed the individuals available to answer questions.

[1:53:15 PM](#)

SENATOR COGHILL said he has seven amendments that need to conform to version G of SB 91.

SENATOR MCGUIRE suggested members follow along on the document "SB 91 Summary of Amendments."

CHAIR MCGUIRE moved that the amendments that pass today will be crafted as conceptual, in part, because they will be drafted to conform to version G of SB 91. There being no objection, the motion carried.

[1:55:11 PM](#)

SENATOR COGHILL moved to adopt Amendment 1, labeled 29-LS0541\I.5.

#### **AMENDMENT 1**

Page 84, following line 19:

Insert new bill sections to read:

"\* **Sec. 137.** AS 47.38.100(a) is amended to read:

(a) The recidivism reduction program is established to promote the rehabilitation [THROUGH TRANSITIONAL RE-ENTRY PROGRAMS] of persons on probation or parole or incarcerated for offenses and recently released from correctional facilities.

\* **Sec. 138.** AS 47.38.100(b) is amended to read:

(b) The commissioner, in cooperation with the Alaska Criminal Justice Commission established in AS 44.19.641 [COMMISSIONER OF CORRECTIONS], may provide for programs that have, as a primary focus, rehabilitation and reduction of recidivism [THROUGH TRANSITIONAL RE-ENTRY] for persons on probation or parole or incarcerated for offenses and recently released from correctional facilities. The commissioner may enter into contracts to provide for programs under this section. An eligible [A] program under this section must accomplish at least one of the following objectives:

(1) increasing access to evidence-based rehabilitation programs, including drug and alcohol treatment, mental health treatment, and cognitive behavioral programs; or

(2) supporting offenders' transition and re-entry from correctional facilities to the community, including transitional housing services, employment services, vocational training, educational support, and counseling [INCLUDE CASE MANAGEMENT;

(2) REQUIRE SOBER LIVING;

(3) PROVIDE, ON-SITE OR BY REFERRAL, TREATMENT FOR SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT;

(4) REQUIRE EMPLOYMENT, EDUCATIONAL PROGRAMMING, VOCATIONAL TRAINING, OR COMMUNITY VOLUNTEER WORK AS APPROVED BY THE DIRECTOR OF THE TREATMENT PROGRAM; AND

(5) LIMIT RESIDENTIAL PLACEMENTS IN THE PROGRAM TO A MAXIMUM OF ONE YEAR].

\* **Sec. 139.** AS 47.38.100 is amended by adding a new subsection to read:

(d) In this section, "evidenced-based" means a program or practice that offers a high level of research on effectiveness."

Renumber the following bill sections accordingly.

Page 86, following line 10:

Insert a new bill section to read:

"\* **Sec. 146.** The uncodified law of the State of Alaska is amended by adding a new section to read:

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. The Council on Domestic Violence and Sexual Assault established in AS 18.66.010 shall create or expand

community-based violence prevention programming and services for victims of a crime involving domestic violence or sexual assault in the fiscal year ending June 30, 2017. In this section "domestic violence" and "sexual assault" have the meanings given to those terms in AS 18.66.990."

Renumber the following bill sections accordingly.

Page 90, line 2:

Delete "secs. 137 - 139"

Insert "secs. 140 - 142"

Page 90, line 3:

Delete "137 - 139"

Insert "140 - 142"

Page 90, line 29:

Delete "sec. 137"

Insert "sec. 140"

Page 90, line 31:

Delete "sec. 142(a)"

Insert "sec. 145(a)"

Page 91, line 3:

Delete "sec. 142(b)"

Insert "sec. 145(b)"

Page 91, line 6:

Delete "sec. 142(b)"

Insert "sec. 145(b)"

Page 91, line 9:

Delete "sec. 142(c)"

Insert "sec. 145(c)"

Page 91, line 12:

Delete "sec. 142(d)"

Insert "sec. 145(d)"

Page 91, line 15:

Delete "sec. 142(e)"

Insert "sec. 145(e)"

Page 91, line 18:

Delete "sec. 142(f)"  
Insert "sec. 145(f)"

Page 91, line 23:  
Delete "Section 141"  
Insert "Section 144"

Page 92, line 3:  
Delete "sec. 137"  
Insert "sec. 140"

Page 92, line 5:  
Delete "Sections 138 and 139"  
Insert "Sections 141 and 142"

Page 92, line 6:  
Delete "sec. 141"  
Insert "sec. 144"  
Delete "sec. 146"  
Insert "sec. 150"

Page 92, line 8:  
Delete "sec. 146"  
Insert "sec. 150"

SENATOR COGHILL explained that Amendment 1 inserts reinvestment language that repurposes the Recidivism Reduction Program to provide a vehicle for funding programs, including uncodified language to allow funding for violence prevention programs and services for crime victims within the Council on Domestic Violence and Sexual Assault. It talks about offender transition services and re-entry into the community.

CHAIR MCGUIRE announced that without objection, Amendment 1 is adopted.

SENATOR COGHILL moved to adopt Amendment 2, labeled 29-LS0541\I.7.

#### AMENDMENT 2

Page 41, following line 30:  
Insert new bill sections to read:  
    "\* **Sec. 67.** 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 25 [20] years but not more than 99 years. A defendant convicted of murder in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years when

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

(2) the defendant has been previously convicted of

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

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

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

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

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

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

\* **Sec. 68.** AS 12.55.125(b) is amended to read:

(b) A defendant convicted of attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years. A defendant convicted of murder in the second degree or murder of an unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at least 15 [10] years but not more than 99 years. A defendant convicted of murder in the second degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years when the defendant is convicted of the murder of a child under 16 years of age and the court finds by

clear and convincing evidence that the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal guardian, or a person occupying a position of authority in relation to the child; or (2) caused the death of the child by committing a crime against a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of authority" have the meanings given in AS 11.41.470."

Renumber the following bill sections accordingly.

Page 86, line 3:  
Delete "sec. 72"  
Insert "sec. 74"

Page 86, line 6:  
Delete "sec. 92"  
Insert "sec. 94"

Page 87, following line 2:  
Insert new paragraphs to read:  
    "(20) AS 12.55.125(a), as amended by sec. 67  
of this Act;  
    (21) AS 12.55.125(b), as amended by sec. 68  
of this Act;"

Renumber the following paragraphs accordingly.

Page 87, line 3:  
Delete "sec. 78"  
Insert "sec. 80"

Page 87, line 4:  
Delete "sec. 79"  
Insert "sec. 81"

Page 87, line 5:  
Delete "sec. 85"  
Insert "sec. 87"

Page 87, line 6:  
Delete "sec. 86"  
Insert "sec. 88"

Page 87, line 7:  
Delete "sec. 87"

Insert "sec. 89"

Page 87, line 8:  
Delete "sec. 136"  
Insert "sec. 138"

Page 87, line 26:  
Delete "sec. 67"  
Insert "sec. 69"

Page 87, line 27:  
Delete "sec. 68"  
Insert "sec. 70"

Page 87, line 28:  
Delete "sec. 69"  
Insert "sec. 71"

Page 87, line 29:  
Delete "sec. 70"  
Insert "sec. 72"

Page 87, line 30:  
Delete "sec. 71"  
Insert "sec. 73"

Page 87, line 31:  
Delete "sec. 72"  
Insert "sec. 74"

Page 88, line 1:  
Delete "sec. 81"  
Insert "sec. 83"

Page 88, line 2:  
Delete "sec. 84"  
Insert "sec. 86"

Page 88, line 3:  
Delete "sec. 93"  
Insert "sec. 95"

Page 88, line 4:  
Delete "sec. 94"  
Insert "sec. 96"

Page 88, line 5:  
Delete "sec. 95"  
Insert "sec. 97"

Page 88, line 6:  
Delete "sec. 96"  
Insert "sec. 98"

Page 88, line 7:  
Delete "sec. 97"  
Insert "sec. 99"

Page 88, line 8:  
Delete "sec. 98"  
Insert "sec. 100"

Page 88, line 9:  
Delete "sec. 100"  
Insert "sec. 102"

Page 88, line 10:  
Delete "sec. 102"  
Insert "sec. 104"

Page 88, line 11:  
Delete "sec. 127"  
Insert "sec. 129"

Page 88, line 12:  
Delete "sec. 128"  
Insert "sec. 130"

Page 89, line 3:  
Delete "sec. 89"  
Insert "sec. 91"

Page 89, line 4:  
Delete "sec. 90"  
Insert "sec. 92"

Page 89, line 8:  
Delete "sec. 75"  
Insert "sec. 77"

Page 89, line 9:  
Delete "sec. 76"

Insert "sec. 78"

Page 89, line 10:  
Delete "sec. 77"  
Insert "sec. 79"

Page 89, line 11:  
Delete "sec. 83"  
Insert "sec. 85"

Page 89, line 14:  
Delete "sec. 101"  
Insert "sec. 103"

Page 89, line 15:  
Delete "sec. 108"  
Insert "sec. 110"

Page 89, line 16:  
Delete "sec. 109"  
Insert "sec. 111"

Page 89, line 17:  
Delete "sec. 110"  
Insert "sec. 112"

Page 89, line 18:  
Delete "sec. 111"  
Insert "sec. 113"

Page 89, line 19:  
Delete "sec. 112"  
Insert "sec. 114"

Page 89, line 20:  
Delete "sec. 113"  
Insert "sec. 115"

Page 89, line 21:  
Delete "sec. 114"  
Insert "sec. 116"

Page 89, line 22:  
Delete "sec. 115"  
Insert "sec. 117"

Page 89, line 23:  
Delete "sec. 116"  
Insert "sec. 118"

Page 89, line 24:  
Delete "sec. 117"  
Insert "sec. 119"

Page 89, line 25:  
Delete "sec. 118"  
Insert "sec. 120"

Page 89, line 26:  
Delete "sec. 119"  
Insert "sec. 121"

Page 89, line 27:  
Delete "sec. 120"  
Insert "sec. 122"

Page 89, line 28:  
Delete "sec. 121"  
Insert "sec. 123"

Page 89, line 29:  
Delete "sec. 122"  
Insert "sec. 124"

Page 89, line 30:  
Delete "sec. 123"  
Insert "sec. 125"

Page 89, line 31:  
Delete "sec. 124"  
Insert "sec. 126"

Page 90, line 1:  
Delete "sec. 125"  
Insert "sec. 127"

Page 90, line 2:  
Delete "secs. 137 - 139"  
Insert "secs. 139 - 141"

Page 90, line 3:  
Delete "137 - 139"

Insert "139 - 141"

Page 90, line 18:  
Delete "sec. 92"  
Insert "sec. 94"

Page 90, line 19:  
Delete "sec. 134"  
Insert " sec. 136"

Page 90, line 22:  
Delete "sec. 135"  
Insert "sec. 137"

Page 90, line 29:  
Delete "sec. 137"  
Insert "sec. 139"

Page 90, line 31:  
Delete "sec. 142(a)"  
Insert "sec. 144(a)"

Page 91, line 3:  
Delete "sec. 142(b)"  
Insert "sec. 144(b)"

Page 91, line 6:  
Delete "sec. 142(b)"  
Insert "sec. 144(b)"

Page 91, line 9:  
Delete "sec. 142(c)"  
Insert "sec. 144(c)"

Page 91, line 12:  
Delete "sec. 142(d)"  
Insert "sec. 144(d)"

Page 91, line 15:  
Delete "sec. 72"  
Insert "sec. 74"  
Delete "sec. 142(e)"  
Insert "sec. 144(e)"

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

Insert "sec. 94"  
Delete "sec. 142(f)"  
Insert "sec. 144(f)"

Page 91, line 23:  
Delete "Section 141"  
Insert "Section 143"

Page 91, line 25:  
Delete "sec. 135"  
Insert "sec. 137"

Page 91, line 28:  
Delete "sec. 135"  
Insert "sec. 137"

Page 91, line 30:  
Delete "sec. 135"  
Insert "sec. 137"

Page 92, line 2:  
Delete "92, and 134"  
Insert "94, and 136"

Page 92, line 3:  
Delete "sec. 137"  
Insert "sec. 139"

Page 92, line 5:  
Delete "Sections 138 and 139"  
Insert "Sections 140 and 141"

Page 92, line 6:  
Delete "sec. 141"  
Insert "sec. 143"  
Delete "sec. 146"  
Insert "sec. 148"

Page 92, line 8:  
Delete "sec. 146"  
Insert "sec. 148"

SENATOR COGHILL explained that Amendment 2 increases the mandatory minimum by five years for first degree murder and second degree murder. This is based on public testimony requests

that good time allowance should not be considered for these two crimes.

CHAIR MCGUIRE announced that without objection, Amendment 2 is adopted.

[1:56:39 PM](#)

SENATOR COGHILL moved to adopt Amendment 3, labeled 29-LS0541\I.8.

### AMENDMENT 3

Page 68, line 2, following "**procedures**":

Insert "**; consultation before parole**"

Page 68, following line 26:

Insert a new subsection to read:

"(e) Before granting parole to a prisoner under this chapter, the board shall consult with a corrections officer designated by the commissioner."

[1:56:49 PM](#)

At ease

[1:57:01 PM](#)

SENATOR COGHILL explained Amendment 3 requires the parole board to confer with a corrections officer prior to granting parole. It includes parole officer involvement in the risk assessment and decisions regarding the potential for probation and parole.

CHAIR MCGUIRE announced that without objection, Amendment 3 is adopted.

[1:57:56 PM](#)

SENATOR COGHILL moved to adopt Amendment 4, labeled 29-LS0541\I.9.

### AMENDMENT 4

Page 60, line 11, following "community.":

Insert new material to read:

"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."

Page 84, following line 19:

Insert a new bill section to read:

"\* **Sec. 137.** AS 47.38.020(d) is repealed and reenacted to read:

(d) The department may, in accordance with AS 36.30, procure and enter into agreements or contracts to establish and implement the program and testing required under (a) - (c) of this section."

Renumber the following bill sections accordingly.

Page 90, line 2:

Delete "secs. 137 - 139"

Insert "secs. 138 - 140"

Page 90, line 3:

Delete "137 - 139"

Insert "138 - 140"

Page 90, line 29:

Delete "sec. 137"

Insert "sec. 138"

Page 90, line 31:

Delete "sec. 142(a)"

Insert "sec. 143(a)"

Page 91, line 3:

Delete "sec. 142(b)"

Insert "sec. 143(b)"

Page 91, line 6:

Delete "sec. 142(b)"

Insert "sec. 143(b)"

Page 91, line 9:

Delete "sec. 142(c)"

Insert "sec. 143(c)"

Page 91, line 12:

Delete "sec. 142(d)"

Insert "sec. 143(d)"

Page 91, line 15:

Delete "sec. 142(e)"

Insert "sec. 143(e)"

Page 91, line 18:  
Delete "sec. 142(f)"  
Insert "sec. 143(f)"

Page 91, line 23:  
Delete "Section 141"  
Insert "Section 142"

Page 92, line 3:  
Delete "sec. 137"  
Insert "sec. 138"

Page 92, line 5:  
Delete "Sections 138 and 139"  
Insert "Sections 139 and 140"

Page 92, line 6:  
Delete "sec. 141"  
Insert "sec. 142"  
Delete "sec. 146"  
Insert "sec. 147"

Page 92, line 8:  
Delete "sec. 146"  
Insert "sec. 147"

[1:58:09 PM](#)

At ease

[1:59:21 PM](#)

SENATOR COGHILL moved to lay Amendment 4 aside for further discussion.

CHAIR MCGUIRE announced that without objection, Amendment 4 is tabled.

[1:59:42 PM](#)

SENATOR COGHILL moved to adopt Amendment 5, labeled 29-LS0541\I.10.

#### **AMENDMENT 5**

Page 62, line 5:  
Delete "a misdemeanor or"

CHAIR MCGUIRE announced that without objection, Amendment 5 is adopted.

[2:00:08 PM](#)

SENATOR COGHILL moved Amendment 6, labeled 29-LS0541\I.13.

**AMENDMENT 6**

Page 18, line 24:

Delete "**sexual**"

Insert "**sex**"

Page 18, lines 30 - 31:

Delete all material and insert:

**"(B) "sex offense" has the meaning given in AS 12.63.100"**

Page 33, following line 24:

Insert a new bill section to read:

"\* **Sec. 53.** AS 12.55.027 is amended by adding a new subsection to read:

(f) To qualify as a treatment program under this section, a program must

(1) be intended to address criminogenic traits or behaviors;

(2) provide measures of progress or completion; and

(3) require notification to the court or probation officer of violations of conditions of bail or probation."

Renumber the following bill sections accordingly.

Page 41, line 23:

Delete "or"

Page 41, line 24, following "treatment":

Insert "; or

(C) failing to complete an intervention program for batterers"

Page 58, line 9, following "Safety,":

Insert "the office of victims' rights,"

Page 62, lines 5 - 6:

Delete "sexual felony as defined in AS 12.55.185"

Insert "sex offense as defined in AS 12.63.100"

Page 76, line 15:

Delete "or"

Page 76, line 16, following "treatment":

Insert "; or

(C) failing to complete an intervention program for batterers"

Page 78, line 6:

Delete "one-third"

Insert "one-fifth"

Page 85, line 27:

Delete "sec. 57"

Insert "sec. 58"

Page 85, line 30:

Delete "sec. 57"

Insert "sec. 58"

Page 85, line 31:

Delete "sec. 58"

Insert "sec. 59"

Page 86, line 3:

Delete "sec. 72"

Insert "sec. 73"

Page 86, line 6:

Delete "sec. 92"

Insert "sec. 93"

Page 87, following line 2:

Insert a new paragraph to read:

"(20) AS 12.55.027, as amended by sec. 53 of this Act;"

Renumber the following paragraphs accordingly.

Page 87, line 3:

Delete "sec. 78"

Insert "sec. 79"

Page 87, line 4:

Delete "sec. 79"  
Insert "sec. 80"

Page 87, line 5:  
Delete "sec. 85"  
Insert "sec. 86"

Page 87, line 6:  
Delete "sec. 86"  
Insert "sec. 87"

Page 87, line 7:  
Delete "sec. 87"  
Insert "sec. 88"

Page 87, line 8:  
Delete "sec. 136"  
Insert "sec. 137"

Page 87, line 25:  
Delete "sec. 66"  
Insert "sec. 67"

Page 87, line 26:  
Delete "sec. 67"  
Insert "sec. 68"

Page 87, line 27:  
Delete "sec. 68"  
Insert "sec. 69"

Page 87, line 28:  
Delete "sec. 69"  
Insert "sec. 70"

Page 87, line 29:  
Delete "sec. 70"  
Insert "sec. 71"

Page 87, line 30:  
Delete "sec. 71"  
Insert "sec. 72"

Page 87, line 31:  
Delete "sec. 72"  
Insert "sec. 73"

Page 88, line 1:  
Delete "sec. 81"  
Insert "sec. 82"

Page 88, line 2:  
Delete "sec. 84"  
Insert "sec. 85"

Page 88, line 3:  
Delete "sec. 93"  
Insert "sec. 94"

Page 88, line 4:  
Delete "sec. 94"  
Insert "sec. 95"

Page 88, line 5:  
Delete "sec. 95"  
Insert "sec. 96"

Page 88, line 6:  
Delete "sec. 96"  
Insert "sec. 97"

Page 88, line 7:  
Delete "sec. 97"  
Insert "sec. 98"

Page 88, line 8:  
Delete "sec. 98"  
Insert "sec. 99"

Page 88, line 9:  
Delete "sec. 100"  
Insert "sec. 101"

Page 88, line 10:  
Delete "sec. 102"  
Insert "sec. 103"

Page 88, line 11:  
Delete "sec. 127"  
Insert "sec. 128"

Page 88, line 12:

Delete "sec. 128"  
Insert "sec. 129"

Page 88, line 19:  
Delete "sec. 55"  
Insert "sec. 56"

Page 88, line 20:  
Delete "sec. 56"  
Insert "sec. 57"

Page 88, line 21:  
Delete "sec. 57"  
Insert "sec. 58"

Page 88, line 22:  
Delete "sec. 58"  
Insert "sec. 59"

Page 88, line 23:  
Delete "sec. 58"  
Insert "sec. 59"

Page 88, line 24:  
Delete "sec. 58"  
Insert "sec. 59"

Page 88, line 27:  
Delete "sec. 53"  
Insert "sec. 54"

Page 88, line 28:  
Delete "sec. 59"  
Insert "sec. 60"

Page 88, line 29:  
Delete "sec. 60"  
Insert "sec. 61"

Page 88, line 30:  
Delete "sec. 61"  
Insert "sec. 62"

Page 88, line 31:  
Delete "sec. 62"  
Insert "sec. 63"

Page 89, line 1:  
Delete "sec. 63"  
Insert "sec. 64"

Page 89, line 2:  
Delete "sec. 65"  
Insert "sec. 66"

Page 89, line 3:  
Delete "sec. 89"  
Insert "sec. 90"

Page 89, line 4:  
Delete "sec. 90"  
Insert "sec. 91"

Page 89, line 8:  
Delete "sec. 75"  
Insert "sec. 76"

Page 89, line 9:  
Delete "sec. 76"  
Insert "sec. 77"

Page 89, line 10:  
Delete "sec. 77"  
Insert "sec. 78"

Page 89, line 11:  
Delete "sec. 83"  
Insert "sec. 84"

Page 89, line 14:  
Delete "sec. 101"  
Insert "sec. 102"

Page 89, line 15:  
Delete "sec. 108"  
Insert "sec. 109"

Page 89, line 16:  
Delete "sec. 109"  
Insert "sec. 110"

Page 89, line 17:

Delete "sec. 110"  
Insert "sec. 111"

Page 89, line 18:  
Delete "sec. 111"  
Insert "sec. 112"

Page 89, line 19:  
Delete "sec. 112"  
Insert "sec. 113"

Page 89, line 20:  
Delete "sec. 113"  
Insert "sec. 114"

Page 89, line 21:  
Delete "sec. 114"  
Insert "sec. 115"

Page 89, line 22:  
Delete "sec. 115"  
Insert "sec. 116"

Page 89, line 23:  
Delete "sec. 116"  
Insert "sec. 117"

Page 89, line 24:  
Delete "sec. 117"  
Insert "sec. 118"

Page 89, line 25:  
Delete "sec. 118"  
Insert "sec. 119"

Page 89, line 26:  
Delete "sec. 119"  
Insert "sec. 120"

Page 89, line 27:  
Delete "sec. 120"  
Insert "sec. 121"

Page 89, line 28:  
Delete "sec. 121"  
Insert "sec. 122"

Page 89, line 29:  
Delete "sec. 122"  
Insert "sec. 123"

Page 89, line 30:  
Delete "sec. 123"  
Insert "sec. 124"

Page 89, line 31:  
Delete "sec. 124"  
Insert "sec. 125"

Page 90, line 1:  
Delete "sec. 125"  
Insert "sec. 126"

Page 90, line 2:  
Delete "secs. 137 - 139"  
Insert "secs. 138 - 140"

Page 90, line 3:  
Delete "137 - 139"  
Insert "138 - 140"

Page 90, line 17:  
Delete "sec. 54"  
Insert "sec. 55"

Page 90, line 18:  
Delete "sec. 92"  
Insert "sec. 93"

Page 90, line 19:  
Delete "sec. 134"  
Insert "sec. 135"

Page 90, line 22:  
Delete "sec. 135"  
Insert "sec. 136"

Page 90, line 29:  
Delete "sec. 137"  
Insert "sec. 138"

Page 90, line 31:

Delete "sec. 142(a)"  
Insert "sec. 143(a)"

Page 91, line 3:  
Delete "sec. 142(b)"  
Insert "sec. 143(b)"

Page 91, line 6:  
Delete "sec. 142(b)"  
Insert "sec. 143(b)"

Page 91, line 9:  
Delete "sec. 57"  
Insert "sec. 58"  
Delete "sec. 142(c)"  
Insert "sec. 143(c)"

Page 91, line 12:  
Delete "sec. 58"  
Insert "sec. 59"  
Delete "sec. 142(d)"  
Insert "sec. 143(d)"

Page 91, line 15:  
Delete "sec. 72"  
Insert "sec. 73"  
Delete "sec. 142(e)"  
Insert "sec. 143(e)"

Page 91, line 18:  
Delete "sec. 92"  
Insert "sec. 93"  
Delete "sec. 142(f)"  
Insert "sec. 143(f)"

Page 91, line 23:  
Delete "Section 141"  
Insert "Section 142"

Page 91, line 25:  
Delete "sec. 135"  
Insert "sec. 136"

Page 91, line 28:  
Delete "sec. 135"  
Insert "sec. 136"

Page 91, line 30:  
Delete "sec. 135"  
Insert "sec. 136"

Page 92, line 2:  
Delete "54, 92, and 134"  
Insert "55, 93, and 135"

Page 92, line 3:  
Delete "sec. 137"  
Insert "sec. 138"

Page 92, line 5:  
Delete "Sections 138 and 139"  
Insert "Sections 139 and 140"

Page 92, line 6:  
Delete "sec. 141"  
Insert "sec. 142"  
Delete "sec. 146"  
Insert "sec. 147"

Page 92, line 8:  
Delete "sec. 146"  
Insert "sec. 147"

SENATOR COGHILL explained that Amendment 6 expands the definition of sexual offense to encompass a broader array of offenses for the purposes of overcoming the presumption of citation. It also provides a definition for treatment programs to guide the courts in determining pretrial credit for time served in rehabilitative treatment.

[2:00:40 PM](#)

At ease

[2:01:47 PM](#)

MR. SHILLING clarified that the commission recommended an earned credit for inmates who comply and successfully complete sex offender treatment while they're incarcerated. That credit currently is one-third and Amendment 6 reduces it to one-fifth.

CHAIR MCGUIRE asked if expanding the definition to sexual offense is in response to some of the Victims' Rights testimony.

MR. SHILLING explained that the change is in response to concerns that exceptions necessary to overcome the presumption of citations did not include all sexual offenses. The definition of sexual offenses in versions I and G are narrower and Amendment 6 provides a broader definition that will encompass additional sex crimes.

CHAIR MCGUIRE provided examples. She commented that this is the area that had the most testimony. Amendment 6 provides more tools to law enforcement, but also considers the alternative of citing, rather than arrest.

CHAIR MCGUIRE announced that without objection, Amendment 6 is adopted.

[2:04:15 PM](#)

At ease

[2:04:50 PM](#)

SENATOR COGHILL moved to adopt Amendment 7, labeled 29-LS0541\I.18.

#### AMENDMENT 7

Page 79, line 22:

Delete "before release and"

Page 79, line 23, following "detention":

Insert "and before a prisoner's release on parole, furlough, or electronic monitoring from a correctional facility"

He explained that Amendment 7 requires the Department of Corrections to conduct an assessment prior to release on parole, furlough, or electronic monitoring from a correctional facility.

CHAIR MCGUIRE announced that without objection, Amendment 7 is adopted.

[2:05:42 PM](#)

At ease

[2:09:19 PM](#)

SENATOR MCGUIRE moved to adopt Amendment 8, labeled 29-LS0541\I.12.

AMENDMENT 8

Page 1, line 7, following "license;":

Insert "relating to the Alaska Criminal Justice Commission;"

Page 86, following line 10:

Insert a new bill section to read:

"\* **Sec. 143.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING BARRIER OFFENSES. The Alaska Criminal Justice Commission shall provide in the commission's 2017 annual report required under AS 44.19.647 an evaluation of the relationship between offenses on a person's criminal justice record that may be a barrier to entry into certain occupations and the successful re-entry of a person with barrier offenses on the person's criminal justice record into the community."

Renumber the following bill sections accordingly.

Page 92, line 6:

Delete "sec. 146"

Insert "sec. 147"

Page 92, line 8:

Delete "sec. 146"

Insert "sec. 147"

SENATOR COGHILL objected for discussion.

CHAIR MCGUIRE explained that according to the Legal Action Center, Alaska ranks number one in the nation for state-created barriers to successful re-entry for persons with a criminal record. Barrier crimes are largely independent of an offender's sentence by the judicial system. Collateral consequences nationally are often the most significant consequence of a criminal offense despite this disconnect. Reducing barriers to employment is an effective way to combat recidivism and to promote healthy re-entry to society. Preventing someone who has done their time from getting a job only encourages them to return to their old ways to try to get by. Meaningful employment is one of the surest predictors of success in re-entry.

She said the state has both a public safety interest and a humanitarian interest in encouraging re-integration of offenders who have served their time. The evidence is clear, offenders who have served their sentences almost never actually stop paying for their crimes. Collateral consequences hurt them and their families through inadequate employment long after they have served their time.

CHAIR MCGUIRE explained that Amendment 8 requires the Alaska Criminal Justice Commission to provide in their 2017 annual report, an evaluation of the relationship between barrier offenses and successful re-entry into the community. The report may help the legislature to deal with the issue of barrier crimes in an effective manner, therefore reducing recidivism.

She referred to the previous testimony from Mr. Harvey-Adkins regarding barrier crimes.

She commented that two of the amendments she is offering today ask that the commission make recommendations on the net effect of barrier crimes and re-entry and expungement.

SENATOR COGHILL withdrew his objection.

CHAIR MCGUIRE announced that without objection, Amendment 8 is adopted.

[2:12:43 PM](#)

CHAIR MCGUIRE moved to adopt Amendment 9, labeled 29-LS0541\G.1.

#### AMENDMENT 9

Page 1, line 1, following "**substances;**":

Insert "**relating to immunity from prosecution for the crime of prostitution;**"

Page 10, following line 28:

Insert a new bill section to read:

"\* **Sec. 25.** AS 11.66.100 is amended by adding a new subsection to read:

(e) A person may not be prosecuted under (a)(1) of this section if the

(1) person witnessed or was a victim of, and reported to law enforcement in good faith, one or more of the following crimes:

(A) murder in the first degree under AS 11.41.100;  
(B) murder in the second degree under AS 11.41.110;  
(C) manslaughter under AS 11.41.120;  
(D) criminally negligent homicide under AS 11.41.130;  
(E) assault in the first degree under AS 11.41.200;  
(F) assault in the second degree under AS 11.41.210;  
(G) assault in the third degree under AS 11.41.220;  
(H) assault in the fourth degree under AS 11.41.230;  
(I) sexual assault in the first degree under AS 11.41.410;  
(J) sexual assault in the second degree under AS 11.41.420;  
(K) sexual assault in the third degree under AS 11.41.425;  
(L) sexual assault in the fourth degree under AS 11.41.427;  
(M) sex trafficking in the first degree under AS 11.66.110;  
(N) sex trafficking in the second degree under AS 11.66.120;  
(O) sex trafficking in the third degree under AS 11.66.130; or  
(P) sex trafficking in the fourth degree under AS 11.66.135;  
(2) evidence supporting the prosecution under (a)(1) of this section was obtained or discovered as a result of the person reporting the crime to law enforcement; and  
(3) person cooperated with law enforcement personnel."

Renumber the following bill sections accordingly.

Page 96, line 1:  
Delete "sec. 43"  
Insert "sec. 44"

Page 96, line 5:  
Delete "sec. 44"

Insert "sec. 45"

Page 96, line 6:  
Delete "sec. 45"  
Insert "sec. 46"

Page 96, line 12:  
Delete "sec. 58"  
Insert "sec. 59"

Page 96, line 15:  
Delete "sec. 58"  
Insert "sec. 59"

Page 96, line 16:  
Delete "sec. 59"  
Insert "sec. 60"

Page 96, line 19:  
Delete "sec. 73"  
Insert "sec. 74"

Page 96, line 22:  
Delete "sec. 92"  
Insert "sec. 93"

Page 97, line 15:  
Delete "sec. 25"  
Insert "sec. 26"

Page 97, line 16:  
Delete "sec. 26"  
Insert "sec. 27"

Page 97, line 17:  
Delete "sec. 29"  
Insert "sec. 30"

Page 97, line 18:  
Delete "sec. 31"  
Insert "sec. 32"

Page 97, line 19:  
Delete "sec. 33"  
Insert "sec. 34"

Page 97, line 20:  
Delete "sec. 79"  
Insert "sec. 80"

Page 97, line 21:  
Delete "sec. 80"  
Insert "sec. 81"

Page 97, line 22:  
Delete "sec. 86"  
Insert "sec. 87"

Page 97, line 23:  
Delete "sec. 87"  
Insert "sec. 88"

Page 97, line 24:  
Delete "sec. 88"  
Insert "sec. 89"

Page 97, line 25:  
Delete "sec. 142"  
Insert "sec. 143"

Page 98, line 3:  
Delete "sec. 34"  
Insert "sec. 35"

Page 98, line 4:  
Delete "sec. 35"  
Insert "sec. 36"

Page 98, line 5:  
Delete "sec. 37"  
Insert "sec. 38"

Page 98, line 8:  
Delete "sec. 54"  
Insert "sec. 55"

Page 98, line 9:  
Delete "sec. 68"  
Insert "sec. 69"

Page 98, line 10:  
Delete "sec. 69"

Insert "sec. 70"

Page 98, line 11:  
Delete "sec. 70"  
Insert "sec. 71"

Page 98, line 12:  
Delete "sec. 71"  
Insert "sec. 72"

Page 98, line 13:  
Delete "sec. 72"  
Insert "sec. 73"

Page 98, line 14:  
Delete "sec. 73"  
Insert "sec. 74"

Page 98, line 15:  
Delete "sec. 127"  
Insert "sec. 128"

Page 98, line 16:  
Delete "sec. 128"  
Insert "sec. 129"

Page 98, line 19:  
Delete "sec. 52"  
Insert "sec. 53"

Page 98, line 20:  
Delete "sec. 53"  
Insert "sec. 54"

Page 98, line 21:  
Delete "sec. 67"  
Insert "sec. 68"

Page 98, line 22:  
Delete "sec. 82"  
Insert "sec. 83"

Page 98, line 23:  
Delete "sec. 85"  
Insert "sec. 86"

Page 98, line 24:  
Delete "sec. 95"  
Insert "sec. 96"

Page 98, line 25:  
Delete "sec. 97"  
Insert "sec. 98"

Page 98, line 26:  
Delete "sec. 99"  
Insert "sec. 100"

Page 98, line 27:  
Delete "sec. 129"  
Insert "sec. 130"

Page 98, line 28:  
Delete "sec. 50"  
Insert "sec. 51"

Page 98, line 30:  
Delete "sec. 50"  
Insert "sec. 51"

Page 99, line 3:  
Delete "sec. 57"  
Insert "sec. 58"

Page 99, line 4:  
Delete "sec. 58"  
Insert "sec. 59"

Page 99, line 5:  
Delete "sec. 59"  
Insert "sec. 60"

Page 99, line 7:  
Delete "sec. 59"  
Insert "sec. 60"

Page 99, line 10:  
Delete "sec. 55"  
Insert "sec. 56"

Page 99, line 11:  
Delete "sec. 61"

Insert "sec. 62"

Page 99, line 14:  
Delete "sec. 60"  
Insert "sec. 61"

Page 99, line 15:  
Delete "sec. 62"  
Insert "sec. 63"

Page 99, line 16:  
Delete "sec. 63"  
Insert "sec. 64"

Page 99, line 17:  
Delete "sec. 64"  
Insert "sec. 65"

Page 99, line 18:  
Delete "sec. 66"  
Insert "sec. 67"

Page 99, line 19:  
Delete "sec. 90"  
Insert "sec. 91"

Page 99, line 23:  
Delete "sec. 76"  
Insert "sec. 77"

Page 99, line 24:  
Delete "sec. 77"  
Insert "sec. 78"

Page 99, line 25:  
Delete "sec. 78"  
Insert "sec. 79"

Page 99, line 26:  
Delete "sec. 84"  
Insert "sec. 85"

Page 99, line 29:  
Delete "sec. 93"  
Insert "sec. 94"

Page 99, line 30:  
Delete "sec. 94"  
Insert "sec. 95"

Page 99, line 31:  
Delete "sec. 96"  
Insert "sec. 97"

Page 100, line 1:  
Delete "sec. 98"  
Insert "sec. 99"

Page 100, line 2:  
Delete "sec. 100"  
Insert "sec. 101"

Page 100, line 3:  
Delete "sec. 101"  
Insert "sec. 102"

Page 100, line 4:  
Delete "sec. 102"  
Insert "sec. 103"

Page 100, line 5:  
Delete "sec. 108"  
Insert "sec. 109"

Page 100, line 6:  
Delete "sec. 109"  
Insert "sec. 110"

Page 100, line 7:  
Delete "sec. 110"  
Insert "sec. 111"

Page 100, line 8:  
Delete "sec. 111"  
Insert "sec. 112"

Page 100, line 9:  
Delete "sec. 112"  
Insert "sec. 113"

Page 100, line 10:  
Delete "sec. 113"

Insert "sec. 114"

Page 100, line 11:  
Delete "sec. 114"  
Insert "sec. 115"

Page 100, line 12:  
Delete "sec. 115"  
Insert "sec. 116"

Page 100, line 13:  
Delete "sec. 116"  
Insert "sec. 117"

Page 100, line 14:  
Delete "sec. 117"  
Insert "sec. 118"

Page 100, line 15:  
Delete "sec. 118"  
Insert "sec. 119"

Page 100, line 16:  
Delete "sec. 119"  
Insert "sec. 120"

Page 100, line 17:  
Delete "sec. 120"  
Insert "sec. 121"

Page 100, line 18:  
Delete "sec. 121"  
Insert "sec. 122"

Page 100, line 19:  
Delete "sec. 122"  
Insert "sec. 123"

Page 100, line 20:  
Delete "sec. 123"  
Insert "sec. 124"

Page 100, line 21:  
Delete "sec. 124"  
Insert "sec. 125"

Page 100, line 22:  
Delete "sec. 125"  
Insert "sec. 126"

Page 100, line 23:  
Delete "secs. 146 - 148"  
Insert "secs. 147 - 149"

Page 100, line 24:  
Delete "146 - 148"  
Insert "147 - 149"

Page 100, line 28:  
Delete "sec. 39"  
Insert "sec. 40"

Page 100, line 29:  
Delete "sec. 40"  
Insert "sec. 41"

Page 100, line 30:  
Delete "sec. 41"  
Insert "sec. 42"

Page 100, line 31:  
Delete "sec. 42"  
Insert "sec. 43"

Page 101, line 1:  
Delete "sec. 43"  
Insert "sec. 44"

Page 101, line 2:  
Delete "sec. 44"  
Insert "sec. 45"

Page 101, line 3:  
Delete "sec. 45"  
Insert "sec. 46"

Page 101, line 4:  
Delete "sec. 46"  
Insert "sec. 47"

Page 101, line 5:  
Delete "sec. 47"

Insert "sec. 48"

Page 101, line 6:

Delete "sec. 48"

Insert "sec. 49"

Page 101, line 7:

Delete "sec. 49"

Insert "sec. 50"

Page 101, line 8:

Delete "sec. 56"

Insert "sec. 57"

Page 101, line 9:

Delete "sec. 92"

Insert "sec. 93"

Page 101, line 10:

Delete "sec. 135"

Insert "sec. 136"

Page 101, line 14:

Delete "sec. 146"

Insert "sec. 147"

Page 101, line 16:

Delete "sec. 43"

Insert "sec. 44"

Delete "sec. 150(a)"

Insert "sec. 151(a)"

Page 101, line 19:

Delete "sec. 44"

Insert "sec. 45"

Delete "sec. 150(b)"

Insert "sec. 151(b)"

Page 101, line 22:

Delete "sec. 45"

Insert "sec. 46"

Delete "sec. 150(b)"

Insert "sec. 151(b)"

Page 101, line 25:

Delete "sec. 58"

Insert "sec. 59"  
Delete "sec. 150(c)"  
Insert "sec. 151(c)"

Page 101, line 28:

Delete "sec. 59"  
Insert "sec. 60"  
Delete "sec. 150(d)"  
Insert "sec. 151(d)"

Page 101, line 31:

Delete "sec. 73"  
Insert "sec. 74"  
Delete "sec. 150(e)"  
Insert "sec. 151(e)"

Page 102, line 3:

Delete "sec. 92"  
Insert "sec. 93"  
Delete "sec. 150(f)"  
Insert "sec. 151(f)"

Page 102, lines 6 - 7:

Delete "21 - 33, 54, 55, 57, 59, 61, 65, 68 - 81,  
84, 86, 88, 127, 128, 136 - 145, and 149"  
Insert "21 - 34, 55, 56, 58, 60, 62, 66, 69 - 82,  
85, 87, 89, 128, 137 - 146, and 150"

Page 102, line 8:

Delete "Section 75"  
Insert "Section 76"

Page 102, lines 9 - 10:

Delete "Sections 50, 52, 53, 58, 60, 62 - 64, 66,  
67, 82, 83, 85, 89 - 91, 93 - 126, and 129 - 133"  
Insert "Sections 51, 53, 54, 59, 61, 63 - 65, 67,  
68, 83, 84, 86, 90 - 92, 94 - 127, and 130"

Page 102, line 11:

Delete "sec. 146"  
Insert "sec. 147"

Page 102, line 13:

Delete "34 - 49, 56, 92, 135, 146 - 148, and  
150(f)"

Insert "35 - 50, 57, 93, 136, 147 - 149, and 151(f)"

SENATOR COGHILL objected for discussion purposes.

CHAIR MCGUIRE explained that Amendment 9 is a result of conversations with Senator Berta Gardner and individuals who have been part of a movement to ask the legislature to consider prostitution in light of sex trafficking. This amendment narrowly addresses some valid concerns and provides immunity for the charge of prostitution if the person contacts law enforcement when they are the victim or witness to violent crimes against themselves or others. She listed the violent crimes included in the amendment: murder, assault, sexual assault, and sex trafficking. This is a narrow legal mechanism that allows prostitutes and victims of sex trafficking to report criminal acts without being faced with the risk of arrest.

She noted a goal of the amendment is for law enforcement to gain access to the criminal underworld populated by violent johns and sex offenders. Another goal is to provide police protection to those who work in the sex trade who might face the additional risk of violence. She acknowledged that prostitution remains illegal, however, a victim of rape, assault, and murder is still a human being under the eyes of the law and the perpetrator of the crime should not be allowed to avoid prosecution simply because the victim is in a position of fear. Prostitutes and victims of sex trafficking are among the most vulnerable and underserved of all populations.

She cited recent studies of assaults on prostitutes and their likelihood of being murdered.

SENATOR COGHILL withdrew his objection.

CHAIR MCGUIRE announced that without objection, Amendment 9 is adopted.

[2:17:19 PM](#)

CHAIR MCGUIRE moved to adopt Amendment 10, labeled 29-LS0541\I.4.

#### **AMENDMENT 10**

Page 60, line 18:

Delete "; and"

Insert ";

(4) require that a defendant charged with an offense involving the use of alcohol or controlled substances comply with a program established under AS 47.38.020; and"

Renumber the following paragraph accordingly.

Page 72, line 18:

Delete "probation"

Insert "parole [PROBATION]"

Page 72, following line 24:

Insert a new bill section to read:

"\* **Sec. 115.** AS 33.16.150 is amended by adding a new subsection to read:

(h) In addition to other conditions of parole imposed under this section, for a prisoner serving a sentence for an offense involving the use of alcohol or controlled substances, the board may impose, as a condition of special medical, administrative, discretionary, or mandatory parole, a requirement that the prisoner comply with a program established under AS 33.16.060(c) or AS 47.38.020. The board may require a prisoner serving a period of parole and complying with a program established under AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with the program."

Renumber the following bill sections accordingly.

Page 87, line 8:

Delete "sec. 136"

Insert "sec. 137"

Page 88, line 11:

Delete "sec. 127"

Insert "sec. 128"

Page 88, line 12:

Delete "sec. 128"

Insert "sec. 129"

Page 89, following line 21:

Insert a new paragraph to read:

"(9) AS 33.16.150(h), enacted by sec. 115  
of this Act;"

Renumber the following paragraphs accordingly.

Page 89, line 22:  
Delete "sec. 115"  
Insert "sec. 116"

Page 89, line 23:  
Delete "sec. 116"  
Insert "sec. 117"

Page 89, line 24:  
Delete "sec. 117"  
Insert "sec. 118"

Page 89, line 25:  
Delete "sec. 118"  
Insert "sec. 119"

Page 89, line 26:  
Delete "sec. 119"  
Insert "sec. 120"

Page 89, line 27:  
Delete "sec. 120"  
Insert "sec. 121"

Page 89, line 28:  
Delete "sec. 121"  
Insert "sec. 122"

Page 89, line 29:  
Delete "sec. 122"  
Insert "sec. 123"

Page 89, line 30:  
Delete "sec. 123"  
Insert "sec. 124"

Page 89, line 31:  
Delete "sec. 124"  
Insert "sec. 125"

Page 90, line 1:

Delete "sec. 125"  
Insert "sec. 126"

Page 90, line 2:  
Delete "secs. 137 - 139"  
Insert "secs. 138 - 140"

Page 90, line 3:  
Delete "137 - 139"  
Insert "138 - 140"

Page 90, line 19:  
Delete "sec. 134"  
Insert "sec. 135"

Page 90, line 22:  
Delete "sec. 135"  
Insert "sec. 136"

Page 90, line 29:  
Delete "sec. 137"  
Insert "sec. 138"

Page 90, line 31:  
Delete "sec. 142(a)"  
Insert "sec. 143(a)"

Page 91, line 3:  
Delete "sec. 142(b)"  
Insert "sec. 143(b)"

Page 91, line 6:  
Delete "sec. 142(b)"  
Insert "sec. 143(b)"

Page 91, line 9:  
Delete "sec. 142(c)"  
Insert "sec. 143(c)"

Page 91, line 12:  
Delete "sec. 142(d)"  
Insert "sec. 143(d)"

Page 91, line 15:  
Delete "sec. 142(e)"  
Insert "sec. 143(e)"

Page 91, line 18:  
Delete "sec. 142(f)"  
Insert "sec. 143(f)"

Page 91, line 23:  
Delete "Section 141"  
Insert "Section 142"

Page 91, line 25:  
Delete "sec. 135"  
Insert "sec. 136"

Page 91, line 28:  
Delete "sec. 135"  
Insert "sec. 136"

Page 91, line 30:  
Delete "sec. 135"  
Insert "sec. 136"

Page 92, line 2:  
Delete "134"  
Insert "135"

Page 92, line 3:  
Delete "sec. 137"  
Insert "sec. 138"

Page 92, line 5:  
Delete "Sections 138 and 139"  
Insert "Sections 139 and 140"

Page 92, line 6:  
Delete "sec. 141"  
Insert "sec. 142"  
Delete "sec. 146"  
Insert "sec. 147"

Page 92, line 8:  
Delete "sec. 146"  
Insert "sec. 147"

SENATOR COGHILL objected for discussion purposes.

CHAIR MCGUIRE explained Amendment 10 pertains to the drug and alcohol testing program under AS 47.38.020. There are a significant number of crimes perpetrated by those under the influence of alcohol or drugs. The amendment proposes to introduce a twice daily sobriety testing program for moderate to high risk offenders called the 24/7 sobriety program. It ensures that individuals are not consuming alcohol or drugs on a daily basis for a minimum of 90 to 120 days.

She said that in 2014 the Department of Health and Social Services (DHSS) implemented a 24/7 sobriety testing pilot project and in 2015 a total of 808 Alaskans were assigned to the program. The recidivism rate was less than 2 percent. She shared the results of a 24/7 program from South Dakota.

She noted the word "may" has been used throughout the amendment so the program is an option to be used at the discretion of the supervising officer and the Board of Parole.

SENATOR COGHILL said he has not had time to read AS 47.38.020.

[2:19:55 PM](#)

At ease

[2:24:59 PM](#)

CHAIR MCGUIRE explained that the discussion relates to AS 47.38.020.

SENATOR COGHILL offered his understanding that the 24/7 may be used as a tool. He withdrew his objection to adopting Amendment 10.

CHAIR MCGUIRE explained the initial 24/7 program was a pilot program and the vendor demonstrated success. Procurement obligations will be dealt with by the Department of Corrections. She said she is open to other vendors being allowed to compete. The program is a tool than may be used and not just one vendor has rights.

[2:26:53 PM](#)

SENATOR COSTELLO asked if this amendment was previously set aside.

CHAIR MCGUIRE said no; Amendment 4 would be taken up next.

CHAIR MCGUIRE announced that without objection, Amendment 10 is adopted.

[2:27:11 PM](#)

SENATOR COGHILL moved to take Amendment 4, labeled 29-LS0541\I.9, from the table. There being no objection, Amendment 4 was back before the committee.

SENATOR COGHILL explained that Amendment 4 authorizes the Department of Correction to enter into contracts for services such as the 24/7 program and pretrial monitoring.

CHAIR MCGUIRE announced that without objection, Amendment 4 is adopted.

[2:28:03 PM](#)

SENATOR WIELECHOWSKI moved to adopt Amendment 11, labeled 29-LS0541\I.15.

CHAIR MCGUIRE objected.

**AMENDMENT 11**

Page 80, lines 17 - 19:

Delete all material and insert:

**"(10) for offenders under electronic monitoring, establish**  
**(A) minimum standards for electronic monitoring, including the requirement of active, real-time monitoring using global positioning systems; and**  
**(B) procedures for oversight and approving electronic monitoring programs and systems provided by private contractors."**

[2:28:47 PM](#)

At ease

[2:33:40 PM](#)

CHAIR MCGUIRE reconvened the meeting and asked Senator Wielechowski to offer the amendment.

SENATOR WIELECHOWSKI restated that he moved Amendment 11, labeled 29-LS0541\I.15.

SENATOR COGHILL objected for discussion purposes.

SENATOR WIELECHOWSKI explained that Amendment 11 deletes material on page 80, lines 17 - 19, and adds standards for active real-time electronic monitoring for pretrial only, as well as procedures for oversight and approving electronic monitoring programs. He stressed that pretrial is a time of high stress and is the time to focus on the individual who may be going to jail. He shared stories about passive versus active electronic systems and the advantages of real-time monitoring. He pointed out that costs would be paid for by the individual being monitored.

CHAIR MCGUIRE commented that Amendment 11 addresses law enforcement concerns regarding tracking pretrial individuals. She asked why isolate real-time monitoring to pretrial and suggested it be used during the whole process, which could also reduce costs.

SENATOR WIELECHOWSKI said that ideally would happen. Cost is a factor and the largest concern is during pretrial.

SENATOR COGHILL added that there is less oversight during pretrial and it merits the most attention and it establishes standards.

CHAIR MCGUIRE suggested later on it might be considered throughout the process because active monitoring protects the public. She wanted to see SB 91 go forward and recognized there is a cost.

[2:40:49 PM](#)

At ease

[2:41:12 PM](#)

SENATOR COGHILL withdrew his objection.

CHAIR MCGUIRE announced that without objection, Amendment 11 is adopted. [The assumption is that Senator McGuire withdrew her objection.]

[2:41:22 PM](#)

SENATOR WIELECHOWSKI moved Amendment 12, labeled 29-LS0541\I.16.

#### **AMENDMENT 12**

Page 72, line 16, following "must":

Insert "**comply with AS 33.30.011(10) and**"

Page 80, following line 26:

Insert a new bill section to read:

"\* **Sec. 131.** AS 33.30.065(a) is amended to read:

(a) If the commissioner designates a prisoner to serve the prisoner's term of imprisonment or period of temporary commitment, or a part of the term or period, by electronic monitoring, the commissioner shall direct the prisoner to serve the term or period at the prisoner's residence or other place selected by the commissioner. The electronic monitoring shall be administered by the department or by a private contractor approved by the department under AS 33.30.011(10) and shall be designed so that any attempt to remove, tamper with, or disable the monitoring equipment or to leave the place selected for the service of the term or period will result in a report or notice to the department."

Renumber the following bill sections accordingly.

Page 87, line 8:

Delete "sec. 136"

Insert "sec. 137"

Page 90, line 2:

Delete "secs. 137 - 139"

Insert "secs. 138 - 140"

Page 90, line 3:

Delete "137 - 139"

Insert "138 - 140"

Page 90, line 19:

Delete "sec. 134"

Insert "sec. 135"

Page 90, line 22:

Delete "sec. 135"

Insert "sec. 136"

Page 90, line 29:

Delete "sec. 137"

Insert "sec. 138"

Page 90, line 31:

Delete "sec. 142(a)"  
Insert "sec. 143(a)"

Page 91, line 3:  
Delete "sec. 142(b)"  
Insert "sec. 143(b)"

Page 91, line 6:  
Delete "sec. 142(b)"  
Insert "sec. 143(b)"

Page 91, line 9:  
Delete "sec. 142(c)"  
Insert "sec. 143(c)"

Page 91, line 12:  
Delete "sec. 142(d)"  
Insert "sec. 143(d)"

Page 91, line 15:  
Delete "sec. 142(e)"  
Insert "sec. 143(e)"

Page 91, line 18:  
Delete "sec. 142(f)"  
Insert "sec. 143(f)"

Page 91, line 23:  
Delete "Section 141"  
Insert "Section 142"

Page 91, line 25:  
Delete "sec. 135"  
Insert "sec. 136"

Page 91, line 28:  
Delete "sec. 135"  
Insert "sec. 136"

Page 91, line 30:  
Delete "sec. 135"  
Insert "sec. 136"

Page 92, line 2:  
Delete "134"  
Insert "135"

Page 92, line 3:  
Delete "sec. 137"  
Insert "sec. 138"

Page 92, line 5:  
Delete "Sections 138 and 139"  
Insert "Sections 139 and 140"

Page 92, line 6:  
Delete "sec. 141"  
Insert "sec. 142"  
Delete "sec. 146"  
Insert "sec. 147"

Page 92, line 8:  
Delete "sec. 146"  
Insert "sec. 147"

SENATOR COGHILL objected for discussion purposes.

SENATOR WIELECHOWSKI explained Amendment 12 adds permissive language allowing the Department of Corrections the optional tool of contracting out for electronic monitoring post-trial.

SENATOR COGHILL commented that it is similar to other places in the bill where a tool is provided. He removed his objection.

CHAIR MCGUIRE announced that without objection, Amendment 12 is adopted.

[2:42:34 PM](#)

SENATOR WIELECHOWSKI moved Amendment 13, labeled 29-LS0541\I.17.

**AMENDMENT 13**

Page 33, lines 12 - 13:  
Delete "**of not more than 120 days** against **the total term** [A SENTENCE]"  
Insert "a sentence"

Page 33, following line 24:  
Insert a new bill section to read:  
"\* **Sec. 53.** AS 12.55.027 is amended by adding a new subsection to read:

(f) A court granting credit against a sentence of imprisonment under (d) of this section may grant credit of not more than 120 days against a total term of imprisonment imposed for

- (1) a crime against a person under AS 11.41;
- (2) a sex offense as defined in AS 12.63.100;
- (3) an offense under AS 11.71 involving the delivery of a controlled substance to a person under 19 years of age;
- (4) burglary in the first degree under AS 11.46.300; or
- (5) arson in the first degree under AS 11.46.400."

Renumber the following bill sections accordingly.

Page 85, line 27:

Delete "sec. 57"  
Insert "sec. 58"

Page 85, line 30:

Delete "sec. 57"  
Insert "sec. 58"

Page 85, line 31:

Delete "sec. 58"  
Insert "sec. 59"

Page 86, line 3:

Delete "sec. 72"  
Insert "sec. 73"

Page 86, line 6:

Delete "sec. 92"  
Insert "sec. 93"

Page 87, line 3:

Delete "sec. 78"  
Insert "sec. 79"

Page 87, line 4:

Delete "sec. 79"  
Insert "sec. 80"

Page 87, line 5:

Delete "sec. 85"  
Insert "sec. 86"

Page 87, line 6:  
Delete "sec. 86"  
Insert "sec. 87"

Page 87, line 7:  
Delete "sec. 87"  
Insert "sec. 88"

Page 87, line 8:  
Delete "sec. 136"  
Insert "sec. 137"

Page 87, following line 24:  
Insert a new paragraph to read:  
    "(5) AS 12.55.027(f), enacted by sec. 53 of  
this Act;"

Renumber the following paragraphs accordingly.

Page 87, line 25:  
Delete "sec. 66"  
Insert "sec. 67"

Page 87, line 26:  
Delete "sec. 67"  
Insert "sec. 68"

Page 87, line 27:  
Delete "sec. 68"  
Insert "sec. 69"

Page 87, line 28:  
Delete "sec. 69"  
Insert "sec. 70"

Page 87, line 29:  
Delete "sec. 70"  
Insert "sec. 71"

Page 87, line 30:  
Delete "sec. 71"  
Insert "sec. 72"

Page 87, line 31:  
Delete "sec. 72"  
Insert "sec. 73"

Page 88, line 1:  
Delete "sec. 81"  
Insert "sec. 82"

Page 88, line 2:  
Delete "sec. 84"  
Insert "sec. 85"

Page 88, line 3:  
Delete "sec. 93"  
Insert "sec. 94"

Page 88, line 4:  
Delete "sec. 94"  
Insert "sec. 95"

Page 88, line 5:  
Delete "sec. 95"  
Insert "sec. 96"

Page 88, line 6:  
Delete "sec. 96"  
Insert "sec. 97"

Page 88, line 7:  
Delete "sec. 97"  
Insert "sec. 98"

Page 88, line 8:  
Delete "sec. 98"  
Insert "sec. 99"

Page 88, line 9:  
Delete "sec. 100"  
Insert "sec. 101"

Page 88, line 10:  
Delete "sec. 102"  
Insert "sec. 103"

Page 88, line 11:  
Delete "sec. 127"

Insert "sec. 128"

Page 88, line 12:  
Delete "sec. 128"  
Insert "sec. 129"

Page 88, line 19:  
Delete "sec. 55"  
Insert "sec. 56"

Page 88, line 20:  
Delete "sec. 56"  
Insert "sec. 57"

Page 88, line 21:  
Delete "sec. 57"  
Insert "sec. 58"

Page 88, line 22:  
Delete "sec. 58"  
Insert "sec. 59"

Page 88, line 23:  
Delete "sec. 58"  
Insert "sec. 59"

Page 88, line 24:  
Delete "sec. 58"  
Insert "sec. 59"

Page 88, line 27:  
Delete "sec. 53"  
Insert "sec. 54"

Page 88, line 28:  
Delete "sec. 59"  
Insert "sec. 60"

Page 88, line 29:  
Delete "sec. 60"  
Insert "sec. 61"

Page 88, line 30:  
Delete "sec. 61"  
Insert "sec. 62"

Page 88, line 31:  
Delete "sec. 62"  
Insert "sec. 63"

Page 89, line 1:  
Delete "sec. 63"  
Insert "sec. 64"

Page 89, line 2:  
Delete "sec. 65"  
Insert "sec. 66"

Page 89, line 3:  
Delete "sec. 89"  
Insert "sec. 90"

Page 89, line 4:  
Delete "sec. 90"  
Insert "sec. 91"

Page 89, line 8:  
Delete "sec. 75"  
Insert "sec. 76"

Page 89, line 9:  
Delete "sec. 76"  
Insert "sec. 77"

Page 89, line 10:  
Delete "sec. 77"  
Insert "sec. 78"

Page 89, line 11:  
Delete "sec. 83"  
Insert "sec. 84"

Page 89, line 14:  
Delete "sec. 101"  
Insert "sec. 102"

Page 89, line 15:  
Delete "sec. 108"  
Insert "sec. 109"

Page 89, line 16:  
Delete "sec. 109"

Insert "sec. 110"

Page 89, line 17:  
Delete "sec. 110"  
Insert "sec. 111"

Page 89, line 18:  
Delete "sec. 111"  
Insert "sec. 112"

Page 89, line 19:  
Delete "sec. 112"  
Insert "sec. 113"

Page 89, line 20:  
Delete "sec. 113"  
Insert "sec. 114"

Page 89, line 21:  
Delete "sec. 114"  
Insert "sec. 115"

Page 89, line 22:  
Delete "sec. 115"  
Insert "sec. 116"

Page 89, line 23:  
Delete "sec. 116"  
Insert "sec. 117"

Page 89, line 24:  
Delete "sec. 117"  
Insert "sec. 118"

Page 89, line 25:  
Delete "sec. 118"  
Insert "sec. 119"

Page 89, line 26:  
Delete "sec. 119"  
Insert "sec. 120"

Page 89, line 27:  
Delete "sec. 120"  
Insert "sec. 121"

Page 89, line 28:  
Delete "sec. 121"  
Insert "sec. 122"

Page 89, line 29:  
Delete "sec. 122"  
Insert "sec. 123"

Page 89, line 30:  
Delete "sec. 123"  
Insert "sec. 124"

Page 89, line 31:  
Delete "sec. 124"  
Insert "sec. 125"

Page 90, line 1:  
Delete "sec. 125"  
Insert "sec. 126"

Page 90, line 2:  
Delete "secs. 137 - 139"  
Insert "secs. 138 - 140"

Page 90, line 3:  
Delete "137 - 139"  
Insert "138 - 140"

Page 90, line 17:  
Delete "sec. 54"  
Insert "sec. 55"

Page 90, line 18:  
Delete "sec. 92"  
Insert "sec. 93"

Page 90, line 19:  
Delete "sec. 134"  
Insert "sec. 135"

Page 90, line 22:  
Delete "sec. 135"  
Insert "sec. 136"

Page 90, line 29:  
Delete "sec. 137"

Insert "sec. 138"

Page 90, line 31:  
Delete "sec. 142(a)"  
Insert "sec. 143(a)"

Page 91, line 3:  
Delete "sec. 142(b)"  
Insert "sec. 143(b)"

Page 91, line 6:  
Delete "sec. 142(b)"  
Insert "sec. 143(b)"

Page 91, line 9:  
Delete "sec. 142(c)"  
Insert "sec. 143(c)"

Page 91, line 12:  
Delete "sec. 142(d)"  
Insert "sec. 143(d)"

Page 91, line 15:  
Delete "sec. 142(e)"  
Insert "sec. 143(e)"

Page 91, line 18:  
Delete "sec. 142(f)"  
Insert "sec. 143(f)"

Page 91, line 23:  
Delete "Section 141"  
Insert "Section 142"

Page 91, line 25:  
Delete "sec. 135"  
Insert "sec. 136"

Page 91, line 28:  
Delete "sec. 135"  
Insert "sec. 136"

Page 91, line 30:  
Delete "sec. 135"  
Insert "sec. 136"

Page 92, line 2:  
Delete "54, 92, and 134"  
Insert "55, 93, and 135"

Page 92, line 3:  
Delete "sec. 137"  
Insert "sec. 138"

Page 92, line 5:  
Delete "Sections 138 and 139"  
Insert "Sections 139 and 140"

Page 92, line 6:  
Delete "sec. 141"  
Insert "sec. 142"  
Delete "sec. 146"  
Insert "sec. 147"

Page 92, line 8:  
Delete "sec. 146"  
Insert "sec. 147"

SENATOR COGHILL objected for discussion purposes.

SENATOR WIELECHOWSKI explained that Amendment 13 deals with the provision regarding earned credit. The original provision allowed up to 120 days. The amendment allows a person to get credit that can exceed 120 days except for those in five categories: a crime against a person, a sex offense, delivery of a controlled substance to a person under 19, burglary in the first degree, and arson in the first degree. He said this has been discussed by the Office of Victims' Rights, which is supportive of the amendment.

SENATOR COGHILL commented on the intention to push for speedy trials. He withdrew his objection.

CHAIR MCGUIRE announced that without objection, Amendment 13 is adopted.

[2:44:16 PM](#)

CHAIR MCGUIRE returned to Amendment 8, labeled LS0541\I.12, and moved to rescind the action to adopt Amendment 8.

There being no objection, Amendment 8 was back before the committee.

CHAIR MCGUIRE moved to adopt Conceptual Amendment 8.A.

SENATOR COGHILL objected for discussion purposes.

CHAIR MCGUIRE explained that Legislative Legal Services has the authority to achieve the result she is looking for in the amendment. Amendment 8.A would request a report by the Alaska Criminal Justice Commission to the legislature on the relationship between offenses on a person's criminal justice record that may be a barrier to certain occupations and the successful re-entry of a person into the community, but also an evaluation of the relationship between legal expungement and/or pardoning and its effect on successful re-entry.

Nancy Meade with the Court System informed her office that there was not sufficient time, without holding up SB 91, to enact an expungement procedure into state law. She said the commission will be looking at other places that have expungement. She said there is potential that it is unconstitutional as a violation of separation of powers because currently the governor has the power to pardon.

She said if the report comes back with a more successful relationship between actual expungement and/or pardoning on successful re-entry, the legislature should consider codifying a procedure for considering that. She suggested that it mirror the current process for selection of judges in the Judicial Council. She explained how that selection was revised to lessen the chance that it was unconstitutional. The procedure in an expungement provision would consist of a three-judge panel, or the parole board, who would recommend names to be pardoned and submit them to the governor to make the decision. She voiced concern about the elitism of the current pardoning power.

CHAIR MCGUIRE moved Conceptual Amendment 8.A.

**CONCEPTUAL AMENDMENT 8.A**

On line 13, after the language requesting the Criminal Justice Commission report, add "and an evaluation of the relationship between legal expungement and/or pardoning on successful reentry."

[2:50:29 PM](#)

SENATOR COSTELLO asked if the conceptual amendment is requesting a report.

CHAIR MCGUIRE said yes; the commission would provide a report to the legislature for consideration of a possible next step.

CHAIR MCGUIRE announced that without objection, Conceptual Amendment 8.A is adopted.

[2:51:37 PM](#)

SENATOR COGHILL provided closing comments. He thanked those who worked on the bill. He noted the fiscal notes will determine what can be done moving forward. He said the input from victims' advocates have had a huge impact on the bill. He said, "From the commission's report to now, we know that we can't continue to do things the way we're doing them." He said the state has to consider safety and those who are victimized and to use time, efforts, and resources wisely. The commission was tasked with revising all aspects of incarceration. He said SB 91 is a body of law that "tries to do it a better way than we've done before."

He noted there is concern the new concepts will cause more crime, but maintained that the goal of the bill is to reduce recidivism and crime. He hoped, through this effort, to save jail time costs and reinvest that money into programmatic benefits and public safety. He stated that the bill has had a lot of stakeholder involvement and is the result of much work by the commission to hold people accountable differently, but also have a data-driven approach to the safety of the public.

[2:55:21 PM](#)

SENATOR COGHILL moved to report the CS for SSSB 91, as amended, from committee with individual recommendations and forthcoming fiscal notes.

CHAIR MCGUIRE objected in order to make a few remarks.

CHAIR MCGUIRE echoed and aligned herself with many of Senator Coghill's comments. She spoke of respect for victims of crime and the attempt to protect them, as well as narrowly carving out places where Alaska can reduce costs and improve results. She commented on the thoughtful nature of the commission and the work it did. She said pretrial growth in Alaska is unacceptable and the rate of recidivism is too high. The bill is a smart justice movement that will change incarceration mechanisms and

reinvest in those who would be productive. She added that victims are a broader pool and include family members of prisoners.

3:00:17 PM

At ease

3:00:54 PM

SENATOR COGHILL clarified his motion. He moved to report the CS for SSSB 91, with the amendments that will need to be drafted to conform to version G, from committee with individual recommendations and forthcoming and existing fiscal notes.

CHAIR MCGUIRE announced that without objection, CSSSSB 91(JUD) is reported from the Senate Judiciary Standing Committee.

3:01:45 PM

There being no further business to come before the committee, Chair McGuire adjourned the Senate Judiciary Standing Committee at 3:01 p.m.