



AMENDMENT #11

OFFERED IN THE HOUSE  
TO: HCS CSSB 54(FIN)

BY REPRESENTATIVE TILTON

*Sullivan-Leonard*  
*Rauseher*  
*Wilson Millett*  
*Euman*  
*Johnson*  
*Estro*

1 Page 1, lines 1 - 8:

2 Delete all material and insert:

3 **""An Act relating to criminal law and procedure; relating to controlled substances;**  
4 **relating to victims of criminal offenses; relating to probation; relating to sentencing;**  
5 **relating to treatment program credit for time spent toward service of a sentence of**  
6 **imprisonment; relating to the Violent Crimes Compensation Board; relating to**  
7 **electronic monitoring; relating to penalties for violating municipal ordinances; relating**  
8 **to parole; relating to community work service; relating to revocation, termination,**  
9 **suspension, cancellation, or restoration of a driver's license; relating to the duties of the**  
10 **commissioner of corrections; relating to the Alaska Criminal Justice Commission;**  
11 **relating to the duties of the Department of Health and Social Services; providing for an**  
12 **effective date by repealing sec. 193, ch. 36, SLA 2016; and providing for an effective**  
13 **date.""**

15 Page 1, line 10, through page 44, line 16:

16 Delete all material and insert:

17 **\*\* Section 1. AS 04.16.160(a) is amended to read:**

18 (a) Except as otherwise provided by law, a person who is 21 years of age or  
19 older may not purchase alcoholic beverages if the person has been ordered to refrain  
20 from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a  
21 sentence for conviction of a crime under AS 28.35.030, 28.35.032, or a similar  
22 municipal ordinance or [,] as a condition of probation or parole from a conviction  
23 under AS 28.35.030, 28.35.032, or a similar municipal ordinance [, OR AS A

1           CONDITION OF PROBATION OR PAROLE FOR ANY OTHER CRIME]. The  
2           restriction on purchasing alcoholic beverages applies during the period that the person  
3           is required to refrain from consuming alcoholic beverages under the sentence or  
4           condition of probation or parole.

5           \* **Sec. 2.** AS 11.41.110(a) is amended to read:

6                   (a) A person commits the crime of murder in the second degree if

7                           (1) with intent to cause serious physical injury to another person or  
8                           knowing that the conduct is substantially certain to cause death or serious physical  
9                           injury to another person, the person causes the death of any person;

10                           (2) the person knowingly engages in conduct that results in the death  
11                           of another person under circumstances manifesting an extreme indifference to the  
12                           value of human life;

13                           (3) under circumstances not amounting to murder in the first degree  
14                           under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the  
15                           person commits or attempts to commit arson in the first degree, kidnapping, sexual  
16                           assault in the first degree, sexual assault in the second degree, sexual abuse of a minor  
17                           in the first degree, sexual abuse of a minor in the second degree, burglary in the first  
18                           degree, escape in the first or second degree, robbery in any degree, or misconduct  
19                           involving a controlled substance under AS 11.71.010(a), 11.71.021(a),  
20                           11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2)  
21                           and, in the course of or in furtherance of that crime or in immediate flight from that  
22                           crime, any person causes the death of a person other than one of the participants;

23                           (4) acting with a criminal street gang, the person commits or attempts  
24                           to commit a crime that is a felony and, in the course of or in furtherance of that crime  
25                           or in immediate flight from that crime, any person causes the death of a person other  
26                           than one of the participants; or

27                           (5) the person with criminal negligence causes the death of a child  
28                           under the age of 16, and the person has been previously convicted of a crime involving  
29                           a child under the age of 16 that was

30                                   (A) a felony violation of AS 11.41;

31                                   (B) in violation of a law or ordinance in another jurisdiction

1 with elements similar to a felony under AS 11.41; or

2 (C) an attempt, a solicitation, or a conspiracy to commit a  
3 crime listed in (A) or (B) of this paragraph.

4 \* **Sec. 3.** AS 11.41.150(a) is amended to read:

5 (a) A person commits the crime of murder of an unborn child if the person

6 (1) with intent to cause the death of an unborn child or of another  
7 person, causes the death of an unborn child;

8 (2) with intent to cause serious physical injury to an unborn child or to  
9 another person or knowing that the conduct is substantially certain to cause death or  
10 serious physical injury to an unborn child or to another person, causes the death of an  
11 unborn child;

12 (3) while acting alone or with one or more persons, commits or  
13 attempts to commit arson in the first degree, kidnapping, sexual assault in the first  
14 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,  
15 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the  
16 first or second degree, robbery in any degree, or misconduct involving a controlled  
17 substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9)  
18 [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2), and, in the course of or  
19 in furtherance of that crime or in immediate flight from that crime, any person causes  
20 the death of an unborn child;

21 (4) knowingly engages in conduct that results in the death of an unborn  
22 child under circumstances manifesting an extreme indifference to the value of human  
23 life; for purposes of this paragraph, a pregnant woman's decision to remain in a  
24 relationship in which domestic violence, as defined in AS 18.66.990, has occurred  
25 does not constitute conduct manifesting an extreme indifference to the value of human  
26 life.

27 \* **Sec. 4.** AS 11.46.130(a) is amended to read:

28 (a) A person commits the crime of theft in the second degree if the person  
29 commits theft as defined in AS 11.46.100 and

30 (1) the value of the property or services [, ADJUSTED FOR  
31 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 [\$1,000] or more but less

1 than \$25,000;

2 (2) the property is a firearm or explosive;

3 (3) the property is taken from the person of another;

4 (4) the property is taken from a vessel and is vessel safety or survival  
5 equipment;

6 (5) the property is taken from an aircraft and the property is aircraft  
7 safety or survival equipment;

8 (6) the value of the property [, ADJUSTED FOR INFLATION AS  
9 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750 [\$1,000] and,  
10 within the preceding five years, the person has been convicted and sentenced on two  
11 or more separate occasions in this or another jurisdiction of

12 (A) an offense under AS 11.46.120, or an offense under  
13 another law or ordinance with similar elements;

14 (B) a crime set out in this subsection or an offense under  
15 another law or ordinance with similar elements;

16 (C) an offense under AS 11.46.140(a)(1), or an offense under  
17 another law or ordinance with similar elements; or

18 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an  
19 offense under another law or ordinance with similar elements; or

20 (7) the property is an access device.

21 \* Sec. 5. AS 11.46.140(a) is amended to read:

22 (a) A person commits the crime of theft in the third degree if the person  
23 commits theft as defined in AS 11.46.100 and

24 (1) the value of the property or services [, ADJUSTED FOR  
25 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750  
26 [\$1,000]; or

27 (2) [REPEALED]

28 (3) [REPEALED]

29 (4) the value of the property is less than \$250 and, within the past  
30 five years, the person has been convicted and sentenced on two or more separate  
31 occasions in this or another jurisdiction of theft or concealment of merchandise,

1           or an offense under another law or ordinance with similar elements.

2       \* Sec. 6. AS 11.46.150(a) is amended to read:

3           (a) A person commits the crime of theft in the fourth degree if the person  
4           commits theft as defined in AS 11.46.100 and the value of the property or services [,  
5           ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

6       \* Sec. 7. AS 11.46.220(c) is amended to read:

7           (c) Concealment of merchandise is

8               (1) a class C felony if

9                       (A) the merchandise is a firearm;

10                      (B) the value of the merchandise [, ADJUSTED FOR  
11                      INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 [\$1,000] or more; or

12                      (C) the value of the merchandise [, ADJUSTED FOR  
13                      INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than  
14                      \$1,000 and, within the preceding five years, the person has been convicted and  
15                      sentenced on two or more separate occasions in this or another jurisdiction of

16                               (i) the offense of concealment of merchandise under  
17                               this paragraph or (2)(A) of this subsection, or an offense under another  
18                               law or ordinance with similar elements; or

19                               (ii) an offense under AS 11.46.120, 11.46.130, or  
20                               11.46.140(a)(1), or an offense under another law or ordinance with  
21                               similar elements;

22               (2) a class A misdemeanor if

23                       (A) the value of the merchandise [, ADJUSTED FOR  
24                       INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than  
25                       \$750 [\$1,000]; or

26                       (B) [REPEALED]

27                       (C) the value of the merchandise is less than \$250 and,  
28                       within the preceding five years, the person has been convicted and  
29                       sentenced on two or more separate occasions of the offense of concealment  
30                       of merchandise or theft in any degree, or an offense under another law or  
31                       ordinance with similar elements;

1 (3) a class B misdemeanor if the value of the merchandise [,  
2 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

3 \* Sec. 8. AS 11.46.260(b) is amended to read:

4 (b) Removal of identification marks is

5 (1) a class C felony if the value of the property on which the serial  
6 number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
7 PROVIDED IN AS 11.46.982,] is \$750 [\$1,000] or more;

8 (2) a class A misdemeanor if the value of the property on which the  
9 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
10 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750 [\$1,000];

11 (3) a class B misdemeanor if the value of the property on which the  
12 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
13 PROVIDED IN AS 11.46.982,] is less than \$250.

14 \* Sec. 9. AS 11.46.270(b) is amended to read:

15 (b) Unlawful possession is

16 (1) a class C felony if the value of the property on which the serial  
17 number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
18 PROVIDED IN AS 11.46.982,] is \$750 [\$1,000] or more;

19 (2) a class A misdemeanor if the value of the property on which the  
20 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
21 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750 [\$1,000];

22 (3) a class B misdemeanor if the value of the property on which the  
23 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
24 PROVIDED IN AS 11.46.982,] is less than \$250.

25 \* Sec. 10. AS 11.46.280(d) is amended to read:

26 (d) Issuing a bad check is

27 (1) a class B felony if the face amount of the check is \$25,000 or more;

28 (2) a class C felony if the face amount of the check [, ADJUSTED  
29 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 [\$1,000] or more but  
30 less than \$25,000;

31 (3) a class A misdemeanor if the face amount of the check [,

1 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more  
2 but less than \$750 [\$1,000];

3 (4) a class B misdemeanor if the face amount of the check [,  
4 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

5 \* **Sec. 11.** AS 11.46.285(b) is amended to read:

6 (b) Fraudulent use of an access device is

7 (1) a class B felony if the value of the property or services obtained is  
8 \$25,000 or more;

9 (2) a class C felony if the value of the property or services obtained [,  
10 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 [\$1,000]  
11 or more but less than \$25,000;

12 (3) a class A misdemeanor if the value of the property or services  
13 obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less  
14 than \$750 [\$1,000].

15 \* **Sec. 12.** AS 11.46.295 is amended to read:

16 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
17 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or  
18 11.46.140(a)(4) or in prosecuting the crime of concealment of merchandise under  
19 AS 11.46.220(c),

20 (1) a conviction for an offense under another law or ordinance with  
21 similar elements is a conviction of an offense having elements similar to those of an  
22 offense defined as such under Alaska law at the time the offense was committed;

23 (2) a conviction for an offense under Alaska law where the value of the  
24 property or services for the offense was lower than the value of property or services  
25 for the offense under current Alaska law is a prior conviction for that offense; and

26 (3) the court shall consider the date of a prior conviction as occurring  
27 on the date that sentence is imposed for the prior offense.

28 \* **Sec. 13.** AS 11.46.360(a) is amended to read:

29 (a) A person commits the crime of vehicle theft in the first degree if, having  
30 no right to do so or any reasonable ground to believe the person has such a right, the  
31 person drives, tows away, or takes

1 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft  
2 of another;

3 (2) the propelled vehicle of another and

4 (A) the vehicle or any other property of another is damaged in a  
5 total amount [, ADJUSTED FOR INFLATION AS PROVIDED IN  
6 AS 11.46.982,] of **\$750** [\$1,000] or more;

7 (B) the owner incurs reasonable expenses as a result of the loss  
8 of use of the vehicle, in a total amount [, ADJUSTED FOR INFLATION AS  
9 PROVIDED IN AS 11.46.982,] of **\$750** [\$1,000] or more; or

10 (C) the owner is deprived of the use of the vehicle for seven  
11 days or more;

12 (3) the propelled vehicle of another and the vehicle is marked as a  
13 police or emergency vehicle; or

14 (4) the propelled vehicle of another and, within the preceding seven  
15 years, the person was convicted under

16 (A) this section or AS 11.46.365;

17 (B) former AS 11.46.482(a)(4) or (5);

18 (C) former AS 11.46.484(a)(2);

19 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft  
20 of a propelled vehicle; or

21 (E) a law or ordinance of this or another jurisdiction with  
22 elements substantially similar to those of an offense described in (A) - (D) of  
23 this paragraph.

24 \* **Sec. 14.** AS 11.46.420(a) is amended to read:

25 (a) A person commits the crime of arson in the third degree if the person  
26 intentionally damages a motor vehicle

27 [(1)] by starting a fire or causing an explosion while that vehicle is  
28 located on **state or municipal** [PUBLIC] land [; OR

29 (2) THAT IS THE PROPERTY OF ANOTHER PERSON BY  
30 STARTING A FIRE OR CAUSING AN EXPLOSION WHILE THAT VEHICLE IS  
31 LOCATED ON PRIVATE PROPERTY].

1 \* **Sec. 15.** AS 11.46.460 is amended to read:

2           **Sec. 11.46.460. Disregard of a highway obstruction.** (a) A person commits  
3 the **crime** [OFFENSE] of disregard of a highway obstruction if, without the right to do  
4 so or a reasonable ground to believe the person has the right, the person

5                   (1) drives a vehicle through, over, or around an obstruction erected on  
6 a highway under authority of AS 19.10.100; or

7                   (2) opens an obstruction erected on a highway under authority of  
8 AS 19.10.100.

9           (b) Violation of this section is a **class B misdemeanor** [VIOLATION  
10 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000].

11 \* **Sec. 16.** AS 11.46.482(a) is amended to read:

12           (a) A person commits the crime of criminal mischief in the third degree if,  
13 having no right to do so or any reasonable ground to believe the person has such a  
14 right,

15                   (1) with intent to damage property of another, the person damages  
16 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED  
17 IN AS 11.46.982,] of **\$750** [\$1,000] or more;

18                   (2) the person recklessly creates a risk of damage in an amount  
19 exceeding \$100,000 to property of another by the use of widely dangerous means; or

20                   (3) the person knowingly

21                           (A) defaces, damages, or desecrates a cemetery or the contents  
22 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,  
23 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or  
24 memorial appears to be abandoned, lost, or neglected;

25                           (B) removes human remains or associated burial artifacts from  
26 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,  
27 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

28 \* **Sec. 17.** AS 11.46.484(a) is amended to read:

29           (a) A person commits the crime of criminal mischief in the fourth degree if,  
30 having no right to do so or any reasonable ground to believe the person has such a  
31 right,

1 (1) with intent to damage property of another, the person damages  
2 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED  
3 IN AS 11.46.982,] of \$250 or more but less than \$750 [\$1,000];

4 (2) the person tampers with a fire protection device in a building that is  
5 a public place;

6 (3) the person knowingly accesses a computer, computer system,  
7 computer program, computer network, or part of a computer system or network;

8 (4) the person uses a device to descramble an electronic signal that has  
9 been scrambled to prevent unauthorized receipt or viewing of the signal unless the  
10 device is used only to descramble signals received directly from a satellite or unless  
11 the person owned the device before September 18, 1984; or

12 (5) the person knowingly removes, relocates, defaces, alters, obscures,  
13 shoots at, destroys, or otherwise tampers with an official traffic control device or  
14 damages the work on a highway under construction.

15 \* **Sec. 18.** AS 11.46.486(a) is amended to read:

16 (a) A person commits the crime of criminal mischief in the fifth degree if,  
17 having no right to do so or any reasonable ground to believe the person has such a  
18 right,

19 (1) with reckless disregard for the risk of harm to or loss of the  
20 property or with intent to cause substantial inconvenience to another, the person  
21 tampers with property of another;

22 (2) with intent to damage property of another, the person damages  
23 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED  
24 IN AS 11.46.982,] less than \$250; or

25 (3) the person rides in a propelled vehicle knowing it has been stolen  
26 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

27 \* **Sec. 19.** AS 11.46.530(b) is amended to read:

28 (b) Criminal simulation is

29 (1) a class C felony if the value of what the object purports to represent  
30 [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750  
31 [\$1,000] or more;

1 (2) a class A misdemeanor if the value of what the object purports to  
 2 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is  
 3 \$250 or more but less than \$750 [\$1,000];

4 (3) a class B misdemeanor if the value of what the object purports to  
 5 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less  
 6 than \$250.

7 \* **Sec. 20.** AS 11.46.620(d) is amended to read:

8 (d) Misapplication of property is

9 (1) a class C felony if the value of the property misapplied [,  
 10 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 [\$1,000]  
 11 or more;

12 (2) a class A misdemeanor if the value of the property misapplied [,  
 13 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$750  
 14 [\$1,000].

15 \* **Sec. 21.** AS 11.46.730(c) is amended to read:

16 (c) Defrauding creditors is a class A misdemeanor unless that secured party,  
 17 judgment creditor, or creditor incurs a pecuniary loss [, ADJUSTED FOR  
 18 INFLATION AS PROVIDED IN AS 11.46.982,] of \$750 [\$1,000] or more as a result  
 19 of the defendant's conduct, in which case defrauding secured creditors is

20 (1) a class B felony if the loss is \$25,000 or more;

21 (2) a class C felony if the loss [, ADJUSTED FOR INFLATION AS  
 22 PROVIDED IN AS 11.46.982,] is \$750 [\$1,000] or more but less than \$25,000.

23 \* **Sec. 22.** AS 11.56.730(a) is amended to read:

24 (a) A person commits the **crime** [OFFENSE] of failure to appear if the person

25 (1) is released under the provisions of AS 12.30;

26 (2) knows that the person is required to appear before a court or  
 27 judicial officer at the time and place of a scheduled hearing; and

28 (3) with criminal negligence does not appear before the court or  
 29 judicial officer at the time and place of the scheduled hearing.

30 \* **Sec. 23.** AS 11.56.730(d) is amended to read:

31 (d) Failure to appear is a

1 (1) class C felony if the person was released in connection with a  
 2 charge of a felony or while awaiting sentence or appeal after conviction of a felony  
 3 [AND THE PERSON

4 (A) DOES NOT MAKE CONTACT WITH THE COURT OR  
 5 A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES  
 6 NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED  
 7 HEARING; OR

8 (B) DOES NOT APPEAR AT THE TIME AND PLACE OF A  
 9 SCHEDULED HEARING TO AVOID PROSECUTION];

10 (2) class A misdemeanor if the person was released in connection with

11 a

12 (A) charge of a misdemeanor, while awaiting sentence or  
 13 appeal after conviction of a misdemeanor; or

14 (B) [, OR IN CONNECTION WITH A] requirement to appear  
 15 as a material witness in a criminal proceeding [, AND THE PERSON

16 (A) DOES NOT MAKE CONTACT WITH THE COURT OR  
 17 A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES  
 18 NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED  
 19 HEARING; OR

20 (B) DOES NOT APPEAR AT THE TIME AND PLACE OF A  
 21 SCHEDULED HEARING TO AVOID PROSECUTION; OR

22 (3) VIOLATION PUNISHABLE BY A FINE OF UP TO \$1,000].

23 \* Sec. 24. AS 11.56.757(a) is amended to read:

24 (a) A person commits the crime [OFFENSE] of violation of condition of  
 25 release if the person

26 (1) has been charged with a crime or convicted of a crime;

27 (2) has been released under AS 12.30; and

28 (3) violates a condition of release imposed by a judicial officer under

29 AS 12.30, other than the requirement to appear as ordered by a judicial officer.

30 \* Sec. 25. AS 11.56.757(b) is amended to read:

31 (b) Violation of condition of release is a

1                   **(1) class A misdemeanor if the person is released from a charge or**  
 2                   **conviction of a felony;**

3                   **(2) class B misdemeanor if the person is released from a charge or**  
 4                   **conviction of a misdemeanor** [VIOLATION PUNISHABLE BY A FINE OF UP TO  
 5                   \$1,000].

6 \* **Sec. 26.** AS 11.61.110(c) is amended to read:

7                   (c) Disorderly conduct is a class B misdemeanor **and is punishable as**  
 8                   **authorized in AS 12.55 except that a sentence of imprisonment, if imposed, shall**  
 9                   **be for a definite term of not more than 10 days.**

10 \* **Sec. 27.** AS 11.61.145(d) is amended to read:

11                   (d) Promoting an exhibition of fighting animals

12                   (1) under (a)(1) or (2) of this section is a class C felony;

13                   (2) under (a)(3) of this section is

14                   [(A)] a violation

15                   [(i)] for the first offense, **a class B misdemeanor** [;

16                   (ii) PUNISHABLE BY A FINE OF NOT MORE  
 17                   THAN \$1,000] for the second offense, [;] and

18                   [(B)] a class A misdemeanor for the third and each subsequent  
 19                   offense.

20 \* **Sec. 28.** AS 11.61.150(a) is amended to read:

21                   (a) A person commits the **crime** [OFFENSE] of obstruction of highways if the  
 22                   person knowingly

23                   (1) places, drops, or permits to drop on a highway any substance that  
 24                   creates a substantial risk of physical injury to others using the highway; or

25                   (2) renders a highway impassable or passable only with unreasonable  
 26                   inconvenience or hazard.

27 \* **Sec. 29.** AS 11.61.150(c) is amended to read:

28                   (c) Obstruction of highways is a **class B misdemeanor** [VIOLATION  
 29                   PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000].

30 \* **Sec. 30.** AS 11.66.110(a) is amended to read:

31                   (a) A person commits the crime of sex trafficking in the first degree if the

1 person

2 (1) induces or causes a [ANOTHER] person to engage in prostitution  
3 through the use of force;

4 (2) as other than a patron of a prostitute, induces or causes a  
5 [ANOTHER] person [WHO IS] under 20 years of age to engage in prostitution; or

6 (3) induces or causes a person in that person's legal custody to engage  
7 in prostitution.

8 \* Sec. 31. AS 11.66.130(a) is amended to read:

9 (a) A person commits the crime of sex trafficking in the third degree if, with  
10 intent to promote prostitution, the person

11 (1) manages, supervises, controls, or owns, either alone or in  
12 association with others, a place of prostitution;

13 (2) as other than a patron of a prostitute, induces or causes a  
14 [ANOTHER] person who is 20 years of age or older to engage in prostitution;

15 (3) as other than a prostitute receiving compensation for personally  
16 rendered prostitution services, receives or agrees to receive money or other property  
17 under an agreement or understanding that the money or other property is derived from  
18 prostitution; or

19 (4) engages in conduct that institutes, aids, or facilitates a prostitution  
20 enterprise.

21 \* Sec. 32. AS 11.66.200(c) is amended to read:

22 (c) Gambling is a violation

23 [(1)] for the first offense. **Gambling is a class B misdemeanor** [;

24 (2) PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000] for  
25 the second and each subsequent offense.

26 \* Sec. 33. AS 11.71 is amended by adding a new section to read:

27 **Sec. 11.71.021. Misconduct involving a controlled substance in the second**  
28 **degree.** (a) Except as authorized in AS 17.30, a person commits the crime of  
29 misconduct involving a controlled substance in the second degree if the person

30 (1) manufactures or delivers any amount of a schedule IA controlled  
31 substance or possesses any amount of a schedule IA controlled substance with intent

1 to manufacture or deliver;

2 (2) manufactures any material, compound, mixture, or preparation that  
3 contains

4 (A) methamphetamine, or its salts, isomers, or salts of isomers;

5 or

6 (B) an immediate precursor of methamphetamine, or its salts,  
7 isomers, or salts of isomers;

8 (3) possesses an immediate precursor of methamphetamine, or the  
9 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,  
10 with the intent to manufacture any material, compound, mixture, or preparation that  
11 contains methamphetamine, or its salts, isomers, or salts of isomers;

12 (4) possesses a listed chemical with intent to manufacture any material,  
13 compound, mixture, or preparation that contains

14 (A) methamphetamine, or its salts, isomers, or salts of isomers;

15 or

16 (B) an immediate precursor of methamphetamine, or its salts,  
17 isomers, or salts of isomers;

18 (5) possesses methamphetamine in an organic solution with intent to  
19 extract from it methamphetamine or its salts, isomers, or salts of isomers; or

20 (6) under circumstances not proscribed under AS 11.71.010(a)(2),  
21 delivers

22 (A) an immediate precursor of methamphetamine, or the salts,  
23 isomers, or salts of isomers of the immediate precursor of methamphetamine,  
24 to another person with reckless disregard that the precursor will be used to  
25 manufacture any material, compound, mixture, or preparation that contains  
26 methamphetamine, or its salts, isomers, or salts of isomers; or

27 (B) a listed chemical to another person with reckless disregard  
28 that the listed chemical will be used to manufacture any material, compound,  
29 mixture, or preparation that contains

30 (i) methamphetamine, or its salts, isomers, or salts of  
31 isomers;

1 (ii) an immediate precursor of methamphetamine, or its  
2 salts, isomers, or salts of isomers; or

3 (iii) methamphetamine or its salts, isomers, or salts of  
4 isomers in an organic solution.

5 (b) In a prosecution under (a) of this section, possession of more than six  
6 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or  
7 the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that  
8 the person intended to use the listed chemicals to manufacture, to aid or abet another  
9 person to manufacture, or to deliver to another person who intends to manufacture  
10 methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers  
11 of methamphetamine or its immediate precursors. The prima facie evidence described  
12 in this subsection does not apply to a person who possesses

13 (1) the listed chemicals ephedrine, pseudoephedrine,  
14 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

15 (A) and the listed chemical was dispensed to the person under a  
16 valid prescription; or

17 (B) in the ordinary course of a legitimate business, or an  
18 employee of a legitimate business, as a

19 (i) retailer or as a wholesaler;

20 (ii) wholesale drug distributor licensed by the Board of  
21 Pharmacy;

22 (iii) manufacturer of drug products licensed by the  
23 Board of Pharmacy;

24 (iv) pharmacist licensed by the Board of Pharmacy; or

25 (v) health care professional licensed by the state; or

26 (2) less than 24 grams of ephedrine, pseudoephedrine,  
27 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals,  
28 kept in a locked storage area on the premises of a legitimate business or nonprofit  
29 organization operating a camp, lodge, school, day care center, treatment center, or  
30 other organized group activity, and the location or nature of the activity, or the age of  
31 the participants, makes it impractical for the participants in the activity to obtain

1 medicinal products.

2 (c) In this section, "listed chemical" means a chemical described under  
3 AS 11.71.200.

4 (d) Misconduct involving a controlled substance in the second degree is a  
5 class A felony.

6 \* Sec. 34. AS 11.71.030(a) is amended to read:

7 (a) Except as authorized in AS 17.30, a person commits the crime of  
8 misconduct involving a controlled substance in the third [SECOND] degree if the  
9 person

10 (1) manufactures or delivers, or possesses with intent to manufacture  
11 or deliver,

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

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

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

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

22 (2) delivers any amount of a schedule IVA, VA, or VIA controlled  
23 substance to a person under 19 years of age who is at least three years younger than  
24 the person delivering the substance;

25 (3) possesses any amount of a schedule IA or IIA controlled substance

26 (A) with reckless disregard that the possession occurs

27 (i) on or within 500 feet of school grounds; or

28 (ii) at or within 500 feet of a recreation or youth center;

29 or

30 (B) on a school bus;

31 (4) manufactures any material, compound, mixture, or preparation that

1 contains

2 (A) methamphetamine, or its salts, isomers, or salts of isomers;

3 or

4 (B) an immediate precursor of methamphetamine, or its salts,  
5 isomers, or salts of isomers;

6 (5) possesses an immediate precursor of methamphetamine, or the  
7 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,  
8 with the intent to manufacture any material, compound, mixture, or preparation that  
9 contains methamphetamine, or its salts, isomers, or salts of isomers;

10 (6) possesses a listed chemical with intent to manufacture any material,  
11 compound, mixture, or preparation that contains

12 (A) methamphetamine, or its salts, isomers, or salts of isomers;

13 or

14 (B) an immediate precursor of methamphetamine, or its salts,  
15 isomers, or salts of isomers;

16 (7) possesses methamphetamine in an organic solution with intent to  
17 extract from it methamphetamine or its salts, isomers, or salts of isomers; [OR]

18 (8) under circumstances not proscribed under AS 11.71.010(a)(2),  
19 delivers

20 (A) an immediate precursor of methamphetamine, or the salts,  
21 isomers, or salts of isomers of the immediate precursor of methamphetamine,  
22 to another person with reckless disregard that the precursor will be used to  
23 manufacture any material, compound, mixture, or preparation that contains  
24 methamphetamine, or its salts, isomers, or salts of isomers; or

25 (B) a listed chemical to another person with reckless disregard  
26 that the listed chemical will be used to manufacture any material, compound,  
27 mixture, or preparation that contains

28 (i) methamphetamine, or its salts, isomers, or salts of  
29 isomers;

30 (ii) an immediate precursor of methamphetamine, or its  
31 salts, isomers, or salts of isomers; or

1 (iii) methamphetamine or its salts, isomers, or salts of  
2 isomers in an organic solution; or

3 **(9) under circumstances not proscribed under AS 11.71.021(a)(2) -**  
4 **(6), manufactures or delivers any amount of a schedule IIA or IIIA controlled**  
5 **substance or possesses any amount of a schedule IIA or IIIA controlled substance**  
6 **with intent to manufacture or deliver.**

7 \* Sec. 35. AS 11.71.030(d) is amended to read:

8 (d) Misconduct involving a controlled substance in the **third** [SECOND]  
9 degree is a class B felony.

10 \* Sec. 36. AS 11.71.040(a) is amended to read:

11 (a) Except as authorized in AS 17.30, a person commits the crime of  
12 misconduct involving a controlled substance in the **fourth** [THIRD] degree if the  
13 person

14 (1) manufactures or delivers any amount of a schedule IVA or VA  
15 controlled substance or possesses any amount of a schedule IVA or VA controlled  
16 substance with intent to manufacture or deliver;

17 (2) manufactures or delivers, or possesses with the intent to  
18 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
19 of an aggregate weight of one ounce or more containing a schedule VIA controlled  
20 substance;

21 (3) possesses

22 **(A) any amount of a**

23 **(i) schedule IA controlled substance [LISTED IN**  
24 **AS 11.71.140(e)];**

25 **(ii) IIA controlled substance except a controlled**  
26 **substance listed in AS 11.71.150(e)(11) - (15);**

27 **(B) 25 or more tablets, ampules, or syrettes containing a**  
28 **schedule IIIA or IVA controlled substance;**

29 **(C) one or more preparations, compounds, mixtures, or**  
30 **substances of an aggregate weight of**

31 **(i) three grams or more containing a schedule IIIA**

1 or IVA controlled substance except a controlled substance in a  
 2 form listed in (ii) of this subparagraph;

3 (ii) 12 grams or more containing a schedule IIIA  
 4 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been  
 5 sprayed on or otherwise applied to tobacco, an herb, or another  
 6 organic material; or

7 (iii) 500 milligrams or more of a schedule IIA  
 8 controlled substance listed in AS 11.71.150(e)(11) - (15);

9 (D) 50 or more tablets, ampules, or syrettes containing a  
 10 schedule VA controlled substance;

11 (E) one or more preparations, compounds, mixtures, or  
 12 substances of an aggregate weight of six grams or more containing a  
 13 schedule VA controlled substance;

14 (F) one or more preparations, compounds, mixtures, or  
 15 substances of an aggregate weight of four ounces or more containing a  
 16 schedule VIA controlled substance; or

17 (G) 25 or more plants of the genus cannabis;

18 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

19 (A) with reckless disregard that the possession occurs

20 (i) on or within 500 feet of school grounds; or

21 (ii) at or within 500 feet of a recreation or youth center;

22 or

23 (B) on a school bus;

24 (5) knowingly keeps or maintains any store, shop, warehouse,  
 25 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for  
 26 keeping or distributing controlled substances in violation of a felony offense under this  
 27 chapter or AS 17.30;

28 (6) makes, delivers, or possesses a punch, die, plate, stone, or other  
 29 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying  
 30 mark, imprint, or device of another or any likeness of any of these on a drug, drug  
 31 container, or labeling so as to render the drug a counterfeit substance;

1 (7) knowingly uses in the course of the manufacture or distribution of a  
2 controlled substance a registration number that is fictitious, revoked, suspended, or  
3 issued to another person;

4 (8) knowingly furnishes false or fraudulent information in or omits  
5 material information from any application, report, record, or other document required  
6 to be kept or filed under AS 17.30;

7 (9) obtains possession of a controlled substance by misrepresentation,  
8 fraud, forgery, deception, or subterfuge;

9 (10) affixes a false or forged label to a package or other container  
10 containing any controlled substance; or

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

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

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

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

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

23 \* **Sec. 37.** AS 11.71.040(d) is amended to read:

24 (d) Misconduct involving a controlled substance in the **fourth** [THIRD]  
25 degree is a class C felony.

26 \* **Sec. 38.** AS 11.71.050 is amended to read:

27 **Sec. 11.71.050. Misconduct involving a controlled substance in the fifth**  
28 **[FOURTH] degree.** (a) Except as authorized in AS 17.30, a person commits the  
29 crime of misconduct involving a controlled substance in the **fifth** [FOURTH] degree if  
30 the person

31 (1) manufactures or delivers, or possesses with the intent to

1 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
2 of an aggregate weight of less than one ounce containing a schedule VIA controlled  
3 substance;

4 (2) [REPEALED]

5 (3) fails to make, keep, or furnish any record, notification, order form,  
6 statement, invoice, or information required under AS 17.30; [OR]

7 (4) under circumstances not proscribed under AS 11.71.030(a)(3),  
8 11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a  
9 schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance; or

10 (5) possesses

11 (A) less than 25 tablets, ampules, or syrettes containing a  
12 schedule IIIA or IVA controlled substance;

13 (B) one or more preparations, compounds, mixtures, or  
14 substances of an aggregate weight of less than

15 (i) three grams containing a schedule IIIA or IVA  
16 controlled substance except a controlled substance in a form listed  
17 in (ii) of this subparagraph;

18 (ii) 12 grams but more than six grams containing a  
19 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) -  
20 (16) that has been sprayed on or otherwise applied to tobacco, an  
21 herb, or another organic material; or

22 (iii) 500 milligrams containing a schedule IIA  
23 controlled substance listed in AS 11.71.150(e)(11) - (15);

24 (C) less than 50 tablets, ampules, or syrettes containing a  
25 schedule VA controlled substance;

26 (D) one or more preparations, compounds, mixtures, or  
27 substances of an aggregate weight of less than six grams containing a  
28 schedule VA controlled substance; or

29 (E) one or more preparations, compounds, mixtures, or  
30 substances of an aggregate weight of one ounce or more containing a  
31 schedule VIA controlled substance.

1 (b) Misconduct involving a controlled substance in the fifth [FOURTH]  
2 degree is a class A misdemeanor.

3 \* Sec. 39. AS 11.71.060 is amended to read:

4 **Sec. 11.71.060. Misconduct involving a controlled substance in the sixth**  
5 **[FIFTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime of  
6 misconduct involving a controlled substance in the sixth [FIFTH] degree if the person

7 (1) uses or displays any amount of a schedule VIA controlled  
8 substance;

9 (2) possesses one or more preparations, compounds, mixtures, or  
10 substances of an aggregate weight of

11 (A) less than one ounce containing a schedule VIA controlled  
12 substance;

13 (B) six grams or less containing a schedule IIIA controlled  
14 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or  
15 otherwise applied to tobacco, an herb, or another organic material; or

16 (3) refuses entry into a premise for an inspection authorized under  
17 AS 17.30.

18 (b) Misconduct involving a controlled substance in the sixth [FIFTH] degree  
19 is a class B misdemeanor.

20 \* Sec. 40. AS 11.71.311(a) is amended to read:

21 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),  
22 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) if  
23 that person

24 (1) sought, in good faith, medical or law enforcement assistance for  
25 another person who the person reasonably believed was experiencing a drug overdose  
26 and

27 (A) the evidence supporting the prosecution for an offense  
28 under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(5)  
29 [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) was obtained or discovered as a  
30 result of the person seeking medical or law enforcement assistance;

31 (B) the person remained at the scene with the other person until

1 medical or law enforcement assistance arrived; and

2 (C) the person cooperated with medical or law enforcement  
3 personnel, including by providing identification;

4 (2) was experiencing a drug overdose and sought medical assistance,  
5 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),  
6 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2)  
7 was obtained as a result of the overdose and the need for medical assistance.

8 \* **Sec. 41.** AS 12.25.150(a), as amended by sec. 50, ch. 36, SLA 2016, is amended to read:

9 (a) A person arrested shall be taken before a judge or magistrate without  
10 unnecessary delay, and in any event within 48 [24] hours after arrest, [ABSENT  
11 COMPELLING CIRCUMSTANCES,] including Sundays and holidays. [THE  
12 UNAVAILABILITY OF A REPORT PREPARED BY THE PRETRIAL SERVICES  
13 OFFICER UNDER AS 33.07 OR A DELAY IN THE TRANSMITTAL OF THAT  
14 REPORT TO THE PARTIES OR TO THE COURT MAY NOT BE CONSIDERED  
15 A SUFFICIENT COMPELLING CIRCUMSTANCE TO JUSTIFY DELAYING A  
16 HEARING BEYOND 24 HOURS. THE HEARING BEFORE THE JUDGE OR  
17 MAGISTRATE MAY NOT TAKE PLACE MORE THAN 48 HOURS AFTER  
18 ARREST.] This requirement applies to municipal police officers to the same extent as  
19 it does to state troopers.

20 \* **Sec. 42.** AS 12.25.180(a) is amended to read:

21 (a) When a peace officer stops or contacts a person for the commission of [A  
22 CLASS C FELONY OFFENSE,] a misdemeanor [,] or the violation of a municipal  
23 ordinance, the officer may, in the officer's discretion, issue a citation to the person  
24 instead of taking the person before a judge or magistrate under AS 12.25.150, unless  
25 [EXCEPT THE OFFICER MAY ARREST IF]

26 (1) the person does not furnish satisfactory evidence of identity;

27 (2) the peace officer reasonably believes the person is a danger to self  
28 or others;

29 (3) the crime for which the person is contacted is one involving  
30 violence or harm to another person or to property;

31 (4) the person asks to be taken before a judge or magistrate under

1 AS 12.25.150; or

2 (5) the peace officer has probable cause to believe the person  
3 committed a crime involving domestic violence; in this paragraph, "crime involving  
4 domestic violence" has the meaning given in AS 18.66.990.

5 \* **Sec. 43.** AS 12.25.180(b) is amended to read:

6 (b) When a peace officer stops or contacts a person for the commission of an  
7 infraction or a violation, the officer shall issue a citation instead of taking the person  
8 before a judge or magistrate under AS 12.25.150, unless [EXCEPT THE OFFICER  
9 MAY ARREST IF]

10 (1) the person does not furnish satisfactory evidence of identity; or

11 (2) the person refuses to accept service of the citation [; OR

12 (3) THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE  
13 THE PERSON HAS COMMITTED

14 (A) A VIOLATION OF CONDITIONS OF RELEASE  
15 UNDER AS 11.56.757; OR

16 (B) THE OFFENSE OF FAILURE TO APPEAR UNDER  
17 AS 11.56.730].

18 \* **Sec. 44.** AS 12.25.190(b) is amended to read:

19 (b) The time specified in the notice to appear shall be at least five [TWO]  
20 working days after the issuance of the citation [UNDER AS 12.25.180(a)].

21 \* **Sec. 45.** AS 12.30.006(b), as amended by sec. 55, ch. 36, SLA 2016, is amended to read:

22 (b) At the first appearance before a judicial officer, a person who is charged  
23 with a felony [, OTHER THAN A CLASS C FELONY AND THE PERSON HAS  
24 BEEN ASSESSED AS LOW RISK UNDER AS 12.30.011(c)(1),] may be detained up  
25 to 48 hours for the prosecuting authority to demonstrate that release of the person  
26 under AS 12.30.011(a) [AS 12.30.011] would not reasonably ensure the appearance of  
27 the person or will pose a danger to the victim, other persons, or the community.

28 \* **Sec. 46.** AS 12.30.006(c), as amended by sec. 56, ch. 36, SLA 2016, is amended to read:

29 (c) A person who remains in custody 48 hours after appearing before a judicial  
30 officer because of inability to meet the conditions of release shall, upon application, be  
31 entitled to have the conditions reviewed by the judicial officer who imposed them. If

1 the judicial officer who imposed the conditions of release is not available, any judicial  
 2 officer in the judicial district may review the conditions. [UPON REVIEW OF THE  
 3 CONDITIONS, THE JUDICIAL OFFICER SHALL REVISE ANY CONDITIONS  
 4 OF RELEASE THAT HAVE PREVENTED THE DEFENDANT FROM BEING  
 5 RELEASED UNLESS THE JUDICIAL OFFICER FINDS ON THE RECORD THAT  
 6 THERE IS CLEAR AND CONVINCING EVIDENCE THAT LESS RESTRICTIVE  
 7 RELEASE CONDITIONS CANNOT REASONABLY ENSURE THE

8 (1) APPEARANCE OF THE PERSON IN COURT; AND

9 (2) SAFETY OF THE VICTIM, OTHER PERSONS, AND THE  
 10 COMMUNITY.]

11 \* **Sec. 47.** AS 12.30.006(d), as amended by sec. 57, ch. 36, SLA 2016, is amended to read:

12 . (d) If a person remains in custody after review of conditions by a judicial  
 13 officer under (c) of this section, the person may request a subsequent review of  
 14 conditions. Unless the prosecuting authority stipulates otherwise or the person has  
 15 been incarcerated for a period equal to the maximum sentence for the most serious  
 16 charge for which the person is being held, a judicial officer may not schedule a bail  
 17 review hearing under this subsection unless

18 (1) the person provides to the court and the prosecuting authority a  
 19 written statement that new information not considered at the previous review will be  
 20 presented at the hearing; the statement must include a description of the information  
 21 and the reason the information was not presented at a previous hearing; in this  
 22 paragraph, "new information" **does not include** [INCLUDES] the [PERSON'S]  
 23 inability to post the required bail;

24 (2) the prosecuting authority and any surety, if applicable, have at least  
 25 48 hours' written notice before the time set for the review requested under this  
 26 subsection; the defendant shall notify the surety; and

27 (3) at least seven days have elapsed between the previous review and  
 28 the time set for the requested review [; HOWEVER, A PERSON MAY RECEIVE  
 29 ONLY ONE BAIL REVIEW HEARING SOLELY FOR INABILITY TO PAY].

30 \* **Sec. 48.** AS 12.30.006(f), as amended by sec. 58, ch. 36, SLA 2016, is amended to read:

31 (f) The judicial officer shall issue written or oral findings that explain the

1 reasons the officer imposed the particular conditions of release or modifications or  
 2 additions to conditions previously imposed. The judicial officer shall inform the  
 3 person that a law enforcement officer [OR A PRETRIAL SERVICES OFFICER  
 4 UNDER AS 33.07] may arrest the person without a warrant for violation of the court's  
 5 order establishing conditions of release.

6 \* **Sec. 49.** AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is  
 7 repealed and reenacted to read:

8 **Sec. 12.30.011. Release before trial.** (a) Except as otherwise provided in this  
 9 chapter, a judicial officer shall order a person charged with an offense to be released  
 10 on the person's personal recognizance or upon execution of an unsecured appearance  
 11 bond, on the condition that the person

- 12 (1) obey all court orders and all federal, state, and local laws;
- 13 (2) appear in court when ordered;
- 14 (3) if represented, maintain contact with the person's lawyer; and
- 15 (4) notify the person's lawyer, who shall notify the prosecuting  
 16 authority and the court, not more than 24 hours after the person changes residence.

17 (b) If a judicial officer determines that the release under (a) of this section will  
 18 not reasonably ensure the appearance of the person or will pose a danger to the victim,  
 19 other persons, or the community, the officer shall impose the least restrictive condition  
 20 or conditions that will reasonably ensure the person's appearance and protect the  
 21 victim, other persons, and the community. In addition to conditions under (a) of this  
 22 section, the judicial officer may, singly or in combination,

- 23 (1) require the execution of an appearance bond in a specified amount  
 24 of cash to be deposited into the registry of the court, in a sum not to exceed 10 percent  
 25 of the amount of the bond;
- 26 (2) require the execution of a bail bond with sufficient solvent sureties  
 27 or the deposit of cash;
- 28 (3) require the execution of a performance bond in a specified amount  
 29 of cash to be deposited in the registry of the court;
- 30 (4) place restrictions on the person's travel, association, or residence;
- 31 (5) order the person to refrain from possessing a deadly weapon on the

1 person or in the person's vehicle or residence;

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

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

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

8 (9) require the person to refrain from the consumption and possession  
9 of alcoholic beverages;

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

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

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

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

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

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

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

26 (17) order the person to comply with any other condition that is  
27 reasonably necessary to ensure the appearance of the person and to ensure the safety  
28 of the victim, other persons, and the community;

29 (18) require the person to comply with a program established under  
30 AS 47.38.020 if the person has been charged with an alcohol-related or substance-  
31 abuse-related offense that is an unclassified felony, a class A felony, a sexual felony,

1 or a crime involving domestic violence.

2 (c) In determining the conditions of release under this chapter, the court shall  
3 consider the following:

- 4 (1) the nature and circumstances of the offense charged;  
5 (2) the weight of the evidence against the person;  
6 (3) the nature and extent of the person's family ties and relationships;  
7 (4) the person's employment status and history;  
8 (5) the length and character of the person's past and present residence;  
9 (6) the person's record of convictions;  
10 (7) the person's record of appearance at court proceedings;  
11 (8) assets available to the person to meet monetary conditions of  
12 release;  
13 (9) the person's reputation, character, and mental condition;  
14 (10) the effect of the offense on the victim, any threats made to the  
15 victim, and the danger that the person poses to the victim;  
16 (11) any other facts that are relevant to the person's appearance or the  
17 person's danger to the victim, other persons, or the community.

18 (d) In making a finding regarding the release of a person under this chapter,

19 (1) except as otherwise provided in this chapter, the burden of proof is  
20 on the prosecuting authority that a person charged with an offense should be detained  
21 or released with conditions described in (b) of this section or AS 12.30.016;

22 (2) there is a rebuttable presumption that no condition or combination  
23 of conditions will reasonably ensure the appearance of the person or the safety of the  
24 victim, other persons, or the community, if the person is

25 (A) charged with an unclassified felony, a class A felony, a  
26 sexual felony, or a felony under AS 28.35.030 or 28.35.032;

27 (B) charged with a felony crime against a person under  
28 AS 11.41, was previously convicted of a felony crime against a person under  
29 AS 11.41 in this state or a similar offense in another jurisdiction, and less than  
30 five years have elapsed between the date of the person's unconditional  
31 discharge on the immediately preceding offense and the commission of the

1 present offense;

2 (C) charged with a felony offense committed while the person  
3 was on release under this chapter for a charge or conviction of another offense;

4 (D) charged with a crime involving domestic violence, and has  
5 been convicted in the previous five years of a crime involving domestic  
6 violence in this state or a similar offense in another jurisdiction;

7 (E) arrested in connection with an accusation that the person  
8 committed a felony outside the state or is a fugitive from justice from another  
9 jurisdiction, and the court is considering release under AS 12.70.

10 \* **Sec. 50.** AS 12.30.016(b), as amended by sec. 60, ch. 36, SLA 2016, is amended to read:

11 (b) In a prosecution charging a violation of AS 04.11.010, 04.11.499,  
12 AS 28.35.030, or 28.35.032, a judicial officer may order the person

13 (1) to refrain from

14 (A) consuming alcoholic beverages; or

15 (B) possessing on the person, in the person's residence, or in  
16 any vehicle or other property over which the person has control, alcoholic  
17 beverages;

18 (2) to submit to a search without a warrant of the person, the person's  
19 personal property, the person's residence, or any vehicle or other property over which  
20 the person has control, for the presence of alcoholic beverages by a peace officer [OR  
21 PRETRIAL SERVICES OFFICER] who has reasonable suspicion that the person is  
22 violating the conditions of the person's release by possessing alcoholic beverages;

23 (3) to submit to a breath test when requested by a law enforcement  
24 officer [OR PRETRIAL SERVICES OFFICER];

25 (4) to provide a sample for a urinalysis or blood test when requested by  
26 a law enforcement officer [OR PRETRIAL SERVICES OFFICER];

27 (5) to take a drug or combination of drugs intended to prevent  
28 substance abuse;

29 (6) to follow any treatment plan imposed by the court under  
30 AS 28.35.028;

31 (7) to comply with a program established under AS 47.38.020.

1 \* **Sec. 51.** AS 12.30.016(c), as amended by sec. 61, ch. 36, SLA 2016, is amended to read:

2 (c) In a prosecution charging a violation of AS 11.71 or AS 11.73, a judicial  
3 officer may order the person

4 (1) to refrain from

5 (A) consuming a controlled substance; or

6 (B) possessing on the person, in the person's residence, or in  
7 any vehicle or other property over which the person has control, a controlled  
8 substance or drug paraphernalia;

9 (2) to submit to a search without a warrant of the person, the person's  
10 personal property, the person's residence, or any vehicle or other property over which  
11 the person has control, for the presence of a controlled substance or drug paraphernalia  
12 by a peace officer [OR PRETRIAL SERVICES OFFICER] who has reasonable  
13 suspicion that the person is violating the terms of the person's release by possessing  
14 controlled substances or drug paraphernalia;

15 (3) to enroll in a random drug testing program, at the person's expense,  
16 [WITH TESTING TO OCCUR NOT LESS THAN ONCE A WEEK, OR TO  
17 SUBMIT TO RANDOM DRUG TESTING BY THE PRETRIAL SERVICES  
18 OFFICE IN THE DEPARTMENT OF CORRECTIONS] to detect the presence of a  
19 controlled substance, with testing to occur not less than once a week, and with the  
20 results being submitted to the court and the prosecuting authority;

21 (4) to refrain from entering or remaining in a place where a controlled  
22 substance is being used, manufactured, grown, or distributed;

23 (5) to refrain from being physically present at, within a two-block area  
24 of, or within a designated area near, the location where the alleged offense occurred or  
25 at other designated places, unless the person actually resides within that area;

26 (6) to refrain from the use or possession of an inhalant; or

27 (7) to comply with a program established under AS 47.38.020.

28 \* **Sec. 52.** AS 12.30.016 is amended by adding a new subsection to read:

29 (g) In a prosecution charging misconduct involving a controlled substance  
30 under AS 11.71.021(a)(2) for the manufacture of methamphetamine, or its salts,  
31 isomers, or salts of isomers, if the person has been previously convicted in this or

1 another jurisdiction of a crime involving the manufacturing, delivering, or possessing  
 2 of methamphetamine, or its salts, isomers, or salts of isomers, a judicial officer shall  
 3 require the posting of a minimum of \$250,000 cash bond before the person may be  
 4 released. The judicial officer may reduce this requirement if the person proves to the  
 5 satisfaction of the officer that the person's only role in the offense was as an aider or  
 6 abettor and that the person did not stand to benefit financially from the manufacturing.

7 \* **Sec. 53.** AS 12.30.021(a), as amended by sec. 62, ch. 36, SLA 2016, is amended to read:

8 (a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016,  
 9 a judicial officer may appoint a third-party custodian if the officer finds [, ON THE  
 10 RECORD,] that the appointment will, singly or in combination with other  
 11 conditions,

12 [(1) PRETRIAL SUPERVISION UNDER AS 33.07 IS NOT  
 13 AVAILABLE IN THE PERSON'S LOCATION;

14 (2) NO SECURED APPEARANCE OR PERFORMANCE BONDS  
 15 HAVE BEEN ORDERED; AND

16 (3) NO OTHER CONDITIONS OF RELEASE OR COMBINATION  
 17 OF CONDITIONS CAN] reasonably ensure the person's appearance and the safety of  
 18 the victim, other persons, and the community.

19 \* **Sec. 54.** AS 12.30.021(c), as amended by sec. 63, ch. 36, SLA 2016, is amended to read:

20 (c) A judicial officer may not appoint a person as a third-party custodian if

21 (1) the proposed custodian is acting as a third-party custodian for  
 22 another person;

23 (2) the proposed custodian has been convicted in the previous three  
 24 years of a crime under AS 11.41 or a similar crime in this or another jurisdiction;

25 (3) criminal charges are pending in this state or another jurisdiction  
 26 against the proposed custodian;

27 (4) the proposed custodian is on probation in this state or another  
 28 jurisdiction for an offense;

29 (5) [THERE IS A REASONABLE PROBABILITY THAT THE  
 30 STATE WILL CALL] the proposed custodian may be called as a witness in the  
 31 prosecution of the person;

1 (6) the proposed custodian resides out of state; however, a nonresident  
 2 may serve as a custodian if the nonresident resides in the state while serving as  
 3 custodian.

4 \* Sec. 55. AS 12.55.025(a) is amended to read:

5 (a) When imposing a sentence for conviction of a felony offense or a sentence  
 6 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a  
 7 regulation adopted under AS 04, or an ordinance adopted in conformity with  
 8 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that  
 9 includes the following:

10 (1) a verbatim record of the sentencing hearing and any other in-court  
 11 sentencing procedures;

12 (2) findings on material issues of fact and on factual questions required  
 13 to be determined as a prerequisite to the selection of the sentence imposed;

14 (3) a clear statement of the terms of the sentence imposed; if a term of  
 15 imprisonment is imposed, the statement must include

16 (A) the approximate minimum term the defendant is expected  
 17 to serve before being released or placed on mandatory parole if the defendant  
 18 is eligible for and does not forfeit good conduct deductions under  
 19 AS 33.20.010; and

20 (B) if applicable, the approximate minimum term of  
 21 imprisonment the defendant must serve before becoming eligible for release on  
 22 discretionary [OR ADMINISTRATIVE] parole;

23 (4) any recommendations as to the place of confinement or the manner  
 24 of treatment; and

25 (5) in the case of a conviction for a felony offense, information  
 26 assessing

27 (A) the financial, emotional, and medical effects of the offense  
 28 on the victim;

29 (B) the need of the victim for restitution; and

30 (C) any other information required by the court.

31 \* Sec. 56. AS 12.55.025(c) is amended to read:

1 (c) Except as provided in (d) of this section, when a defendant is sentenced to  
 2 imprisonment, the term of confinement commences on the date of imposition of  
 3 sentence unless the court specifically provides that the defendant must report to serve  
 4 the sentence on another date. If the court provides another date to begin the term of  
 5 confinement, the court shall provide the defendant with written notice of the date,  
 6 time, and location of the correctional facility to which the defendant must report. A  
 7 defendant shall receive credit for time spent in custody pending trial, sentencing, or  
 8 appeal, if the detention was in connection with the offense for which sentence was  
 9 imposed [INCLUDING A TECHNICAL VIOLATION OF PROBATION AS  
 10 PROVIDED IN AS 12.55.110]. A defendant may not receive credit for more than the  
 11 actual time spent in custody pending trial, sentencing, or appeal. The time during  
 12 which a defendant is voluntarily absent from official detention after the defendant has  
 13 been sentenced may not be credited toward service of the sentence.

14 \* **Sec. 57.** AS 12.55.027(a) is amended to read:

15 (a) A court may grant a defendant credit toward a sentence of imprisonment  
 16 for time spent in a treatment program or under electronic monitoring only as  
 17 provided in [THAT FURTHERS THE REFORMATION AND REHABILITATION  
 18 OF THE DEFENDANT IF THE COURT FINDS THAT THE PROGRAM PLACES  
 19 A SUBSTANTIAL RESTRICTION ON THE DEFENDANT'S FREEDOM OF  
 20 MOVEMENT AND BEHAVIOR AND IS CONSISTENT WITH] this section.

21 \* **Sec. 58.** AS 12.55.027(b) is repealed and reenacted to read:

22 (b) A court may grant a defendant one day of credit toward a sentence of  
 23 imprisonment for each full day the defendant resided in the facility of a treatment  
 24 program and observed the rules of the treatment program and the facility if

25 (1) the court finds that the treatment program meets the standards  
 26 described in (c) of this section;

27 (2) before the defendant entered the treatment program, the court  
 28 ordered the defendant to reside in the facility of the treatment program and participate  
 29 in the treatment program as a condition of bail release or a condition of probation; and

30 (3) the court has received a written report from the director of the  
 31 program that

1 (A) states that the defendant has participated in the treatment  
2 plan prescribed for the defendant and has complied with the requirements of  
3 the plan; and

4 (B) sets out the number of full days the defendant resided in the  
5 facility of the treatment program and observed the rules of the treatment  
6 program and facility.

7 \* **Sec. 59.** AS 12.55.027(c) is repealed and reenacted to read:

8 (c) To qualify for credit against a sentence of imprisonment for a day spent in  
9 a treatment program, the treatment program and the facility of the treatment program  
10 must impose substantial restrictions on a person's liberty on that day that are  
11 equivalent to incarceration, including the requirement that a participant in the program

12 (1) must live in a residential facility operated by the program;

13 (2) must be confined at all times to the grounds of the facility or be in  
14 the physical custody of an employee of the facility, except for

15 (A) court appearances;

16 (B) meetings with counsel;

17 (C) employment, vocational training, or community volunteer  
18 work required by the treatment program; and

19 (D) periods during which the resident is permitted to leave the  
20 facility for rehabilitative purposes directly related to the person's treatment, so  
21 long as the periods during which the resident is permitted to leave the facility  
22 are expressly limited as to both time and purpose by the treatment program;

23 (3) is subject to disciplinary sanctions by the program if the participant  
24 violates rules of the program and facility; sanctions must be in writing and available  
25 for court review; and

26 (4) is subject to immediate arrest, without warrant, if the participant  
27 leaves the facility without permission.

28 \* **Sec. 60.** AS 12.55.035(b) is amended to read:

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

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

6 (2) \$250,000 for a class A felony;

7 (3) \$100,000 for a class B felony;

8 (4) \$50,000 for a class C felony;

9 (5) \$10,000 [\$25,000] for a class A misdemeanor;

10 (6) \$2,000 for a class B misdemeanor;

11 (7) \$500 for a violation.

12 \* **Sec. 61.** AS 12.55.051(a) is amended to read:

13 (a) If the defendant defaults in the payment of a fine or any installment or of  
 14 restitution or any installment, the court may order the defendant to show cause why  
 15 the defendant should not be sentenced to imprisonment for nonpayment and, if the  
 16 payment was made a condition of the defendant's probation, may revoke the probation  
 17 of the defendant [SUBJECT TO THE LIMITS SET OUT IN AS 12.55.110]. In a  
 18 contempt or probation revocation proceeding brought as a result of failure to pay a  
 19 fine or restitution, it is an affirmative defense that the defendant was unable to pay  
 20 despite having made continuing good faith efforts to pay the fine or restitution. If the  
 21 court finds that the defendant was unable to pay despite having made continuing good  
 22 faith efforts, the defendant may not be imprisoned solely because of the inability to  
 23 pay. If the court does not find that the default was attributable to the defendant's  
 24 inability to pay despite having made continuing good faith efforts to pay the fine or  
 25 restitution, the court may order the defendant imprisoned until the order of the court  
 26 is satisfied [SUBJECT TO THE LIMITS SET OUT IN AS 12.55.110]. A term of  
 27 imprisonment imposed under this section may not exceed one day for each \$50 of the  
 28 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall  
 29 be given toward satisfaction of the order of the court for every day a person is  
 30 incarcerated for nonpayment of a fine or restitution.

31 \* **Sec. 62.** AS 12.55.055(a) is amended to read:

1 (a) The court may order a defendant convicted of an offense to perform  
 2 community work as a condition of probation, a suspended sentence, or suspended  
 3 imposition of sentence, [OR SUSPENDED ENTRY OF JUDGMENT,] or in addition  
 4 to any fine or restitution ordered. If the defendant is sentenced to imprisonment, the  
 5 court may recommend to the Department of Corrections that the defendant perform  
 6 community work.

7 \* **Sec. 63.** AS 12.55.055(c) is amended to read:

8 (c) The court may offer a defendant convicted of an offense the option of  
 9 performing community work in lieu of a fine, surcharge, or portion of a fine or  
 10 surcharge if the court finds the defendant is unable to pay the fine. The value of  
 11 community work in lieu of a fine is \$3 [THE STATE'S MINIMUM WAGE] for each  
 12 hour.

13 \* **Sec. 64.** AS 12.55.090(b) is amended to read:

14 (b) Except as otherwise provided in (f) of this section, the court may revoke or  
 15 modify any condition of probation or may [,] change the period of probation [, OR  
 16 TERMINATE PROBATION AND DISCHARGE THE DEFENDANT FROM  
 17 PROBATION].

18 \* **Sec. 65.** AS 12.55.090(c) is amended to read:

19 (c) The period of probation, together with any extension, may not exceed  
 20 (1) 25 [15] years for a felony sex offense; or  
 21 (2) 10 years for any other offense [AN UNCLASSIFIED FELONY  
 22 UNDER AS 11 NOT LISTED IN (1) OF THIS SUBSECTION;  
 23 (3) FIVE YEARS FOR A FELONY OFFENSE NOT LISTED IN (1)  
 24 OR (2) OF THIS SUBSECTION;  
 25 (4) THREE YEARS FOR A MISDEMEANOR OFFENSE  
 26 (A) UNDER AS 11.41;  
 27 (B) THAT IS A CRIME INVOLVING DOMESTIC  
 28 VIOLENCE; OR  
 29 (C) THAT IS A SEX OFFENSE, AS THAT TERM IS  
 30 DEFINED IN AS 12.63.100;  
 31 (5) TWO YEARS FOR A MISDEMEANOR OFFENSE UNDER

1 AS 28.35.030 OR 28.35.032, IF THE PERSON HAS PREVIOUSLY BEEN  
2 CONVICTED OF AN OFFENSE UNDER AS 28.35.030 OR 28.35.032, OR A  
3 SIMILAR LAW OR ORDINANCE OF THIS OR ANOTHER JURISDICTION; OR  
4 (6) ONE YEAR FOR AN OFFENSE NOT LISTED IN (1) - (5) OF  
5 THIS SUBSECTION].

6 \* **Sec. 66.** AS 12.55.090(f) is amended to read:

7 (f) Unless the defendant and the prosecuting authority agree at the probation  
8 revocation proceeding or other proceeding [RELATED TO A PROBATION  
9 VIOLATION, THE PERSON QUALIFIES FOR A REDUCTION UNDER  
10 AS 33.05.020(h), OR A PROBATION OFFICER RECOMMENDS TO THE COURT  
11 THAT PROBATION BE TERMINATED AND THE DEFENDANT BE  
12 DISCHARGED FROM PROBATION UNDER (g) OF THIS SECTION OR  
13 AS 33.05.040], the court may not reduce the specific period of probation or the  
14 specific term of suspended incarceration except by the amount of incarceration  
15 imposed for a probation violation, if

16 (1) the sentence was imposed in accordance with a plea agreement  
17 under Rule 11, Alaska Rules of Criminal Procedure; and

18 (2) the agreement required a specific period of probation or a specific  
19 term of suspended incarceration.

20 \* **Sec. 67.** AS 12.55.115 is amended to read:

21 **Sec. 12.55.115. Fixing eligibility for discretionary [OR**  
22 **ADMINISTRATIVE] parole at sentencing.** The court may, as part of a sentence of  
23 imprisonment, further restrict the eligibility of a prisoner for discretionary [OR  
24 ADMINISTRATIVE] parole for a term greater than that required under AS 33.16.090  
25 [AS 33.16.089, 33.16.090,] and 33.16.100.

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

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

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

4 (2) the defendant has been previously convicted of

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

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

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

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

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

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

19 \* **Sec. 69.** AS 12.55.125(b) is amended to read:

20 (b) A defendant convicted of attempted murder in the first degree, solicitation  
 21 to commit murder in the first degree, conspiracy to commit murder in the first degree,  
 22 kidnapping, or misconduct involving a controlled substance in the first degree shall be  
 23 sentenced to a definite term of imprisonment of at least five years but not more than  
 24 99 years. A defendant convicted of murder in the second degree or murder of an  
 25 unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of  
 26 imprisonment of at least 10 [15] years but not more than 99 years. A defendant  
 27 convicted of murder in the second degree shall be sentenced to a definite term of  
 28 imprisonment of at least 20 years but not more than 99 years when the defendant is  
 29 convicted of the murder of a child under 16 years of age and the court finds by clear  
 30 and convincing evidence that the defendant (1) was a natural parent, a stepparent, an  
 31 adoptive parent, a legal guardian, or a person occupying a position of authority in

1 relation to the child; or (2) caused the death of the child by committing a crime against  
 2 a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and  
 3 "position of authority" have the meanings given in AS 11.41.470.

4 \* **Sec. 70.** AS 12.55.125(c) is amended to read:

5 (c) Except as provided in (i) of this section, a defendant convicted of a class A  
 6 felony may be sentenced to a definite term of imprisonment of not more than 20 years,  
 7 and shall be sentenced to a definite term within the following presumptive ranges,  
 8 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

9 (1) if the offense is a first felony conviction and does not involve  
 10 circumstances described in (2) of this subsection, **five** [THREE] to **eight** [SIX] years;

11 (2) if the offense is a first felony conviction

12 **(A)** and the defendant possessed a firearm, used a dangerous  
 13 instrument, or caused serious physical injury or death during the commission  
 14 of the offense, or knowingly directed the conduct constituting the offense at a  
 15 uniformed or otherwise clearly identified peace officer, firefighter, correctional  
 16 employee, emergency medical technician, paramedic, ambulance attendant, or  
 17 other emergency responder who was engaged in the performance of official  
 18 duties at the time of the offense, **seven** [FIVE] to **11** [NINE] years;

19 **(B)** and the conviction is for manufacturing related to  
 20 methamphetamine under AS 11.71.021(a)(2)(A) or (B), seven to 11 years if

21 (i) the manufacturing occurred in a building with  
 22 reckless disregard that the building was used as a permanent or  
 23 temporary home or place of lodging for one or more children  
 24 under 18 years of age or the building was a place frequented by  
 25 children; or

26 (ii) in the course of manufacturing or in preparation  
 27 for manufacturing, the defendant obtained the assistance of one or  
 28 more children under 18 years of age or one or more children were  
 29 present;

30 (3) if the offense is a second felony conviction, **10** [EIGHT] to **14** [12]

31 years;

1 (4) if the offense is a third felony conviction and the defendant is not  
2 subject to sentencing under (l) of this section, 15 [13] to 20 years.

3 \* Sec. 71. AS 12.55.125(d) is amended to read:

4 (d) Except as provided in (i) of this section, a defendant convicted of a class B  
5 felony may be sentenced to a definite term of imprisonment of not more than 10 years,  
6 and shall be sentenced to a definite term within the following presumptive ranges,  
7 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

8 (1) if the offense is a first felony conviction and does not involve  
9 circumstances described in (2) of this subsection, one [ZERO] to three [TWO] years;  
10 a defendant sentenced under this paragraph may, if the court finds it appropriate, be  
11 granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of  
12 probation under AS 12.55.086, the defendant is required to serve an active term  
13 of imprisonment within the range specified in this paragraph, unless the court  
14 finds that a mitigation factor under AS 12.55.155 applies;

15 (2) if the offense is a first felony conviction,

16 (A) the defendant violated AS 11.41.130, and the victim was  
17 [(A)] a child under 16 years of age, two to four years; [OR]

18 (B) two to four years if the conviction is for attempt,  
19 solicitation, or conspiracy to manufacture related to methamphetamine  
20 under AS 11.31 and AS 11.71.021(a)(2)(A) or (B), and

21 (i) the attempted manufacturing occurred, or the  
22 solicited or conspired offense was to have occurred, in a building  
23 with reckless disregard that the building was used as a permanent  
24 or temporary home or place of lodging for one or more children  
25 under 18 years of age or the building was a place frequented by  
26 children; or

27 (ii) in the course of an attempt to manufacture, the  
28 defendant obtained the assistance of one or more children under 18  
29 years of age or one or more children were present [WAS 16 YEARS  
30 OF AGE OR OLDER, ONE TO THREE YEARS];

31 (3) if the offense is a second felony conviction, four [TWO] to seven

1 [FIVE] years;

2 (4) if the offense is a third felony conviction, six [FOUR] to 10 years.

3 \* Sec. 72. AS 12.55.125(e) is amended to read:

4 (e) Except as provided in (i) of this section, a defendant convicted of a class C  
5 felony may be sentenced to a definite term of imprisonment of not more than five  
6 years, and shall be sentenced to a definite term within the following presumptive  
7 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

8 (1) if the offense is a first felony conviction and does not involve  
9 circumstances described in (4) of this subsection, [PROBATION, WITH A  
10 SUSPENDED TERM OF IMPRISONMENT OF] zero to two years [18 MONTHS]; a  
11 defendant sentenced under this paragraph may, if the court finds it appropriate, be  
12 granted a suspended imposition of sentence under AS 12.55.085, and the court may,  
13 as a condition of probation under AS 12.55.086, require the defendant to serve an  
14 active term of imprisonment within the range specified in this paragraph;

15 (2) if the offense is a second felony conviction, two [ONE] to four  
16 [THREE] years;

17 (3) if the offense is a third felony conviction, three [TWO] to five  
18 years;

19 (4) if the offense is a first felony conviction, and the defendant violated  
20 [(A)] AS 08.54.720(a)(15), one to two years [;  
21 (B) AS 28.35.030(n)(1)(A) OR 28.35.032(p)(1)(A), 120 DAYS  
22 TO 239 DAYS;  
23 (C) AS 28.35.030(n)(1)(B) OR 28.35.032(p)(1)(B), 240 DAYS  
24 TO 359 DAYS;  
25 (D) AS 28.35.030(n)(1)(C) OR 23.35.032(p)(1)(C), 360 DAYS  
26 TO TWO YEARS].

27 \* Sec. 73. AS 12.55.125 is amended by adding a new subsection to read:

28 (q) Other than for convictions subject to a mandatory 99-year sentence, the  
29 court shall impose, in addition to an active term of imprisonment imposed under (i) of  
30 this section, a minimum period of (1) suspended imprisonment of five years and a  
31 minimum period of probation supervision of 15 years for conviction of an unclassified

1 felony, (2) suspended imprisonment of three years and a minimum period of probation  
 2 supervision of 10 years for conviction of a class A or class B felony, or (3) suspended  
 3 imprisonment of two years and a minimum period of probation supervision of five  
 4 years for conviction of a class C felony. The period of probation is in addition to any  
 5 sentence received under (i) of this section and may not be suspended or reduced. Upon  
 6 a defendant's release from confinement in a correctional facility, the defendant is  
 7 subject to this probation requirement and shall submit and comply with the terms and  
 8 requirements of the probation.

9 \* **Sec. 74.** AS 12.55.135(a) is amended to read:

10 (a) A defendant convicted of a class A misdemeanor may be sentenced to a  
 11 definite term of imprisonment of not more than

12 [(1)] one year [, IF THE

13 (A) CONVICTION IS FOR A CRIME WITH A  
 14 MANDATORY MINIMUM TERM OF 30 DAYS OR MORE OF ACTIVE  
 15 IMPRISONMENT;

16 (B) TRIER OF FACT FINDS THE AGGRAVATING  
 17 FACTOR THAT THE CONDUCT CONSTITUTING THE OFFENSE WAS  
 18 AMONG THE MOST SERIOUS CONDUCT INCLUDED IN THE  
 19 DEFINITION OF THE OFFENSE;

20 (C) DEFENDANT HAS PAST CRIMINAL CONVICTIONS  
 21 FOR CONDUCT VIOLATIVE OF CRIMINAL LAWS, PUNISHABLE AS  
 22 FELONIES OR MISDEMEANORS, SIMILAR IN NATURE TO THE  
 23 OFFENSE FOR WHICH THE DEFENDANT IS BEING SENTENCED;

24 (D) CONVICTION IS FOR AN ASSAULT IN THE FOURTH  
 25 DEGREE UNDER AS 11.41.230; OR

26 (E) CONVICTION IS FOR A VIOLATION OF

27 (i) AS 11.41.427;

28 (ii) AS 11.41.440;

29 (iii) AS 11.41.460, IF THE INDECENT EXPOSURE  
 30 IS BEFORE A PERSON UNDER 16 YEARS OF AGE; OR

31 (iv) AS 11.61.118(a)(2);

1 (2) 30 DAYS].

2 \* Sec. 75. AS 12.55.135(b) is amended to read:

3 (b) A defendant convicted of a class B misdemeanor may be sentenced to a  
4 definite term of imprisonment of not more than 90

5 [(1) 10] days unless otherwise specified in the provision of law  
6 defining the offense [OR IN THIS SECTION;

7 (2) 90 DAYS IF THE CONVICTION IS FOR A VIOLATION OF

8 (A) AS 11.61.116(c)(1) AND THE PERSON IS 21 YEARS  
9 OF AGE OR OLDER; OR

10 (B) AS 11.61.120(a)(6) AND THE PERSON IS 21 YEARS OF  
11 AGE OR OLDER].

12 \* Sec. 76. AS 12.55.135 is amended by adding a new subsection to read:

13 (q) A court may not impose a sentence of imprisonment or suspended  
14 imprisonment for possession of marijuana in violation of AS 11.71.060 if the  
15 defendant alleges, and the court finds, that the defendant was not under formal or  
16 informal probation or parole conditions in this or another jurisdiction at the time of the  
17 offense; that the defendant possessed the marijuana for the defendant's personal use  
18 within the defendant's permanent or temporary residence; and that the defendant has  
19 not been previously convicted more than once in this or another jurisdiction for  
20 possession of marijuana. If the defendant has not been previously convicted as  
21 described in this subsection, the maximum unsuspended fine that the court may  
22 impose is \$500. If the defendant has been previously convicted once as described in  
23 this subsection, the maximum unsuspended fine that the court may impose is \$1,000.  
24 In this subsection,

25 (1) "permanent or temporary residence" means a permanent structure  
26 adopted for overnight accommodation; "permanent or temporary residence" does not  
27 include

28 (A) vehicles, tents, prisons or other correctional facilities,  
29 residential treatment facilities, or shelters operated by a charitable organization  
30 or a government agency;

31 (B) any place where the defendant's possession or use of

1 marijuana violated established rules for residents, such as a ban on smoking or  
2 a ban on marijuana or other controlled substances;

3 (2) "previously convicted" means the defendant entered a plea of  
4 guilty, no contest, or nolo contendere, or has been found guilty by a court or jury,  
5 regardless of whether the conviction was set aside under AS 12.55.085 or a similar  
6 procedure in another jurisdiction, of possession of marijuana; "previously convicted"  
7 does not include a judgment that has been reversed or vacated by a court.

8 \* Sec. 77. AS 12.61.015(a) is amended to read:

9 (a) If a victim of a felony or a crime involving domestic violence requests, the  
10 prosecuting attorney shall make a reasonable effort to

11 (1) confer with the person against whom the offense has been  
12 perpetrated about that person's testimony before the defendant's trial;

13 (2) in a manner reasonably calculated to give prompt actual notice,  
14 notify the victim

15 (A) of the defendant's conviction and the crimes of which the  
16 defendant was convicted;

17 (B) of the victim's right in a case that is a felony to make a  
18 written or oral statement for use in preparation of the defendant's presentence  
19 report, and of the victim's right to appear personally at the defendant's  
20 sentencing hearing to present a written statement and to give sworn testimony  
21 or an unsworn oral presentation;

22 (C) of the address and telephone number of the office that will  
23 prepare the presentence report; and

24 (D) of the time and place of the sentencing proceeding;

25 (3) notify the victim in writing of the final disposition of the case  
26 within 30 days after final disposition of the case;

27 (4) confer with the victim of a crime involving domestic violence  
28 concerning a proposed plea agreement before entering into an agreement;

29 (5) inform the victim of a pending motion that may substantially delay  
30 the prosecution and inform the court of the victim's position on the motion; in this  
31 paragraph, a "substantial delay" is

- 1 (A) for a misdemeanor, a delay of one month or longer;
- 2 (B) for a felony, a delay of two months or longer; and
- 3 (C) for an appeal, a delay of six months or longer.

4 \* Sec. 78. AS 12.61.017(a) is amended to read:

5 (a) An employer may not penalize or threaten to penalize a victim [OF AN  
6 OFFENSE] because the victim

7 [(1)] is subpoenaed or requested by the prosecuting attorney to attend a  
8 court proceeding for the purpose of giving testimony. In this subsection, "penalize"  
9 means to take action affecting the employment status, wages, and benefits  
10 payable to the victim, including

11 (1) demotion or suspension;

12 (2) dismissal from employment;

13 (3) loss of pay or benefits, except pay and benefits that are directly  
14 attributable to the victim's absence from employment to attend the court  
15 proceeding [; OR

16 (2) REPORTS THE OFFENSE TO A LAW ENFORCEMENT  
17 AGENCY OR PARTICIPATES IN THE INVESTIGATION OF THE OFFENSE BY  
18 A LAW ENFORCEMENT AGENCY].

19 \* Sec. 79. AS 12.70.130, as amended by sec. 98, ch. 36, SLA 2016, is amended to read:

20 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be  
21 lawfully made by a peace officer or a private person without a warrant upon  
22 reasonable information that the accused stands charged in the courts of another state  
23 with a crime punishable by death or imprisonment for a term exceeding one year, but  
24 when arrested the accused must be taken before a judge or magistrate without  
25 unnecessary delay and, in any event, within **48** [24] hours after arrest, [ABSENT  
26 COMPELLING CIRCUMSTANCES,] including Sundays and holidays, and  
27 complaint shall be made against the accused under oath setting out the ground for the  
28 arrest as in AS 12.70.120. [THE HEARING BEFORE THE JUDGE OR  
29 MAGISTRATE MAY NOT TAKE PLACE MORE THAN 48 HOURS AFTER  
30 ARREST.] Thereafter the answer of the accused shall be heard as if the accused had  
31 been arrested on a warrant.

1 \* **Sec. 80.** AS 18.67.020(a) is amended to read:

2 (a) The Violent Crimes Compensation Board is established in the  
 3 Department of Administration. The board is composed of three members to be  
 4 appointed by the governor. One of the members shall be designated as chair by the  
 5 governor. At least one member must be a medical or osteopathic physician [, A  
 6 PHYSICIAN ASSISTANT, OR AN ADVANCED NURSE PRACTITIONER]  
 7 licensed to practice in this state or holding a retired status license [FROM  
 8 PRACTICE] in this state, and one member must be an attorney licensed to practice in  
 9 this state or retired from practice in this state.

10 \* **Sec. 81.** AS 28.15.191(g) is amended to read:

11 (g) A court that has ordered a person to refrain from consuming alcoholic  
 12 beverages as part of a sentence for conviction of a crime under AS 28.35.030,  
 13 28.35.032, or a similar municipal ordinance or as a condition of probation or parole  
 14 following a conviction under those sections or a similar municipal ordinance [, OR AS  
 15 A CONDITION OF PROBATION OR PAROLE FOR ANY OTHER CRIME] shall

16 (1) require the surrender of the person's license and identification card  
 17 and forward the license and identification card to the department;

18 (2) report the order to the department within two days; and

19 (3) inform the person that the person's license and identification card  
 20 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is  
 21 otherwise qualified to receive a license or identification card, when the person obtains  
 22 a new license or identification card, the license or identification card must list the  
 23 restriction imposed by AS 04.16.160 for the period of probation or parole.

24 \* **Sec. 82.** AS 28.15.291(a) is repealed and reenacted to read:

25 (a) A person is guilty of a class A misdemeanor if the person

26 (1) drives a motor vehicle on a highway or vehicular way or area at a  
 27 time when that person's driver's license, privilege to drive, or privilege to obtain a  
 28 license has been canceled, suspended, or revoked in this or another jurisdiction; or

29 (2) drives in violation of a limitation placed on that person's license or  
 30 privilege to drive in this or another jurisdiction.

31 \* **Sec. 83.** AS 28.15.291(b) is repealed and reenacted to read:

1 (b) Upon conviction under (a) of this section, the court

2 (1) shall impose a minimum sentence of imprisonment

3 (A) if the person has not been previously convicted, of not less  
4 than 10 days with 10 days suspended, including a mandatory condition of  
5 probation that the defendant complete not less than 80 hours of community  
6 work service;

7 (B) if the person has been previously convicted, of not less than  
8 10 days;

9 (C) if the person's driver's license, privilege to drive, or  
10 privilege to obtain a license was revoked under circumstances described in  
11 AS 28.15.181(c)(1), if the person was driving in violation of a limited license  
12 issued under AS 28.15.201(d) following that revocation, or if the person was  
13 driving in violation of an ignition interlock device requirement following that  
14 revocation, of not less than 20 days with 10 days suspended, and a fine of not  
15 less than \$500, including a mandatory condition of probation that the  
16 defendant complete not less than 80 hours of community work service;

17 (D) if the person's driver's license, privilege to drive, or  
18 privilege to obtain a license was revoked under circumstances described in  
19 AS 28.15.181(c)(2), (3), or (4), if the person was driving in violation of a  
20 limited license issued under AS 28.15.201(d) following that revocation, or if  
21 the person was driving in violation of an ignition interlock device requirement  
22 following that revocation, of not less than 30 days and a fine of not less than  
23 \$1,000;

24 (2) may impose additional conditions of probation;

25 (3) may not

26 (A) suspend execution of sentence or grant probation except on  
27 condition that the person serve a minimum term of imprisonment and perform  
28 required community work service as provided in (1) of this subsection;

29 (B) suspend imposition of sentence;

30 (4) shall revoke the person's license, privilege to drive, or privilege to  
31 obtain a license, and the person may not be issued a new license or a limited license

1 nor may the privilege to drive or obtain a license be restored for an additional period  
2 of not less than 90 days after the date that the person would have been entitled to  
3 restoration of driving privileges; and

4 (5) may order that the motor vehicle that was used in commission of  
5 the offense be forfeited under AS 28.35.036.

6 \* **Sec. 84.** AS 28.35.028(b) is amended to read:

7 (b) Once the court elects to proceed under this section, the defendant shall  
8 enter a no contest or guilty plea to the offense or shall admit to a probation violation,  
9 as appropriate. The state and the defendant may enter into a plea agreement to  
10 determine the offense or offenses to which the defendant is required to plead. If the  
11 court accepts the agreement, the court shall enforce the terms of the agreement. The  
12 court shall enter a judgment of conviction for the offense or offenses for which the  
13 defendant has pleaded or an order finding that the defendant has violated probation, as  
14 appropriate. A judgment of conviction or an order finding a probation violation must  
15 set a schedule for payment of restitution owed by the defendant. In a judgment of  
16 conviction and on probation conditions that the court considers appropriate, the court  
17 may withhold pronouncement of a period of imprisonment or a fine to provide an  
18 incentive for the defendant to complete recommended treatment successfully.  
19 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any  
20 mandatory minimum or other sentencing provision applicable to the offense.  
21 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any  
22 other provision of law, the court, at any time after the period when a reduction of  
23 sentence is normally available, may consider and reduce the defendant's sentence [,  
24 INCLUDING IMPRISONMENT, FINE, OR LICENSE REVOCATION,] based on  
25 the defendant's compliance with the treatment plan; when reducing a sentence, the  
26 court (1) may not reduce the sentence below the mandatory minimum sentence for the  
27 offense unless the court finds that the defendant has successfully complied with and  
28 completed the treatment plan and that the treatment plan approximated the severity of  
29 the minimum period of imprisonment, and (2) may consider the defendant's  
30 compliance with the treatment plan as a mitigating factor allowing a reduction of a  
31 sentence under AS 12.55.155(a). A court entering an order finding the defendant has

1 violated probation may withhold pronouncement of disposition to provide an incentive  
2 for the defendant to complete the recommended treatment successfully.

3 \* **Sec. 85.** AS 28.35.030(k) is amended to read:

4 (k) Imprisonment required under (b)(1)(A) of this section shall be served **at a**  
5 **community residential center or** by electronic monitoring at a private residence  
6 [UNDER AS 33.30.065]. If electronic monitoring is not available, imprisonment  
7 required under (b)(1)(A) of this section **may** [SHALL] be served at **another**  
8 **appropriate place determined by the commissioner of corrections** [A PRIVATE  
9 RESIDENCE BY OTHER MEANS DETERMINED BY THE COMMISSIONER OF  
10 CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF  
11 IMPRISONMENT REQUIRED UNDER (b)(1)(A) OF THIS SECTION BY  
12 ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE  
13 SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE  
14 OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC  
15 MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE].  
16 Imprisonment required under (b)(1)(B) - (F) of this section may be served at a  
17 community residential center or at a private residence if approved by the  
18 commissioner of corrections. Imprisonment served at a private residence must include  
19 electronic monitoring [UNDER AS 33.30.065 OR, IF ELECTRONIC MONITORING  
20 IS NOT AVAILABLE, BY OTHER MEANS AS DETERMINED BY THE  
21 COMMISSIONER OF CORRECTIONS]. The cost of imprisonment resulting from  
22 the sentence imposed under (b)(1) of this section shall be paid to the state by the  
23 person being sentenced **provided, however, that the** [. THE] cost of imprisonment  
24 required to be paid under this subsection may not exceed \$2,000. Upon the person's  
25 conviction, the court shall include the costs of imprisonment as a part of the judgment  
26 of conviction. Except for reimbursement from a permanent fund dividend as provided  
27 in this subsection, payment of the cost of imprisonment is not required if the court  
28 determines the person is indigent. For costs of imprisonment that are not paid by the  
29 person as required by this subsection, the state shall seek reimbursement from the  
30 person's permanent fund dividend as provided under AS 43.23.065. **While at the**  
31 **community residential center or other appropriate place, a person sentenced**

1 under (b)(1)(A) of this section shall perform at least 24 hours of community  
 2 service work. A person sentenced under (b)(1)(B) of this section shall perform at least  
 3 160 hours of community service work, as required by the director of the community  
 4 residential center or other appropriate place, or as required by the commissioner of  
 5 corrections if the sentence is being served at a private residence. In this subsection,  
 6 "appropriate place" means a facility with 24-hour on-site staff supervision that is  
 7 specifically adapted to provide a residence, and includes a correctional center,  
 8 residential treatment facility, hospital, halfway house, group home, work farm, work  
 9 camp, or other place that provides varying levels of restriction.

10 \* **Sec. 86.** AS 28.35.030(l) is amended to read:

11 (l) The commissioner of corrections shall determine and prescribe by  
 12 regulation a uniform average cost of imprisonment for the purpose of determining the  
 13 cost of imprisonment required to be paid under (k) of this section by a convicted  
 14 person. [THE REGULATIONS MUST INCLUDE THE COSTS ASSOCIATED  
 15 WITH ELECTRONIC MONITORING UNDER AS 33.30.065.]

16 \* **Sec. 87.** AS 28.35.030(o) is amended to read:

17 (o) Upon request, the department shall review a driver's license revocation  
 18 imposed under (n)(3) of this section and

19 [(1)] may restore the driver's license if

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

21 **(2)** [(B)] the person has not been convicted of a [DRIVING-  
 22 RELATED] criminal offense since the license was revoked; and

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

24 (2) SHALL RESTORE THE DRIVER'S LICENSE IF

25 (A) THE PERSON HAS BEEN GRANTED LIMITED  
 26 LICENSE PRIVILEGES UNDER AS 28.15.201(g) AND HAS  
 27 SUCCESSFULLY DRIVEN UNDER THAT LIMITED LICENSE FOR  
 28 THREE YEARS WITHOUT HAVING THE LIMITED LICENSE  
 29 PRIVILEGES REVOKED;

30 (B) THE PERSON HAS SUCCESSFULLY COMPLETED A  
 31 COURT-ORDERED TREATMENT PROGRAM UNDER AS 28.35.028 OR

1 A REHABILITATIVE TREATMENT PROGRAM UNDER AS 28.15.201(h);

2 (C) THE PERSON HAS NOT BEEN CONVICTED OF A  
3 VIOLATION OF AS 28.35.030 OR 28.35.032 OR A SIMILAR LAW OR  
4 ORDINANCE OF THIS OR ANOTHER JURISDICTION SINCE THE  
5 LICENSE WAS REVOKED;

6 (D) THE PERSON IS OTHERWISE ELIGIBLE TO HAVE  
7 THE PERSON'S DRIVING PRIVILEGES RESTORED AS PROVIDED IN  
8 AS 28.15.211; IN AN APPLICATION UNDER THIS SUBSECTION, A  
9 PERSON WHOSE LICENSE WAS REVOKED FOR A VIOLATION OF  
10 AS 28.35.030(n) OR 28.35.032(p) IS NOT REQUIRED TO SUBMIT  
11 COMPLIANCE AS REQUIRED UNDER AS 28.35.030(h) OR 28.35.032(l);  
12 AND

13 (E) THE PERSON PROVIDES PROOF OF FINANCIAL  
14 RESPONSIBILITY].

15 \* **Sec. 88.** AS 28.35.032(o) is amended to read:

16 (o) Imprisonment required under (g)(1)(A) of this section shall be served at a  
17 **community residential center, or if a community residential center** [PRIVATE  
18 RESIDENCE BY ELECTRONIC MONITORING UNDER AS 33.30.065. IF  
19 ELECTRONIC MONITORING] is not available, **at another appropriate place as**  
20 **determined by the commissioner of corrections** [IMPRISONMENT UNDER  
21 (g)(1)(A) OF THIS SECTION SHALL BE SERVED AT A PRIVATE RESIDENCE  
22 BY OTHER MEANS AS DETERMINED BY THE COMMISSIONER OF  
23 CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF  
24 IMPRISONMENT REQUIRED UNDER (g)(1)(A) OF THIS SECTION BY  
25 ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE  
26 SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE  
27 OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC  
28 MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE.]  
29 Imprisonment required under (g)(1)(B) - (F) of this section may be served at a  
30 community residential center or at a private residence if approved by the  
31 commissioner of corrections. Imprisonment served at a private residence must include

1 electronic monitoring [UNDER AS 33.30.065 OR, IF ELECTRONIC MONITORING  
 2 IS NOT AVAILABLE, SHALL BE SERVED BY OTHER MEANS AS  
 3 DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. The cost of  
 4 imprisonment resulting from the sentence imposed under (g)(1) of this section shall be  
 5 paid to the state by the person being sentenced **provided, however, that the** [. THE]  
 6 cost of imprisonment required to be paid under this subsection may not exceed \$2,000.  
 7 Upon the person's conviction, the court shall include the costs of imprisonment as a  
 8 part of the judgment of conviction. Except for reimbursement from a permanent fund  
 9 dividend as provided in this subsection, payment of the cost of imprisonment is not  
 10 required if the court determines the person is indigent. For costs of imprisonment that  
 11 are not paid by the person as required by this subsection, the state shall seek  
 12 reimbursement from the person's permanent fund dividend as provided under  
 13 AS 43.23.065. **While at the community residential center or another appropriate**  
 14 **place, a person sentenced under (g)(1)(A) of this section shall perform at least 24**  
 15 **hours of community service work.** A person sentenced under (g)(1)(B) of this  
 16 section shall perform at least 160 hours of community service work, as required by the  
 17 director of the community residential center or other appropriate place, or as required  
 18 by the commissioner of corrections if the sentence is being served at a private  
 19 residence. In this subsection, "appropriate place" means a facility with 24-hour on-site  
 20 staff supervision that is specifically adapted to provide a residence, and includes a  
 21 correctional center, residential treatment facility, hospital, halfway house, group home,  
 22 work farm, work camp, or other place that provides varying levels of restriction.

23 \* **Sec. 89.** AS 29.10.200(21) is amended to read:

24 (21) AS 29.25.070(e) **(notices of certain civil actions)** [AND (g)  
 25 (PENALTIES)];

26 \* **Sec. 90.** AS 29.25.070(a) is amended to read:

27 (a) For the violation of an ordinance, a municipality may by ordinance  
 28 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days [,  
 29 EXCEPT AS LIMITED BY (g) OF THIS SECTION]. For a violation that cannot  
 30 result in incarceration or the loss of a valuable license, a municipality may allow  
 31 disposition of the violation without court appearance and establish a schedule of fine

1 amounts for each offense.

2 \* **Sec. 91.** AS 33.05.040 is amended to read:

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

4 (1) furnish to each probationer under the supervision of the officer a  
5 written statement of the conditions of probation and shall instruct the probationer  
6 regarding the same;

7 (2) keep informed concerning the conduct and condition of each  
8 probationer under the supervision of the officer and shall report on the probationer to  
9 the court placing that person on probation;

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

13 (4) keep records of the probation work, [INCLUDING  
14 ADMINISTRATIVE SANCTIONS AND INCENTIVES THE PROBATION  
15 OFFICER IMPOSES UNDER AS 33.05.020(g),] keep accurate and complete  
16 accounts of all money collected from persons under the supervision of the officer, give  
17 receipts for money collected and make at least monthly returns of it, make the reports  
18 to the court and the commissioner required by them, and perform other duties the court  
19 may direct;

20 (5) perform duties with respect to persons on parole as the  
21 commissioner shall request, and in that service shall be termed a parole officer;

22 (6) [USE ADMINISTRATIVE SANCTIONS AND INCENTIVES  
23 DEVELOPED UNDER AS 33.05.020(g) TO RESPOND TO A PROBATIONER'S  
24 NEGATIVE AND POSITIVE BEHAVIOR, INCLUDING RESPONSES TO  
25 TECHNICAL VIOLATIONS OF CONDITIONS OF PROBATION, IN A WAY  
26 THAT IS INTENDED TO INTERRUPT NEGATIVE BEHAVIOR IN A SWIFT,  
27 CERTAIN, AND PROPORTIONAL MANNER AND SUPPORT PROGRESS WITH  
28 A RECOGNITION OF POSITIVE BEHAVIOR;

29 (7) UPON DETERMINING THAT A PROBATIONER UNDER THE  
30 SUPERVISION OF THE OFFICER MEETS THE REQUIREMENTS OF  
31 AS 12.55.090(g), RECOMMEND TO THE COURT AS SOON AS PRACTICABLE

1 THAT PROBATION BE TERMINATED AND THE PROBATIONER BE  
2 DISCHARGED FROM PROBATION; AND

3 (8) FOR EACH PROBATIONER WHO OWES RESTITUTION AND  
4 WHO IS UNDER THE SUPERVISION OF THE OFFICER, CREATE A  
5 RESTITUTION PAYMENT SCHEDULE BASED ON THE PROBATIONER'S  
6 INCOME AND ABILITY TO PAY IF THE COURT HAS NOT ALREADY SET A  
7 RESTITUTION PAYMENT SCHEDULE.

8 (9)] accommodate the diligent efforts of each probationer to secure and  
9 maintain steady employment or to participate in educational courses or training  
10 programs when prescribing the times at which a probationer shall report; and

11 (7) [(10)] permit each probationer to travel in the state to make diligent  
12 efforts to secure and maintain steady employment or to participate in educational  
13 courses or training programs if the travel is not inconsistent with other terms and  
14 conditions of probation.

15 \* **Sec. 92.** AS 33.16.010(c) is amended to read:

16 (c) A prisoner who is not eligible for [SPECIAL MEDICAL,  
17 ADMINISTRATIVE, OR] discretionary parole, or who is not released on [SPECIAL  
18 MEDICAL, ADMINISTRATIVE, OR] discretionary parole, shall be released on  
19 mandatory parole for the term of good time deductions credited under AS 33.20, if the  
20 term or terms of imprisonment are two years or more.

21 \* **Sec. 93.** AS 33.16.010(d) is amended to read:

22 (d) A prisoner released on special medical, [ADMINISTRATIVE,]  
23 discretionary, or mandatory parole is subject to the conditions of parole imposed under  
24 AS 33.16.150. Parole may be revoked under AS 33.16.220.

25 \* **Sec. 94.** AS 33.16.060(a) is amended to read:

26 (a) The board shall

27 (1) serve as the parole authority for the state;

28 (2) upon receipt of an application, consider the suitability for parole  
29 of a prisoner who is eligible [FOR DISCRETIONARY PAROLE AT LEAST 90  
30 DAYS BEFORE THE PRISONER'S FIRST DATE OF ELIGIBILITY AND UPON  
31 RECEIPT OF THE PRISONER'S APPLICATION] for special medical or

1 **discretionary** parole;

2 (3) impose parole conditions on all prisoners released under  
3 [SPECIAL MEDICAL, ADMINISTRATIVE,] discretionary [,] or mandatory parole;

4 (4) under AS 33.16.210, discharge a person from parole when custody  
5 is no longer required;

6 (5) maintain records of the meetings and proceedings of the board;

7 (6) recommend to the governor and the legislature changes in the law  
8 administered by the board;

9 (7) recommend to the governor or the commissioner changes in the  
10 practices of the department and of other departments of the executive branch  
11 necessary to facilitate the purposes and practices of parole;

12 (8) upon request of the governor, review and recommend applicants  
13 for executive clemency; and

14 (9) execute other responsibilities prescribed by law.

15 \* **Sec. 95.** AS 33.16.090(a) is amended to read:

16 (a) A prisoner sentenced to an active term of imprisonment of at least 181  
17 days [AND WHO HAS NOT BEEN RELEASED ON ADMINISTRATIVE PAROLE  
18 AS PROVIDED IN AS 33.16.089] may, in the discretion of the board, be released on  
19 discretionary parole if the prisoner

20 [(1)] has served the amount of time specified under (b) of this section,  
21 except that

22 **(1)** [(A)] a prisoner sentenced to one or more mandatory 99-year terms  
23 under AS 12.55.125(a) or one or more definite terms under AS 12.55.125(l) is not  
24 eligible for consideration for discretionary parole;

25 **(2)** [(B)] a prisoner is not eligible for consideration of discretionary  
26 parole if made ineligible by order of a court under AS 12.55.115;

27 **(3)** [(C)] a prisoner imprisoned under AS 12.55.086 is not eligible for  
28 discretionary parole unless the actual term of imprisonment is more than one year [;  
29 OR

30 (2) IS AT LEAST 60 YEARS OF AGE, HAS SERVED AT LEAST  
31 10 YEARS OF A SENTENCE FOR ONE OR MORE CRIMES IN A SINGLE

1 JUDGMENT, AND HAS NOT BEEN CONVICTED OF AN UNCLASSIFIED  
2 FELONY OR A SEXUAL FELONY AS DEFINED IN AS 12.55.185].

3 \* **Sec. 96.** AS 33.16.090(b) is amended to read:

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

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

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

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

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

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

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

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

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

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

1 of the amount of time above the presumptive range; or

2 (B) any term set under AS 12.55.115;

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

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

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

11 (B) any term set under AS 12.55.115; or

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

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

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

19 (B) any term set under AS 12.55.115; or

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

25 [(8) TO A SINGLE SENTENCE UNDER AS 12.55.125(i)(3) AND  
26 (4), AND HAS NOT BEEN ALLOWED BY THE THREE-JUDGE PANEL UNDER  
27 AS 12.55.175 TO BE CONSIDERED FOR DISCRETIONARY PAROLE RELEASE,  
28 MAY NOT BE RELEASED ON DISCRETIONARY PAROLE UNTIL THE  
29 PRISONER HAS SERVED, AFTER A DEDUCTION FOR GOOD TIME EARNED  
30 UNDER AS 33.20.010, ONE-HALF OF THE ACTIVE TERM OF IMPRISONMENT  
31 IMPOSED.]

1 \* **Sec. 97.** AS 33.16.100(a) is amended to read:

2 (a) The board may authorize the release of a prisoner [CONVICTED OF AN  
3 UNCLASSIFIED FELONY WHO IS OTHERWISE ELIGIBLE UNDER  
4 AS 12.55.115 AND AS 33.16.090(a)(1)] on discretionary parole if it determines a  
5 reasonable probability exists that

6 (1) the prisoner will live and remain at liberty without violating any  
7 laws or conditions imposed by the board;

8 (2) the prisoner's rehabilitation and reintegration into society will be  
9 furthered by release on parole;

10 (3) the prisoner will not pose a threat of harm to the public if released  
11 on parole; and

12 (4) release of the prisoner on parole would not diminish the  
13 seriousness of the crime.

14 \* **Sec. 98.** AS 33.16.100(b) is amended to read:

15 (b) If the board finds a change in circumstances in a prisoner's parole release  
16 plan submitted under AS 33.16.130(a) [PREPAROLE REPORTS LISTED IN  
17 AS 33.16.110(a)], or discovers new information concerning a prisoner who has been  
18 granted a parole release date, the board may rescind or revise the previously granted  
19 parole release date. In reconsidering the release date, the procedures set out in  
20 AS 33.16.130(b) and (c) [AS 33.16.130] shall be followed.

21 \* **Sec. 99.** AS 33.16.100 is amended by adding a new subsection to read:

22 (h) If the parole board considers an application for discretionary parole and  
23 denies parole because the prisoner does not meet the standards in (a) of this section,  
24 the board may make a prisoner ineligible for further consideration of discretionary  
25 parole, or may require that additional time be served before the prisoner is again  
26 eligible for consideration for discretionary parole.

27 \* **Sec. 100.** AS 33.16.120(a) is amended to read:

28 (a) If the victim of a crime against a person or arson in the first degree  
29 requests notice of a scheduled hearing to review or consider discretionary parole for a  
30 prisoner convicted of that crime, the board shall send notice of the hearing to the  
31 victim at least 30 days before the hearing. The notice must be accompanied by a copy

1 of the prisoner's **application for parole submitted under AS 33.16.130(a)** [PAROLE  
 2 PLAN SUBMITTED TO THE BOARD]. However, the copy of the **application**  
 3 [PAROLE PLAN] sent to the victim may not include the prisoner's [CONFIDENTIAL  
 4 HEALTH INFORMATION, INFORMATION PROTECTED UNDER  
 5 AS 33.16.170,] proposed residence **and** [, OR] employment addresses.

6 \* **Sec. 101.** AS 33.16.120(f) is amended to read:

7 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),  
 8 [33.16.089, OR 33.16.090,] the board shall make every reasonable effort to notify the  
 9 victim before the prisoner's release date. Notification under this subsection must  
 10 include the expected date of the prisoner's release, the geographic area in which the  
 11 prisoner is required to reside, and other pertinent information concerning the prisoner's  
 12 conditions of parole that may affect the victim.

13 \* **Sec. 102.** AS 33.16.120(g) is amended to read:

14 (g) A victim of a crime involving domestic violence [OR OF A SEXUAL  
 15 ASSAULT UNDER AS 11.41.410 - 11.41.427] shall be informed by the board at least  
 16 30 days in advance of a scheduled hearing to review or consider **discretionary** parole  
 17 for a prisoner. The board shall inform the victim of any decision to grant or deny  
 18 **discretionary** parole or to release the prisoner under AS 33.16.010(c). If the prisoner  
 19 is to be released, the victim shall be notified of the expected date of the release, the  
 20 geographic area in which the prisoner will reside, and any other information  
 21 concerning conditions of parole that may affect the victim. The victim shall also be  
 22 informed of any changes in the conditions of parole that may affect the victim. The  
 23 board shall send the notice required to the last known address of the victim. A person  
 24 may not bring a civil action for damages for a failure to comply with the provisions of  
 25 this subsection.

26 \* **Sec. 103.** AS 33.16.130 is repealed and reenacted to read:

27 **Sec. 33.16.130. Application for discretionary parole.** (a) A prisoner eligible  
 28 for discretionary parole may apply to the board for discretionary parole. As part of the  
 29 application for parole, the prisoner shall submit to the board a parole release plan that  
 30 includes the prisoner's plan for employment, residence, and other information  
 31 concerning the prisoner's rehabilitative plans if released on parole.

1 (b) Before the board determines a prisoner's suitability for discretionary  
2 parole, the prisoner is entitled to a hearing before the board. The prisoner shall be  
3 furnished a copy of the preparole reports listed in AS 33.16.110, and permitted access  
4 to all records that will be considered by the board in making its decision except those  
5 that are made confidential by law. The prisoner may also respond in writing to all  
6 materials considered by the board, be present at the hearing, and present evidence to  
7 the board.

8 (c) The board shall issue its decision in writing and provide the basis for a  
9 denial of discretionary parole. A copy of the decision shall be provided to the prisoner.

10 \* **Sec. 104.** AS 33.16.140 is amended to read:

11 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,  
12 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole  
13 custody ends, shall be furnished to each prisoner released on special medical,  
14 [ADMINISTRATIVE,] discretionary, or mandatory parole.

15 \* **Sec. 105.** AS 33.16.150(a) is amended to read:

16 (a) As a condition of parole, a prisoner released on special medical,  
17 [ADMINISTRATIVE,] discretionary, or mandatory parole

18 (1) shall obey all state, federal, or local laws or ordinances, and any  
19 court orders applicable to the parolee;

20 (2) shall make diligent efforts to maintain steady employment or meet  
21 family obligations;

22 (3) shall, if involved in education, counseling, training, or treatment,  
23 continue in the program unless granted permission from the parole officer assigned to  
24 the parolee to discontinue the program;

25 (4) shall report

26 (A) upon release to the parole officer assigned to the parolee;

27 (B) at other times, and in the manner, prescribed by the board  
28 or the parole officer assigned to the parolee that accommodate the diligent  
29 efforts of the parolee to secure and maintain steady employment or to  
30 participate in educational courses or training programs;

31 (5) shall reside at a stated place and not change that residence without

1 notifying, and receiving permission from, the parole officer assigned to the parolee;

2 (6) shall remain within stated geographic limits unless written  
3 permission to depart from the stated limits is granted the parolee;

4 (7) may not use, possess, handle, purchase, give, distribute, or  
5 administer a controlled substance as defined in AS 11.71.900 or under federal law or a  
6 drug for which a prescription is required under state or federal law without a  
7 prescription from a licensed medical professional to the parolee;

8 (8) may not possess or control a firearm; in this paragraph, "firearm"  
9 has the meaning given in AS 11.81.900;

10 (9) may not enter into an agreement or other arrangement with a law  
11 enforcement agency or officer that will place the parolee in the position of violating a  
12 law or parole condition without the prior approval of the board;

13 (10) may not contact or correspond with anyone confined in a  
14 correctional facility of any type serving any term of imprisonment or a felon without  
15 the permission of the parole officer assigned to a parolee;

16 (11) shall agree to waive extradition from any state or territory of the  
17 United States and to not contest efforts to return the parolee to the state;

18 (12) shall provide a blood sample, an oral sample, or both, when  
19 requested by a health care professional acting on behalf of the state to provide the  
20 sample or samples, or an oral sample when requested by a juvenile or adult  
21 correctional, probation, or parole officer, or a peace officer, if the prisoner is being  
22 released after a conviction of an offense requiring the state to collect the sample or  
23 samples for the deoxyribonucleic acid identification registration, per state editorial  
24 review of AS 33 system under AS 41.41.035;

25 (13) from a conviction for a sex offense shall submit to regular  
26 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning  
27 given in AS 12.63.100.

28 \* **Sec. 106.** AS 33.16.150(b) is amended to read:

29 (b) The board may require as a condition of special medical,  
30 [ADMINISTRATIVE,] discretionary, or mandatory parole, or a member of the board  
31 acting for the board under (e) of this section may require as a condition of

1 [ADMINISTRATIVE OR] mandatory parole, that a prisoner released on parole

2 (1) not possess or control a defensive weapon, a deadly weapon other  
3 than an ordinary pocket knife with a blade three inches or less in length, or  
4 ammunition for a firearm, or reside in a residence where there is a firearm capable of  
5 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly  
6 weapon," "defensive weapon," and "firearm" have the meanings given in  
7 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

8 (2) refrain from possessing or consuming alcoholic beverages;

9 (3) submit to reasonable searches and seizures by a parole officer, or a  
10 peace officer acting under the direction of a parole officer;

11 (4) submit to appropriate medical, mental health, or controlled  
12 substance or alcohol examination, treatment, or counseling;

13 (5) submit to periodic examinations designed to detect the use of  
14 alcohol or controlled substances; the periodic examinations may include testing under  
15 the program established under AS 33.16.060(c);

16 (6) make restitution ordered by the court according to a schedule  
17 established by the board;

18 (7) refrain from opening, maintaining, or using a checking account or  
19 charge account;

20 (8) refrain from entering into a contract other than a prenuptial contract  
21 or a marriage contract;

22 (9) refrain from operating a motor vehicle;

23 (10) refrain from entering an establishment where alcoholic beverages  
24 are served, sold, or otherwise dispensed;

25 (11) refrain from participating in any other activity or conduct  
26 reasonably related to the parolee's offense, prior record, behavior or prior behavior,  
27 current circumstances, or perceived risk to the community, or from associating with  
28 any other person that the board determines is reasonably likely to diminish the  
29 rehabilitative goals of parole, or that may endanger the public; in the case of special  
30 medical parole, for a prisoner diagnosed with a communicable disease, comply with  
31 conditions set by the board designed to prevent the transmission of the disease;

1                   (12) refrain from traveling in the state to make diligent efforts to  
2                   secure or maintain steady employment or to participate in educational courses or  
3                   training programs only if the travel violates other conditions of parole.

4       \* **Sec. 107.** AS 33.16.150(e) is amended to read:

5                   (e) The board may designate a member of the board to act on behalf of the  
6                   board in imposing conditions of [ADMINISTRATIVE OR] mandatory parole under  
7                   (a) and (b) of this section, in delegating imposition of conditions of  
8                   [ADMINISTRATIVE OR] mandatory parole under (c) of this section, and in setting  
9                   the period of compliance with the conditions of [ADMINISTRATIVE OR] mandatory  
10                  parole under (d) of this section. The decision of a member of the board under this  
11                  section is the decision of the board. A prisoner or parolee aggrieved by a decision of a  
12                  member of the board acting for the board under this subsection may apply to the board  
13                  under AS 33.16.160 for a change in the conditions of [ADMINISTRATIVE OR]  
14                  mandatory parole.

15       \* **Sec. 108.** AS 33.16.150(f) is amended to read:

16                  (f) In addition to other conditions of parole imposed under this section, the  
17                  board may impose as a condition of special medical, [ADMINISTRATIVE,]  
18                  discretionary, or mandatory parole for a prisoner serving a term for a crime involving  
19                  domestic violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) -  
20                  (7); (2) a requirement that, at the prisoner's expense, the prisoner participate in and  
21                  complete, to the satisfaction of the board, a program for the rehabilitation of  
22                  perpetrators of domestic violence that meets the standards set by, and that is approved  
23                  by, the department under AS 44.28.020(b); and (3) any other condition necessary to  
24                  rehabilitate the prisoner. The board shall establish procedures for the exchange of  
25                  information concerning the parolee with the victim and for responding to reports of  
26                  nonattendance or noncompliance by the parolee with conditions imposed under this  
27                  subsection. The board may not under this subsection require a prisoner to participate  
28                  in and complete a program for the rehabilitation of perpetrators of domestic violence  
29                  unless the program meets the standards set by, and is approved by, the department  
30                  under AS 44.28.020(b).

31       \* **Sec. 109.** AS 33.16.150(g) is amended to read:

1 (g) In addition to other conditions of parole imposed under this section for a  
 2 prisoner serving a sentence for an offense where the aggravating factor provided in  
 3 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a  
 4 condition of special medical, [ADMINISTRATIVE,] discretionary, and mandatory  
 5 parole a requirement that the prisoner submit to electronic monitoring. Electronic  
 6 monitoring under this subsection must [COMPLY WITH AS 33.30.011(10) AND]  
 7 provide for monitoring of the prisoner's location and movements by Global  
 8 Positioning System technology. The board shall require a prisoner serving a period of  
 9 parole with electronic monitoring as provided under this subsection to pay all or a  
 10 portion of the costs of the electronic monitoring, but only if the prisoner has sufficient  
 11 financial resources to pay the costs or a portion of the costs. A prisoner subject to  
 12 electronic monitoring under this subsection is not entitled to a credit for time served in  
 13 a correctional facility while the defendant is on parole. In this subsection, "correctional  
 14 facility" has the meaning given in AS 33.30.901.

15 \* **Sec. 110.** AS 33.16.180 is amended to read:

16 **Sec. 33.16.180. Duties of the commissioner.** The commissioner shall

17 (1) conduct investigations of prisoners eligible for  
 18 [ADMINISTRATIVE OR] discretionary parole, as requested by the board [AND AS  
 19 PROVIDED IN THIS SECTION];

20 (2) supervise the conduct of parolees;

21 (3) appoint and assign parole officers and personnel;

22 (4) provide the board, within 30 days after sentencing, information on  
 23 a sentenced prisoner who may be eligible for [ADMINISTRATIVE PAROLE  
 24 UNDER AS 33.16.089 OR] discretionary parole under AS 33.16.090;

25 (5) notify the board and provide information on a prisoner 120 days  
 26 before the prisoner's mandatory release date, if the prisoner is to be released on  
 27 mandatory parole; **and**

28 (6) maintain records, files, and accounts as requested by the board [;

29 (7) PREPARE PREPAROLE REPORTS UNDER AS 33.16.110(a);

30 (8) NOTIFY THE BOARD IN WRITING OF A PRISONER'S  
 31 COMPLIANCE OR NONCOMPLIANCE WITH THE PRISONER'S CASE PLAN

1           CREATED UNDER AS 33.30.011(8) NOT LESS THAN 30 DAYS BEFORE THE  
2           PRISONER'S NEXT PAROLE ELIGIBILITY DATE OR THE PRISONER'S  
3           PAROLE HEARING DATE, WHICHEVER IS EARLIER;

4                   (9) ESTABLISH AN ADMINISTRATIVE SANCTION AND  
5           INCENTIVE PROGRAM TO FACILITATE A SWIFT AND CERTAIN RESPONSE  
6           TO A PAROLEE'S COMPLIANCE WITH OR VIOLATION OF THE  
7           CONDITIONS OF PAROLE AND SHALL ADOPT REGULATIONS TO  
8           IMPLEMENT THE PROGRAM; AT A MINIMUM, THE REGULATIONS MUST  
9           INCLUDE

10                           (A) A DECISION-MAKING PROCESS TO GUIDE PAROLE  
11           OFFICERS IN DETERMINING THE SUITABLE RESPONSE TO  
12           POSITIVE AND NEGATIVE OFFENDER BEHAVIOR THAT INCLUDES  
13           A LIST OF SANCTIONS FOR THE MOST COMMON TYPES OF  
14           NEGATIVE BEHAVIOR, INCLUDING TECHNICAL VIOLATIONS OF  
15           CONDITIONS OF PAROLE, AND A LIST OF INCENTIVES FOR  
16           COMPLIANCE WITH CONDITIONS AND POSITIVE BEHAVIOR THAT  
17           EXCEEDS THOSE CONDITIONS;

18                           (B) POLICIES AND PROCEDURES THAT ENSURE

19                                   (i) A PROCESS FOR RESPONDING TO NEGATIVE  
20           BEHAVIOR THAT INCLUDES A REVIEW OF PREVIOUS  
21           VIOLATIONS AND SANCTIONS;

22                                   (ii) THAT ENHANCED SANCTIONS FOR CERTAIN  
23           NEGATIVE CONDUCT ARE APPROVED BY THE  
24           COMMISSIONER OR THE COMMISSIONER'S DESIGNEE; AND

25                                   (iii) THAT APPROPRIATE DUE PROCESS  
26           PROTECTIONS ARE INCLUDED IN THE PROCESS, INCLUDING  
27           NOTICE OF NEGATIVE BEHAVIOR, AN OPPORTUNITY TO  
28           DISPUTE THE ACCUSATION AND THE SANCTION, AND AN  
29           OPPORTUNITY TO REQUEST A REVIEW OF THE  
30           ACCUSATION AND THE SANCTION; AND

31                   (10) WITHIN 30 DAYS AFTER SENTENCING OF AN

1 OFFENDER, PROVIDE THE VICTIM OF A CRIME INFORMATION ON THE  
2 EARLIEST DATES THE OFFENDER COULD BE RELEASED ON FURLOUGH,  
3 PROBATION, OR PAROLE, INCLUDING DEDUCTIONS OR REDUCTIONS  
4 FOR GOOD TIME OR OTHER GOOD CONDUCT INCENTIVES, AND THE  
5 PROCESS FOR RELEASE, INCLUDING CONTACT INFORMATION FOR THE  
6 DECISION-MAKING BODIES].

7 \* **Sec. 111.** AS 33.16.200 is amended to read:

8 Sec. 33.16.200. Custody of parolee. Except as provided in AS 33.16.210, the  
9 board retains custody of special medical, [ADMINISTRATIVE,] discretionary, and  
10 mandatory parolees until the expiration of the maximum term or terms of  
11 imprisonment to which the parolee is sentenced.

12 \* **Sec. 112.** AS 33.16.210(a) is amended to read:

13 (a) The board may unconditionally discharge a parolee from the jurisdiction  
14 and custody of the board after the parolee has completed two years [ONE YEAR] of  
15 parole. A discretionary parolee with a residual period of probation may, after two  
16 years [ONE YEAR] of parole, be discharged by the board to immediately begin  
17 serving the residual period of probation.

18 \* **Sec. 113.** AS 33.16.210(b) is amended to read:

19 (b) Notwithstanding (a) of this section, the board may unconditionally  
20 discharge a mandatory parolee before the parolee has completed two years [ONE  
21 YEAR] of parole if the parolee is serving a concurrent period of residual probation  
22 under AS 33.20.040(c), and the period of residual probation and the period of  
23 suspended imprisonment each equal or exceed the period of mandatory parole.

24 \* **Sec. 114.** AS 33.16.220(b) is amended to read:

25 (b) Except as provided in (e) of this section, within 15 working days after the  
26 arrest and incarceration of a parolee for violation of a condition of parole, [OTHER  
27 THAN A TECHNICAL VIOLATION UNDER AS 33.16.215,] the board or its  
28 designee shall hold a preliminary hearing. At the preliminary hearing, the board or its  
29 designee shall determine if there is probable cause to believe that the parolee violated  
30 the conditions of parole and, when probable cause exists, whether the parolee should  
31 be released pending a final revocation hearing. A finding of probable cause at a

1 preliminary hearing in a criminal case is conclusive proof of probable cause that a  
2 parole violation occurred.

3 \* **Sec. 115.** AS 33.16.220(f) is amended to read:

4 (f) **The** [IF A PAROLEE HAS HAD A PRELIMINARY HEARING UNDER  
5 (b) OF THIS SECTION, THE] board shall hold a final revocation hearing not later  
6 than 120 days after a parolee's arrest, subject to restrictions arising under  
7 AS 33.36.110 and (g) of this section.

8 \* **Sec. 116.** AS 33.16.220(i) is amended to read:

9 (i) If, after the final revocation hearing, the board finds that the parolee has  
10 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or  
11 ordinance, the board may revoke all or a portion of the [REMAINING PERIOD OF]  
12 parole [SUBJECT TO THE LIMITS SET OUT IN AS 33.16.215], or change any  
13 condition of parole. [A PAROLEE'S PERIOD OF PAROLE IS TOLLED FROM THE  
14 DATE OF FILING WITH THE PAROLE BOARD OF A VIOLATION REPORT  
15 FOR ABSCONDING AND THE DATE OF THE PAROLEE'S ARREST, IF THE  
16 PAROLE BOARD FINDS, AFTER A HEARING, THAT THE PAROLEE  
17 VIOLATED PAROLE BY ABSCONDING, AS DEFINED IN AS 33.16.215(f). THE  
18 BOARD MAY NOT EXTEND THE PERIOD OF PAROLE BEYOND THE  
19 MAXIMUM RELEASE DATE CALCULATED BY THE DEPARTMENT ON THE  
20 PAROLEE'S ORIGINAL SENTENCE PLUS ANY TIME THAT HAS BEEN  
21 TOLLED AS DESCRIBED IN THIS SECTION.]

22 \* **Sec. 117.** AS 33.20.010(c) is repealed and reenacted to read:

23 (c) A prisoner may not be awarded a good time deduction under (a) of this  
24 section for any period spent in a treatment program, in a private residence, or while  
25 under electronic monitoring.

26 \* **Sec. 118.** AS 33.30.011(a) is amended to read:

27 (a) The commissioner shall

28 (1) establish, maintain, operate, and control correctional facilities  
29 suitable for the custody, care, and discipline of persons charged or convicted of  
30 offenses against the state or held under authority of state law; each correctional facility  
31 operated by the state shall be established, maintained, operated, and controlled in a

1 manner that is consistent with AS 33.30.015;

2 (2) classify prisoners;

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

5 (A) protect the public and the victims of crimes committed by  
6 prisoners;

7 (B) maintain health;

8 (C) create or improve occupational skills;

9 (D) enhance educational qualifications;

10 (E) support court-ordered restitution; and

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

13 (4) provide necessary

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

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

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

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

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

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

30 (6) provide for fingerprinting in correctional facilities in accordance  
31 with AS 12.80.060; **and**

1 (7) establish a program to conduct assessments of the risks and needs  
2 of offenders sentenced to serve a term of incarceration of 30 days or more and provide  
3 to the legislature, by electronic means, by January 15, 2017, and thereafter by  
4 January 15, preceding the first regular session of each legislature, a report  
5 summarizing the findings and results of the program [; THE PROGRAM MUST  
6 INCLUDE A REQUIREMENT FOR AN ASSESSMENT BEFORE A PRISONER'S  
7 RELEASE ON PAROLE, FURLOUGH, OR ELECTRONIC MONITORING FROM  
8 A CORRECTIONAL FACILITY;

9 (8) ESTABLISH A PROCEDURE THAT PROVIDES FOR EACH  
10 PRISONER REQUIRED TO SERVE AN ACTIVE TERM OF IMPRISONMENT OF  
11 30 DAYS OR MORE A WRITTEN CASE PLAN THAT

12 (A) IS PROVIDED TO THE PRISONER WITHIN 90 DAYS  
13 AFTER SENTENCING;

14 (B) IS BASED ON THE RESULTS OF THE ASSESSMENT  
15 OF THE PRISONER'S RISKS AND NEEDS UNDER (7) OF THIS  
16 SUBSECTION;

17 (C) INCLUDES A REQUIREMENT TO FOLLOW THE  
18 RULES OF THE INSTITUTION;

19 (D) IS MODIFIED WHEN NECESSARY FOR CHANGES IN  
20 CLASSIFICATION, HOUSING STATUS, MEDICAL OR MENTAL  
21 HEALTH, AND RESOURCE AVAILABILITY;

22 (E) INCLUDES PARTICIPATION IN PROGRAMMING  
23 THAT ADDRESSES THE NEEDS IDENTIFIED IN THE ASSESSMENT;

24 (9) ESTABLISH A PROGRAM TO BEGIN REENTRY PLANNING  
25 WITH EACH PRISONER SERVING AN ACTIVE TERM OF IMPRISONMENT  
26 OF 90 DAYS OR MORE; REENTRY PLANNING MUST BEGIN AT LEAST 90  
27 DAYS BEFORE RELEASE ON FURLOUGH OR PROBATION OR PAROLE; THE  
28 REENTRY PROGRAM MUST INCLUDE

29 (A) A WRITTEN REENTRY PLAN FOR EACH PRISONER  
30 COMPLETED UPON RELEASE ON FURLOUGH OR PROBATION OR  
31 PAROLE THAT INCLUDES INFORMATION ON THE PRISONER'S

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PROPOSED

- (i) RESIDENCE;
- (ii) EMPLOYMENT OR ALTERNATIVE MEANS OF SUPPORT;
- (iii) TREATMENT OPTIONS;
- (iv) COUNSELING SERVICES;
- (v) EDUCATION OR JOB TRAINING SERVICES;

(B) ANY OTHER REQUIREMENTS FOR SUCCESSFUL TRANSITION BACK TO THE COMMUNITY, INCLUDING ELECTRONIC MONITORING OR FURLOUGH FOR THE PERIOD BETWEEN A SCHEDULED PAROLE HEARING AND PAROLE ELIGIBILITY;

(C) COORDINATION WITH THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT TO PROVIDE ACCESS, AFTER RELEASE, TO JOB TRAINING AND EMPLOYMENT ASSISTANCE;

(10) FOR OFFENDERS UNDER ELECTRONIC MONITORING, ESTABLISH

(A) MINIMUM STANDARDS FOR ELECTRONIC MONITORING, WHICH MAY INCLUDE 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; AND

(11) ASSIST A PRISONER IN OBTAINING A VALID STATE IDENTIFICATION CARD IF THE PRISONER DOES NOT HAVE A VALID STATE IDENTIFICATION CARD BEFORE THE PRISONER'S RELEASE; THE DEPARTMENT SHALL PAY THE APPLICATION FEE FOR THE IDENTIFICATION CARD].

\* Sec. 119. AS 33.30.013(a) is amended to read:

1 (a) The commissioner shall notify the victim if the offender  
 2 [(1)] escapes from custody [;  
 3 (2) IS DISCHARGED FROM PAROLE UNDER AS 33.16;] or  
 4 [(3)] is released to the community on a furlough, on an early release  
 5 program, or for any other reason.

6 \* **Sec. 120.** AS 33.30.065(a) is amended to read:

7 (a) If the commissioner designates a prisoner to serve the prisoner's term of  
 8 imprisonment or period of temporary commitment, or a part of the term or period, by  
 9 electronic monitoring, the commissioner shall direct the prisoner to serve the term or  
 10 period at the prisoner's residence or other place selected by the commissioner. The  
 11 electronic monitoring shall be administered by the department [OR BY A PRIVATE  
 12 CONTRACTOR APPROVED BY THE DEPARTMENT UNDER  
 13 AS 33.30.011(10)(B)] and shall be designed so that any attempt to remove, tamper  
 14 with, or disable the monitoring equipment or to leave the place selected for the service  
 15 of the term or period will result in a report or notice to the department.

16 \* **Sec. 121.** AS 33.30.151 is amended to read:

17 **Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall  
 18 establish correctional restitution centers in the state. The purpose of the centers is to  
 19 provide certain offenders with rehabilitation through [COMPREHENSIVE  
 20 TREATMENT FOR SUBSTANCE ABUSE, COGNITIVE BEHAVIORAL  
 21 DISORDERS, AND OTHER CRIMINAL RISK FACTORS, INCLUDING  
 22 AFTERCARE SUPPORT,] community service [,] and employment [,] while  
 23 protecting the community through partial incarceration of the offender, and to create a  
 24 means to provide restitution to victims of crimes.

25 (b) The commissioner shall adopt regulations setting standards for the  
 26 operation of the centers including

- 27 (1) requirements that the centers be secure and in compliance with  
 28 state and local safety laws;  
 29 (2) standards for disciplinary rules to be imposed on prisoners confined  
 30 to the centers;  
 31 (3) standards for the granting of emergency absence to prisoners

1 confined to the centers;

2 (4) standards for classifying prisoners to centers;

3 (5) standards for mandatory employment and participation in  
4 community service programs in each center; **and**

5 (6) standards for periodic review of the performance of prisoners  
6 confined to the centers [AND QUALITY ASSURANCE MEASURES TO ENSURE  
7 CENTERS ARE MEETING STATE STANDARDS AND CONTRACTUAL  
8 OBLIGATIONS;

9 (7) STANDARDS FOR THE PROVISION OF TREATMENT,  
10 INCLUDING SUBSTANCE ABUSE TREATMENT, COGNITIVE BEHAVIORAL  
11 THERAPY, AND AFTERCARE DESIGNED TO ADDRESS AN OFFENDER'S  
12 INDIVIDUAL CRIMINOGENIC NEEDS; AND

13 (8) STANDARDS AND A PROCESS TO ASSESS AN  
14 OFFENDER'S RISK OF RECIDIVATING AND THE CRIMINAL RISK FACTORS  
15 AND NEEDS THAT REDUCE THE RISK OF RECIDIVATING AND ENSURE  
16 THAT

17 (A) HIGH RISK OFFENDERS WITH MODERATE TO  
18 HIGH NEEDS ARE A PRIORITY FOR ACCEPTANCE INTO A  
19 CORRECTIONAL RESTITUTION CENTER; AND

20 (B) CENTERS ESTABLISH INTERNAL PROCEDURES TO  
21 LIMIT THE MIXING OF LOW AND HIGH RISK PRISONERS].

22 \* **Sec. 122.** AS 34.03.360(7) is amended to read:

23 (7) "illegal activity involving a controlled substance" means a violation  
24 of AS 11.71.010(a), **11.71.021(a), 11.71.030(a)(2) or (9)** [11.71.030(a)(1), (2), OR (4)  
25 - (8)], or 11.71.040(a)(1), (2), or (5);

26 \* **Sec. 123.** AS 44.19.645(a) is amended to read:

27 (a) The commission shall evaluate the effect of sentencing laws and criminal  
28 justice practices on the criminal justice system to evaluate whether those sentencing  
29 laws and criminal justice practices provide for protection of the public, community  
30 condemnation of the offender, the rights of victims of crimes, the rights of the accused  
31 and the person convicted, restitution from the offender, and the principle of

1 reformation. The commission shall make recommendations for improving criminal  
 2 sentencing practices and criminal justice practices, including rehabilitation and  
 3 restitution. [THE COMMISSION SHALL ANNUALLY MAKE  
 4 RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE ON  
 5 HOW SAVINGS FROM CRIMINAL JUSTICE REFORMS SHOULD BE  
 6 REINVESTED TO REDUCE RECIDIVISM.] In formulating its recommendations,  
 7 the commission shall consider

8 (1) statutes, court rules, and court decisions relevant to sentencing of  
 9 criminal defendants in misdemeanor and felony cases;

10 (2) sentencing practices of the judiciary, including use of presumptive  
 11 sentences;

12 (3) means of promoting uniformity, proportionality, and accountability  
 13 in sentencing;

14 (4) alternatives to traditional forms of incarceration;

15 (5) the efficacy of parole and probation in ensuring public safety,  
 16 achieving rehabilitation, and reducing recidivism;

17 (6) the adequacy, availability, and effectiveness of treatment and  
 18 rehabilitation programs;

19 (7) crime and incarceration rates, including the rate of violent crime  
 20 and the abuse of controlled substances, in this state compared to other states, and best  
 21 practices adopted by other states that have proven to be successful in reducing  
 22 recidivism;

23 (8) the relationship between sentencing priorities and correctional  
 24 resources;

25 (9) the effectiveness of the state's current methodologies for the  
 26 collection and dissemination of criminal justice data; and

27 (10) whether the schedules for controlled substances in AS 11.71.140 -  
 28 11.71.190 are reasonable and appropriate, considering the criteria established in  
 29 AS 11.71.120(c).

30 \* Sec. 124. AS 44.19.647(a) is amended to read:

31 (a) The commission shall submit to the governor and the legislature an annual

1 report [. THE REPORT MUST INCLUDE

2 (1) A DESCRIPTION] of its proceedings for the previous calendar  
3 year **and may submit** [;

4 (2) A SUMMARY OF SAVINGS AND RECOMMENDATIONS ON  
5 HOW SAVINGS FROM CRIMINAL JUSTICE REFORM SHOULD BE  
6 REINVESTED TO REDUCE RECIDIVISM;

7 (3) PERFORMANCE METRICS AND OUTCOMES FROM THE  
8 RECOMMENDATIONS THE COMMISSION MADE IN ITS DECEMBER 2015  
9 REPORT, INCLUDING RECIDIVISM RATES, DEFINED AS

10 (A) THE PERCENTAGE OF INMATES WHO RETURN TO  
11 PRISON WITHIN THREE YEARS AFTER RELEASE, BROKEN DOWN  
12 BY OFFENSE TYPE AND RISK LEVEL; AND

13 (B) THE PERCENTAGE OF INMATES WHO RETURN TO  
14 PRISON WITHIN THREE YEARS AFTER RELEASE FOR A NEW  
15 CRIMINAL CONVICTION, BROKEN DOWN BY OFFENSE TYPE AND  
16 RISK LEVEL; AND

17 (4) RECOMMENDATIONS FOR ADDITIONAL REFORMS,  
18 WHICH MAY INCLUDE] recommendations for legislative and administrative action.

19 **Reports and recommendations provided under this section shall be submitted not**  
20 **later than February 1 of each year.**

21 \* **Sec. 125.** AS 44.66.010(a)(12) is amended to read:

22 (12) Alaska Criminal Justice Commission (AS 44.19.641) - **June 30,**  
23 **2018** [JUNE 30, 2021];

24 \* **Sec. 126.** AS 47.12.315(a) is amended to read:

25 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this  
26 section, the department shall disclose information to the public, on request, concerning  
27 a minor subject to this chapter who was at least 13 years of age at the time of  
28 commission of

29 (1) a felony offense against a person under AS 11.41;

30 (2) arson in the first or second degree;

31 (3) burglary in the first degree;

- 1 (4) distribution of child pornography;
- 2 (5) sex trafficking in the first degree;
- 3 (6) misconduct involving a controlled substance in the first, [OR]
- 4 second, or third degrees involving distribution or possession with intent to deliver; or
- 5 (7) misconduct involving weapons in the first through fourth degrees.

6 \* Sec. 127. AS 47.37.040 is amended to read:

7 **Sec. 47.37.040. Duties of department.** The department shall

- 8 (1) develop, encourage, and foster statewide, regional, and local plans
- 9 and programs for the prevention of alcoholism and drug abuse and treatment of
- 10 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
- 11 public and private agencies, organizations, and individuals, and provide technical
- 12 assistance and consultation services for these purposes;
- 13 (2) coordinate the efforts and enlist the assistance of all public and
- 14 private agencies, organizations, and individuals interested in prevention of alcoholism,
- 15 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
- 16 abusers, and inhalant abusers;
- 17 (3) cooperate with the Department of Corrections in establishing and
- 18 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
- 19 abusers, and inhalant abusers in or on parole from penal institutions;
- 20 (4) cooperate with the Department of Education and Early
- 21 Development, school boards, schools, police departments, courts, and other public and
- 22 private agencies, organizations, and individuals in establishing programs for the
- 23 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
- 24 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
- 25 materials for use at all levels of school education;
- 26 (5) prepare, publish, evaluate, and disseminate educational material
- 27 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
- 28 volatile substances;
- 29 (6) develop and implement, as an integral part of treatment programs,
- 30 an educational program for use in the treatment of alcoholics, intoxicated persons,
- 31 drug abusers, and inhalant abusers that includes the dissemination of information

1 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

2 (7) organize and foster training programs for all persons engaged in  
3 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and  
4 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant  
5 abuse workers;

6 (8) sponsor and encourage research into the causes and nature of  
7 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,  
8 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse  
9 for information relating to alcoholism, drug abuse, and inhalant abuse;

10 (9) specify uniform methods for keeping statistical information by  
11 public and private agencies, organizations, and individuals, and collect and make  
12 available relevant statistical information, including number of persons treated,  
13 frequency of admission and readmission, and frequency and duration of treatment;

14 (10) conduct program planning activities approved by the Advisory  
15 Board on Alcoholism and Drug Abuse;

16 (11) review all state health, welfare, and treatment plans to be  
17 submitted for federal funding, and advise the commissioner on provisions to be  
18 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant  
19 abusers;

20 (12) assist in the development of, and cooperate with, alcohol, drug  
21 abuse, and inhalant abuse education and treatment programs for employees of state  
22 and local governments and businesses and industries in the state;

23 (13) use the support and assistance of interested persons in the  
24 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to  
25 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo  
26 treatment;

27 (14) cooperate with the Department of Public Safety and the  
28 Department of Transportation and Public Facilities in establishing and conducting  
29 programs designed to deal with the problem of persons operating motor vehicles while  
30 under the influence of an alcoholic beverage, inhalant, or controlled substance, and  
31 develop and approve alcohol information courses required to be taken by drivers under

1 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic  
2 laws;

3 (15) encourage hospitals and other appropriate health facilities to  
4 admit without discrimination alcoholics, intoxicated persons, drug abusers, and  
5 inhalant abusers and to provide them with adequate and appropriate treatment;

6 (16) encourage all health insurance programs to include alcoholism  
7 and drug abuse as a covered illness;

8 (17) prepare an annual report covering the activities of the department  
9 and notify the legislature that the report is available;

10 (18) develop and implement a training program on alcoholism and  
11 drug abuse for employees of state and municipal governments, and private institutions;

12 (19) develop curriculum materials on drug and alcohol abuse and the  
13 misuse of hazardous volatile substances for use in grades kindergarten through 12, as  
14 well as a course of instruction for teachers to be charged with presenting the  
15 curriculum;

16 (20) develop and implement or designate, in cooperation with other  
17 state or local agencies, a juvenile alcohol safety action program that provides alcohol  
18 and substance abuse screening, referral, and monitoring of persons under 18 years of  
19 age who have been referred to it by

20 (A) a court in connection with a charge or conviction of a  
21 violation or misdemeanor related to the use of alcohol or a controlled  
22 substance;

23 (B) the agency responsible for the administration of motor  
24 vehicle laws in connection with a license action related to the use of alcohol or  
25 a controlled substance; or

26 (C) department staff after a delinquency adjudication that is  
27 related to the use of alcohol or a controlled substance;

28 (21) develop and implement, or designate, in cooperation with other  
29 state or local agencies, an alcohol safety action program that provides **alcohol and**  
30 **substance abuse screening, referral, and monitoring** services to persons who have  
31 been referred by a court **in connection with a charge or conviction of a**

1 **misdemeanor involving the use of a motor vehicle, aircraft, or watercraft and**  
 2 **alcohol or a controlled substance, referred by a court** under [AS 04.16.049,  
 3 04.16.050,] AS 28.35.028 [, 28.35.030, OR 28.35.032,] or referred by an agency of the  
 4 state with the responsibility for administering motor vehicle laws in connection with a  
 5 driver's license action involving the use of alcohol or a controlled substance;

6 (22) whenever possible, apply evidence-based, research-based, and  
 7 consensus-based substance abuse and co-occurring substance abuse and mental health  
 8 disorders treatment practices and remove barriers that prevent the use of those  
 9 practices;

10 (23) collaborate with first responders, hospitals, schools, primary care  
 11 providers, developmental disability treatment providers, law enforcement, corrections,  
 12 attorneys, the Alaska Court System, community behavioral treatment providers,  
 13 Alaska Native organizations, and federally funded programs in implementing  
 14 programs for co-occurring substance abuse and mental health disorders treatment.

15 \* **Sec. 128.** AS 47.38.020 is amended to read:

16 **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The  
 17 commissioner, in cooperation with the commissioner of corrections, shall establish a  
 18 program [USING A COMPETITIVE PROCUREMENT PROCESS] for certain  
 19 persons with release conditions ordered as provided under AS 12.30, or offenders with  
 20 conditions of probation, that include not consuming controlled substance or alcoholic  
 21 beverages.

22 (b) The commissioner shall adopt regulations to implement the program.  
 23 [THE REGULATIONS MUST INCLUDE REGULATIONS REGARDING  
 24 PRODUCTS AND SERVICES THAT PROVIDE ALCOHOL AND SUBSTANCE  
 25 ABUSE MONITORING.]

26 (c) The commissioner shall include in the program

27 (1) a requirement for twice-a-day testing, [EITHER REMOTELY OR]  
 28 in person **if practicable**, for alcoholic beverage use and random testing for controlled  
 29 substances;

30 (2) a means to provide the probation officer, prosecutor's office, or  
 31 local law enforcement agency with notice within 24 hours, so that a complaint may be

1 filed alleging a violation of AS 11.56.757, a petition may be filed with the court  
 2 seeking appropriate sanctions and may be scheduled by the court for a prompt hearing,  
 3 or an arrest warrant may be issued for the person on release or offender with  
 4 conditions of probation provided in this subsection, if the person or offender

5 (A) fails to appear for an appointment [OR FAILS TO  
 6 COMPLETE A TEST THROUGH THE USE OF REMOTE ALCOHOL OR  
 7 SUBSTANCE ABUSE MONITORING TECHNOLOGY] as required by the  
 8 program requirements; or

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

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

14 (d) The department shall [CONTRACT WITH ONE OR MORE VENDORS  
 15 USING A COMPETITIVE PROCUREMENT PROCESS IN ACCORDANCE WITH  
 16 AS 36.30 (STATE PROCUREMENT CODE) TO] provide or conduct the testing  
 17 required under (c) of this section.

18 \* **Sec. 129.** AS 47.38.100(a) is amended to read:

19 (a) The recidivism reduction program is established to promote the  
 20 rehabilitation **through transitional re-entry programs** of persons [ON PROBATION  
 21 OR PAROLE OR] incarcerated for offenses and recently released from correctional  
 22 facilities.

23 \* **Sec. 130.** AS 47.38.100(b) is amended to read:

24 (b) The commissioner, in cooperation with the **commissioner of corrections**  
 25 [ALASKA CRIMINAL JUSTICE COMMISSION ESTABLISHED IN  
 26 AS 44.19.641], may provide for programs that have, as a primary focus, rehabilitation  
 27 and reduction of recidivism **through transitional re-entry** for persons [ON  
 28 PROBATION OR PAROLE OR] incarcerated for offenses and recently released from  
 29 correctional facilities. The commissioner may enter into contracts to provide for  
 30 programs under this section. **A** [AN ELIGIBLE] program under this section must  
 31 [ACCOMPLISH AT LEAST ONE OF THE FOLLOWING OBJECTIVES:]

- 1                   (1) include case management;  
 2                   (2) require sober living;  
 3                   (3) provide, on-site or by referral, treatment for substance abuse  
 4 or mental health treatment;  
 5                   (4) require employment, educational programming, vocational  
 6 training, or community volunteer work as approved by the director of the  
 7 treatment program; and  
 8                   (5) limit residential placements in the program to a maximum of  
 9 one year [INCREASING ACCESS TO EVIDENCE-BASED REHABILITATION  
 10 PROGRAMS, INCLUDING DRUG AND ALCOHOL TREATMENT, MENTAL  
 11 HEALTH TREATMENT, AND COGNITIVE BEHAVIORAL PROGRAMS; OR  
 12                   (2) SUPPORTING OFFENDERS' TRANSITION AND RE-ENTRY  
 13 FROM CORRECTIONAL FACILITIES TO THE COMMUNITY, INCLUDING  
 14 TRANSITIONAL HOUSING SERVICES, EMPLOYMENT SERVICES,  
 15 VOCATIONAL TRAINING, EDUCATIONAL SUPPORT, COUNSELING, AND  
 16 MEDICAL CARE].

17 \* **Sec. 131.** Section 35, ch. 83, SLA 2014, as amended by sec. 177, ch. 36, SLA 2016, is  
 18 amended to read:

19                   Sec. 35. AS 22.20.210 is repealed June 30, **2018** [2021].

20 \* **Sec. 132.** AS 11.46.980(d), 11.46.982; AS 11.56.730(e); AS 11.66.100(c), 11.66.130(b),  
 21 11.66.135(b); AS 11.71.030(a)(1), 11.71.030(a)(4), 11.71.030(a)(5), 11.71.030(a)(6),  
 22 11.71.030(a)(7), 11.71.030(a)(8), 11.71.030(c), 11.71.030(e), 11.71.040(a)(11),  
 23 11.71.050(a)(4); AS 12.25.180(c), 12.25.190(d); AS 12.30.055(b); AS 12.55.011(b),  
 24 12.55.027(f), 12.55.027(g), 12.55.055(g), 12.55.055(h), 12.55.078, 12.55.090(g),  
 25 12.55.090(h), 12.55.090(i), 12.55.090(j), 12.55.090(k), 12.55.090(l), 12.55.090(m),  
 26 12.55.090(n), 12.55.100(a)(1), 12.55.100(a)(2)(H), 12.55.110(c), 12.55.110(d), 12.55.110(e),  
 27 12.55.110(f), 12.55.110(g), 12.55.110(h), 12.55.135(l), 12.55.135(m), 12.55.135(n),  
 28 12.55.135(o), 12.55.135(p); AS 12.61.016, 12.61.017(d); AS 22.35.030(4); AS 28.15.165(e),  
 29 28.15.201(g), 28.15.201(h), 28.15.201(i), 28.15.201(j); AS 29.25.070(g); AS 33.05.020(g),  
 30 33.05.020(h), 33.05.080(1); AS 33.16.010(f), 33.16.089, 33.16.100(f), 33.16.100(g),  
 31 33.16.110(a)(9), 33.16.110(a)(10), 33.16.150(h), 33.16.150(i), 33.16.210(c), 33.16.215,

1 33.16.220(j), 33.16.240(h), 33.16.240(i), 33.16.270, 33.16.900(1), 33.16.900(2);  
 2 AS 33.20.010(a)(4); AS 33.30.095; AS 43.61.010(c), 43.61.010(d), 43.61.010(e);  
 3 AS 44.19.645(b)(3), 44.19.645(b)(4), 44.19.645(c), 44.19.645(d), 44.19.645(e), 44.19.645(f),  
 4 44.19.645(g), 44.19.647(b); AS 47.27.015(i); AS 47.37.130(h)(3), 47.37.130(k); and  
 5 AS 47.38.100(d) are repealed.

6 \* **Sec. 133.** Sections 117 and 178, ch. 36, SLA 2016, are repealed.

7 \* **Sec. 134.** The uncodified law of the State of Alaska is amended by adding a new section  
 8 to read:

9 APPLICABILITY. (a) The following sections apply to offenses committed on or after  
 10 the effective date of those sections:

- 11 (1) AS 11.46.130(a), as amended by sec. 4 of this Act;
- 12 (2) AS 11.46.140(a), as amended by sec. 5 of this Act;
- 13 (3) AS 11.46.150(a), as amended by sec. 6 of this Act;
- 14 (4) AS 11.46.220(c), as amended by sec. 7 of this Act;
- 15 (5) AS 11.46.260(b), as amended by sec. 8 of this Act;
- 16 (6) AS 11.46.270(b), as amended by sec. 9 of this Act;
- 17 (7) AS 11.46.280(d), as amended by sec. 10 of this Act;
- 18 (8) AS 11.46.285(b), as amended by sec. 11 of this Act;
- 19 (9) AS 11.46.295, as amended by sec. 12 of this Act;
- 20 (10) AS 11.46.360(a), as amended by sec. 13 of this Act;
- 21 (11) AS 11.46.420(a), as amended by sec. 14 of this Act;
- 22 (12) AS 11.46.460, as amended by sec. 15 of this Act;
- 23 (13) AS 11.46.482(a), as amended by sec. 16 of this Act;
- 24 (14) AS 11.46.484(a), as amended by sec. 17 of this Act;
- 25 (15) AS 11.46.486(a), as amended by sec. 18 of this Act;
- 26 (16) AS 11.46.530(b), as amended by sec. 19 of this Act;
- 27 (17) AS 11.46.620(d), as amended by sec. 20 of this Act;
- 28 (18) AS 11.46.730(c), as amended by sec. 21 of this Act;
- 29 (19) AS 11.56.730(d), as amended by sec. 23 of this Act;
- 30 (20) AS 11.56.757(b), as amended by sec. 25 of this Act;
- 31 (21) AS 11.61.110(c), as amended by sec. 26 of this Act;

- 1 (22) AS 11.61.150(c), as amended by sec. 29 of this Act;
- 2 (23) AS 11.66.110(a), as amended by sec. 30 of this Act;
- 3 (24) AS 11.66.130(a), as amended by sec. 31 of this Act;
- 4 (25) AS 11.66.200(c), as amended by sec. 32 of this Act;
- 5 (26) AS 11.71.021, enacted by sec. 33 of this Act;
- 6 (27) AS 11.71.030(a), as amended by sec. 34 of this Act;
- 7 (28) AS 11.71.030(d), as amended by sec. 35 of this Act;
- 8 (29) AS 11.71.040(a), as amended by sec. 36 of this Act;
- 9 (30) AS 11.71.040(d), as amended by sec. 37 of this Act;
- 10 (31) AS 11.71.050, as amended by sec. 38 of this Act;
- 11 (32) AS 11.71.060, as amended by sec. 39 of this Act;
- 12 (33) AS 28.15.291(a), as repealed and reenacted by sec. 82 of this Act;
- 13 (34) AS 29.10.200(21), as amended by sec. 89 of this Act; and
- 14 (35) AS 29.25.070(a), as amended by sec. 90 of this Act.

15 (b) The following sections apply to contact with a police officer occurring on or after  
16 the effective date of those sections for offenses occurring before, on, or after the effective date  
17 of those sections:

- 18 (1) AS 12.25.150(a), as amended by sec. 41 of this Act;
- 19 (2) AS 12.25.180(a), as amended by sec. 42 of this Act;
- 20 (3) AS 12.25.180(b), as amended by sec. 43 of this Act; and
- 21 (4) AS 12.25.190(b), as amended by sec. 44 of this Act.

22 (c) The following sections apply to offenses committed on or after the effective date  
23 of those sections:

- 24 (1) AS 12.30.006(b), as amended by sec. 45 of this Act;
- 25 (2) AS 12.30.006(c), as amended by sec. 46 of this Act;
- 26 (3) AS 12.30.006(d), as amended by sec. 47 of this Act;
- 27 (4) AS 12.30.006(f), as amended by sec. 48 of this Act;
- 28 (5) AS 12.30.011, as repealed and reenacted by sec. 49 of this Act;
- 29 (6) AS 12.30.016(b), as amended by sec. 50 of this Act;
- 30 (7) AS 12.30.016(c), as amended by sec. 51 of this Act;
- 31 (8) AS 12.30.021(a), as amended by sec. 53 of this Act; and

1 (9) AS 12.30.021(c), as amended by sec. 54 of this Act.

2 (d) The following sections apply to sentences imposed on or after the effective date of  
3 those sections for conduct occurring on or after the effective date of those sections:

4 (1) AS 12.55.025(a), as amended by sec. 55 of this Act;

5 (2) AS 12.55.025(c), as amended by sec. 56 of this Act;

6 (3) AS 12.55.027(a), as amended by sec. 57 of this Act;

7 (4) AS 12.55.027(b), as repealed and reenacted by sec. 58 of this Act;

8 (5) AS 12.55.027(c), as repealed and reenacted by sec. 59 of this Act;

9 (6) AS 12.55.051(a), as amended by sec. 61 of this Act;

10 (7) AS 12.55.115, as amended by sec. 67 of this Act;

11 (8) AS 12.55.125(c), as amended by sec. 70 of this Act;

12 (9) AS 12.55.125(d), as amended by sec. 71 of this Act;

13 (10) AS 12.55.125(e), as amended by sec. 72 of this Act;

14 (11) AS 12.55.125(q), enacted by sec. 73 of this Act;

15 (12) AS 12.55.135(a), as amended by sec. 74 of this Act;

16 (13) AS 12.55.135(b), as amended by sec. 75 of this Act;

17 (14) AS 12.55.135(q), enacted by sec. 76 of this Act;

18 (15) AS 28.15.291(b), as repealed and reenacted by sec. 83 of this Act;

19 (16) AS 28.35.030(k), as amended by sec. 85 of this Act; and

20 (17) AS 28.35.032(o), as amended by sec. 88 of this Act.

21 (e) AS 12.55.035(b), as amended by sec. 60 of this Act, applies to sentences imposed  
22 on or after the effective date of sec. 60 of this Act, for conduct occurring before, on, or after  
23 the effective date of sec. 60 of this Act.

24 (f) AS 12.55.055(a), as amended by sec. 62 of this Act, and AS 12.55.055(c), as  
25 amended by sec. 63 of this Act, apply to community work service imposed on or after the  
26 effective date of secs. 62 and 63 of this Act for conduct occurring on or after the effective date  
27 of secs. 62 and 63 of this Act.

28 (g) The following sections apply to probation ordered on or after the effective date of  
29 those sections for conduct occurring on or after the effective date of those sections:

30 (1) AS 12.55.090(b), as amended by sec. 64 of this Act;

31 (2) AS 12.55.090(c), as amended by sec. 65 of this Act; and

1 (3) AS 12.55.090(f), as amended by sec. 66 of this Act.

2 (h) AS 12.55.125(a), as amended by sec. 68 of this Act, and AS 12.55.125(b), as  
3 amended by sec. 69 of this Act, apply to sentences imposed on or after the effective date of  
4 secs. 68 and 69 of this Act for conduct occurring before, on, or after the effective date of secs.  
5 68 and 69 of this Act.

6 (i) AS 28.35.030(o), as amended by sec. 87 of this Act, applies to revocation of a  
7 driver's license, privilege to drive, privilege to obtain a driver's license, or an identification  
8 card or driver's license occurring on or after the effective date of sec. 87 of this Act.

9 (j) The following sections apply to parole granted on or after the effective date of  
10 those sections for conduct occurring on or after the effective date of those sections:

11 (1) AS 33.16.010(c), as amended by sec. 92 of this Act;

12 (2) AS 33.16.010(d), as amended by sec. 93 of this Act;

13 (3) AS 33.16.060(a), as amended by sec. 94 of this Act;

14 (4) AS 33.16.090(a), as amended by sec. 95 of this Act;

15 (5) AS 33.16.090(b), as amended by sec. 96 of this Act;

16 (6) AS 33.16.100(h), enacted by sec. 99 of this Act;

17 (7) AS 33.16.140, as amended by sec. 104 of this Act;

18 (8) AS 33.16.150(a), as amended by sec. 105 of this Act;

19 (9) AS 33.16.150(b), as amended by sec. 106 of this Act;

20 (10) AS 33.16.150(e), as amended by sec. 107 of this Act;

21 (11) AS 33.16.150(f), as amended by sec. 108 of this Act;

22 (12) AS 33.16.150(g), as amended by sec. 109 of this Act;

23 (13) AS 33.16.200, as amended by sec. 111 of this Act;

24 (14) AS 33.16.210(a), as amended by sec. 112 of this Act;

25 (15) AS 33.16.210(b), as amended by sec. 113 of this Act;

26 (16) AS 33.16.220(b), as amended by sec. 114 of this Act;

27 (17) AS 33.16.220(f), as amended by sec. 115 of this Act;

28 (18) AS 33.16.220(i), as amended by sec. 116 of this Act; and

29 (19) AS 33.20.010(c), as repealed and reenacted by sec. 117 of this Act.

30 (k) AS 33.16.100(a), as amended by sec. 97 of this Act, applies to parole granted on  
31 or after the effective date of sec. 97 of this Act, for conduct occurring before, on, or after the

1 effective date of sec. 97 of this Act.

2 \* **Sec. 135.** Section 193, ch. 36, SLA 2016, is repealed.

3 \* **Sec. 136.** Sections 41, 45 - 51, 53, 54, and 79 of this Act take effect January 1, 2018.

4 \* **Sec. 137.** Except as provided in sec. 136 of this Act, this Act takes effect immediately  
5 under AS 01.10.070(c)."