

AMENDMENT #48

OFFERED IN THE HOUSE

BY REPRESENTATIVE EASTMAN

TO: HCS CSSB 54(FIN)

1 Page 1, line 2, following "trafficking;":

*(Title amendment)*

2 Insert "relating to controlled substances;"

3

4 Page 1, following line 9:

5 Insert new bill sections to read:

6 **"\* Section 1.** AS 11.41.110(a) is amended to read:

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

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

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

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

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

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

8 (A) a felony violation of AS 11.41;

9 (B) in violation of a law or ordinance in another jurisdiction  
 10 with elements similar to a felony under AS 11.41; or

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

13 \* **Sec. 2.** AS 11.41.150(a) is amended to read:

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

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

17 (2) with intent to cause serious physical injury to an unborn child or to  
 18 another person or knowing that the conduct is substantially certain to cause death or  
 19 serious physical injury to an unborn child or to another person, causes the death of an  
 20 unborn child;

21 (3) while acting alone or with one or more persons, commits or  
 22 attempts to commit arson in the first degree, kidnapping, sexual assault in the first  
 23 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,  
 24 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the  
 25 first or second degree, robbery in any degree, or misconduct involving a controlled  
 26 substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9)  
 27 [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2), and, in the course of or  
 28 in furtherance of that crime or in immediate flight from that crime, any person causes  
 29 the death of an unborn child;

30 (4) knowingly engages in conduct that results in the death of an unborn  
 31 child under circumstances manifesting an extreme indifference to the value of human

1 life; for purposes of this paragraph, a pregnant woman's decision to remain in a  
2 relationship in which domestic violence, as defined in AS 18.66.990, has occurred  
3 does not constitute conduct manifesting an extreme indifference to the value of human  
4 life."  
5

6 Page 1, line 10:

7 Delete "Section 1"

8 Insert "Sec. 3"

9

10 Renumber the following bill sections accordingly.

11

12 Page 8, following line 16:

13 Insert new bill sections to read:

14 **"\* Sec. 18.** AS 11.56.730(a) is amended to read:

- 15 (a) A person commits the **crime** [OFFENSE] of failure to appear if the person
- 16 (1) is released under the provisions of AS 12.30;
- 17 (2) knows that the person is required to appear before a court or
- 18 judicial officer at the time and place of a scheduled hearing; and
- 19 (3) with criminal negligence does not appear before the court or
- 20 judicial officer at the time and place of the scheduled hearing.

21 **\* Sec. 19.** AS 11.56.730(d) is amended to read:

- 22 (d) Failure to appear is a
- 23 (1) class C felony if the person was released in connection with a
- 24 charge of a felony or while awaiting sentence or appeal after conviction of a felony
- 25 [AND THE PERSON
- 26 (A) DOES NOT MAKE CONTACT WITH THE COURT OR
- 27 A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES
- 28 NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED
- 29 HEARING; OR
- 30 (B) DOES NOT APPEAR AT THE TIME AND PLACE OF A
- 31 SCHEDULED HEARING TO AVOID PROSECUTION];

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

2 a

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

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

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

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

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

14

15 Renumber the following bill sections accordingly.

16

17 Page 9, following line 23:

18 Insert new bill sections to read:

19 "\* Sec. 25. AS 11.71 is amended by adding a new section to read:

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

23 (1) manufactures or delivers any amount of a schedule IA controlled  
24 substance or possesses any amount of a schedule IA controlled substance with intent  
25 to manufacture or deliver;

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

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

29 or

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

1 (3) possesses an immediate precursor of methamphetamine, or the  
2 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,  
3 with the intent to manufacture any material, compound, mixture, or preparation that  
4 contains methamphetamine, or its salts, isomers, or salts of isomers;

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

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

8 or

9 (B) an immediate precursor of methamphetamine, or its salts,  
10 isomers, or salts of isomers;

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

13 (6) under circumstances not proscribed under AS 11.71.010(a)(2),  
14 delivers

15 (A) an immediate precursor of methamphetamine, or the salts,  
16 isomers, or salts of isomers of the immediate precursor of methamphetamine,  
17 to another person with reckless disregard that the precursor will be used to  
18 manufacture any material, compound, mixture, or preparation that contains  
19 methamphetamine, or its salts, isomers, or salts of isomers; or

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

23 (i) methamphetamine, or its salts, isomers, or salts of  
24 isomers;

25 (ii) an immediate precursor of methamphetamine, or its  
26 salts, isomers, or salts of isomers; or

27 (iii) methamphetamine or its salts, isomers, or salts of  
28 isomers in an organic solution.

29 (b) In a prosecution under (a) of this section, possession of more than six  
30 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or  
31 the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that

1 the person intended to use the listed chemicals to manufacture, to aid or abet another  
 2 person to manufacture, or to deliver to another person who intends to manufacture  
 3 methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers  
 4 of methamphetamine or its immediate precursors. The prima facie evidence described  
 5 in this subsection does not apply to a person who possesses

6 (1) the listed chemicals ephedrine, pseudoephedrine,  
 7 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

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

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

12 (i) retailer or as a wholesaler;

13 (ii) wholesale drug distributor licensed by the Board of

14 Pharmacy;

15 (iii) manufacturer of drug products licensed by the  
 16 Board of Pharmacy;

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

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

19 (2) less than 24 grams of ephedrine, pseudoephedrine,  
 20 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals,  
 21 kept in a locked storage area on the premises of a legitimate business or nonprofit  
 22 organization operating a camp, lodge, school, day care center, treatment center, or  
 23 other organized group activity, and the location or nature of the activity, or the age of  
 24 the participants, makes it impractical for the participants in the activity to obtain  
 25 medicinal products.

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

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

30 \* **Sec. 26.** AS 11.71.030(a) is amended to read:

31 (a) Except as authorized in AS 17.30, a person commits the crime of

1 misconduct involving a controlled substance in the third [SECOND] degree if the  
2 person

3 (1) manufactures or delivers, or possesses with intent to manufacture  
4 or deliver,

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

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

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

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

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

18 (3) possesses any amount of a schedule IA or IIA 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 (4) manufactures any material, compound, mixture, or preparation that  
25 contains

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

27 or

28 (B) an immediate precursor of methamphetamine, or its salts,  
29 isomers, or salts of isomers;

30 (5) possesses an immediate precursor of methamphetamine, or the  
31 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,

1 with the intent to manufacture any material, compound, mixture, or preparation that  
 2 contains methamphetamine, or its salts, isomers, or salts of isomers;

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

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

6 or

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

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

11 (8) under circumstances not proscribed under AS 11.71.010(a)(2),  
 12 delivers

13 (A) an immediate precursor of methamphetamine, or the salts,  
 14 isomers, or salts of isomers of the immediate precursor of methamphetamine,  
 15 to another person with reckless disregard that the precursor will be used to  
 16 manufacture any material, compound, mixture, or preparation that contains  
 17 methamphetamine, or its salts, isomers, or salts of isomers; or

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

21 (i) methamphetamine, or its salts, isomers, or salts of  
 22 isomers;

23 (ii) an immediate precursor of methamphetamine, or its  
 24 salts, isomers, or salts of isomers; or

25 (iii) methamphetamine or its salts, isomers, or salts of  
 26 isomers in an organic solution; or

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

31 \* Sec. 27. AS 11.71.030(d) is amended to read:

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

3 \* Sec. 28. AS 11.71.040(a) is amended to read:

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

7 (1) manufactures or delivers any amount of a schedule IVA or VA  
 8 controlled substance or possesses any amount of a schedule IVA or VA controlled  
 9 substance with intent to manufacture or deliver;

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

14 (3) possesses

15 (A) any amount of a

16 (i) schedule IA controlled substance [LISTED IN  
 17 AS 11.71.140(e)];

18 (ii) IIA controlled substance except a controlled  
 19 substance listed in AS 11.71.150(e)(11) - (15);

20 (B) 25 or more tablets, ampules, or syrettes containing a  
 21 schedule IIIA or IVA controlled substance;

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

24 (i) three grams or more containing a schedule IIIA  
 25 or IVA controlled substance except a controlled substance in a  
 26 form listed in (ii) of this subparagraph;

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

31 (iii) 500 milligrams or more of a schedule IIA

1 **controlled substance listed in AS 11.71.150(e)(11) - (15);**

2 **(D) 50 or more tablets, ampules, or syrettes containing a**  
 3 **schedule VA controlled substance;**

4 **(E) one or more preparations, compounds, mixtures, or**  
 5 **substances of an aggregate weight of six grams or more containing a**  
 6 **schedule VA controlled substance;**

7 **(F) one or more preparations, compounds, mixtures, or**  
 8 **substances of an aggregate weight of four ounces or more containing a**  
 9 **schedule VIA controlled substance; or**

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

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

12 (A) with reckless disregard that the possession occurs

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

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

15 or

16 (B) on a school bus;

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

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

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

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

31 (9) obtains possession of a controlled substance by misrepresentation,

1 fraud, forgery, deception, or subterfuge;

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

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

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

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

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

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

16 \* **Sec. 29.** AS 11.71.040(d) is amended to read:

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

19 \* **Sec. 30.** AS 11.71.050 is amended to read:

20 **Sec. 11.71.050. Misconduct involving a controlled substance in the fifth**  
21 **[FOURTH] degree.** (a) Except as authorized in AS 17.30, a person commits the  
22 crime of misconduct involving a controlled substance in the fifth [FOURTH] degree if  
23 the person

24 (1) manufactures or delivers, or possesses with the intent to  
25 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
26 of an aggregate weight of less than one ounce containing a schedule VIA controlled  
27 substance;

28 (2) [REPEALED]

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

31 (4) under circumstances not proscribed under AS 11.71.040(a)(3),

1 11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a  
 2 schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance; or

3 **(5) possesses**

4 **(A) less than 25 tablets, ampules, or syrettes containing a**  
 5 **schedule IIIA or IVA controlled substance;**

6 **(B) one or more preparations, compounds, mixtures, or**  
 7 **substances of an aggregate weight of less than**

8 **(i) three grams containing a schedule IIIA or IVA**  
 9 **controlled substance except a controlled substance in a form listed**  
 10 **in (ii) of this subparagraph;**

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

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

17 **(C) less than 50 tablets, ampules, or syrettes containing a**  
 18 **schedule VA controlled substance;**

19 **(D) one or more preparations, compounds, mixtures, or**  
 20 **substances of an aggregate weight of less than six grams containing a**  
 21 **schedule VA controlled substance; or**

22 **(E) one or more preparations, compounds, mixtures, or**  
 23 **substances of an aggregate weight of one ounce or more containing a**  
 24 **schedule VIA controlled substance.**

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

27 \* Sec. 31. AS 11.71.060 is amended to read:

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

31 (1) uses or displays any amount of a schedule VIA controlled

1 substance;

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

4 (A) less than one ounce containing a schedule VIA controlled  
5 substance;

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

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

11 (b) Misconduct involving a controlled substance in the sixth [FIFTH] degree  
12 is a class B misdemeanor."  
13

14 Renumber the following bill sections accordingly.

15  
16 Page 13, following line 7:

17 Insert a new bill section to read:

18 **\*\* Sec. 34.** AS 11.71.311(a) is amended to read:

19 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),  
20 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  
21 that person

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

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

29 (B) the person remained at the scene with the other person until  
30 medical or law enforcement assistance arrived; and

31 (C) the person cooperated with medical or law enforcement

1 personnel, including by providing identification;

2 (2) was experiencing a drug overdose and sought medical assistance,  
3 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),  
4 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)  
5 was obtained as a result of the overdose and the need for medical assistance."

6  
7 Renumber the following bill sections accordingly.

8  
9 Page 14, following line 5:

10 Insert a new bill section to read:

11 **"\* Sec. 37.** AS 12.30.016 is amended by adding a new subsection to read:

12 (g) In a prosecution charging misconduct involving a controlled substance  
13 under AS 11.71.021(a)(2) for the manufacture of methamphetamine, or its salts,  
14 isomers, or salts of isomers, if the person has been previously convicted in this or  
15 another jurisdiction of a crime involving the manufacturing, delivering, or possessing  
16 of methamphetamine, or its salts, isomers, or salts of isomers, a judicial officer shall  
17 require the posting of a minimum of \$250,000 cash bond before the person may be  
18 released. The judicial officer may reduce this requirement if the person proves to the  
19 satisfaction of the officer that the person's only role in the offense was as an aider or  
20 abettor and that the person did not stand to benefit financially from the  
21 manufacturing."

22  
23 Renumber the following bill sections accordingly.

24  
25 Page 15, line 8, through page 16, line 16:

26 Delete all material and insert:

27 **"\* Sec. 40.** AS 12.55.125(c) is amended to read:

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

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

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

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

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

13 **(i) the manufacturing occurred in a building with**  
14 **reckless disregard that the building was used as a permanent or**  
15 **temporary home or place of lodging for one or more children**  
16 **under 18 years of age or the building was a place frequented by**  
17 **children; or**

18 **(ii) in the course of manufacturing or in preparation**  
19 **for manufacturing, the defendant obtained the assistance of one or**  
20 **more children under 18 years of age or one or more children were**  
21 **present;**

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

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

26 \* Sec. 41. AS 12.55.125(d) is amended to read:

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

31 (1) if the offense is a first felony conviction and does not involve

1 circumstances described in (2) of this subsection, **one** [ZERO] to **three** [TWO] years;  
 2 a defendant sentenced under this paragraph may, if the court finds it appropriate, be  
 3 granted a suspended imposition of sentence under AS 12.55.085 **if, as a condition of**  
 4 **probation under AS 12.55.086, the defendant is required to serve an active term**  
 5 **of imprisonment within the range specified in this paragraph, unless the court**  
 6 **finds that a mitigation factor under AS 12.55.155 applies;**

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

8 (A) the defendant violated AS 11.41.130, and the victim was

9 [(A)] a child under 16 years of age, two to four years; [OR]

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

13 (i) **the attempted manufacturing occurred, or the**  
 14 **solicited or conspired offense was to have occurred, in a building**  
 15 **with reckless disregard that the building was used as a permanent**  
 16 **or temporary home or place of lodging for one or more children**  
 17 **under 18 years of age or the building was a place frequented by**  
 18 **children; or**

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

23 (3) if the offense is a second felony conviction, **four** [TWO] to **seven**  
 24 [FIVE] years;

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

26 \* Sec. 42. AS 12.55.125(e) is amended to read:

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

31 (1) if the offense is a first felony conviction and does not involve

1 circumstances described in (4) of this subsection, [PROBATION, WITH A  
 2 SUSPENDED TERM OF IMPRISONMENT OF] zero to **two years** [18 MONTHS]; a  
 3 defendant sentenced under this paragraph may, if the court finds it appropriate, be  
 4 granted a suspended imposition of sentence under AS 12.55.085, **and the court may,**  
 5 **as a condition of probation under AS 12.55.086, require the defendant to serve an**  
 6 **active term of imprisonment within the range specified in this paragraph;**

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

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

11 (4) if the offense is a first felony conviction, and the defendant violated

12 [(A)] AS 08.54.720(a)(15), one to two years [;

13 (B) AS 28.35.030(n)(1)(A) OR 28.35.032(p)(1)(A), 120 DAYS

14 TO 239 DAYS;

15 (C) AS 28.35.030(n)(1)(B) OR 28.35.032(p)(1)(B), 240 DAYS

16 TO 359 DAYS;

17 (D) AS 28.35.030(n)(1)(C) OR 23.35.032(p)(1)(C), 360 DAYS TO TWO YEARS]."

18  
 19 Renumber the following bill sections accordingly.

20  
 21 Page 35, following line 25:

22 Insert a new bill section to read:

23 **\*\* Sec. 75.** AS 34.03.360(7) is amended to read:

24 (7) "illegal activity involving a controlled substance" means; a violation  
 25 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)  
 26 - (8)], or 11.71.040(a)(1), (2), or (5);"

27  
 28 Renumber the following bill sections accordingly.

29  
 30 Page 38, following line 24:

31 Insert a new bill section to read:

1     **\*\* Sec. 81.** AS 47.12.315(a) is amended to read:

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

- 6                     (1) a felony offense against a person under AS 11.41;  
7                     (2) arson in the first or second degree;  
8                     (3) burglary in the first degree;  
9                     (4) distribution of child pornography;  
10                    (5) sex trafficking in the first degree;  
11                    (6) misconduct involving a controlled substance in the first, [OR]  
12                    second, or third degrees involving distribution or possession with intent to deliver; or  
13                    (7) misconduct involving weapons in the first through fourth degrees."

14

15     Renumber the following bill sections accordingly.

16

17     Page 42, lines 3 - 4:

18             Delete "AS 12.55.125(e)(4)(C), 12.55.125(e)(4)(D), 12.55.125(e)(4)(E)"

19             Insert "AS 11.71.030(a)(1), 11.71.030(a)(4), 11.71.030(a)(5), 11.71.030(a)(6),  
20     11.71.030(a)(7), 11.71.030(a)(8), 11.71.030(c), 11.71.030(e), 11.71.040(a)(11),  
21     11.71.050(a)(4)"

22

23     Page 42, line 11:

24             Delete "sec. 1"

25             Insert "sec. 3"

26

27     Page 42, line 12:

28             Delete "sec. 2"

29             Insert "sec. 4"

30

31     Page 42, line 13:

1 Delete "sec. 3"

2 Insert "sec. 5"

3

4 Page 42, line 14:

5 Delete "sec. 4"

6 Insert "sec. 6"

7

8 Page 42, line 15:

9 Delete "sec. 5"

10 Insert "sec. 7"

11

12 Page 42, line 16:

13 Delete "sec. 6"

14 Insert "sec. 8"

15

16 Page 42, line 17:

17 Delete "sec. 7"

18 Insert "sec. 9"

19

20 Page 42, line 18:

21 Delete "sec. 8"

22 Insert "sec. 10"

23

24 Page 42, line 19:

25 Delete "sec. 9"

26 Insert "sec. 11"

27

28 Page 42, line 20:

29 Delete "sec. 10"

30 Insert "sec. 12"

31

1 Page 42, line 21:

2 Delete "sec. 11"

3 Insert "sec. 13"

4

5 Page 42, line 22:

6 Delete "sec. 12"

7 Insert "sec. 14"

8

9 Page 42, line 23:

10 Delete "sec. 13"

11 Insert "sec. 15"

12

13 Page 42, following line 23:

14 Insert new paragraphs to read:

15 "(14) AS 11.56.730(a), as amended by sec. 18 of this Act;

16 (15) AS 11.56.730(d), as amended by sec. 19 of this Act;"

17

18 Renumber the following paragraphs accordingly.

19

20 Page 42, line 24:

21 Delete "sec. 16"

22 Insert "sec. 20"

23

24 Page 42, line 25:

25 Delete "sec. 17"

26 Insert "sec. 21"

27

28 Page 42, line 26:

29 Delete "sec. 18"

30 Insert "sec. 22"

31

1 Page 42, line 27:

2 Delete "sec. 19"

3 Insert "sec. 23"

4

5 Page 42, line 28:

6 Delete "sec. 20"

7 Insert "sec. 24"

8

9 Page 42, following line 28:

10 Insert new paragraphs to read:

11 "(21) AS 11.71.021, enacted by sec. 25 of this Act;

12 (22) AS 11.71.030(a), as amended by sec. 26 of this Act;

13 (23) AS 11.71.030(d), as amended by sec. 27 of this Act;

14 (24) AS 11.71.040(a), as amended by sec. 28 of this Act;

15 (25) AS 11.71.040(d), as amended by sec. 29 of this Act;

16 (26) AS 11.71.050, as amended by sec. 30 of this Act;

17 (27) AS 11.71.060, as amended by sec. 31 of this Act;"

18

19 Renumber the following paragraphs accordingly.

20

21 Page 42, line 29:

22 Delete "sec. 23"

23 Insert "sec. 35"

24

25 Page 42, line 30:

26 Delete "sec. 38"

27 Insert "sec. 52"

28

29 Page 42, line 31:

30 Delete "sec. 39"

31 Insert "sec. 53"

1

2 Page 43, line 1:

3 Delete "sec. 59"

4 Insert "sec. 73"

5

6 Page 43, line 4:

7 Delete "sec. 24"

8 Insert "sec. 36"

9

10 Page 43, line 5:

11 Delete "sec. 27"

12 Insert "sec. 40"

13

14 Page 43, following line 5:

15 Insert a new paragraph to read:

16 "(3) AS 12.55.125(d), as amended by sec. 41 of this Act;"

17

18 Renumber the following paragraphs accordingly.

19

20 Page 43, line 6:

21 Delete "sec. 28"

22 Insert "sec. 42"

23

24 Page 43, line 7:

25 Delete "sec. 29"

26 Insert "sec. 43"

27

28 Page 43, line 8:

29 Delete "sec. 30"

30 Insert "sec. 44"

31

- 1 Page 43, line 9:
  - 2 Delete "sec. 31"
  - 3 Insert "sec. 45"
  - 4
- 5 Page 43, line 10:
  - 6 Delete "sec. 32"
  - 7 Insert "sec. 46"
  - 8
- 9 Page 43, line 11:
  - 10 Delete "sec. 33"
  - 11 Insert "sec. 47"
  - 12
- 13 Page 43, line 12:
  - 14 Delete "sec. 34"
  - 15 Insert "sec. 48"
  - 16
- 17 Page 43, line 13:
  - 18 Delete "sec. 49"
  - 19 Insert "sec. 63"
  - 20
- 21 Page 43, line 14:
  - 22 Delete "sec. 49"
  - 23 Insert "sec. 63"
  - 24
- 25 Page 43, line 17:
  - 26 Delete "SECS. 37 AND 69"
  - 27 Insert "SECS. 51 AND 85"
  - 28
- 29 Page 43, lines 17 - 18:
  - 30 Delete "sec. 37"
  - 31 Insert "sec. 51"

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Page 43, line 20:

Delete "Section 69"

Insert "Section 85"

Delete "sec. 37"

Insert "sec. 51"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 82"

Page 43, line 25:

Delete "Section 66"

Insert "Section 82"

Page 44, line 4:

Delete "Sections 23, 24, and 41"

Insert "Sections 35, 36, and 55"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 88"

Delete "sec. 66"

Insert "sec. 82"

Page 44, line 7:

Delete "Section 40"

Insert "Section 54"

Page 44, line 8:

Delete "sec. 37"

1           Insert "sec. 51"

2           Delete "sec. 71(a)"

3           Insert "sec. 87(a)"

4

5   Page 44, line 10:

6           Delete "sec. 69"

7           Insert "sec. 85"

8           Delete "sec. 71(b)"

9           Insert "sec. 87(b)"

10

11   Page 44, line 12:

12           Delete "Section 68"

13           Insert "Section 84"

14

15   Page 44, line 13:

16           Delete "sec. 37"

17           Insert "sec. 51"

18           Delete "sec. 76"

19           Insert "sec. 92"

20

21   Page 44, line 15:

22           Delete "secs. 73 - 78"

23           Insert "secs. 89 - 94"