

**HOUSE BILL NO. 335**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES MILLETT, LeDoux**

**Introduced: 2/7/18**

**Referred: State Affairs, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to bail release decisions; and amending Rule 41, Alaska Rules of**  
2 **Criminal Procedure."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 12.30.011(j) is amended to read:

5 (j) Except as otherwise provided in this chapter, the burden of proof is on the  
6 prosecuting authority that a person charged with an offense should be detained or  
7 released with conditions described in this section or AS 12.30.016. [ANY  
8 MONETARY OR NONMONETARY CONDITION OR CONDITIONS IMPOSED  
9 BY THE COURT UNDER THIS SECTION SHALL BE THE LEAST  
10 RESTRICTIVE CONDITION OR CONDITIONS THAT WILL REASONABLY  
11 ENSURE THE APPEARANCE OF THE PERSON IN COURT AND THE SAFETY  
12 OF THE VICTIM, OTHER PERSONS, AND THE COMMUNITY.]

13 **\* Sec. 2.** AS 12.30.011 is amended by adding a new subsection to read:

14 (m) When making a release decision under this chapter and determining the

1 conditions of release under this chapter, the judicial officer shall take into account all  
2 of the factors under (i) of this section and may not weigh a person's pretrial risk  
3 assessment score greater than any other factor under (i) of this section.

4 \* **Sec. 3.** AS 12.30.006(b)(3), 12.30.011(b), 12.30.011(c), 12.30.011(d), 12.30.011(e),  
5 12.30.011(f), and 12.30.011(k) are repealed.

6 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

8 INDIRECT COURT RULE AMENDMENT. AS 12.30.011(j), as amended by sec. 1  
9 of this Act, AS 12.30.011(m), enacted by sec. 2 of this Act, and the repeals of  
10 AS 12.30.006(b)(3) and 12.30.011(b) - (f) and (k) by sec. 3 of this Act have the effect of  
11 amending Rule 41, Alaska Rules of Criminal Procedure, by changing the factors to consider  
12 for release decisions and when setting release conditions.

13 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 APPLICABILITY. AS 12.30.011(j), as amended by sec. 1 of this Act, and  
16 AS 12.30.011(m), enacted by sec. 2 of this Act, apply to offenses committed on or after the  
17 effective date of this Act.

18 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
19 read:

20 CONDITIONAL EFFECT. AS 12.30.011(j), as amended by sec. 1 of this Act,  
21 AS 12.30.011(m), enacted by sec. 2 of this Act, and the repeals of AS 12.30.006(b)(3) and  
22 12.30.011(b) - (f) and (k) by sec. 3 of this Act take effect only if sec. 4 of this Act receives the  
23 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of  
24 Alaska.