

HOUSE CS FOR CS FOR SENATE BILL NO. 54(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FOURTH SPECIAL SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 10/27/17

Referred: Finance

Sponsor(s): SENATORS COGHILL, Micciche

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to crime and criminal law; relating to violation of condition of release;**
2 **relating to sex trafficking; classifying U-47700 as a schedule IA controlled substance;**
3 **classifying tramadol and related substances as schedule IVA controlled substances;**
4 **relating to sentencing; relating to imprisonment; relating to parole; relating to**
5 **probation; relating to driving without a license; relating to the pretrial services**
6 **program; and providing for an effective date."**

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

8 *** Section 1.** AS 11.46.140(a) is amended to read:

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

11 (1) the value of the property or services, adjusted for inflation as
12 provided in AS 11.46.982, is \$250 or more but less than \$1,000; or

13 (2) [REPEALED]

1 (3) [REPEALED]

2 **(4) the value of the property is less than \$250 and, within the past**
3 **five years, the person has been convicted and sentenced on two or more separate**
4 **occasions in this or another jurisdiction of theft or concealment of merchandise,**
5 **or an offense under another law or ordinance with similar elements.**

6 * Sec. 2. 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 \$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 \$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, adjusted for
2 inflation as provided in AS 11.46.982, is less than \$250.

3 * **Sec. 3.** AS 11.56.757(a) is amended to read:

4 (a) A person commits the **crime** [OFFENSE] of violation of condition of
5 release if the person

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

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

8 (3) violates a condition of release imposed by a judicial officer under
9 AS 12.30, other than the requirement to appear as ordered by a judicial officer.

10 * **Sec. 4.** AS 11.56.757(b) is amended to read:

11 (b) Violation of condition of release is a **class B misdemeanor** [VIOLATION
12 PUNISHABLE BY A FINE OF UP TO \$1,000].

13 * **Sec. 5.** AS 11.66.130(a) is amended to read:

14 (a) A person commits the crime of sex trafficking in the third degree if [,
15 WITH INTENT TO PROMOTE PROSTITUTION,] the person

16 (1) **receives compensation for prostitution services rendered by**
17 **another; and**

18 **(2) with the intent to promote prostitution,**

19 **(A)** manages, supervises, controls, or owns, either alone or in
20 association with others, a place of prostitution;

21 **(B)** [(2)] as other than a patron of a prostitute, induces or
22 causes another person who is 20 years of age or older to engage in prostitution;

23 **(C)** [(3) AS OTHER THAN A PROSTITUTE RECEIVING
24 COMPENSATION FOR PERSONALLY RENDERED PROSTITUTION
25 SERVICES,] receives or agrees to receive money or other property under an
26 agreement or understanding that the money or other property is derived from
27 prostitution; or

28 **(D)** [(4)] engages in conduct that institutes, aids, or facilitates a
29 prostitution enterprise.

30 * **Sec. 6.** AS 11.66.135(a) is amended to read:

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

1 person

2 **(1) receives compensation for prostitution services rendered by**
 3 **another; and**

4 **(2)** engages in conduct that institutes, aids, or facilitates prostitution
 5 under circumstances not proscribed under **AS 11.66.130(a)(2)(D)**
 6 [AS 11.66.130(a)(4)].

7 * **Sec. 7.** AS 11.66.150 is amended by adding a new paragraph to read:

8 (4) "compensation" does not include any payment for reasonably
 9 apportioned shared expenses.

10 * **Sec. 8.** AS 11.71.140(c) is amended to read:

11 (c) Schedule IA includes, unless specifically excepted or unless listed in
 12 another schedule, any of the following opiates, including their isomers, esters, ethers,
 13 salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers,
 14 esters, ethers, and salts is possible within the specific chemical designation,
 15 dextrophan excepted:

- 16 (1) acetylmethadol;
 17 (2) allylprodine;
 18 (3) alphacetylmethadol;
 19 (4) alphameprodine;
 20 (5) alphamethadol;
 21 (6) alphaprodine;
 22 (7) anileridine;
 23 (8) benzethidine;
 24 (9) betacetylmethadol;
 25 (10) betameprodine;
 26 (11) betamethadol;
 27 (12) betaprodine;
 28 (13) bezitramide;
 29 (14) clonitazene;
 30 (15) dextromoramide;
 31 (16) diampromide;

- 1 (17) diethylthiambutene;
- 2 (18) difenoxin;
- 3 (19) dihydrocodeine;
- 4 (20) dimenoxadol;
- 5 (21) dimepheptanol;
- 6 (22) dimethylthiambutene;
- 7 (23) dioxaphetyl butyrate;
- 8 (24) diphenoxylate;
- 9 (25) dipipanone;
- 10 (26) ethylmethythiamutene;
- 11 (27) etonitazene;
- 12 (28) etoxeridine;
- 13 (29) fentanyl;
- 14 (30) furethidine;
- 15 (31) hydroxpethidine;
- 16 (32) isomethadone;
- 17 (33) ketobemidone;
- 18 (34) levomethorphan;
- 19 (35) levomoramide;
- 20 (36) levorphanol;
- 21 (37) levophenacylmorphane;
- 22 (38) meperidine, also known as pethidine;
- 23 (39) metazocine;
- 24 (40) methadone;
- 25 (41) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl
- 26 butane;
- 27 (42) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-
- 28 propane-carboxylic acid;
- 29 (43) morpheridine;
- 30 (44) noracymethadol;
- 31 (45) norlevorphanol;

- 1 (46) normethadone;
- 2 (47) norpipanone;
- 3 (48) pethidine, also known as merperidine;
- 4 (49) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 5 (50) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carbox-
- 6 ylate;
- 7 (51) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-
- 8 carboxylic acid;
- 9 (52) phenadoxone;
- 10 (53) phenampromide;
- 11 (54) phenazocine;
- 12 (55) phenomorphan;
- 13 (56) phenoperidine;
- 14 (57) piminodine;
- 15 (58) piritramide;
- 16 (59) propheptazine;
- 17 (60) properidine;
- 18 (61) propiram;
- 19 (62) racemethorphan;
- 20 (63) racemoramide;
- 21 (64) racemorphan;
- 22 (65) trimeperidine;
- 23 (66) alfentanil;
- 24 (67) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)- ethyl-4-
- 25 piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4(N-propanilido) piperidine);
- 26 (68) bulk dextropropoxyphene (non-dosage form);
- 27 (69) carfentanil;
- 28 (70) sufentanil;
- 29 (71) tilidine;
- 30 (72) para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
- 31 piperidinyl] propanamide);

1 (73) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-
2 phenylpropanamide);

3 (74) acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenetyl)-4-
4 piperidiny]-N-phenylacetamide);

5 (75) alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-
6 piperidiny]-N-phenylpropanamide);

7 (76) beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
8 piperidiny]-N-phenylpropan amide);

9 (77) beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-
10 methyl-4-piperidiny]-N-phenylpropanamide);

11 (78) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
12 piperidiny]-N-phenylpropanamide);

13 (79) thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-
14 propanamide);

15 (80) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

16 (81) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);

17 **(82) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-**
18 **methylbenzamide, also known as U-47700.**

19 * **Sec. 9.** AS 11.71.170 is amended by adding a new subsection to read:

20 (g) Schedule IVA includes, unless specifically excepted or unless listed in
21 another schedule, any material, compound, mixture, or preparation which contains any
22 quantity of the following substance or its salts calculated as the free anhydrous base or
23 alkaloid: 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts,
24 optical and geometric isomers, and salts of these isomers, including tramadol.

25 * **Sec. 10.** AS 12.30.006(b), as amended by sec. 55, ch. 36, SLA 2016, is amended to read:

26 (b) At the first appearance before a judicial officer, a person [WHO IS
27 CHARGED WITH A FELONY, OTHER THAN A CLASS C FELONY AND THE
28 PERSON HAS BEEN ASSESSED AS LOW RISK UNDER AS 12.30.011(c)(1),]
29 may be detained up to 48 hours for the prosecuting authority to demonstrate that
30 release of the person under AS 12.30.011 would not reasonably ensure the appearance
31 of the person or will pose a danger to the victim, other persons, or the community, **if**

1 **the person has been charged with the following crimes:**

2 **(1) an unclassified, class A, or class B felony;**

3 **(2) a class C felony under AS 11.41.220, 11.41.260, 11.41.425,**
 4 **AS 11.46.310, 11.46.360, AS 11.51.100(d)(2) or (f), 11.51.200, AS 11.56.320,**
 5 **11.56.335, 11.56.540, 11.56.590, 11.56.610, 11.56.770, 11.56.835,**
 6 **AS 11.61.123(f)(1), 11.61.127, 11.61.128(d), 11.61.140(h), 11.61.200,**
 7 **11.61.240(b)(3), or 11.61.250; or**

8 **(3) a class C felony, other than a class C felony listed in (2) of this**
 9 **subsection, and the person has been assessed as moderate to high risk under**
 10 **AS 12.30.011(c)(2).**

11 * **Sec. 11.** AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is
 12 amended by adding a new subsection to read:

13 (l) If the supreme court establishes a schedule of bail amounts or conditions of
 14 release for misdemeanor offenses, the schedule must include a condition providing
 15 that a correctional facility shall, at the time of release, conduct a chemical test of the
 16 breath of a person who has been arrested and who is intoxicated and may detain the
 17 person until the test result indicates that the person's breath has less than 0.08 grams of
 18 alcohol for each 210 liters of breath or, with the consent of the person, release the
 19 person to another person who is willing and able to provide care for the person.

20 * **Sec. 12.** AS 12.55.025(a) is amended to read:

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

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

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

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

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

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

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

10 (5) in the case of a conviction for a felony offense, information
 11 assessing

12 (A) the financial, emotional, and medical effects of the offense
 13 on the victim;

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

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

16 * **Sec. 13.** AS 12.55.115 is amended to read:

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

22 * **Sec. 14.** AS 12.55.125(c) is amended to read:

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

27 (1) if the offense is a first felony conviction and does not involve
 28 circumstances described in (2) of this subsection, three to six years;

29 (2) if the offense is a first felony conviction and the defendant

30 **(A)** possessed a firearm, used a dangerous instrument, or
 31 caused serious physical injury or death during the commission of the offense,

1 **five to nine years;** or

2 **(B)** knowingly directed the conduct constituting the offense at a
3 uniformed or otherwise clearly identified peace officer, firefighter, correctional
4 employee, emergency medical technician, paramedic, ambulance attendant, or
5 other emergency responder who was engaged in the performance of official
6 duties at the time of the offense, **seven** [FIVE] to **11** [NINE] years;

7 (3) if the offense is a second felony conviction, eight to 12 years;

8 (4) if the offense is a third felony conviction and the defendant is not
9 subject to sentencing under (l) of this section, 13 to 20 years.

10 * **Sec. 15.** AS 12.55.125(e) is amended to read:

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

15 (1) if the offense is a first felony conviction and does not involve
16 circumstances described in (4) of this subsection, [PROBATION, WITH A
17 SUSPENDED TERM OF IMPRISONMENT OF] zero to **one year** [18 MONTHS]; a
18 defendant sentenced under this paragraph may, if the court finds it appropriate, be
19 granted a suspended imposition of sentence under AS 12.55.085;

20 (2) if the offense is a second felony conviction, one to three years;

21 (3) if the offense is a third felony conviction, two to five years;

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

23 (A) AS 08.54.720(a)(15), one to two years;

24 (B) AS 28.35.030(n)(1)(A) or 28.35.032(p)(1)(A), 120 days to
25 239 days;

26 (C) AS 28.35.030(n)(1)(B) or 28.35.032(p)(1)(B), 240 days to
27 359 days;

28 (D) AS 28.35.030(n)(1)(C) or 23.35.032(p)(1)(C), 360 days to
29 two years.

30 * **Sec. 16.** AS 12.55.125 is amended by adding a new subsection to read:

31 (q) Other than for convictions subject to a mandatory 99-year sentence, the

1 court shall impose, in addition to an active term of imprisonment imposed under (i) of
 2 this section, a minimum period of (1) suspended imprisonment of five years and a
 3 minimum period of probation supervision of 15 years for conviction of an unclassified
 4 felony, (2) suspended imprisonment of three years and a minimum period of probation
 5 supervision of 10 years for conviction of a class A or class B felony, or (3) suspended
 6 imprisonment of two years and a minimum period of probation supervision of five
 7 years for conviction of a class C felony. The period of probation is in addition to any
 8 sentence received under (i) of this section.

9 * **Sec. 17.** 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 mandatory minimum term
 14 of 30 days or more of active imprisonment;

15 (B) trier of fact finds the aggravating factor that the conduct
 16 constituting the offense was among the most serious conduct included in the
 17 definition of the offense;

18 (C) defendant has **previously been convicted two or more**
 19 **times** [PAST CRIMINAL CONVICTIONS] for conduct violative of criminal
 20 laws, punishable as felonies or misdemeanors, similar in nature to the offense
 21 for which the defendant is being sentenced;

22 (D) conviction is for an assault in the fourth degree under
 23 AS 11.41.230; or

24 (E) conviction is for a violation of

25 (i) AS 11.41.427;

26 (ii) AS 11.41.440;

27 (iii) AS 11.41.460, if the indecent exposure is before a
 28 person under 16 years of age; [OR]

29 (iv) **AS 11.61.116(c)(2); or**

30 (v) **AS 11.61.118(a)(2);**

31 (2) **60 days, if the defendant has one previous conviction for**

1 **conduct violative of criminal laws, punishable as felonies or misdemeanors,**
 2 **similar in nature to the offense for which the defendant is being sentenced;**

3 **(3)** 30 days.

4 * **Sec. 18.** AS 12.55.135(b) is amended to read:

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

7 (1) 10 days unless otherwise specified in the provision of law defining
 8 the offense or in this section;

9 (2) 90 days if the conviction is for a violation of

10 (A) AS 11.61.116(c)(1) and the person is 21 years of age or
 11 older; or

12 (B) AS 11.61.120(a)(6) and the person is 21 years of age or
 13 older; **or**

14 **(3) five days if the conviction is for a violation of AS 11.56.757.**

15 * **Sec. 19.** AS 12.55.135(l) is amended to read:

16 (l) A court sentencing a person convicted of theft in the fourth degree under
 17 AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of
 18 identification marks under AS 11.46.260(b)(3), unlawful possession under
 19 AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal
 20 simulation under AS 11.46.530(b)(3) may not impose

21 (1) a sentence of more than **10** [FIVE] days of **active** [SUSPENDED]
 22 imprisonment and a term of probation of more than six months if the person has
 23 previously been convicted two or more times of an offense under AS 11.46.110 -
 24 11.46.220, 11.46.260 - 11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of
 25 this or another jurisdiction with substantially similar elements; [OR]

26 (2) a sentence of **more than five days of** active [OR SUSPENDED]
 27 imprisonment **and a term of probation of more than six months** if the person has
 28 [NOT BEEN PREVIOUSLY CONVICTED, OR HAS] previously been convicted
 29 once [,] of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290,
 30 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with
 31 substantially similar elements; **or**

1 **(3) a sentence of more than five days of suspended imprisonment**
 2 **and a term of probation of more than six months if the person has not been**
 3 **previously convicted of an offense under AS 11.46.110 - 11.46.220, 11.46.260 -**
 4 **11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of this or another**
 5 **jurisdiction with substantially similar elements.**

6 * **Sec. 20.** AS 12.55.135(m) is amended to read:

7 (m) A court may not impose a sentence of imprisonment for a definite term of
 8 more than **five days** [24 HOURS] for a person convicted of disorderly conduct under
 9 AS 11.61.110.

10 * **Sec. 21.** AS 12.55.135(p) is amended to read:

11 (p) If the state seeks to establish an aggravating factor at sentencing

12 (1) under (a)(1)(C) **or (a)(2)** of this section, written notice must be
 13 served on the opposing party and filed with the court not later than 10 days before the
 14 date set for imposition of sentence; the aggravating factor in (a)(1)(C) **or (a)(2)** of this
 15 section must be established by clear and convincing evidence before the court sitting
 16 without a jury; all findings must be set out with specificity;

17 (2) an aggravating factor under (a)(1)(B) of this section shall be
 18 presented to a trial jury under procedures set by the court, unless the defendant waives
 19 trial by jury, stipulates to the existence of the factor, or consents to have the factor
 20 proven under procedures set out in (1) of this subsection; an aggravating factor
 21 presented to a jury is established if proved beyond a reasonable doubt; written notice
 22 of the intent to establish an aggravating factor must be served on the defendant and
 23 filed with the court

24 (A) not later than 10 days before trial or at a time specified by
 25 the court;

26 (B) not later than 48 hours, or at a time specified by the court,
 27 if the court instructs the jury about the option to return a verdict for a lesser
 28 included offense; or

29 (C) not later than five days before entering a plea that results in
 30 a finding of guilt or at a time specified by the court unless the defendant
 31 waives the notice requirement.

1 * **Sec. 22.** AS 12.55.145(a) is amended to read:

2 (a) For purposes of considering prior convictions in imposing sentence under

3 (1) AS 12.55.125(c), (d), or (e),

4 (A) a prior conviction may not be considered if a period of 10
5 or more years has elapsed between the date of the defendant's unconditional
6 discharge on the immediately preceding offense and commission of the present
7 offense unless the prior conviction was for an unclassified or class A felony;

8 (B) a conviction in this or another jurisdiction of an offense
9 having elements similar to those of a felony defined as such under Alaska law
10 at the time the offense was committed is considered a prior felony conviction;

11 (C) two or more convictions arising out of a single, continuous
12 criminal episode during which there was no substantial change in the nature of
13 the criminal objective are considered a single conviction unless the defendant
14 was sentenced to consecutive sentences for the crimes; offenses committed
15 while attempting to escape or avoid detection or apprehension after the
16 commission of another offense are not part of the same criminal episode or
17 objective;

18 (2) AS 12.55.125(l),

19 (A) a conviction in this or another jurisdiction of an offense
20 having elements similar to those of a most serious felony is considered a prior
21 most serious felony conviction;

22 (B) commission of and conviction for offenses relied on as
23 prior most serious felony offenses must occur in the following order:
24 conviction for the first offense must occur before commission of the second
25 offense, and conviction for the second offense must occur before commission
26 of the offense for which the defendant is being sentenced;

27 (3) AS 12.55.135(g),

28 (A) a prior conviction may not be considered if a period of five
29 or more years has elapsed between the date of the defendant's unconditional
30 discharge on the immediately preceding offense and commission of the present
31 offense unless the prior conviction was for an unclassified or class A felony;

1 (B) a conviction in this or another jurisdiction of an offense
 2 having elements similar to those of a crime against a person or a crime
 3 involving domestic violence is considered a prior conviction;

4 (C) two or more convictions arising out of a single, continuous
 5 criminal episode during which there was no substantial change in the nature of
 6 the criminal objective are considered a single conviction unless the defendant
 7 was sentenced to consecutive sentences for the crimes; offenses committed
 8 while attempting to escape or avoid detection or apprehension after the
 9 commission of another offense are not part of the same criminal episode or
 10 objective;

11 (4) AS 12.55.125(i),

12 (A) a conviction in this or another jurisdiction of an offense
 13 having elements similar to those of a sexual felony is a prior conviction for a
 14 sexual felony;

15 (B) a felony conviction in another jurisdiction making it a
 16 crime to commit any lewd and lascivious act upon a child under the age of 16
 17 years, with the intent of arousing, appealing to, or gratifying the sexual desires
 18 of the defendant or the victim is a prior conviction for a sexual felony;

19 (C) two or more convictions arising out of a single, continuous
 20 criminal episode during which there was no substantial change in the nature of
 21 the criminal objective are considered a single conviction unless the defendant
 22 was sentenced to consecutive sentences for the crimes; offenses committed
 23 while attempting to escape or avoid detection or apprehension after the
 24 commission of another offense are not part of the same criminal episode or
 25 objective;

26 (5) AS 12.55.135(a),

27 (A) a prior conviction may not be considered if a period of
 28 five or more years has elapsed between the date of the defendant's
 29 unconditional discharge on the immediately preceding offense and
 30 commission of the present offense unless the prior conviction was for an
 31 unclassified or class A felony;

1 **(B) a conviction in this or another jurisdiction of an offense**
 2 **having elements similar to those of a felony or misdemeanor defined as**
 3 **such under Alaska law at the time the offense was committed is considered**
 4 **a prior conviction;**

5 **(C) two or more convictions arising out of a single,**
 6 **continuous criminal episode during which there was no substantial change**
 7 **in the nature of the criminal objective are considered a single conviction**
 8 **unless the defendant was sentenced to consecutive sentences for the**
 9 **crimes; offenses committed while attempting to escape or avoid detection**
 10 **or apprehension after the commission of another offense are not part of**
 11 **the same criminal episode or objective.**

12 * **Sec. 23.** AS 12.63.100(6) is amended to read:

13 (6) "sex offense" means

14 (A) a crime under AS 11.41.100(a)(3), or a similar law of
 15 another jurisdiction, in which the person committed or attempted to commit a
 16 sexual offense, or a similar offense under the laws of the other jurisdiction; in
 17 this subparagraph, "sexual offense" has the meaning given in
 18 AS 11.41.100(a)(3);

19 (B) a crime under AS 11.41.110(a)(3), or a similar law of
 20 another jurisdiction, in which the person committed or attempted to commit
 21 one of the following crimes, or a similar law of another jurisdiction:

22 (i) sexual assault in the first degree;

23 (ii) sexual assault in the second degree;

24 (iii) sexual abuse of a minor in the first degree; or

25 (iv) sexual abuse of a minor in the second degree; or

26 (C) a crime, or an attempt, solicitation, or conspiracy to commit
 27 a crime, under the following statutes or a similar law of another jurisdiction:

28 (i) AS 11.41.410 - 11.41.438;

29 (ii) AS 11.41.440(a)(2);

30 (iii) AS 11.41.450 - 11.41.458;

31 (iv) AS 11.41.460 if the indecent exposure is before a

1 person under 16 years of age and the offender has a previous conviction
2 for that offense;

3 (v) AS 11.61.125 - 11.61.128;

4 (vi) AS 11.66.110 or **11.66.130(a)(2)(B)**
5 [11.66.130(a)(2)] if the person who was induced or caused to engage in
6 prostitution was under 20 years of age at the time of the offense;

7 (vii) former AS 11.15.120, former 11.15.134, or assault
8 with the intent to commit rape under former AS 11.15.160, former
9 AS 11.40.110, or former 11.40.200;

10 (viii) AS 11.61.118(a)(2) if the offender has a previous
11 conviction for that offense; or

12 (ix) AS 11.66.100(a)(2) if the offender is subject to
13 punishment under AS 11.66.100(e);

14 * **Sec. 24.** AS 18.67.101 is amended to read:

15 **Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The
16 board may order the payment of compensation in accordance with the provisions of
17 this chapter for personal injury or death that resulted from

18 (1) an attempt on the part of the applicant to prevent the commission of
19 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police
20 officer to do so, or aiding a victim of crime; or

21 (2) the commission or attempt on the part of one other than the
22 applicant to commit any of the following offenses:

23 (A) murder in any degree;

24 (B) manslaughter;

25 (C) criminally negligent homicide;

26 (D) assault in any degree;

27 (E) kidnapping;

28 (F) sexual assault in any degree;

29 (G) sexual abuse of a minor;

30 (H) robbery in any degree;

31 (I) threats to do bodily harm;

1 (J) driving while under the influence of an alcoholic beverage,
 2 inhalant, or controlled substance or another crime resulting from the operation
 3 of a motor vehicle, boat, or airplane when the offender is under the influence
 4 of an alcoholic beverage, inhalant, or controlled substance;

5 (K) arson in the first degree;

6 (L) sex trafficking in violation of AS 11.66.110 or
 7 **11.66.130(a)(2)(B)** [11.66.130(a)(2)];

8 (M) human trafficking in any degree; or

9 (N) unlawful exploitation of a minor.

10 * **Sec. 25.** AS 28.15.011 is amended by adding a new subsection to read:

11 (d) Violation of (b) of this section is an infraction.

12 * **Sec. 26.** AS 33.07.010, enacted by sec. 117, ch. 36, SLA 2016, is amended to read:

13 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner
 14 shall establish and administer a pretrial services program that provides a pretrial risk
 15 assessment for all defendants **detained in custody in a correctional facility**
 16 **following arrest and for any defendant for whom the prosecution requests to**
 17 **have a pretrial risk assessment at the next hearing or arraignment. The pretrial**
 18 **services program shall make** [,] recommendations to the court concerning pretrial
 19 release decisions, and **provide** supervision of defendants released while awaiting trial
 20 as ordered by the court.

21 * **Sec. 27.** AS 33.16.010(c) is amended to read:

22 (c) A prisoner who is not eligible for special medical [, ADMINISTRATIVE,]
 23 or discretionary parole, or who is not released on special medical [,
 24 ADMINISTRATIVE,] or discretionary parole, shall be released on mandatory parole
 25 for the term of good time deductions credited under AS 33.20, if the term or terms of
 26 imprisonment are two years or more.

27 * **Sec. 28.** AS 33.16.010(d) is amended to read:

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

31 * **Sec. 29.** AS 33.16.060(a) is amended to read:

1 (a) The board shall

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

3 (2) consider the suitability for parole of a prisoner who is eligible for
4 discretionary parole at least 90 days before the prisoner's first date of eligibility and
5 upon receipt of the prisoner's application for special medical parole;

6 (3) impose parole conditions on all prisoners released under special
7 medical, [ADMINISTRATIVE,] discretionary, or mandatory parole;

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

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

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

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

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

18 (9) execute other responsibilities prescribed by law.

19 * **Sec. 30.** AS 33.16.090(a) is amended to read:

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

24 (1) has served the amount of time specified under (b) of this section,
25 except that

26 (A) a prisoner sentenced to one or more mandatory 99-year
27 terms under AS 12.55.125(a) or one or more definite terms under
28 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

29 (B) a prisoner is not eligible for consideration of discretionary
30 parole if made ineligible by order of a court under AS 12.55.115;

31 (C) a prisoner imprisoned under AS 12.55.086 is not eligible

1 for discretionary parole unless the actual term of imprisonment is more than
2 one year; or

3 (2) is at least 60 years of age, has served at least 10 years of a sentence
4 for one or more crimes in a single judgment, and has not been convicted of an
5 unclassified felony or a sexual felony as defined in AS 12.55.185.

6 * **Sec. 31.** AS 33.16.100(f) is amended to read:

7 (f) The board shall authorize the release of a prisoner who has been convicted
8 of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole
9 under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created
10 under AS 33.30.011(8), **and** has agreed to and signed the condition of parole under
11 AS 33.16.150, [AND HAS NOT BEEN RELEASED ON ADMINISTRATIVE
12 PAROLE UNDER AS 33.16.089,] unless the board finds by clear and convincing
13 evidence on the record that the prisoner poses a threat of harm to the public if released
14 on parole. If the board finds that the incomplete case plan is not the fault of the
15 prisoner or that the prisoner would not pose a threat of harm to the public if released
16 on parole, the board may waive the case plan requirement.

17 * **Sec. 32.** AS 33.16.120(f) is amended to read:

18 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c)
19 [, 33.16.089,] or 33.16.090, the board shall make every reasonable effort to notify the
20 victim before the prisoner's release date. Notification under this subsection must
21 include the expected date of the prisoner's release, the geographic area in which the
22 prisoner is required to reside, and other pertinent information concerning the prisoner's
23 conditions of parole that may affect the victim.

24 * **Sec. 33.** AS 33.16.130(a) is amended to read:

25 (a) The parole board shall hold a hearing before granting an eligible prisoner
26 special medical or discretionary parole. [THE BOARD SHALL ALSO HOLD A
27 HEARING IF REQUESTED BY A VICTIM UNDER PROCEDURES
28 ESTABLISHED FOR THE REQUEST FOR A PRISONER ELIGIBLE FOR
29 ADMINISTRATIVE PAROLE.] A hearing shall be conducted within the following
30 time frames:

31 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90

1 days before the first parole eligibility date [, UNLESS THE PRISONER IS ELIGIBLE
2 FOR ADMINISTRATIVE PAROLE];

3 (2) for all other prisoners, not less than 30 days after the board is
4 notified of the need for a hearing by the commissioner or the commissioner's designee.

5 * **Sec. 34.** AS 33.16.130(c) is amended to read:

6 (c) If the board denies parole, the board shall state the reasons for the denial,
7 identify all of the factors considered relevant to the denial, and provide a written plan
8 for addressing all of the factors relevant to the denial. The board may schedule a
9 subsequent parole hearing at the time of the denial or at a later date [AS FOLLOWS:

10 (1) FOR THE FIRST PAROLE DENIAL, WITHIN TWO YEARS
11 AFTER THE FIRST PAROLE ELIGIBILITY DATE;

12 (2) FOR THE SECOND AND SUBSEQUENT DENIALS, WITHIN
13 TWO YEARS AFTER THE MOST RECENT PAROLE HEARING].

14 * **Sec. 35.** AS 33.16.140 is amended to read:

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

19 * **Sec. 36.** AS 33.16.150(a) is amended to read:

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

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

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

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

29 (4) shall report

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

31 (B) at other times, and in the manner, prescribed by the board

1 or the parole officer assigned to the parolee that accommodate the diligent
2 efforts of the parolee to secure and maintain steady employment or to
3 participate in educational courses or training programs;

4 (5) shall reside at a stated place and not change that residence without
5 notifying, and receiving permission from, the parole officer assigned to the parolee;

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

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

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

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

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

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

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

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

1 * **Sec. 37.** AS 33.16.150(b) is amended to read:

2 (b) The board may require as a condition of special medical,
3 [ADMINISTRATIVE,] discretionary, or mandatory parole, or a member of the board
4 acting for the board under (e) of this section may require as a condition of
5 [ADMINISTRATIVE OR] mandatory parole, that a prisoner released on parole

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

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

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

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

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

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

22 (7) refrain from opening, maintaining, or using a checking account or
23 charge account;

24 (8) refrain from entering into a contract other than a prenuptial contract
25 or a marriage contract;

26 (9) refrain from operating a motor vehicle;

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

29 (11) refrain from participating in any other activity or conduct
30 reasonably related to the parolee's offense, prior record, behavior or prior behavior,
31 current circumstances, or perceived risk to the community, or from associating with

1 any other person that the board determines is reasonably likely to diminish the
 2 rehabilitative goals of parole, or that may endanger the public; in the case of special
 3 medical parole, for a prisoner diagnosed with a communicable disease, comply with
 4 conditions set by the board designed to prevent the transmission of the disease;

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

8 * **Sec. 38.** AS 33.16.150(e) is amended to read:

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

19 * **Sec. 39.** AS 33.16.150(f) is amended to read:

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

1 in and complete a program for the rehabilitation of perpetrators of domestic violence
 2 unless the program meets the standards set by, and is approved by, the department
 3 under AS 44.28.020(b).

4 * **Sec. 40.** AS 33.16.150(g) is amended to read:

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

19 * **Sec. 41.** AS 33.16.150(h) is amended to read:

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

28 * **Sec. 42.** AS 33.16.180 is amended to read:

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

30 (1) conduct investigations of prisoners eligible for
 31 [ADMINISTRATIVE OR] discretionary parole, as requested by the board and as

1 provided in this section;

2 (2) supervise the conduct of parolees;

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

4 (4) [PROVIDE THE BOARD, WITHIN 30 DAYS AFTER
5 SENTENCING, INFORMATION ON A SENTENCED PRISONER WHO MAY BE
6 ELIGIBLE FOR ADMINISTRATIVE PAROLE UNDER AS 33.16.089 OR
7 DISCRETIONARY PAROLE UNDER AS 33.16.090;

8 (5)] notify the board and provide information on a prisoner 120 days
9 before the prisoner's mandatory release date, if the prisoner is to be released on
10 mandatory parole;

11 (5) [(6)] maintain records, files, and accounts as requested by the
12 board;

13 (6) [(7)] prepare preparole reports under AS 33.16.110(a);

14 (7) [(8)] notify the board in writing of a prisoner's compliance or
15 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not less
16 than 30 days before the prisoner's next parole eligibility date or the prisoner's parole
17 hearing date, whichever is earlier;

18 (8) [(9)] establish an administrative sanction and incentive program to
19 facilitate a swift and certain response to a parolee's compliance with or violation of the
20 conditions of parole and shall adopt regulations to implement the program; at a
21 minimum, the regulations must include

22 (A) a decision-making process to guide parole officers in
23 determining the suitable response to positive and negative offender behavior
24 that includes a list of sanctions for the most common types of negative
25 behavior, including technical violations of conditions of parole, and a list of
26 incentives for compliance with conditions and positive behavior that exceeds
27 those conditions;

28 (B) policies and procedures that ensure

29 (i) a process for responding to negative behavior that
30 includes a review of previous violations and sanctions;

31 (ii) that enhanced sanctions for certain negative conduct

1 are approved by the commissioner or the commissioner's designee; and
 2 (iii) that appropriate due process protections are
 3 included in the process, including notice of negative behavior, an
 4 opportunity to dispute the accusation and the sanction, and an
 5 opportunity to request a review of the accusation and the sanction; and
 6 (9) [(10)] within 30 days after sentencing of an offender, provide the
 7 victim of a crime information on the earliest dates the offender could be released on
 8 furlough, probation, or parole, including deductions or reductions for good time or
 9 other good conduct incentives, and the process for release, including contact
 10 information for the decision-making bodies.

11 * **Sec. 43.** AS 33.16.200 is amended to read:

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

16 * **Sec. 44.** AS 33.30.061 is amended by adding a new subsection to read:

17 (d) A prisoner serving a term of imprisonment at a private residence as
 18 required by statute when electronic monitoring is not available does not have a liberty
 19 interest in that status. The commissioner may return the prisoner to a correctional
 20 facility if the commissioner finds that the prisoner has violated the terms and
 21 conditions of the imprisonment at the private residence.

22 * **Sec. 45.** AS 34.03.360(10) is amended to read:

23 (10) "illegal activity involving a place of prostitution" means a
 24 violation of AS 11.66.120(a)(1) or 11.66.130(a)(2)(A) or (D) [11.66.130(a)(1) OR
 25 (4)];

26 * **Sec. 46.** AS 44.19.645(g) is amended to read:

27 (g) The Department of Corrections shall report quarterly to the working group
 28 authorized in (b)(3) of this section. The report shall include the following information:

29 (1) data on pretrial decision making and outcomes, including
 30 information on pretrial detainees admitted for a new criminal charge; detainees
 31 released at any point before case resolution; time spent detained before first release or

1 case resolution; pretrial defendant risk level and charge; pretrial release
2 recommendations made by pretrial services officers; pretrial conditions imposed on
3 pretrial detainees by judicial officers, including amount of bail, and supervision
4 conditions; and information on pretrial outcomes, including whether or not the
5 defendant appeared in court or was re-arrested during the pretrial period;

6 (2) data on offenders admitted to the Department of Corrections for a
7 new criminal conviction, including the offense type, number of prior felony
8 convictions, sentence length, and length of stay;

9 (3) data on the population of the Department of Corrections, using a
10 one-day snapshot on the first day of the first month of each quarter, broken down by
11 type of admission, offense type, and risk level;

12 (4) data on offenders on probation supervised by the Department of
13 Corrections, including the total number of offenders supervised using a one-day
14 snapshot on the first month of each quarter; admissions to probation; assignments to a
15 program under AS 33.05.020(f); probation sentence length; time served on the
16 sentence; whether probation was successfully completed, any new convictions for a
17 felony offense, and any sentences to a term of imprisonment while on probation;

18 (5) data on parole, including the number of offenders supervised on
19 parole, using a one-day snapshot on the first month of each quarter; the number of
20 parole hearings; the parole grant rate and number of parolees released on
21 [ADMINISTRATIVE,] discretionary [,] and special medical parole; and information
22 on parolees, including time spent on parole, whether parole was successfully
23 completed, any new convictions for a new felony offense, and any sentences to a term
24 of imprisonment while on parole;

25 (6) data on the implementation of policies from the 2015 justice
26 reinvestment report, including the number and percentage of offenders who earn
27 compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months,
28 and the total amount of credits earned; the average number of sanctions issued under
29 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
30 common violations of probation or parole; and

31 (7) data on probation and parole revocations, including information on

1 probationers and parolees admitted for a supervision violation pre-case and post-case
 2 resolution; probationers and parolees admitted solely for a technical violation;
 3 probationers and parolees admitted for a new arrest; the number of previous
 4 revocations on the current sentence, if any; the length of time held pre-case resolution;
 5 the length of time to case resolution; and the length of stay.

6 * **Sec. 47.** 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 alcohol or a controlled substance** [UNDER
 2 AS 04.16.049, 04.16.050, AS 28.35.028, 28.35.030, OR 28.35.032,] or referred by an
 3 agency of the state with the responsibility for administering motor vehicle laws in
 4 connection with a driver's license action involving the use of alcohol or a controlled
 5 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. 48.** AS 11.66.130(b), 11.66.135(b); AS 12.55.125(e)(4)(B), 12.55.125(e)(4)(C),
 16 12.55.125(e)(4)(D); AS 33.16.010(f), 33.16.089, and 33.16.900(1) are repealed.

17 * **Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 APPLICABILITY. (a) The following sections apply to offenses committed on or after
 20 the effective date of those sections:

- 21 (1) AS 11.46.140(a), as amended by sec. 1 of this Act;
- 22 (2) AS 11.46.220(c), as amended by sec. 2 of this Act;
- 23 (3) AS 11.56.757(a), as amended by sec. 3 of this Act;
- 24 (4) AS 11.56.757(b), as amended by sec. 4 of this Act;
- 25 (5) AS 11.66.130(a), as amended by sec. 5 of this Act;
- 26 (6) AS 11.66.135(a), as amended by sec. 6 of this Act;
- 27 (7) AS 11.66.150(4), enacted by sec. 7 of this Act;
- 28 (8) AS 12.30.006(b), as amended by sec. 10 of this Act; and
- 29 (9) AS 28.15.011(d), enacted by sec. 25 of this Act.

30 (b) The following sections apply to sentences imposed on or after the effective date of
 31 those sections for conduct occurring on or after the effective date of those sections:

- 1 (1) AS 12.30.011(*l*), enacted by sec. 11 of this Act;
- 2 (2) AS 12.55.125(c), as amended by sec. 14 of this Act;
- 3 (3) AS 12.55.125(e), as amended by sec. 15 of this Act;
- 4 (4) AS 12.55.125(q), enacted by sec. 16 of this Act;
- 5 (5) AS 12.55.135(a), as amended by sec. 17 of this Act;
- 6 (6) AS 12.55.135(b), as amended by sec. 18 of this Act;
- 7 (7) AS 12.55.135(*l*), as amended by sec. 19 of this Act;
- 8 (8) AS 12.55.135(m), as amended by sec. 20 of this Act;
- 9 (9) AS 12.55.135(p), as amended by sec. 21 of this Act; and
- 10 (10) AS 12.55.145(a), as amended by sec. 22 of this Act.

11 (c) AS 33.16.130(c), as amended by sec. 34 of this Act, applies to sentences imposed
12 on or after the effective date of sec. 34 of this Act.

13 * **Sec. 50.** Sections 10, 11, and 26 of this Act take effect January 1, 2018.

14 * **Sec. 51.** Except as provided in sec. 50 of this Act, this Act takes effect immediately under
15 AS 01.10.070(c).