

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTIETH LEGISLATURE
FOURTH SPECIAL SESSION

Juneau, Alaska

Monday

November 6, 2017

Fifteenth Day

Pursuant to adjournment the House was called to order by Speaker Edgmon at 10:16 a.m.

Roll call showed 39 members present. Representative Kreiss-Tomkins was absent and his presence was noted later.

The invocation was offered by the Chaplain, Representative Talerico. Representative Westlake moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With respect for the beliefs of all Alaskans, I offer the following prayer.

Dear Lord, We come before you thankful for another day for your grace and mercy. We are thankful for this land that we call home.

I ask for your blessings upon this legislature and the people of Alaska. Please provide us wisdom to make sound decisions, help us be respectful in our disagreements and generous in our behavior towards one another.

Let us remember those who are grieving, those who have far greater needs than ours, and those who have sacrificed all for our benefit.

We ask these things in Jesus name. Amen.

The Pledge of Allegiance was led by Representative Tuck.

CERTIFICATION OF THE JOURNAL

Representative Tuck moved and asked unanimous consent that the journal for the 14th legislative day of the fourth special session be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

The Speaker announced that all amendments must be turned in to the Chief Clerk's office by 5:00 p.m., today.

CONSIDERATION OF THE DAILY CALENDAR

SENATE BILLS IN THIRD READING

SB 54

The following, which was in third reading from the November 5 calendar (page 1981), was before the House:

HOUSE CS FOR CS FOR SENATE BILL NO. 54(FIN) am H
"An Act relating to crime and criminal law; relating to violation of condition of release; relating to sex trafficking; classifying U-47700 as a schedule IA controlled substance; classifying tramadol and related substances as schedule IVA controlled substances; relating to sentencing; relating to imprisonment; relating to court records concerning sentencing in criminal cases; relating to parole; relating to probation; relating to driving without a license; establishing a maximum caseload for probation and parole officers; relating to the pretrial services program; relating to the Alaska Criminal Justice Commission; relating to the Alaska Judicial Council; and providing for an effective date."

Representative Josephson moved and asked unanimous consent that HCS CSSB 54(FIN) am H be returned to second reading for the specific purpose of considering Amendment No. 21. There being no objection, it was so ordered.

The Speaker stated that, without objection, HCS CSSB 54(FIN) am H would be returned to second reading for all amendments.

**The presence of Representative Kreiss-Tomkins was noted.

Amendment No. 21 was offered by Representative Josephson:

Page 35, following line 2:

Insert a new bill section to read:

"* **Sec. 59.** AS 33.16.210(c) is amended to read:

(c) A parole officer shall recommend to the board early discharge for a parolee who

(1) has completed at least one year on parole;

(2) has completed all treatment programs required as a condition of parole;

(3) has not been found in violation of conditions of parole by the board for at least one year; and

(4) has not been convicted of

(A) an unclassified felony offense under AS 11;

(B) **misconduct involving weapons under AS 11.61.190 or 11.61.195(a)(1) or (3);**

(C) a sexual felony as defined in AS 12.55.185; or

(D) [(C)] a crime involving domestic violence as defined in AS 18.66.990."

ReNUMBER the following bill sections accordingly.

Page 42, line 31:

Delete "and"

Page 42, following line 31:

Insert a new paragraph to read:

"(22) AS 33.16.210(c), as amended by sec. 59 of this Act; and"

ReNUMBER the following paragraph accordingly.

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 60"

Page 43, line 17:

Delete "69"

Insert "70"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Josephson moved and asked unanimous consent that Amendment No. 21 be adopted.

There was objection.

Representative Josephson moved and asked unanimous consent to withdraw Amendment No. 21. There being no objection, it was so ordered.

Amendment No. 22 was offered by Representative Kopp:

Page 15, following line 1:

Insert a new bill section to read:

"* **Sec. 26.** AS 12.55.027 is amended by adding a new subsection to read:

(h) Nothing in this section authorizes the release of a person on electronic monitoring after conviction and while awaiting sentencing if the person is ineligible for release under AS 12.30.040(b)."

Renumber the following bill sections accordingly.

Page 42, line 30:

Delete "sec. 38"

Insert "sec. 39"

Page 42, line 31:

Delete "sec. 39"

Insert "sec. 40"

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 60"

Page 43, line 5:

Delete "sec. 27"

Insert "sec. 28"

Page 43, line 6:

Delete "sec. 28"

Insert "sec. 29"

Page 43, line 7:

Delete "sec. 29"

Insert "sec. 30"

Page 43, line 8:

Delete "sec. 30"

Insert "sec. 31"

Page 43, line 9:

Delete "sec. 31"

Insert "sec. 32"

Page 43, line 10:

Delete "sec. 32"

Insert "sec. 33"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 34"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 35"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 38 AND 70"

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Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 4:

Delete "41"

Insert "42"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 7:

Delete "Section 40"

Insert "Section 41"

Page 44, line 8:

Delete "sec. 37"

Insert "sec. 38"

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"
Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"
Insert "Section 69"

Page 44, line 13:

Delete "sec. 37"
Insert "sec. 38"
Delete "sec. 76"
Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"
Insert "secs. 74 - 79"

Representative Kopp moved and asked unanimous consent that Amendment No. 22 be adopted. There being no objection, it was so ordered.

Representative Wilson moved and asked unanimous consent to rescind previous action in adopting Amendment No. 19 (page 1965). There being no objection, it was so ordered.

The Speaker stated that, without objection, the House would recess to a call of the Chair; and so, the House recessed at 10:36 a.m.

AFTER RECESS

The Speaker called the House back to order at 6:07 p.m.

SENATE BILLS IN THIRD READING

(continued)

SB 54

HCS CSSB 54(FIN) am H was before the House in second reading with Amendment No. 19 pending.

Representative Wilson moved and asked unanimous consent to withdraw Amendment No. 19.

Representative Eastman objected.

The question being: "Shall Amendment No. 19 be withdrawn?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Second Reading
Amendment No. 19 - withdraw

YEAS: 39 NAYS: 1 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

Nays: Eastman

And so, the motion passed, and the new title follows:

HOUSE CS FOR CS FOR SENATE BILL NO. 54(FIN) am H
"An Act relating to crime and criminal law; relating to violation of condition of release; relating to sex trafficking; classifying U-47700 as a schedule IA controlled substance; classifying tramadol and related substances as schedule IVA controlled substances; relating to sentencing; relating to imprisonment; relating to parole; relating to probation; relating to driving without a license; establishing a maximum caseload for probation and parole officers; relating to the pretrial services program; relating to the Alaska Criminal Justice Commission; relating to the Alaska Judicial Council; and providing for an effective date."

Amendment No. 23 was offered by Representatives Rauscher and Eastman:

Page 18, line 7, following "AS 11.46.530(b)(3)":

Insert "**shall impose a sentence including restitution as required under AS 12.55.045 and**"

Representative Rauscher moved and asked unanimous consent that Amendment No. 23 be adopted.

There was objection.

Representative Rauscher moved and asked unanimous consent to withdraw Amendment No. 23. There being no objection, it was so ordered.

Amendment No. 24 was offered by Representatives Kreiss-Tomkins, LeDoux, Josephson, Fansler, and Parish:

Page 35, following line 29:

Insert a new bill section to read:

"* **Sec. 62.** AS 44.19.642(a) is amended to read:

(a) The commission consists of 14 [13] members as follows:

(1) the chief justice of the Alaska Supreme Court or another active or retired justice of the supreme court or an active or retired judge of the court of appeals designated by the chief justice;

(2) an active or retired superior court judge designated by the chief justice for a three-year term;

(3) an active or retired district court judge designated by the chief justice for a three-year term;

(4) a member of the Alaska Native community designated by the Alaska Native Justice Center for a three-year term;

(5) the attorney general or a designee of the attorney general;

(6) the public defender or a designee of the public defender;

(7) the commissioner of corrections or the commissioner's designee;

(8) the commissioner of public safety or the commissioner's designee;

(9) the chief executive officer of the Alaska Mental Health Trust Authority or the chief executive officer's designee for a three-year term;

(10) an active duty member of a municipal law enforcement agency appointed by the governor for a three-year term;

(11) one victims' rights advocate appointed by the governor for a three-year term;

(12) one nonvoting member, serving ex officio, who is a member of the senate appointed by the president of the senate;
[AND]

(13) one nonvoting member, serving ex officio, who is a member of the house of representatives appointed by the speaker of the house of representatives; and

(14) one nonvoting member, serving ex officio, who is the commissioner of health and social services or the commissioner's designee.

Renumber the following bill sections accordingly.

Page 43, line 17:

Delete "69"

Insert "70"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Kreiss-Tomkins moved and asked unanimous consent that Amendment No. 24 be adopted.

Representative Eastman objected.

The question being: "Shall Amendment No. 24 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 24

YEAS: 33 NAYS: 7 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Saddler, Seaton, Spohnholz, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

Nays: Chenault, Eastman, Knopp, Pruitt, Rauscher, Reinbold, Sullivan-Leonard

And so, Amendment No. 24 was adopted.

Amendment No. 25 was offered by Representative Eastman:

Page 4, line 24:

Delete "\$25,000"

Insert "**\$15,000** [\$25,000]"

Page 4, line 26:

Delete "\$25,000"

Insert "**\$15,000** [\$25,000]"

Page 5, line 3:

Delete "\$25,000"

Insert "**\$15,000** [\$25,000]"

Page 5, line 6:

Delete "\$25,000"

Insert "**\$15,000** [\$25,000]"

Page 7, line 31:

Delete "\$25,000"

Insert "**\$15,000** [\$25,000]"

Page 8, line 2:

Delete "\$25,000"

Insert "**\$15,000** [\$25,000]"

Representative Eastman moved and asked unanimous consent that Amendment No. 25 be adopted.

There was objection.

The question being: "Shall Amendment No. 25 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 25

YEAS: 7 NAYS: 33 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Neuman, Rauscher, Reinbold, Sullivan-Leonard, Tilton

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Ortiz, Parish, Pruitt, Saddler, Seaton, Spohnholz, Stutes, Talerico, Tarr, Thompson, Tuck, Westlake, Wilson, Wool

And so, Amendment No. 25 was not adopted.

Amendment No. 26 was offered by Representative Eastman:

Page 26, following line 7:

Insert a new bill section to read:

"* **Sec. 42.** AS 33.07.030(a), enacted by sec. 117, ch. 36, SLA 2016, is amended to read:

(a) Pretrial services officers shall, in advance of a first appearance before a judicial officer under AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument approved by the commissioner for the purpose of making a recommendation to the court concerning an appropriate pretrial release decision and conditions of release. In conducting a pretrial risk assessment and making a recommendation to the court, the pretrial services officer shall follow the decision-making process established by regulation under this chapter. **In conducting the assessment, the pretrial services officer shall take into account any crimes committed by the defendant in other jurisdictions and give the crimes the same weight as if they had been committed in this state.** The pretrial risk assessment shall be completed and presented to the court in a pretrial release report that contains a risk assessment rating of low, moderate, or high and a recommendation regarding release and release conditions, including a recommendation concerning a defendant's dependency on, abuse of, or addiction to alcohol or controlled substances, to the extent those factors are indicated by the offense or criminal history, before the defendant's first appearance before a judicial officer."

Renumber the following bill sections accordingly.

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Page 43, line 1:

Delete "sec. 59"

Insert "sec. 60"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 17:

Delete "69"

Insert "70"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 4:

Delete "and 41"

Insert "41, and 42"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Eastman moved and asked unanimous consent that Amendment No. 26 be adopted.

Representative Claman objected.

The question being: "Shall Amendment No. 26 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 26

YEAS: 17 NAYS: 23 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Gara, Johnson, Josephson, Kawasaki, Knopp, LeDoux, Millett, Neuman, Rauscher, Reinbold, Saddler, Sullivan-Leonard, Talerico, Tilton, Wilson

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Grenn, Guttenberg, Johnston, Kito, Kopp, Kreiss-Tomkins, Ortiz, Parish, Pruitt, Seaton, Spohnholz, Stutes, Tarr, Thompson, Tuck, Westlake, Wool

And so, Amendment No. 26 was not adopted.

Amendment No. 27 was offered by Representative Eastman:

Page 26, following line 7:

Insert a new bill section to read:

"* **Sec. 42.** AS 33.07.030(a), enacted by sec. 117, ch. 36, SLA 2016, is amended to read:

(a) Pretrial services officers shall, in advance of a first appearance before a judicial officer under AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument approved by the commissioner for the purpose of making a recommendation to the court concerning an appropriate pretrial release decision and conditions of release. In conducting a pretrial risk assessment and making a recommendation to the court, the pretrial services officer shall follow the decision-making process established by regulation under this chapter. **The pretrial services officer shall consider the crime with which the person is currently charged and the effect on public safety of that crime when determining the risk assessment rating.** The pretrial risk assessment shall be completed and presented to the court in a pretrial release report that contains a risk assessment rating of low, moderate, or high and a recommendation regarding release and release conditions, including a recommendation concerning a defendant's dependency on, abuse of, or addiction to alcohol or controlled substances, to the extent those factors are indicated by the offense or criminal history, before the defendant's first appearance before a judicial officer."

Renumber the following bill sections accordingly.

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 60"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 17:

Delete "69"

Insert "70"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 4:

Delete "and 41 "

Insert "41, and 42"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Eastman moved and asked unanimous consent that Amendment No. 27 be adopted.

Representative Claman objected.

The question being: "Shall Amendment No. 27 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 27

YEAS: 12 NAYS: 28 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Josephson, Kawasaki, Knopp, LeDoux, Neuman, Rauscher, Reinbold, Sullivan-Leonard, Talerico, Tilton

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Kito, Kopp, Kreiss-Tomkins, Millett, Ortiz, Parish, Pruitt, Saddler, Seaton, Spohnholz, Stutes, Tarr, Thompson, Tuck, Westlake, Wilson, Wool

And so, Amendment No. 27 was not adopted.

Amendment No. 28 was offered by Representative Eastman:

Page 13, following line 7:

Insert a new bill section to read:

**** Sec. 23.** AS 12.25.180(a) is amended to read:

(a) When a peace officer stops or contacts a person for the commission of [A CLASS C FELONY OFFENSE,] a misdemeanor [,] or the violation of a municipal ordinance, the officer may, in the officer's discretion, issue a citation to the person instead of taking the person before a judge or magistrate under AS 12.25.150, except the officer may arrest if

- (1) the person does not furnish satisfactory evidence of identity;
- (2) the peace officer reasonably believes the person is a danger to others;
- (3) the crime for which the person is contacted is one involving violence or harm to another person or to property;
- (4) the person asks to be taken before a judge or magistrate under AS 12.25.150; or
- (5) the peace officer has probable cause to believe the person committed a crime involving domestic violence; in this paragraph, "crime involving domestic violence" has the meaning given in AS 18.66.990."

Renumber the following bill sections accordingly.

Page 42, line 29:

Delete "sec. 23"
Insert "sec. 24"

Page 42, line 30:

Delete "sec. 38"
Insert "sec. 39"

Page 42, line 31:

Delete "sec. 39"
Insert "sec. 40"

Page 43, line 1:

Delete "sec. 59"
Insert "sec. 60"

Page 43, line 4:

Delete "sec. 24"
Insert "sec. 25"

Page 43, line 5:

Delete "sec. 27"
Insert "sec. 28"

Page 43, line 6:

Delete "sec. 28"

Insert "sec. 29"

Page 43, line 7:

Delete "sec. 29"

Insert "sec. 30"

Page 43, line 8:

Delete "sec. 30"

Insert "sec. 31"

Page 43, line 9:

Delete "sec. 31"

Insert "sec. 32"

Page 43, line 10:

Delete "sec. 32"

Insert "sec. 33"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 34"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 35"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, following line 14:

Insert a new subsection to read:

"(d) AS 12.25.180(a), as amended by sec. 23 of this Act, applies to offenses committed on or after the effective date of sec. 23 of this

Act for contacts with peace officers occurring on or after the effective date of sec. 23 of this Act."

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 38 AND 70"

Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 4:

Delete "Sections 23, 24, and 41"

Insert "Sections 24, 25, and 42"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 7:

Delete "Section 40"

Insert "Section 41"

Page 44, line 8:

Delete "sec. 37"
Insert "sec. 38"
Delete "sec. 71(a)"
Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"
Insert "sec. 70"
Delete "sec. 71(b)"
Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"
Insert "Section 69"

Page 44, line 13:

Delete "sec. 37"
Insert "sec. 38"
Delete "sec. 76"
Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"
Insert "secs. 74 - 79"

Representative Eastman moved and asked unanimous consent that Amendment No. 28 be adopted.

There was objection.

The question being: "Shall Amendment No. 28 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Second Reading
Amendment No. 28

YEAS: 9 NAYS: 31 EXCUSED: 0 ABSENT: 0

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Yeas: Chenault, Eastman, Josephson, LeDoux, Neuman, Rauscher, Reinbold, Sullivan-Leonard, Tilton

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, Millett, Ortiz, Parish, Pruitt, Saddler, Seaton, Spohnholz, Stutes, Talerico, Tarr, Thompson, Tuck, Westlake, Wilson, Wool

And so, Amendment No. 28 was not adopted.

Amendment No. 29 was not offered.

Amendment No. 30 was offered by Representatives Josephson and Kawasaki:

Page 17, line 10:

Delete "or"

Insert "[OR]"

Page 17, line 17, following "AS 11.61.118(a)(2);":

Insert "or"

(F) conviction is for a crime involving domestic violence as defined in AS 18.66.990;

Representative Josephson moved and asked unanimous consent that Amendment No. 30 be adopted.

There was objection.

The question being: "Shall Amendment No. 30 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 30

YEAS: 19 NAYS: 21 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Drummond, Eastman, Johnson, Josephson, Kawasaki, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Sullivan-Leonard, Talerico, Tarr, Tilton, Tuck

Nays: Birch, Claman, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Kito, Knopp, Kopp, Kreiss-Tomkins, Saddler, Seaton, Spohnholz, Stutes, Thompson, Westlake, Wilson, Wool

And so, Amendment No. 30 was not adopted.

Amendment No. 31 was offered by Representatives Josephson, Tuck, and Eastman:

Page 27, following line 23:

Insert a new bill section to read:

"* **Sec. 46.** AS 33.16.090(b) is amended to read:

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

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

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

(3) to a single sentence under AS 12.55.125(c)(2)(A), (3), and (4), (d)(3) and (4), (e)(3), and (i)(1), (2), and (3)(D) and (E) [AS 12.55.125(i)], and has been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release during the second half of the sentence, may not be released on discretionary parole until

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

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

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

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

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

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

(B) any term set under AS 12.55.115;

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

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

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

(B) any term set under AS 12.55.115; or

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

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

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

(B) any term set under AS 12.55.115; or

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

(8) to a single sentence under AS 12.55.125(i)(3)(A) - (C) [AS 12.55.125(i)(3)] and (4), and has not been allowed by the three-judge panel under AS 12.55.175 to be considered for

discretionary parole release, may not be released on discretionary parole until the prisoner has served, after a deduction for good time earned under AS 33.20.010, one-half of the active term of imprisonment imposed."

Renumber the following bill sections accordingly.

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 60"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 17:

Delete "69"

Insert "70"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Josephson moved and asked unanimous consent that Amendment No. 31 be adopted.

Representative Claman objected.

The question being: "Shall Amendment No. 31 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 31

YEAS: 17 NAYS: 23 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Johnson, Josephson, Kawasaki, Knopp, LeDoux, Millett, Neuman, Pruitt, Rauscher, Reinbold, Saddler, Sullivan-Leonard, Talerico, Tilton, Tuck

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Kito, Kopp, Kreiss-Tomkins, Ortiz,

Parish, Seaton, Spohnholz, Stutes, Tarr, Thompson, Westlake, Wilson, Wool

And so, Amendment No. 31 was not adopted.

Representative Tilton moved and asked unanimous consent to rescind previous action in adopting Amendment No. 24 (page 1996). There being no objection, it was so ordered.

The question being: "Shall Amendment No. 24 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Second Reading
Amendment No. 24

YEAS: 29 NAYS: 11 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Ortiz, Parish, Saddler, Seaton, Spohnholz, Stutes, Tarr, Thompson, Tuck, Westlake, Wilson, Wool

Nays: Chenault, Eastman, Johnson, Millett, Neuman, Pruitt, Rauscher, Reinbold, Sullivan-Leonard, Talerico, Tilton

And so, Amendment No. 24 was adopted.

Amendment No. 32 was offered by Representatives Reinbold, Tuck, and Eastman:

Page 1, line 5, following "**license**;" (title amendment):

Insert "**relating to penalties for violations of municipal ordinances**;"

Page 25, line 6:

Insert new bill sections to read:

"* **Sec. 39.** AS 29.10.200(21) is amended to read:

(21) AS 29.25.070(e) [AND (g)] (penalties);

* **Sec. 40.** AS 29.25.070(a) is amended to read:

(a) For the violation of an ordinance, a municipality may by ordinance prescribe a penalty not to exceed a fine of \$1,000 and

imprisonment for 90 days [, EXCEPT AS LIMITED BY (g) OF THIS SECTION]. For a violation that cannot result in incarceration or the loss of a valuable license, a municipality may allow disposition of the violation without court appearance and establish a schedule of fine amounts for each offense."

Renumber the following bill sections accordingly.

Page 42, line 4, following "12.55.125(e)(4)(E);":

Insert "AS 29.25.070(g);"

Page 42, following line 30:

Insert a new paragraph to read:

"(21) AS 29.25.070(a), as amended by sec. 40 of this Act;"

Renumber the following paragraphs accordingly.

Page 42, line 31:

Delete "sec. 39"

Insert "sec. 41"

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 61"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 51"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 51"

Page 43, line 17:

Delete "69"

Insert "71"

Page 43, line 20:

Delete "Section 69"

Insert "Section 71"

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Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 68"

Page 43, line 25:

Delete "Section 66"

Insert "Section 68"

Page 44, line 4:

Delete "41"

Insert "43"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 74"

Delete "sec. 66"

Insert "sec. 68"

Page 44, line 7:

Delete "Section 40"

Insert "Section 42"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 73(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 71"

Delete "sec. 71(b)"

Insert "sec. 73(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 70"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 78"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 75 - 80"

Representative Reinbold moved and asked unanimous consent that Amendment No. 32 be adopted.

Representative Fansler objected.

The question being: "Shall Amendment No. 32 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 32

YEAS: 14 NAYS: 26 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Johnson, Josephson, Kawasaki, LeDoux, Millett, Neuman, Rauscher, Reinbold, Sullivan-Leonard, Talerico, Tilton, Tuck

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Kito, Knopp, Kopp, Kreiss-Tomkins, Ortiz, Parish, Pruitt, Saddler, Seaton, Spohnholz, Stutes, Tarr, Thompson, Westlake, Wilson, Wool

And so, Amendment No. 32 was not adopted.

Amendment No. 33 was offered by Representatives Reinbold and Eastman:

Page 25, following line 6:

Insert new bill sections to read:

**** Sec. 39.** AS 28.15.291(a) is repealed and reenacted to read:

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

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

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

* **Sec. 40.** AS 28.15.291(b) is repealed and reenacted to read:

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

(1) shall impose a minimum sentence of imprisonment

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

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

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

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

(2) may impose additional conditions of probation;

(3) may not

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

(B) suspend imposition of sentence;

(4) shall revoke the person's license, privilege to drive, or privilege to obtain a license, and the person may not be issued a new license or a limited license nor may the privilege to drive or obtain a license be restored for an additional period of not less than 90 days after the date that the person would have been

entitled to restoration of driving privileges; and
(5) may order that the motor vehicle that was used in
commission of the offense be forfeited under AS 28.35.036."

Renumber the following bill sections accordingly.

Page 42, following line 30:

Insert new paragraphs to read:

"(21) AS 28.15.291(a), as repealed and reenacted by sec. 39
of this Act;

(22) AS 28.15.291(b), as repealed and reenacted by sec. 40 of
this Act;"

Renumber the following paragraphs accordingly.

Page 42, line 31:

Delete "sec. 39"

Insert "sec. 41"

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 61"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 51"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 51"

Page 43, line 17:

Delete "69"

Insert "71"

Page 43, line 20:

Delete "Section 69"

Insert "Section 71"

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Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 68"

Page 43, line 25:

Delete "Section 66"

Insert "Section 68"

Page 44, line 4:

Delete "41"

Insert "43"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 74"

Delete "sec. 66"

Insert "sec. 68"

Page 44, line 7:

Delete "Section 40"

Insert "Section 42"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 73(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 71"

Delete "sec. 71(b)"

Insert "sec. 73(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 70"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 78"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 75 - 80"

Representative Reinbold moved and asked unanimous consent that Amendment No. 33 be adopted.

There was objection.

Representative Reinbold moved and asked unanimous consent to withdraw Amendment No. 33. There being no objection, it was so ordered.

Amendment No. 34 was offered by Representatives Reinbold and Eastman:

Page 35, following line 29:

Insert a new bill section to read:

"* **Sec. 62.** AS 44.19.645(a) is amended to read:

(a) The commission shall evaluate the effect of sentencing laws and criminal justice practices on the criminal justice system to evaluate whether those sentencing laws and criminal justice practices provide for protection of the public, community condemnation of the offender, the rights of victims of crimes, the rights of the accused and the person convicted, restitution from the offender, and the principle of reformation. The commission shall make recommendations for improving criminal sentencing practices and criminal justice practices, including rehabilitation and restitution. **The recommendations must put public safety and victims' rights at the center of reform, not saving money for the Department of Corrections.** The commission shall annually make recommendations to the governor and the legislature on how savings from criminal justice reforms should be reinvested to **maximize public safety** [REDUCE RECIDIVISM]. In formulating its recommendations, the commission shall consider

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

(2) sentencing practices of the judiciary, including use of

presumptive sentences;

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

(4) alternatives to traditional forms of incarceration;

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

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

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

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

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

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

Renumber the following bill sections accordingly.

Page 38, following line 2:

Insert a new bill section to read:

"* **Sec. 65.** AS 44.19.646 is amended to read:

Sec. 44.19.646. Methodology. In making recommendations, the commission shall

(1) solicit and consider information and views from a variety of constituencies to represent the broad spectrum of views that exist with respect to possible approaches to sentencing and administration of justice in the state; and

(2) base recommendations on the following factors:

(A) the seriousness of each offense in relation to other offenses;

(B) the effect of an offender's prior criminal history on sentencing;

(C) the need to rehabilitate criminal offenders;

(D) the need to confine offenders to prevent harm to the public;

(E) the extent to which criminal offenses harm

victims and endanger the public safety and order;

(F) the effect of sentencing in deterring an offender or other members of society from future criminal conduct;

(G) the effect of sentencing as a community condemnation of criminal acts and as a reaffirmation of societal norms;

(H) the elimination of unjustified disparity in sentences;

(I) the sufficiency of state agency resources to administer the criminal justice system of the state;

(J) the effect of criminal justice laws and practices on reducing the rate of recidivism in the state;

(K) peer reviewed and data-driven research; [AND]

(L) the efficacy of evidence-based restorative justice initiatives on persons convicted of criminal violations and offenses, the victim, and the community; **and**

(3) ensure that all recommendations maximize public safety."

Renumber the following bill sections accordingly.

Page 43, line 17:

Delete "69"

Insert "71"

Page 43, line 20:

Delete "Section 69"

Insert "Section 71"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 68"

Page 43, line 25:

Delete "Section 66"

Insert "Section 68"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 74"

Delete "sec. 66"

Insert "sec. 68"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 73(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 71"

Delete "sec. 71(b)"

Insert "sec. 73(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 70"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 78"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 75 - 80"

Representative Reinbold moved and asked unanimous consent that Amendment No. 34 be adopted.

Representative Claman objected.

Amendment No. 1 to Amendment No. 34 was offered by Representative Reinbold:

Under **Sec. 62.:**

Delete "**, not saving money for the Department of Corrections**"

Representative Reinbold moved and asked unanimous consent that Amendment No. 1 to Amendment No. 34 be adopted. There being no objection, it was so ordered.

The question being: "Shall Amendment No. 34 as amended be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Second Reading
Amendment No. 34 as amended

YEAS: 19 NAYS: 21 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Johnson, Josephson, Knopp, LeDoux, Millett, Neuman, Ortiz, Pruitt, Rauscher, Reinbold, Saddler, Sullivan-Leonard, Talerico, Thompson, Tilton, Tuck, Wilson

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Kawasaki, Kito, Kopp, Kreiss-Tomkins, Parish, Seaton, Spohnholz, Stutes, Tarr, Westlake, Wool

And so, Amendment No. 34 as amended was not adopted.

Amendment No. 35 was offered by Representatives Reinbold and Eastman:

Page 1, following line 9:

Insert a new bill section to read:

"* Section 1. The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT. It is the intent of the legislature that all criminal justice reform measures must

(1) keep the victim at the center of reform;

(2) follow the constitutional mandates found in art. I, sec. 12, Constitution of the State of Alaska, which provides that "[c]riminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation"; and

(3) have the keynote objective of increasing public safety."

Page 1, line 10:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

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Page 42, line 11:
Delete "sec. 1"
Insert "sec. 2"

Page 42, line 12:
Delete "sec. 2"
Insert "sec. 3"

Page 42, line 13:
Delete "sec. 3"
Insert "sec. 4"

Page 42, line 14:
Delete "sec. 4"
Insert "sec. 5"

Page 42, line 15:
Delete "sec. 5"
Insert "sec. 6"

Page 42, line 16:
Delete "sec. 6"
Insert "sec. 7"

Page 42, line 17:
Delete "sec. 7"
Insert "sec. 8"

Page 42, line 18:
Delete "sec. 8"
Insert "sec. 9"

Page 42, line 19:
Delete "sec. 9"
Insert "sec. 10"

Page 42, line 20:
Delete "sec. 10"
Insert "sec. 11"

Page 42, line 21:
Delete "sec. 11"
Insert "sec. 12"

Page 42, line 22:
Delete "sec. 12"
Insert "sec. 13"

Page 42, line 23:
Delete "sec. 13"
Insert "sec. 14"

Page 42, line 24:
Delete "sec. 16"
Insert "sec. 17"

Page 42, line 25:
Delete "sec. 17"
Insert "sec. 18"

Page 42, line 26:
Delete "sec. 18"
Insert "sec. 19"

Page 42, line 27:
Delete "sec. 19"
Insert "sec. 20"

Page 42, line 28:
Delete "sec. 20"
Insert "sec. 21"

Page 42, line 29:
Delete "sec. 23"
Insert "sec. 24"

Page 42, line 30:
Delete "sec. 38"
Insert "sec. 39"

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Page 42, line 31:

Delete "sec. 39"

Insert "sec. 40"

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 60"

Page 43, line 4:

Delete "sec. 24"

Insert "sec. 25"

Page 43, line 5:

Delete "sec. 27"

Insert "sec. 28"

Page 43, line 6:

Delete "sec. 28"

Insert "sec. 29"

Page 43, line 7:

Delete "sec. 29"

Insert "sec. 30"

Page 43, line 8:

Delete "sec. 30"

Insert "sec. 31"

Page 43, line 9:

Delete "sec. 31"

Insert "sec. 32"

Page 43, line 10:

Delete "sec. 32"

Insert "sec. 33"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 34"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 35"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 38 AND 70"

Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 4:

Delete "Sections 23, 24, and 41"

Insert "Sections 24, 25, and 42"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 7:

Delete "Section 40"

Insert "Section 41"

Page 44, line 8:

Delete "sec. 37"

Insert "sec. 38"

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 37"

Insert "sec. 38"

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Reinbold moved and asked unanimous consent that Amendment No. 35 be adopted.

There was objection.

The question being: "Shall Amendment No. 35 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Second Reading
Amendment No. 35

YEAS: 16 NAYS: 24 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Johnson, Josephson, Knopp, LeDoux, Millett, Neuman, Pruitt, Rauscher, Reinbold, Sullivan-Leonard, Talerico, Tarr, Tilton, Tuck

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttentberg, Johnston, Kawasaki, Kito, Kopp, Kreiss-Tomkins, Ortiz, Parish, Saddler, Seaton, Spohnholz, Stutes, Thompson, Westlake, Wilson, Wool

And so, Amendment No. 35 was not adopted.

Amendment No. 36 was not offered.

Amendment No. 37 was offered by Representatives Reinbold and Eastman:

Page 13, line 8, through page 14, line 5:

Delete all material and insert:

"* **Sec. 23.** AS 12.30.006(b), as amended by sec. 55, ch. 36, SLA 2016, is amended to read:

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

* **Sec. 24.** AS 12.30.006(c), as amended by sec. 56, ch. 36, SLA 2016, is amended to read:

(c) A person who remains in custody 48 hours after appearing before a judicial officer because of inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. If the judicial officer who imposed the conditions of release is not available, any judicial officer in the judicial district may review

the conditions. [UPON REVIEW OF THE CONDITIONS, THE JUDICIAL OFFICER SHALL REVISE ANY CONDITIONS OF RELEASE THAT HAVE PREVENTED THE DEFENDANT FROM BEING RELEASED UNLESS THE JUDICIAL OFFICER FINDS ON THE RECORD THAT THERE IS CLEAR AND CONVINCING EVIDENCE THAT LESS RESTRICTIVE RELEASE CONDITIONS CANNOT REASONABLY ENSURE THE

(1) APPEARANCE OF THE PERSON IN COURT;
AND

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

* **Sec. 25.** AS 12.30.006(d), as amended by sec. 57, ch. 36, SLA 2016, is amended to read:

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

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

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

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

* **Sec. 26.** AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is repealed and reenacted to read:

Sec. 12.30.011. Release before trial. (a) Except as otherwise provided in this chapter, a judicial officer shall order a person

charged with an offense to be released on the person's personal recognizance or upon execution of an unsecured appearance bond, on the condition that the person

(1) obey all court orders and all federal, state, and local laws;

(2) appear in court when ordered;

(3) if represented, maintain contact with the person's lawyer; and

(4) notify the person's lawyer, who shall notify the prosecuting authority and the court, not more than 24 hours after the person changes residence.

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

(1) require the execution of an appearance bond in a specified amount of cash to be deposited into the registry of the court, in a sum not to exceed 10 percent of the amount of the bond;

(2) require the execution of a bail bond with sufficient solvent sureties or the deposit of cash;

(3) require the execution of a performance bond in a specified amount of cash to be deposited in the registry of the court;

(4) place restrictions on the person's travel, association, or residence;

(5) order the person to refrain from possessing a deadly weapon on the person or in the person's vehicle or residence;

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

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

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

(9) require the person to refrain from the consumption

and possession of alcoholic beverages;

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

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

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

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

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

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

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

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

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

(1) the nature and circumstances of the offense charged;

(2) the weight of the evidence against the person;

(3) the nature and extent of the person's family ties and relationships;

(4) the person's employment status and history;

(5) the length and character of the person's past and present residence;

(6) the person's record of convictions;

(7) the person's record of appearance at court proceedings;

(8) assets available to the person to meet monetary conditions of release;

(9) the person's reputation, character, and mental condition;

(10) the effect of the offense on the victim, any threats made to the victim, and the danger that the person poses to the victim;

(11) any other facts that are relevant to the person's appearance or the person's danger to the victim, other persons, or the community.

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

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

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

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

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

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

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

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

* **Sec. 27.** AS 12.30.016(b), as amended by sec. 60, ch. 36, SLA 2016, is amended to read:

(b) In a prosecution charging a violation of AS 04.11.010,

04.11.499, AS 28.35.030, or 28.35.032, a judicial officer may order the person

(1) to refrain from

(A) consuming alcoholic beverages; or

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

(2) to submit to a search without a warrant of the person, the person's personal property, the person's residence, or any vehicle or other property over which the person has control, for the presence of alcoholic beverages by a peace officer or pretrial services officer who has reasonable suspicion that the person is violating the conditions of the person's release by possessing alcoholic beverages;

(3) to submit to a breath test when requested by a law enforcement officer or pretrial services officer;

(4) to provide a sample for a urinalysis or blood test when requested by a law enforcement officer or pretrial services officer;

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

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

(7) TO COMPLY WITH A PROGRAM ESTABLISHED UNDER AS 47.38.020].

* **Sec. 28.** AS 12.30.016(c), as amended by sec. 61, ch. 36, SLA 2016, is amended to read:

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

(1) to refrain from

(A) consuming a controlled substance; or

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

(2) to submit to a search without a warrant of the person, the person's personal property, the person's residence, or any vehicle or other property over which the person has control, for the presence of a controlled substance or drug paraphernalia by a peace officer or pretrial services officer who has reasonable

suspicion that the person is violating the terms of the person's release by possessing controlled substances or drug paraphernalia;

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

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

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

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

OR

(7) TO COMPLY WITH A PROGRAM ESTABLISHED UNDER AS 47.38.020].

* **Sec. 29.** AS 12.30.016 is amended by adding a new subsection to read:

(g) In a prosecution charging misconduct involving a controlled substance under AS 11.71.030(a)(4) for the manufacture of methamphetamine, or its salts, isomers, or salts of isomers, if the person has been previously convicted in this or another jurisdiction of a crime involving the manufacturing, delivering, or possessing of methamphetamine, or its salts, isomers, or salts of isomers, a judicial officer shall require the posting of a minimum of \$250,000 cash bond before the person may be released. The judicial officer may reduce this requirement if the person proves to the satisfaction of the officer that the person's only role in the offense was as an aider or abettor and that the person did not stand to benefit financially from the manufacturing.

* **Sec. 30.** AS 12.30.021(a), as amended by sec. 62, ch. 36, SLA 2016, is amended to read:

(a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016, a judicial officer may appoint a third-

party custodian if the officer finds [, ON THE RECORD,] that **the appointment will, singly or in combination with other conditions,**

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

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

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

* **Sec. 31.** AS 12.30.021(c), as amended by sec. 63, ch. 36, SLA 2016, is amended to read:

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

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

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

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

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

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

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

Renumber the following bill sections accordingly.

Page 42, line 3, following "11.66.135(b);":

Insert "AS 12.30.055(b);"

Page 42, following line 29:

Insert new paragraphs to read:

"(20) AS 12.30.006(c), as amended by sec. 24 of this Act;

(21) AS 12.30.006(d), as amended by sec. 25 of this Act;

(22) AS 12.30.011, as repealed and reenacted by sec. 26 of this Act;

(23) AS 12.30.016(b), as amended by sec. 27 of this Act;

(24) AS 12.30.016(c), as amended by sec. 28 of this Act;

(25) AS 12.30.016(g), enacted by sec. 29 of this Act;

(26) AS 12.30.021(a), as amended by sec. 30 of this Act;

(27) AS 12.30.021(c), as amended by sec. 31 of this Act;"

Renumber the following paragraphs accordingly.

Page 42, line 30:

Delete "sec. 38"

Insert "sec. 45"

Page 42, line 31:

Delete "sec. 39"

Insert "sec. 46"

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 66"

Page 43, line 4:

Delete all material.

Renumber the following paragraphs accordingly.

Page 43, line 5:

Delete "sec. 27"

Insert "sec. 34"

Page 43, line 6:

Delete "sec. 28"

Insert "sec. 35"

Page 43, line 7:

Delete "sec. 29"

Insert "sec. 36"

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Page 43, line 8:

Delete "sec. 30"

Insert "sec. 37"

Page 43, line 9:

Delete "sec. 31"

Insert "sec. 38"

Page 43, line 10:

Delete "sec. 32"

Insert "sec. 39"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 40"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 41"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 56"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 56"

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 44 AND 76"

Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 44"

Page 43, line 20:

Delete "Section 69"

Insert "Section 76"

Delete "sec. 37"

Insert "sec. 44"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 73"

Page 43, line 25:

Delete "Section 66"

Insert "Section 73"

Page 44, line 4:

Delete "Sections 23, 24, and 41"

Insert "Sections 23 - 31 and 48"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 79"

Delete "sec. 66"

Insert "sec. 73"

Page 44, line 7:

Delete "Section 40"

Insert "Section 47"

Page 44, line 8:

Delete "sec. 37"

Insert "sec. 44"

Delete "sec. 71(a)"

Insert "sec. 78(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 76"

Delete "sec. 71(b)"

Insert "sec. 78(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 75"

Page 44, line 13:

Delete "sec. 37"

Insert "sec. 44"

Delete "sec. 76"

Insert "sec. 83"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 80 - 85"

Representative Reinbold moved and asked unanimous consent that Amendment No. 37 be adopted.

Representative Kito objected.

The question being: "Shall Amendment No. 37 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 37

YEAS: 2 NAYS: 38 EXCUSED: 0 ABSENT: 0

Yeas: Eastman, Reinbold

Nays: Birch, Chenault, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

And so, Amendment No. 37 was not adopted.

Amendment No. 38 was offered by Representatives Reinbold and Eastman:

Page 8, following line 16:

Insert new bill sections to read:

**** Sec. 16.** AS 11.56.375(b) is amended to read:

(b) Promoting contraband in the first degree is a class **B** [C]

felony.

* **Sec. 17.** AS 11.56.380(b) is amended to read:

(b) Promoting contraband in the second degree is a class **C**
felony [A MISDEMEANOR]."

Renumber the following bill sections accordingly.

Page 35, following line 19:

Insert a new bill section to read:

"* **Sec. 62.** AS 33.30.011(a) is amended to read:

(a) The commissioner shall

(1) establish, maintain, operate, and control correctional facilities suitable for the custody, care, and discipline of persons charged or convicted of offenses against the state or held under authority of state law; each correctional facility operated by the state shall be established, maintained, operated, and controlled in a manner that is consistent with AS 33.30.015;

(2) classify prisoners;

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

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

(B) maintain health;

(C) create or improve occupational skills;

(D) enhance educational qualifications;

(E) support court-ordered restitution; and

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

(4) provide necessary

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

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

(i) a prisoner exhibits symptoms of a serious disease or injury that is curable or may be substantially

alleviated; and

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

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

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

(6) provide for fingerprinting in correctional facilities in accordance with AS 12.80.060;

(7) establish a program to conduct assessments of the risks and needs of offenders sentenced to serve a term of incarceration of 30 days or more and provide to the legislature, by electronic means, by January 15, 2017, and thereafter by January 15, preceding the first regular session of each legislature, a report summarizing the findings and results of the program; the program must include a requirement for an assessment before a prisoner's release on parole, furlough, or electronic monitoring from a correctional facility;

(8) establish a procedure that provides for each prisoner required to serve an active term of imprisonment of 30 days or more a written case plan that

(A) is provided to the prisoner within 90 days after sentencing;

(B) is based on the results of the assessment of the prisoner's risks and needs under (7) of this subsection;

(C) includes a requirement to follow the rules of the institution;

(D) is modified when necessary for changes in classification, housing status, medical or mental health, and resource availability;

(E) includes participation in programming that addresses the needs identified in the assessment;

(9) establish a program to begin reentry planning with each prisoner serving an active term of imprisonment of 90 days or more; reentry planning must begin at least 90 days before release on furlough or probation or parole; the reentry program must include

(A) a written reentry plan for each prisoner completed upon release on furlough or probation or parole that includes information on the prisoner's proposed

- (i) residence;
- (ii) employment or alternative means of support;
- (iii) treatment options;
- (iv) counseling services;
- (v) education or job training services;

(B) any other requirements for successful transition back to the community, including electronic monitoring or furlough for the period between a scheduled parole hearing and parole eligibility;

(C) coordination with the Department of Labor and Workforce Development to provide access, after release, to job training and employment assistance;

(10) for offenders under electronic monitoring, establish

(A) minimum standards for electronic monitoring, which may include the requirement of active, real-time monitoring using global positioning systems; and

(B) procedures for oversight and approving electronic monitoring programs and systems provided by private contractors; [AND]

(11) assist a prisoner in obtaining a valid state identification card if the prisoner does not have a valid state identification card before the prisoner's release; the department shall pay the application fee for the identification card; **and**

(12) publicly post at each correctional facility in the state a list of all contraband and a warning that bringing contraband into the facility is a felony; in this paragraph "contraband" has the meaning given in AS 11.56.390."

Renumber the following bill sections accordingly.

Page 42, following line 23:

Insert new paragraphs to read:

- "(14) AS 11.56.375(b), as amended by sec. 16 of this Act;
- (15) AS 11.56.380(b), as amended by sec. 17 of this Act;"

Renumber the following paragraphs accordingly.

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Page 42, line 24:
Delete "sec. 16"
Insert "sec. 18"

Page 42, line 25:
Delete "sec. 17"
Insert "sec. 19"

Page 42, line 26:
Delete "sec. 18"
Insert "sec. 20"

Page 42, line 27:
Delete "sec. 19"
Insert "sec. 21"

Page 42, line 28:
Delete "sec. 20"
Insert "sec. 22"

Page 42, line 29:
Delete "sec. 23"
Insert "sec. 25"

Page 42, line 30:
Delete "sec. 38"
Insert "sec. 40"

Page 42, line 31:
Delete "sec. 39"
Insert "sec. 41"

Page 43, line 1:
Delete "sec. 59"
Insert "sec. 61"

Page 43, line 4:
Delete "sec. 24"
Insert "sec. 26"

Page 43, line 5:

Delete "sec. 27"

Insert "sec. 29"

Page 43, line 6:

Delete "sec. 28"

Insert "sec. 30"

Page 43, line 7:

Delete "sec. 29"

Insert "sec. 31"

Page 43, line 8:

Delete "sec. 30"

Insert "sec. 32"

Page 43, line 9:

Delete "sec. 31"

Insert "sec. 33"

Page 43, line 10:

Delete "sec. 32"

Insert "sec. 34"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 35"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 36"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 51"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 51"

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 39 AND 72"

Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 39"

Page 43, line 20:

Delete "Section 69"

Insert "Section 72"

Delete "sec. 37"

Insert "sec. 39"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 69"

Page 43, line 25:

Delete "Section 66"

Insert "Section 69"

Page 44, line 4:

Delete "Sections 23, 24, and 41"

Insert "Sections 25, 26, and 43"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 75"

Delete "sec. 66"

Insert "sec. 69"

Page 44, line 7:

Delete "Section 40"

Insert "Section 42"

Page 44, line 8:

Delete "sec. 37"

Insert "sec. 39"

Delete "sec. 71(a)"

Insert "sec. 74(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 72"

Delete "sec. 71(b)"

Insert "sec. 74(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 71"

Page 44, line 13:

Delete "sec. 37"

Insert "sec. 39"

Delete "sec. 76"

Insert "sec. 79"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 76 - 81"

Representative Reinbold moved and asked unanimous consent that Amendment No. 38 be adopted.

There was objection.

The question being: "Shall Amendment No. 38 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 38

YEAS: 8 NAYS: 32 EXCUSED: 0 ABSENT: 0

Yeas: Eastman, Johnson, Neuman, Ortiz, Rauscher, Reinbold, Talerico, Tilton

Nays: Birch, Chenault, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Parish, Pruitt,

Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Tarr, Thompson, Tuck, Westlake, Wilson, Wool

And so, Amendment No. 38 was not adopted.

Amendment No. 39 was offered by Representatives Reinbold and Eastman:

Page 27, line 11, through page 28, line 3:

Delete all material and insert:

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

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

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

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

(2) IS AT LEAST 60 YEARS OF AGE, HAS SERVED AT LEAST 10 YEARS OF A SENTENCE FOR ONE OR MORE CRIMES IN A SINGLE JUDGMENT, AND HAS NOT BEEN CONVICTED OF AN UNCLASSIFIED FELONY OR A SEXUAL FELONY AS DEFINED IN AS 12.55.185].

* **Sec. 46.** AS 33.16.090(b) is amended to read:

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

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

(2) to a single sentence within or below a presumptive range set out in **AS 12.55.125(c), (d)(2) - (4), (e)(3) and (4), or (i)** [AS 12.55.125(i)(1) AND (2)], and has not been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release, may not be released on discretionary

parole until the prisoner has served the term imposed, less good time earned under AS 33.20.010;

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

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

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

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

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

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

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

(B) any term set under AS 12.55.115;

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

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

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

(B) any term set under AS 12.55.115; or

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

(7) to consecutive or partially consecutive sentences may not be released on discretionary parole until the prisoner has

served the greatest of

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

(B) any term set under AS 12.55.115; or

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

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

* **Sec. 47.** AS 33.16.100(a) is amended to read:

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

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

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

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

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

Renumber the following bill sections accordingly.

Page 28, line 18:

Delete "or (f)"

Insert "[OR (f)]"

Page 35, following line 2:

Insert new bill sections to read:

"* **Sec. 60.** AS 33.16.210(a) is amended to read:

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

* **Sec. 61.** AS 33.16.210(b) is amended to read:

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

Renumber the following bill sections accordingly.

Page 42, line 4, following "33.16.089,":

Insert "33.16.100(f), 33.16.100(g),"

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 62"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, following line 14:

Insert a new subsection to read:

"(d) The following sections apply to parole granted on or after the effective date of those sections for conduct occurring on or after the effective date of those sections:

- (1) AS 33.16.090(b), as amended by sec. 46 of this Act;
- (2) AS 33.16.210(a), as amended by sec. 60 of this Act; and
- (3) AS 33.16.210(b), as amended by sec. 61 of this Act."

Page 43, line 17:

Delete "69"

Insert "72"

Page 43, line 20:

Delete "Section 69"

Insert "Section 72"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 69"

Page 43, line 25:

Delete "Section 66"

Insert "Section 69"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 75"

Delete "sec. 66"

Insert "sec. 69"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 74(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 72"

Delete "sec. 71(b)"

Insert "sec. 74(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 71"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 79"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 76 - 81"

Representative Reinbold moved and asked unanimous consent that Amendment No. 39 be adopted.

There was objection.

The question being: "Shall Amendment No. 39 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 39

YEAS: 12 NAYS: 28 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Johnson, Josephson, LeDoux, Millett, Neuman, Pruitt, Rauscher, Reinbold, Talerico, Tilton

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, Ortiz, Parish, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Tarr, Thompson, Tuck, Westlake, Wilson, Wool

And so, Amendment No. 39 was not adopted.

Amendment No. 40 was offered by Representatives Reinbold and Eastman:

Page 7, following line 9:

Insert a new bill section to read:

**** Sec. 11.** AS 11.46 is amended by adding a new section to read:

Sec. 11.46.489. Community work upon conviction. A person convicted under AS 11.46.475 - 11.46.486 of an offense involving damage to public or private property shall be required to perform at least 25 hours of community work under AS 12.55.055."

Renumber the following bill sections accordingly.

Page 42, following line 20:

Insert a new paragraph to read:

"(11) AS 11.46.489, enacted by sec. 11 of this Act;"

Renumber the following paragraphs accordingly.

Page 42, line 21:

Delete "sec. 11"

Insert "sec. 12"

Page 42, line 22:

Delete "sec. 12"

Insert "sec. 13"

Page 42, line 23:

Delete "sec. 13"

Insert "sec. 14"

Page 42, line 24:

Delete "sec. 16"

Insert "sec. 17"

Page 42, line 25:

Delete "sec. 17"

Insert "sec. 18"

Page 42, line 26:

Delete "sec. 18"

Insert "sec. 19"

Page 42, line 27:

Delete "sec. 19"

Insert "sec. 20"

Page 42, line 28:

Delete "sec. 20"

Insert "sec. 21"

Page 42, line 29:
Delete "sec. 23"
Insert "sec. 24"

Page 42, line 30:
Delete "sec. 38"
Insert "sec. 39"

Page 42, line 31:
Delete "sec. 39"
Insert "sec. 40"

Page 43, line 1:
Delete "sec. 59"
Insert "sec. 60"

Page 43, line 4:
Delete "sec. 24"
Insert "sec. 25"

Page 43, line 5:
Delete "sec. 27"
Insert "sec. 28"

Page 43, line 6:
Delete "sec. 28"
Insert "sec. 29"

Page 43, line 7:
Delete "sec. 29"
Insert "sec. 30"

Page 43, line 8:
Delete "sec. 30"
Insert "sec. 31"

Page 43, line 9:
Delete "sec. 31"
Insert "sec. 32"

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Page 43, line 10:

Delete "sec. 32"

Insert "sec. 33"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 34"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 35"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 38 AND 70"

Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 4:

Delete "Sections 23, 24, and 41"

Insert "Sections 24, 25, and 42"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 7:

Delete "Section 40"

Insert "Section 41"

Page 44, line 8:

Delete "sec. 37"

Insert "sec. 38"

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 37"

Insert "sec. 38"

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Reinbold moved and asked unanimous consent that Amendment No. 40 be adopted.

There was objection.

The question being: "Shall Amendment No. 40 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Second Reading
Amendment No. 40

YEAS: 23 NAYS: 17 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Eastman, Grenn, Johnston, Josephson, Kawasaki, Knopp, Kopp, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Talerico, Thompson, Tilton, Tuck, Wilson

Nays: Claman, Drummond, Edgmon, Fansler, Foster, Gara, Guttenberg, Johnson, Kito, Kreiss-Tomkins, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Tarr, Westlake, Wool

And so, Amendment No. 40 was adopted.

Amendment No. 41 was not offered.

Amendment No. 42 was not offered.

Amendment No. 43 was offered by Representatives Reinbold and Eastman:

Page 5, following line 9:

Insert a new bill section to read:

"* **Sec. 8.** AS 11.46.300(b) is amended to read:

(b) Burglary in the first degree is a class A [B] felony."

Renumber the following bill sections accordingly.

Page 42, following line 17:

Insert a new paragraph to read:

"(8) AS 11.46.300(b), as amended by sec. 8 of this Act;"

Renumber the following paragraphs accordingly.

Page 42, line 18:

Delete "sec. 8"

Insert "sec. 9"

Page 42, line 19:

Delete "sec. 9"

Insert "sec. 10"

Page 42, line 20:

Delete "sec. 10"

Insert "sec. 11"

Page 42, line 21:

Delete "sec. 11"

Insert "sec. 12"

Page 42, line 22:

Delete "sec. 12"

Insert "sec. 13"

Page 42, line 23:

Delete "sec. 13"

Insert "sec. 14"

Page 42, line 24:

Delete "sec. 16"

Insert "sec. 17"

Page 42, line 25:

Delete "sec. 17"

Insert "sec. 18"

Page 42, line 26:

Delete "sec. 18"

Insert "sec. 19"

Page 42, line 27:

Delete "sec. 19"

Insert "sec. 20"

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Page 42, line 28:
Delete "sec. 20"
Insert "sec. 21"

Page 42, line 29:
Delete "sec. 23"
Insert "sec. 24"

Page 42, line 30:
Delete "sec. 38"
Insert "sec. 39"

Page 42, line 31:
Delete "sec. 39"
Insert "sec. 40"

Page 43, line 1:
Delete "sec. 59"
Insert "sec. 60"

Page 43, line 4:
Delete "sec. 24"
Insert "sec. 25"

Page 43, line 5:
Delete "sec. 27"
Insert "sec. 28"

Page 43, line 6:
Delete "sec. 28"
Insert "sec. 29"

Page 43, line 7:
Delete "sec. 29"
Insert "sec. 30"

Page 43, line 8:
Delete "sec. 30"
Insert "sec. 31"

Page 43, line 9:

Delete "sec. 31"

Insert "sec. 32"

Page 43, line 10:

Delete "sec. 32"

Insert "sec. 33"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 34"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 35"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 38 AND 70"

Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

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Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 4:

Delete "Sections 23, 24, and 41"

Insert "Sections 24, 25, and 42"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 7:

Delete "Section 40"

Insert "Section 41"

Page 44, line 8:

Delete "sec. 37"

Insert "sec. 38"

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 37"

Insert "sec. 38"

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Reinbold moved and asked unanimous consent that Amendment No. 43 be adopted.

Representative Claman objected.

The question being: "Shall Amendment No. 43 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 43

YEAS: 8 NAYS: 32 EXCUSED: 0 ABSENT: 0

Yeas: Eastman, Johnson, Neuman, Rauscher, Reinbold, Sullivan-Leonard, Talerico, Tilton

Nays: Birch, Chenault, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Ortiz, Parish, Pruitt, Saddler, Seaton, Spohnholz, Stutes, Tarr, Thompson, Tuck, Westlake, Wilson, Wool

And so, Amendment No. 43 was not adopted.

Representative Reinbold moved and asked unanimous consent to rescind previous action in failing to adopt Amendment No. 37 (page 2041). There being no objection, it was so ordered.

Representative Reinbold moved and asked unanimous consent to withdraw Amendment No. 37. There being no objection, it was so ordered.

Representative Kreiss-Tomkins moved and asked unanimous consent to rescind previous action in adopting Amendment No. 40 (page 2059).

Representative Eastman objected.

The question being: "Shall the House rescind previous action in adopting Amendment No. 40?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Rescind previous action on Amendment No. 40

YEAS: 19 NAYS: 21 EXCUSED: 0 ABSENT: 0

Yeas: Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Kawasaki, Kito, Kreiss-Tomkins, Ortiz, Parish, Seaton, Spohnholz, Stutes, Tarr, Tuck, Westlake

Nays: Birch, Chenault, Eastman, Johnson, Johnston, Josephson, Knopp, Kopp, LeDoux, Millett, Neuman, Pruitt, Rauscher, Reinbold, Saddler, Sullivan-Leonard, Talerico, Thompson, Tilton, Wilson, Wool

And so, the motion failed.

Amendment No. 44 was offered by Representatives Reinbold and Eastman:

Page 1, following line 9:

Insert new bill sections to read:

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

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

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

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

(3) under circumstances not amounting to murder in the first degree under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the person commits or attempts to commit arson in the first degree, kidnapping, sexual assault in the first degree, sexual assault in the second degree, sexual abuse of a minor in the first degree, sexual abuse of a minor in the second degree, burglary in the first degree, escape in the first or second

degree, robbery in any degree, or misconduct involving a controlled substance under AS 11.71.010(a), **11.71.021(a), 11.71.030(a)(2) or (9)** [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of a person other than one of the participants;

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

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

(A) a felony violation of AS 11.41;

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

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

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

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

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

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

(3) while acting alone or with one or more persons, commits or attempts to commit arson in the first degree, kidnapping, sexual assault in the first degree, sexual assault in the second degree, sexual abuse of a minor in the first degree, sexual abuse of a minor in the second degree, burglary in the first degree, escape in the first or second degree, robbery in any degree, or misconduct involving a controlled substance under AS 11.71.010(a), **11.71.021(a), 11.71.030(a)(2) or (9)** [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2), and, in the course of or in furtherance of that crime or in immediate

flight from that crime, any person causes the death of an unborn child;

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

Page 1, line 10:

Delete "**Section 1**"

Insert "**Sec. 3**"

Renumber the following bill sections accordingly.

Page 9, following line 23:

Insert new bill sections to read:

"* **Sec. 23.** AS 11.71 is amended by adding a new section to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) retailer or as a wholesaler;

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

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

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

(v) health care professional licensed by the state;

or

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

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

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

* **Sec. 24.** AS 11.71.030(a) is amended to read:

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

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

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

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

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

(D) 50 or more tablets, ampules, or syrettes

containing a schedule IIA or IIIA controlled substance;

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

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

(A) with reckless disregard that the possession occurs

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

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

(B) on a school bus;

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

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

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

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

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

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

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

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

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

(A) an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, to another person with reckless disregard that the precursor will be used to manufacture any material, compound, mixture, or preparation

that contains methamphetamine, or its salts, isomers, or salts of isomers; or

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

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

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

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

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

* **Sec. 25.** AS 11.71.030(d) is amended to read:

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

* **Sec. 26.** AS 11.71.040(a) is amended to read:

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

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

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

(3) possesses

(A) any amount of a

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

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

(B) 25 or more tablets, ampules, or syrettes

containing a schedule IIIA or IVA controlled substance;

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

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

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

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

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

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

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

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

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

(A) with reckless disregard that the possession occurs

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

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

(B) on a school bus;

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

(6) makes, delivers, or possesses a punch, die, plate, stone, or other thing that prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or

device of another or any likeness of any of these on a drug, drug container, or labeling so as to render the drug a counterfeit substance;

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

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

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

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

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

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

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

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

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

* **Sec. 27.** AS 11.71.040(d) is amended to read:

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

* **Sec. 28.** AS 11.71.050 is amended to read:

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

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

(2) [REPEALED]

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

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

(5) possesses

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

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

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

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

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

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

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

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

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

* Sec. 29. AS 11.71.060 is amended to read:

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

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

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

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

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

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

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

Renumber the following bill sections accordingly.

Page 13, following line 7:

Insert a new bill section to read:

"* **Sec. 32.** AS 11.71.311(a) is amended to read:

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

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

(A) the evidence supporting the prosecution for an offense under AS 11.71.030(a)(3), 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) was obtained or discovered as a result of the person seeking medical or law enforcement assistance;

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

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

(2) was experiencing a drug overdose and sought medical assistance, and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3), 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) was

obtained as a result of the overdose and the need for medical assistance."

Renumber the following bill sections accordingly.

Page 35, following line 25:

Insert a new bill section to read:

"* **Sec. 71.** AS 34.03.360(7) is amended to read:

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

Renumber the following bill sections accordingly.

Page 42, lines 3 - 4:

Delete all material and insert:

"* **Sec. 78.** AS 11.66.130(b), 11.66.135(b); AS 11.71.030(a)(1), 11.71.030(a)(4), 11.71.030(a)(5), 11.71.030(a)(6), 11.71.030(a)(7), 11.71.030(a)(8), 11.71.030(c), 11.71.030(e), 11.71.040(a)(11), 11.71.050(a)(4); AS 12.55.125(e)(4)(C), 12.55.125(e)(4)(D), 12.55.125(e)(4)(E), 12.55.135(n); AS 33.16.010(f), 33.16.089, and 33.16.900(1) are repealed."

Page 42, line 11:

Delete "sec. 1"

Insert "sec. 3"

Page 42, line 12:

Delete "sec. 2"

Insert "sec. 4"

Page 42, line 13:

Delete "sec. 3"

Insert "sec. 5"

Page 42, line 14:

Delete "sec. 4"

Insert "sec. 6"

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Page 42, line 15:
Delete "sec. 5"
Insert "sec. 7"

Page 42, line 16:
Delete "sec. 6"
Insert "sec. 8"

Page 42, line 17:
Delete "sec. 7"
Insert "sec. 9"

Page 42, line 18:
Delete "sec. 8"
Insert "sec. 10"

Page 42, line 19:
Delete "sec. 9"
Insert "sec. 11"

Page 42, line 20:
Delete "sec. 10"
Insert "sec. 12"

Page 42, line 21:
Delete "sec. 11"
Insert "sec. 13"

Page 42, line 22:
Delete "sec. 12"
Insert "sec. 14"

Page 42, line 23:
Delete "sec. 13"
Insert "sec. 15"

Page 42, line 24:
Delete "sec. 16"
Insert "sec. 18"

Page 42, line 25:

Delete "sec. 17"

Insert "sec. 19"

Page 42, line 26:

Delete "sec. 18"

Insert "sec. 20"

Page 42, line 27:

Delete "sec. 19"

Insert "sec. 21"

Page 42, line 28:

Delete "sec. 20"

Insert "sec. 22"

Page 42, following line 28:

Insert new paragraphs to read:

"(19) AS 11.71.021, enacted by sec. 23 of this Act;

(20) AS 11.71.030(a), as amended by sec. 24 of this Act;

(21) AS 11.71.030(d), as amended by sec. 25 of this Act;

(22) AS 11.71.040(a), as amended by sec. 26 of this Act;

(23) AS 11.71.040(d), as amended by sec. 27 of this Act;

(24) AS 11.71.050, as amended by sec. 28 of this Act;

(25) AS 11.71.060, as amended by sec. 29 of this Act;"

ReNUMBER the following paragraphs accordingly.

Page 42, line 29:

Delete "sec. 23"

Insert "sec. 33"

Page 42, line 30:

Delete "sec. 38"

Insert "sec. 48"

Page 42, line 31:

Delete "sec. 39"

Insert "sec. 49"

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Page 43, line 1:

Delete "sec. 59"

Insert "sec. 69"

Page 43, line 4:

Delete "sec. 24"

Insert "sec. 34"

Page 43, line 5:

Delete "sec. 27"

Insert "sec. 37"

Page 43, line 6:

Delete "sec. 28"

Insert "sec. 38"

Page 43, line 7:

Delete "sec. 29"

Insert "sec. 39"

Page 43, line 8:

Delete "sec. 30"

Insert "sec. 40"

Page 43, line 9:

Delete "sec. 31"

Insert "sec. 41"

Page 43, line 10:

Delete "sec. 32"

Insert "sec. 42"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 43"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 44"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 59"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 59"

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 47 AND 78"

Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 47"

Page 43, line 20:

Delete "Section 69"

Insert "Section 80"

Delete "sec. 37"

Insert "sec. 47"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 77"

Page 43, line 25:

Delete "Section 66"

Insert "Section 77"

Page 44, line 4:

Delete "Sections 23, 24, and 41"

Insert "Sections 33, 34, and 51"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 83"

Delete "sec. 66"

Insert "sec. 77"

Page 44, line 7:

Delete "Section 40"

Insert "Section 50"

Page 44, line 8:

Delete "sec. 37"

Insert "sec. 47"

Delete "sec. 71(a)"

Insert "sec. 82(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 80"

Delete "sec. 71(b)"

Insert "sec. 82(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 79"

Page 44, line 13:

Delete "sec. 37"

Insert "sec. 47"

Delete "sec. 76"

Insert "sec. 87"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 84 - 89"

Representative Reinbold moved and asked unanimous consent that Amendment No. 44 be adopted.

Representative Claman objected.

The question being: "Shall Amendment No. 44 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Second Reading
Amendment No. 44

YEAS: 13 NAYS: 27 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Johnson, Knopp, Millett, Neuman, Rauscher, Reinbold, Saddler, Sullivan-Leonard, Talerico, Tilton, Wilson

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Josephson, Kawasaki, Kito, Kopp, Kreiss-Tomkins, LeDoux, Ortiz, Parish, Pruitt, Seaton, Spohnholz, Stutes, Tarr, Thompson, Tuck, Westlake, Wool

And so, Amendment No. 44 was not adopted.

Amendment No. 45 was offered by Representative Eastman:

Page 1, line 10, through page 2, line 21:

Delete all material and insert:

**** Section 1.** AS 11.46.130(a) is amended to read:

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

(1) the value of the property or services, adjusted for inflation as provided in AS 11.46.982, is \$1,000 or more but less than \$25,000;

(2) the property is a firearm or explosive;

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

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

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

(6) the value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250 or more but less than \$1,000 and, within the preceding **year** [FIVE YEARS], the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

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

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

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

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

(7) the property is an access device."

Page 2, line 30:

Delete "five years"

Insert "year"

Delete "three"

Insert "two"

Page 3, line 25:

Delete "five years"

Insert "year"

Page 3, line 26:

Delete "three"

Insert "two"

Page 18, lines 2 - 23:

Delete all material.

Renumber the following bill sections accordingly.

Page 42, line 4, following "12.55.125(e)(4)(E)":

Insert ", 12.55.135(I)"

Page 42, line 30:

Delete "sec. 38"

Insert "sec. 37"

Page 42, line 31:

Delete "sec. 39"

Insert "sec. 38"

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 58"

Page 43, line 10:

Delete all material.

Renumber the following paragraphs accordingly.

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 32"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 33"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 48"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 48"

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 36 AND 68"

Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 36"

Page 43, line 20:

Delete "Section 69"

Insert "Section 68"

Delete "sec. 37"

Insert "sec. 36"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 65"

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Page 43, line 25:

Delete "Section 66"

Insert "Section 65"

Page 44, line 4:

Delete "41"

Insert "40"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 71"

Delete "sec. 66"

Insert "sec. 65"

Page 44, line 7:

Delete "Section 40"

Insert "Section 39"

Page 44, line 8:

Delete "sec. 37"

Insert "sec. 36"

Delete "sec. 71(a)"

Insert "sec. 70(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 68"

Delete "sec. 71(b)"

Insert "sec. 70(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 67"

Page 44, line 13:

Delete "sec. 37"

Insert "sec. 36"

Delete "sec. 76"

Insert "sec. 75"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 72 - 77"

Representative Eastman moved and asked unanimous consent that Amendment No. 45 be adopted.

Representative Kopp objected.

Representative Wilson placed a call of the House.

The call was satisfied.

The question being: "Shall Amendment No. 45 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 45

YEAS: 0 NAYS: 40 EXCUSED: 0 ABSENT: 0

Nays: Birch, Chenault, Claman, Drummond, Eastman, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

And so, Amendment No. 45 was not adopted.

Amendment No. 46 was not offered:

Amendment No. 47 was offered by Representative Eastman:

Page 15, following line 1:

Insert a new bill section to read:

**** Sec. 26.** AS 12.55.090(c) is amended to read:

(c) The period of probation, together with any extension, may not exceed

(1) 15 years for a felony sex offense;

- (2) 10 years for an unclassified felony under AS 11 not listed in (1) of this subsection;
- (3) five years for a felony offense not listed in (1) or (2) of this subsection; **or**
- (4) three years for a misdemeanor offense
- [(A) UNDER AS 11.41;
- (B) THAT IS A CRIME INVOLVING DOMESTIC VIOLENCE; OR
- (C) THAT IS A SEX OFFENSE, AS THAT TERM IS DEFINED IN AS 12.63.100;
- (5) TWO YEARS FOR A MISDEMEANOR OFFENSE UNDER AS 28.35.030 OR 28.35.032, IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER AS 28.35.030 OR 28.35.032, OR A SIMILAR LAW OR ORDINANCE OF THIS OR ANOTHER JURISDICTION; OR
- (6) ONE YEAR FOR AN OFFENSE NOT LISTED IN (1) - (5) OF THIS SUBSECTION]."

Renumber the following bill sections accordingly.

Page 42, line 30:

Delete "sec. 38"

Insert "sec. 39"

Page 42, line 31:

Delete "sec. 39"

Insert "sec. 40"

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 60"

Page 43, following line 1:

Insert a new subsection to read:

"(b) AS 12.55.090(c), as amended by sec. 26 of this Act, applies to probation ordered on or after the effective date of sec. 26 of this Act for offenses committed on or after the effective date of sec. 26 of this Act."

Reletter the following subsections accordingly.

Page 43, line 5:

Delete "sec. 27"

Insert "sec. 28"

Page 43, line 6:

Delete "sec. 28"

Insert "sec. 29"

Page 43, line 7:

Delete "sec. 29"

Insert "sec. 30"

Page 43, line 8:

Delete "sec. 30"

Insert "sec. 31"

Page 43, line 9:

Delete "sec. 31"

Insert "sec. 32"

Page 43, line 10:

Delete "sec. 32"

Insert "sec. 33"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 34"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 35"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

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Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 38 AND 70"

Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Delete "sec. 37"

Insert "sec. 38"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 4:

Delete "41"

Insert "42"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 7:

Delete "Section 40"

Insert "Section 41"

Page 44, line 8:

Delete "sec. 37"

Insert "sec. 38"

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 37"

Insert "sec. 38"

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Eastman moved and asked unanimous consent that Amendment No. 47 be adopted.

Representative Claman objected.

The question being: "Shall Amendment No. 47 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 47

YEAS: 18 NAYS: 22 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Drummond, Eastman, Grenn, Johnson, Josephson, Knopp, LeDoux, Millett, Neuman, Pruitt, Rauscher, Reinbold, Saddler, Sullivan-Leonard, Talerico, Tilton, Tuck

Nays: Birch, Claman, Edgmon, Fansler, Foster, Gara, Guttenberg, Johnston, Kawasaki, Kito, Kopp, Kreiss-Tomkins, Ortiz, Parish, Seaton, Spohnholz, Stutes, Tarr, Thompson, Westlake, Wilson, Wool

And so, Amendment No. 47 was not adopted.

Amendment No. 48 was offered by Representative Eastman:

Page 1, line 2, following "**trafficking**;" (title amendment):

Insert "**relating to controlled substances**;"

Page 1, following line 9:

Insert new bill sections to read:

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

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

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

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

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

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

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

(A) a felony violation of AS 11.41;

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

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

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

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

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

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

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

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

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

Page 1, line 10:

Delete "**Section 1**"

Insert "**Sec. 3**"

Renumber the following bill sections accordingly.

Page 8, following line 16:

Insert new bill sections to read:

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

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

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

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

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

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

(d) Failure to appear is a

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

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

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

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

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

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

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

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

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

Renumber the following bill sections accordingly.

Page 9, following line 23:

Insert new bill sections to read:

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

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

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

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

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

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

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

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

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

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

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

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

(A) an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, to another person with reckless disregard that the precursor will be used to manufacture any material, compound, mixture, or preparation

that contains methamphetamine, or its salts, isomers, or salts of isomers; or

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

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

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

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

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

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

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

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

(i) retailer or as a wholesaler;

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

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

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

(v) health care professional licensed by the state;

or

(2) less than 24 grams of ephedrine, pseudoephedrine,

phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals, kept in a locked storage area on the premises of a legitimate business or nonprofit organization operating a camp, lodge, school, day care center, treatment center, or other organized group activity, and the location or nature of the activity, or the age of the participants, makes it impractical for the participants in the activity to obtain medicinal products.

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

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

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

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

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

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

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

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

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

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

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

(A) with reckless disregard that the possession occurs

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

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

(B) on a school bus;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) under circumstances not proscribed under AS 11.71.021(a)(2) - (6), manufactures or delivers any amount

of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver.

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

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

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

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

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

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

(3) possesses

(A) any amount of a

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

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

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

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

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

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

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

(D) **50 or more tablets, ampules, or syrettes**

containing a schedule VA controlled substance;**(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of six grams or more containing a schedule VA controlled substance;****(F) one or more preparations, compounds, mixtures, or substances of an aggregate weight of four ounces or more containing a schedule VIA controlled substance; or****(G) 25 or more plants of the genus cannabis;**

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

(A) with reckless disregard that the possession occurs

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

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

(B) on a school bus;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) [REPEALED]

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

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

(5) possesses

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

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

(i) three grams containing a schedule IIIA or IVA controlled substance except a controlled

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Renumber the following bill sections accordingly.

Page 13, following line 7:

Insert a new bill section to read:

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

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

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

(A) the evidence supporting the prosecution for an offense under AS 11.71.030(a)(3), 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) was obtained or discovered as a result of the person seeking medical or law enforcement assistance;

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

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

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

Renumber the following bill sections accordingly.

Page 14, following line 5:

Insert a new bill section to read:

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

(g) In a prosecution charging misconduct involving a controlled substance under AS 11.71.021(a)(2) for the manufacture of methamphetamine, or its salts, isomers, or salts of isomers, if the person has been previously convicted in this or another jurisdiction of a crime involving the manufacturing, delivering, or possessing of methamphetamine, or its salts,

isomers, or salts of isomers, a judicial officer shall require the posting of a minimum of \$250,000 cash bond before the person may be released. The judicial officer may reduce this requirement if the person proves to the satisfaction of the officer that the person's only role in the offense was as an aider or abettor and that the person did not stand to benefit financially from the manufacturing."

Renumber the following bill sections accordingly.

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

Delete all material and insert:

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

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

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

(2) if the offense is a first felony conviction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) AS 28.35.030(n)(1)(A) OR 28.35.032(p)(1)(A), 120 DAYS TO 239 DAYS;

(C) AS 28.35.030(n)(1)(B) OR 28.35.032(p)(1)(B), 240 DAYS TO 359 DAYS;

(D) AS 28.35.030(n)(1)(C) OR 28.35.032(p)(1)(C), 360 DAYS TO TWO YEARS]."

Renumber the following bill sections accordingly.

Page 35, following line 25:

Insert a new bill section to read:

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

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

Renumber the following bill sections accordingly.

Page 38, following line 24:

Insert a new bill section to read:

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

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

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

Renumber the following bill sections accordingly.

Page 42, lines 3 - 4:

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

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

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Page 42, line 11:
Delete "sec. 1"
Insert "sec. 3"

Page 42, line 12:
Delete "sec. 2"
Insert "sec. 4"

Page 42, line 13:
Delete "sec. 3"
Insert "sec. 5"

Page 42, line 14:
Delete "sec. 4"
Insert "sec. 6"

Page 42, line 15:
Delete "sec. 5"
Insert "sec. 7"

Page 42, line 16:
Delete "sec. 6"
Insert "sec. 8"

Page 42, line 17:
Delete "sec. 7"
Insert "sec. 9"

Page 42, line 18:
Delete "sec. 8"
Insert "sec. 10"

Page 42, line 19:
Delete "sec. 9"
Insert "sec. 11"

Page 42, line 20:
Delete "sec. 10"
Insert "sec. 12"

Page 42, line 21:

Delete "sec. 11"

Insert "sec. 13"

Page 42, line 22:

Delete "sec. 12"

Insert "sec. 14"

Page 42, line 23:

Delete "sec. 13"

Insert "sec. 15"

Page 42, following line 23:

Insert new paragraphs to read:

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

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

ReNUMBER the following paragraphs accordingly.

Page 42, line 24:

Delete "sec. 16"

Insert "sec. 20"

Page 42, line 25:

Delete "sec. 17"

Insert "sec. 21"

Page 42, line 26:

Delete "sec. 18"

Insert "sec. 22"

Page 42, line 27:

Delete "sec. 19"

Insert "sec. 23"

Page 42, line 28:

Delete "sec. 20"

Insert "sec. 24"

Page 42, following line 28:

Insert new paragraphs to read:

- "(21) AS 11.71.021, enacted by sec. 25 of this Act;
- (22) AS 11.71.030(a), as amended by sec. 26 of this Act;
- (23) AS 11.71.030(d), as amended by sec. 27 of this Act;
- (24) AS 11.71.040(a), as amended by sec. 28 of this Act;
- (25) AS 11.71.040(d), as amended by sec. 29 of this Act;
- (26) AS 11.71.050, as amended by sec. 30 of this Act;
- (27) AS 11.71.060, as amended by sec. 31 of this Act;"

Renumber the following paragraphs accordingly.

Page 42, line 29:

Delete "sec. 23"

Insert "sec. 35"

Page 42, line 30:

Delete "sec. 38"

Insert "sec. 52"

Page 42, line 31:

Delete "sec. 39"

Insert "sec. 53"

Page 43, line 1:

Delete "sec. 59"

Insert "sec. 73"

Page 43, line 4:

Delete "sec. 24"

Insert "sec. 36"

Page 43, line 5:

Delete "sec. 27"

Insert "sec. 40"

Page 43, following line 5:

Insert a new paragraph to read:

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

Renumber the following paragraphs accordingly.

Page 43, line 6:

Delete "sec. 28"

Insert "sec. 42"

Page 43, line 7:

Delete "sec. 29"

Insert "sec. 43"

Page 43, line 8:

Delete "sec. 30"

Insert "sec. 44"

Page 43, line 9:

Delete "sec. 31"

Insert "sec. 45"

Page 43, line 10:

Delete "sec. 32"

Insert "sec. 46"

Page 43, line 11:

Delete "sec. 33"

Insert "sec. 47"

Page 43, line 12:

Delete "sec. 34"

Insert "sec. 48"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 63"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 63"

Page 43, line 17:

Delete "SECS. 37 AND 69"

Insert "SECS. 51 AND 85"

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Page 43, lines 17 - 18:

Delete "sec. 37"

Insert "sec. 51"

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"

Insert "sec. 51"

Delete "sec. 71(a)"

Insert "sec. 87(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 85"

Delete "sec. 71(b)"
Insert "sec. 87(b)"

Page 44, line 12:

Delete "Section 68"
Insert "Section 84"

Page 44, line 13:

Delete "sec. 37"
Insert "sec. 51"
Delete "sec. 76"
Insert "sec. 92"

Page 44, line 15:

Delete "secs. 73 - 78"
Insert "secs. 89 - 94"

Representative Eastman moved and asked unanimous consent that Amendment No. 48 be adopted.

There was objection.

The question being: "Shall Amendment No. 48 be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Second Reading
Amendment No. 48

YEAS: 11 NAYS: 29 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Johnson, Millett, Neuman, Rauscher, Reinbold, Saddler, Sullivan-Leonard, Talerico, Tilton

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Ortiz, Parish, Pruitt, Seaton, Spohnholz, Stutes, Tarr, Thompson, Tuck, Westlake, Wilson, Wool

And so, Amendment No. 48 was not adopted.

Representative Reinbold moved and asked unanimous consent to rescind previous action in failing to adopt Amendment No. 34 as amended (page 2024).

Representative Kopp objected.

The question being: "Shall the House rescind previous action in failing to adopt Amendment No. 34 as amended?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Rescind previous action on Amendment No. 34 as amended

YEAS: 40 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Claman, Drummond, Eastman, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

And so, the motion passed.

The question being: "Shall Amendment No. 34 as amended be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H

Second Reading

Amendment No. 34 as amended

YEAS: 19 NAYS: 21 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Eastman, Johnson, Josephson, Knopp, LeDoux, Millett, Neuman, Pruitt, Rauscher, Reinbold, Saddler, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Wilson

Nays: Birch, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Kawasaki, Kito, Kopp, Kreiss-Tomkins, Ortiz, Parish, Seaton, Spohnholz, Stutes, Westlake, Wool

Tarr changed from "Nay" to "Yea".

And so, Amendment No. 34 as amended was not adopted.

Amendment No. 49 was offered by Representative Pruitt:

Page 25, following line 6:

Insert a new bill section to read:

"* **Sec. 39.** AS 28.15.291(b) is amended to read:

(b) Driving while license canceled, suspended, revoked, or in violation of a limitation is

(1) a class A misdemeanor if the person violates (a)(1) of this section; upon conviction, the court shall impose a minimum sentence of imprisonment of not less than 10 days

(A) with 10 days suspended if the person has not been previously convicted under (a)(1) of this section or a similar law of another jurisdiction; or

(B) if the person has been previously convicted under (a)(1) of this section or a similar law in another jurisdiction;

(2) **a class A misdemeanor** [AN INFRACTION] if the person violates (a)(2) or (3) of this section; **upon conviction, the person is subject to sentencing as provided in AS 12.55.**"

ReNUMBER the following bill sections accordingly.

Page 42, following line 30:

Insert a new paragraph to read:

"(21) AS 28.15.291(b), as amended by sec. 39 of this

Act;"

ReNUMBER the following paragraphs accordingly.

Page 42, line 31:

Delete "sec. 39"

Insert "sec. 40"

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Page 43, line 1:

Delete "sec. 59"

Insert "sec. 60"

Page 43, line 13:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 14:

Delete "sec. 49"

Insert "sec. 50"

Page 43, line 17:

Delete "69"

Insert "70"

Page 43, line 20:

Delete "Section 69"

Insert "Section 70"

Page 43, line 24:

Delete "SEC. 66"

Insert "SEC. 67"

Page 43, line 25:

Delete "Section 66"

Insert "Section 67"

Page 44, line 4:

Delete "41"

Insert "42"

Page 44, line 5:

Delete "sec. 72"

Insert "sec. 73"

Delete "sec. 66"

Insert "sec. 67"

Page 44, line 7:

Delete "Section 40"

Insert "Section 41"

Page 44, line 8:

Delete "sec. 71(a)"

Insert "sec. 72(a)"

Page 44, line 10:

Delete "sec. 69"

Insert "sec. 70"

Delete "sec. 71(b)"

Insert "sec. 72(b)"

Page 44, line 12:

Delete "Section 68"

Insert "Section 69"

Page 44, line 13:

Delete "sec. 76"

Insert "sec. 77"

Page 44, line 15:

Delete "secs. 73 - 78"

Insert "secs. 74 - 79"

Representative Pruitt moved and asked unanimous consent that Amendment No. 49 be adopted.

Representative Claman objected.

Amendment No. 1 to Amendment No. 49 was offered by Representative Pruitt:

Under **Sec. 39.:**

Delete "(2) **a class A misdemeanor** [AN INFRACTION] if the person violates (a)(2) or (3) of this section; **upon conviction, the person is subject to sentencing as provided in AS 12.55.**"

Insert new paragraphs to read:

(2) an infraction if the person violates (a)(2) or (3) of this section **and the person has not been previously convicted;**

(3) a class A misdemeanor if the person has previously been convicted under (a)(2) or (3) of this section; upon conviction, the person is subject to sentencing as provided in AS 12.55."

Representative Pruitt moved and asked unanimous consent that Amendment No. 1 to Amendment No. 49 be adopted. There being no objection, it was so ordered.

The question being: "Shall Amendment No. 49 as amended be adopted?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Second Reading
Amendment No. 49 as amended

YEAS: 17 NAYS: 23 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Grenn, Johnson, Johnston, Kopp, Millett, Neuman, Ortiz, Pruitt, Reinbold, Saddler, Sullivan-Leonard, Talerico, Thompson, Tilton, Wilson

Nays: Claman, Drummond, Eastman, Edgmon, Fansler, Foster, Gara, Guttenberg, Josephson, Kawasaki, Kito, Knopp, Kreiss-Tomkins, LeDoux, Parish, Rauscher, Seaton, Spohnholz, Stutes, Tarr, Tuck, Westlake, Wool

And so, Amendment No. 49 as amended was not adopted.

HCS CSSB 54(FIN) am H was automatically in third reading.

The question being: "Shall HCS CSSB 54(FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 54(FIN) am H
Third Reading
Final Passage

YEAS: 32 NAYS: 8 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Johnston, Josephson, Kawasaki, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Ortiz, Parish, Pruitt, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Talerico, Tarr, Thompson, Tuck, Westlake, Wilson, Wool

Nays: Eastman, Guttenberg, Johnson, Kito, Neuman, Rauscher, Sullivan-Leonard, Tilton

And so, HCS CSSB 54(FIN) am H passed the House.

Representative Tuck moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

In accordance with Uniform Rule 43(b), the Speaker waived engrossment of HCS CSSB 54(FIN) am H.

HCS CSSB 54(FIN) am H was referred to the Chief Clerk for engrossment.

SPECIAL ORDER OF BUSINESS

HCR 401

Representative Tuck moved and asked unanimous consent that the following be taken up as a Special Order of Business:

HOUSE CONCURRENT RESOLUTION NO. 401

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 54, relating to crime and criminal law; relating to violation of condition of release; relating to sex trafficking; relating to sentencing; relating to imprisonment; relating to parole; relating to probation; relating to driving without a license; and relating to the pretrial services program.

There being no objection, it was so ordered.

The question being: "Shall HCR 401 pass the House?" The roll was taken with the following result:

HCR 401

Special Order of Business

YEAS: 40 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Claman, Drummond, Eastman, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

And so, HCR 401 passed the House and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

Representative Tuck moved and asked unanimous consent that the following members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Kopp – from 6:30 a.m., November 10 to 10:00 a.m., November 13

Representative Tuck – from 8:00 a.m., November 8 to 8:00 p.m., November 22

Representative Talerico – from 6:00 a.m., November 12 to 5:00 p.m., November 24

ENGROSSMENT

HCR 401

HCR 401 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

SB 54

HCS CSSB 54(FIN) am H was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

ANNOUNCEMENTS

Rule 23(d) of the Uniform Rules is in effect.

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Tuck moved and asked unanimous consent that the House adjourn until 11:00 a.m., November 8. There being no objection, the House adjourned at 1:06 a.m., November 7.

Crystalline Jones
Chief Clerk