

AMENDMENT # 2

OFFERED IN THE HOUSE  
TO: CSHB 14(FIN)

BY REPRESENTATIVE PRUITT

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

2 Insert "relating to sentencing;"

3

4 Page 3, following line 13:

5 Insert new bill sections to read:

6 "\* Sec. 5. AS 12.55.027(d) is amended to read:

7 (d) A court may not grant credit against a sentence of imprisonment for time  
8 spent in a private residence or under electronic monitoring [IF THE PERSON HAS  
9 NOT COMMITTED A CRIMINAL OFFENSE WHILE UNDER ELECTRONIC  
10 MONITORING AND THE COURT IMPOSES RESTRICTIONS ON THE  
11 PERSON'S FREEDOM OF MOVEMENT AND BEHAVIOR WHILE UNDER THE  
12 ELECTRONIC MONITORING PROGRAM, INCLUDING REQUIRING THE  
13 PERSON TO BE CONFINED TO A RESIDENCE EXCEPT FOR A

14 (1) COURT APPEARANCE;

15 (2) MEETING WITH COUNSEL; OR

16 (3) PERIOD DURING WHICH THE PERSON IS AT A LOCATION  
17 ORDERED BY THE COURT FOR THE PURPOSES OF EMPLOYMENT,  
18 ATTENDING EDUCATIONAL OR VOCATIONAL TRAINING, PERFORMING  
19 COMMUNITY VOLUNTEER WORK, OR ATTENDING A REHABILITATIVE  
20 ACTIVITY OR MEDICAL APPOINTMENT].

21 \* Sec. 6. AS 12.55.027(e) is amended to read:

22 (e) If a defendant intends to claim credit toward a sentence of imprisonment  
23 for time spent in a treatment program [OR UNDER ELECTRONIC MONITORING]

1 either as a condition of probation or as a condition of bail release after a petition to  
2 revoke probation has been filed, the defendant shall file notice with the court and the  
3 prosecutor 10 days before the disposition hearing. The notice shall include the amount  
4 of time the defendant is claiming. The defendant must prove by a preponderance of the  
5 evidence that the credit claimed meets the requirements of this section. A court may  
6 not consider, except for good cause, a request for credit made under this subsection  
7 more than 90 days after the disposition hearing."  
8

9 Renumber the following bill sections accordingly.

10  
11 Page 9, following line 16:

12 Insert a new bill section to read:

13 **"\* Sec. 10. AS 12.55.027(g) is repealed."**  
14

15 Renumber the following bill section accordingly.

16  
17 Page 9, line 19, following "APPLICABILITY":

18 Insert "(a)"  
19

20 Page 9, line 22:

21 Delete "sec. 5"

22 Insert "sec. 7"  
23

24 Page 9, following line 23:

25 Insert a new subsection to read:

26 **"(b) AS 12.55.027(d), as amended by sec. 5 of this Act, and AS 12.55.027(e), as**  
27 **amended by sec. 6 of this act, apply to sentences imposed on or after the effective date of this**  
28 **Act."**