

AMENDMENT

#4

Kepp

OFFERED IN THE HOUSE
TO: CSHB 49(FIN)

BY REPRESENTATIVE WILSON

Claman

- 1 Page 1, lines 1 - 2: (title amendment)
2 Delete "eliminating marriage as a defense to certain crimes of sexual assault;"
3
4 Page 2, line 18:
5 Delete "sec. 64"
6 Insert "sec. 61"
7
8 Page 2, line 19:
9 Delete "sec. 68"
10 Insert "sec. 65"
11
12 Page 2, line 22:
13 Delete "sec. 64"
14 Insert "sec. 61"
15
16 Page 2, line 28:
17 Delete "sec. 64"
18 Insert "sec. 61"
19
20 Page 3, line 10:
21 Delete "sec. 73"
22 Insert "sec. 70"
23

1 Page 3, line 15:

2 Delete "sec. 73"

3 Insert "sec. 70"

4

5 Page 3, line 19:

6 Delete "sec. 73"

7 Insert "sec. 70"

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9 Page 5, lines 13 - 20:

10 Delete all material.

11

12 Renumber the following bill sections accordingly.

13

14 Page 16, line 29, through page 17, line 3:

15 Delete all material.

16

17 Renumber the following bill sections accordingly.

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19 Page 35, line 25, through page 36, line 7:

20 Delete all material.

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22 Renumber the following bill sections accordingly.

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24 Page 38, following line 4:

25 Insert a new bill section to read:

26 **"* Sec. 58.** AS 12.55.110(c) is amended to read:

27 (c) If a defendant is serving a period of probation for an offense, the court may
28 find that the defendant has committed a technical violation of probation. If the court
29 finds that a defendant has committed a technical violation of probation that does not
30 include absconding, the court may reinstate the term of probation with appropriate
31 conditions or impose a sentence of imprisonment of not more than

- 1 (1) zero to three days for the first probation revocation;
 2 (2) zero to 30 [FIVE] days for the second probation revocation; or
 3 (3) [10 DAYS FOR THE THIRD PROBATION REVOCATION; OR
 4 (4)] the remainder of the suspended portion of the sentence for a third
 5 [FOURTH] or subsequent probation revocation."
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7 Renumber the following bill sections accordingly.
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9 Page 53, line 28, through page 54, line 18:

10 Delete all material and insert:

11 "* **Sec. 75.** AS 33.05.020(h) is amended to read:

12 (h) The commissioner shall establish by regulation a program allowing
 13 probationers to earn credits for complying with the conditions of probation. The
 14 credits earned reduce the period of probation. Nothing in this subsection prohibits the
 15 department from recommending to the court the early discharge of the probationer as
 16 provided in AS 33.30. At a minimum, the regulations must

17 (1) require that a probationer earn a credit of 10 [30] days for each 30-
 18 day period served in which the defendant complied with the conditions of probation;

19 (2) include policies and procedures for

20 (A) calculating and tracking credits earned by probationers;

21 (B) reducing the probationer's period of probation based on
 22 credits earned by the probationer; and

23 (C) notifying a victim under AS 33.30.013;

24 (3) require that a probationer convicted of a sex offense as defined in
 25 AS 12.63.100 or a crime involving domestic violence as defined in AS 18.66.990
 26 complete all treatment programs required as a condition of probation before discharge
 27 based on credits earned under this subsection."
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29 Page 56, line 19, through page 57, line 8:

30 Delete all material and insert:

31 "* **Sec. 78.** AS 33.16.060(a) is amended to read:

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(a) The board shall

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

(2) consider the suitability for parole of a prisoner who is eligible for discretionary parole or [AT LEAST 90 DAYS BEFORE THE PRISONER'S FIRST DATE OF ELIGIBILITY AND UPON RECEIPT OF THE PRISONER'S APPLICATION FOR] special medical parole if

(A) the prisoner had no disciplinary action imposed during incarceration; or

(B) the prisoner had disciplinary action imposed during incarceration and the prisoner filed an application with the board for discretionary or special medical parole;

(3) impose parole conditions on all prisoners released under special medical, discretionary, or mandatory parole;

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

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

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

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

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

(9) execute other responsibilities prescribed by law."

Renumber the following bill sections accordingly.

Page 57, lines 18 - 19:

Delete all material and insert:

"(B) a prisoner is not eligible for consideration of discretionary parole if the prisoner is

1 (i) made ineligible by order of a court under
2 AS 12.55.115;

3 (ii) servicing a sentence for a sexual felony as defined
4 in AS 12.55.185;

5 (iii) servicing a sentence for a class A felony conviction
6 and has previously been convicted of a felony offense;

7 (iv) servicing a sentence for a class B felony conviction
8 and has two or more prior felony convictions; or

9 (v) servicing a sentence for a class C felony conviction
10 and has three or more prior felony convictions;"

11
12 Page 58, line 10:

13 Delete "one-half [ONE-THIRD]"

14 Insert "one-third"

15
16 Page 59, line 31, through page 60, line 2:

17 Delete "[, AFTER A DEDUCTION FOR GOOD TIME EARNED UNDER
18 AS 33.20.010,] one-half"

19 Insert "one-third [, AFTER A DEDUCTION FOR GOOD TIME EARNED UNDER
20 AS 33.20.010, ONE-HALF]"

21
22 Page 61, following line 18:

23 Insert a new bill section to read:

24 "* **Sec. 86.** AS 33.16.215(a) is amended to read:

25 (a) If a parolee is serving a period of parole for an offense, the board may find
26 that the parolee has committed a technical violation of parole. If the board finds that a
27 parolee has committed a technical violation of parole that does not include
28 absconding, the board may reinstate the term of parole with appropriate conditions or
29 revoke parole and impose a term of imprisonment of not more than

30 (1) zero to three [THREE] days for the first parole revocation;

31 (2) zero to 30 [FIVE] days for the second parole revocation; **and**

1 (3) [10 DAYS FOR THE THIRD PAROLE REVOCATION; AND]
2 the remainder of the sentence for a **third** [FOURTH] or subsequent parole
3 revocation."
4

5 Renumber the following bill sections accordingly.

6
7 Page 62, line 12, through page 63, line 3:

8 Delete all material and insert:

9 "* **Sec. 89.** AS 33.16.270 is amended to read:

10 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
11 by regulation a program allowing parolees to earn credits for complying with the
12 conditions of parole. The earned compliance credits reduce the period of parole.
13 Nothing in this section prohibits the department from recommending to the board the
14 early discharge of the parolee as provided in this chapter. At a minimum, the
15 regulations must

16 (1) require that a parolee earn a credit of **10** [30] days for each 30-day
17 period served in which the parolee complied with the conditions of parole;

18 (2) include policies and procedures for

19 (A) calculating and tracking credits earned by parolees;

20 (B) reducing the parolee's period of parole based on credits
21 earned by the parolee and notifying a victim under AS 33.30.013;

22 (3) require that a parolee convicted of a sex offense as defined in
23 AS 12.63.100 or a crime involving domestic violence complete all treatment programs
24 required as a condition of parole before discharge based on credits earned under this
25 section."
26

27 Page 69, line 27, following "33.16.220(j),":

28 Insert "and"

29
30 Page 69, line 28:

31 Delete "; and AS 33.20.010"

1

2 Page 70, line 2:

3 Delete "sec. 93"

4 Insert "sec. 91"

5

6 Page 70, lines 28 - 29:

7 Delete all material.

8

9 Renumber the following paragraphs accordingly.

10

11 Page 70, line 30:

12 Delete "sec. 6"

13 Insert "sec. 4"

14

15 Page 70, line 31:

16 Delete "sec. 7"

17 Insert "sec. 5"

18

19 Page 71, line 1:

20 Delete "sec. 8"

21 Insert "sec. 6"

22

23 Page 71, line 2:

24 Delete "sec. 9"

25 Insert "sec. 7"

26

27 Page 71, line 3:

28 Delete "sec. 10"

29 Insert "sec. 8"

30

31 Page 71, line 4:

- 1 Delete "sec. 11"
- 2 Insert "sec. 9"
- 3
- 4 Page 71, line 5:
 - 5 Delete "sec. 12"
 - 6 Insert "sec. 10"
 - 7
- 8 Page 71, line 6:
 - 9 Delete "sec. 13"
 - 10 Insert "sec. 11"
 - 11
- 12 Page 71, line 7:
 - 13 Delete "sec. 14"
 - 14 Insert "sec. 12"
 - 15
- 16 Page 71, line 8:
 - 17 Delete "sec. 15"
 - 18 Insert "sec. 13"
 - 19
- 20 Page 71, line 9:
 - 21 Delete "sec. 16"
 - 22 Insert "sec. 14"
 - 23
- 24 Page 71, line 10:
 - 25 Delete "sec. 17"
 - 26 Insert "sec. 15"
 - 27
- 28 Page 71, line 11:
 - 29 Delete "sec. 18"
 - 30 Insert "sec. 16"
 - 31

1 Page 71, line 12:

2 Delete "sec. 19"

3 Insert "sec. 17"

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5 Page 71, line 13:

6 Delete "sec. 20"

7 Insert "sec. 18"

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9 Page 71, line 14:

10 Delete "sec. 21"

11 Insert "sec. 19"

12

13 Page 71, line 15:

14 Delete "sec. 22"

15 Insert "sec. 20"

16

17 Page 71, line 16:

18 Delete "sec. 23"

19 Insert "sec. 21"

20

21 Page 71, line 17:

22 Delete "sec. 24"

23 Insert "sec. 22"

24

25 Page 71, line 18:

26 Delete "sec. 25"

27 Insert "sec. 23"

28

29 Page 71, line 19:

30 Delete "sec. 26"

31 Insert "sec. 24"

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2 Page 71, line 20:

3 Delete "sec. 27"

4 Insert "sec. 25"

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6 Page 71, line 21:

7 Delete "sec. 28"

8 Insert "sec. 26"

9

10 Page 71, line 22:

11 Delete "sec. 29"

12 Insert "sec. 27"

13

14 Page 71, line 23:

15 Delete "sec. 30"

16 Insert "sec. 28"

17

18 Page 71, line 24:

19 Delete "sec. 31"

20 Insert "sec. 29"

21

22 Page 71, line 25:

23 Delete "sec. 32"

24 Insert "sec. 30"

25

26 Page 71, line 26:

27 Delete all material.

28

29 Renumber the following paragraphs accordingly.

30

31 Page 71, line 27:

- 1 Delete "sec. 34"
- 2 Insert "sec. 31"
- 3
- 4 Page 71, line 28:
 - 5 Delete "sec. 35"
 - 6 Insert "sec. 32"
 - 7
- 8 Page 71, line 29:
 - 9 Delete "sec. 36"
 - 10 Insert "sec. 33"
 - 11
- 12 Page 71, line 30:
 - 13 Delete "sec. 37"
 - 14 Insert "sec. 34"
 - 15
- 16 Page 71, line 31:
 - 17 Delete "sec. 38"
 - 18 Insert "sec. 35"
 - 19
- 20 Page 72, line 1:
 - 21 Delete "sec. 39"
 - 22 Insert "sec. 36"
 - 23
- 24 Page 72, line 2:
 - 25 Delete "sec. 40"
 - 26 Insert "sec. 37"
 - 27
- 28 Page 72, line 3:
 - 29 Delete "sec. 41"
 - 30 Insert "sec. 38"
 - 31

1 Page 72, line 4:

2 Delete "sec. 42"

3 Insert "sec. 39"

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5 Page 72, line 5:

6 Delete "sec. 43"

7 Insert "sec. 40"

8

9 Page 72, line 6:

10 Delete "sec. 44"

11 Insert "sec. 41"

12

13 Page 72, line 7:

14 Delete "sec. 45"

15 Insert "sec. 42"

16

17 Page 72, line 8:

18 Delete "sec. 46"

19 Insert "sec. 43"

20

21 Page 72, line 9:

22 Delete "sec. 47"

23 Insert "sec. 44"

24

25 Page 72, line 10:

26 Delete "sec. 48"

27 Insert "sec. 45"

28

29 Page 72, line 11:

30 Delete "sec. 49"

31 Insert "sec. 46"

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2 Page 72, line 12:

3 Delete "sec. 50"

4 Insert "sec. 47"

5

6 Page 72, line 13:

7 Delete "sec. 51"

8 Insert "sec. 48"

9

10 Page 72, line 14:

11 Delete "sec. 52"

12 Insert "sec. 49"

13

14 Page 72, line 15:

15 Delete "sec. 53"

16 Insert "sec. 50"

17

18 Page 72, line 16:

19 Delete "sec. 54"

20 Insert "sec. 51"

21

22 Page 72, line 17:

23 Delete "sec. 55"

24 Insert "sec. 52"

25

26 Page 72, line 18:

27 Delete "sec. 56"

28 Insert "sec. 53"

29

30 Page 72, line 19:

31 Delete "sec. 75"

1 Insert "sec. 72"

2

3 Page 72, line 20:

4 Delete "sec. 76"

5 Insert "sec. 73"

6

7 Page 72, line 21:

8 Delete "sec. 77"

9 Insert "sec. 74"

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11 Page 72, line 24:

12 Delete "sec. 57"

13 Insert "sec. 54"

14

15 Page 72, line 25:

16 Delete all material.

17

18 Renumber the following paragraphs accordingly.

19

20 Page 72, line 26:

21 Delete "sec. 59"

22 Insert "sec. 55"

23

24 Page 72, line 27:

25 Delete "sec. 62"

26 Insert "sec. 59"

27

28 Page 72, line 28:

29 Delete "sec. 63"

30 Insert "sec. 60"

31

1 Page 72, line 29:

2 Delete "sec. 64"

3 Insert "sec. 61"

4

5 Page 72, line 30:

6 Delete "sec. 65"

7 Insert "sec. 62"

8

9 Page 72, line 31:

10 Delete "sec. 66"

11 Insert "sec. 63"

12

13 Page 73, line 1:

14 Delete "sec. 67"

15 Insert "sec. 64"

16

17 Page 73, line 2:

18 Delete "sec. 68"

19 Insert "sec. 65"

20

21 Page 73, line 3:

22 Delete "sec. 69"

23 Insert "sec. 66"

24

25 Page 73, line 4:

26 Delete "sec. 70"

27 Insert "sec. 67"

28

29 Page 73, line 5:

30 Delete "sec. 82"

31 Insert "sec. 79"

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2 Page 73, line 6:

3 Delete "sec. 83"

4 Insert "sec. 80"

5

6 Page 73, line 7:

7 Delete "sec. 93"

8 Insert "sec. 91"

9

10 Page 73, line 10:

11 Delete "sec. 71"

12 Insert "sec. 68"

13

14 Page 73, line 11:

15 Delete "sec. 72"

16 Insert "sec. 69"

17

18 Page 73, line 12:

19 Delete "sec. 73"

20 Insert "sec. 70"

21

22 Page 73, line 13:

23 Delete "sec. 74"

24 Insert "sec. 71"

25

26 Page 73, line 16:

27 Delete "sec. 60"

28 Insert "sec. 56"

29

30 Page 73, line 17:

31 Delete "sec. 61"

1 Insert "sec. 57"

2

3 Page 73, following line 17:

4 Insert a new paragraph to read:

5 "(3) AS 12.55.110(c), as amended by sec. 58 of this Act;"

6

7 Renumber the following paragraphs accordingly.

8

9 Page 73, line 18:

10 Delete "sec. 78"

11 Insert "sec. 75"

12

13 Page 73, line 19:

14 Delete "sec. 79"

15 Insert "sec. 76"

16

17 Page 73, line 20:

18 Delete "sec. 80"

19 Insert "sec. 77"

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21 Page 73, line 23:

22 Delete "sec. 81"

23 Insert "sec. 78"

24

25 Page 73, line 24:

26 Delete "sec. 85"

27 Insert "sec. 82"

28

29 Page 73, line 25:

30 Delete "sec. 86"

31 Insert "sec. 83"

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2 Page 73, line 26:

3 Delete "sec. 87"

4 Insert "sec. 84"

5

6 Page 73, line 27:

7 Delete "sec. 88"

8 Insert "sec. 85"

9

10 Page 73, following line 27:

11 Insert a new paragraph to read:

12 "(6) AS 33.16.215(c), as amended by sec. 86 of this Act;"

13

14 Renumber the following paragraphs accordingly.

15

16 Page 73, line 28:

17 Delete "sec. 89"

18 Insert "sec. 87"

19

20 Page 73, line 29:

21 Delete "sec. 90"

22 Insert "sec. 88"

23

24 Page 73, line 30:

25 Delete "sec. 91"

26 Insert "sec. 89"

27

28 Page 73, line 31:

29 Delete "sec. 92"

30 Insert "sec. 90"

31

1 Page 74, line 1:

2 Delete "sec. 84"

3 Insert "sec. 81"

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5 Page 74, line 2:

6 Delete "sec. 84"

7 Insert "sec. 81"

8

9 Page 74, line 3:

10 Delete "sec. 84"

11 Insert "sec. 81"

12

13 Page 74, line 6:

14 Delete "Sections 99 - 101"

15 Insert "Sections 97 - 99"

16

17 Page 74, lines 6 - 7:

18 Delete "secs. 99 - 101"

19 Insert "secs. 97 - 99"

20

21 Page 74, line 9:

22 Delete "Section 105"

23 Insert "Section 103"

24

25 Page 74, line 10:

26 Delete "Sections 95 - 98"

27 Insert "Sections 93 - 96"

28

29 Page 74, line 11:

30 Delete "secs. 108 and 109"

31 Insert "sec. 106 and 107"