

HOUSE BILL NO. 145

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 4/24/19

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to crime and criminal procedure; establishing the crime of possession
2 of motor vehicle theft tools; relating to controlled substances; relating to credit toward a
3 sentence of imprisonment; relating to sentencing; relating to registration of sex
4 offenders; relating to the definition of 'sex offender or child kidnapper'; relating to
5 operating under the influence; relating to refusal to submit to a chemical test; relating to
6 the duties of the commissioner of corrections; relating to the Alaska Criminal Justice
7 Commission; relating to the duties of the attorney general and the Department of Law;
8 requiring law enforcement agencies to test sexual assault examination kits; requiring
9 notification of completion of testing; relating to reports on untested sexual assault
10 examination kits; and relating to public disclosure of information relating to certain
11 minors."

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

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

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

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

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

9 (3) under circumstances not amounting to murder in the first degree
10 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
11 person commits or attempts to commit arson in the first degree, kidnapping, sexual
12 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
13 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
14 degree, escape in the first or second degree, robbery in any degree, or misconduct
15 involving a controlled substance under AS 11.71.010(a), 11.71.025, 11.71.030(a)(1),
16 (2), or (4) - (8), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that
17 crime or in immediate flight from that crime, any person causes the death of a person
18 other than one of the participants;

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

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

26 (A) a felony violation of AS 11.41;

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

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

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

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

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

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

8 (3) while acting alone or with one or more persons, commits or
9 attempts to commit arson in the first degree, kidnapping, sexual assault in the first
10 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,
11 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the
12 first or second degree, robbery in any degree, or misconduct involving a controlled
13 substance under AS 11.71.010(a), 11.71.025, 11.71.030(a)(1), (2), or (4) - (8), or
14 11.71.040(a)(1) or (2), and, in the course of or in furtherance of that crime or in
15 immediate flight from that crime, any person causes the death of an unborn child;

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

22 * **Sec. 3.** AS 11.41.432(a) is amended to read:

23 (a) It is a defense to a crime charged under [AS 11.41.410(a)(3),
24 11.41.420(a)(2), 11.41.420(a)(3), 11.41.425, OR 11.41.427 THAT THE OFFENDER
25 IS]

26 (1) AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3), 11.41.425,
27 or 11.41.427 that the offender is mentally incapable; or

28 (2) AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3)(A),
29 11.41.425(a)(1)(A), 11.41.425(a)(2) - (6), or 11.41.427 that the offender is married
30 to the person and neither party has filed with the court for a separation, divorce, or
31 dissolution of the marriage.

1 * **Sec. 4.** AS 11.46.130(a) is amended to read:

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

4 (1) the value of the property or services [, ADJUSTED FOR
5 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than
6 \$25,000;

7 (2) the property is a firearm or explosive;

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

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

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

13 (6) the value of the property [, ADJUSTED FOR INFLATION AS
14 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750 and, within the
15 preceding five years, the person has been convicted and sentenced on two or more
16 separate occasions in this or another jurisdiction of

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

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

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

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

25 (7) the property is an access device **or identification document**.

26 * **Sec. 5.** AS 11.46.140(a) is amended to read:

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

29 (1) the value of the property or services [, ADJUSTED FOR
30 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;

31 or

1 (2) [REPEALED]

2 (3) [REPEALED]

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

7 * **Sec. 6.** AS 11.46.150(a) is amended to read:

8 (a) A person commits the crime of theft in the fourth degree if the person
9 commits theft as defined in AS 11.46.100 and the value of the property or services [,
10 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

11 * **Sec. 7.** AS 11.46.220(c) is amended to read:

12 (c) Concealment of merchandise is

13 (1) a class C felony if

14 (A) the merchandise is a firearm;

15 (B) the value of the merchandise [, ADJUSTED FOR
16 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more; or

17 (C) the value of the merchandise [, ADJUSTED FOR
18 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
19 \$750 and, within the preceding five years, the person has been convicted and
20 sentenced on two or more separate occasions in this or another jurisdiction of

21 (i) the offense of concealment of merchandise under
22 this paragraph or (2)(A) of this subsection, or an offense under another
23 law or ordinance with similar elements; or

24 (ii) an offense under AS 11.46.120, 11.46.130, or
25 11.46.140(a)(1), or an offense under another law or ordinance with
26 similar elements;

27 (2) a class A misdemeanor if

28 (A) the value of the merchandise [, ADJUSTED FOR
29 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
30 \$750; or

31 (B) [REPEALED]

1 (C) the value of the merchandise is less than \$250 and, within
 2 the preceding five years, the person has been convicted and sentenced on three
 3 or more separate occasions of the offense of concealment of merchandise or
 4 theft in any degree, or an offense under another law or ordinance with similar
 5 elements;

6 (3) a class B misdemeanor if the value of the merchandise [,
 7 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

8 * **Sec. 8.** AS 11.46.260(b) is amended to read:

9 (b) Removal of identification marks is

10 (1) a class C felony if the value of the property on which the serial
 11 number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 12 PROVIDED IN AS 11.46.982,] is \$750 or more;

13 (2) a class A misdemeanor if the value of the property on which the
 14 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 15 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;

16 (3) a class B misdemeanor if the value of the property on which the
 17 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 18 PROVIDED IN AS 11.46.982,] is less than \$250.

19 * **Sec. 9.** AS 11.46.270(b) is amended to read:

20 (b) Unlawful possession is

21 (1) a class C felony if the value of the property on which the serial
 22 number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 23 PROVIDED IN AS 11.46.982,] is \$750 or more;

24 (2) a class A misdemeanor if the value of the property on which the
 25 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 26 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;

27 (3) a class B misdemeanor if the value of the property on which the
 28 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 29 PROVIDED IN AS 11.46.982,] is less than \$250.

30 * **Sec. 10.** AS 11.46.280(d) is amended to read:

31 (d) Issuing a bad check is

1 (1) a class B felony if the face amount of the check is \$25,000 or more;
 2 (2) a class C felony if the face amount of the check [, ADJUSTED
 3 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than
 4 \$25,000;

5 (3) a class A misdemeanor if the face amount of the check [,
 6 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more
 7 but less than \$750;

8 (4) a class B misdemeanor if the face amount of the check [,
 9 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

10 * **Sec. 11.** AS 11.46.285 is amended to read:

11 **Sec. 11.46.285. Fraudulent use of an access device or identification**
 12 **document.** (a) A person commits the crime of fraudulent use of an access device **or**
 13 **identification document** if, with intent to defraud, the person uses an access device **or**
 14 **identification document** to obtain property or services with knowledge that

15 (1) the access device **or identification document** is stolen or forged;

16 (2) the access device **or identification document** is expired or has
 17 been revoked or cancelled; or

18 (3) for any other reason, that person's use of the access device **or**
 19 **identification document** is unauthorized by either the issuer or the person to whom
 20 the access device **or identification document** is issued.

21 (b) Fraudulent use of an access device **or identification document** is

22 (1) a class B felony if the value of the property or services obtained is
 23 \$25,000 or more;

24 (2) a class C felony if the value of the property or services obtained [,
 25 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is **\$75** [\$750] or
 26 more but less than \$25,000;

27 (3) a class A misdemeanor if the value of the property or services
 28 obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less
 29 than **\$75** [\$750].

30 * **Sec. 12.** AS 11.46.295 is amended to read:

31 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior

1 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) **or**
 2 **11.46.140(a)(4)** or in prosecuting the crime of concealment of merchandise under
 3 AS 11.46.220(c),

4 (1) a conviction for an offense under another law or ordinance with
 5 similar elements is a conviction of an offense having elements similar to those of an
 6 offense defined as such under Alaska law at the time the offense was committed;

7 (2) a conviction for an offense under Alaska law where the value of the
 8 property or services for the offense was lower than the value of property or services
 9 for the offense under current Alaska law is a prior conviction for that offense; and

10 (3) the court shall consider the date of a prior conviction as occurring
 11 on the date that sentence is imposed for the prior offense.

12 * **Sec. 13.** AS 11.46.360(a) is amended to read:

13 (a) A person commits the crime of vehicle theft in the first degree if, having
 14 no right to do so or any reasonable ground to believe the person has such a right, the
 15 person drives, tows away, or takes

16 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft
 17 of another;

18 (2) the propelled vehicle of another and

19 (A) the vehicle or any other property of another is damaged in a
 20 total amount [, ADJUSTED FOR INFLATION AS PROVIDED IN
 21 AS 11.46.982,] of \$750 or more;

22 (B) the owner incurs reasonable expenses as a result of the loss
 23 of use of the vehicle, in a total amount [, ADJUSTED FOR INFLATION AS
 24 PROVIDED IN AS 11.46.982,] of \$750 or more; or

25 (C) the owner is deprived of the use of the vehicle for seven
 26 days or more;

27 (3) the propelled vehicle of another and the vehicle is marked as a
 28 police or emergency vehicle; or

29 (4) the propelled vehicle of another and, within the preceding seven
 30 years, the person was convicted under

31 (A) this section or AS 11.46.365;

- 1 (B) former AS 11.46.482(a)(4) or (5);
 2 (C) former AS 11.46.484(a)(2);
 3 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft
 4 of a propelled vehicle; or
 5 (E) a law or ordinance of this or another jurisdiction with
 6 elements substantially similar to those of an offense described in (A) - (D) of
 7 this paragraph.

8 * **Sec. 14.** AS 11.46 is amended by adding a new section to article 3 to read:

9 **Sec. 11.46.370. Possession of motor vehicle theft tools.** (a) A person commits
 10 the crime of possession of motor vehicle theft tools if the person possesses a motor
 11 vehicle theft tool with intent to use or permit use of the tool in the commission of
 12 vehicle theft.

13 (b) In this section,

14 (1) "altered or shaved key" means a key altered by cutting, filing, or
 15 other means to fit multiple vehicles or vehicles other than vehicles for which the key
 16 was originally manufactured;

17 (2) "motor vehicle theft tool" includes a slim jim, master key, altered
 18 or shaved key, trial or jiggle key, lock puller, electronic unlocking device, or similar
 19 device adapted or designed for use in committing vehicle theft;

20 (3) "trial or jiggle key" means a key designed or altered to manipulate
 21 a vehicle locking mechanism other than the lock for which the key was originally
 22 manufactured.

23 (c) Possession of motor vehicle theft tools is a class A misdemeanor.

24 * **Sec. 15.** AS 11.46.482(a) is amended to read:

25 (a) A person commits the crime of criminal mischief in the third degree if,
 26 having no right to do so or any reasonable ground to believe the person has such a
 27 right,

28 (1) with intent to damage property of another, the person damages
 29 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
 30 IN AS 11.46.982,] of \$750 or more;

31 (2) the person recklessly creates a risk of damage in an amount

1 exceeding \$100,000 to property of another by the use of widely dangerous means; or

2 (3) the person knowingly

3 (A) defaces, damages, or desecrates a cemetery or the contents
4 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
5 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
6 memorial appears to be abandoned, lost, or neglected;

7 (B) removes human remains or associated burial artifacts from
8 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
9 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

10 * **Sec. 16.** AS 11.46.484(a) is amended to read:

11 (a) A person commits the crime of criminal mischief in the fourth degree if,
12 having no right to do so or any reasonable ground to believe the person has such a
13 right,

14 (1) with intent to damage property of another, the person damages
15 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
16 IN AS 11.46.982,] of \$250 or more but less than \$750;

17 (2) the person tampers with a fire protection device in a building that is
18 a public place;

19 (3) the person knowingly accesses a computer, computer system,
20 computer program, computer network, or part of a computer system or network;

21 (4) the person uses a device to descramble an electronic signal that has
22 been scrambled to prevent unauthorized receipt or viewing of the signal unless the
23 device is used only to descramble signals received directly from a satellite or unless
24 the person owned the device before September 18, 1984; or

25 (5) the person knowingly removes, relocates, defaces, alters, obscures,
26 shoots at, destroys, or otherwise tampers with an official traffic control device or
27 damages the work on a highway under construction.

28 * **Sec. 17.** AS 11.46.486(a) is amended to read:

29 (a) A person commits the crime of criminal mischief in the fifth degree if,
30 having no right to do so or any reasonable ground to believe the person has such a
31 right,

1 (1) with reckless disregard for the risk of harm to or loss of the
2 property or with intent to cause substantial inconvenience to another, the person
3 tampers with property of another;

4 (2) with intent to damage property of another, the person damages
5 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
6 IN AS 11.46.982,] less than \$250; or

7 (3) the person rides in a propelled vehicle and, with criminal
8 negligence, disregards the fact that it has been stolen or that it is being used in
9 violation of AS 11.46.360 or 11.46.365(a)(1).

10 * **Sec. 18.** AS 11.46.530(b) is amended to read:

11 (b) Criminal simulation is

12 (1) a class C felony if the value of what the object purports to represent
13 [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or
14 more;

15 (2) a class A misdemeanor if the value of what the object purports to
16 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is
17 \$250 or more but less than \$750;

18 (3) a class B misdemeanor if the value of what the object purports to
19 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less
20 than \$250.

21 * **Sec. 19.** AS 11.46.620(d) is amended to read:

22 (d) Misapplication of property is

23 (1) a class C felony if the value of the property misapplied [,
24 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more;

25 (2) a class A misdemeanor if the value of the property misapplied [,
26 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$750.

27 * **Sec. 20.** AS 11.46.730(c) is amended to read:

28 (c) Defrauding creditors is a class A misdemeanor unless that secured party,
29 judgment creditor, or creditor incurs a pecuniary loss [, ADJUSTED FOR
30 INFLATION AS PROVIDED IN AS 11.46.982,] of \$750 or more as a result of the
31 defendant's conduct, in which case defrauding secured creditors is

1 (1) a class B felony if the loss is \$25,000 or more;

2 (2) a class C felony if the loss [, ADJUSTED FOR INFLATION AS
3 PROVIDED IN AS 11.46.982,] is \$750 or more but less than \$25,000.

4 * **Sec. 21.** AS 11.46.980 is amended by adding a new subsection to read:

5 (e) In determining the degree or classification of a crime under this chapter, if
6 the combined value of the property or services taken from one or more persons or
7 commercial establishments within a period of 180 days is \$750 or more but less than
8 \$25,000, the value may be aggregated.

9 * **Sec. 22.** AS 11.56.810(a) is amended to read:

10 (a) A person commits the crime of terroristic threatening in the second degree
11 if the person knowingly **communicates a threat** [MAKES A FALSE REPORT
12 THAT A CIRCUMSTANCE]

13 (1) **to commit a crime against a person or property with reckless**
14 **disregard of the risk of** [DANGEROUS TO HUMAN LIFE EXISTS OR IS ABOUT
15 TO EXIST AND]

16 (A) **causing the** [A PERSON IS PLACED IN REASONABLE
17 FEAR OF PHYSICAL INJURY TO ANY PERSON; (B) CAUSES]
18 evacuation of a building, public place or area, business premises, or mode of
19 public transportation;

20 **(B) causing** [(C) CAUSES] serious public inconvenience; or

21 **(C) placing the public or a substantial group of the public**
22 **in fear of serious injury** [(D) THE REPORT CLAIMS THAT A
23 BACTERIOLOGICAL, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL
24 SUBSTANCE THAT IS CAPABLE OF CAUSING SERIOUS PHYSICAL
25 INJURY HAS BEEN SENT OR IS PRESENT IN A BUILDING, PUBLIC
26 PLACE OR AREA, BUSINESS PREMISES, OR MODE OF PUBLIC
27 TRANSPORTATION]; or

28 (2) **that a circumstance** exists or is about to exist that is dangerous to
29 the proper or safe functioning of an oil or gas pipeline or supporting facility, utility, or
30 transportation or cargo facility; in this paragraph, "oil or gas pipeline or supporting
31 facility" and "utility" have the meanings given in AS 11.46.495.

1 * **Sec. 23.** AS 11.61.123(a) is amended to read:

2 (a) A person commits the crime of indecent viewing or **production of a**
3 **picture** [PHOTOGRAPHY] if, in the state, the person knowingly

4 **(1)** views, or **views** [PRODUCES] a picture of, the private exposure of
5 the genitals, anus, or female breast of another person and the **viewing occurs** [VIEW
6 OR PRODUCTION IS] without the knowledge or consent of

7 **(A)** [(1)] the parent or guardian of the person viewed, or who is
8 shown in the picture, if the person who is viewed or shown is under 16 years of
9 age; **or**

10 **(B)** [AND (2)] the person viewed or shown in the picture, if the
11 person viewed or shown is at least **16** [13] years of age; **or**

12 **(2) produces a picture of the private exposure of the genitals, anus,**
13 **or female breast of another person and the production occurs without the**
14 **knowledge or consent of**

15 **(A) the parent or guardian of the person shown in the**
16 **picture if the person shown is under 16 years of age; or**

17 **(B) the person shown in the picture if the person shown is**
18 **at least 16 years of age.**

19 * **Sec. 24.** AS 11.61.123(c) is amended to read:

20 (c) This section does not apply to **the** viewing or **production of a picture**
21 [PHOTOGRAPHY] conducted by a law enforcement agency for a law enforcement
22 purpose.

23 * **Sec. 25.** AS 11.61.123(d) is amended to read:

24 (d) In a prosecution under this section, it is an affirmative defense that the
25 viewing or **production of a picture** [PHOTOGRAPHY] was conducted as a security
26 surveillance system, notice of the viewing or **production** [PHOTOGRAPHY] was
27 posted, and any viewing or use of pictures produced is done only in the interest of
28 crime prevention or prosecution.

29 * **Sec. 26.** AS 11.61.123(f) is amended to read:

30 (f) Indecent viewing or **production of a picture** [PHOTOGRAPHY] is a

31 **(1) class B felony if the person violates (a)(2) of this section and the**

1 **person shown in the picture was, at the time of the production of the picture, a**
 2 **minor;**

3 **(2)** [(1)] class C felony if the person

4 **(A) violates (a)(1) of this section and the person** viewed

5 **(i)** [OR SHOWN IN A PICTURE] was, at the time of
 6 the viewing [OR PRODUCTION OF THE PICTURE], a minor;

7 **(ii) in a picture was, at the time of the production of**
 8 **the picture, a minor; or**

9 **(B) violates (a)(2) of this section and the person shown in a**
 10 **picture was, at the time of the production of the picture, an adult;**

11 **(3)** [(2)] class A misdemeanor if the person **violates (a)(1) of this**
 12 **section and the person** viewed

13 **(A)** [OR SHOWN IN A PICTURE] was, at the time of the
 14 viewing [OR PRODUCTION OF THE PICTURE], an adult; **or**

15 **(B) in a picture was, at the time of the production of the**
 16 **picture, an adult.**

17 * **Sec. 27.** AS 11.61.123 is amended by adding a new subsection to read:

18 (g) It is a defense to a crime charged under this section that

19 (1) the acts occurred as part of the normal caretaker responsibilities for
 20 a child, interactions with a child, or affection for a child; or

21 (2) the offender performed the acts for the purpose of administering a
 22 recognized and lawful form of treatment that is reasonably adapted to promoting the
 23 physical or mental health of the person being treated.

24 * **Sec. 28.** AS 11.71 is amended by adding a new section to read:

25 **Sec. 11.71.025. Misconduct involving a controlled substance in the second**
 26 **degree.** (a) Except as authorized in AS 17.30, a person commits the crime of
 27 misconduct involving a controlled substance in the second degree if the person
 28 manufactures or delivers, or possesses with intent to manufacture or deliver,

29 (1) one or more preparations, compounds, mixtures, or substances of
 30 an aggregate weight of 100 grams or more containing a schedule IA controlled
 31 substance;

1 (2) 200 or more tablets, ampules, or syrettes containing a schedule IA
2 controlled substance;

3 (3) one or more preparations, compounds, mixtures, or substances of
4 an aggregate weight of 200 grams or more containing a schedule IIA controlled
5 substance; or

6 (4) 400 or more tablets, ampules, or syrettes containing a schedule IIA
7 controlled substance.

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

10 * **Sec. 29.** AS 11.71.030(a) is amended to read:

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

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

16 (A) one or more preparations, compounds, mixtures, or
17 substances of an aggregate weight of one gram or more **but less than 100**
18 **grams** containing a schedule IA controlled substance;

19 (B) 25 or more **but less than 200** tablets, ampules, or syrettes
20 containing a schedule IA controlled substance;

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

23 **(i) 2.5 grams or more but less than 200 grams**
24 containing a schedule IIA **controlled substance**;

25 **(ii) 2.5 grams or more containing a schedule** [OR]
26 IIIA controlled substance; or

27 (D) 50 or more
28 **(i) but less than 400** tablets, ampules, or syrettes
29 containing a schedule IIA **controlled substance**;

30 **(ii) tablets, ampules, or syrettes containing a**
31 **schedule** [OR] IIIA controlled substance;

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

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

5 (A) with reckless disregard that the possession occurs

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

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

8 or

9 (B) on a school bus;

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

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

13 or

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

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

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

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

23 or

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

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

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

30 (A) an immediate precursor of methamphetamine, or the salts,
31 isomers, or salts of isomers of the immediate precursor of methamphetamine,

1 to another person with reckless disregard that the precursor will be used to
 2 manufacture any material, compound, mixture, or preparation that contains
 3 methamphetamine, or its salts, isomers, or salts of isomers; or

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

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

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

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

13 * **Sec. 30.** AS 11.71.030(d) is amended to read:

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

16 * **Sec. 31.** AS 11.71.040(a) is amended to read:

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

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

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

27 (3) possesses any amount of a schedule IA controlled substance listed
 28 in AS 11.71.140(e);

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

30 (A) with reckless disregard that the possession occurs

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

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

2 or

3 (B) on a school bus;

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

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

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

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

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

20 (10) affixes a false or forged label to a package or other container
21 containing any controlled substance; [OR]

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

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

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

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

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

3 (12) under circumstances not proscribed under AS 11.71.030(a)(3)
4 or (3) of this subsection, possesses any amount of a schedule IA or IIA controlled
5 substance and has been previously convicted on two or more separate occasions
6 of a crime under

7 (A) this paragraph;

8 (B) AS 11.71.050(a)(4); or

9 (C) a law or ordinance of this or another jurisdiction with
10 elements similar to a crime listed under (A) or (B) of this paragraph.

11 * **Sec. 32.** AS 11.71.040(d) is amended to read:

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

14 * **Sec. 33.** AS 11.71.050 is amended to read:

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

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

23 (2) [REPEALED]

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

26 (4) under circumstances not proscribed under AS 11.71.030(a)(3),
27 11.71.040(a)(3), **(4), or (12)** [11.71.040(a)(4)], or 11.71.060(a)(2), possesses any
28 amount of a schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance.

29 (b) Misconduct involving a controlled substance in the **fourth** [FOURTH]
30 degree is a class A misdemeanor.

31 * **Sec. 34.** AS 11.71.060 is amended to read:

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

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

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

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

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

13 (3) refuses entry into premises [A PREMISE] for an inspection
 14 authorized under AS 17.30.

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

17 * **Sec. 35.** AS 11.71.311(a) is amended to read:

18 (a) A person may not be prosecuted for a violation of AS 11.71.025(a),
 19 11.71.030(a)(3), 11.71.040(a)(3), (4), or (12) [AS 11.71.030(a)(3), 11.71.040(a)(3)
 20 OR (4)], 11.71.050(a)(4), or 11.71.060(a)(1) or (2) if that person

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

24 (A) the evidence supporting the prosecution for an offense
 25 under AS 11.71.025(a), 11.71.030(a)(3), 11.71.040(a)(3), (4), or (12)
 26 [AS 11.71.030(a)(3), 11.71.040(a)(3) OR (4)], 11.71.050(a)(4), or
 27 11.71.060(a)(1) or (2) was obtained or discovered as a result of the person
 28 seeking medical or law enforcement assistance;

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

31 (C) the person cooperated with medical or law enforcement

1 personnel, including by providing identification;

2 (2) was experiencing a drug overdose and sought medical assistance,
 3 and the evidence supporting a prosecution for an offense under **AS 11.71.025(a),**
 4 **11.71.030(a)(3), 11.71.040(a)(3), (4), or (12)** [AS 11.71.030(a)(3), 11.71.040(a)(3)
 5 OR (4)], 11.71.050(a)(4), or 11.71.060(a)(1) or (2) was obtained as a result of the
 6 overdose and the need for medical assistance.

7 * **Sec. 36.** AS 12.55.027 is amended by adding a new subsection to read:

8 (i) A court may grant credit under this section for time spent in a treatment
 9 program or under electronic monitoring only if the court finds that the sentence,
 10 including any credit toward the sentence of imprisonment, meets the requirements of
 11 AS 12.55.005.

12 * **Sec. 37.** AS 12.55.125(d) is amended to read:

13 (d) Except as provided in (i) of this section, a defendant convicted of a class B
 14 felony may be sentenced to a definite term of imprisonment of not more than 10 years,
 15 and shall be sentenced to a definite term within the following presumptive ranges,
 16 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

17 (1) if the offense is a first felony conviction and does not involve
 18 circumstances described in (2) **or 3** of this subsection, **90 days** [ZERO] to two years; a
 19 defendant sentenced under this paragraph may, if the court finds it appropriate, be
 20 granted a suspended imposition of sentence under AS 12.55.085;

21 (2) if the offense is a first felony conviction, the defendant violated
 22 AS 11.41.130, and the victim was

23 (A) a child under 16 years of age, two to four years; or

24 (B) was 16 years of age or older, one to three years;

25 **(3) if the offense is a first felony conviction under**
 26 **AS 11.71.030(a)(4), (5), (6), (7), or (8) for manufacture or possession with intent**
 27 **to manufacture a controlled substance that is listed in AS 11.71.150(e)(2) and**

28 **(A) the manufacture or possession with intent to**
 29 **manufacture occurred in a building with reckless disregard that the**
 30 **building was used as a permanent or temporary home or place of lodging**
 31 **for one or more children under 18 years of age, or a place frequented by**

1 children, two to four years; or

2 (B) in the course of manufacturing, the defendant obtained
 3 the assistance of one or more children under 18 years of age, or one or
 4 more children were present, two to four years;

5 (4) [(3)] if the offense is a second felony conviction, two to five years;

6 (5) [(4)] if the offense is a third felony conviction, four to 10 years.

7 * Sec. 38. AS 12.55.125(i) is amended to read:

8 (i) A defendant convicted of

9 (1) sexual assault in the first degree, sexual abuse of a minor in the
 10 first degree, or sex trafficking in the first degree under AS 11.66.110(a)(2) may be
 11 sentenced to a definite term of imprisonment of not more than 99 years and shall be
 12 sentenced to a definite term within the following presumptive ranges, subject to
 13 adjustment as provided in AS 12.55.155 - 12.55.175:

14 (A) if the offense is a first felony conviction, the offense does
 15 not involve circumstances described in (B) of this paragraph, and the victim
 16 was

17 (i) less than 13 years of age, 25 to 35 years;

18 (ii) 13 years of age or older, 20 to 30 years;

19 (B) if the offense is a first felony conviction and the defendant
 20 possessed a firearm, used a dangerous instrument, or caused serious physical
 21 injury during the commission of the offense, 25 to 35 years;

22 (C) if the offense is a second felony conviction and does not
 23 involve circumstances described in (D) of this paragraph, 30 to 40 years;

24 (D) if the offense is a second felony conviction and the
 25 defendant has a prior conviction for a sexual felony, 35 to 45 years;

26 (E) if the offense is a third felony conviction and the defendant
 27 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
 28 to 60 years;

29 (F) if the offense is a third felony conviction, the defendant is
 30 not subject to sentencing under (I) of this section, and the defendant has two
 31 prior convictions for sexual felonies, 99 years;

1 (2) unlawful exploitation of a minor under AS 11.41.455(c)(2), online
 2 enticement of a minor under AS 11.41.452(e), or attempt, conspiracy, or solicitation to
 3 commit sexual assault in the first degree, sexual abuse of a minor in the first degree, or
 4 sex trafficking in the first degree under AS 11.66.110(a)(2) may be sentenced to a
 5 definite term of imprisonment of not more than 99 years and shall be sentenced to a
 6 definite term within the following presumptive ranges, subject to adjustment as
 7 provided in AS 12.55.155 - 12.55.175:

8 (A) if the offense is a first felony conviction, the offense does
 9 not involve circumstances described in (B) of this paragraph, and the victim
 10 was

11 (i) under 13 years of age, 20 to 30 years;

12 (ii) 13 years of age or older, 15 to 30 years;

13 (B) if the offense is a first felony conviction and the defendant
 14 possessed a firearm, used a dangerous instrument, or caused serious physical
 15 injury during the commission of the offense, 25 to 35 years;

16 (C) if the offense is a second felony conviction and does not
 17 involve circumstances described in (D) of this paragraph, 25 to 35 years;

18 (D) if the offense is a second felony conviction and the
 19 defendant has a prior conviction for a sexual felony, 30 to 40 years;

20 (E) if the offense is a third felony conviction, the offense does
 21 not involve circumstances described in (F) of this paragraph, and the defendant
 22 is not subject to sentencing under (I) of this section, 35 to 50 years;

23 (F) if the offense is a third felony conviction, the defendant is
 24 not subject to sentencing under (I) of this section, and the defendant has two
 25 prior convictions for sexual felonies, 99 years;

26 (3) sexual assault in the second degree, sexual abuse of a minor in the
 27 second degree, online enticement of a minor under AS 11.41.452(d), unlawful
 28 exploitation of a minor under AS 11.41.455(c)(1), **indecent viewing or production of**
 29 **a picture under AS 11.61.123(f)(1)**, or distribution of child pornography under
 30 AS 11.61.125(e)(2) may be sentenced to a definite term of imprisonment of not more
 31 than 99 years and shall be sentenced to a definite term within the following

1 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

2 (A) if the offense is a first felony conviction, five to 15 years;

3 (B) if the offense is a second felony conviction and does not
4 involve circumstances described in (C) of this paragraph, 10 to 25 years;

5 (C) if the offense is a second felony conviction and the
6 defendant has a prior conviction for a sexual felony, 15 to 30 years;

7 (D) if the offense is a third felony conviction and does not
8 involve circumstances described in (E) of this paragraph, 20 to 35 years;

9 (E) if the offense is a third felony conviction and the defendant
10 has two prior convictions for sexual felonies, 99 years;

11 (4) sexual assault in the third degree, incest, indecent exposure in the
12 first degree, **indecent viewing or production of a picture under AS 11.61.123(f)(2)**,
13 possession of child pornography, distribution of child pornography under
14 AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual assault in
15 the second degree, sexual abuse of a minor in the second degree, unlawful exploitation
16 of a minor, or distribution of child pornography, may be sentenced to a definite term
17 of imprisonment of not more than 99 years and shall be sentenced to a definite term
18 within the following presumptive ranges, subject to adjustment as provided in
19 AS 12.55.155 - 12.55.175:

20 (A) if the offense is a first felony conviction, two to 12 years;

21 (B) if the offense is a second felony conviction and does not
22 involve circumstances described in (C) of this paragraph, eight to 15 years;

23 (C) if the offense is a second felony conviction and the
24 defendant has a prior conviction for a sexual felony, 12 to 20 years;

25 (D) if the offense is a third felony conviction and does not
26 involve circumstances described in (E) of this paragraph, 15 to 25 years;

27 (E) if the offense is a third felony conviction and the defendant
28 has two prior convictions for sexual felonies, 99 years.

29 * **Sec. 39.** AS 12.55.135(a) is amended to read:

30 (a) A defendant convicted of a class A misdemeanor may be sentenced to a
31 definite term of imprisonment of not more than

1 (1) one year, if the

2 (A) conviction is for a crime with a mandatory minimum term
3 of 30 days or more of active imprisonment;

4 (B) trier of fact finds the aggravating factor that the conduct
5 constituting the offense was among the most serious conduct included in the
6 definition of the offense;

7 (C) defendant has past criminal convictions for conduct
8 violative of criminal laws, punishable as felonies or misdemeanors, similar in
9 nature to the offense for which the defendant is being sentenced;

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

12 (E) conviction is for a violation of

13 (i) AS 11.41.427;

14 (ii) AS 11.41.440;

15 (iii) AS 11.41.460, if the indecent exposure is before a
16 person under 16 years of age;

17 (iv) AS 11.61.116(c)(2); or

18 (v) AS 11.61.118(a)(2);

19 (2) 90 [30] days.

20 * **Sec. 40.** AS 12.55.135(b) is amended to read:

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

23 (1) 30 [10] days unless otherwise specified in the provision of law
24 defining the offense or in this section;

25 (2) 90 days if the conviction is for a violation of

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

28 (B) AS 11.61.120(a)(6) and the person is 21 years of age or
29 older; or

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

31 * **Sec. 41.** AS 12.55.135(n) is amended to read:

1 (n) A court sentencing a person convicted of misconduct involving a
 2 controlled substance in the **fifth** [FOURTH] degree under AS 11.71.050(a)(4) or
 3 misconduct involving a controlled substance in the **sixth** [FIFTH] degree under
 4 AS 11.71.060(a)(2) may not impose

5 (1) a sentence of active imprisonment, unless the person has previously
 6 been convicted more than once of an offense under AS 11.71 or a law of this or
 7 another jurisdiction with elements substantially similar to an offense under AS 11.71;
 8 or

9 (2) a sentence of suspended imprisonment greater than

10 (A) 30 days, if the defendant has not been previously convicted
 11 of an offense under AS 11.71 or a law of this or another jurisdiction with
 12 elements substantially similar to an offense under AS 11.71; or

13 (B) 180 days, if the person has been previously convicted of an
 14 offense under AS 11.71 or a law of this or another jurisdiction with elements
 15 substantially similar to an offense under AS 11.71.

16 * **Sec. 42.** AS 12.55.185(16) is amended to read:

17 (16) "sexual felony" means sexual assault in the first degree, sexual
 18 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in
 19 the second degree, sexual abuse of a minor in the second degree, unlawful exploitation
 20 of a minor, **indecent viewing or production of a picture under AS 11.61.123(f)(1)**
 21 **or (2)**, distribution of child pornography, sexual assault in the third degree, incest,
 22 indecent exposure in the first degree, possession of child pornography, online
 23 enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those
 24 crimes;

25 * **Sec. 43.** AS 12.63.010(d) is amended to read:

26 (d) A sex offender or child kidnapper required to register

27 (1) for 15 years under (a) of this section and **AS 12.63.020**
 28 [AS 12.63.020(a)(2)] shall, annually, during the term of a duty to register under
 29 AS 12.63.020, on a date set by the department at the time of the sex offender's or child
 30 kidnapper's initial registration, provide written verification to the department, in the
 31 manner required by the department, of the sex offender's or child kidnapper's address

1 and notice of any changes to the information previously provided under (b)(1) of this
2 section;

3 (2) for life under (a) of this section and **AS 12.63.020**
4 [AS 12.63.020(a)(1)] shall, not less than quarterly, on a date set by the department,
5 provide written verification to the department, in the manner required by the
6 department, of the sex offender's or child kidnapper's address and any changes to the
7 information previously provided under (b)(1) of this section.

8 * **Sec. 44.** AS 12.63.010 is amended by adding a new subsection to read:

9 (g) Notwithstanding the requirement to register under this section, a sex
10 offender or child kidnapper, as that term is defined in AS 12.63.100(6)(B), may
11 petition the department for removal from the central registry of sex offenders and child
12 kidnappers and to be exempt from the registration requirements under this section. The
13 department shall grant the petition if the petitioner submits proof acceptable to the
14 department that the facts underlying the conviction in another jurisdiction do not
15 constitute a sex offense or child kidnapping in this state. When the petition is granted,
16 the department shall remove from the central registry information about the sex
17 offender or child kidnapper as provided in AS 18.65.087(d)(4).

18 * **Sec. 45.** AS 12.63.020 is amended to read:

19 **Sec. 12.63.020. Duration of sex offender or child kidnapper duty to**
20 **register.** (a) The duty of a sex offender or child kidnapper to comply with the
21 requirements of AS 12.63.010 **is as follows:**

22 **(1) for a sex offender or child kidnapper, as that term is defined in**
23 **AS 12.63.100(6)(A), for each sex offense or child kidnapping, the duty**

24 **(A)** [(1)] continues for the lifetime of a sex offender or child
25 kidnapper convicted of

26 **(i)** [(A)] one aggravated sex offense; or

27 **(ii)** [(B)] two or more sex offenses, two or more child
28 kidnappings, or one sex offense and one child kidnapping; for purposes
29 of this section, a person convicted of indecent exposure before a person
30 under 16 years of age under AS 11.41.460 more than two times has
31 been convicted of two or more sex offenses;

1 **(B)** [(2)] ends 15 years following the sex offender's or child
 2 kidnapper's unconditional discharge from a conviction for a single sex offense
 3 that is not an aggravated sex offense or for a single child kidnapping if the sex
 4 offender or child kidnapper has supplied proof that is acceptable to the
 5 department of the unconditional discharge; the registration period under this
 6 **subparagraph**

7 **(i)** [PARAGRAPH (A)] is tolled for each year that a sex
 8 offender or child kidnapper [(i)] fails to comply with the requirements
 9 of this chapter **or** [; (ii)] is incarcerated for the offense or kidnapping
 10 for which the offender or kidnapper is required to register or for any
 11 other offense;

12 **(ii)** [(B)] may include the time a sex offender or child
 13 kidnapper was absent from this state if the sex offender or child
 14 kidnapper has complied with any sex offender or child kidnapper
 15 registration requirements of the jurisdiction in which the offender or
 16 kidnapper was located and if the sex offender or child kidnapper
 17 provides the department with proof of the compliance while the sex
 18 offender or child kidnapper was absent from this state; and

19 **(iii)** [(C)] continues for a sex offender or child
 20 kidnapper who has not supplied proof acceptable to the department of
 21 the offender's or kidnapper's unconditional discharge for the sex
 22 offense or child kidnapping requiring registration;

23 **(2) for a sex offender or child kidnapper, as that term is defined in**
 24 **AS 12.63.100(6)(B), the duty continues for the period determined by the**
 25 **department under (b) of this section.**

26 (b) The department shall adopt, by regulation,

27 **(1)** procedures to notify a sex offender or child kidnapper

28 **(A)** who, on the registration form under AS 12.63.010, lists a
 29 conviction for a sex offense or child kidnapping that is a violation of a former
 30 law of this state or a law of another jurisdiction, of the duration of the
 31 offender's or kidnapper's duty under (a) of this section for that sex offense or

1 child kidnapping;

2 (B) as that term is defined in AS 12.63.100(6)(B), of the
 3 duration of the sex offender or child kidnapper's duty under (a) of this
 4 section and of the procedure to petition for removal from the central
 5 registry; in adopting regulations under this subparagraph, the
 6 department shall

7 (i) consider the period of registration required in the
 8 other jurisdiction; and

9 (ii) provide for tolling of the registration period if
 10 the sex offender or child kidnapper fails to comply with the
 11 requirements of this chapter or is incarcerated;

12 (2) a requirement that an [. AS A PART OF THE REGULATIONS,
 13 THE DEPARTMENT SHALL REQUIRE THE] offender or kidnapper [TO] supply
 14 proof acceptable to the department of unconditional discharge and the date it occurred;

15 (3) procedures to remove a sex offender or child kidnapper, as that
 16 term is defined in AS 12.63.100(6)(B), from the central registry of sex offenders
 17 and child kidnappers.

18 * Sec. 46. AS 12.63.100(6) is amended to read:

19 (6) "sex offender or child kidnapper" means

20 (A) a person convicted of a sex offense or child kidnapping in
 21 this state or another jurisdiction regardless of whether the conviction occurred
 22 before, after, or on January 1, 1999;

23 (B) a person charged and convicted as an adult of an
 24 offense that requires registration as a sex offender or child kidnapper in
 25 another jurisdiction;

26 * Sec. 47. AS 18.65.087(d) is amended to read:

27 (d) The Department of Public Safety

28 (1) shall adopt regulations to

29 (A) allow a sex offender or child kidnapper to review sex
 30 offender or child kidnapper registration information that refers to that sex
 31 offender or child kidnapper, and if the sex offender or child kidnapper believes

1 the information is inaccurate or incomplete, to request the department to
 2 correct the information; if the department finds the information is inaccurate or
 3 incomplete, the department shall correct or supplement the information;

4 (B) ensure the appropriate circulation to law enforcement
 5 agencies of information contained in the central registry;

6 (C) ensure the anonymity of members of the public who
 7 request information under this section;

8 (2) shall provide to the Department of Corrections and municipal
 9 police departments the forms and directions necessary to allow sex offenders and child
 10 kidnappers to comply with AS 12.63.010;

11 (3) may adopt regulations to establish fees to be charged for
 12 registration under AS 12.63.010 and for information requests; the fee for registration
 13 shall be based on [UPON] the actual costs of performing the registration and
 14 maintaining the central registry but may not be set at a level whereby registration is
 15 discouraged; the fee for an information request may not be greater than \$10;

16 (4) shall remove from the central registry of sex offenders and child
 17 kidnappers under this section information about a sex offender or child kidnapper

18 (A) required to register under AS 12.63.020(a)(2) at the end of
 19 the sex offender's or child kidnapper's duty to register if the offender or
 20 kidnapper has not been convicted of another sex offense or child kidnapping
 21 and the offender or kidnapper has supplied proof of unconditional discharge
 22 acceptable to the department;

23 (B) who has successfully petitioned the Department of
 24 Public Safety to be removed from the central registry of sex offenders and
 25 child kidnappers under AS 12.63.010(g) [IN THIS PARAGRAPH, "SEX
 26 OFFENSE" AND "CHILD KIDNAPPING" HAVE THE MEANINGS GIVEN
 27 IN AS 12.63.100].

28 * **Sec. 48.** AS 18.65.087 is amended by adding a new subsection to read:

29 (j) In this section, "sex offense" and "child kidnapping" have the meanings
 30 given in AS 12.63.100.

31 * **Sec. 49.** AS 28.35.030(o) is amended to read:

1 (o) Upon request, the department shall review a driver's license revocation
 2 imposed under (n)(3) of this section and, **unless the revocation was ordered in a**
 3 **case in which the person was also convicted of a crime under AS 11.41.100 -**
 4 **11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction,**

5 (1) may restore the driver's license if

6 (A) the license has been revoked for a period of at least 10
 7 years;

8 (B) the person has not been convicted of a [DRIVING-
 9 RELATED] criminal offense **in the 10 years preceding the request for**
 10 **restoration of** [SINCE] the license [WAS REVOKED]; and

11 (C) the person provides proof of financial responsibility;

12 (2) shall restore the driver's license if

13 (A) the person has been granted limited license privileges
 14 under AS 28.15.201(g) and has successfully driven under that limited license
 15 for three years without having the limited license privileges revoked;

16 (B) the person has successfully completed a court-ordered
 17 treatment program under AS 28.35.028 or a rehabilitative treatment program
 18 under AS 28.15.201(h);

19 (C) the person has not been convicted of a violation of
 20 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another
 21 jurisdiction since the license was revoked;

22 (D) the person is otherwise eligible to have the person's driving
 23 privileges restored as provided in AS 28.15.211; in an application under this
 24 subsection, a person whose license was revoked for a violation of
 25 AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as
 26 required under AS 28.35.030(h) or 28.35.032(l); and

27 (E) the person provides proof of financial responsibility.

28 * **Sec. 50.** AS 28.35.032(q) is amended to read:

29 (q) Upon request, the department shall review a driver's license revocation
 30 imposed under (p)(3) of this section and, **unless the revocation was ordered in a**
 31 **case in which the person was also convicted of a crime under AS 11.41.100 -**

1 **11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction,** may
2 restore the driver's license if

3 (1) the license has been revoked for a period of at least 10 years;

4 (2) the person has not been convicted of a criminal offense **in the 10**
5 **years preceding the request for restoration of** [SINCE] the license [WAS
6 REVOKED]; and

7 (3) the person provides proof of financial responsibility.

8 * **Sec. 51.** AS 33.30.011(a) is amended to read:

9 (a) The commissioner shall

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

15 (2) classify prisoners;

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

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

20 (B) maintain health;

21 (C) create or improve occupational skills;

22 (D) enhance educational qualifications;

23 (E) support court-ordered restitution; and

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

26 (4) provide necessary

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

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

1 observation, concludes that

2 (i) a prisoner exhibits symptoms of a serious disease or
3 injury that is curable or may be substantially alleviated; and

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

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

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

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

14 (7) establish a program to conduct assessments of the risks and needs
15 of offenders sentenced to serve a term of incarceration of 90 [30] days or more [AND
16 PROVIDE TO THE LEGISLATURE, BY ELECTRONIC MEANS, BY JANUARY
17 15, 2017, AND THEREAFTER BY JANUARY 15, PRECEDING THE FIRST
18 REGULAR SESSION OF EACH LEGISLATURE, A REPORT SUMMARIZING
19 THE FINDINGS AND RESULTS OF THE PROGRAM]; the program must include a
20 requirement for an assessment before a prisoner's release on parole, furlough, or
21 electronic monitoring from a correctional facility;

22 (8) establish a procedure that provides for each prisoner required to
23 serve an active term of imprisonment of 90 [30] days or more a written case plan that

24 (A) **takes effect and** is provided to the prisoner within 90 days
25 after sentencing;

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

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

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

31 (E) includes participation in programming that addresses the

1 needs identified in the assessment;

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

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

9 (i) residence;

10 (ii) employment or alternative means of support;

11 (iii) treatment options;

12 (iv) counseling services;

13 (v) education or job training services;

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

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

20 **(D) coordination with community reentry coalitions or**
21 **other providers of reentry services if available;**

22 (10) for offenders under electronic monitoring, establish

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

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

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

31 **(12) provide to the legislature, by electronic means, by January 10**

1 **preceding the first regular session of each legislature, a report summarizing the**
 2 **findings and results of the program established under (7) of this subsection; the**
 3 **report must include**

4 **(A) the number of prisoners who were provided with**
 5 **written case plans under (8) of this subsection;**

6 **(B) the number of written case plans under (8) of this**
 7 **subsection initiated within the preceding year; and**

8 **(C) the number of written case plans under (8) of this**
 9 **subsection that were updated in the preceding year.**

10 * **Sec. 52.** AS 34.03.360(7) is amended to read:

11 (7) "illegal activity involving a controlled substance" means a violation
 12 of AS 11.71.010(a), **11.71.025**, 11.71.030(a)(1), (2), or (4) - (8), or 11.71.040(a)(1),
 13 (2), or (5);

14 * **Sec. 53.** AS 44.19.647(a) is amended to read:

15 (a) The commission shall submit to the governor and the legislature an annual
 16 report. The report must include

17 (1) a description of its proceedings for the previous calendar year;

18 (2) a summary of savings and recommendations on how savings from
 19 criminal justice reform should be reinvested to reduce recidivism;

20 (3) performance metrics and outcomes from the recommendations the
 21 commission made in its December 2015 report, including recidivism rates, defined as

22 (A) the percentage of inmates who return to prison within three
 23 years after release, broken down by offense type and risk level; and

24 (B) the percentage of inmates who return to prison within three
 25 years after release for a new criminal conviction, broken down by offense type
 26 and risk level; [AND]

27 (4) recommendations for additional reforms, which may include
 28 recommendations for legislative and administrative action; **and**

29 **(5) data reported by the Department of Law under AS 44.23.040.**

30 * **Sec. 54.** AS 44.23.020 is amended by adding a new subsection to read:

31 (k) The attorney general, in consultation with the commissioner of public

1 safety, shall

2 (1) develop a tool to track felony sex offenses reported to the
3 Department of Public Safety by geographic location; the tracking tool must include a
4 means to record the reason a reported offense was not referred for prosecution or, if
5 referred, the reason the offense was not prosecuted and, if applicable, the reason a sex
6 offense charged as a felony resulted in a conviction of an offense other than a sex
7 offense under a plea agreement;

8 (2) develop regulations and procedures to implement the requirements
9 established under (1) of this subsection; and

10 (3) provide training for the implementation of the regulations and
11 procedures established under (2) of this subsection in each state department as
12 necessary.

13 * **Sec. 55.** AS 44.23.040 is amended by adding a new subsection to read:

14 (b) The Department of Law, in consultation with the Department of Public
15 Safety, shall gather and report data on felony sex offenses to the Alaska Judicial
16 Council. The data must include

17 (1) the number of felony sex offenses reported to the Department of
18 Public Safety that were not referred for prosecution;

19 (2) the number of felony sex offenses referred for prosecution that
20 were not prosecuted;

21 (3) the number of felony sex offenses that resulted in a conviction for a
22 crime other than a sex offense; and

23 (4) the number of sex offenses referred for prosecution that were
24 charged as a felony and, under a plea agreement, resulted in a conviction for a crime
25 other than a sex offense.

26 * **Sec. 56.** AS 44.41 is amended by adding a new section to read:

27 **Sec. 44.41.065. Sexual assault examination kits.** (a) When a law enforcement
28 agency collects a sexual assault examination kit under AS 18.68.010, the agency shall

29 (1) within 30 days after the agency collects the sexual assault
30 examination kit, send the sexual assault examination kit to an accredited laboratory in
31 coordination with the Department of Public Safety or a laboratory operated by the

1 Department of Public Safety;

2 (2) ensure that the laboratory to which the sexual assault examination
3 kit is sent under (1) of this subsection conducts a serological or DNA test on the
4 sexual assault examination kit within one year after the laboratory receives the sexual
5 assault examination kit; and

6 (3) within two weeks after the laboratory that receives the sexual
7 assault examination kit under (1) of this subsection completes serological or DNA
8 testing, make a reasonable effort to notify the victim from whom the sexual assault
9 examination kit was collected that the sexual assault examination kit has been tested.

10 (b) A criminal action may not be dismissed nor the evidence deemed
11 nonadmissible for failure to be tested within the times established in (a)(1) and (2) of
12 this section.

13 (c) If a case is resolved before a sexual assault examination kit is tested, a law
14 enforcement agency is not required to meet the time limits established in (a) of this
15 section.

16 (d) In this section,

17 (1) "law enforcement agency" or "agency" has the meaning given to
18 "law enforcement agency" in AS 12.36.090;

19 (2) "victim" has the meaning given in AS 11.41.470.

20 * **Sec. 57.** AS 44.41.070(a) is amended to read:

21 (a) By September 1 of each year, each law enforcement agency and state
22 department charged with the maintenance, storage, and preservation of sexual assault
23 examination kits shall conduct an inventory of untested sexual assault examination kits
24 and report, in writing, to the Department of Public Safety the number of untested
25 sexual assault examination kits in the possession of the agency or department, **the**
26 **number of sexual assault examination kits that the law enforcement agency or**
27 **state department has determined is ineligible for testing under (e) of this section,**
28 **with the reason or reasons the untested sexual assault examination kits were**
29 **determined to be ineligible for testing,** and the date on which each untested sexual
30 assault examination kit was collected.

31 * **Sec. 58.** AS 44.41.070(b) is amended to read:

1 (b) By November 1 of each year, the Department of Public Safety shall
 2 prepare and transmit a report to the president of the senate and the speaker of the
 3 house of representatives that contains

4 (1) the number of untested sexual assault examination kits stored by
 5 each law enforcement agency or department and the number of sexual assault
 6 examination kits that the law enforcement agency or state department has
 7 determined is ineligible for testing under (e) of this section, with the reason or
 8 reasons the untested sexual assault examination kits were determined to be
 9 ineligible for testing;

10 (2) the date each untested sexual assault examination kit was collected;
 11 and

12 (3) a plan for addressing the backlog and prevention of a backlog of
 13 untested sexual assault examination kits.

14 * **Sec. 59.** AS 44.41.070 is amended by adding a new subsection to read:

15 (e) A sexual assault examination kit is ineligible for testing if the law
 16 enforcement agency or state department finds that the sexual assault examination kit

17 (1) is scientifically unviable;

18 (2) does not meet eligibility requirements for inclusion in the
 19 Combined DNA Index System database; or

20 (3) was collected from a person who wishes to remain anonymous.

21 * **Sec. 60.** AS 47.12.315(a) is amended to read:

22 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this
 23 section, the department shall disclose information to the public, on request, concerning
 24 a minor subject to this chapter who was at least 13 years of age at the time of
 25 commission of

26 (1) a felony offense against a person under AS 11.41;

27 (2) arson in the first or second degree;

28 (3) burglary in the first degree;

29 (4) distribution of child pornography;

30 (5) sex trafficking in the first degree;

31 (6) misconduct involving a controlled substance in the first, [OR]

1 second, or third degrees involving distribution or possession with intent to deliver; or

2 (7) misconduct involving weapons in the first through fourth degrees.

3 * **Sec. 61.** AS 11.46.980(d) and 11.46.982 are repealed.

4 * **Sec. 62.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

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

- 8 (1) AS 11.41.110(a), as amended by sec. 1 of this Act;
- 9 (2) AS 11.41.150(a), as amended by sec. 2 of this Act;
- 10 (3) AS 11.41.432(a), as amended by sec. 3 of this Act;
- 11 (4) AS 11.46.130(a), as amended by sec. 4 of this Act;
- 12 (5) AS 11.46.140(a), as amended by sec. 5 of this Act;
- 13 (6) AS 11.46.150(a), as amended by sec. 6 of this Act;
- 14 (7) AS 11.46.220(c), as amended by sec. 7 of this Act;
- 15 (8) AS 11.46.260(b), as amended by sec. 8 of this Act;
- 16 (9) AS 11.46.270(b), as amended by sec. 9 of this Act;
- 17 (10) AS 11.46.280(d), as amended by sec. 10 of this Act;
- 18 (11) AS 11.46.285, as amended by sec. 11 of this Act;
- 19 (12) AS 11.46.295, as amended by sec. 12 of this Act;
- 20 (13) AS 11.46.360(a), as amended by sec. 13 of this Act;
- 21 (14) AS 11.46.370, enacted by sec. 14 of this Act;
- 22 (15) AS 11.46.482(a), as amended by sec. 15 of this Act;
- 23 (16) AS 11.46.484(a), as amended by sec. 16 of this Act;
- 24 (17) AS 11.46.486(a), as amended by sec. 17 of this Act;
- 25 (18) AS 11.46.530(b), as amended by sec. 18 of this Act;
- 26 (19) AS 11.46.620(d), as amended by sec. 19 of this Act;
- 27 (20) AS 11.46.730(c), as amended by sec. 20 of this Act;
- 28 (21) AS 11.46.980(e), enacted by sec. 21 of this Act;
- 29 (22) AS 11.56.810(a), as amended by sec. 22 of this Act;
- 30 (23) AS 11.61.123(a), as amended by sec 23 of this Act;
- 31 (24) AS 11.61.123(c), as amended by sec 24 of this Act;

- 1 (25) AS 11.61.123(d), as amended by sec 25 of this Act;
- 2 (26) AS 11.61.123(f), as amended by sec 26 of this Act;
- 3 (27) AS 11.61.123(g), enacted by sec 27 of this Act;
- 4 (28) AS 11.71.025, enacted by sec. 28 of this Act;
- 5 (29) AS 11.71.030(a), as amended by sec. 29 of this Act;
- 6 (30) AS 11.71.030(d), as amended by sec. 30 of this Act;
- 7 (31) AS 11.71.040(a), as amended by sec. 31 of this Act;
- 8 (32) AS 11.71.040(d), as amended by sec. 32 of this Act;
- 9 (33) AS 11.71.050, as amended by sec. 33 of this Act;
- 10 (34) AS 11.71.060, as amended by sec. 34 of this Act;
- 11 (35) AS 11.71.311(a), as amended by sec. 35 of this Act;
- 12 (36) AS 12.55.185(16), as amended by sec. 42 of this Act;
- 13 (37) AS 28.35.030(o), as amended by sec. 49 of this Act;
- 14 (38) AS 28.35.032(q), as amended by sec. 50 of this Act.

15 (b) The following sections apply to sentences imposed on or after the effective date of
16 those sections:

- 17 (1) AS 12.55.027(i), enacted by sec. 36 of this Act;
- 18 (2) AS 12.55.125(d), as amended by sec. 37 of this Act;
- 19 (3) AS 12.55.125(i), as amended by sec. 38 of this Act;
- 20 (4) AS 12.55.135(a), as amended by sec. 39 of this Act;
- 21 (5) AS 12.55.135(b), as amended by sec. 40 of this Act;
- 22 (6) AS 12.55.135(n), as amended by sec. 41 of this Act.

23 (c) The following sections apply to the duty to register as a sex offender for offenses
24 committed on or after the effective date of those sections:

- 25 (1) AS 12.63.010(d), as amended by sec. 43 of this Act;
- 26 (2) AS 12.30.010(g), enacted by sec. 44 of this Act;
- 27 (3) AS 12.63.020, as amended by sec. 45 of this Act;
- 28 (4) AS 12.63.100(6), as amended by sec. 46 of this Act.

29 * **Sec. 63.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 REPORT TO LEGISLATURE; COMMISSIONER OF CORRECTIONS. On or

1 before January 10, 2020, the commissioner of corrections shall provide a report to the
2 legislature as described under AS 33.30.011(a)(12), enacted by sec. 51 of this Act. The
3 commissioner shall submit the report to the senate secretary and chief clerk of the house of
4 representatives and notify the legislature that the report is available.