

AMENDMENT

#2 BY
Senator
Holland

OFFERED IN THE SENATE
TO: HB 325

1 Page 1, line 1:

2 Following "Act":

3 Insert "relating to petitions for a change of name for certain persons;
4 relating to the duty to register as a sex offender;"

5 Following "violence":

6 Insert "; and amending Rule 84, Alaska Rules of Civil Procedure"

7

8 Page 1, following line 2:

9 Insert new bill sections to read:

10 **** Section 1.** AS 09.55.010 is amended by adding new subsections to read:

11 (b) A person seeking a change of name under this section shall notify the court
12 if the person is

13 (1) committed to the custody of the Department of Corrections, on
14 probation under AS 33.05, or on parole under AS 33.16; a person subject to this
15 paragraph shall provide proof satisfactory to the court that notice of the petition has
16 been served on the person's assigned probation or parole officer;

17 (2) required to register as a sex offender under AS 12.63; a person
18 subject to this paragraph shall provide proof satisfactory to the court that notice of the
19 petition has been served on the Department of Public Safety; or

20 (3) charged with an offense; a person subject to this paragraph shall
21 provide the court with the case number associated with the offense.

22 (c) In addition to the requirements provided under (a) of this section, a court
23 may not grant a change of name of a person subject to (b) of this section unless the

1 court finds that the change

- 2 (1) does not have a fraudulent purpose;
 3 (2) is not intended to hinder or obstruct law enforcement purposes; and
 4 (3) would not interfere with the rights of others.

5 * Sec. 2. AS 11.56.840(a) is amended to read:

6 (a) A person commits the crime of failure to register as a sex offender or child
 7 kidnapper in the second degree if the person

- 8 (1) is required to register under AS 12.63.010;
 9 (2) knows that the person is required to register under AS 12.63.010;

10 and

- 11 (3) fails to
 12 (A) register;
 13 (B) file written notice of
 14 (i) change of residence;
 15 (ii) change of mailing address;
 16 (iii) establishment of an electronic or messaging address
 17 or any change to an electronic or messaging address; [OR]
 18 (iv) ~~establishment of an Internet communication~~
 19 identifier or any change to an Internet communication identifier; or
 20 (v) change of name;
 21 (C) file the annual or quarterly written verification; or
 22 (D) supply accurate and complete information required to be
 23 submitted under this paragraph.

24 * Sec. 3. AS 12.63.010(c) is amended to read:

25 (c) If a sex offender or child kidnapper changes residence or obtains a
 26 change of name under AS 09.55.010 after having registered under (a) of this section,
 27 the sex offender or child kidnapper shall provide written notice of the change by the
 28 next working day following the change to the Alaska state trooper post or municipal
 29 police department located nearest to the new residence or, if the residence change is
 30 out of state, to the central registry. If a sex offender or child kidnapper establishes or
 31 changes an electronic mail address, instant messaging address, or other Internet

1 communication identifier, the sex offender or child kidnapper shall, by the next
 2 working day, notify the department in writing of the changed or new address or
 3 identifier."

4
 5 Page 1, line 3:

6 Delete "**Section 1**"

7 Insert "**Sec. 4**"

8
 9 Page 2, following line 3:

10 Insert new bill sections to read:

11 **"* Sec. 5.** AS 25.24.165 is amended by adding a new subsection to read:

12 (c) This section does not apply to a person who is committed to the custody of
 13 the Department of Corrections, on probation under AS 33.05, on parole under
 14 AS 33.16, or required to register as a sex offender under AS 12.63.

15 *** Sec. 6.** AS 33.05.020 is amended by adding a new subsection to read:

16 (j) The commissioner shall notify the victim of a crime upon receiving notice
 17 that a probationer has filed a petition for a change of name under AS 09.55.010.

18 *** Sec. 7.** AS 33.16.180 is amended to read:

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

20 (1) conduct investigations of prisoners eligible for discretionary parole,
 21 as requested by the board and as provided in this section;

22 (2) supervise the conduct of parolees;

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

24 (4) notify the board and provide information on a prisoner 120 days
 25 before the prisoner's mandatory release date, if the prisoner is to be released on
 26 mandatory parole;

27 (5) maintain records, files, and accounts as requested by the board;

28 (6) prepare preparole reports under AS 33.16.110(a);

29 (7) notify the board in writing of a prisoner's compliance or
 30 noncompliance with the prisoner's case plan created under AS 33.30.011(a)(8) not less
 31 than 30 days before the prisoner's next parole eligibility date or the prisoner's parole

1 hearing date, whichever is earlier;

2 (8) establish an administrative sanction and incentive program to
3 facilitate a swift and certain response to a parolee's compliance with or violation of the
4 conditions of parole and shall adopt regulations to implement the program; at a
5 minimum, the regulations must include

6 (A) a decision-making process to guide parole officers in
7 determining the suitable response to positive and negative offender behavior
8 that includes a list of sanctions for the most common types of negative
9 behavior, including technical violations of conditions of parole, and a list of
10 incentives for compliance with conditions and positive behavior that exceeds
11 those conditions;

12 (B) policies and procedures that ensure

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

15 (ii) that enhanced sanctions for certain negative conduct
16 are approved by the commissioner or the commissioner's designee; and

17 (iii) that appropriate due process protections are
18 included in the process, including notice of negative behavior, an
19 opportunity to dispute the accusation and the sanction, and an
20 opportunity to request a review of the accusation and the sanction;

21 [AND]

22 (9) within 30 days after sentencing of an offender, provide the victim
23 of a crime information on the earliest dates the offender could be released on furlough,
24 probation, or parole, including deductions or reductions for good time or other good
25 conduct incentives, and the process for release, including contact information for the
26 decision-making bodies; **and**

27 **(10) notify the board and the victim of a crime upon receiving**
28 **notice that a parolee has filed a petition for a change of name under**
29 **AS 09.55.010.**

30 * Sec. 8. AS 33.30.013(a) is amended to read:

31 (a) The commissioner shall notify the victim if [THE OFFENDER]

- 1 (1) the offender escapes from custody;
 2 (2) the offender is discharged from parole under AS 33.16; or
 3 (3) the offender is released to the community on a furlough, on an
 4 early release program, or for any other reason; or
 5 (4) the commissioner receives notice that the offender has filed a
 6 petition for a change of name under AS 09.55.010.

7 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
 8 read:

9 INDIRECT COURT RULE AMENDMENT. AS 09.55.010, as amended by sec. 1 of
 10 this Act, has the effect of changing Rule 84, Alaska Rules of Civil Procedure, by establishing
 11 specific parties that must be notified and findings that must be made by the court when certain
 12 persons petition for a change of name.

13 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
 14 read:

15 APPLICABILITY. (a) AS 11.56.840(a), as amended by sec. 2 of this Act, applies to
 16 offenses committed on or after the effective date of this Act.

17 (b) AS 12.63.010(c), as amended by sec. 3 of this Act, applies to the duty to register
 18 as a sex offender or child kidnapper for offenses committed before, on, or after the effective
 19 date of this Act.

20 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
 21 read:

22 CONDITIONAL EFFECT. AS 09.55.010(b) and (c), enacted by sec. 1 of this Act,
 23 take effect only if sec. 9 of this Act receives the two-thirds majority vote of each house
 24 required by art. IV, sec. 15, Constitution of the State of Alaska."