

**HOUSE BILL NO. 386**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE TUCK

Introduced: 2/22/22

Referred: State Affairs, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to a state-run drug and alcohol treatment facility; and relating to**  
2   **probation."**

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

4    \* **Section 1.** AS 12.55.100(a) is amended to read:

5                   (a) While on probation and among the conditions of probation, the defendant

6                               (1) shall be required to obey all state, federal, and local laws or  
7                   ordinances, and any court orders applicable to the probationer; and

8                               (2) may be required

9                                       (A) to pay a fine in one or several sums;

10                                       (B) to make restitution or reparation to aggrieved parties for  
11                   actual damages or loss caused by the crime for which conviction was had,  
12                   including compensation to a victim that is a nonprofit organization for the  
13                   value of labor or goods provided by volunteers if the labor or goods were  
14                   necessary to alleviate or mitigate the effects of the defendant's crime; when

determining the amount of actual damages or loss under this subparagraph, the court shall value property as the market value of the property at the time and place of the crime or, if the market value cannot reasonably be ascertained, the cost of the replacement of the property within a reasonable time after the crime;

(C) to provide for the support of any persons for whose support the defendant is legally responsible;

(D) to perform community work in accordance with AS 12.55.055;

(E) to participate in or comply with the treatment plan of an inpatient or outpatient rehabilitation program specified by either the court or the defendant's probation officer that is related to the defendant's offense or to the defendant's rehabilitation;

(F) to satisfy the screening, evaluation, referral, and program requirements of an agency authorized by the court to make referrals for rehabilitative treatment or to provide rehabilitative treatment;

(G) to comply with a program established under AS 47.38.020;  
[AND]

(H) to comply with the sanctions imposed by the defendant's probation officer under AS 33.05.020(g); and

**(I) to participate in an addiction rehabilitation program at a drug and alcohol treatment facility under AS 47.38.050.**

\* **Sec. 2.** AS 47.38 is amended by adding a new section to read:

**Article 1A. Drug and Alcohol Addiction Treatment Facility.**

**Sec. 47.38.050. Drug and Alcohol Addiction Treatment Facility.** (a) The commissioner shall, in consultation with the director of the division responsible for managing the behavioral health program described in AS 47.05.270(b), establish and operate a drug and alcohol addiction treatment facility. The facility must serve individuals ordered by a court to participate in a drug or alcohol addiction treatment program.

(b) The drug and alcohol addiction treatment facility must offer

- (1) evidence-based medical detoxification;
- (2) medication-assisted treatment;
- (3) behavioral therapy;
- (4) post-treatment counseling.

(c) The facility shall offer treatment on both an inpatient and outpatient basis. The facility may not release an individual participating in an inpatient program under a court order until a health care provider determines that the individual can refrain from drug or alcohol use.

(d) The drug and alcohol addiction treatment facility may admit individuals who voluntarily seek treatment. The department shall set the fee for voluntary treatment by regulation.