

SENATE BILL NO. 71

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/24/25

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to pretrial services supervision agreements."**

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

3 * **Section 1.** AS 33.07.010 is amended to read:

4 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner
5 shall establish and administer a pretrial services program that provides a pretrial risk
6 assessment for all defendants detained in custody in a correctional facility following
7 arrest and for any defendant for whom the prosecution requests to have a pretrial risk
8 assessment at the next hearing or arraignment. The pretrial services program shall
9 make recommendations to the court concerning pretrial release decisions and provide
10 supervision of defendants **charged with a violation of state law and** released while
11 awaiting trial as ordered by the court.

12 * **Sec. 2.** AS 33.07.020 is amended to read:

13 **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner
14 shall

15 (1) appoint and make available to the superior court and district court

1 qualified pretrial services officers;

2 (2) fix pretrial services officers' salaries;

3 (3) assign pretrial services officers to each judicial district;

4 (4) provide for the necessary supervision, training, expenses, including
5 clerical services, and travel of pretrial services officers;

6 (5) approve a risk assessment instrument that is objective,
7 standardized, and developed based on analysis of empirical data and risk factors
8 relevant to pretrial failure, that evaluates the likelihood of failure to appear in court
9 and the likelihood of rearrest during the pretrial period, and that is validated on the
10 state's pretrial population; and

11 (6) **except for regulations adopted under (b) of this section,** adopt
12 regulations in consultation with the Department of Law, the public defender, the
13 Department of Public Safety, the office of victims' rights, and the Alaska Court
14 System, consistent with this chapter and as necessary to implement the program; the
15 regulations must include a process for pretrial services officers to make a
16 recommendation to the court concerning a pretrial release decision and guidelines for
17 pretrial diversion recommendations.

18 * **Sec. 3.** AS 33.07.020 is amended by adding a new subsection to read:

19 (b) Notwithstanding (a) of this section, the commissioner may

20 (1) enter into an agreement with a municipality of the state to provide
21 pretrial supervision services as ordered by the court to defendants charged solely with
22 a violation of a law of that municipality; and

23 (2) adopt regulations establishing reasonable fees for the services
24 provided to a municipality under this subsection.

25 * **Sec. 4.** AS 33.07.030(g) is amended to read:

26 (g) A pretrial services officer may

27 (1) recommend pretrial diversion to the court and parties before
28 adjudication in accordance with the guidelines established by the commissioner under
29 **AS 33.07.020(a)(6)** [AS 33.07.020(6)];

30 (2) if the officer has probable cause to believe the defendant has
31 committed an offense under AS 11.56.730 or 11.56.757 or has violated the defendant's

1 release conditions, file a complaint with the court and

2 (A) arrest, with or without a warrant, a defendant who has been
3 released while awaiting trial; or

4 (B) request the court to issue warrants related to any violation
5 of the defendant's release conditions;

6 (3) refer interested defendants for substance abuse screening,
7 assessment, and treatment on a voluntary basis and assist any defendant whose offense
8 or criminal history identified a dependency on, abuse of, or addiction to alcohol or
9 controlled substances with accessing and obtaining appropriate treatment in the
10 community to address those needs;

11 (4) recommend that a defendant charged with an offense involving the
12 use of alcohol or controlled substances comply with a program established under
13 AS 47.38.020; and

14 (5) coordinate with community-based organizations and tribal courts
15 and councils to develop and expand pretrial diversion options.

16 * **Sec. 5.** AS 37.05.146(c) is amended by adding a new paragraph to read:

17 (88) receipts of the Department of Corrections from pretrial
18 supervision services provided under AS 33.07.020(b).

19 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 **APPLICABILITY.** Pretrial services officers shall supervise defendants in accordance
22 with orders for pretrial services issued before the effective date of this Act.