

HB

90

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
 MAY 12 2007
 SENATE FINANCE COMMITTEE

DATE: 5/11/07

FURTHER:

 DATE TURNED IN TO OFFICE: 5/12/2007

Finance Committee considered CS FOR HOUSE BILL NO. 90(FIN)

HB 90 CRIMES/CRIM PROCEDURE/SENTENCING

"An Act relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

and recommends:

- be replaced with SCS or CS CS HB 90 (FIN)
 adopt previous SCS or CS CS FORTHCOMING
 attached amendment(s)
 adopt _____ Letter of Intent
 further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # 9

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	5/11/07	\$540,000			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Law	3/23/07			<input checked="" type="checkbox"/>	2
Admin	2/9/07		<input checked="" type="checkbox"/>		3
Admin PD	3/27/07		<input checked="" type="checkbox"/>		4
COR	4/18/07		<input checked="" type="checkbox"/>		7

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton			<input checked="" type="checkbox"/>	
	Thomas			<input checked="" type="checkbox"/>	
	Dyson				<input checked="" type="checkbox"/>
	Olson			<input checked="" type="checkbox"/>	
	Huggins			<input checked="" type="checkbox"/>	
CO-CHAIR:	Hoffman			<input checked="" type="checkbox"/>	
CO-CHAIR:	Stedman			<input checked="" type="checkbox"/>	

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 90(JUD)
(H) Publish Date: 4/16/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title An Act relating to bail RDU Criminal
Component Criminal Justice Litigation
Sponsor REPRESENTATIVE(s) SAMUELS, STOLTZE
Requester HOUSE JUDICIARY Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See page 2.

Prepared by: Robert Meiners, Admin. Services Manager
Division: Administrative Services Division
Approved by: Robert Meiners for Talis Colberg, Attorney General
Agency: Department of Law

Phone: 465-5427
Date/Time: 3/23/07 12:07 PM
Date: 3/23/2007

FISCAL NOTE #2

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. CSHB 90(JUD)

ANALYSIS CONTINUATION

The bill would adopt limits for bail hearings to be scheduled by defendants after the defendant has already had two bail hearings. It would require the defendant to submit new information that the defendant hadn't known about at the last bail hearing. It would also require seven days between bail hearings after the first two hearings, unless the prosecuting authority stipulates otherwise.

The bill would adopt several provisions that would help with the prosecution of sex offenders and the prevention of a sex offender from reoffending. For example, it makes it a class A misdemeanor for a sex offender on probation who is required to take periodic polygraphs to fail to do so. The polygraph is an important tool in monitoring sex offenders, and failure to submit may mean that the offender is reoffending.

The bill prohibits sending any indecent material to minors under the law prohibiting electronic distribution of indecent material to minors. It also requires persons convicted of this crime to register as sex offenders.

The bill adopts standards for when a court may grant credit against a term of incarceration for time spent in a treatment program.

It sets time limits on the filing of a second or subsequent application for post conviction relief if the application claims that the defendant was afforded ineffective assistance of counsel.
Passage of this legislation would not have a significant fiscal impact upon the Department of Law.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 90(JUD)
(H) Publish Date: 4/16/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An Act relating to bail. RDU: Legal and Advocacy Services
Component: Office of Public Advocacy
Sponsor: Reps Samuels, Stoltze, Hawker, Dahlstrom, et al.
Requester: _____ Component No: 43

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	*	*	*	*	*	*
Travel	*	*	*	*	*	*
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	*	*	*	*	*	*
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2007) cost: _____
Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
See Analysis Continuation, Page Two.

Prepared by: Joshua Fink, Director Phone: (907) 269-3501
Division: Office of Public Advocacy Date/Time: 2/7/07 1:30 PM
Approved by: Kevin Brooks, Deputy Commissioner Date: 2/9/2007
Agency: Administration

ANALYSIS CONTINUATION

This bill amends the bail statute to limit subsequent bail review hearings to those proposals that rely on new information, not previously considered by the court. Explicitly excluded from the definition of new information are (a) new or additional third-party custodian proposals unless the third-party becomes unavailable; (b) third-party proposals after three or more third-party proposals have been rejected; (c) an inability to obtain an appropriate third-party; (d) a monetary reduction after a third-party has been approved; (e) an inability to post the monetary bail; (f) the passage of time (including the amount of time that the defendant has been incarcerated); and (g) any information that could have been presented at a previous bail hearing.

The limitations created by this bill could lead to situations in which a defendant would be arguably held without bail. For example, a defendant charged with disorderly conduct or other B misdemeanor could be held in jail awaiting trial for a period that exceeds that maximum possible jail term, or a defendant with an appropriate third-party could be unable to obtain a hearing to propose the third-party. A defendant in such a case would be unable to obtain a ruling from the court. The Agency, accordingly, anticipates additional litigation: including appeals, habeas petitions, and claims of ineffective assistance of counsel.

The Agency can not predict the number of cases that will be affected by this bill or the precise litigation that would be generated and, therefore, submits an indeterminate fiscal note.

FISCAL NOTE

REPORTED OUT
MAY 12 2007
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSHB 90(JUD)
(H) Publish Date: 4/16/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to credit towards service of a sentence RDU Legal and Advocacy Services
Component Public Defender Agency
Sponsor Representatives Samuels and Stoltze
Requester _____ Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL						

Estimate of any current year (FY2007) cost: _____
Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill creates an additional Class A misdemeanor sex offense, requires subsequent bail proposals to be based upon now information not previously known or presented, defines the circumstances under which jail-time credit may be granted for court-ordered residential treatment, and extends the allowable length of probation from 10 to 25 years.

This bill may result in an increase in new cases and is expected to generate litigation. The fiscal impact of this legislation, however, can not be reliably predicted. The Agency, therefore, submits an indeterminate fiscal note.

Prepared by: Quinlan Steiner, Director Phone (907) 334-4414
Division: Public Defender Agency Date/Time 3/27/07 10:00 a.m.
Approved by: Rachael Poltro, Deputy Commissioner Date 3/27/07 10:30am
Agency: Department of Administration

(Revised 9/18/2008 OMB)

COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SCSHB090-DPS-LAB-5-11-07
Bill Version: SCS CSHB 90(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title "An Act relating to credit toward service of a RDU Statewide Support
sentence of imprisonment; relating to violation of probation . . . Component Laboratory Services
Sponsor Representative Samuels
Requester Senate Finance Committee Component No. 527

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	305.5	313.5	321.5	329.5	337.5	345.5
Travel	8.0	8.0	8.0	8.0	8.0	8.0
Contractual	122.3	14.8	14.8	14.8	14.8	14.8
Supplies	73.2	73.2	73.2	73.2	73.2	73.2
Equipment	31.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	540.0	409.5	417.5	425.5	433.5	441.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	540.0	409.5	417.5	425.5	433.5	441.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	540.0	409.5	417.5	425.5	433.5	441.5

Estimate of any current year (FY2007) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY2008 budget proposal:

POSITIONS

Full-time	4	4	4	4	4	4
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This legislation significantly expands the Alaska state crime lab responsibilities regarding DNA by requiring the collection of DNA from persons (not including minors) who have been arrested for qualifying offenses (crimes against persons or felonies under AS 11 or AS 28.35, or under a law or ordinance with similar elements) and suggesting a 90-day turnaround. The law presently allows for the collection of DNA only from persons who have been convicted of qualifying offenses, juveniles who have been adjudicated as delinquent for qualifying offenses, persons convicted of offenses that require sex offender registration, and persons whose DNA is collected for non-criminal purposes (e.g., voluntary donors and anonymous donors for validation and statistical purposes). The Department must take into consideration existing convicted offender backlog reduction (2740) while trying to meet a 90-day turnaround target for arrestee and convicted offender sample processing effective FY2009. cont'd. on page 2

Prepared by: David Schade, Director Phone (907)269-0202
Division Department of Public Safety Date/Time 5/11/07 5:04 PM
Approved by: Walt Monegan, Commissioner Date 5/11/2007
Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO.

SCS CSHB 90(JUD)

ANALYSIS CONTINUATION

This analysis assumes that this legislation is intended to apply only to adults who are arrested for qualifying offenses after the effective date of the legislation, and is not intended to apply to all adults against whom charges are pending at the effective date of the bill. Collecting DNA from adults who are arrested for qualifying offenses will require programming and data entry changes in APSIN, which is Alaska's criminal history system. The DNA indicator in APSIN, which presently can be entered on the APSIN record of each person from whom DNA is required (and is later updated to indicate when DNA is on file), must be modified to add that DNA is required from adults when they are arrested for a qualifying offense, and not only when they are convicted of a qualifying offense. This will require the development of different indicators. The APSIN arrest information must then be linked to the crime lab case management system (LIMS). This is necessary because crime lab personnel must determine the authority for submitting a sample so they can verify the sample and identify which section of the DNA registration system (the federal DNA database, CODIS) the analysis should be entered into: the qualifying conviction section or the arrestee section. The legislation requires that "the material in the system" (referred to here as samples) that is submitted upon arrest must be removed if no charges are brought, charges are reduced to reflect non-qualifying offenses, or they are dismissed. Presently it is rare to remove DNA samples from the database, since relatively few qualifying convictions are reversed. However, when samples are required at the time of arrest, programming and procedures for removing DNA from the database must be developed, because it is very common to reduce, amend, dismiss, or decline to charge on allegations that are initially brought upon arrest.

APSIN and LIMS programming changes and costs assume that (1) the existing DNA database (CODIS) can accommodate DNA submitted upon arrest; (2) modifications must be made to the APSIN replacement system that is currently being written; and (3) programming changes in other systems will be made and funded by those agencies. These are one-time costs that are included only in FY2008, although the costs could extend into FY2009 if other agencies make system changes that extend into FY2009 and must be integrated with APSIN. Programming includes the development of the web service (DPS to LIMS) by an Analyst/Programmer IV, which will take 1.5 months (already included in DPS budget); development of the web service by LIMS contractor (\$13,500); modifications to LIMS for notification, monitoring, and follow-up (\$20,000); modifications to APSIN (estimate based on previous DNA projects)(\$27,000); modifications to new APSIN (web service enabled system)(\$27,000); and an addition of interfaces to legacy APSIN due to obsolescent technology (\$20,000).

In addition to the programming changes, the increase in samples, the continuous entering and removal of samples, and a 90-day turnaround, will require additional personnel and resources at the crime lab. The estimated number of samples to be processed monthly will increase by 205 (2460 per year). This estimate was obtained by calculating the number of times a person was arrested under AS 11.41 (crime against a person), a felony under AS 11, or a felony under AS 28.35 with a disposition in APSIN over a two year period subtracting arrests of persons that would have been required to submit samples anyway because they were ultimately convicted of qualifying convictions or already were already required to provide a sample under the existing law based on prior convictions.

This increase of 2460 samples per year is approximately a 70% increase in the number of samples currently being processed by the lab. This would require a full-time (CODIS) administrator (\$103,800), 2 full time DNA Criminalist II analysts (\$72,700 per position, totaling \$145,400), and a full time Forensic Technician (\$56,300). Cost analyses for salary do include associated benefit packages and step increases have been pro-rated at a total for all 4 positions at \$8000 per year for FY2009 through FY2013. A travel allowance per PCN totals \$8,000 per year (\$2,000 each for training, testifying, etc). Each new PCN requires a computer and monitor at a one-time cost of \$8000 (\$2,000 per PCN that does include licensing and software).

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO.

SCS CSHB 90(JUD)

ANALYSIS CONTINUATION

Yearly basic office supplies and needs associated with each PCN total \$12,000 (\$3,000 per PCN). Contractual services associated with each PCN total \$14,800 (pro-rated at \$3,700 per PCN yearly). Lab equipment to accommodate the additional samples and the additional technicians will include an additional thermalcycler (\$8,000), an additional centrifuge (\$5,000), and additional secure on-site sample storage (\$10,000). Those items will not require additional maintenance agreements. Additional DNA sample kits (buccal swab kits), which are provided by the lab and mailed to the sites where samples are collected (principally corrections and AST field offices) are \$3.00 per kit. An additional 2750 kits will be distributed per year at a cost of \$8,300 for kits, and \$3,700 for postage, which is based on an average cost of mailing (\$13.50 per 100 kits). More kits are distributed than are collected, due to spoilage, errors, distribution uncertainties, etc. The cost of supplies (e.g. reagents) per sample is \$20 per sample, for a total of \$49,200 for 2460 samples per year.

REPORTED OUT
MAY 12 2007
SENATE FINANCE COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 7
Bill Version: CSHB 90(FIN)
(H) Publish Date: 4/25/07

Revision Date/Time (Note if correction): 4/18/07 9:16am Dept. Affected: Corrections
Title: An Act relating to credit toward service of a RDU: Administration and Operations
sentence of imprisonment; relating to violation of probation . . . Component: Office of the Commissioner
Sponsor: Representatives Samuels
Requester: House Judiciary Component No.: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
Miscellaneous
TOTAL OPERATING

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts
1003 GF Match
1004 GF
1005 GF/Program Receipts	.	.	.	.	.	.
1037 GF/Mental Health	.	.	.	.	.	.
Other (Specify Type--Do not abbreviate)	.	.	.	.	.	.
TOTAL	.	.	.	.	.	.

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	.	.	.	.	.	.
Part-time	.	.	.	.	.	.
Temporary	.	.	.	.	.	.

ANALYSIS: (Attach a separate page if necessary)

The Department of Corrections will have a fiscal impact due to passage of this legislation; however, it can not be determined at this time. The following is a sectional analysis for each section of this legislation that will have an impact to the department.

Section 1

If sex offenders on probation or parole violate conditions of their probation or parole and they no longer have time on their sentence, they will be charged with a class A misdemeanor. The department has no way to estimate the number of sex offenders that will be impacted by this change in legislation.

(continued on Page 2)

Prepared by: Sharleen Griffin, Director Phone: (907) 465-3339
Division: Administrative Services Date/Time: 4/18/07 9:17 AM
Approved by: Dwayne Peoples, Deputy Commissioner Date: 4/18/2007
Agency: Department of Corrections

FISCAL NOTE #7

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. CSHB 90(FIN)

ANALYSIS CONTINUATION

Section 6

The Court System is no longer placing offenders on electronic monitoring. The court's electronic monitoring program shows a decrease in approximately 80 offenders from August 2006 to March 2007. These offenders are now either being placed in the Department of Corrections custody or on third party custody. There are no data available showing where these offenders are being placed or for how long.

Section 7

The maximum period of probation will increase from 10 to 25 years for all sex offenders. This change will not affect the department's Statewide Probation and Parole component within the next six years, but will have an impact in future years when sex offenders are released onto probation or parole. The increase of time on probation will increase the number of probationers under supervision.

Section 10

A prisoner will no longer be granted a good time deduction for any period spent in a treatment program, a private residence or under electronic monitoring (EM). Offenders will no longer volunteer to be on EM when there is no incentive to be on the program. This will cause an increase in the number of offenders in the facilities or in a Community Residential Center. The department will also have increased costs for the offenders who are on EM for the longer period of time. Per Alaska Statute 33.30.065(d), the Commissioner may require a prisoner to pay all or a portion of the costs of the electronic monitoring but only if the prisoner has sufficient financial resources to pay the costs or a portion of the costs. When the offender does not have sufficient financial resources the department is responsible for the cost.

ADOPTED

WORK DRAFT

WORK DRAFT

WORK DRAFT

25-LS0331AN
Luckhaupt
5/12/07

SENATE CS FOR CS FOR HOUSE BILL NO. 90()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES SAMUELS AND STOLTZE, Hawker, Dahlstrom, Lynn, Ramras, Johnson, Neuman, Johansen

SENATORS Green, Therriault, McGuire, Dyrton, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the purchase of alcoholic beverages and to access to licensed
2 premises; relating to civil liability for certain persons accessing licensed premises;
3 requiring driver's licenses and identification cards to be marked if a person is restricted
4 from consuming alcoholic beverages as a result of a conviction or condition of probation
5 or parole and relating to fees for the marked license or card; relating to the information
6 contained on driver's licenses; requiring the surrender and cancellation of driver's
7 licenses and identification cards under certain circumstances; relating to prostitution;
8 relating to the DNA registration system; relating to credit toward service of a sentence
9 of imprisonment; relating to violation of probation and parole conditions by sex
10 offenders; relating to bail; relating to distribution of certain materials to minors;
11 relating to time limitations for prosecution of certain crimes; relating to sex offender
12 registration; relating to the maximum time for probation; relating to certain post-

1 conviction relief applications; relating to good time; and providing for an effective
2 date."

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

4 * Section 1. AS 04.16 is amended by adding a new section to read:

5 **Sec. 04.16.047. Access of persons with restriction on purchasing alcohol.**

6 (a) A person who is restricted from purchasing alcohol under AS 04.16.160 may not
7 knowingly enter or remain in premises licensed under this title to obtain or consume
8 alcohol.

9 (b) A licensee may bring a civil action against a person who violates this
10 section if the violation occurs on the premises of that licensee. If judgment is entered
11 in favor of the licensee, the court shall award civil damages in the amount of \$1,000
12 and award reasonable costs and reasonable attorney fees allowed under the Alaska
13 Rules of Civil Procedure.

14 (c) Nothing in this section or AS 04.16.160 creates a duty or imposes an
15 obligation on a licensee to physically check the identification of any person entering
16 licensed premises.

17 * Sec. 2. AS 04.16 is amended by adding a new section to read:

18 **Sec. 04.16.160. Restriction on purchasing alcoholic beverages.** (a) Except as
19 otherwise provided by law, a person who is 21 years of age or older may not purchase
20 alcoholic beverages if the person has been ordered to refrain from consuming
21 alcoholic beverages as part of a sentence for conviction of a crime under
22 AS 28.35.030, 28.35.032, or a similar municipal ordinance or as a condition of
23 probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar
24 municipal ordinance. The restriction on purchasing alcoholic beverages applies during
25 the period that the person is required to refrain from consuming alcoholic beverages
26 under the sentence or condition of probation or parole.

27 (b) A court imposing a restriction on a person under (a) of this section, and the
28 Department of Corrections, shall notify the person that an identification card issued
29 under AS 18.65.310 must list the restriction imposed for the period of the person's
30 probation or parole.

1 * Sec. 3. AS 04.21.050 is amended to read:

2 Sec. 04.21.050. Proof of age and of not being restricted from purchasing
3 alcoholic beverages. (a) If a licensee or an agent or employee of the licensee
4 questions or has reason to question whether a person entering licensed premises, or
5 ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to
6 procure alcoholic beverages,

7 (1) has attained the age of 21 years or is entering without consent in
8 violation of AS 04.16.049(a)(3) and has not attained the age of 16 years, that licensee,
9 agent, or employee shall require the person to furnish proof of age acceptable under
10 (b) of this section or proof of consent in a form determined by the board; if [. IF] the
11 person questioned does not furnish proof of age acceptable under (b) of this section, or
12 if a licensee, agent, or employee questions or has reason to question the validity of the
13 proof of age furnished, the licensee, employee, or agent shall require the person to sign
14 a statement that the person is over the age of 21 or 16 years, as appropriate; this [.
15 THIS] statement shall be made on a form prepared by and furnished to the licensee by
16 the board;

17 (2) is restricted from purchasing alcoholic beverages under
18 AS 04.16.160, the licensee, agent, or employee may, but has no duty or obligation
19 to, require the person to furnish proof acceptable under (b) of this section that
20 the person is not restricted from purchasing alcoholic beverages or require the
21 person to sign a statement that the person is not restricted from purchasing
22 alcoholic beverages under AS 04.16.160; this statement shall be made on a form
23 prepared by and furnished to the licensee by the board.

24 (b) Except as provided in AS 04.16.160, a [A] valid driver's license or a
25 valid identification card is acceptable as proof of age or that the person is not
26 restricted from purchasing alcoholic beverages when used for identification in the
27 purchase of alcoholic beverages and for securing entry to and remaining on premises
28 where alcoholic beverages are sold if the license or identification card is made of or
29 encased in plastic and contains a photograph of the licensee [LICENSE] or card holder
30 and a statement of age or date of birth. A licensee, agent, or employee may elect to
31 not accept a passport, military identification card, or other identification as proof

1 that the person is not restricted from purchasing alcoholic beverages and may
 2 require the person to furnish a valid driver's license or state identification card
 3 or otherwise furnish proof that the person is not a resident of this state.

4 (c) A licensee, or an agent or employee of the licensee, may not be charged for
 5 a violation of AS 04.16.047 - 04.16.052 [AS 04.16.051 - 04.16.052] if a signed
 6 statement as provided in (a) of this section is secured in good faith, or a valid driver's
 7 license or identification card is presented indicating that the owner and possessor of
 8 the presented driver's license or identification card is 21 or 16 years of age or over or
 9 is not restricted from purchasing alcoholic beverages, as appropriate.

10 * Sec. 4. AS 11.56 is amended by adding a new section to read:

11 **Sec. 11.56.759. Violation by sex offender of condition of probation or**
 12 **parole.** (a) A person commits the crime of violation by sex offender of condition of
 13 probation or parole if the person

14 (1) is on probation or parole for conviction of a sex offense;

15 (2) has served the entire term of incarceration imposed for conviction
 16 of the sex offense; and

17 (3) either

18 (A) violates a condition of probation imposed under
 19 AS 12.55.100(a)(5), (a)(6), or (c), 12.55.101(a)(1), or any other condition
 20 imposed by the court that the court finds to be specifically related to the
 21 defendant's offense; or

22 (B) violates a condition of parole imposed under
 23 AS 33.16.150(a)(3), (a)(4), (a)(6), (a)(13), (b)(4), (b)(14), or (f).

24 (b) In this section, "sex offense" has the meaning given in AS 12.63.100.

25 (c) Violation by sex offender of condition of probation or parole is a class A
 26 misdemeanor.

27 * Sec. 5. AS 11.61.128(a) is amended to read:

28 (a) A person commits the crime of electronic distribution of indecent material
 29 to minors if

30 (1) the person, being 18 years of age or older, knowingly distributes to
 31 another person by computer any material that depicts the following actual or

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simulated conduct:

(A) sexual penetration;

(B) the lewd touching of a person's genitals, anus, or female

breast;

(C) masturbation;

(D) bestiality;

(E) the lewd exhibition of a person's genitals, anus, or

female breast; or

(F) sexual masochism or sadism; [AN ACT DESCRIBED IN AS 11.41.455(a)(1) - (7)] and

(2) either [1]

(A) the other person is a child under 16 years of age; or

(B) [(2)] the person believes that the other person is a child under 16 years of age.

* Sec. 6. AS 11.61.129(a) is amended to read:

(a) Property used to aid a violation of AS 11.61.123 - 11.61.128 [AS 11.61.123 - 11.61.127] or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of AS 11.61.123 - 11.61.128 [AS 11.61.123 - 11.61.127] may be forfeited to the state upon the conviction of the offender.

* Sec. 7. AS 11.66.100(a) is amended to read:

(a) A person commits the crime of prostitution if the person

(1) engages in or agrees or offers to engage in sexual conduct in return for a fee; or

(2) offers a fee in return for sexual conduct.

* Sec. 8. AS 11.66.110(a) is amended to read:

(a) A person commits the crime of promoting prostitution in the first degree if the person

(1) induces or causes a person to engage in prostitution through the use of force;

(2) as other than a patron of a prostitute, induces or causes a person under 18 [16] years of age to engage in prostitution; or

1 (3) induces or causes a person in that person's legal custody to engage
2 in prostitution.

3 * Sec. 9. AS 11.66.110(b) is amended to read:

4 (b) In a prosecution under (a)(2) of this section, it is not a defense that the
5 defendant reasonably believed that the person induced or caused to engage in
6 prostitution was 18 [16] years of age or older.

7 * Sec. 10. AS 11.66.110(c) is amended to read:

8 (c) Except as provided in (d) of this section, promoting prostitution in the first
9 degree is a class A [B] felony.

10 * Sec. 11. AS 11.66.110(d) is amended to read:

11 (d) A person convicted under (a)(2) of this section is guilty of an unclassified
12 [A CLASS A] felony.

13 * Sec. 12. AS 11.66.120(b) is amended to read:

14 (b) Promoting prostitution in the second degree is a class B [C] felony.

15 * Sec. 13. AS 11.66.130 is amended to read:

16 **Sec. 11.66.130. Promoting prostitution in the third degree.** (a) A person
17 commits the crime of promoting prostitution in the third degree if, with intent to
18 promote prostitution, the person

19 (1) manages, supervises, controls, or owns, either alone or in
20 association with others, a place of prostitution;

21 (2) as other than a patron of a prostitute, induces or causes a person 18
22 [16] years of age or older to engage in prostitution;

23 (3) as other than a prostitute receiving compensation for personally
24 rendered prostitution services, receives or agrees to receive money or other property
25 pursuant to an agreement or understanding that the money or other property is derived
26 from prostitution; or

27 (4) engages in conduct that institutes, aids, or facilitates a prostitution
28 enterprise.

29 (b) Promoting prostitution in the third degree is a class C felony [A
30 MISDEMEANOR].

31 * Sec. 14. AS 11.66 is amended by adding a new section to read:

1 **Sec. 11.66.135. Promoting prostitution in the fourth degree.** (a) A person
2 commits the crime of promoting prostitution in the fourth degree if the person engages
3 in conduct that institutes, aids, or facilitates prostitution under circumstances not
4 proscribed under AS 11.66.130(a)(4).

5 (b) Promoting prostitution in the fourth degree is a class A misdemeanor.

6 * **Sec. 15.** AS 11.66 is amended by adding a new section to read:

7 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or
8 received or derived from, a violation of AS 11.66.110 - 11.66.135 shall be forfeited.

9 * **Sec. 16.** AS 11.81.250(a) is amended to read:

10 (a) For purposes of sentencing under AS 12.55, all offenses defined in this
11 title, except murder in the first and second degree, attempted murder in the first
12 degree, solicitation to commit murder in the first degree, conspiracy to commit murder
13 in the first degree, murder of an unborn child, sexual assault in the first degree, sexual
14 abuse of a minor in the first degree, misconduct involving a controlled substance in the
15 first degree, promoting prostitution in the first degree under AS 11.66.110(a)(2),
16 and kidnapping, are classified on the basis of their seriousness, according to the type
17 of injury characteristically caused or risked by commission of the offense and the
18 culpability of the offender. Except for murder in the first and second degree, attempted
19 murder in the first degree, solicitation to commit murder in the first degree, conspiracy
20 to commit murder in the first degree, murder of an unborn child, sexual assault in the
21 first degree, sexual abuse of a minor in the first degree, misconduct involving a
22 controlled substance in the first degree, promoting prostitution in the first degree
23 under AS 11.66.110(a)(2), and kidnapping, the offenses in this title are classified into
24 the following categories:

25 (1) class A felonies, which characteristically involve conduct resulting
26 in serious physical injury or a substantial risk of serious physical injury to a person;

27 (2) class B felonies, which characteristically involve conduct resulting
28 in less severe violence against a person than class A felonies, aggravated offenses
29 against property interests, or aggravated offenses against public administration or
30 order;

31 (3) class C felonies, which characteristically involve conduct serious

1 enough to deserve felony classification but not serious enough to be classified as A or
2 B felonies;

3 (4) class A misdemeanors, which characteristically involve less severe
4 violence against a person, less serious offenses against property interests, less serious
5 offenses against public administration or order, or less serious offenses against public
6 health and decency than felonies;

7 (5) class B misdemeanors, which characteristically involve a minor
8 risk of physical injury to a person, minor offenses against property interests, minor
9 offenses against public administration or order, or minor offenses against public health
10 and decency;

11 (6) violations, which characteristically involve conduct inappropriate
12 to an orderly society but which do not denote criminality in their commission.

13 * Sec. 17. AS 12.10.010(a) is amended to read:

14 (a) Prosecution for the following offenses may be commenced at any time:

15 (1) murder;

16 (2) attempt, solicitation, or conspiracy to commit murder or
17 hindering the prosecution of murder;

18 (3) felony sexual abuse of a minor;

19 (4) [(3)] sexual assault that is an unclassified, class A, or class B
20 felony or a violation of AS 11.41.425(a)(2) or (3);

21 (5) [(4)] a violation of AS 11.41.425, 11.41.427, 11.41.450 -
22 11.41.458, AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed
23 against a person who, at the time of the offense, was under 18 years of age;

24 (6) kidnapping.

25 * Sec. 18. AS 12.30.020(j) is amended to read:

26 (j) If a person remains in custody after review of conditions by a judicial
27 officer under (f) of this section, a subsequent review of conditions may be held at the
28 request of the person. Unless the prosecuting authority stipulates otherwise or a
29 defendant has been incarcerated for a period equal to the maximum sentence for
30 the most serious charge for which the defendant is being held, a judicial officer
31 may not schedule a bail review hearing under this subsection unless

1 (1) the person provides to the court and the prosecuting authority a
2 written statement that new information not considered at the previous review will be
3 presented; the statement must include [AND INCLUDES] a description of the
4 [NEW] information and the reason the information was not presented at a
5 previous hearing; in this paragraph, "new information" does not include the
6 inability to post the required bail;

7 (2) the prosecuting authority has at least 48 hours' notice before the
8 time set for the review requested under this subsection; and

9 (3) at least seven days [48 HOURS] have elapsed between the
10 previous review and the time set for the review requested under this subsection.

11 * Sec. 19. AS 12.55 is amended by adding a new section to read:

12 **Sec. 12.55.027. Credit for time spent toward service of a sentence of**
13 **imprisonment.** (a) A court may grant a defendant credit toward a sentence of
14 imprisonment for time spent in a treatment program only as provided in this section.

15 (b) A court may grant a defendant one day of credit toward a sentence of
16 imprisonment for each full day the defendant resided in the facility of a treatment
17 program and observed the rules of the treatment program and the facility if

18 (1) the court finds that the treatment program meets the standards
19 described in (c) of this section;

20 (2) before the defendant entered the treatment program, the court
21 ordered the defendant to reside in the facility of the treatment program and participate
22 in the treatment program as a condition of bail release or a condition of probation; and

23 (3) the court has received a written report from the director of the
24 program that

25 (A) states that the defendant has participated in the treatment
26 plan prescribed for the defendant and has complied with the requirements of
27 the plan; and

28 (B) sets out the number of full days the defendant resided in the
29 facility of the treatment program and observed the rules of the treatment
30 program and facility.

31 (c) To qualify for credit against a sentence of imprisonment for time spent in a

1 treatment program, the treatment program and the facility of the treatment program
2 must impose substantial restrictions on a person's liberty that are equivalent to
3 incarceration, including the requirement that a participant in the program

4 (1) must live in a residential facility operated by the program;

5 (2) must be confined at all times to the grounds of the facility or be in
6 the physical custody of an employee of the facility, except for court appearances,
7 meetings with counsel, and work required by the treatment program and approved in
8 advance by the court;

9 (3) is subject to disciplinary sanctions by the program if the participant
10 violates rules of the program and facility; sanctions must be in writing and available
11 for court review; and

12 (4) is subject to immediate arrest, without warrant, if the participant
13 leaves the facility without permission.

14 (d) A court may not grant credit against a sentence of imprisonment for time
15 spent in a private residence or under electronic monitoring.

16 * Sec. 20. AS 12.55.035(b) is amended to read:

17 (b) Except as provided in AS 12.55.036, upon conviction of an offense, a
18 defendant who is not an organization may be sentenced to pay, unless otherwise
19 specified in the provision of law defining the offense, a fine of no more than

20 (1) \$500,000 for murder in the first or second degree, attempted
21 murder in the first degree, murder of an unborn child, sexual assault in the first degree,
22 sexual abuse of a minor in the first degree, kidnapping, promoting prostitution in the
23 first degree under AS 11.66.110(a)(2), or misconduct involving a controlled
24 substance in the first degree

25 (2) \$250,000 for a class A felony;

26 (3) \$100,000 for a class B felony;

27 (4) \$50,000 for a class C felony;

28 (5) \$10,000 for a class A misdemeanor;

29 (6) \$2,000 for a class B misdemeanor;

30 (7) \$500 for a violation.

31 * Sec. 21. AS 12.55.090(c) is amended to read:

1 (c) The period of probation, together with any extension, may not exceed

2 (1) 25 years for a felony sex offense; or

3 (2) 10 years for any other offense.

4 * Sec. 22. AS 12.55.125(i) is amended to read:

5 (i) A defendant convicted of

6 (1) sexual assault in the first degree, [OR] sexual abuse of a minor in
7 the first degree, or promoting prostitution in the first degree under
8 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
9 than 99 years and shall be sentenced to a definite term within the following
10 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

29 (2) attempt, conspiracy, or solicitation to commit sexual assault in the
30 first degree, [OR] sexual abuse of a minor in the first degree, or promoting
31 prostitution in the first degree under AS 11.66.110(a)(2) may be sentenced to a

1 definite term of imprisonment of not more than 99 years and shall be sentenced to a
2 definite term within the following presumptive ranges, subject to adjustment as
3 provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

22 (3) sexual assault in the second degree, sexual abuse of a minor in the
23 second degree, unlawful exploitation of a minor, or distribution of child pornography
24 may be sentenced to a definite term of imprisonment of not more than 99 years and
25 shall be sentenced to a definite term within the following presumptive ranges, subject
26 to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

5 (4) sexual assault in the third degree, incest, indecent exposure in the
6 first degree, possession of child pornography, or attempt, conspiracy, or solicitation to
7 commit sexual assault in the second degree, sexual abuse of a minor in the second
8 degree, unlawful exploitation of a minor, or distribution of child pornography, may be
9 sentenced to a definite term of imprisonment of not more than 99 years and shall be
10 sentenced to a definite term within the following presumptive ranges, subject to
11 adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

21 * Sec. 23. AS 12.63.100(6) is amended to read:

22 (6) "sex offense" means

23 (A) a crime under AS 11.41.100(a)(3), or a similar law of
24 another jurisdiction, in which the person committed or attempted to commit a
25 sexual offense, or a similar offense under the laws of the other jurisdiction; in
26 this subparagraph, "sexual offense" has the meaning given in
27 AS 11.41.100(a)(3);

28 (B) a crime under AS 11.41.110(a)(3), or a similar law of
29 another jurisdiction, in which the person committed or attempted to commit
30 one of the following crimes, or a similar law of another jurisdiction:

31 (i) sexual assault in the first degree;

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(ii) sexual assault in the second degree;

(iii) sexual abuse of a minor in the first degree; or

(iv) sexual abuse of a minor in the second degree;

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

(i) AS 11.41.410 - 11.41.438;

(ii) AS 11.41.440(a)(2);

(iii) AS 11.41.450 - 11.41.458;

(iv) AS 11.41.460 if the indecent exposure is before a person under 16 years of age and the offender has a previous conviction for that offense;

(v) AS 11.61.125 - 11.61.128 [AS 11.61.125 OR 11.61.127];

(vi) AS 11.66.110 or 11.66.130(a)(2) if the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense; or

(vii) AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;

* Sec. 24. AS 12.72 is amended by adding a new section to read:

Sec. 12.72.025. Applications based on claim of ineffective assistance of counsel. An application may not be brought under AS 12.72.010 or the Alaska Rules of Criminal Procedure if it is based on a claim that the assistance the applicant's attorney provided in a prior application under AS 12.72.010 or the Alaska Rules of Criminal Procedure was ineffective, unless it is filed within one year after the court's decision on the prior application is final under the Alaska Rules of Appellate Procedure.

* Sec. 25. AS 18.65.310 is amended by adding new subsections to read:

(h) The department shall cancel the identification card of a person on whom a restriction has been imposed under AS 04.16.160 unless the person's identification card contains the information required by (i) of this section. A cancellation under this

1 subsection remains in effect only during the period of time that the person is restricted
2 from purchasing alcoholic beverages under AS 04.16.160.

3 (i) The department shall, to the extent it is able, mark the identification card of
4 an applicant who is restricted from purchasing alcoholic beverages under
5 AS 04.16.160 in the same manner required for a driver's license under AS 28.15.111.
6 A person who has received a marked identification card under this subsection may
7 apply for an unmarked card when the period of restriction under AS 04.16.160 has
8 expired.

9 (j) The department shall charge a fee of \$50 for issuance of a marked
10 identification card under (i) of this section.

11 * Sec. 26. AS 28.15.111(a) is amended to read:

12 (a) Upon successful completion of the application and all required
13 examinations, and upon payment of the required fee, the department shall issue to
14 every qualified applicant a driver's license indicating the type or general class of
15 vehicles that the licensee may drive. The license must [DISPLAY] (1) display a
16 distinguishing number assigned to the license; (2) display the licensee's full name,
17 address, date of birth, brief physical description, and color photograph; (3) display
18 either a facsimile of the signature of the licensee or a space upon which the licensee
19 must write the licensee's usual signature with pen and ink; (4) display a holographic
20 symbol intended to prevent illegal alteration or duplication; [AND] (5) display, for a
21 qualified applicant who is under [AGE] 21 years of age, the words "UNDER 21"; and
22 (6) to the extent the department is able, be designed to allow the electronic
23 reading and electronic display of the information described under (2) of this
24 subsection and the electronic reading and display and a physical display on the
25 license that the person is restricted from purchasing alcoholic beverages under
26 AS 04.16.160. A license may not display the licensee's social security number and is
27 not valid until signed by the licensee. If facilities are not available for the taking of the
28 photograph required under this section, the department shall endorse on the license,
29 the words "valid without photograph."

30 * Sec. 27. AS 28.15.161(a) is amended to read:

31 (a) The department shall cancel a driver's license upon determination that

1 (1) the licensee is not medically or otherwise entitled to the issuance or
2 retention of the license, or has been adjudged incompetent to drive a motor vehicle;

3 (2) there is an error or defect in the license;

4 (3) the licensee failed to give the required or correct information in the
5 licensee's application; [OR]

6 (4) the license was obtained fraudulently; or

7 (5) the licensee is restricted from purchasing alcoholic beverages
8 under AS 04.16.160; if a license is cancelled under this paragraph, when a new
9 license is issued, it must reflect that restriction and the requirements of
10 AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect.

11 * Sec. 28. AS 28.15.191 is amended by adding new subsections to read:

12 (g) A court that has ordered a person to refrain from consuming alcoholic
13 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
14 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
15 following a conviction under those sections or a similar municipal ordinance shall

16 (1) require the surrender of the person's license and identification card
17 and forward the license and identification card to the department;

18 (2) report the order to the department within two days; and

19 (3) inform the person that the person's license and identification card
20 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is
21 otherwise qualified to receive a license or identification card, when the person obtains
22 a new license or identification card, the license or identification card must list the
23 restriction imposed by AS 04.16.160 for the period of probation or parole.

24 (h) The board of parole shall notify the department within two days whenever
25 a person has been ordered to refrain from consuming alcoholic beverages as a
26 condition of parole, shall require the person to surrender their license and
27 identification card, and shall inform the person that the person's license and
28 identification card are subject to cancellation under AS 28.15.161, and that, if the
29 person is otherwise qualified to receive a license or identification card, when the
30 person obtains a new license or identification card, the license or identification card
31 must list the restriction imposed by AS 04.16.160.

1 * Sec. 29. AS 28.15.271 is amended by adding a new subsection to read:

2 (e) The department shall charge \$50 for issuance of a new license to replace a
3 license cancelled under AS 28.15.161(a)(5) because the person is restricted from
4 purchasing alcoholic beverages under AS 04.16.160.

5 * Sec. 30. AS 33.20.010 is amended by adding a new subsection to read:

6 (c) A prisoner may not be awarded a good time deduction under (a) of this
7 section for any period spent in a treatment program, in a private residence, or while
8 under electronic monitoring.

9 * Sec. 31. AS 44.41.035(b) is amended to read:

10 (b) The Department of Public Safety shall collect for inclusion into the DNA
11 registration system a blood sample, oral sample, or both, from (1) a person convicted
12 in this state of a crime against a person or a felony under AS 11 or AS 28.35 or a law
13 or ordinance with elements similar to a crime against a person or a felony under AS 11
14 or AS 28.35, (2) a minor 16 years of age or older, adjudicated as a delinquent in this
15 state for an act that would be a crime against a person or a felony under AS 11 or
16 AS 28.35 if committed by an adult or for an act that would violate a law or ordinance
17 with elements similar to a crime against a person or a felony under AS 11 or AS 28.35
18 if committed by an adult, (3) a voluntary donor, (4) an anonymous DNA donor for use
19 in forensic validation, forensic protocol development, quality control, or population or
20 statistical data bases, [AND] (5) a person required to register as a sex offender or child
21 kidnapper under AS 12.63, and (6) a person arrested for a crime against a person
22 or a felony under AS 11 or AS 28.35, or a law or ordinance with elements similar
23 to a crime against a person or a felony under AS 11 or AS 28.35. The department
24 also may collect for inclusion into the DNA registration system a blood sample, oral
25 sample, or tissue sample from crime scene evidence or from unidentified human
26 remains. The DNA identification registration system consists of the blood, oral, or
27 tissue samples drawn under this section, any DNA or other blood grouping tests done
28 on those samples, and the identification data related to the samples or tests. Blood
29 samples, oral samples, and tissue samples not subject to testing under this section, and
30 test or identification data related to those samples, may not be entered into, or made a
31 part of, the DNA identification registration system.

1 * Sec. 32. AS 44.41.035(i) is amended to read:

2 (i) The Department of Public Safety shall, upon receipt of a court order,
3 destroy the material in the system relating to a person. The court shall issue the order
4 if the person's or minor's DNA was included in the system under

5 (1) (b)(1) or (2) of this section and the court [IT] determines that

6 (A) [(1)] the conviction or adjudication that subjected the
7 person to having a sample taken under this section is reversed; and

8 (B) [(2)] the person

9 (i) [(A)] is not retried, [OR] readjudicated, or convicted
10 or adjudicated for another crime that requires having a sample
11 taken under this section [FOR THE CRIME]; or

12 (ii) [(B)] after retrial, is acquitted of the crime or after
13 readjudication for the crime, and is not convicted or adjudicated for
14 another crime that requires a sample under this section, is not
15 found to be a delinquent;

16 (2) (b)(6) of this section and the court determines that

17 (A) the person arrested was released without being
18 charged; or

19 (B) the criminal complaint, indictment, presentment or
20 information for the offense for which the person was arrested was
21 dismissed, and a criminal complaint, indictment, presentment or
22 information for an offense requiring submission of a DNA sample is not
23 refiled.

24 * Sec. 33. AS 44.41.035(l) is amended to read:

25 (l) The Department of Public Safety may not include in the DNA registration
26 system a blood sample, oral sample, or tissue sample of the victim of a crime, unless
27 that person would otherwise be included under (b)(1) - (6) [(b)(1) - (5)] of this section.

28 * Sec. 34. AS 44.41.035 is amended by adding a new subsection to read:

29 (q) The department shall make every reasonable effort to process each sample
30 collected from a person under (b)(1), (b)(2), (b)(5), and (b)(6) of this section and
31 include the identification data resulting from the testing of the sample in the

1 identification registration system within 90 days after receiving the sample.

2 * Sec. 35. The uncodified law of the State of Alaska is amended by adding new sections to
3 read:

4 APPLICABILITY. (a) AS 12.55.027, enacted by sec. 19 of this Act, applies to credit
5 for time served for a sentence imposed on or after the effective date of sec. 19 of this Act,
6 regardless of when the criminal act was committed.

7 (b) AS 11.56.759, enacted by sec. 4 of this Act, and the amendments to
8 AS 11.61.128(a) and AS 12.10.010(a) made by secs. 5 and 17 of this Act apply to acts
9 committed on or after the effective date of secs. 4, 5, and 17 of this Act.

10 (c) AS 12.72.025, enacted by sec. 24 of this Act, applies to offenses committed
11 before, on, or after the effective date of sec. 24 of this Act. A person whose application for
12 post-conviction relief was denied before the effective date of sec. 24 this Act, has until July 1,
13 2008, to file a claim described in AS 12.72.025.

14 (d) Sections 7 - 16, 20, and 22 of this Act apply to offenses committed on or after the
15 effective date of secs. 7 - 16, 20, and 22 of this Act.

16 * Sec. 36. Sections 1 - 3 and 25 - 29 of this Act take effect January 1, 2008.

17 * Sec. 37. Section 34 of this Act takes effect July 1, 2009.

18 * Sec. 38. Except as provided in secs. 36 and 37 of this Act, this Act takes effect July 1,
19 2007.

SENATE FINANCE COMMITTEE
5/12/2007 COMMITTEE ACTION

Bill Number	HB 90		
Amendment			
Motion	to adopt CS "N"		
<u>Motion by</u>	Hoffman		
<u>Objection by</u>	Dyson		
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Elton	✓		
Senator Huggins	✓		
Senator Olson	✓		
Senator Thomas	✓		
Senator Dyson			✓
Co-Chair Hoffman	✓		
Co-Chair Stedman	✓		
<u>Tally</u>			
Yea	6		
Nay	1		
Absent			
<u>MOTION</u>	PASSED		

Representative Ralph Samuels

Sponsor Statement
SCS CSHB90(JUD)

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license or card; relating to the information contained on driver's licenses; requiring the surrender and cancellation of driver's licenses and identification cards under certain circumstances; relating to the reporting of certain crimes; relating to prostitution; relating to the DNA registration system; relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

HB90 encompasses a wide variety of issues relating to our legal, correctional and public safety systems. Following are the specific changes:

A. Currently, there are very few tools law enforcement and public safety have in requiring that sex offenders, who are on probation or parole, comply with the conditions of their release. HB 90 will provide for a class A misdemeanor if a person violates certain conditions of their probation or parole.

B. Under current law, it is a crime to send indecent materials, if the materials depict minors, to minors. I believe that sending indecent materials to a minor whether or not the individuals depicted are underage or not, should be a crime. HB 90 does just this.

C. HB 90 allows for the forfeiture of property, such as computers used in committing electronic distribution of indecent materials to minors. This forfeiture could only occur after conviction.

D. The bill includes language from SB157 - "An Act relating to human trafficking and prostitution." The "Trafficking in Persons Task Force" asked for changes in Alaska Statutes to help in prosecuting those who are victimizing women and children in our State. They estimate 20-50 women or children are being forced or enticed into prostituting themselves every day in Alaska's cities.

E. Adding "attempt, solicitation, and conspiracy to commit murder", "hindering prosecution of murder" and "kidnapping" to the list of crimes for which the statute of limitations do not apply. Currently, the statute of limitations for these offenses is just 5

years. With the addition of a cold case prosecutor, the department of law feels that they can successfully bring those who fall under these categories to justice if the statute of limitations is lifted.

F. Currently, the courts are being asked to hold repeat bail review hearings based on little or no actual new information. The multiple bail review hearings are being used by defendants as a tactic to wear down an overburdened court system with repeat, inappropriate proposals to release a defendant.

HB 90 would require that the information offered supporting a subsequent bail review hearing actually be "new" information. It will help balance the constitutional right to bail with the constitutional right of victims to be treated with dignity, respect and fairness.

G. Under the premise that criminals should serve their sentenced time, HB 90 disallows credit toward a term of incarceration for time served while in a private residence, under electronic monitoring or for certain treatment programs that are not similar to incarceration.

H. In 2006, the legislature adopted extended periods of probation, including a minimum of 15 years for felony sexual assault in the first degree, for felony sex offenders. HB 90 would change the maximum years of probation for a felony sex offense to 25, allowing for conformity to current law and to allow more flexibility in setting probation requirements.

I. Currently, persons convicted of electronic distribution of indecent material to minors do not have to register as sex offenders. HB 90 requires that persons convicted of this crime register as a sex offender.

J. In an effort to stem the abuse of post conviction relief, HB 90 requires that a person who brings an action for post-conviction relief, based on the claim that the person's attorney in a prior application for post-conviction relief was ineffective, must file the claim within one year after the court's denial of the prior application.

K. HB 90 provides that a prisoner may not be granted a good time deduction for any period spent in a treatment program, private residence, or under electronic monitoring. The good time deduction is to reward good behavior while incarcerated, and not in a home or similar place.

L. Four sections of this bill relate to DNA testing. It would allow for DNA collection from individuals at the time of arrest. The bill also requires that the DNA collected shall be input into the identification system within 90 days of receiving it.

M. This bill contains language from SB5. Current law relates to the crime of failure to report the commission or attempted commission of certain crimes against children. This legislation will take current statute a step further to include violent crimes against adults as well as children under Alaska Statute 11.56.765(a). This law will make it a class C

felony if the crime not reported is an unclassified felony including violent crimes such as murder, kidnapping or rape. This law will also make it a class A misdemeanor offense if the crime not reported is other than an unclassified felony. This bill would preserve the defensible presumption that a report may have not have been made by a witness out of fear of physical injury to themselves, that determination of effective assistance was already being provided, or that action was taken to stop the commission of the crime.

N. This bill contains language taken from HB14. Repeat drunk drivers are often ordered not to consume alcohol as part of a sentence or as a condition of probation or parole. Currently there is no method by which a vendor of alcoholic beverages may determine whether an individual is under such restriction. House Bill 14 will require that the driver's license or state ID card of an individual court ordered not to drink be marked so that restaurants, bars and liquor stores are aware the individual is prohibited from consuming alcohol.

The bill does not require vendors to check the identification of every individual attempting to purchase alcohol; however, if a vendor catches a person with a marked license attempting to purchase alcohol, the vendor may pursue a \$1000 civil penalty.

Not offered.

SENATE FINANCE
COMMITTEE
Amendment # 1
To Bill Number: HB 90
Sponsor: Stedman
Date: 5/12/04 Logged by: Robin

SENATE FINANCE COMMITTEE

AMENDMENT No. 1

By _____

To: Sen CS CS HOUSE BILL No. 90 (JUD)

To: _____ SENATE BILL No. _____

→ DELETE Sections 5-9 on Page 4, Line 27
through Page 7, Line 13,

→ Modify Section 41:43 as necessary to
conform the bill to the deletion of Sections
5-9 above.

→ This amendment has the effect of removing
"Kiva's Law" provisions from the bill. These
provisions were originally contained in SB 5.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3000
State Capitol
Juneau, Alaska 99801-3000

FAX COVER SHEET

DATE: 5/12/07 TIME: 2:18PM

TO: LEGAL

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: ROBIN PAUL
SENATE FINANCE CMTE. ASST. SECRETARY
PHONE: 465-2618
FAX: 465-2187

NOTES: FINAL Pls.
SCS CS HB 90 (FIN)
Version 25-LS0331/N
Luckhaupt 5/12/07

with
No Changes.
Thank You.
Robin

SENATE COMMITTEE REPORT

DATE: 5/2/07

FURTHER: Finance

DATE TURNED IN TO OFFICE: 5/11/07

Judiciary Committee considered CS FOR HOUSE BILL NO. 90(FIN)

HB 90 BAIL

"An Act relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

and recommends:

- be replaced with SCS or CS CS HB 90 (JUD)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # 1 # 9
#9

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	3/23			✓	2
Admin	2/9		✓		3
Admin PD	3/27		✓		4
COR	4/18		✓		7

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	HERRAULT	✓			
	Wieslechowski	✓			
	MCGURE	✓			
CHAIR:	Frucht	✓			