

SB

91

(FILE 1)

<TARGET><BILL>SB 91</BILL><SUBJECT>SB 91 (FILE
1)</SUBJECT><COMM>HFIN29</COMM></TARGET>

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	16
(S) Publish Date:	4/8/2016

Identifier: SSSB091-DOA-OPA-04-04-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate Finance

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Office of Public Advocacy
 OMB Component Number: 43

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for new sponsor substitute.

Prepared By: Richard Allen, Director
 Division: Office of Public Advocacy
 Approved By: Sheldon Fisher, Commissioner
 Agency: Department of Administration

Phone: (907)269-3504
 Date: 04/04/2016 01:00 PM
 Date: 04/04/16

REPORTED OUT OF
SFC 04/07/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

The bill is the product of several years of work by all branches of state government, a specific state government commission and various interested private and public entities on the subject of criminal justice and corrections reform. The cited need is to find effective alternatives to long-term incarceration and lengthy sentences, with attendant costs, in criminal justice administration, sentencing and corrections. If enacted as drafted, the bill would not likely change or alter the mission or operations of the Office of Public Advocacy, but would likely have noticeable impact upon the agency's criminal defense clients. With regard to classification and prosecution of certain non-violent offenses, misdemeanors and certain drug offenses, the bill would re-orient criminal justice administration away, in some respects, from costly long-term incarceration and toward treatment, rehabilitation and community-based corrections.

The Office of Public Advocacy submits a zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	17
(S) Publish Date:	4/8/2016

Identifier: SSSB091CS(FIN)-DOA-PDA-04-04-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate Finance

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Public Defender Agency
 OMB Component Number: 1631

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? No

Why this fiscal note differs from previous version:

Updated for new version of the bill.

Prepared By: Quinlan Steiner
 Division: Public Defender Agency
 Approved By: Sheldon Fisher, Commissioner
 Agency: Department of Administration

Phone: (907)334-4414
 Date: 04/04/2016 12:00 AM
 Date: 04/04/16

**REPORTED OUT OF
SFC 04/07/2016**

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

This bill implements recommendations developed from multi-agency collaboration designed to lower recidivism and incarceration costs. The bill provides incentives for successful completion of treatment programs by allowing for credit against terms of imprisonment. Additionally, provides opportunities for defendants to regain driving privileges in some circumstances.

The Public Defender Agency does not anticipate a financial impact from this CS. The agency, therefore, submits a zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB 91 HFIN-DOA-DMV 4-21-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: House Finance

Department: Department of Administration
Appropriation: Motor Vehicles
Allocation: Motor Vehicles
OMB Component Number: 2348

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**
If yes, by what date are the regulations to be adopted, amended or repealed? **07/01/17**

Why this fiscal note differs from previous version:

House Finance Committee restored the previous zero fiscal note. This fiscal note is one page.

Prepared By: Representative Neuman Phone: (907)465-2679
House Finance Committee Date: 04/21/2016
Representative Thompson
House Finance Committee

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	18
(S) Publish Date:	4/8/2016

Identifier: CSSSSB091-DOC-IT-04-07-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: (S)FINANCE

Department: Department of Corrections
 Appropriation: Administration and Support
 Allocation: Information Technology MIS
 OMB Component Number: 698

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 1,500.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

This fiscal note has updated to reflect the Capital Project status.

Prepared By: April Wilkerson
 Division: Administrative Services - Department of Corrections
 Approved By: Dean Williams
 Agency: Department of Corrections

Phone: (907)465-3460
 Date: 04/07/2016 07:40 AM
 Date: 04/07/16

REPORTED OUT OF
SFC 04/07/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

This legislation will require changes to the Time Accounting module within the department's Alaska Corrections Offender Management System and to the Victim Information Notification System.

Probation and Parole incentive reductions

This section allows probationers to receive earned compliance credit when the probationer successfully complies with all conditions of probation or parole allowing for early termination. This will require revisions to the department's current inmate time accounting system.

Board of Parole

This section establishes automatic Administrative Parole allowing offenders a limited category of automatic release without a hearing if the prisoner has met the conditions of imprisonment, is not excluded by court order, has agreed to the conditions of parole, the victim does not request a hearing, and the prisoner has met the requirements of the case plan. This section is anticipated to reduce the overall institutional population and is included in the department's population projections.

Revisions to both the department's Victim Information Notification (VIN) System and the Time Accounting System will be required with this legislation and one-time funding is anticipated to be approximately \$1,500.0 to meet the necessary changes.

This request is reflected in the Department's FY2017 Capital Budget request.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB91HCSCSSSSB(JUD)-DOC-IDO-04-15-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: (H) Finance

Department: Department of Corrections
Appropriation: Population Management
Allocation: Institution Director's Office
OMB Component Number: 1381

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services	(2,055.0)		(11,422.8)	(12,831.8)	(12,062.0)	(11,106.7)	(9,924.5)	
Travel	(1,503.9)		(8,359.4)	(9,390.5)	(8,827.2)	(8,128.1)	(7,263.0)	
Services	(601.3)		(3,342.5)	(3,754.8)	(3,529.6)	(3,250.0)	(2,904.1)	
Commodities	(367.8)		(2,044.4)	(2,296.5)	(2,158.7)	(1,987.7)	(1,776.1)	
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	(4,528.0)	0.0	(25,169.1)	(28,273.6)	(26,577.5)	(24,472.5)	(21,867.7)	

Fund Source (Operating Only)

1004 Gen Fund	(4,528.0)		(25,169.1)	(28,273.6)	(26,577.5)	(24,472.5)	(21,867.7)
Total	(4,528.0)	0.0	(25,169.1)	(28,273.6)	(26,577.5)	(24,472.5)	(21,867.7)

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

This fiscal note has been updated and reflects adopted amendments from HCSCSSSSB91(JUD).
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Prepared By: April Wilkerson
Division: Administrative Services - Department of Corrections
Approved By: Dean Williams
Agency: Department of Corrections

Phone: (907)465-3460
Date: 04/15/2016 10:15 AM
Date: 04/15/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

This legislation makes several changes to sentencing, probation, parole and bail statutes. The changes to the sentencing and bail statutes will reduce and limit the sentence length of imprisonment of those individuals placed under the department's custody.

The current projected changes to the offender population are:

FY2017 reduced population by (299) for a generated savings of (\$4,528.0),
FY2018 reduced population by (1,363) for a generated savings of (\$20,641.1),
FY2019 reduced population by (205) for a generated savings of (\$3,104.5),
FY2020 increased population by 112 for an adjusted cost of \$1,696.1,
FY2021 increased population by 139 for an adjusted cost of \$2,105.0 and
FY2022 increased population by 172 for an adjusted cost of \$2,604.8.

These projections are accumulative of all changes reflective throughout the legislation based on a total Justice Reinvestment package and would result in an overall reduction of the prisoner population of (1,444) and general fund savings of (\$21,867.7) through FY2022. The anticipated impacted population is based on actual population trends incurred during FY2013 and FY2014. Annual savings are calculated using a marginal cost rate of \$41.49 per day per person.

(6)

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	20
(S) Publish Date:	4/8/2016

Identifier: CSSSSB091-DOC-SWPP-04-07-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: (S)FINANCE

Department: Department of Corrections
 Appropriation: Population Management
 Allocation: Statewide Probation and Parole
 OMB Component Number: 2826

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended or repealed? 06/30/17

Why this fiscal note differs from previous version:

This fiscal note has been revised to reflect the need for regulation requirements as identified in this legislation.

Prepared By: April Wilkerson
 Division: Administrative Services - Department of Corrections
 Approved By: Dean Williams
 Agency: Department of Corrections

Phone: (907)465-3460
 Date: 04/07/2016 12:30 PM
 Date: 04/07/16

REPORTED OUT OF
 SFC 04/07/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

This legislation makes several changes to sentencing, probation, parole and bail statutes.

Probation and Parole incentive reductions

This legislation will require the department to establish administrative sanctions and an incentive program to facilitate swift and effective responses to probationer's compliance with or violation of conditions of probation. This decision-making matrix will assist in determining the most suitable responses to both negative and positive behaviors and will set incarceration limits for probation violations.

This bill also reduces probation and parole lengths as well as allowing probationers to receive earned compliance credit when the probationer successfully complies with all conditions of probation or parole allowing for early termination.

It is anticipated this section will reduce the number of Probation caseloads; however, this reduction will be offset through the expected increases associated with the population that are releasing from prisons. Therefore the department anticipates no significant financial impact at this time but will monitor and track for future reductions.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB91-HFIN-DOC-CRC-4-21-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: House Finance

Department: Department of Corrections
Appropriation: Population Management
Allocation: Community Residential Centers
OMB Component Number: 2244

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	300.0		500.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	300.0	0.0	500.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0

Fund Source (Operating Only)

1246 RecidReduc	300.0		500.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0
Total	300.0	0.0	500.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/18

Why this fiscal note differs from previous version:

This revised fiscal note requests funding for Community Residential Centers to provide rehabilitative programming to include comprehensive treatment for substance abuse, cognitive behavioral disorders, and other criminal risk factors, including aftercare support. This is a one-page fiscal note.

Prepared By: Representative Neuman Phone: (907)465-2679
House Finance Committee Date: 04/21/2016
Representative Thompson
House Finance Committee

(8)

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version SB91
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) SB91HCSCSSS(JUD)-DOC-PB-04-22-16 Dept. Affected Department of Corrections
Title OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS Appropriation Population Management
Allocation Parole Board
Sponsor SENATOR COGHILL, Ellis, McGuire, Costello, Bishop, Micciche, Eg
Requester (H) Finance OMB Component Number 695

Expenditures/Revenues (Thousands of Dollars)

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

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates					
			FY17	FY18	FY19	FY20	FY21	FY22
OPERATING EXPENDITURES								
Personal Services	605.9		605.9	605.9	605.9	605.9	605.9	605.9
Travel	10.0		10.0	10.0	10.0	10.0	10.0	10.0
Services	75.0		75.0	75.0	75.0	75.0	75.0	75.0
Commodities	85.0		10.0	10.0	10.0	10.0	10.0	10.0
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	775.9	0.0	700.9	700.9	700.9	700.9	700.9	700.9

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	775.9	700.9	700.9	700.9	700.9	700.9	700.9
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1178	temp code (UGF)							
		775.9	0.0	700.9	700.9	700.9	700.9	700.9

POSITIONS								
Full-time	5		5	5	5	5	5	5
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated SUPPLEMENTAL (FY16) operating costs 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) costs 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended, or repealed? 6/30/2017 Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

This fiscal note has been revised with an updated analysis.

Prepared by April Wilkerson
Division Administrative Services - Department of Corrections
Approved by Dean Williams
Agency Department of Corrections

Phone 465-3460
Date/Time 4/22/16 11:00 AM
Date 4/22/2016

(Revised 9/9/15 OMB/LFD)

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB91

Analysis

This legislation makes several changes to sentencing, probation, parole and bail statutes.

Probation and Parole incentive reductions

This section allows probationers to receive earned compliance credit when the probationer successfully complies with all conditions of probation or parole allowing for early termination.

Board of Parole

This section establishes automatic Administrative Parole allowing offenders a limited category of automatic release without a hearing if the prisoner has met the conditions of imprisonment, is not excluded by court order, has agreed to the conditions of parole, the victim does not request a hearing, and the prisoner has met the requirements of the case plan. This section is anticipated to reduce the overall institutional population and is included in the above population projections. Revisions to the departments Victim Information Notification (VINE) System may be required.

This section will also expand and streamline the use of discretionary parole. It is anticipated this will increase the number of offenders who are eligible to apply for parole as well as streamline the decision making process. A conservative estimate is this recommendation would double the number of discretionary parole hearings conducted by the board. This recommendation does not allow for "automatic" releases onto discretionary parole as with the administrative parole.

In addition, it implements specialty parole options for the oldest cohort of inmates. This section will create a new category of parole eligible inmates: all inmates over the age of 60 and have served at least 10 years in prison are now eligible to apply for discretionary parole, regardless of the offense or length of sentence. At this time there are approximately 65 inmates that could meet this section. The board anticipates an increase in the requested hearings associated with this section.

It is anticipated each of these increases will impact the number of hearings held annually increasing the board member Honoraria. The Honoraria is calculated based on work days and file reviews. Each additional work day is \$250.00 per board member and \$16.00 per file review. It is anticipated that this will increase the number of work days to 200 for each board member from 140 days per Board Member. This increases the personal services costs by \$110,000.00 for the Parole Board Member Honoraria (\$100,000.00 for the increased work days for the 5 board members and \$10,000.00 for the increased file reviews).

Reduces the pre-hearing length of stay and caps the overall incarceration time for revocations on technical violations of supervision. This recommendation will limit incarceration lengths for parole violations and require a shorter response time by the board for technical violations. Currently board members have 15 working days to conduct an initial hearing for remanded parolees this changes the timeframe and requires a hearing within 3 days for the first violation. This will require the Parole Board to re-configure the current violation response process in order to meet this timeframe. Currently the board members are part-time employees, in order to respond timely to remanded parolees four additional full-time hearing officer positions will be needed. The anticipated cost for these four Hearing Officer positions is: \$415.2 – Personal Services, \$ 10.0 – Travel and training, \$ 60.0 – Contractual Services (including indirect costs), \$ 68.0 – Supplies (including \$60.0 OTI startup costs), for a total need for FY2017 of \$553.2

Establishes a system of earned compliance credits. The board or a staff member designated by the board will review and calculate the parole eligibility date of a case brought to the board's attention and will notify the prisoner and department in writing of the correct calculation date. This calculation by the board or designated staff member is the official eligibility date. Currently there is no dedicated position within the Parole Board certified in time accounting. With the anticipated increases in the number of expected discretionary hearings and also calculating earned compliance credits which will consistently reduce parole expiration dates, the board will need a certified time accounting position. The anticipated cost for one Criminal Justice Technician I/II is: \$ 80.7 – Personal Services, \$ 15.0 – Contractual Services (including indirect costs), \$ 17.0 – Supplies (including \$15.0 OTI startup costs), for a total need for FY2017 of \$112.7

It is anticipated these changes will require a total of 5 new positions and \$775.9 in FY2017.

9

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version SB 91
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) SB91HCSCSSS(JUD)-DOC-PTS-04-19-16 Dept. Affected Department of Corrections
Title OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS Appropriation Population Management
Allocation Pre-Trial Services
Sponsor SENATOR COGHILL, Ellis, McGuire, Costello, Bishop, Micciche, Egge
Requester (H)FINANCE OMB Component Number 3121

Expenditures/Revenues (Thousands of Dollars)

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

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates				
			FY18	FY19	FY20	FY21	FY22
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services	2,293.8		7,168.0	7,168.0	7,168.0	7,168.0	7,168.0
Travel	43.2		134.9	134.9	134.9	134.9	134.9
Services	577.6		1,805.0	1,805.0	1,805.0	1,805.0	1,805.0
Commodities	345.5		1,079.8	1,079.8	1,079.8	1,079.8	1,079.8
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	3,260.1	0.0	10,187.7	10,187.7	10,187.7	10,187.7	10,187.7

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF	3,260.1	10,187.7	10,187.7	10,187.7	10,187.7	10,187.7
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1178	temp code (UGF)						
TOTAL		3,260.1	0.0	10,187.7	10,187.7	10,187.7	10,187.7

POSITIONS							
Full-time	29		*	*	*	*	*
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY16) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS
Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended, or repealed? 12/31/2017 Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)
This fiscal note has been revised to reflect indeterminate positions for FY2018.

Prepared by April Wilkerson
Division Administrative Services - Department of Corrections
Approved by Dean Williams
Agency Department of Corrections

Phone 465-3460
Date/Time 4/20/16 9:15 AM
Date 4/20/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

This legislation makes several changes to sentencing, probation, parole and bail statutes and establishes Pre-Trial Services within the Department of Corrections.

Pre-Trial Services

This section establishes a Pre-trial Services Program within the Department of Corrections. This program requires pre-trial risk assessments for all defendants to be submitted to the Courts within 24 hours of arrest and may include basic community supervision. This requires the adoption of a pre-trial risk assessment tool that does not require a defendant to be interviewed, but instead relies only on factors that could be found in public safety and court records; A pre-trial officer will conduct risk assessment scoring on all defendants prior to their first appearance before a judicial officer; and make recommendations to the court regarding the release/detain decision, and appropriate conditions of release; provide basic supervision through phone contact to monitor compliance with release conditions for higher-risk defendants and some moderate-risk defendants who have been released; and provide "enhanced supervision" which involves face-to-face supervision or state-monitored electronic monitoring for highest-risk defendants who are released.

The following assumptions were made to calculate pre-trial costs and represent the minimum needs to successfully implement the program and includes assumptions to partner with local entities to assist with remote supervision as appropriate.

Approximately 32,000 persons would be processed annually and require a risk assessment, of which 70% (or 22,500 persons) would release pre-trial. Of the pre-trial releases approximately 66% (or 14,850 persons) would release to basic supervision with an average length of supervision of 4.66 months (based on current Department of Corrections reporting) for 5,767 persons on supervision at any given time. In addition, this legislation allows for enhanced supervision of which it is assumed that approximately 10% of the population released pre-trial population (or 2,250 persons) would release to enhanced supervision or electronic monitoring with an average length of supervision of 4.66 months (based on Department of Corrections data) for 874 persons on enhanced supervision at any given time.

It is anticipated this program will require 80 full-time positions and \$10,187.7 in funding (or 49 full-time positions and \$5,845.7 without enhanced supervision/electronic monitoring) over two years allowing for the establishment of policy and training criteria for the program. Three regional offices would be established in Anchorage, Juneau and Palmer to oversee the persons placed into this Program. Based on these assumptions above the funding break-out for each of these areas is anticipated to be:

Offender Assessments of 32,000 persons annually (required within 24-hours / no face to face interviews):

\$1,793.9 – Personal Services

\$ 30.0 – Travel and training

\$ 451.5 – Contractual Services (including indirect costs)

\$ 105.0 – Supplies (excludes OTI startup costs)

\$2,380.4 – Total

19 Positions would include:

1-Pre-Trial Director (range 21),

3-Pre-Trial Officer Supervisors for each regional office (range 18),

12-*Pre-Trial Officer positions (range 16) ,

3-Criminal Justice Technician I/II (range 12/14)

*Pre-Trial Officers would assist with basic supervision.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis Continued

Pre-Trial Services (continued)

Basic Supervision of 14,850 persons annually (estimated 5,767 daily with 175 caseloads per officer):

\$2,619.0 – Personal Services

\$ 52.4 – Travel and training

\$ 644.0 – Contractual Services (including indirect costs)

\$ 149.8 – Supplies (excludes one-time start-up costs)

\$3,465.2 - Total

30 Positions would include:

21-Pre-Trial Officer positions,

6-Criminal Justice Technician I/II,

3-Office Assistant

Enhanced Supervision of 2,250 persons annually (estimated 874 daily with 45 caseloads per officer):

\$2,755.0 – Personal Services

\$ 52.5 – Travel and training

\$ 709.5 – Contractual Services (including indirect costs)

\$ 825.1 – Supplies (excludes one-time start-up costs)

\$4,342.1 - Total

31 Positions would include:

3-Pre-Trial Officer Supervisors to oversee each regional office,

19-Pre-Trial Officer positions,

6-Criminal Justice Technician I/II,

3-Office Assistant

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis Continued

Pre-Trial Services (continued)

In FY2017 the department would require partial funding (approximately 30%) to establish programmatic policy and training criteria needs. This would require the following:

\$2,293.8 – Personal Services
\$ 43.2 – Travel and training
\$ 577.6 – Contractual Services (including indirect costs)
\$ 345.5 – Supplies (excludes one-time start-up costs)
\$3,260.1 – Total

Initial 29 positions would include:

1-Pre-Trial Director,
3-Pre-Trial Officer Supervisors to oversee each regional office,
18-Pre-Trial Officer positions (6 for each regional office),
3-Criminal Justice Technician I/II,
4-Office Assistant

The remaining funding and positions would be necessary in FY2018 to fully deploy the program. This would require the following:

\$4,874.2 – Personal Services
\$ 91.7 – Travel and training
\$1,227.4 – Contractual Services (including indirect costs)
\$ 734.3 – Supplies (excludes one-time start-up costs)
\$6,927.6 – Total

Remaining 51 positions would include:

3-Pre-Trial Officer Supervisors to oversee enhanced supervision within each regional office,
34-Pre-Trial Officer positions,
12-Criminal Justice Technician I/II,
2-Office Assistant

Additional positions needed for FY2018 would be offset by positions made available through the reduction of the incarcerated population, however, the department is currently unable to identify how many positions could potentially be transferred to the new Pre-Trial Services component to reduce the future increment request.

10

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB91-HFIN-DOC--Substance Abuse-4-21-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: House Finance

Department: Department of Corrections
Appropriation: Health and Rehabilitation Services
Allocation: Substance Abuse Treatment Program
OMB Component Number: 2974

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	700.0		1,000.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	700.0	0.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0

Fund Source (Operating Only)

1246 RecidReduc	700.0		1,000.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0
Total	700.0	0.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

This revised fiscal note requests funding for institutional substance abuse treatment programs within the Department of Corrections.

Prepared By: Representative Neuman
House Finance Committee
Representative Thompson
House Finance Committee

Phone: (907)465-2679
Date: 04/21/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB91

Analysis

This fiscal note will expand the institutional substance abuse treatment programs within the Department of Corrections. Using evidence based programs, this will increase rehabilitation services through comprehensive treatment for substance abuse, cognitive behavioral disorders, and other criminal risk factors by providing institutional outpatient treatment programs to shorter-sentenced offenders who are able to benefit from less intensive treatment while incarcerated.

This funding will expand the number of statewide assessments, increase the number of offenders served, expand the number of female services in several pre-trial settings and incorporate intervention services for pre-trial offenders. It will also allow each institution to ensure a smooth referral, programming, and release procedure that adequately balances the needs for security with the desire for reformatory opportunities by increasing participant's ability to remain active with substance abuse treatment services within the institution.

It is anticipated this change will require an increase of \$1,000.0 total with an initial \$700.0 being requested in FY2017 and an additional \$300.0 in FY2018. These funds will meet the anticipated contract increases based on current programming costs within the department.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSB 91(FIN)
Fiscal Note Number:	25
(S) Publish Date:	4/8/2016

Identifier: SB091CSSS(FIN)-DHSS-BHTRG-4-7-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate Finance

Department: Department of Health and Social Services
 Appropriation: Behavioral Health
 Allocation: Behavioral Health Treatment and Recovery
 Grants
 OMB Component Number: 3099

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits	1,000.0		2,000.0	1,625.0	1,625.0	1,625.0	1,625.0	1,625.0
Miscellaneous								
Total Operating	1,000.0	0.0	2,000.0	1,625.0	1,625.0	1,625.0	1,625.0	1,625.0

Fund Source (Operating Only)

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
1246 RecidReduc	1,000.0	2,000.0	1,625.0	1,625.0	1,625.0	1,625.0
Total	1,000.0	2,000.0	1,625.0	1,625.0	1,625.0	1,625.0

Positions

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Full-time						
Part-time						
Temporary						

Change in Revenues	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022

Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version:

Corrected fund source references in the Analysis.

Prepared By: Randall Burns, Director
 Division: Behavioral Health
 Approved By: Sana Efird, Asst. Commissioner, Finance and Management Services
 Agency: Health and Social Services

Phone: (907)269-5948
 Date: 04/07/2016 11:00 AM
 Date: 04/07/16

REPORTED OUT OF
SFC 04/07/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

Section 156 of SB 91 requires that the Recidivism Reduction Program administered by the department increase access to evidence-based rehabilitation programs and support offender transition and re-entry.

The department will reinvest a portion of the savings from the criminal justice reforms implemented under SB 91 to fund grants for reentry support services for returning offenders. The strategies and services that will be supported are documented to reduce recidivism, and are based on the Alaska Prisoner Reentry Initiative and the Mental Health Trust Authority's Alaska Prisoner Reentry Initiative Framework. Reentry services are based on an assessment and prioritization of each individual's needs, and can include:

- Substance use, alcohol, and/or mental health treatment, including medication assisted therapy
- Housing
- Job readiness and employment services
- Primary health care
- Peer and recovery support services
- Case management
- Life skills training
- Moral Reconciliation Therapy (a SAMHSA approved treatment strategy to increase moral reasoning)
- Other support services, such as birth certificates, driver's licenses or state IDs, bus passes, etc.

There is currently just one reentry center operating in Alaska, but there are also reentry coalitions in a number of communities that work together to connect transitioning offenders to needed services. Grant funds for this reinvestment will support expansion of the operations of the current reentry center, technical assistance and center design and development for communities seeking to establish a reentry center, and services provided through reentry coalitions. In future years, the grant funds will support ongoing operations of the existing and new reentry centers. An estimated 870 additional individuals will be provided reentry services through this reinvestment in FY2017, increasing to 2,826 by FY2022.

Grants, Benefits: \$1,000.0 (Recidivism Reduction Fund) in FY2017; \$2,000.0 Recidivism Reduction Fund in FY2018; \$1,625 Recidivism Reduction Fund in FY2019 & beyond

Grants will be provided to the existing reentry center and to community reentry coalitions to expand access to treatment and support services. Grants will also fund design and development of new reentry centers, and services provided by those new centers in future years. The services provided by these grants will be for coordination, referral and case management to connect individuals with the right services as quickly as possible to facilitate efficient and effective reentry into communities.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	26
(S) Publish Date:	4/8/2016

Identifier: SB091CSSS(FIN)-DHSS-ASAP-4-6-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate Finance

Department: Department of Health and Social Services
 Appropriation: Behavioral Health
 Allocation: Alcohol Safety Action Program (ASAP)
 OMB Component Number: 305

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities	30.3		29.2	29.2	29.2	29.2	29.2	29.2
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	30.3	0.0	29.2	29.2	29.2	29.2	29.2	29.2

Fund Source (Operating Only)

1004 Gen Fund	30.3		29.2	29.2	29.2	29.2	29.2	29.2
Total	30.3	0.0	29.2	29.2	29.2	29.2	29.2	29.2

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/17

Why this fiscal note differs from previous version:

Responsive to draft CS version "F".

Prepared By: Randall Burns, Director
 Division: Behavioral Health
 Approved By: Sana Efird, Asst. Commissioner, Finance and Management Services
 Agency: Health and Social Services

Phone: (907)269-5948
 Date: 04/06/2016 05:00 PM
 Date: 04/06/16

REPORTED OUT OF
SFC 04/07/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

Sections 151, 152, and 153 of the bill change the criteria used for the courts and the Division of Motor Vehicles (DMV) to refer offenders to an ASAP provider. The Division of Behavioral Health anticipates that referrals to the ASAP providers would decrease by an estimated 30-40% if the referrals to ASAP are confined to specific offenses ordered by the court under AS 28.35.028, AS 28.35.030, or AS 28.35.032, or referred by the DMV in connection with a driver's license action involving the use of alcohol or a controlled substance only.

Sections 152 and 153: Require the department to develop ASAP regulations that ensure:

- screenings are conducted using a validated risk tool, and
- both public and private ASAP programs monitor ASAP participants appropriate to the level of risk of reoffense as determined by the screening conducted.

The reduction in referrals would allow ASAP providers the additional time necessary to screen ASAP participants for their risk to reoffend. Based on the screening, ASAP providers would be responsible for making the appropriate referrals for needed substance use treatment/education, and be responsible to assist offenders in identifying additional service needs for mental health, co-occurring disorders, or other cognitive behavioral services. The ASAP providers would be responsible for an appropriate level of monitoring of each offender, based on the results of the offender's screening for risk.

It is assumed that the majority of these misdemeanor offenders would meet the criteria for a *low risk to offend* and require only a referral and minimal monitoring. There will be a portion of offenders who would meet the *medium to high level of risk to offend* and they would require a more intensive level of monitoring by the ASAP Offices.

Assuming the adoption of regulations that limit the ASAP-monitored referrals to just those individuals ordered by the court under statute, we believe the bill requires 1) both the public and private ASAP providers to be trained on the use of the screening tool, and 2) the purchase of a validated screening tool.

ASSUMPTIONS

All Public and Private ASAP Offices - The Anchorage Adult ASAP office received 3,969 new cases in FY2015 while the private grantee ASAP offices received another 3,079 new adult cases in FY2015. With the referral criteria limited by newly proposed statute and the development of administrative regulations, there should be closer to 4,000 referrals per year, total, under that scenario.

The anticipated cost would be for the following screening tools and associated training:

Screening tool	FY2017	FY2018-FY2022
14 Manuals @ \$80.00 =	\$ 1,120	\$ 0
Interview Guides = \$ 1.80 @ 4,000 =	\$ 7,200	\$ 7,200
Quickscore Forms = \$ 3.00 @ 4,000 =	\$12,000	\$12,000
Training	<u>\$10,000</u>	<u>\$10,000</u>
Total Cost:	\$30,320	\$29,200

(13)

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	27
(S) Publish Date:	4/8/2016

Identifier: SB091CSSS(FIN)-DHSS-PS draft-4-4-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate Finance

Department: Department of Health and Social Services
 Appropriation: Juvenile Justice
 Allocation: Probation Services
 OMB Component Number: 2134

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no
 If yes, by what date are the regulations to be adopted, amended or repealed? n/a

Why this fiscal note differs from previous version:

Updated to reflect SFIN version.

Prepared By: Rob Wood, Director
 Division: Juvenile Justice
 Approved By: Sana Efird, Asst. Commissioner, Finance and Management Services
 Agency: Health and Social Services

Phone: (907)465-2212
 Date: 04/04/2016 12:00 AM
 Date: 04/04/16

REPORTED OUT OF
 SFC 04/07/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

The changes proposed to criminal statute to increase the monetary threshold for certain property crimes will apply to juvenile offenders under the jurisdiction of the Division of Juvenile Justice. The changes will not negatively impact the work with juvenile offenders because the services provided by Division of Juvenile Justice are based upon risk and need, rather than purely on the level of criminal offense for which they were referred. The effort to update the threshold level, train staff, update written materials, and reprogram the Division of Juvenile Justice offender database can be accomplished using existing resources.

The changes proposed to reduce various criminal offenses to violations will have little negative impact on the work of the Division of Juvenile Justice. Very few youth are currently referred to the division for these offenses. The change to direct the court system to accept an affirmative defense to the crime of prostitution, if the person can prove they were the victim of sex trafficking at the time of the prostitution charge, will not result in any fiscal impact on the Division of Juvenile Justice.

17

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	28
(S) Publish Date:	4/8/2016

Identifier: SB091CSSS(FIN)-DHSS-BHMS-4-7-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate Finance

Department: Department of Health and Social Services
 Appropriation: Medicaid Services
 Allocation: Behavioral Health Medicaid Services
 OMB Component Number: 2660

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits					1,500.0	1,500.0	1,500.0	1,500.0
Miscellaneous								
Total Operating	0.0	0.0	0.0	1,500.0	1,500.0	1,500.0	1,500.0	1,500.0

Fund Source (Operating Only)

1002 Fed Rcpts				1,125.0	1,125.0	1,125.0	1,125.0
1246 RecidReduc				375.0	375.0	375.0	375.0
Total	0.0	0.0	0.0	1,500.0	1,500.0	1,500.0	1,500.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							

Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no
 If yes, by what date are the regulations to be adopted, amended or repealed? n/a

Why this fiscal note differs from previous version:

Corrected fund source references in analysis.

Prepared By: Randall Burns, Director
 Division: Behavioral Health
 Approved By: Sana Efird, Asst. Commissioner, Finance and Management Services
 Agency: Health and Social Services

Phone: (907)269-5948
 Date: 04/07/2016 11:00 AM
 Date: 04/07/16

REPORTED OUT OF
SFC 04/07/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

Section 156 of SB 91 requires that the Recidivism Reduction Program administered by the department increase access to evidence-based rehabilitation programs and support offender transition and re-entry.

The department will reinvest a portion of the savings from the criminal justice reforms implemented under SB 91 to fund grants for reentry support services for returning offenders. The strategies and services that will be supported are documented to reduce recidivism, and are based on the Alaska Prisoner Reentry Initiative and the Mental Health Trust Authority's Alaska Prisoner Reentry Initiative Framework. Reentry services are based on an assessment and prioritization of each individual's needs, and can include:

- Substance use, alcohol, and/or mental health treatment, including medication assisted therapy
- Housing
- Job readiness and employment services
- Primary health care
- Peer and recovery support services
- Case management
- Life skills training
- Moral Reconciliation Therapy (a SAMHSA approved treatment strategy to increase moral reasoning)
- Other support services, such as birth certificates, driver's licenses or state IDs, bus passes, etc.

There is currently just one reentry center operating in Alaska, but there are also reentry coalitions in a number of communities that work together to connect transitioning offenders to needed services. Grant funds for this reinvestment will support expansion of the operations of the current reentry center, technical assistance and center design and development for communities seeking to establish a reentry center, and services provided through reentry coalitions.

By FY2019 the department will redesign the behavioral health system such that a portion of reentry center services will be billable to Medicaid.

Grants, Benefits: \$1,500.0 (75% Fed/25% Recidivism Reduction Fund) in FY2019 and beyond

Reentry centers will bill Medicaid beginning in FY2019 for Medicaid-billable referral and case management services to expand access to treatment and support services.

The FMAP (federal match) assumes a blended rate of 75%.

(15)

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SSSB91HCSCS(JUD)-LAW-CRIM-04-14-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: House Finance

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

This version differs from the initial submission as this fiscal note reflects the changes made in House Judiciary.

Prepared By: Valerie Rose, Budget Analyst
Division: Administrative Services Division
Approved By: Craig W. Richards, Attorney General
Agency: Department of Law

Phone: (907)465-3674
Date: 04/14/2016 03:39 PM
Date: 04/15/16

Analysis

This legislation makes significant changes to the current criminal code and incorporates policy recommendations from the Alaska Criminal Justice Commission.

Reduction in Sentence Length

The legislation reduces felony sentences and establishes a maximum imprisonment of 30 days for most misdemeanor cases. This maximum 30-day sentence can be exceeded if a jury finds that the conduct was among the most serious for that type of offense, if the defendant is convicted for an offense and has been convicted of similar offenses in the past, or if the conviction is for assault in the fourth degree.

The Department of Law anticipates an increase in the number of trials as well as an increase in the amount of work required for misdemeanors due to these changes. The increased work results from being required to prove aggravators for misdemeanors. This will involve litigating, first in the trial courts and then in the appellate courts, how these new aggravators will be applied and interpreted. It is unclear how many cases will fall into the categories requiring additional time, therefore the department is unable to quantify the impact of these sections at this time. The Department of Law will attempt to absorb these costs.

Bail Reform

The legislation makes significant changes to the bail process. Under the legislation, a judge is required to order a person released on their personal recognizance for most offenses unless they find on the record that there is clear and convincing evidence that less restrictive conditions will not reasonably ensure that the person will appear in court or protect the safety of the victims and the community.

Under current law a judge may not consider the person's inability to pay the bail when setting or amending bail. This legislation reverses that limitation and specifically requires a judge to consider whether a person has ability to post the bail amount.

Another new requirement is a risk assessment by a pretrial services officer. That assessment along with recommendations on conditions of release must be presented to the judge, prosecutor, and defense attorney before each person is arraigned. How those assessments are conducted, interpreted and applied may result in new litigation.

Because inability to pay would be an allowable basis for requesting a bail review hearing, bail review hearings will be available to a larger group of people and may result in an increase in hearings. It is unclear exactly how many more hearings or how much new litigation will result from these sections. Therefore, the department is unable to quantify the impact of these sections at this time. The Department of Law will attempt to absorb these costs.

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2016 LEGISLATIVE SESSION**

BILL NO. SB 91

Analysis Continued

Capping Time Imposed for Technical Violations of Probation

The legislation caps the amount of time a person can serve for first, second, and third technical violations of probation.

The Department of Law does not anticipate a fiscal impact from these sections at this time.

Drug Offenses

This legislation reduces the penalties for certain conduct related to controlled substances. It makes it a class B felony to manufacture or deliver 2.5 grams or more of a schedule IA (heroin), IIA (methamphetamine), or IIIA (zolazepam) controlled substance. It also makes it a class C felony to manufacture or deliver less than 2.5 grams of a schedule IA (heroin), IIA (methamphetamine), or IIIA (zolazepam) controlled substance. The legislation also reduces the penalty for possessing these substances to a class A misdemeanor.

The Department of Law does not anticipate a fiscal impact from these sections at this time.

Suspended Entry of Judgment

The legislation establishes a new judicial procedure in which a person is found guilty or pleads guilty to a crime and the judgment is not immediately entered. The person would be put on probation for a certain period of time. If the person successfully completes probation the judgment would not be entered and there would never be a formal entry of guilt for the person.

The Department of Law does not anticipate a fiscal impact from this section at this time.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis**Correctional Restitution Centers**

This legislation expands AS 33.30.151 requiring the Community Residential Centers under contract with the Department of Corrections to provide rehabilitation programming to certain offenders housed within these contract facilities. This section requires these centers to provide certain offenders with rehabilitation through comprehensive treatment for substance abuse, cognitive behavioral disorders, and other criminal risk factors, including aftercare support.

In addition, it requires the department to implement quality assurance measures, treatment standards, implement a process to assess an offender's risk of recidivating to include limiting the mixing of low and high risk prisoners.

It is anticipated this change will require an increase of \$1,000.0 total with an initial \$500.0 being requested in FY2017 and an additional \$500.0 in FY2018. These funds will meet the anticipated contract increases based on current programming costs within the department.

(16)

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	30
(S) Publish Date:	4/8/2016

Identifier: CSSSSB091(JUD)-DPS-AST-03-25-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Finance

Department: Department of Public Safety
 Appropriation: Alaska State Troopers
 Allocation: Alaska State Trooper Detachments
 OMB Component Number: 2325

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Revised to reflect changes made by the Senate Judiciary committee.

Prepared By: Lt. David Hanson
 Division: Alaska State Troopers
 Approved By: Gary Folger, Commissioner
 Agency: Public Safety

Phone: (907)269-5587
 Date: 03/25/2016 10:15 AM
 Date: 03/25/16

**REPORTED OUT OF
SFC 04/07/2016**

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

This bill makes numerous changes to criminal laws and procedures based on recommendations made by the Alaska Criminal Justice Commission.

The Division of Alaska State Troopers does not initially foresee any direct fiscal impact from this legislation, and therefore submits a zero fiscal note.

(17)

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	31
(S) Publish Date:	4/8/2016

Identifier: CSSSSB091(FIN)-DPS-CDVSA-04-06-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Finance

Department: Department of Public Safety
 Appropriation: Council on Domestic Violence and Sexual Assault
 Allocation: Council on Domestic Violence and Sexual Assault
 OMB Component Number: 521

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel	50.0		50.0	50.0	50.0	50.0	50.0	50.0
Services	200.0		300.0	300.0	525.0	300.0	300.0	300.0
Commodities	50.0		50.0	50.0	50.0	50.0	50.0	50.0
Capital Outlay								
Grants & Benefits	700.0		1,600.0	1,600.0	1,375.0	1,600.0	1,600.0	1,600.0
Miscellaneous								
Total Operating	1,000.0	0.0	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0

Fund Source (Operating Only)

1246 RecidReduc	1,000.0		2,000.0	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0
Total	1,000.0	0.0	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								

Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

The annual appropriation requested has been reduced, and immediate expansion of violence prevention programming and victim services has been replaced with a more graduated approach.

Prepared By: Lauree Morton, Executive Director
 Division: Council on Domestic Violence and Sexual Assault
 Approved By: Gary Folger
 Agency: Commissioner

Phone: (907)465-5503
 Date: 04/06/2016 06:00 PM
 Date: 04/06/16

**REPORTED OUT OF
SFC 04/07/2016**

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

Section 163 of this bill implements reforms identified and recommended by the Alaska Criminal Justice Commission (ACJC) in its Justice Reinvestment Report by adding uncodified language instructing the Council on Domestic Violence and Sexual Assault (CDVSA) to create or expand community-based violence prevention programming and services for victims of a crime involving domestic violence or sexual assault. This section was added in direct response to the concerns and concepts expressed during the Justice Reinvestment Initiative Victim Service Roundtables and interviews with victims. Victims and survivors of domestic violence and sexual assault, Alaska Native elders, victim service providers, system advocates, and representatives from the criminal and civil justice systems came together and agreed on ten recommendations to address violence prevention, services, and victims rights. The recommendations were rolled up into the ACJC report as priorities for violence prevention and victims services in rural/remote areas of Alaska.

Funds will still be used for previously listed projects but at a reduced pace than what would be possible at a higher level of funding. Changing societal norms to make violence unacceptable in communities is ultimately what will lead to reduction in crimes costs across all systems. Investing now while citizens believe change is possible is critical.

Funds to strengthen efforts in communities currently implementing prevention strategies such as Green Dot, Coaching Boys into Men, COMPASS, Girls on the Run/Boys Run, Fourth R, Teens Acting Against Violence, LeadOn! for Peace and Equality, and/or Talk Now Talk Often will be granted out. These grants will serve to enhance existing community based, coalition driven work that address the primary prevention of sexual assault, intimate partner violence and/or teen dating violence. Grantees are building the foundation on which reductions in violence will occur. Outcomes for these projects are organized into four categories of programming: capacity building, policy, youth protective factors and bystander engagement.

Funds will be used for continued implementation of Green Dot AK across the state. A comprehensive prevention strategy is one that is coordinated across multiple settings and populations within each community. Comprehensive strategies are more likely to change the behaviors, beliefs and norms that impact the incidence of domestic violence and sexual assault.

Funds will be used to support local communities in expanding readiness to implement prevention services most applicable to their own community. Peer to peer support and ownership of problem-identification and resolution are integral steps to successful prevention campaigns. CDVSA will provide technical assistance and opportunities for skills building within and between communities to organically grow social norms change.

To address the victim service priorities, funds will be used to provide outreach to increase awareness of available victim services in FY2017; resources to village elders engaging in these efforts and to support safe home expansion in FY2018; and to increase services for child victims and witnesses in each year where possible.

Another priority of the victim service roundtables was to provide sexual assault forensic exams to victims through community health aides and/or public health nurses. CDVSA will bring together a workgroup of stakeholders including victim service providers, health aides, tribal health consortiums, public health, law enforcement and law to address this issue and prepare a plan for implementation by FY18.

Funds will also be used for evaluation. The ability to build research/evaluation steps into each of these projects is necessary to gauge effectiveness, to provide opportunities to course correct early in processes when required, and to responsibly continue to support programs that work and/or move focus to other strategies if one proves ineffective. FY 2020 sees an increase in the services line to conduct the third statewide Alaska Victimization Survey.

(18)

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	32
(S) Publish Date:	4/8/2016

Identifier: SB091CSSS(FIN)-ACS-TRC-04-04-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate Finance Committee

Department: Judiciary
 Appropriation: Alaska Court System
 Allocation: Trial Courts
 OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Finance Committee substitute; revisions had minimal effect on Alaska Court System. Fiscal impact is unchanged from initial version.

Prepared By: Nancy Meade, General Counsel
 Division: Alaska Court System
 Approved By: Nancy Meade for Christine Johnson, Administrative Director
 Agency: Alaska Court System

Phone: (907)463-4736
 Date: 04/04/2016 11:00 AM
 Date: 04/04/16

REPORTED OUT OF
 SFC 04/07/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

The Senate Finance Committee Substitute for the Sponsor Substitute for Senate Bill 91 (version F) makes changes to numerous areas of criminal law and procedure, including changes to bail decision-making, sentencing, probation practices, and driver license revocations and reinstatements. Many of the revisions in the bill stem from recommendations made by the Alaska Criminal Justice Commission, created in 2014 through SB 64. The majority of the changes made in SB 91 directly affect either the Department of Corrections (changes in probation supervision practices, risk assessments, and re-entry programs for prisoners) or another state agency.

The changes in SB 91 that do affect the court system's procedures or cases will be incorporated into the court's normal handling of cases and hearings with no fiscal impact. Some sections of the bill may increase the court's workload, while others may decrease it. Overall, the court system anticipates that the changes in the bill will balance, leading to this zero fiscal note.

For example, the court may see more bail review hearings because the standard for getting a hearing will include the inability to pay the bail amount that was set; we may also see an increase in petitions to revoke probation since probation officers may be encouraged to file a petition for any and all violations of conditions. The court system will need to develop new procedures in cooperation with the Department of Corrections to enable the Pretrial Services Officers to transmit needed risk assessment reports and recommendations to the courts around the state, a project that will take time and coordination. The court system will also be required to establish a mechanism for sending additional reminder notices to defendants with information about their hearings (direct court rule amendment in section 158).

On the other hand, the bill may lead to some hearings being eliminated because some criminal misdemeanors will become violations, and some felonies will become misdemeanors. It is not fully clear whether the limited license provisions will result in additional hearings for individuals whose DUI cases are fully closed, and who wish to reinstate their driving licenses.

On balance, with the changes in the CS, the court system continues to anticipate that it can implement the changes called for in CASSSB 91(FIN) without fiscal impact.

(19)

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(FIN)
Fiscal Note Number:	33
(S) Publish Date:	4/8/2016

Identifier: SB91
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate Judiciary

Department: Judiciary
 Appropriation: Judicial Council
 Allocation: Judicial Council
 OMB Component Number: 771

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	
OPERATING EXPENDITURES								
Personal Services	67.9	126.3	194.2	194.2	194.2	194.2		
Travel		27.5	27.5	27.5	27.5	27.5		
Services		38.4	38.4	38.4	38.4	38.4		
Commodities		1.6	1.6	1.6	1.6	1.6		
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	67.9	193.8	261.7	261.7	261.7	261.7	261.7	0.0

Fund Source (Operating Only)

1004 Gen Fund	67.9	193.8	261.7	261.7	261.7	261.7		
Total	67.9	193.8	261.7	261.7	261.7	261.7	261.7	0.0

Positions

Full-time		1.0	1.0	1.0	1.0	1.0		
Part-time		1.0	1.0	1.0	1.0	1.0		
Temporary								

Change in Revenues								

Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? n/a

Why this fiscal note differs from previous version:

This note is revised to reflect small changes in the new CS: adding one more duty to the commission's work, and section renumbering. The amount of funding is not changed.

Prepared By: Susanne DiPietro, Executive Director
 Division: Alaska Judicial Council
 Approved By: Susanne DiPietro, Executive Director
 Agency: Alaska Judicial Council

Phone: (907)279-2526
 Date: 04/07/2016 11:30 PM
 Date: 04/07/2016

**REPORTED OUT OF
SFC 04/07/2016**

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

Several sections of the CS to SB91 affect the Criminal Justice Commission, which is staffed by the Judicial Council. The CS extends the operation of the Alaska Criminal Justice Commission until June 30, 2021 (the commission currently is scheduled to sunset on June 30, 2017). The bill also adds to the existing duties of the commission. It adds a new requirement for the commission to make recommendations to the governor and the legislature about how savings from criminal justice reform should be reinvested to reduce recidivism. Also the CS authorizes the commission to create a working group to report to the commission on the status of implementation of criminal justice reforms, and to enter into data sharing agreements to assist with its work. The bill adds to the commission's data and analysis responsibilities by requiring it to receive and analyze data collected by agencies and entities charged with implementing criminal justice reform initiatives, to track and assess outcomes of such recommendations, and to request, receive, and review data and reports on criminal justice reform outcomes, and a new requirement to study sex offenses. The bill adds items to be included in the commission's annual report: a summary of savings achieved by criminal justice reform, recommendations on how those savings should be reinvested, performance metrics and outcomes from the recommendations in the commission's December 2015 report, recidivism rates, and recommendations for additional reforms. The CS sets Nov. 1 as the due date for annual reports. The CS designates the commission (instead of the commissioner of corrections) as the entity with whom the commissioner of HSS cooperates when providing funding for reentry programs. The bill requires the commission to research and report on the relationship between offenses on a person's criminal record and barriers to successful re-integration into the community, and to report on the role of expungement in successful re-entry. All these provisions take effect on July 1, 2016, and the barrier offenses report is due Nov. 1, 2017.

The commission is currently staffed by the Alaska Judicial Council with one 30 hour per week project attorney and one 20 hour per week research analyst. Because the part-time attorney has been unable to complete all the required work, additional professional support has been provided as possible by existing Judicial Council staff. Similarly, existing Council administrative staff have as possible assisted with clerical tasks, but the lack of consistent administrative support has decreased the productivity and efficiency of the project attorney, who now must spend time on clerical and administrative tasks.

The Council anticipates that it could continue to support the commission's work with the new requirements by slightly increasing the existing staffing level, beginning in FY17. The request is to increase the existing 30-hour/week attorney position to full time (37.5 hours/week); to add 9 hours per week to the research analyst's time (increasing the hours from 20/week to 29/week); and to add 7.5 hours per week of administrative support. A full-time attorney is needed to be a consistent liaison between the commissioners, policy makers, and the public, to guide the work of the commission, and to provide information to state policy makers as requested. The research analyst will work with the attorney, the agencies and other entities, the commissioners, and the working group members to collect and analyze the data and the new performance measures, including designing databases, coordinating data collection, and statistical analysis. The 7.5 hours per week of administrative support will be added to an existing 30 hour per week position at the Judicial Council to help schedule meetings and commissioner travel, manage the web site, generate meeting materials, and handle inquiries from the public.

A 29-hour-per-week Research Analyst at Range 18A is \$71,100 per year, a full-time Project Attorney at Range 20A is \$109,900 per year, and 7.5 hours per week of administrative support at Range 13E is \$13,200 per year. The Council will need to rent office space for the Research Analyst (\$29,000 year), and parking for two employees (\$1,800 per year). This note continues the existing travel budget for commissioners to attend four in-person meetings per year, including a small amount (\$1,500/year) for staff travel in anticipation that one meeting per year will be held in Juneau (total travel estimated at \$27,500/year). The Council will continue to arrange and pay for travel costs for the thirteen commission members as authorized for boards and commissions under AS 39.20.180.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 91
Fiscal Note Number: _____
() Publish Date: _____

Identifier: CSCSSSB091(JUD)-DOA-PERS-04-15-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: House Finance

Department: State Retirement Payments
Appropriation: PERS State Assistance
Allocation: All Other PERS
OMB Component Number: 2866

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services	174.0		183.0	194.0	204.0	215.0	226.0	
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	174.0	0.0	183.0	194.0	204.0	215.0	226.0	

Fund Source (Operating Only)

1004 Gen Fund	174.0		183.0	194.0	204.0	215.0	226.0
Total	174.0	0.0	183.0	194.0	204.0	215.0	226.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Michele Michaud, Chief Health Official
Division: Retirement and Benefits
Approved By: Sheldon Fisher, Commissioner
Agency: Department of Administration

Phone: (907)465-3225
Date: 04/15/2016 04:00 PM
Date: 04/15/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB91

Analysis

The purpose of Sections 161 - 172 of this bill is to provide system-paid major medical coverage for PERS survivors of Peace Officer/Firefighters whose death occurs before the member's retirement and while in the performance and within the scope of the member's duties (occupational deaths). Surviving spouses and dependents would be allowed to commence subsidized medical coverage immediately upon the occupational death of a current member. This change did not impact Tier 1 members of PERS nor any members of PERS "All Others" or Teachers.

Under the existing PERS Defined Contribution Plan, no person is eligible for 100% system-paid major medical benefits. The draft bill would allow for a 100% premium subsidy for major medical benefits for eligible persons who are survivors of employees who were peace officers or firefighters. The 100% premium subsidy changes to a normal premium subsidy at Medicare age (e.g., 65). The HRA can then be used to fund the portion of the premium for which the spouse is responsible.

The PERS Defined Contribution Plan requires members to "retire directly from the plan" in order to be eligible for medical benefits. The bill removes that language from the plan only as it applies to eligible survivors of a peace officer and firefighter whose death occurs as a result of the job.

Sections 161 - 172 are retroactive to January 1, 2013.

The impact to the normal cost rate for the DB plan for this change was 0.01% for peace/fire only and 0.00% overall; the impact did increase the past service cost amortization resulting in a 0.01% impact to the total rate. Similarly for the DCR plan this change was a 0.08% increase to the normal cost rate for peace/fire members and 0.01% overall. The total contribution rate increased 0.10% for peace/fire and 0.01% overall. These results are slightly lower than the estimates in 2015 and reflect June 30, 2015 valuation results and the premium cost-sharing upon Medicare eligibility in the DCR plan.

An actuarial analysis of this bill by Buck Consultants also found:

- That the total additional accrued actuarial liability for addition of this benefit is \$265,000 for DB and \$292,000 for DC (total of \$557,000); amortizing this cost results in an annual payment fluctuate between \$36,000 and \$46,000 in the first five years. (See below)
- Based on the health benefit changes in the rates calculated for the Occupational Death payment the projected increase in contributions associated with the new benefit varies between \$138,000 and \$180,000, between FY17 and FY22 (See below)

See page 4 of Buck Consultants Actuarial analysis for details

Total cost of the bill over the period (in thousands)

	FY17	FY18	FY19	FY20	FY21	FY22
Past service costs	\$36	\$38	\$40	\$42	\$45	\$46
Increase in contributions	\$138	\$145	\$154	\$162	\$170	\$180
Total costs	\$174	\$183	\$194	\$204	\$215	\$226

*ADOPTED
4.26.2016*

29-LS0541\T
Martin/Gardner
4/26/16

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 91(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS COGHILL, Ellis, McGuire, Costello, Bishop, Micciche, Egan

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to controlled substances;**
 2 **relating to probation; relating to sentencing; relating to treatment program credit for**
 3 **time spent toward service of a sentence of imprisonment; establishing a pretrial services**
 4 **program with pretrial services officers in the Department of Corrections; relating to**
 5 **permanent fund dividends; relating to electronic monitoring; relating to penalties for**
 6 **violations of municipal ordinances; relating to parole; relating to correctional restitution**
 7 **centers; relating to community work service; relating to revocation, termination,**
 8 **suspension, cancellation, or restoration of a driver's license; relating to the**
 9 **disqualification of persons convicted of certain felony drug offenses from participation**
 10 **in the food stamp and temporary assistance programs; relating to the duties of the**
 11 **commissioner of corrections; amending Rules 32, 32.1, 38, and 43, Alaska Rules of**
 12 **Criminal Procedure; and providing for an effective date."**

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

2 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
3 to read:

4 LEGISLATIVE INTENT. It is the intent of the legislature that, if the taxes collected
5 under AS 43.61.010 are lower than projected for fiscal year 2017, the legislature appropriate
6 funds from the alcohol and other drug abuse treatment and prevention fund established in
7 AS 43.60.050 to cover the shortfall.

8 * **Sec. 2.** AS 11.41.110(a) is amended to read:

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

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

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

16 (3) under circumstances not amounting to murder in the first degree
17 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
18 person commits or attempts to commit arson in the first degree, kidnapping, sexual
19 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
20 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
21 degree, escape in the first or second degree, robbery in any degree, or misconduct
22 involving a controlled substance under AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) -
23 (8) [11.71.020(a), 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2) and, in the course
24 of or in furtherance of that crime or in immediate flight from that crime, any person
25 causes the death of a person other than one of the participants;

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

30 (5) the person with criminal negligence causes the death of a child
31 under the age of 16, and the person has been previously convicted of a crime involving

1 a child under the age of 16 that was

2 (A) a felony violation of AS 11.41;

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

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

7 * **Sec. 3.** AS 11.41.150(a) is amended to read:

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

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

11 (2) with intent to cause serious physical injury to an unborn child or to
12 another person or knowing that the conduct is substantially certain to cause death or
13 serious physical injury to an unborn child or to another person, causes the death of an
14 unborn child;

15 (3) while acting alone or with one or more persons, commits or
16 attempts to commit arson in the first degree, kidnapping, sexual assault in the first
17 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,
18 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the
19 first or second degree, robbery in any degree, or misconduct involving a controlled
20 substance under AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) - (8) [11.71.020(a),
21 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2), and, in the course of or in
22 furtherance of that crime or in immediate flight from that crime, any person causes the
23 death of an unborn child;

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

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

31 (a) A person commits the crime of theft in the second degree if the person

1 commits theft as defined in AS 11.46.100 and

2 (1) the value of the property or services is \$1,000 [\$750] or more but
3 less than \$25,000;

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

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

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

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

10 (6) the value of the property is \$250 or more but less than \$1,000
11 [\$750] and, within the preceding five years, the person has been convicted and
12 sentenced on two or more separate occasions in this or another jurisdiction of

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

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

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

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

21 (7) the property is an access device.

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

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

25 (1) the value of the property or services is \$250 or more but less than
26 \$1,000 [\$750]; or

27 (2) [REPEALED]

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

1 * **Sec. 6.** AS 11.46.220(c) is amended to read:

2 (c) Concealment of merchandise is

3 (1) a class C felony if

4 (A) the merchandise is a firearm;

5 (B) the value of the merchandise is \$1,000 [\$750] or more; or

6 (C) the value of the merchandise is \$250 or more but less than
7 \$1,000 [\$750] and, within the preceding five years, the person has been
8 convicted and sentenced on two or more separate occasions in this or another
9 jurisdiction of

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

13 (ii) an offense under AS 11.46.120, 11.46.130, or
14 11.46.140(a)(1), or an offense under another law or ordinance with
15 similar elements;

16 (2) a class A misdemeanor if

17 (A) the value of the merchandise is \$250 or more but less than
18 \$1,000 [\$750]; or

19 (B) the value of the merchandise is less than \$250 and, within
20 the preceding five years, the person has been convicted and sentenced on two
21 or more separate occasions of the offense of concealment of merchandise or
22 theft in any degree, or an offense under another law or ordinance with similar
23 elements;

24 (3) a class B misdemeanor if the value of the merchandise is less than
25 \$250.

26 * **Sec. 7.** AS 11.46.260(b) is amended to read:

27 (b) Removal of identification marks is

28 (1) a class C felony if the value of the property on which the serial
29 number or identification mark appeared is \$1,000 [\$750] or more;

30 (2) a class A misdemeanor if the value of the property on which the
31 serial number or identification mark appeared is \$250 or more but less than \$1,000

1 [\$750];

2 (3) a class B misdemeanor if the value of the property on which the
3 serial number or identification mark appeared is less than \$250.

4 * **Sec. 8.** AS 11.46.270(b) is amended to read:

5 (b) Unlawful possession is

6 (1) a class C felony if the value of the property on which the serial
7 number or identification mark appeared is \$1,000 [\$750] or more;

8 (2) a class A misdemeanor if the value of the property on which the
9 serial number or identification mark appeared is \$250 or more but less than \$1,000
10 [\$750];

11 (3) a class B misdemeanor if the value of the property on which the
12 serial number or identification mark appeared is less than \$250.

13 * **Sec. 9.** AS 11.46.280(d) is amended to read:

14 (d) Issuing a bad check is

15 (1) a class B felony if the face amount of the check is \$25,000 or more;

16 (2) a class C felony if the face amount of the check is \$1,000 [\$750] or
17 more but less than \$25,000;

18 (3) a class A misdemeanor if the face amount of the check is \$250 or
19 more but less than \$1,000 [\$750];

20 (4) a class B misdemeanor if the face amount of the check is less than
21 \$250.

22 * **Sec. 10.** AS 11.46.285(b) is amended to read:

23 (b) Fraudulent use of an access device is

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

26 (2) a class C felony if the value of the property or services obtained is
27 \$1,000 [\$750] or more but less than \$25,000;

28 (3) a class A misdemeanor if the value of the property or services
29 obtained is less than \$1,000 [\$750].

30 * **Sec. 11.** 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)(3),] 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. 12.** 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 of \$1,000 [\$750] or more;

21 (B) the owner incurs reasonable expenses as a result of the loss
22 of use of the vehicle, in a total amount of \$1,000 [\$750] or more; or

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

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

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

29 (A) this section or AS 11.46.365;

30 (B) former AS 11.46.482(a)(4) or (5);

31 (C) former AS 11.46.484(a)(2);

1 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft
2 of a propelled vehicle; or

3 (E) a law or ordinance of this or another jurisdiction with
4 elements substantially similar to those of an offense described in (A) - (D) of
5 this paragraph.

6 * **Sec. 13.** AS 11.46.460 is amended to read:

7 **Sec. 11.46.460. Disregard of a highway obstruction.** (a) A person commits
8 the offense [CRIME] of disregard of a highway obstruction if, without the right to do
9 so or a reasonable ground to believe the person has the right, the person

10 (1) drives a vehicle through, over, or around an obstruction erected on
11 [UPON] a highway under authority of AS 19.10.100; or

12 (2) opens an obstruction erected on [UPON] a highway under authority
13 of AS 19.10.100.

14 (b) Violation of this section is a violation punishable by a fine of not more
15 than \$1,000 [CLASS B MISDEMEANOR].

16 * **Sec. 14.** AS 11.46.482(a) is amended to read:

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

20 (1) with intent to damage property of another, the person damages
21 property of another in an amount of \$1,000 [\$750] or more;

22 (2) the person recklessly creates a risk of damage in an amount
23 exceeding \$100,000 to property of another by the use of widely dangerous means; or

24 (3) the person knowingly

25 (A) defaces, damages, or desecrates a cemetery or the contents
26 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
27 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
28 memorial appears to be abandoned, lost, or neglected;

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

1 * **Sec. 15.** AS 11.46.484(a) is amended to read:

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

5 (1) with intent to damage property of another, the person damages
6 property of another in an amount of \$250 or more but less than \$1,000 [\$750];

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

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

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

15 (5) the person knowingly removes, relocates, defaces, alters, obscures,
16 shoots at, destroys, or otherwise tampers with an official traffic control device or
17 damages the work on [UPON] a highway under construction.

18 * **Sec. 16.** AS 11.46.530(b) is amended to read:

19 (b) Criminal simulation is

20 (1) a class C felony if the value of what the object purports to represent
21 is \$1,000 [\$750] or more;

22 (2) a class A misdemeanor if the value of what the object purports to
23 represent is \$250 or more but less than \$1,000 [\$750];

24 (3) a class B misdemeanor if the value of what the object purports to
25 represent is less than \$250.

26 * **Sec. 17.** AS 11.46.620(d) is amended to read:

27 (d) Misapplication of property is

28 (1) a class C felony if the value of the property misapplied is \$1,000
29 [\$750] or more;

30 (2) a class A misdemeanor if the value of the property misapplied is
31 less than \$1,000 [\$750].

1 * **Sec. 18.** AS 11.46.730(c) is amended to read:

2 (c) Defrauding creditors is a class A misdemeanor unless that secured party,
3 judgment creditor, or creditor incurs a pecuniary loss of \$1,000 [\$750] or more as a
4 result of [TO] the defendant's conduct, in which case defrauding secured creditors is

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

6 (2) a class C felony if the loss is \$1,000 [\$750] or more but less than
7 \$25,000.

8 * **Sec. 19.** AS 11.56.730(a) is amended to read:

9 (a) A person commits the offense [CRIME] of failure to appear if the person

10 (1) is released under the provisions of AS 12.30;

11 (2) knows that the person is required to appear before a court or
12 judicial officer at the time and place of a scheduled hearing; and

13 (3) with criminal negligence does not appear before the court or
14 judicial officer at the time and place of the scheduled hearing.

15 * **Sec. 20.** AS 11.56.730(c) is amended to read:

16 (c) A person who commits failure to appear incurs a forfeiture of any security
17 for any appearance of the person that was given or pledged to the court for the person's
18 release [, AND IS GUILTY OF A

19 (1) CLASS C FELONY IF THE PERSON WAS RELEASED IN
20 CONNECTION WITH A CHARGE OF A FELONY, OR WHILE AWAITING
21 SENTENCE OR APPEAL AFTER CONVICTION OF A FELONY;

22 (2) CLASS A MISDEMEANOR IF THE PERSON WAS RELEASED
23 IN CONNECTION WITH A

24 (A) CHARGE OF A MISDEMEANOR, OR WHILE
25 AWAITING SENTENCE OR APPEAL AFTER CONVICTION OF A
26 MISDEMEANOR; OR

27 (B) REQUIREMENT TO APPEAR AS A MATERIAL
28 WITNESS IN A CRIMINAL PROCEEDING].

29 * **Sec. 21.** AS 11.56.730 is amended by adding new subsections to read:

30 (d) Failure to appear is a

31 (1) class C felony if the person was released in connection with a

1 charge of a felony or while awaiting sentence or appeal after conviction of a felony
2 and the person

3 (A) does not make contact with the court or a judicial officer
4 within 30 days after the person does not appear at the time and place of a
5 scheduled hearing; or

6 (B) does not appear at the time and place of a scheduled
7 hearing to avoid prosecution;

8 (2) class A misdemeanor if the person was released in connection with
9 a charge of a misdemeanor, while awaiting sentence or appeal after conviction of a
10 misdemeanor, or requirement to appear as a material witness in a criminal proceeding,
11 and the person

12 (A) does not make contact with the court or a judicial officer
13 within 30 days after the person does not appear at the time and place of a
14 scheduled hearing; or

15 (B) does not appear at the time and place of a scheduled
16 hearing to avoid prosecution; or

17 (3) violation punishable by a fine of up to \$1,000.

18 (e) In a prosecution for failure to appear under (a) of this section, it is not a
19 defense that the defendant did not receive a reminder notification from a court or
20 judicial officer under Rule 38(e), Alaska Rules of Criminal Procedure.

21 * **Sec. 22.** AS 11.56.757(a) is amended to read:

22 (a) A person commits the **offense** [CRIME] of violation of condition of
23 release if the person

24 (1) has been charged with a crime or convicted of a crime;

25 (2) has been released under AS 12.30; and

26 (3) violates a condition of release imposed by a judicial officer under
27 AS 12.30, other than the requirement to appear as ordered by a judicial officer.

28 * **Sec. 23.** AS 11.56.757(b) is amended to read:

29 (b) Violation of condition of release is **a violation punishable by a fine of up**
30 **to \$1,000** [(1) A CLASS A MISDEMEANOR IF THE PERSON IS RELEASED
31 FROM A CHARGE OR CONVICTION OF A FELONY;

1 (2) A CLASS B MISDEMEANOR IF THE PERSON IS RELEASED
2 FROM A CHARGE OR CONVICTION OF A MISDEMEANOR].

3 * **Sec. 24.** AS 11.56.759(a) is amended to read:

4 (a) A person commits the crime of violation by sex offender of condition of
5 probation if the person

6 (1) is on probation for conviction of a sex offense;

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

9 (3) violates a condition of probation imposed under
10 AS 12.55.100(a)(2)(E), (a)(2)(F) [AS 12.55.100(a)(5), (a)(6)], or (e), 12.55.101(a)(1),
11 or any other condition imposed by the court that the court finds to be specifically
12 related to the defendant's offense.

13 * **Sec. 25.** AS 11.61.110(c) is amended to read:

14 (c) Disorderly conduct is a class B misdemeanor [AND IS PUNISHABLE AS
15 AUTHORIZED IN AS 12.55 EXCEPT THAT A SENTENCE OF IMPRISONMENT,
16 IF IMPOSED, SHALL BE FOR A DEFINITE TERM OF NOT MORE THAN 10
17 DAYS].

18 * **Sec. 26.** AS 11.61.145(d) is amended to read:

19 (d) Promoting an exhibition of fighting animals

20 (1) under (a)(1) or (2) of this section is a class C felony;

21 (2) under (a)(3) of this section is

22 (A) a violation

23 (i) for the first offense;

24 (ii) punishable by a fine of not more than \$1,000 [, A
25 CLASS B MISDEMEANOR] for the second offense; [,] and

26 (B) a class A misdemeanor for the third and each subsequent
27 offense.

28 * **Sec. 27.** AS 11.61.150(a) is amended to read:

29 (a) A person commits the offense [CRIME] of obstruction of highways if the
30 person knowingly

31 (1) places, drops, or permits to drop on a highway any substance that

1 creates a substantial risk of physical injury to others using the highway; or

2 (2) renders a highway impassable or passable only with unreasonable
3 inconvenience or hazard.

4 * **Sec. 28.** AS 11.61.150(c) is amended to read:

5 (c) Obstruction of highways is a **violation punishable by a fine of not more**
6 **than \$1,000** [CLASS B MISDEMEANOR].

7 * **Sec. 29.** AS 11.66.100 is amended by adding a new subsection to read:

8 (e) A person may not be prosecuted under (a)(1) of this section if the

9 (1) person witnessed or was a victim of, and reported to law
10 enforcement in good faith, one or more of the following crimes:

11 (A) murder in the first degree under AS 11.41.100;

12 (B) murder in the second degree under AS 11.41.110;

13 (C) manslaughter under AS 11.41.120;

14 (D) criminally negligent homicide under AS 11.41.130;

15 (E) assault in the first degree under AS 11.41.200;

16 (F) assault in the second degree under AS 11.41.210;

17 (G) assault in the third degree under AS 11.41.220;

18 (H) assault in the fourth degree under AS 11.41.230;

19 (I) sexual assault in the first degree under AS 11.41.410;

20 (J) sexual assault in the second degree under AS 11.41.420;

21 (K) sexual assault in the third degree under AS 11.41.425;

22 (L) sexual assault in the fourth degree under AS 11.41.427;

23 (M) sexual abuse of a minor in the first degree under
24 AS 11.41.434;

25 (N) sexual abuse of a minor in the second degree under
26 AS 11.41.436;

27 (O) sexual abuse of a minor in the third degree under
28 AS 11.41.438;

29 (P) sexual abuse of a minor in the fourth degree under
30 AS 11.41.440;

31 (Q) robbery in the first degree under AS 11.41.500;

- 1 (R) robbery in the second degree under AS 11.41.510;
- 2 (S) extortion under AS 11.41.520;
- 3 (T) coercion under AS 11.41.530;
- 4 (U) distribution of child pornography under AS 11.61.125;
- 5 (V) possession of child pornography under AS 11.61.127;
- 6 (W) sex trafficking in the first degree under AS 11.66.110;
- 7 (X) sex trafficking in the second degree under AS 11.66.120;
- 8 (Y) sex trafficking in the third degree under AS 11.66.130; or
- 9 (Z) sex trafficking in the fourth degree under AS 11.66.135;
- 10 (2) evidence supporting the prosecution under (a)(1) of this section
- 11 was obtained or discovered as a result of the person reporting the crime to law
- 12 enforcement; and
- 13 (3) person cooperated with law enforcement personnel.

14 * **Sec. 30.** AS 11.66.110(a) is amended to read:

- 15 (a) A person commits the crime of sex trafficking in the first degree if the
- 16 person
 - 17 (1) induces or causes another [A] person to engage in prostitution
 - 18 through the use of force;
 - 19 (2) as other than a patron of a prostitute, induces or causes another [A]
 - 20 person who is under 20 years of age to engage in prostitution; or
 - 21 (3) induces or causes a person in that person's legal custody to engage
 - 22 in prostitution.

23 * **Sec. 31.** AS 11.66.130(a) is amended to read:

- 24 (a) A person commits the crime of sex trafficking in the third degree if, with
- 25 intent to promote prostitution, the person
 - 26 (1) manages, supervises, controls, or owns, either alone or in
 - 27 association with others, a place of prostitution;
 - 28 (2) as other than a patron of a prostitute, induces or causes another [A]
 - 29 person who is 20 years of age or older to engage in prostitution;
 - 30 (3) as other than a prostitute receiving compensation for personally
 - 31 rendered prostitution services, receives or agrees to receive money or other property

1 under an agreement or understanding that the money or other property is derived from
2 prostitution; or

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

5 * **Sec. 32.** AS 11.66.130 is amended by adding a new subsection to read:

6 (c) A person does not act with the intent to promote prostitution under (a) of
7 this section if the person

8 (1) engages in prostitution in violation of AS 11.66.100(a) in a location
9 even if that location is shared with another person; and

10 (2) has not induced or caused another person in that location to engage
11 in prostitution.

12 * **Sec. 33.** AS 11.66.135 is amended by adding a new subsection to read:

13 (c) A person does not institute, aid, or facilitate prostitution if the person

14 (1) engages in prostitution in violation of AS 11.66.100(a) in a location
15 even if that location is shared with another person; and

16 (2) has not induced or caused another person in that location to engage
17 in prostitution.

18 * **Sec. 34.** AS 11.66.200(c) is amended to read:

19 (c) Gambling is a violation

20 (1) for the first offense;

21 (2) punishable by a fine of not more than \$1,000 [. GAMBLING IS

22 A CLASS B MISDEMEANOR] for the second and each subsequent offense.

23 * **Sec. 35.** AS 11.71.030(a) is amended to read:

24 (a) Except as authorized in AS 17.30, a person commits the crime of
25 misconduct involving a controlled substance in the **second** [THIRD] degree if the
26 person

27 (1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER
28 AS 11.71.020(a)(2) - (6),] manufactures or delivers, [ANY AMOUNT OF A
29 SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] or possesses [ANY
30 AMOUNT OF A SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] with
31 intent to manufacture or deliver,

1 (A) one or more preparations, compounds, mixtures, or
2 substances of an aggregate weight of one gram or more containing a
3 schedule IA controlled substance;

4 (B) 25 or more tablets, ampules, or syrettes containing a
5 schedule IA controlled substance;

6 (C) one or more preparations, compounds, mixtures, or
7 substances of an aggregate weight of 2.5 grams or more containing a
8 schedule IIA or IIIA controlled substance; or

9 (D) 50 or more tablets, ampules, or syrettes containing a
10 schedule IIA or IIIA controlled substance;

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

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

15 (A) with reckless disregard that the possession occurs

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

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

18 or

19 (B) on a school bus;

20 (4) manufactures any material, compound, mixture, or
21 preparation that contains

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

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

26 (5) possesses an immediate precursor of methamphetamine, or the
27 salts, isomers, or salts of isomers of the immediate precursor of
28 methamphetamine, with the intent to manufacture any material, compound,
29 mixture, or preparation that contains methamphetamine, or its salts, isomers, or
30 salts of isomers;

31 (6) possesses a listed chemical with intent to manufacture any

1 material, compound, mixture, or preparation that contains

2 (A) methamphetamine, or its salts, isomers, or salts of
3 isomers; or

4 (B) an immediate precursor of methamphetamine, or its
5 salts, isomers, or salts of isomers;

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

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

10 (A) an immediate precursor of methamphetamine, or the
11 salts, isomers, or salts of isomers of the immediate precursor of
12 methamphetamine, to another person with reckless disregard that the
13 precursor will be used to manufacture any material, compound, mixture,
14 or preparation that contains methamphetamine, or its salts, isomers, or
15 salts of isomers; or

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

19 (i) methamphetamine, or its salts, isomers, or salts of
20 isomers;

21 (ii) an immediate precursor of methamphetamine, or
22 its salts, isomers, or salts of isomers; or

23 (iii) methamphetamine or its salts, isomers, or salts
24 of isomers in an organic solution.

25 * Sec. 36. AS 11.71.030(c) is amended to read:

26 (c) Misconduct involving a controlled substance in the second [THIRD]
27 degree is a class B felony.

28 * Sec. 37. AS 11.71.030 is amended by adding new subsections to read:

29 (d) In a prosecution under (a) of this section, possession of more than six
30 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or
31 the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that

1 the person intended to use the listed chemicals to manufacture, aid or abet another
2 person to manufacture, or deliver to another person who intends to manufacture
3 methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers
4 of methamphetamine or its immediate precursors. The prima facie evidence described
5 in this subsection does not apply to a person who possesses

6 (1) the listed chemicals ephedrine, pseudoephedrine,
7 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

8 (A) and the listed chemical was dispensed to the person under a
9 valid prescription; or

10 (B) in the ordinary course of a legitimate business, or an
11 employee of a legitimate business, as a

12 (i) retailer or wholesaler;

13 (ii) wholesale drug distributor licensed by the Board of
14 Pharmacy;

15 (iii) manufacturer of drug products licensed by the
16 Board of Pharmacy;

17 (iv) pharmacist licensed by the Board of Pharmacy; or

18 (v) health care professional licensed by the state; or

19 (2) less than 24 grams of ephedrine, pseudoephedrine,
20 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals,
21 kept in a locked storage area on the premises of a legitimate business or nonprofit
22 organization operating a camp, lodge, school, day care center, treatment center, or
23 other organized group activity, and the location or nature of the activity, or the age of
24 the participants, makes it impractical for the participants in the activity to obtain
25 medicinal products.

26 (e) In this section, "listed chemical" means a chemical described under
27 AS 11.71.200.

28 * **Sec. 38.** AS 11.71.040(a) is amended to read:

29 (a) Except as authorized in AS 17.30, a person commits the crime of
30 misconduct involving a controlled substance in the third [FOURTH] degree if the
31 person

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

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

8 (3) possesses

9 (A) any amount of a

10 (i) schedule IA controlled substance listed in
11 AS 11.71.140(e); or

12 (ii) IIA controlled substance except a controlled
13 substance listed in AS 11.71.150(e)(11) - (15);

14 (B) 25 or more tablets, ampules, or syrettes containing a
15 schedule IIIA or IVA controlled substance;

16 (C) one or more preparations, compounds, mixtures, or
17 substances of an aggregate weight of

18 (i) three grams or more containing a schedule IIIA or
19 IVA controlled substance except a controlled substance in a form listed
20 in (ii) of this subparagraph;

21 (ii) 12 grams or more containing a schedule IIIA
22 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been
23 sprayed on or otherwise applied to tobacco, an herb, or another organic
24 material; or

25 (iii) 500 milligrams or more of a schedule IIA
26 controlled substance listed in AS 11.71.150(e)(11) - (15);

27 (D) 50 or more tablets, ampules, or syrettes containing a
28 schedule VA controlled substance;

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

1 (F) one or more preparations, compounds, mixtures, or
2 substances of an aggregate weight of four ounces or more containing a
3 schedule VIA controlled substance; or

4 (G) 25 or more plants of the genus cannabis;

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

6 (A) with reckless disregard that the possession occurs

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

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

9 or

10 (B) on a school bus;

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

15 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
16 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
17 mark, imprint, or device of another or any likeness of any of these on [UPON] a drug,
18 drug container, or labeling so as to render the drug a counterfeit substance;

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

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

25 (9) obtains possession of a controlled substance by misrepresentation,
26 fraud, forgery, deception, or subterfuge; [OR]

27 (10) affixes a false or forged label to a package or other container
28 containing any controlled substance; or

29 (11) manufactures or delivers, or possesses with the intent to
30 manufacture or deliver,

31 (A) one or more preparations, compounds, mixtures, or

1 substances of an aggregate weight of less than one gram containing a
2 schedule IA controlled substance;

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

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

8 (D) less than 50 tablets, ampules, or syrettes containing a
9 schedule IIA or IIIA controlled substance.

10 * **Sec. 39.** AS 11.71.040(d) is amended to read:

11 (d) Misconduct involving a controlled substance in the third [FOURTH]
12 degree is a class C felony.

13 * **Sec. 40.** AS 11.71.050 is amended to read:

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

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

22 (2) possesses

23 (A) less than 25 tablets, ampules, or syrettes containing a
24 schedule IIIA or IVA controlled substance;

25 (B) one or more preparations, compounds, mixtures, or
26 substances of an aggregate weight of less than

27 (i) three grams containing a schedule IIIA or IVA
28 controlled substance except a controlled substance in a form listed in

29 (ii) of this subparagraph;

30 (ii) 12 grams but more than six grams containing a
31 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16)

1 that has been sprayed on or otherwise applied to tobacco, an herb, or
2 another organic material; or

3 (iii) 500 milligrams containing a schedule IIA
4 controlled substance listed in AS 11.71.150(e)(11) - (15);

5 (C) less than 50 tablets, ampules, or syrettes containing a
6 schedule VA controlled substance;

7 (D) one or more preparations, compounds, mixtures, or
8 substances of an aggregate weight of less than six grams containing a schedule
9 VA controlled substance; or

10 (E) one or more preparations, compounds, mixtures, or
11 substances of an aggregate weight of one ounce or more containing a schedule
12 VIA controlled substance; [OR]

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

15 (4) under circumstances not proscribed under
16 AS 11.71.040(a)(3)(A)(i) or 11.71.060(a)(2)(B), possesses any amount of a schedule
17 IA, IIA, IIIA, IVA, VA, or VIA controlled substance.

18 (b) Misconduct involving a controlled substance in the fourth [FIFTH] degree
19 is a class A misdemeanor.

20 * **Sec. 41.** AS 11.71.060 is amended to read:

21 **Sec. 11.71.060. Misconduct involving a controlled substance in the fifth**
22 **[SIXTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime of
23 misconduct involving a controlled substance in the fifth [SIXTH] degree if the person

24 (1) uses or displays any amount of a schedule VIA controlled
25 substance;

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

28 (A) less than one ounce containing a schedule VIA controlled
29 substance;

30 (B) six grams or less containing a schedule IIIA controlled
31 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or

1 otherwise applied to tobacco, an herb, or another organic material; or

2 (3) refuses entry into a premise for an inspection authorized under
3 AS 17.30.

4 (b) Misconduct involving a controlled substance in the fifth [SIXTH] degree
5 is a class B misdemeanor.

6 * **Sec. 42.** AS 11.71.311(a) is amended to read:

7 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),
8 11.71.040(a)(3) or (4), 11.71.050(a)(2) or (4), or 11.71.060(a)(1) or (2) if that person

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

12 (A) the evidence supporting the prosecution for an offense
13 under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(2) or (4), or
14 11.71.060(a)(1) or (2) was obtained or discovered as a result of the person
15 seeking medical or law enforcement assistance;

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

18 (C) the person cooperated with medical or law enforcement
19 personnel, including by providing identification;

20 (2) was experiencing a drug overdose and sought medical assistance,
21 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),
22 11.71.040(a)(3) or (4), 11.71.050(a)(2) or (4), or 11.71.060(a)(1) or (2) was obtained
23 as a result of the overdose and the need for medical assistance.

24 * **Sec. 43.** AS 12.25.150(a) is amended to read:

25 (a) A person arrested shall be taken before a judge or magistrate without
26 unnecessary delay [,] and in any event within 24 [48] hours after arrest, absent
27 compelling circumstances, including Sundays and holidays. The unavailability of a
28 report prepared by the pretrial services officer under AS 33.07 or a delay in the
29 transmittal of that report to the parties or to the court may not be considered a
30 sufficient compelling circumstance to justify delaying a hearing beyond 24 hours.
31 The hearing before the judge or magistrate may not take place more than 48

1 **hours after arrest.** This requirement applies to municipal police officers to the same
2 extent as it does to state troopers.

3 * **Sec. 44.** AS 12.25.180 is amended to read:

4 **Sec. 12.25.180. When peace officer may issue citation or take person**
5 **before the court.** (a) When a peace officer stops or contacts a person for the
6 commission of **a class C felony offense,** a misdemeanor, or the violation of a
7 municipal ordinance, the officer may, in the officer's discretion, issue a citation to the
8 person instead of taking the person before a judge or magistrate under AS 12.25.150,
9 **except the officer may arrest if** [UNLESS]

10 (1) the person does not furnish satisfactory evidence of identity;

11 (2) the **peace** [CONTACTING] officer reasonably believes the person
12 is a danger to [SELF OR] others;

13 (3) the crime for which the person is contacted is one involving
14 violence or harm to another person or to property;

15 (4) the person asks to be taken before a judge or magistrate under
16 AS 12.25.150; or

17 (5) the peace officer has probable cause to believe the person
18 committed a crime involving domestic violence; in this paragraph, "crime involving
19 domestic violence" has the meaning given in AS 18.66.990.

20 (b) When a peace officer stops or contacts a person for the commission of an
21 infraction or a violation, the officer shall issue a citation instead of taking the person
22 before a judge or magistrate under AS 12.25.150, **except the officer may arrest if**
23 [UNLESS]

24 (1) the person does not furnish satisfactory evidence of identity; [OR]

25 (2) the person refuses to accept service of the citation; **or**

26 (3) **the peace officer has probable cause to believe the person has**
27 **committed**

28 **(A) a violation of conditions of release under AS 11.56.757;**

29 **or**

30 **(B) the offense of failure to appear under AS 11.56.730.**

31 * **Sec. 45.** AS 12.25.180 is amended by adding a new subsection to read:

1 (c) A person may not bring a civil action for damages for a failure to comply
2 with the provisions of this section.

3 * **Sec. 46.** AS 12.25.190(b) is amended to read:

4 (b) The time specified in the notice to appear shall be at least **two** [FIVE]
5 working days after the issuance of the citation **under AS 12.25.180(a)**.

6 * **Sec. 47.** AS 12.25.190 is amended by adding a new subsection to read:

7 (d) The time specified in the notice to appear shall be at least five working
8 days after issuance of the citation under AS 12.25.180(b).

9 * **Sec. 48.** AS 12.30.006(b) is amended to read:

10 (b) At the first appearance before a judicial officer, a person who is charged
11 with a felony, **other than a class C felony and the person has been assessed as low**
12 **risk under AS 12.30.011(c)(1)**, may be detained up to 48 hours for the prosecuting
13 authority to demonstrate that release of the person under **AS 12.30.011**
14 [AS 12.30.011(a)] would not reasonably **ensure** [ASSURE] the appearance of the
15 person or will pose a danger to the victim, other persons, or the community.

16 * **Sec. 49.** AS 12.30.006(c) is amended to read:

17 (c) A person who remains in custody 48 hours after appearing before a judicial
18 officer because of inability to meet the conditions of release shall, upon application, be
19 entitled to have the conditions reviewed by the judicial officer who imposed them. If
20 the judicial officer who imposed the conditions of release is not available, any judicial
21 officer in the judicial district may review the conditions. **Upon review of the**
22 **conditions, the judicial officer shall revise any conditions of release that have**
23 **prevented the defendant from being released unless the judicial officer finds on**
24 **the record that there is clear and convincing evidence that less restrictive release**
25 **conditions cannot reasonably ensure the**

26 **(1) appearance of the person in court; and**

27 **(2) safety of the victim, other persons, and the community.**

28 * **Sec. 50.** AS 12.30.006(d) is amended to read:

29 (d) If a person remains in custody after review of conditions by a judicial
30 officer under (c) of this section, the person may request a subsequent review of
31 conditions. Unless the prosecuting authority stipulates otherwise or the person has

1 been incarcerated for a period equal to the maximum sentence for the most serious
2 charge for which the person is being held, a judicial officer may not schedule a bail
3 review hearing under this subsection unless

4 (1) the person provides to the court and the prosecuting authority a
5 written statement that new information not considered at the previous review will be
6 presented at the hearing; the statement must include a description of the information
7 and the reason the information was not presented at a previous hearing; in this
8 paragraph, "new information" includes [DOES NOT INCLUDE] the person's
9 inability to post the required bail;

10 (2) the prosecuting authority and any surety, if applicable, have at least
11 48 hours' written notice before the time set for the review requested under this
12 subsection; the defendant shall notify the surety; and

13 (3) at least seven days have elapsed between the previous review and
14 the time set for the requested review; however, a person may receive only one bail
15 review hearing solely for inability to pay.

16 * **Sec. 51.** AS 12.30.006(f) is amended to read:

17 (f) The judicial officer shall issue written or oral findings that explain the
18 reasons the officer imposed the particular conditions of release or modifications or
19 additions to conditions previously imposed. The judicial officer shall inform the
20 person that a law enforcement officer or a pretrial services officer under AS 33.07
21 may arrest the person without a warrant for violation of the court's order establishing
22 conditions of release.

23 * **Sec. 52.** AS 12.30.011 is repealed and reenacted to read:

24 **Sec. 12.30.011. Release before trial.** (a) A judicial officer may order that a
25 person charged with an offense, in addition to other conditions imposed under this
26 section, be released

27 (1) on the person's own recognizance;

28 (2) upon execution of an unsecured appearance bond; or

29 (3) upon execution of an unsecured performance bond.

30 (b) A person charged with a misdemeanor that does not include an offense
31 under AS 11.41, AS 11.56.730, 11.56.757, AS 28.35.030, or 28.35.032, a sex offense

1 as defined in AS 12.63.100, or a crime involving domestic violence as defined under
2 AS 18.66.990 and who is assessed by a pretrial services officer as

3 (1) low to moderate risk shall be released on the person's own
4 recognizance or upon execution of an unsecured appearance bond or unsecured
5 performance bond; or

6 (2) high risk shall be released on the person's own recognizance or
7 upon execution of an unsecured appearance bond or unsecured performance bond
8 unless the judicial officer finds on the record that there is clear and convincing
9 evidence that no nonmonetary conditions of release in combination with the release of
10 the person on the person's own recognizance or upon execution of an unsecured bond
11 can reasonably ensure the appearance of the person in court and the safety of the
12 victim, other persons, and the community.

13 (c) A person charged with a class C felony that does not include an offense
14 under AS 11.41, AS 11.56.730, AS 28.35.030, or 28.35.032, a sex offense as defined
15 in AS 12.63.100, or a crime involving domestic violence as defined under
16 AS 18.66.990 and who is assessed by a pretrial services officer as

17 (1) low risk shall be released on the person's own recognizance or
18 upon execution of an unsecured appearance bond or unsecured performance bond; or

19 (2) moderate to high risk shall be released on the person's own
20 recognizance or upon execution of an unsecured appearance bond or unsecured
21 performance bond unless the judicial officer finds on the record that there is clear and
22 convincing evidence that no nonmonetary conditions of release in combination with
23 the release of the person on the person's own recognizance or upon execution of an
24 unsecured bond can reasonably ensure the appearance of the person in court and the
25 safety of the victim, other persons, and the community.

26 (d) A person charged under AS 28.35.030 or 28.35.032 who is assessed by a
27 pretrial services officer as low, moderate, or high risk shall be released on the person's
28 own recognizance or upon execution of an unsecured appearance bond or unsecured
29 performance bond unless the judicial officer finds on the record that there is clear and
30 convincing evidence that no nonmonetary conditions of release in combination with
31 the release of the person on the person's own recognizance or upon execution of an

1 unsecured bond can reasonably ensure the appearance of the person in court and the
2 safety of the victim, other persons, and the community.

3 (e) A person charged under AS 11.56.730 or 11.56.757 who is assessed by a
4 pretrial services officer as

5 (1) low to moderate risk shall be released on the person's own
6 recognizance or upon execution of an unsecured appearance bond or unsecured
7 performance bond unless the judicial officer finds on the record that there is clear and
8 convincing evidence that no nonmonetary conditions of release in combination with
9 the release of the person on the person's own recognizance or upon execution of an
10 unsecured bond can reasonably ensure the appearance of the person in court and the
11 safety of the victim, other persons, and the community; or

12 (2) high risk may be required, singly or in combination, in addition to
13 other conditions specified in this section, to deposit with the court and execute

14 (A) an appearance bond with a posting not to exceed 10 percent
15 of the specified amount of the bond with the condition that the deposit be
16 returned upon the appearance of the person at scheduled hearings;

17 (B) a bail bond with sufficient solvent sureties or the deposit of
18 cash; or

19 (C) a performance bond with a full or partial posting of the
20 specified amount of the bond with the condition that the deposit be returned
21 upon the performance of the conditions of release set by the court.

22 (f) A person charged with an offense who is not otherwise required to be
23 released under (b) - (e) of this section and who is assessed by a pretrial services officer
24 as

25 (1) low risk shall be released on the person's own recognizance or
26 upon execution of an unsecured appearance bond or unsecured performance bond
27 unless the judicial officer finds on the record that there is clear and convincing
28 evidence that no nonmonetary conditions of release in combination with the release of
29 the person on the person's own recognizance or upon execution of an unsecured bond
30 can reasonably ensure the appearance of the person in court and the safety of the
31 victim, other persons, and the community; or

1 (2) moderate to high risk may be required, singly or in combination, in
2 addition to other conditions specified in this section, to deposit with the court and
3 execute

4 (A) an appearance bond with a posting not to exceed 10 percent
5 of the specified amount of the bond with the condition that the deposit be
6 returned upon the appearance of the person at scheduled hearings;

7 (B) a bail bond with sufficient solvent sureties or the deposit of
8 cash; or

9 (C) a performance bond with a full or partial posting of the
10 specified amount of the bond with the condition that the deposit be returned
11 upon the performance of the conditions of release set by the court.

12 (g) A person released under this section shall be released on the condition that the
13 person

14 (1) obey all court orders;

15 (2) obey all laws;

16 (3) make all court appearances;

17 (4) maintain contact with the person's pretrial services officer, if one is
18 appointed by the court, and follow the pretrial services officer's instructions;

19 (5) maintain contact with the person's attorney;

20 (6) notify the person's attorney or, if the person is not represented by
21 an attorney, the pretrial services officer or the court within 24 hours after a change in
22 the person's residence.

23 (h) The judicial officer may, singly or in combination, order additional
24 conditions if the condition or conditions are the least restrictive conditions that will
25 reasonably ensure the appearance of the person in court and the safety of the victim,
26 other persons, and the community. The judicial officer may

27 (1) place restrictions on the person's travel, association, or residence;

28 (2) order the person to refrain from possessing a deadly weapon on the
29 person or in the person's vehicle or residence;

30 (3) require the person to maintain employment or, if unemployed,
31 actively seek employment;

1 (4) require the person to notify the person's lawyer and the prosecuting
2 authority within two business days after any change in employment;

3 (5) require the person to avoid all contact with a victim, a potential
4 witness, or a codefendant;

5 (6) require the person to refrain from the consumption and possession
6 of alcoholic beverages;

7 (7) require the person to refrain from the use of a controlled substance
8 as defined by AS 11.71, unless prescribed by a licensed health care provider with
9 prescriptive authority;

10 (8) require the person to be physically inside the person's residence, or
11 in the residence of the person's third-party custodian, at times set by the court, subject
12 to AS 12.30.021;

13 (9) require the person to keep regular contact with a pretrial services
14 officer or law enforcement officer or agency;

15 (10) order the person to refrain from entering or remaining in premises
16 licensed under AS 04;

17 (11) place the person in the custody of an individual who agrees to
18 serve as a third-party custodian of the person as provided in AS 12.30.021;

19 (12) if the person is under the treatment of a licensed health care
20 provider, order the person to follow the provider's treatment recommendations;

21 (13) order the person to take medication that has been prescribed for
22 the person by a licensed health care provider with prescriptive authority;

23 (14) require the person to comply with a program established under
24 AS 47.38.020 if the person has been charged with an alcohol-related or substance-
25 abuse-related offense;

26 (15) order the person to comply with any other condition that is
27 reasonably necessary to ensure the appearance of the person and to ensure the safety
28 of the victim, other persons, and the community.

29 (i) In determining the conditions of release under this chapter, the court shall
30 consider the following:

31 (1) the nature and circumstances of the offense charged;

- 1 (2) the weight of the evidence against the person;
2 (3) the nature and extent of the person's family ties and relationships;
3 (4) the person's employment status and history;
4 (5) the length and character of the person's past and present residence;
5 (6) the person's record of convictions;
6 (7) the person's record of appearance at court proceedings;
7 (8) assets available to the person to meet monetary conditions of
8 release;
9 (9) the person's reputation, character, and mental condition;
10 (10) the effect of the offense on the victim, any threats made to the
11 victim, and the danger that the person poses to the victim;
12 (11) the conditions of release recommended by the pretrial services
13 officer;
14 (12) the person's pretrial risk assessment score; and
15 (13) any other facts that are relevant to the person's appearance or the
16 person's danger to the victim, other persons, or the community.

17 (j) Except as otherwise provided in this chapter, the burden of proof is on the
18 prosecuting authority that a person charged with an offense should be detained or
19 released with conditions described in this section or AS 12.30.016. Any monetary or
20 nonmonetary condition or conditions imposed by the court under this section shall be
21 the least restrictive condition or conditions that will reasonably ensure the appearance
22 of the person in court and the safety of the victim, other persons, and the community.

23 (k) If the report prepared by the pretrial services officer under AS 33.07 is not
24 available at the time of the first appearance, bail review hearing, or bail hearing in
25 connection with a petition to revoke probation, the court shall impose the least
26 restrictive condition or conditions that will reasonably ensure the appearance of the
27 person in court and the safety of the victim, other persons, and the community.

28 * **Sec. 53.** AS 12.30.016(b) is amended to read:

29 (b) In a prosecution charging a violation of AS 04.11.010, 04.11.499,
30 AS 28.35.030, or 28.35.032, a judicial officer may order the person

31 (1) to refrain from

- 1 (A) consuming alcoholic beverages; or
2 (B) possessing on the person, in the person's residence, or in
3 any vehicle or other property over which the person has control, alcoholic
4 beverages;
- 5 (2) to submit to a search without a warrant of the person, the person's
6 personal property, the person's residence, or any vehicle or other property over which
7 the person has control, for the presence of alcoholic beverages by a peace officer **or**
8 **pretrial services officer** who has reasonable suspicion that the person is violating the
9 conditions of the person's release by possessing alcoholic beverages;
- 10 (3) to submit to a breath test when requested by a law enforcement
11 officer **or pretrial services officer**;
- 12 (4) to provide a sample for a urinalysis or blood test when requested by
13 a law enforcement officer **or pretrial services officer**;
- 14 (5) to take a drug or combination of drugs intended to prevent
15 substance abuse;
- 16 (6) to follow any treatment plan imposed by the court under
17 AS 28.35.028;
- 18 (7) to comply with a program established under AS 47.38.020.

19 * **Sec. 54.** AS 12.30.016(c) is amended to read:

- 20 (c) In a prosecution charging a violation of AS 11.71 or AS 11.73, a judicial
21 officer may order the person
- 22 (1) to refrain from
- 23 (A) consuming a controlled substance; or
24 (B) possessing on the person, in the person's residence, or in
25 any vehicle or other property over which the person has control, a controlled
26 substance or drug paraphernalia;
- 27 (2) to submit to a search without a warrant of the person, the person's
28 personal property, the person's residence, or any vehicle or other property over which
29 the person has control, for the presence of a controlled substance or drug paraphernalia
30 by a peace officer **or pretrial services officer** who has reasonable suspicion that the
31 person is violating the terms of the person's release by possessing controlled

1 substances or drug paraphernalia;

2 (3) to enroll in a random drug testing program, at the person's expense,
3 **with testing to occur not less than once a week, or to submit to random drug**
4 **testing by the pretrial services office in the Department of Corrections** to detect
5 the presence of a controlled substance, [WITH TESTING TO OCCUR NOT LESS
6 THAN ONCE A WEEK, AND] with the results being submitted to the court and the
7 prosecuting authority;

8 (4) to refrain from entering or remaining in a place where a controlled
9 substance is being used, manufactured, grown, or distributed;

10 (5) to refrain from being physically present at, within a two-block area
11 of, or within a designated area near, the location where the alleged offense occurred or
12 at other designated places, unless the person actually resides within that area;

13 (6) to refrain from the use or possession of an inhalant; or

14 (7) to comply with a program established under AS 47.38.020.

15 * **Sec. 55.** AS 12.30.021(a) is amended to read:

16 (a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016, a
17 judicial officer may appoint a third-party custodian if the officer finds, **on the record,**
18 that

19 **(1) pretrial supervision under AS 33.07 is not available in the**
20 **person's location;**

21 **(2) no secured appearance or performance bonds have been**
22 **ordered; and**

23 **(3) no other conditions of release or combination of conditions can**
24 [THE APPOINTMENT WILL, SINGLY OR IN COMBINATION WITH OTHER
25 CONDITIONS,] reasonably **ensure** [ASSURE] the person's appearance and the safety
26 of the victim, other persons, and the community.

27 * **Sec. 56.** AS 12.30.021(c) is amended to read:

28 (c) A judicial officer may not appoint a person as a third-party custodian if

29 (1) the proposed custodian is acting as a third-party custodian for
30 another person;

31 (2) the proposed custodian has been convicted in the previous three

1 years of a crime under AS 11.41 or a similar crime in this or another jurisdiction;

2 (3) criminal charges are pending in this state or another jurisdiction
3 against the proposed custodian;

4 (4) the proposed custodian is on probation in this state or another
5 jurisdiction for an offense;

6 (5) there is a reasonable probability that the state will call the
7 proposed custodian [MAY BE CALLED] as a witness in the prosecution of the
8 person;

9 (6) the proposed custodian resides out of state; however, a nonresident
10 may serve as a custodian if the nonresident resides in the state while serving as
11 custodian.

12 * **Sec. 57.** AS 12.30.055 is amended by adding a new subsection to read:

13 (b) A person who is in custody in connection with a petition to revoke
14 probation for a technical violation of probation under AS 12.55.110 shall be released
15 after the person has served the maximum number of days that the court could impose
16 on the person for a technical violation of probation under AS 12.55.110.

17 * **Sec. 58.** AS 12.55.011 is amended by adding a new subsection to read:

18 (b) At the time of sentencing, the court shall provide the victim with a form
19 that

20 (1) provides information on

21 (A) whom the victim should contact if the victim has questions
22 about the sentence or release of the offender;

23 (B) the potential for release of the offender on furlough,
24 probation, or parole or for good time credit; and

25 (2) allows the victim to update the victim's contact information with the
26 court, the Victim Information and Notification Everyday service, and with the
27 Department of Corrections.

28 * **Sec. 59.** AS 12.55.025(a) is amended to read:

29 (a) When imposing a sentence for conviction of a felony offense or a sentence
30 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a
31 regulation adopted under AS 04, or an ordinance adopted in conformity with

1 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that
2 includes the following:

3 (1) a verbatim record of the sentencing hearing and any other in-court
4 sentencing procedures;

5 (2) findings on material issues of fact and on factual questions required
6 to be determined as a prerequisite to the selection of the sentence imposed;

7 (3) a clear statement of the terms of the sentence imposed; if a term of
8 imprisonment is imposed, the statement must include

9 (A) the approximate minimum term the defendant is expected to
10 serve before being released or placed on mandatory parole if the defendant is
11 eligible for and does not forfeit good conduct deductions under AS 33.20.010;
12 and

13 (B) if applicable, the approximate minimum term of
14 imprisonment the defendant must serve before becoming eligible for release on
15 discretionary or administrative parole;

16 (4) any recommendations as to the place of confinement or the manner
17 of treatment; and

18 (5) in the case of a conviction for a felony offense, information
19 assessing

20 (A) the financial, emotional, and medical effects of the offense
21 on the victim;

22 (B) the need of the victim for restitution; and

23 (C) any other information required by the court.

24 * **Sec. 60.** AS 12.55.025(c) is amended to read:

25 (c) Except as provided in (d) of this section, when a defendant is sentenced to
26 imprisonment, the term of confinement commences on the date of imposition of
27 sentence unless the court specifically provides that the defendant must report to serve
28 the sentence on another date. If the court provides another date to begin the term of
29 confinement, the court shall provide the defendant with written notice of the date,
30 time, and location of the correctional facility to which the defendant must report. A
31 defendant shall receive credit for time spent in custody pending trial, sentencing, or

1 appeal, if the detention was in connection with the offense for which sentence was
2 imposed **including a technical violation of probation as provided in AS 12.55.110.**

3 A defendant may not receive credit for more than the actual time spent in custody
4 pending trial, sentencing, or appeal. The time during which a defendant is voluntarily
5 absent from official detention after the defendant has been sentenced may not be
6 credited toward service of the sentence.

7 * **Sec. 61.** AS 12.55.027(a) is amended to read:

8 (a) A court may grant a defendant credit toward a sentence of imprisonment for
9 time spent in a treatment program **that furthers the reformation and rehabilitation**
10 **of the defendant if the court finds that the program places a substantial**
11 **restriction on the defendant's freedom of movement and behavior and is**
12 **consistent with** [OR UNDER ELECTRONIC MONITORING ONLY AS
13 PROVIDED IN] this section.

14 * **Sec. 62.** AS 12.55.027(b) is amended to read:

15 (b) A court may **only** grant **credit under this section** [A DEFENDANT ONE
16 DAY OF CREDIT TOWARD A SENTENCE OF IMPRISONMENT FOR EACH
17 FULL DAY THE DEFENDANT RESIDED IN THE FACILITY OF A
18 TREATMENT PROGRAM AND OBSERVED THE RULES OF THE
19 TREATMENT PROGRAM AND THE FACILITY IF]

20 (1) **in the amount of one day of credit toward a sentence of**
21 **imprisonment for each full day the defendant spent in a treatment program; and**
22 [THE COURT FINDS THAT THE TREATMENT PROGRAM MEETS THE
23 STANDARDS DESCRIBED IN (c) OF THIS SECTION;]

24 (2) **if the court ordered** [BEFORE] the defendant [ENTERED THE
25 TREATMENT PROGRAM, THE COURT ORDERED THE DEFENDANT] to
26 [RESIDE IN THE FACILITY OF THE TREATMENT PROGRAM AND] participate
27 in **and comply with the conditions of** the treatment program **before the defendant**
28 **entered the program** [AS A CONDITION OF BAIL RELEASE OR A CONDITION
29 OF PROBATION; AND

30 (3) THE COURT HAS RECEIVED A WRITTEN REPORT FROM
31 THE DIRECTOR OF THE PROGRAM THAT

1 (A) STATES THAT THE DEFENDANT HAS
2 PARTICIPATED IN THE TREATMENT PLAN PRESCRIBED FOR THE
3 DEFENDANT AND HAS COMPLIED WITH THE REQUIREMENTS OF
4 THE PLAN; AND

5 (B) SETS OUT THE NUMBER OF FULL DAYS THE
6 DEFENDANT RESIDED IN THE FACILITY OF THE TREATMENT
7 PROGRAM AND OBSERVED THE RULES OF THE TREATMENT
8 PROGRAM AND FACILITY].

9 * **Sec. 63.** AS 12.55.027(c) is repealed and reenacted to read:

10 (c) In granting credit toward a sentence of imprisonment for time spent in a
11 treatment program, a court shall consider the following factors:

12 (1) the restrictions on the defendant's freedom of movement and
13 behavior;

14 (2) the circumstances under which the defendant was enrolled in the
15 program;

16 (3) the residency requirements of the program;

17 (4) the physical custody and supervision of the defendant at the
18 program;

19 (5) the circumstances under which the defendant is permitted to leave
20 the program's facility;

21 (6) the rules of the program and the requirement that the defendant
22 obey the orders of persons who have immediate custody or control over the defendant;

23 (7) the sanctions on the defendant for violating the program's rules or
24 orders;

25 (8) whether the defendant is subject to arrest for leaving the program's
26 facility without permission;

27 (9) the use of an electronic monitoring device;

28 (10) whether the program provides substance abuse treatment;

29 (11) the use of other technology that monitors or restricts the
30 defendant's movement and behavior;

31 (12) other factors that support the court's finding that the program

1 places a substantial restriction on the defendant's freedom of movement and behavior;

2 (13) other factors that support the court's finding that the program
3 furthers the reformation and rehabilitation of the defendant.

4 * **Sec. 64.** AS 12.55.027 is amended by adding new subsections to read:

5 (f) To qualify as a treatment program under this section, a program must

6 (1) be intended to address criminogenic traits or behaviors;

7 (2) provide measures of progress or completion; and

8 (3) require notification to the pretrial service office or probation officer
9 if the person is discharged from the program for noncompliance.

10 (g) A court granting credit against a sentence of imprisonment under (d) of this
11 section may grant credit of not more than 120 days against a total term of
12 imprisonment imposed for

13 / (1) a felony crime against a person under AS 11.41;

14 / (2) a crime involving domestic violence as defined in AS 18.66.990;

15 (3) a sex offense as defined in AS 12.63.100;

16 (4) an offense under AS 11.71 involving the delivery of a controlled
17 substance to a person under 19 years of age;

18 / (5) burglary in the first degree under AS 11.46.300; or

19 / (6) arson in the first degree under AS 11.46.400.

20 * **Sec. 65.** AS 12.55.051(a) is amended to read:

21 (a) If the defendant defaults in the payment of a fine or any installment or of
22 restitution or any installment, the court may order the defendant to show cause why
23 the defendant should not be sentenced to imprisonment for nonpayment and, if the
24 payment was made a condition of the defendant's probation, may revoke the probation
25 of the defendant **subject to the limits set out in AS 12.55.110**. In a contempt or
26 probation revocation proceeding brought as a result of failure to pay a fine or
27 restitution, it is an affirmative defense that the defendant was unable to pay despite
28 having made continuing good faith efforts to pay the fine or restitution. If the court
29 finds that the defendant was unable to pay despite having made continuing good faith
30 efforts, the defendant may not be imprisoned solely because of the inability to pay. If
31 the court does not find that the default was attributable to the defendant's inability to

1 pay despite having made continuing good faith efforts to pay the fine or restitution, the
2 court may order the defendant imprisoned subject to the limits set out in
3 AS 12.55.110 [UNTIL THE ORDER OF THE COURT IS SATISFIED]. A term of
4 imprisonment imposed under this section may not exceed one day for each \$50 of the
5 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall
6 be given toward satisfaction of the order of the court for every day a person is
7 incarcerated for nonpayment of a fine or restitution.

8 * **Sec. 66.** AS 12.55.055(a) is amended to read:

9 (a) The court may order a defendant convicted of an offense to perform
10 community work as a condition of probation, a suspended sentence, [OR] suspended
11 imposition of sentence, or suspended entry of judgment, or in addition to any fine or
12 restitution ordered. If the defendant is sentenced to imprisonment, the court may
13 recommend to the Department of Corrections that the defendant perform community
14 work.

15 * **Sec. 67.** AS 12.55.055(c) is amended to read:

16 (c) The court may offer a defendant convicted of an offense the option of
17 performing community work in lieu of a fine, surcharge, or portion of a fine or
18 surcharge if the court finds the defendant is unable to pay the fine. The value of
19 community work in lieu of a fine is the state's minimum wage for each [\$3 PER]
20 hour.

21 * **Sec. 68.** AS 12.55.055 is amended by adding new subsections to read:

22 (g) The court may not

23 (1) offer a defendant convicted of an offense the option of serving jail
24 time in lieu of performing uncompleted community work previously ordered by the
25 court; or

26 (2) convert uncompleted community work hours into a sentence of
27 imprisonment.

28 (h) If a court orders community work as part of the defendant's sentence under
29 this section, the court shall provide notice to the defendant at sentencing and include
30 as a provision of the judgment that if the defendant fails to provide proof of
31 community work within 20 days after the date set by the court, the court shall convert

1 those community work hours to a fine equal to the number of uncompleted work hours
2 multiplied by the state's minimum hourly wage and issue a judgment against the
3 defendant for that amount.

4 * **Sec. 69.** AS 12.55 is amended by adding a new section to read:

5 **Sec. 12.55.078. Suspending entry of judgment.** (a) Except as provided in (f)
6 of this section, if a person is found guilty or pleads guilty to a crime, the court may,
7 with the consent of the defendant and the prosecution and without imposing or
8 entering a judgment of guilt, defer further proceedings and place the person on
9 probation. The period of probation may not exceed the applicable terms set out in
10 AS 12.55.090(c).

11 (b) The court shall impose conditions of probation for a person on probation as
12 provided in (a) of this section, which may include that the person

- 13 (1) abide by all local, state, and federal laws;
- 14 (2) not leave the state without prior consent of the court;
- 15 (3) pay restitution as ordered by the court; and
- 16 (4) obey any other conditions of probation set by the court.

17 (c) At any time during the probationary term of the person released on
18 probation, a probation officer may, without warrant or other process, rearrest the
19 person so placed in the officer's care and bring the person before the court, or the court
20 may, in its discretion, issue a warrant for the rearrest of the person. The court may
21 revoke and terminate the probation if the court finds that the person placed upon
22 probation is

- 23 (1) violating the conditions of probation;
- 24 (2) engaging in criminal practices; or
- 25 (3) violating an order of the court to participate in or comply with the
26 treatment plan of a rehabilitation program under AS 12.55.015(a)(10).

27 (d) If the court finds that the person has successfully completed probation, the
28 court shall, at the end of the probationary period set by the court, or at any time after
29 the expiration of one year from the date of the original probation, discharge the person
30 and dismiss the proceedings against the person.

31 (e) If the court finds that the person has violated the conditions of probation

1 ordered by the court, the court may revoke and terminate the person's probation, enter
2 judgment on the person's previous plea or finding of guilt, and pronounce sentence at
3 any time within the maximum probation period authorized by this section.

4 (f) The court may not suspend the imposition or entry of judgment and may not
5 defer prosecution under this section of a person who

6 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 -
7 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.125
8 - 11.61.128, or AS 11.66.110 - 11.66.135;

9 (2) uses a firearm in the commission of the offense for which the
10 person is convicted;

11 (3) has previously been granted a suspension of judgment under this
12 section or a similar statute in another jurisdiction, unless the court enters written
13 findings that by clear and convincing evidence the person's prospects for rehabilitation
14 are high and suspending judgment under this section adequately protects the victim of
15 the offense, if any, and the community;

16 (4) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony
17 and the person has one or more prior convictions for a misdemeanor violation of
18 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
19 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
20 felony in this state; for the purposes of this paragraph, a person shall be considered to
21 have a prior conviction even if

22 (A) the charges were dismissed under this section;

23 (B) the conviction has been set aside under AS 12.55.085; or

24 (C) the charge or conviction was dismissed or set aside under an
25 equivalent provision of the laws of another jurisdiction; or

26 (5) has been convicted of a crime involving domestic violence, as
27 defined by AS 18.66.990.

28 * **Sec. 70.** AS 12.55.090(b) is amended to read:

29 (b) Except as otherwise provided in (f) of this section, the court may revoke or
30 modify any condition of probation, [OR MAY] change the period of probation, **or**
31 **terminate probation and discharge the defendant from probation.**

1 * **Sec. 71.** AS 12.55.090(c) is amended to read:

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

3 (1) **15** [25] years for a felony sex offense; [OR]

4 (2) 10 years for **an unclassified felony under AS 11;**

5 **(3) five years for a felony offense not listed in (1) or (2) of this**

6 **subsection;**

7 **(4) three years for a misdemeanor offense**

8 **(A) under AS 11.41;**

9 **(B) that is a crime involving domestic violence; or**

10 **(C) that is a sex offense, as that term is defined in**

11 **AS 12.63.100;**

12 **(5) two years for a misdemeanor offense under AS 28.35.030 or**

13 **28.35.032, if the person has previously been convicted of an offense under**

14 **AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or another**

15 **jurisdiction; or**

16 **(6) one year for an offense not listed in (1) - (5) of this subsection**

17 [ANY OTHER OFFENSE].

18 * **Sec. 72.** AS 12.55.090(f) is amended to read:

19 (f) Unless the defendant and the prosecuting authority agree at the probation
20 revocation proceeding or other proceeding **related to a probation violation, the**

21 **person qualifies for a reduction under AS 33.05.020(h) or a probation officer**
22 **recommends to the court that probation be terminated and the defendant be**

23 **discharged from probation under (g) of this section or AS 33.05.040,** the court may

24 not reduce the specific period of probation [,] or the specific term of suspended

25 incarceration except by the amount of incarceration imposed for a probation violation,

26 if

27 (1) the sentence was imposed in accordance with a plea agreement
28 under Rule 11, Alaska Rules of Criminal Procedure; and

29 (2) the agreement required a specific period of probation or a specific
30 term of suspended incarceration.

31 * **Sec. 73.** AS 12.55.090 is amended by adding new subsections to read:

1 (g) A probation officer shall recommend to the court that probation be
2 terminated and a defendant be discharged from probation if the defendant

3 (1) has completed at least one year on probation;

4 (2) has completed all treatment programs required as a condition of
5 probation;

6 (3) has not been found in violation of conditions of probation by the
7 court for at least one year;

8 (4) is currently in compliance with all conditions of probation for all of
9 the cases for which the person is on probation; and

10 (5) has not been convicted of an unclassified felony offense, a sexual
11 felony as defined by AS 12.55.185, or a crime involving domestic violence as defined
12 by AS 18.66.990.

13 (h) Before a court may terminate probation and discharge the defendant before
14 the period of probation for the offense has been completed under (g) of this section,
15 the court shall allow victims to comment in writing to the court or allow a victim to
16 give sworn testimony or make an unsworn oral presentation at a hearing held to
17 determine whether to reduce the period of probation or terminate probation and
18 discharge the defendant.

19 (i) If a probation officer recommends to the court that probation be terminated
20 and a defendant be discharged from probation under (g) of this section, and if the
21 victim has earlier requested to be notified, the Department of Corrections shall send
22 the victim notice of the recommendation under (g) of this section and inform the
23 victim of the victim's rights under this section, the deadline for receipt of written
24 comments, the hearing date, and the court's address.

25 (j) If the victim submits written comments directly to the court and the parties
26 do not otherwise have the victim statements, the court shall distribute the statements to
27 the parties.

28 (k) In deciding whether to terminate probation and discharge the defendant
29 from probation under (g) of this section, the court shall consider the victim's
30 comments, testimony, or unsworn oral presentation, when relevant, and any response
31 by the prosecuting attorney and defendant.

1 (l) If a victim desires notice under this section, the victim shall maintain a
 2 current, valid mailing address on file with the commissioner of corrections. The
 3 commissioner shall send the notice to the victim's last known address. The victim's
 4 address may not be disclosed to the defendant or the defendant's attorney.

5 (m) The court shall discharge the defendant from probation upon completion of
 6 the period of probation. The period of probation is considered to be completed when
 7 the combination of time served and credits earned under AS 33.05.020 is equal to the
 8 probation period imposed, or after the probationer has been discharged from probation
 9 under this section.

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

11 * Sec. 74. AS 12.55.100(a) is amended to read:

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

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

15 **(2)** may be required

16 **(A)** [(1)] to pay a fine in one or several sums;

17 **(B)** [(2)] to make restitution or reparation to aggrieved parties
 18 for actual damages or loss caused by the crime for which conviction was had,
 19 including compensation to a victim that is a nonprofit organization for the
 20 value of labor or goods provided by volunteers if the labor or goods were
 21 necessary to alleviate or mitigate the effects of the defendant's crime; when
 22 determining the amount of actual damages or loss under this **subparagraph**
 23 [PARAGRAPH], the court shall value property as the market value of the
 24 property at the time and place of the crime or, if the market value cannot
 25 reasonably be ascertained, the cost of the replacement of the property within a
 26 reasonable time after the crime;

27 **(C)** [(3)] to provide for the support of any persons for whose
 28 support the defendant is legally responsible;

29 **(D)** [(4)] to perform community work in accordance with
 30 AS 12.55.055;

31 **(E)** [(5)] to participate in or comply with the treatment plan of

1 an inpatient or outpatient rehabilitation program specified by either the court or
2 the defendant's probation officer that is related to the defendant's offense or to
3 the defendant's rehabilitation;

4 (F) [(6)] to satisfy the screening, evaluation, referral, and
5 program requirements of an agency authorized by the court to make referrals
6 for rehabilitative treatment or to provide rehabilitative treatment;

7 (G) [AND (7)] to comply with a program established under
8 AS 47.38.020; and

9 (H) to comply with the sanctions imposed by the defendant's
10 probation officer under AS 33.05.020(g).

11 * **Sec. 75.** AS 12.55.100(c) is amended to read:

12 (c) A program of inpatient treatment may be required by the authorized agency
13 under (a)(2)(F) [(a)(6)] of this section only if authorized in the judgment, and may not
14 exceed the maximum term of inpatient treatment specified in the judgment. A person
15 who has been referred for inpatient treatment may make a written request to the
16 sentencing court asking the court to review the referral. The request for review shall be
17 made within seven days after [OF] the agency's referral, and shall specifically set out
18 the grounds on [UPON] which the request for review is based. The court may order a
19 hearing on the request for review.

20 * **Sec. 76.** AS 12.55.110 is amended by adding new subsections to read:

21 (c) If a defendant is serving a period of probation for an offense, the court may
22 find that the defendant has committed a technical violation of probation. If the court
23 finds that a defendant has committed a technical violation of probation that does not
24 include absconding, the court may reinstate the term of probation with appropriate
25 conditions or impose a sentence of imprisonment of not more than

26 (1) three days for the first probation revocation;

27 (2) five days for the second probation revocation;

28 (3) 10 days for the third probation revocation; or

29 (4) the remainder of the suspended portion of the sentence for a fourth
30 or subsequent probation revocation.

31 (d) If the court revokes a person's probation for absconding, the court may

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impose a period of imprisonment not to exceed 30 days.

(e) The limits set out in this section on the length of imprisonment for a revocation do not apply if a probationer is enrolled in a program established under AS 33.05.020(f).

(f) If the defendant is ordered to complete treatment under AS 12.55.100(a)(2)(E) and does not comply with the court's order, the court may order the defendant to show cause why the defendant should not be sentenced to imprisonment for noncompletion of treatment and may revoke the suspended sentence subject to the limits established in this section. In a contempt or probation revocation proceeding brought as a result of failure to complete treatment, it is an affirmative defense that the defendant was unable to afford the cost of treatment or secure a place in a free treatment program, despite having made continuing good faith efforts. If the court finds that the defendant was unable to complete treatment despite having made continuing good faith efforts, the defendant may not be imprisoned solely because of an inability to pay. If the court does not find that the noncompletion of treatment was attributable to the defendant's inability to pay, the court may order the defendant imprisoned subject to the limits established in this section.

(g) Notwithstanding (c) of this section, a court may not find a technical violation under this section if a person convicted of a sex offense, as described in AS 12.63.100, violates a condition of probation provided in AS 12.55.100(e).

(h) In this section,

(1) "absconding" means failing to report within five working days after release from custody under AS 33.20.030 or failing to report for a scheduled meeting with a probation officer, as ordered by the court or as directed by the probation officer, and failing to make contact with the probation officer within 30 days following the missed meeting;

(2) "technical violation" means a violation of the conditions of probation that does not constitute

- (A) a new criminal offense;
- (B) failing to complete sex offender treatment; or
- (C) failing to complete an intervention program for batterers.

1 * **Sec. 77.** AS 12.55.115 is amended to read:

2 **Sec. 12.55.115. Fixing eligibility for discretionary or administrative parole**
3 **at sentencing.** The court may, as part of a sentence of imprisonment, further restrict
4 the eligibility of a prisoner for discretionary or administrative parole for a term
5 greater than that required under AS 33.16.089, 33.16.090, [AS 33.16.090] and
6 33.16.100.

7 * **Sec. 78.** AS 12.55.125(a) is amended to read:

8 (a) A defendant convicted of murder in the first degree or murder of an unborn
9 child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment
10 of at least 30 [20] years but not more than 99 years. A defendant convicted of murder
11 in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years
12 when

13 (1) the defendant is convicted of the murder of a uniformed or
14 otherwise clearly identified peace officer, firefighter, or correctional employee who
15 was engaged in the performance of official duties at the time of the murder;

16 (2) the defendant has been previously convicted of

17 (A) murder in the first degree under AS 11.41.100 or former
18 AS 11.15.010 or 11.15.020;

19 (B) murder in the second degree under AS 11.41.110 or former
20 AS 11.15.030; or

21 (C) homicide under the laws of another jurisdiction when the
22 offense of which the defendant was convicted contains elements similar to first
23 degree murder under AS 11.41.100 or second degree murder under
24 AS 11.41.110;

25 (3) the defendant subjected the murder victim to substantial physical
26 torture;

27 (4) the defendant is convicted of the murder of and personally caused
28 the death of a person, other than a participant, during a robbery; or

29 (5) the defendant is a peace officer who used the officer's authority as a
30 peace officer to facilitate the murder.

31 * **Sec. 79.** AS 12.55.125(c) is amended to read:

1 (c) Except as provided in (i) of this section, a defendant convicted of a class A
2 felony may be sentenced to a definite term of imprisonment of not more than 20 years,
3 and shall be sentenced to a definite term within the following presumptive ranges,
4 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

5 (1) if the offense is a first felony conviction and does not involve
6 circumstances described in (2) of this subsection, three [FIVE] to six [EIGHT] years;

7 (2) if the offense is a first felony conviction

8 (A) and the defendant possessed a firearm, used a dangerous
9 instrument, or caused serious physical injury or death during the commission
10 of the offense, or knowingly directed the conduct constituting the offense at a
11 uniformed or otherwise clearly identified peace officer, firefighter, correctional
12 employee, emergency medical technician, paramedic, ambulance attendant, or
13 other emergency responder who was engaged in the performance of official
14 duties at the time of the offense, five [SEVEN] to nine [11] years;

15 (B) and the conviction is for manufacturing related to
16 methamphetamine under AS 11.71.020(a)(2)(A) or (B), seven to 11 years, if

17 (i) the manufacturing occurred in a building with
18 reckless disregard that the building was used as a permanent or
19 temporary home or place of lodging for one or more children under 18
20 years of age or the building was a place frequented by children; or

21 (ii) in the course of manufacturing or in preparation for
22 manufacturing, the defendant obtained the assistance of one or more
23 children under 18 years of age or one or more children were present;

24 (3) if the offense is a second felony conviction, eight [10] to 12 [14]
25 years;

26 (4) if the offense is a third felony conviction and the defendant is not
27 subject to sentencing under (l) of this section, 13 [15] to 20 years.

28 * **Sec. 80.** AS 12.55.125(d) is amended to read:

29 (d) Except as provided in (i) of this section, a defendant convicted of a class B
30 felony may be sentenced to a definite term of imprisonment of not more than 10 years,
31 and shall be sentenced to a definite term within the following presumptive ranges,

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

2 (1) if the offense is a first felony conviction and does not involve
3 circumstances described in (2) of this subsection, zero [ONE] to two [THREE] years;
4 a defendant sentenced under this paragraph may, if the court finds it appropriate, be
5 granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of
6 probation under AS 12.55.086, the defendant is required to serve an active term of
7 imprisonment within the range specified in this paragraph, unless the court finds that a
8 mitigation factor under AS 12.55.155 applies;

9 (2) if the offense is a first felony conviction,

10 (A) the defendant violated AS 11.41.130, and the victim was

11 (i) a child under 16 years of age, two to four years; or

12 (ii) was 16 years of age or older, one to three years;

13 (B) two to four years if the conviction is for an attempt,
14 solicitation, or conspiracy to manufacture related to methamphetamine under
15 AS 11.31 and AS 11.71.020(a)(2)(A) or (B), and

16 (i) the attempted manufacturing occurred, or the
17 solicited or conspired offense was to have occurred, in a building with
18 reckless disregard that the building was used as a permanent or
19 temporary home or place of lodging for one or more children under 18
20 years of age or the building was a place frequented by children; or

21 (ii) in the course of an attempt to manufacture, the
22 defendant obtained the assistance of one or more children under 18
23 years of age or one or more children were present;

24 (3) if the offense is a second felony conviction, two [FOUR] to five
25 [SEVEN] years;

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

27 * **Sec. 81.** AS 12.55.125(e) is amended to read:

28 (e) Except as provided in (i) of this section, a defendant convicted of a class C
29 felony may be sentenced to a definite term of imprisonment of not more than five
30 years, and shall be sentenced to a definite term within the following presumptive
31 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

1 (1) if the offense is a first felony conviction and does not involve
2 circumstances described in (4) of this subsection, zero to 120 days [TWO YEARS; A
3 DEFENDANT SENTENCED UNDER THIS PARAGRAPH MAY, IF THE COURT
4 FINDS IT APPROPRIATE, BE GRANTED A SUSPENDED IMPOSITION OF
5 SENTENCE UNDER AS 12.55.085, AND THE COURT MAY, AS A CONDITION
6 OF PROBATION UNDER AS 12.55.086, REQUIRE THE DEFENDANT TO
7 SERVE AN ACTIVE TERM OF IMPRISONMENT WITHIN THE RANGE
8 SPECIFIED IN THIS PARAGRAPH];

9 (2) if the offense is a second felony conviction, one to three [TWO TO
10 FOUR] years;

11 (3) if the offense is a third felony conviction, two [THREE] to five
12 years;

13 (4) if the offense is a first felony conviction, and the defendant violated
14 AS 08.54.720(a)(15), one to two years.

15 * **Sec. 82.** AS 12.55.135(a) is amended to read:

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

18 (1) one year, if the

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

21 (B) trier of fact finds the aggravating factor that the conduct
22 constituting the offense was among the most serious conduct included in
23 the definition of the offense;

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

27 (D) conviction is for an assault in the fourth degree; or

28 (E) conviction is for a violation of

29 (i) AS 11.41.427;

30 (ii) AS 11.41.440;

31 (iii) AS 11.41.460, if the indecent exposure is before a

1 person under 16 years of age; or

2 (iv) AS 11.61.118(a)(2);

3 (2) 30 days.

4 * **Sec. 83.** AS 12.55.135(b) is amended to read:

5 (b) A defendant convicted of a class B misdemeanor may be sentenced to a
6 definite term of imprisonment of not more than **10** [90] days unless otherwise
7 specified **in this section or** in the provision of law defining the offense.

8 * **Sec. 84.** AS 12.55.135 is amended by adding new subsections to read:

9 (l) A court sentencing a person convicted of theft in the fourth degree under
10 AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of
11 identification marks under AS 11.46.260(b)(3), unlawful possession under
12 AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal
13 simulation under AS 11.46.530(b)(3) may not impose

14 (1) a sentence of more than five days of suspended imprisonment and a
15 term of probation of more than six months if the person has previously been convicted
16 two or more times of an offense under AS 11.46.110 - 11.46.220, 11.46.260 -
17 11.46.290, 11.46.360 or 11.46.365, or a law or ordinance of this or another jurisdiction
18 with substantially similar elements; or

19 (2) a sentence of active or suspended imprisonment if the person has
20 not been previously convicted, or has previously been convicted once, of an offense
21 under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360 or 11.46.365, or a
22 law or ordinance of this or another jurisdiction with substantially similar elements.

23 (m) A court may not impose a sentence of imprisonment for a definite term of
24 more than 24 hours for a person convicted of disorderly conduct under AS 11.61.110.

25 (n) A court sentencing a person convicted of misconduct involving a controlled
26 substance in the fourth degree under AS 11.71.050(a)(4) or misconduct involving a
27 controlled substance in the fifth degree under AS 11.71.060(a)(2) may not impose

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

1 (2) a sentence of suspended imprisonment greater than

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

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

8 (o) If an aggravating factor is a necessary element of the present offense, that
9 factor may not be used to impose a sentence above the high end of the range.

10 (p) If the state seeks to establish an aggravating factor at sentencing

11 (1) under (a)(1)(C) of this section, written notice must be served on the
12 opposing party and filed with the court not later than 10 days before the date set for
13 imposition of sentence; the aggravating factor in (a)(1)(C) of this section must be
14 established by clear and convincing evidence before the court sitting without a jury; all
15 findings must be set out with specificity;

16 (2) an aggravating factor under (a)(1)(B) of this section shall be
17 presented to a trial jury under procedures set by the court, unless the defendant waives
18 trial by jury, stipulates to the existence of the factor, or consents to have the factor
19 proven under procedures set out in (1) of this subsection; an aggravating factor
20 presented to a jury is established if proved beyond a reasonable doubt; written notice
21 of the intent to establish an aggravating factor must be served on the defendant and
22 filed with the court

23 (A) not later than 10 days before trial or at a time specified by
24 the court;

25 (B) not later than 48 hours, or at a time specified by the court, if
26 the court instructs the jury about the option to return a verdict for a lesser
27 included offense; or

28 (C) not later than five days before entering a plea that results in
29 a finding of guilt or at a time specified by the court unless the defendant
30 waives the notice requirement.

31 * **Sec. 85.** AS 12.61.015(a) is amended to read:

1 (a) If a victim of a felony or a crime involving domestic violence requests, the
2 prosecuting attorney shall make a reasonable effort to

3 (1) confer with the person against whom the offense has been
4 perpetrated about that person's testimony before the defendant's trial;

5 (2) in a manner reasonably calculated to give prompt actual notice,
6 notify the victim

7 (A) of the defendant's conviction and the crimes of which the
8 defendant was convicted;

9 (B) of the victim's right in a case that is a felony to make a
10 written or oral statement for use in preparation of the defendant's presentence
11 report, and of the victim's right to appear personally at the defendant's
12 sentencing hearing to present a written statement and to give sworn testimony
13 or an unsworn oral presentation;

14 (C) of the address and telephone number of the office that will
15 prepare the presentence report; and

16 (D) of the time and place of the sentencing proceeding;

17 (3) notify the victim in writing of the final disposition of the case
18 within 30 days after final disposition of the case;

19 (4) confer with the victim [OF A CRIME INVOLVING DOMESTIC
20 VIOLENCE] concerning a proposed plea agreement before entering into an
21 agreement;

22 (5) inform the victim of a pending motion that may substantially delay
23 the prosecution and inform the court of the victim's position on the motion; in this
24 paragraph, a "substantial delay" is

25 (A) for a misdemeanor, a delay of one month or longer;

26 (B) for a felony, a delay of two months or longer; and

27 (C) for an appeal, a delay of six months or longer.

28 * **Sec. 86.** AS 12.70.130 is amended to read:

29 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be
30 lawfully made by a peace officer or a private person without a warrant upon
31 reasonable information that the accused stands charged in the courts of another state

1 with a crime punishable by death or imprisonment for a term exceeding one year, but
2 when arrested the accused must be taken before a judge or magistrate without
3 unnecessary delay and, in any event, within 24 [48] hours after arrest, **absent**
4 **compelling circumstances**, including Sundays and holidays, and complaint shall be
5 made against the accused under oath setting out the ground for the arrest as in
6 AS 12.70.120. **The hearing before the judge or magistrate may not take place**
7 **more than 48 hours after arrest**. Thereafter the answer of the accused shall be heard
8 as if the accused had been arrested on a warrant.

9 * **Sec. 87.** AS 22.35.030, added by sec. 2, ch. 1, SLA 2016, is amended to read:

10 **Sec. 22.35.030. Records concerning criminal cases resulting in acquittal or**
11 **dismissal.** The Alaska Court System may not publish a court record of a criminal case
12 on a publicly available website if 60 days have elapsed from the date of acquittal or
13 dismissal and

14 (1) the defendant was acquitted of all charges filed in the case;

15 (2) all criminal charges against the defendant in the case have been
16 dismissed and were not dismissed as part of a plea agreement in another criminal case
17 under Rule 11, Alaska Rules of Criminal Procedure; [OR]

18 (3) the defendant was acquitted of some of the criminal charges in the
19 case and the remaining charges were dismissed; or

20 **(4) all criminal charges against the defendant in the case have been**
21 **dismissed after a suspended entry of judgment under AS 12.55.078.**

22 * **Sec. 88.** AS 28.15.165 is amended by adding a new subsection to read:

23 (e) A person whose driver's license, privilege to drive, or privilege to obtain a
24 license has been revoked under this section as a result of a refusal to submit to a
25 chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal
26 ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar
27 municipal ordinance in which the test produced a result described in
28 AS 28.35.030(a)(2) may request that the department rescind the revocation. The
29 department shall rescind a revocation under this subsection if the department finds that
30 the person has supplied proof in a form satisfactory to the department that

31 (1) the person has been acquitted of driving while under the influence

1 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a
2 similar municipal ordinance for the incident on which the revocation was based; or

3 (2) all criminal charges against the person for driving while under the
4 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit
5 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to
6 the incident on which the revocation is based have been dismissed without prejudice.

7 * **Sec. 89.** AS 28.15.201 is amended by adding new subsections to read:

8 (g) Notwithstanding (d) of this section, a court revoking a driver's license,
9 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the
10 department when revoking a driver's license, privilege to drive, or privilege to obtain a
11 license under AS 28.15.165(c), may grant limited license privileges if

12 (1) the revocation was for a felony conviction under AS 28.35.030;

13 (2) the person is participating in and has successfully participated for at
14 least six months in, or has successfully completed, a court-ordered treatment program
15 under AS 28.35.028, and submits verification acceptable to the department;

16 (3) the person provides proof of insurance as required by AS 28.20.230
17 and 28.20.240;

18 (4) the person is required to use an ignition interlock device during the
19 period of the limited license whenever the person operates a motor vehicle in a
20 community not included in the list published by the department under
21 AS 28.22.011(b) and, when applicable,

22 (A) the person provides proof of installation of the ignition
23 interlock device on every vehicle the person operates;

24 (B) the person signs an affidavit acknowledging that

25 (i) operation by the person of a vehicle that is not
26 equipped with an ignition interlock device is subject to penalties for
27 driving with a revoked license;

28 (ii) circumventing or tampering with the ignition
29 interlock device is a class A misdemeanor; and

30 (iii) the person is required to maintain the ignition
31 interlock device throughout the period of the limited license, to keep

1 up-to-date records in each vehicle showing that any required service
2 and calibration is current, and to produce those records immediately on
3 request;

4 (5) the person has not previously been granted a limited license under
5 this section and had the license revoked under (h) of this section.

6 (h) The court or the department may immediately revoke a limited license
7 granted under (g) of this section if the person is convicted of a violation of
8 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction
9 or if the person is not in compliance with a court-ordered treatment program under
10 AS 28.35.028.

11 * **Sec. 90.** AS 28.15.291(a) is repealed and reenacted to read:

12 (a) A person commits the crime of driving while license canceled, suspended,
13 revoked, or in violation of a limitation if the person drives

14 (1) a motor vehicle on a highway or vehicular way or area at a time
15 when that person's driver's license, privilege to drive, or privilege to obtain a license
16 has been canceled, suspended, or revoked under circumstances described in
17 AS 28.15.181(c) or a similar law in another jurisdiction;

18 (2) a motor vehicle on a highway or vehicular way or area at a time
19 when that person's driver's license, privilege to drive, or privilege to obtain a license
20 has been canceled, suspended, or revoked under circumstances other than those
21 described in (1) of this subsection; or

22 (3) in violation of a limitation placed on that person's license or
23 privilege to drive in this or another jurisdiction.

24 * **Sec. 91.** AS 28.15.291(b) is repealed and reenacted to read:

25 (b) Driving while license canceled, suspended, revoked, or in violation of a
26 limitation is

27 (1) a class A misdemeanor if the person violates (a)(1) of this section;
28 upon conviction the court shall impose a minimum sentence of imprisonment of not
29 less than 10 days

30 (A) with 10 days suspended if the person has not been
31 previously convicted under (a)(1) of this section or a similar law of another

1 jurisdiction; or

2 (B) if the person has been previously convicted under (a)(1) of
3 this section or a similar law in another jurisdiction;

4 (2) an infraction if the person violates (a)(2) or (3) of this section.

5 * **Sec. 92.** AS 28.35.028(b) is amended to read:

6 (b) Once the court elects to proceed under this section, the defendant shall
7 enter a no contest or guilty plea to the offense or shall admit to a probation violation,
8 as appropriate. The state and the defendant may enter into a plea agreement to
9 determine the offense or offenses to which the defendant is required to plead. If the
10 court accepts the agreement, the court shall enforce the terms of the agreement. The
11 court shall enter a judgment of conviction for the offense or offenses for which the
12 defendant has pleaded or an order finding that the defendant has violated probation, as
13 appropriate. A judgment of conviction or an order finding a probation violation must
14 set a schedule for payment of restitution owed by the defendant. In a judgment of
15 conviction and on probation conditions that the court considers appropriate, the court
16 may withhold pronouncement of a period of imprisonment or a fine to provide an
17 incentive for the defendant to complete recommended treatment successfully.
18 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any
19 mandatory minimum or other sentencing provision applicable to the offense.
20 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any
21 other provision of law, the court, at any time after the period when a reduction of
22 sentence is normally available, may consider and reduce the defendant's sentence,
23 **including imprisonment, fine, or license revocation,** based on the defendant's
24 compliance with the treatment plan; when reducing a sentence, the court (1) may not
25 reduce the sentence below the mandatory minimum sentence for the offense unless the
26 court finds that the defendant has successfully complied with and completed the
27 treatment plan and that the treatment plan approximated the severity of the minimum
28 period of imprisonment, and (2) may consider the defendant's compliance with the
29 treatment plan as a mitigating factor allowing a reduction of a sentence under
30 AS 12.55.155(a). A court entering an order finding the defendant has violated
31 probation may withhold pronouncement of disposition to provide an incentive for the

1 defendant to complete the recommended treatment successfully.

2 * **Sec. 93.** AS 28.35.030(k) is amended to read:

3 (k) Imprisonment required under (b)(1)(A) of this section shall be served [AT
4 A COMMUNITY RESIDENTIAL CENTER OR] by electronic monitoring at a
5 private residence under AS 33.30.065. If [A COMMUNITY RESIDENTIAL
6 CENTER OR] electronic monitoring [AT A PRIVATE RESIDENCE] is not available,
7 imprisonment required under (b)(1)(A) of this section shall [MAY] be served at a
8 private residence by other means determined by the commissioner of corrections
9 [ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER
10 OF CORRECTIONS]. Imprisonment required under (b)(1)(B) - (F) of this section
11 may be served at a community residential center or at a private residence if approved
12 by the commissioner of corrections. Imprisonment served at a private residence must
13 include electronic monitoring under AS 33.30.065 or, if electronic monitoring is not
14 available, by other means as determined by the commissioner of corrections. The
15 cost of imprisonment resulting from the sentence imposed under (b)(1) of this section
16 shall be paid to the state by the person being sentenced. The [PROVIDED,
17 HOWEVER, THAT THE] cost of imprisonment required to be paid under this
18 subsection may not exceed \$2,000. Upon the person's conviction, the court shall
19 include the costs of imprisonment as a part of the judgment of conviction. Except for
20 reimbursement from a permanent fund dividend as provided in this subsection,
21 payment of the cost of imprisonment is not required if the court determines the person
22 is indigent. For costs of imprisonment that are not paid by the person as required by
23 this subsection, the state shall seek reimbursement from the person's permanent fund
24 dividend as provided under AS 43.23.065. [WHILE AT THE COMMUNITY
25 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A PERSON
26 SENTENCED UNDER (b)(1)(A) OF THIS SECTION SHALL PERFORM AT
27 LEAST 24 HOURS OF COMMUNITY SERVICE WORK.] A person sentenced
28 under (b)(1)(B) of this section shall perform at least 160 hours of community service
29 work, as required by the director of the community residential center or other
30 appropriate place, or as required by the commissioner of corrections if the sentence is
31 being served at a private residence. In this subsection, "appropriate place" means a

1 facility with 24-hour on-site staff supervision that is specifically adapted to provide a
2 residence, and includes a correctional center, residential treatment facility, hospital,
3 halfway house, group home, work farm, work camp, or other place that provides
4 varying levels of restriction.

5 * **Sec. 94.** AS 28.35.030(l) is amended to read:

6 (l) The commissioner of corrections shall determine and prescribe by
7 regulation a uniform average cost of imprisonment for the purpose of determining the
8 cost of imprisonment required to be paid under (k) of this section by a convicted
9 person. **The regulations must include the costs associated with electronic**
10 **monitoring under AS 33.30.065.**

11 * **Sec. 95.** AS 28.35.030(o) is amended to read:

12 (o) Upon request, the department shall review a driver's license revocation
13 imposed under (n)(3) of this section and

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

15 (A) [(1)] the license has been revoked for a period of at least 10
16 years;

17 (B) [(2)] the person has not been convicted of a **driving-related**
18 criminal offense since the license was revoked; and

19 (C) [(3)] the person provides proof of financial responsibility;

20 (2) **shall restore the driver's license if**

21 (A) **the person has been granted limited license privileges**
22 **under AS 28.15.201(g) and has successfully driven under that limited**
23 **license for three years without having the limited license privileges**
24 **revoked;**

25 (B) **the person has successfully completed a court-ordered**
26 **treatment program under AS 28.35.028;**

27 (C) **the person has not been convicted of a violation of**
28 **AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another**
29 **jurisdiction since the license was revoked;**

30 (D) **the person is otherwise eligible to have the person's**
31 **driving privileges restored as provided in AS 28.15.211; in an application**

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under this subsection, a person whose license was revoked for a violation of AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as required under AS 28.35.030(h) or 28.35.032(l); and

(E) the person provides proof of financial responsibility.

* Sec. 96. AS 28.35.032(o) is amended to read:

(o) Imprisonment required under (g)(1)(A) of this section shall be served **at a private residence by electronic monitoring under AS 33.30.065. If electronic monitoring** [AT A COMMUNITY RESIDENTIAL CENTER, OR IF A COMMUNITY RESIDENTIAL CENTER] is not available, **imprisonment under (g)(1)(A) of this section shall be served at a private residence by other means as determined by the commissioner of corrections** [AT ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. Imprisonment required under (g)(1)(B) - (F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring **under AS 33.30.065 or, if electronic monitoring is not available, shall be served by other means as determined by the commissioner of corrections.** The cost of imprisonment resulting from the sentence imposed under (g)(1) of this section shall be paid to the state by the person being sentenced. **The** [PROVIDED, HOWEVER, THAT THE] cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065. [WHILE AT THE COMMUNITY RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A PERSON SENTENCED UNDER (g)(1)(A) OF THIS SECTION SHALL PERFORM AT LEAST 24 HOURS OF COMMUNITY SERVICE WORK.] A person sentenced under (g)(1)(B) of this section shall perform at least 160 hours of community service

1 work, as required by the director of the community residential center or other
2 appropriate place, or as required by the commissioner of corrections if the sentence is
3 being served at a private residence. In this subsection, "appropriate place" means a
4 facility with 24-hour on-site staff supervision that is specifically adapted to provide a
5 residence, and includes a correctional center, residential treatment facility, hospital,
6 halfway house, group home, work farm, work camp, or other place that provides
7 varying levels of restriction.

8 * **Sec. 97.** AS 29.10.200(21) is amended to read:

9 (21) AS 29.25.070(e) **and (g) (penalties)** [(NOTICES OF CERTAIN
10 CIVIL ACTIONS)];

11 * **Sec. 98.** AS 29.25.070(a) is amended to read:

12 (a) For the violation of an ordinance, a municipality may by ordinance
13 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days,
14 **except as limited by (g) of this section.** For a violation that cannot result in
15 incarceration or the loss of a valuable license, a municipality may allow disposition of
16 the violation without court appearance and establish a schedule of fine amounts for
17 each offense.

18 * **Sec. 99.** AS 29.25.070 is amended by adding a new subsection to read:

19 (g) If a municipality prescribes a penalty for a violation of a municipal
20 ordinance, including a violation under (a) of this section, and there is a comparable
21 state offense under AS 11 or AS 28 with elements that are similar to the municipal
22 ordinance, the municipality may not impose a greater punishment than that imposed
23 for a violation of the state law. This subsection applies to home rule and general law
24 municipalities.

25 * **Sec. 100.** AS 33.05.020 is amended by adding new subsections to read:

26 (g) The commissioner shall establish an administrative sanction and incentive
27 program to facilitate a swift and effective response to a probationer's compliance with
28 or violation of the conditions of probation. The commissioner shall adopt regulations
29 to implement the program. At a minimum, the regulations must include

30 (1) a decision-making process to guide probation officers in
31 determining the suitable response to positive and negative offender behavior that

1 includes a list of sanctions for the most common types of negative behavior, including
2 technical violations of conditions of probation, and a list of incentives for compliance
3 with conditions and positive behavior that exceeds those conditions;

4 (2) policies and procedures that ensure

5 (A) a process for responding to negative behavior that includes
6 a review of previous violations and sanctions;

7 (B) that enhanced sanctions for certain negative conduct are
8 approved by the commissioner or the commissioner's designee; and

9 (C) that appropriate due process protections are included in the
10 process, including notice of negative behavior, an opportunity to dispute the
11 accusation and the sanction, and an opportunity to request a review of the
12 accusation and the sanction.

13 (h) The commissioner shall establish by regulation a program allowing
14 probationers to earn credits for complying with the conditions of probation. The
15 credits earned reduce the period of probation. Nothing in this subsection prohibits the
16 department from recommending to the court the early discharge of the probationer as
17 provided in AS 33.30. At a minimum, the regulations must

18 (1) require that a probationer earn a credit of 30 days for each 30-day
19 period served in which the defendant complied with the conditions of probation;

20 (2) include policies and procedures for

21 (A) calculating and tracking credits earned by probationers;

22 (B) reducing the probationer's period of probation based on
23 credits earned by the probationer; and

24 (C) notifying a victim under AS 33.30.013.

25 * **Sec. 101.** AS 33.05.040 is amended to read:

26 **Sec. 33.05.040. Duties of probation officers.** A probation officer shall

27 (1) furnish to each probationer under the supervision of the officer a
28 written statement of the conditions of probation and shall instruct the probationer
29 regarding the same;

30 (2) keep informed concerning the conduct and condition of each
31 probationer under the supervision of the officer and shall report on the probationer to

1 the court placing the [SUCH] person on probation;

2 (3) use all suitable methods, not inconsistent with the conditions
3 imposed by the court, to aid probationers and to bring about improvements in their
4 conduct and condition;

5 (4) keep records of the probation work, including administrative
6 sanctions and incentives the probation officer imposes under AS 33.05.020(g),
7 keep accurate and complete accounts of all money collected from persons under the
8 supervision of the officer, give receipts for money collected and make at least monthly
9 returns of it, make the reports to the court and the commissioner required by them, and
10 perform other duties the court may direct;

11 (5) perform the [SUCH] duties with respect to persons on parole as the
12 commissioner shall request [,] and, in that [SUCH] service, shall be termed a parole
13 officer;

14 (6) use administrative sanctions and incentives developed under
15 AS 33.05.020(g) to respond to a probationer's negative and positive behavior,
16 including responses to technical violations of conditions of probation, in a way
17 that is intended to interrupt negative behavior in a swift, certain, and
18 proportional manner and support progress with a recognition of positive
19 behavior;

20 (7) upon determining that a probationer under the supervision of
21 the officer meets the requirements of AS 12.55.090(g), recommend to the court as
22 soon as practicable that probation be terminated and the probationer be
23 discharged from probation; and

24 (8) for each probationer who owes restitution and who is under the
25 supervision of the officer, create a restitution payment schedule based on the
26 probationer's income and ability to pay if the court has not already set a
27 restitution payment schedule.

28 * Sec. 102. AS 33.05.080 is amended by adding a new paragraph to read:

29 (3) "administrative sanctions and incentives" means responses by a
30 probation officer to a probationer's compliance with or violation of the conditions of
31 probation under AS 33.05.020(g).

1 * **Sec. 103.** AS 33 is amended by adding a new chapter to read:

2 **Chapter 07. Pretrial Services Program.**

3 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner
4 shall establish and administer a pretrial services program that provides a pretrial risk
5 assessment for all defendants, recommendations to the court concerning pretrial
6 release decisions, and supervision of defendants released while awaiting trial as
7 ordered by the court.

8 **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner
9 shall

10 (1) appoint and make available to the superior court and district court
11 qualified pretrial services officers;

12 (2) fix pretrial services officers' salaries;

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

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

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

21 (6) adopt regulations in consultation with the Department of Law, the
22 public defender, the Department of Public Safety, the office of victims' rights, and the
23 Alaska Court System, consistent with this chapter and as necessary to implement the
24 program; the regulations must include a process for pretrial services officers to make a
25 recommendation to the court concerning a pretrial release decision and guidelines for
26 pretrial diversion recommendations.

27 **Sec. 33.07.030. Duties of pretrial services officers.** (a) Pretrial services
28 officers shall, in advance of a first appearance before a judicial officer under
29 AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument
30 approved by the commissioner for the purpose of making a recommendation to the
31 court concerning an appropriate pretrial release decision and conditions of release. In

1 conducting a pretrial risk assessment and making a recommendation to the court, the
2 department shall follow the decision-making process established by regulation under
3 this chapter. The pretrial risk assessment shall be completed and presented to the court
4 in a pretrial release report that contains a risk assessment rating of low, moderate, or
5 high and a recommendation regarding release and release conditions, including a
6 recommendation concerning a defendant's dependency on, abuse of, or addiction to
7 alcohol or controlled substances, to the extent those factors are indicated by the
8 offense or criminal history, before the defendant's first appearance before a judicial
9 officer.

10 (b) A pretrial services officer shall make a recommendation under (a) of this
11 section for pretrial release to the court based on factors that include the results of a
12 pretrial risk assessment, the offense charged, and the least restrictive condition or
13 conditions that will reasonably ensure the appearance of the person in court and the
14 safety of the victim, other persons, and the community. If the offense or criminal
15 history of a defendant identifies that a dependency on, abuse of, or addiction to
16 alcohol or controlled substances is a factor in the defendant's offense, the pretrial
17 services officer shall include that identified fact in the report to the court and to the
18 attorneys. The recommendation must take into account

19 (1) the defendant's risk rating;

20 (2) the appropriateness for release on the defendant's own recognizance
21 or upon the execution of an unsecured appearance bond, unsecured performance bond,
22 or both; and

23 (3) the appropriateness of nonmonetary release conditions permitted
24 under AS 12.30.011, 12.30.016, 12.30.021, and 12.30.027 and supervision of those
25 conditions by a pretrial services officer for defendants who are recommended for
26 release.

27 (c) A pretrial services officer shall recommend for release on personal
28 recognizance, upon execution of an unsecured appearance bond, or upon execution of
29 an unsecured performance bond, with nonmonetary conditions as appropriate, if a
30 defendant is charged with

31 (1) a misdemeanor, unless that misdemeanor is

- 1 (A) a crime involving domestic violence, as defined in
2 AS 18.66.990;
- 3 (B) a crime against the person under AS 11.41;
4 (C) an offense under AS 11.56.730 or 11.56.757;
- 5 (2) a class C felony unless that felony is
- 6 (A) a crime involving domestic violence, as defined in
7 AS 18.66.990;
- 8 (B) a crime against the person under AS 11.41;
9 (C) an offense under AS 11.56.730;
- 10 (3) an offense under AS 28.35.030 or 28.35.032, if the defendant has
11 been assessed as being low or moderate risk on the pretrial risk assessment.
- 12 (d) A pretrial services officer shall recommend release on personal
13 recognizance, upon execution of an unsecured appearance bond, or upon execution of
14 an unsecured performance bond, with nonmonetary conditions as appropriate, unless
15 the pretrial services officer finds
- 16 (1) by substantial evidence that no nonmonetary conditions of release
17 in combination with release on personal recognizance or upon execution of unsecured
18 bond can reasonably ensure public safety and appearance in court; and
- 19 (2) the defendant has been charged with
- 20 (A) an offense under AS 28.35.030 or 28.35.032, and the
21 offender has been assessed as high risk under a pretrial risk assessment;
- 22 (B) an offense under AS 11.56.730 or 11.56.757, and the
23 offender has been assessed as low to moderate risk under a pretrial risk
24 assessment; or
- 25 (C) any other offense, and the defendant has been assessed as
26 being low risk under a pretrial risk assessment.
- 27 (e) A pretrial services officer may recommend release on personal
28 recognizance, upon execution of an unsecured appearance bond, or upon execution of
29 an unsecured performance bond, with nonmonetary conditions as appropriate, for a
30 defendant not otherwise recommended for release under (c) or (d) of this section.
- 31 (f) A pretrial services officer may supervise a defendant released while

1 awaiting trial, imposing the least restrictive level of supervision that will reasonably
2 ensure the appearance of the person in court and the safety of the victim, other
3 persons, and the community, and prioritizing higher levels of supervision for a
4 defendant accused of serious charges or assessed as moderate or high risk under a
5 pretrial risk assessment. The commissioner may, in accordance with AS 36.30,
6 procure and enter into agreements or contracts for the supervision of defendants on
7 electronic monitoring during the pretrial period.

8 (g) A pretrial services officer may

9 (1) recommend pretrial diversion to the court and parties before
10 adjudication in accordance with the guidelines established by the commissioner under
11 AS 33.07.020(6);

12 (2) arrest, without a warrant, a defendant who has been released while
13 awaiting trial if the officer has probable cause to believe the defendant has committed
14 an offense under AS 11.56.730 or 11.56.757 or has violated the defendant's release
15 conditions;

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

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

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

26 **Sec. 33.07.040. Pretrial services officers as officers of court.** All pretrial
27 services officers shall be available to the superior and district courts and shall be
28 officers of the court.

29 **Sec. 33.07.090. Definitions.** In this chapter,

30 (1) "commissioner" means the commissioner of corrections;

31 (2) "program" means the pretrial services program.

1 * **Sec. 104.** AS 33.16.010(c) is amended to read:

2 (c) A prisoner who is not eligible for **special medical, administrative, or**
3 **discretionary parole**, or who is not released on **special medical, administrative, or**
4 **discretionary parole**, shall be released on mandatory parole for the term of good time
5 deductions credited under AS 33.20, if the term or terms of imprisonment are two
6 years or more.

7 * **Sec. 105.** AS 33.16.010(d) is amended to read:

8 (d) A prisoner released on special medical, **administrative**, discretionary, or
9 mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.
10 Parole may be revoked under AS 33.16.220.

11 * **Sec. 106.** AS 33.16.010 is amended by adding a new subsection to read:

12 (f) A prisoner eligible under AS 33.16.089 shall be released on administrative
13 parole by the board of parole.

14 * **Sec. 107.** AS 33.16.060(a) is amended to read:

15 (a) The board shall

16 (1) serve as the parole authority for the state;

17 (2) [UPON RECEIPT OF AN APPLICATION,] consider the suitability
18 for parole of a prisoner who is eligible **for discretionary parole at least 90 days**
19 **before the prisoner's first date of eligibility and upon receipt of the prisoner's**
20 **application** for special medical [OR DISCRETIONARY] parole;

21 (3) impose parole conditions on all prisoners released under **special**
22 **medical, administrative**, discretionary, or mandatory parole;

23 (4) under AS 33.16.210, discharge a person from parole when custody
24 is no longer required;

25 (5) maintain records of the meetings and proceedings of the board;

26 (6) recommend to the governor and the legislature changes in the law
27 administered by the board;

28 (7) recommend to the governor or the commissioner changes in the
29 practices of the department and of other departments of the executive branch
30 necessary to facilitate the purposes and practices of parole;

31 (8) upon request of the governor, review and recommend applicants for

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executive clemency; and

(9) execute other responsibilities prescribed by law.

* **Sec. 108.** AS 33.16 is amended by adding a new section to read:

Sec. 33.16.089. Eligibility for administrative parole. (a) A prisoner convicted of a misdemeanor or a class B or C felony that is not a sex offense as defined in AS 12.63.100 or an offense under AS 11.41 who has not been previously convicted of a felony in this or another jurisdiction and who has been sentenced to an active term of imprisonment of at least 181 days shall be released on administrative parole by the board without a hearing if

(1) the prisoner has served the greater of

- (A) one-fourth of the active term of imprisonment imposed;
- (B) the mandatory minimum term of imprisonment imposed; or
- (C) a term of imprisonment imposed under AS 12.55.115;

(2) the prisoner is not excluded from eligibility for administrative parole by court order;

(3) the prisoner has agreed to and signed the conditions of parole under AS 33.16.150;

(4) the victim does not request a hearing to consider issues of public safety under AS 33.16.120; and

(5) the prisoner has met the requirements of the case plan, including completing programming in the case plan, under AS 33.30.011(8).

(b) If a prisoner who is eligible for discretionary parole under AS 33.16.090 does not meet the criteria for release on administrative parole under (a) of this section, the board shall consider the prisoner for discretionary parole.

(c) If a victim makes a request at least 60 days before the prisoner's earliest parole eligibility date for a hearing under AS 33.16.120, the board shall conduct the hearing not later than 30 days before the prisoner's earliest parole eligibility date. The board may release or deny release of a prisoner on administrative parole after the hearing.

(d) The board shall send notice to the victim at least 90 days before the prisoner's earliest parole eligibility date and provide instructions on how to request a

1 hearing under AS 33.16.120.

2 * **Sec. 109.** AS 33.16.090(a) is amended to read:

3 (a) A prisoner sentenced to an active term of imprisonment of at least 181 days
4 **and who has not been released on administrative parole as provided in**
5 **AS 33.16.089** may, in the discretion of the board, be released on discretionary parole
6 if the prisoner

7 **(1)** has served the amount of time specified under (b) of this section,
8 except that

9 **(A)** [(1)] a prisoner sentenced to one or more mandatory 99-
10 year terms under AS 12.55.125(a) or one or more definite terms under
11 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

12 **(B)** [(2)] a prisoner is not eligible for consideration of
13 discretionary parole if made ineligible by order of a court under AS 12.55.115;

14 **(C)** [(3)] a prisoner imprisoned under AS 12.55.086 is not
15 eligible for discretionary parole unless the actual term of imprisonment is more
16 than one year; **or**

17 **(2) is at least 60 years of age, has served at least 10 years of a**
18 **sentence for one or more crimes in a single judgment, and has not been convicted**
19 **of an unclassified felony or a sexual felony as defined in AS 12.55.185.**

20 * **Sec. 110.** AS 33.16.090(b) is amended to read:

21 (b) A prisoner eligible under **(a)(1)** [(a)] of this section who is sentenced

22 (1) to a single sentence under AS 12.55.125(a) or (b) may not be
23 released on discretionary parole until the prisoner has served the mandatory minimum
24 term under AS 12.55.125(a) or (b), one-third of the active term of imprisonment
25 imposed, or any term set under AS 12.55.115, whichever is greatest;

26 (2) to a single sentence within or below a presumptive range set out in
27 **AS 12.55.125(i)(1) and (2)** [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)],
28 and has not been allowed by the three-judge panel under AS 12.55.175 to be
29 considered for discretionary parole release, may not be released on discretionary
30 parole until the prisoner has served the term imposed, less good time earned under
31 AS 33.20.010;

1 (3) to a single sentence under AS 12.55.125(i) [AS 12.55.125(c), (d)(2)
2 - (4), (e)(3) AND (4), OR (i)], and has been allowed by the three-judge panel under
3 AS 12.55.175 to be considered for discretionary parole release during the second half
4 of the sentence, may not be released on discretionary parole until

5 (A) the prisoner has served that portion of the active term of
6 imprisonment required by the three-judge panel; and

7 (B) in addition to the factors set out in AS 33.16.100(a), the
8 board determines that

9 (i) the prisoner has successfully completed all
10 rehabilitation programs ordered by the three-judge panel that were
11 made available to the prisoner; and

12 (ii) the prisoner would not constitute a danger to the
13 public if released on parole;

14 (4) to a single enhanced sentence under AS 12.55.155(a) that is above
15 the applicable presumptive range may not be released on discretionary parole until the
16 prisoner has served the greater of the following:

17 (A) an amount of time, less good time earned under
18 AS 33.20.010, equal to the upper end of the presumptive range plus one-fourth
19 of the amount of time above the presumptive range; or

20 (B) any term set under AS 12.55.115;

21 (5) to a single sentence under any other provision of law may not be
22 released on discretionary parole until the prisoner has served at least one-fourth of the
23 active term of imprisonment, any mandatory minimum sentence imposed under any
24 provision of law, or any term set under AS 12.55.115, whichever is greatest;

25 (6) to concurrent sentences may not be released on discretionary parole
26 until the prisoner has served the greatest of

27 (A) any mandatory minimum sentence or sentences imposed
28 under any provision of law;

29 (B) any term set under AS 12.55.115; or

30 (C) the amount of time that is required to be served under (1) -
31 (5) of this subsection for the sentence imposed for the primary crime, had that

1 been the only sentence imposed;

2 (7) to consecutive or partially consecutive sentences may not be
3 released on discretionary parole until the prisoner has served the greatest of

4 (A) the composite total of any mandatory minimum sentence or
5 sentences imposed under any provision of law, including AS 12.55.127;

6 (B) any term set under AS 12.55.115; or

7 (C) the amount of time that is required to be served under (1) -
8 (5) of this subsection for the sentence imposed for the primary crime, had that
9 been the only sentence imposed, plus one-quarter of the composite total of the
10 active term of imprisonment imposed as consecutive or partially consecutive
11 sentences imposed for all crimes other than the primary crime;

12 **(8) to a single sentence under AS 12.55.125(i)(3) and (4), and has**
13 **not been allowed by the three-judge panel under AS 12.55.175 to be considered**
14 **for discretionary parole release, may not be released on discretionary parole until**
15 **the prisoner has served, after a deduction for good time earned under**
16 **AS 33.20.010, one-half of the active term of imprisonment imposed.**

17 * **Sec. 111.** AS 33.16.100(a) is amended to read:

18 (a) The board may authorize the release of a prisoner **convicted of an**
19 **unclassified felony who is otherwise eligible under AS 12.55.115 and**
20 **AS 33.16.090(a)(1)** on discretionary parole if it determines a reasonable probability
21 exists that

22 (1) the prisoner will live and remain at liberty without violating any
23 laws or conditions imposed by the board;

24 (2) the prisoner's rehabilitation and reintegration into society will be
25 furthered by release on parole;

26 (3) the prisoner will not pose a threat of harm to the public if released
27 on parole; and

28 (4) release of the prisoner on parole would not diminish the seriousness
29 of the crime.

30 * **Sec. 112.** AS 33.16.100(b) is amended to read:

31 (b) If the board finds a change in circumstances in a prisoner's **preparole**

1 reports listed in AS 33.16.110(a) [PAROLE RELEASE PLAN SUBMITTED
2 UNDER AS 33.16.130(a)], or discovers new information concerning a prisoner who
3 has been granted a parole release date, the board may rescind or revise the previously
4 granted parole release date. In reconsidering the release date, the procedures set out in
5 AS 33.16.130 [AS 33.16.130(b) AND (c)] shall be followed.

6 * **Sec. 113.** AS 33.16.100 is amended by adding new subsections to read:

7 (f) The board shall authorize the release of a prisoner who has been convicted
8 of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole
9 under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created
10 under AS 33.30.011(8), has agreed to and signed the condition of parole under
11 AS 33.16.150, and has not been released on administrative parole under AS 33.16.089,
12 unless the board finds by clear and convincing evidence on the record that the prisoner
13 poses a threat of harm to the public if released on parole. If the board finds that the
14 incomplete case plan is not the fault of the prisoner or that the prisoner would not pose
15 a threat of harm to the public if released on parole, the board may waive the case plan
16 requirement.

17 (g) When considering a prisoner for release on discretionary parole under
18 AS 33.16.090(a)(2), the board may release a prisoner if, taking into consideration the
19 prisoner's likelihood of recidivism given the prisoner's age, criminal history, behavior
20 in prison, participation in treatment, and plans for reentering the community, a
21 reasonable probability exists that

22 (1) the prisoner will live and remain at liberty without violating any
23 laws or conditions imposed by the board;

24 (2) the prisoner's rehabilitation and reintegration into society will be
25 furthered by release on parole;

26 (3) the prisoner will not pose a threat of harm to the public if released
27 on parole; and

28 (4) release of the prisoner on parole would not diminish the seriousness
29 of the crime.

30 * **Sec. 114.** AS 33.16.110(a) is amended to read:

31 (a) In determining whether a prisoner is suitable for discretionary parole, the

1 board shall consider the preparole reports including

2 (1) the presentence report made to the sentencing court;

3 (2) the recommendations made by the sentencing court, by the
4 prosecuting attorney, and by the defense attorney, and any statements made by the
5 victim or the prisoner at sentencing;

6 (3) the prisoner's institutional conduct history while incarcerated;

7 (4) recommendations made by the staff of the correctional facilities in
8 which the prisoner was incarcerated;

9 (5) reports of prior crimes, juvenile histories, and previous experiences
10 of the prisoner on parole or probation;

11 (6) physical, mental, and psychiatric examinations of the prisoner;

12 (7) information submitted by the prisoner, the sentencing court, the
13 victim of the crime, the prosecutor, or other persons having knowledge of the prisoner
14 or the crime;

15 (8) information concerning an unjustified disparity in the sentence
16 imposed on a prisoner in relation to other sentences imposed under similar
17 circumstances;

18 **(9) the case plan created under AS 33.30.011(8) for the prisoner,**
19 **including a compliance report on the case plan;**

20 **(10) a reentry plan created under AS 33.30.011(9); and**

21 **(11) [AND (9)] other relevant information that may be reasonably**
22 **available.**

23 * **Sec. 115.** AS 33.16.120(a) is amended to read:

24 (a) If the victim of a crime against a person or arson in the first degree requests
25 notice of a scheduled hearing to review or consider discretionary parole for a prisoner
26 convicted of that crime, the board shall send notice of the hearing to the victim at least
27 30 days before the hearing. The notice must be accompanied by a copy of the
28 prisoner's **parole plan submitted to the board** [APPLICATION FOR PAROLE
29 SUBMITTED UNDER AS 33.16.130(a)]. However, the copy of the **parole plan**
30 [APPLICATION] sent to the victim may not include the prisoner's **confidential**
31 **health information, information protected under AS 33.16.170,** proposed

1 residence, or [AND] employment addresses.

2 * **Sec. 116.** AS 33.16.120(f) is amended to read:

3 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),
4 33.16.089, or 33.16.090, the board shall make every reasonable effort to notify the
5 victim before the prisoner's release date. Notification under this subsection must
6 include the expected date of the prisoner's release, the geographic area in which the
7 prisoner is required to reside, and other pertinent information concerning the prisoner's
8 conditions of parole that may affect the victim.

9 * **Sec. 117.** AS 33.16.120(g) is amended to read:

10 (g) A victim of a crime involving domestic violence or of a sexual assault
11 under AS 11.41.110 - 11.41.427 shall be informed by the board at least 30 days in
12 advance of a scheduled hearing to review or consider [DISCRETIONARY] parole for
13 a prisoner. The board shall inform the victim of any decision to grant or deny
14 [DISCRETIONARY] parole or to release the prisoner under AS 33.16.010(c). If the
15 prisoner is to be released, the victim shall be notified of the expected date of the
16 release, the geographic area in which the prisoner will reside, and any other
17 information concerning conditions of parole that may affect the victim. The victim
18 shall also be informed of any changes in the conditions of parole that may affect the
19 victim. The board shall send the notice required to the last known address of the
20 victim. A person may not bring a civil action for damages for a failure to comply with
21 the provisions of this subsection.

22 * **Sec. 118.** AS 33.16.120 is amended by adding a new subsection to read:

23 (h) A victim who has a right to notice under (a) of this section may request a
24 hearing before a prisoner is released on administrative parole under AS 33.16.089. The
25 notice to the victim must include the procedure and time frame for requesting a
26 hearing.

27 * **Sec. 119.** AS 33.16.130 is repealed and reenacted to read:

28 **Sec. 33.16.130. Parole procedures.** (a) The parole board shall hold a hearing
29 before granting an eligible prisoner special medical or discretionary parole. The board
30 shall also hold a hearing if requested by a victim under procedures established for the
31 request for a prisoner eligible for administrative parole. A hearing shall be conducted

1 within the following time frames:

2 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90
3 days before the first parole eligibility date, unless the prisoner is eligible for
4 administrative parole;

5 (2) for all other prisoners, not less than 30 days after the board is
6 notified of the need for a hearing by the commissioner or the commissioner's designee.

7 (b) The commissioner or the commissioner's designee shall furnish to the
8 prisoner a copy of the preparole reports listed in AS 33.16.110(a), and the prisoner
9 shall be permitted access to all records that the board will consider in making its
10 decision except those that are made confidential by law. The prisoner may also
11 respond in writing to all materials the board considers, be present at the hearing, and
12 present evidence to the board.

13 (c) If the board denies parole, the board shall state the reasons for the denial,
14 identify all of the factors considered relevant to the denial, and provide a written plan
15 for addressing all of the factors relevant to the denial. The board may schedule a
16 subsequent parole hearing at the time of the denial or at a later date as follows:

17 (1) for the first parole denial, within two years after the first parole
18 eligibility date;

19 (2) for the second and subsequent denials, within two years after the
20 most recent parole hearing.

21 (d) The board shall issue its decision in writing and provide a copy of the
22 decision to the prisoner.

23 * **Sec. 120.** AS 33.16.140 is amended to read:

24 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,
25 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole
26 custody ends, shall be furnished to each prisoner released on special medical,
27 administrative, discretionary, or mandatory parole.

28 * **Sec. 121.** AS 33.16.150(a) is amended to read:

29 (a) As a condition of parole, a prisoner released on special medical,
30 administrative, discretionary, or mandatory parole

31 (1) shall obey all state, federal, or local laws or ordinances, and any

1 court orders applicable to the parolee;

2 (2) shall make diligent efforts to maintain steady employment or meet
3 family obligations;

4 (3) shall, if involved in education, counseling, training, or treatment,
5 continue in the program unless granted permission from the parole officer assigned to
6 the parolee to discontinue the program;

7 (4) shall report

8 (A) upon release to the parole officer assigned to the parolee;

9 (B) at other times, and in the manner, prescribed by the board or
10 the parole officer assigned to the parolee;

11 (5) shall reside at a stated place and not change that residence without
12 notifying, and receiving permission from, the parole officer assigned to the parolee;

13 (6) shall remain within stated geographic limits unless written
14 permission to depart from the stated limits is granted the parolee;

15 (7) may not use, possess, handle, purchase, give, distribute, or
16 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
17 drug for which a prescription is required under state or federal law without a
18 prescription from a licensed medical professional to the parolee;

19 (8) may not possess or control a firearm; in this paragraph, "firearm"
20 has the meaning given in AS 11.81.900;

21 (9) may not enter into an agreement or other arrangement with a law
22 enforcement agency or officer that will place the parolee in the position of violating a
23 law or parole condition without the prior approval of the board;

24 (10) may not contact or correspond with anyone confined in a
25 correctional facility of any type serving any term of imprisonment or a felon without
26 the permission of the parole officer assigned to a parolee;

27 (11) shall agree to waive extradition from any state or territory of the
28 United States and to not contest efforts to return the parolee to the state;

29 (12) shall provide a blood sample, an oral sample, or both, when
30 requested by a health care professional acting on behalf of the state to provide the
31 sample or samples, or an oral sample when requested by a juvenile or adult

1 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
2 released after a conviction of an offense requiring the state to collect the sample or
3 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

4 (13) from a conviction for a sex offense shall submit to regular periodic
5 polygraph examinations; in this paragraph, "sex offense" has the meaning given in
6 AS 12.63.100.

7 * **Sec. 122.** AS 33.16.150(b) is amended to read:

8 (b) The board may require as a condition of special medical, administrative,
9 discretionary, or mandatory parole, or a member of the board acting for the board
10 under (e) of this section may require as a condition of administrative or mandatory
11 parole, that a prisoner released on parole

12 (1) not possess or control a defensive weapon, a deadly weapon other
13 than an ordinary pocket knife with a blade three inches or less in length, or
14 ammunition for a firearm, or reside in a residence where there is a firearm capable of
15 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly
16 weapon," "defensive weapon," and "firearm" have the meanings given in
17 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

18 (2) refrain from possessing or consuming alcoholic beverages;

19 (3) submit to reasonable searches and seizures by a parole officer, or a
20 peace officer acting under the direction of a parole officer;

21 (4) submit to appropriate medical, mental health, or controlled
22 substance or alcohol examination, treatment, or counseling;

23 (5) submit to periodic examinations designed to detect the use of
24 alcohol or controlled substances; the periodic examinations may include testing under
25 the program established under AS 33.16.060(c);

26 (6) make restitution ordered by the court according to a schedule
27 established by the board;

28 (7) refrain from opening, maintaining, or using a checking account or
29 charge account;

30 (8) refrain from entering into a contract other than a prenuptial contract
31 or a marriage contract;

1 (9) refrain from operating a motor vehicle;

2 (10) refrain from entering an establishment where alcoholic beverages
3 are served, sold, or otherwise dispensed;

4 (11) refrain from participating in any other activity or conduct
5 reasonably related to the parolee's offense, prior record, behavior or prior behavior,
6 current circumstances, or perceived risk to the community, or from associating with
7 any other person that the board determines is reasonably likely to diminish the
8 rehabilitative goals of parole, or that may endanger the public; in the case of special
9 medical parole, for a prisoner diagnosed with a communicable disease, comply with
10 conditions set by the board designed to prevent the transmission of the disease.

11 * **Sec. 123.** AS 33.16.150(e) is amended to read:

12 (e) The board may designate a member of the board to act on behalf of the
13 board in imposing conditions of administrative or mandatory parole under (a) and (b)
14 of this section, in delegating imposition of conditions of administrative or mandatory
15 parole under (c) of this section, and in setting the period of compliance with the
16 conditions of administrative or mandatory parole under (d) of this section. The
17 decision of a member of the board under this section is the decision of the board. A
18 prisoner or parolee aggrieved by a decision of a member of the board acting for the
19 board under this subsection may apply to the board under AS 33.16.160 for a change
20 in the conditions of administrative or mandatory parole.

21 * **Sec. 124.** AS 33.16.150(f) is amended to read:

22 (f) In addition to other conditions of parole imposed under this section, the
23 board may impose as a condition of special medical, administrative, discretionary, or
24 mandatory parole for a prisoner serving a term for a crime involving domestic
25 violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a
26 requirement that, at the prisoner's expense, the prisoner participate in and complete, to
27 the satisfaction of the board, a program for the rehabilitation of perpetrators of
28 domestic violence that meets the standards set by, and that is approved by, the
29 department under AS 44.28.020(b); and (3) any other condition necessary to
30 rehabilitate the prisoner. The board shall establish procedures for the exchange of
31 information concerning the parolee with the victim and for responding to reports of

1 nonattendance or noncompliance by the parolee with conditions imposed under this
2 subsection. The board may not under this subsection require a prisoner to participate
3 in and complete a program for the rehabilitation of perpetrators of domestic violence
4 unless the program meets the standards set by, and is approved by, the department
5 under AS 44.28.020(b).

6 * **Sec. 125.** AS 33.16.150(g) is amended to read:

7 (g) In addition to other conditions of parole imposed under this section for a
8 prisoner serving a sentence for an offense where the aggravating factor provided in
9 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a
10 condition of special medical, administrative, discretionary, and mandatory parole a
11 requirement that the prisoner submit to electronic monitoring. Electronic monitoring
12 under this subsection must comply with AS 33.30.011(10) and provide for
13 monitoring of the prisoner's location and movements by Global Positioning System
14 technology. The board shall require a prisoner serving a period of **parole**
15 [PROBATION] with electronic monitoring as provided under this subsection to pay
16 all or a portion of the costs of the electronic monitoring, but only if the prisoner has
17 sufficient financial resources to pay the costs or a portion of the costs. A prisoner
18 subject to electronic monitoring under this subsection is not entitled to a credit for
19 time served in a correctional facility while the defendant is on parole. In this
20 subsection, "correctional facility" has the meaning given in AS 33.30.901.

21 * **Sec. 126.** AS 33.16.150 is amended by adding a new subsection to read:

22 (h) In addition to other conditions of parole imposed under this section, for a
23 prisoner serving a sentence for an offense involving the use of alcohol or controlled
24 substances, the board may impose, as a condition of special medical, administrative,
25 discretionary, or mandatory parole, a requirement that the prisoner comply with a
26 program established under AS 33.16.060(c) or AS 47.38.020. The board may require a
27 prisoner serving a period of parole and complying with a program established under
28 AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with
29 the program.

30 * **Sec. 127.** AS 33.16.180 is amended to read:

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

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

3 (2) supervise the conduct of parolees;

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

5 (4) provide the board, within 30 days after sentencing, information on a
6 sentenced prisoner who may be eligible for administrative parole under
7 AS 33.16.089 or discretionary parole under AS 33.16.090;

8 (5) notify the board and provide information on a prisoner 120 days
9 before the prisoner's mandatory release date, if the prisoner is to be released on [TO]
10 mandatory parole; [AND]

11 (6) maintain records, files, and accounts as requested by the board;

12 (7) prepare preparole reports under AS 33.16.110(a);

13 (8) notify the board in writing of a prisoner's compliance or
14 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not
15 less than 30 days before the prisoner's next parole eligibility date or the
16 prisoner's parole hearing date, whichever is earlier;

17 (9) establish an administrative sanction and incentive program to
18 facilitate a swift and certain response to a parolee's compliance with or violation
19 of the conditions of parole and shall adopt regulations to implement the program;
20 at a minimum, the regulations must include

21 (A) a decision-making process to guide parole officers in
22 determining the suitable response to positive and negative offender
23 behavior that includes a list of sanctions for the most common types of
24 negative behavior, including technical violations of conditions of parole,
25 and a list of incentives for compliance with conditions and positive
26 behavior that exceeds those conditions;

27 (B) policies and procedures that ensure

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

30 (ii) that enhanced sanctions for certain negative
31 conduct are approved by the commissioner or the commissioner's

1 designee; and

2 (iii) that appropriate due process protections are
3 included in the process, including notice of negative behavior, an
4 opportunity to dispute the accusation and the sanction, and an
5 opportunity to request a review of the accusation and the sanction;
6 and

7 (10) within 30 days after sentencing of an offender, provide the
8 victim of a crime information on the earliest dates the offender could be released
9 on furlough, probation, or parole, including deductions or reductions for good
10 time or other good conduct incentives and the process for release, including
11 contact information for the decision-making bodies.

12 * **Sec. 128.** AS 33.16.200 is amended to read:

13 **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the
14 board retains custody of special medical, administrative, discretionary, and
15 mandatory parolees until the expiration of the maximum term or terms of
16 imprisonment to which the parolee is sentenced.

17 * **Sec. 129.** AS 33.16.210 is amended to read:

18 **Sec. 33.16.210. Discharge of parolee.** (a) The board may unconditionally
19 discharge a parolee from the jurisdiction and custody of the board after the parolee has
20 completed one year [TWO YEARS] of parole. A discretionary parolee with a residual
21 period of probation may, after one year [TWO YEARS] of parole, be discharged by
22 the board to immediately begin serving the residual period of probation.

23 (b) Notwithstanding (a) of this section, the board may unconditionally
24 discharge a mandatory parolee before the parolee has completed one year [TWO
25 YEARS] of parole if the parolee is serving a concurrent period of residual probation
26 under AS 33.20.040(c), and the period of residual probation and the period of
27 suspended imprisonment each equal or exceed the period of mandatory parole.

28 * **Sec. 130.** AS 33.16.210 is amended by adding a new subsection to read:

29 (c) A parole officer shall recommend to the board early discharge for a parolee
30 who

31 (1) has completed at least one year on parole;

1 (2) has completed all treatment programs required as a condition of
2 parole;

3 (3) has not been found in violation of conditions of parole by the board
4 for at least one year; and

5 (4) has not been convicted of

6 (A) an unclassified felony offense under AS 11;

7 (B) a sexual felony as defined by AS 12.55.185; or

8 (C) a crime involving domestic violence as defined by

9 AS 18.66.990.

10 * **Sec. 131.** AS 33.16 is amended by adding a new section to read:

11 **Sec. 33.16.215. Sanctions for technical violations and other violations of**
12 **parole.** (a) If a parolee is serving a period of parole for an offense, the board may find
13 that the parolee has committed a technical violation of parole. If the board finds that a
14 parolee has committed a technical violation of parole that does not include
15 absconding, the board may reinstate the term of parole with appropriate conditions or
16 revoke parole and impose a term of imprisonment of not more than

17 (1) three days for the first parole revocation;

18 (2) five days for the second parole revocation;

19 (3) 10 days for the third parole revocation; and

20 (4) the remainder of the sentence for a fourth or subsequent parole
21 revocation.

22 (b) If the board revokes a parolee's parole for absconding, the board may
23 impose a period of imprisonment not to exceed 30 days.

24 (c) The limits on length of imprisonment the board may impose under this
25 section if the board revokes a parolee's parole do not apply if the parolee is enrolled in
26 the program established under AS 33.16.060(c).

27 (d) If the defendant is ordered to complete treatment under AS 33.16.150(a)(3)
28 and does not comply with the board's order, the board may order the parolee to show
29 cause why the board should not revoke the parole for noncompletion of treatment. In a
30 parole revocation proceeding brought as a result of failure to complete treatment, it is
31 an affirmative defense that the parolee was unable to afford the cost of treatment or

1 secure a place in a free treatment program, despite having made continuing good faith
2 efforts. If the board finds that the parolee was unable to complete treatment despite
3 having made continuing good faith efforts, the parole may not be revoked solely
4 because of an inability to pay. If the board does not find that the noncompletion of
5 treatment was attributable to the parolee's inability to pay, the board may revoke
6 parole subject to the limits established in this section.

7 (e) Notwithstanding (a) of this section, the board may not find a technical
8 violation under this section if a person convicted of a sex offense as defined in
9 AS 12.63.100 violates a special condition of parole that is similar to a probation
10 condition described in AS 12.55.100(e).

11 (f) In this section,

12 (1) "absconding" means failing to report within five working days after
13 release from custody under AS 33.20.030 or failing to report for a scheduled meeting
14 with a parole officer, as directed by the board or the parole officer, and failing to make
15 contact with the parole officer within 30 days following the missed meeting;

16 (2) "technical violation" means a violation of the conditions of parole
17 that does not constitute

18 (A) a new criminal offense;

19 (B) failing to complete sex offender treatment; or

20 (C) failing to complete an intervention program for batterers.

21 * **Sec. 132.** AS 33.16.220(b) is amended to read:

22 (b) Except as provided in (e) of this section, within 15 working days after the
23 arrest and incarceration of a parolee for violation of a condition of parole, **other than**
24 **a technical violation under AS 33.16.215**, the board or its designee shall hold a
25 preliminary hearing. At the preliminary hearing, the board or its designee shall
26 determine if there is probable cause to believe that the parolee violated the conditions
27 of parole and, when probable cause exists, whether the parolee should be released
28 pending a final revocation hearing. A finding of probable cause at a preliminary
29 hearing in a criminal case is conclusive proof of probable cause that a parole violation
30 occurred.

31 * **Sec. 133.** AS 33.16.220(f) is amended to read:

1 (f) **If a parolee has had a preliminary hearing under (b) of this section, the**
2 [THE] board shall hold a final revocation hearing **not** [NO] later than 120 days after a
3 parolee's arrest, subject to restrictions arising under AS 33.36.110 and (g) of this
4 section.

5 * **Sec. 134.** AS 33.16.220(i) is amended to read:

6 (i) If, after the final revocation hearing, the board finds that the parolee has
7 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or
8 ordinance, the board may revoke all or a portion of the **remaining period of** parole
9 **subject to the limits set out in AS 33.16.215**, or change any condition of parole. **A**
10 **parolee's period of parole is tolled from the date of filing with the parole board of**
11 **a violation report for absconding and the date of the parolee's arrest, if the**
12 **parole board finds after a hearing that the parolee violated parole by absconding,**
13 **as defined in AS 12.55.110(h). The board may not extend the period of parole**
14 **beyond the maximum release date calculated by the department on the parolee's**
15 **original sentence plus any time that has been tolled as described in this section.**

16 * **Sec. 135.** AS 33.16.220 is amended by adding a new subsection to read:

17 (j) If a parolee has been arrested for a technical violation of conditions of
18 parole, the board or its designee shall hold a final hearing within 15 working days.

19 * **Sec. 136.** AS 33.16.240 is amended by adding new subsections to read:

20 (h) A parolee arrested under this section for a technical violation shall be
21 released once the parolee has served the maximum number of days that could be
22 served for a technical violation under AS 33.16.215. Nothing in this subsection
23 prohibits the board or its designee from releasing a parolee sooner.

24 (i) The board or its designee may impose additional conditions necessary to
25 ensure the parolee's appearance at a hearing held under AS 33.16.220(h).

26 * **Sec. 137.** AS 33.16 is amended by adding a new section to read:

27 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
28 by regulation a program allowing parolees to earn credits for complying with the
29 conditions of parole. The earned compliance credits reduce the period of parole.
30 Nothing in this section prohibits the department from recommending to the board the
31 early discharge of the parolee as provided in AS 33.16. At a minimum, the regulations

1 must

2 (1) require that a parolee earn a credit of 30 days for each 30-day
3 period served in which the parolee complied with the conditions of parole;

4 (2) include policies and procedures for

5 (A) calculating and tracking credits earned by parolees;

6 (B) reducing the parolee's period of parole based on credits
7 earned by the parolee; and notifying a victim under AS 33.30.013.

8 * **Sec. 138.** AS 33.16.900 is amended by adding new paragraphs to read:

9 (14) "administrative parole" means the release of a prisoner who is
10 eligible for administrative parole under AS 33.16.089 and who has satisfied the
11 criteria for release, subject to conditions imposed by the board and subject to its
12 custody and jurisdiction;

13 (15) "administrative sanctions and incentives" means responses by a
14 parole officer to a parolee's compliance with or violation of the conditions of parole
15 under AS 33.16.180.

16 * **Sec. 139.** AS 33.20.010(a) is amended to read:

17 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
18 convicted of an offense against the state or a political subdivision of the state and
19 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
20 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
21 follows the rules of the correctional facility in which the prisoner is confined. A
22 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

23 (1) to a mandatory 99-year term of imprisonment under
24 AS 12.55.125(a) after June 27, 1996;

25 (2) to a definite term under AS 12.55.125(l); [OR]

26 (3) for a sexual felony under AS 12.55.125(i)

27 (A) and has one or more prior sexual felony convictions as
28 determined under AS 12.55.145(a)(4); or

29 (B) that is an unclassified or a class A felony; or

30 **(4) to a definite term of imprisonment of not more than 10 days for**
31 **a technical violation of AS 12.55.110(c) or AS 33.16.215.**

1 * **Sec. 140.** AS 33.20.010(c) is repealed and reenacted to read:

2 (c) A prisoner is entitled to a good time deduction under (a) of this section for
3 any time spent under electronic monitoring or in a residential program for treatment of
4 alcohol or drug abuse under a prerelease furlough as provided in AS 33.30.101.

5 * **Sec. 141.** AS 33.30.011 is amended to read:

6 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

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

12 (2) classify prisoners;

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

15 (A) protect the public and the victims of crimes committed by
16 prisoners;

17 (B) maintain health;

18 (C) create or improve occupational skills;

19 (D) enhance educational qualifications;

20 (E) support court-ordered restitution; and

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

23 (4) provide necessary

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

27 (B) psychological or psychiatric treatment if a physician or
28 other health care provider, exercising ordinary skill and care at the time of
29 observation, concludes that

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

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- (ii) the potential for harm to the prisoner by reason of delay or denial of care is substantial; and
- (C) assessment or screening of the risks and needs of offenders who may be vulnerable to harm, exploitation, or recidivism as a result of fetal alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based disorder;
- (5) establish minimum standards for sex offender treatment programs offered to persons who are committed to the custody of the commissioner;
- (6) provide for fingerprinting in correctional facilities in accordance with AS 12.80.060; [AND]
- (7) establish a program to conduct assessments of the risks and needs of offenders sentenced to serve a term of incarceration of 30 days or more and provide to the legislature, by electronic means, by January 15, 2017, and thereafter by January 15, preceding the first regular session of each legislature, a report summarizing the findings and results of the program; **the program must include a requirement for an assessment before a prisoner's release on parole, furlough, or electronic monitoring from a correctional facility;**
- (8) establish a procedure that provides for each prisoner required to serve an active term of imprisonment of 30 days or more a written case plan that**
 - (A) is provided to the prisoner within 90 days after sentencing;**
 - (B) is based on the results of the assessment of the prisoner's risks and needs under (7) of this section;**
 - (C) includes a requirement to follow the rules of the institution;**
 - (D) is modified when necessary for changes in classification, housing status, medical or mental health, and resource availability;**
 - (E) includes participation in programming that addresses the needs identified in the assessment;**
- (9) establish a program to begin reentry planning with each

1 prisoner serving an active term of imprisonment of 90 days or more; reentry
2 planning must begin at least 90 days before release on furlough or probation or
3 parole; the reentry program must include

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

7 (i) residence;

8 (ii) employment or alternative means of support;

9 (iii) treatment options;

10 (iv) counseling services;

11 (v) education or job training services;

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

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

18 (10) for offenders under electronic monitoring, establish

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

22 (B) procedures for oversight and approving electronic
23 monitoring programs and systems provided by private contractors; and

24 (11) assist a prisoner in obtaining a valid state identification card if
25 the prisoner does not have a valid state identification card before the prisoner's
26 release; the department shall pay the application fee for the identification card.

27 * **Sec. 142.** AS 33.30.013(a) is amended to read:

28 (a) The commissioner shall notify the victim if the offender

29 (1) escapes from custody;

30 (2) is discharged from parole under AS 33.16; or

31 (3) is released to the community on a furlough, on an early release

1 program, or for any other reason.

2 * **Sec. 143.** AS 33.30.065(a) is amended to read:

3 (a) If the commissioner designates a prisoner to serve the prisoner's term of
4 imprisonment or period of temporary commitment, or a part of the term or period, by
5 electronic monitoring, the commissioner shall direct the prisoner to serve the term or
6 period at the prisoner's residence or other place selected by the commissioner. The
7 electronic monitoring shall be administered by the department or by a private
8 contractor approved by the department under AS 33.30.011(10)(B) and shall be
9 designed so that any attempt to remove, tamper with, or disable the monitoring
10 equipment or to leave the place selected for the service of the term or period will result
11 in a report or notice to the department.

12 * **Sec. 144.** AS 33.30 is amended by adding a new section to read:

13 **Sec. 33.30.095. Duties of commissioner before release of prisoner.** (a) The
14 commissioner shall establish a program to prepare a prisoner who is serving a sentence
15 of imprisonment exceeding one year for the prisoner's discharge, release on parole or
16 probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the
17 date of the prisoner's discharge, release, or furlough.

18 (b) The program established under (a) of this section must include

19 (1) instruction on

20 (A) obtaining state identification;

21 (B) community resources available for housing, employment,
22 and treatment;

23 (2) an individualized reentry plan under AS 30.30.011(9) for the
24 prisoner;

25 (3) probation and parole orientation, if appropriate; and

26 (4) a partnership with one or more nonprofit organizations to allow
27 access to a prisoner before the prisoner's discharge, release, or furlough to assist the
28 prisoner with the prisoner's application for Medicaid, Social Security benefits, public
29 assistance under AS 47.25, and a state identification card or driver's license and
30 provide other programs to assist the prisoner's transition into the community, promote
31 rehabilitation, and reduce recidivism.

1 * **Sec. 145.** AS 33.30.151 is amended to read:

2 **Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall
3 establish correctional restitution centers in the state. The purpose of the centers is to
4 provide certain offenders with rehabilitation through **comprehensive treatment for**
5 **substance abuse, cognitive behavioral disorders, and other criminal risk factors,**
6 **including aftercare support,** community service, and employment, while protecting
7 the community through partial incarceration of the offender, and to create a means to
8 provide restitution to victims of crimes.

9 (b) The commissioner shall adopt regulations setting standards for the
10 operation of the centers including

11 (1) requirements that the centers be secure and in compliance with state
12 and local safety laws;

13 (2) standards for disciplinary rules to be imposed on prisoners confined
14 to the centers;

15 (3) standards for the granting of emergency absence to prisoners
16 confined to the centers;

17 (4) standards for classifying prisoners to centers;

18 (5) standards for mandatory employment and participation in
19 community service programs in each center; [AND]

20 (6) standards for periodic review of the performance of prisoners
21 confined to the centers **and quality assurance measures to ensure centers are**
22 **meeting state standards and contractual obligations;**

23 **(7) standards for the provision of treatment, including substance**
24 **abuse treatment, cognitive behavioral therapy, and aftercare designed to address**
25 **an offender's individual criminogenic needs; and**

26 **(8) standards and a process to assess an offender's risk of**
27 **recidivating and the criminal risk factors and needs that reduce the risk of**
28 **recidivating and ensure that**

29 **(A) high risk offenders with moderate to high needs are a**
30 **priority for acceptance into a correctional restitution center; and**

31 **(B) centers establish internal procedures to limit the mixing**

1 **of low and high risk prisoners.**

2 * **Sec. 146.** AS 34.03.360(7) is amended to read:

3 (7) "illegal activity involving a controlled substance" means a violation
4 of AS 11.71.010(a), **11.71.030(a)(1), (2), or (4) - (8)** [11.71.020(a), 11.71.030(a)(1)
5 OR (2)], or 11.71.040(a)(1), (2), or (5);

6 * **Sec. 147.** AS 43.23.065(b) is amended to read:

7 (b) An exemption is not available under this section for permanent fund
8 dividends taken to satisfy

9 (1) child support obligations required by court order or decision of the
10 child support services agency under AS 25.27.140 - 25.27.220;

11 (2) court ordered restitution under AS 12.55.045 - 12.55.051,
12 12.55.100, or AS 47.12.120(b)(4);

13 (3) claims on defaulted education loans under AS 43.23.067;

14 (4) court ordered fines;

15 (5) writs of execution under AS 09.35 of a judgment that is entered

16 (A) against a minor in a civil action to recover damages and
17 court costs;

18 (B) under AS 09.65.255 against the parent, parents, or legal
19 guardian of an unemancipated minor;

20 (6) a debt owed by an eligible individual to an agency of the state,
21 including the University of Alaska, unless the debt is contested and an appeal is
22 pending, or the time limit for filing an appeal has not expired;

23 (7) a debt owed to a person for a program for the rehabilitation of
24 perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15),
25 AS 25.20.061(3), or AS 33.16.150(f)(2);

26 (8) a judgment for unpaid rent or damage owed to a landlord by an
27 eligible individual that was a tenant of the landlord; in this paragraph, "tenant" has the
28 meaning given in AS 34.03.360;

29 **(9) court-ordered forfeiture of an appearance or performance bond**
30 **under AS 12.30.075.**

31 * **Sec. 148.** AS 43.61.010 is amended by adding new subsections to read:

1 (c) The recidivism reduction fund is established in the general fund. The
2 Department of Administration shall separately account for 50 percent of the tax
3 collected under this section and deposit it into the recidivism reduction fund.

4 (d) The legislature may use the annual estimated balance in the fund to make
5 appropriations to the Department of Corrections, the Department of Health and Social
6 Services, or the Department of Public Safety for recidivism reduction programs.

7 (e) Nothing in this section creates a dedicated fund.

8 * **Sec. 149.** AS 44.19.645 is amended to read:

9 **Sec. 44.19.645. Powers and duties of the commission.** (a) The commission
10 shall evaluate the effect of sentencing laws and criminal justice practices on the
11 criminal justice system to evaluate whether those sentencing laws and criminal justice
12 practices provide for protection of the public, community condemnation of the
13 offender, the rights of victims of crimes, the rights of the accused and the person
14 convicted, restitution from the offender, and the principle of reformation. The
15 commission shall make recommendations for improving criminal sentencing practices
16 and criminal justice practices, including rehabilitation and restitution. **The**
17 **commission shall annually make recommendations to the governor and the**
18 **legislature on how savings from criminal justice reforms should be reinvested to**
19 **reduce recidivism.** In formulating its recommendations, the commission shall
20 consider

21 (1) statutes, court rules, and court decisions relevant to sentencing of
22 criminal defendants in misdemeanor and felony cases;

23 (2) sentencing practices of the judiciary, including use of presumptive
24 sentences;

25 (3) means of promoting uniformity, proportionality, and accountability
26 in sentencing;

27 (4) alternatives to traditional forms of incarceration;

28 (5) the efficacy of parole and probation in ensuring public safety,
29 achieving rehabilitation, and reducing recidivism;

30 (6) the adequacy, availability, and effectiveness of treatment and
31 rehabilitation programs;

1 (7) crime and incarceration rates, including the rate of violent crime
2 and the abuse of controlled substances, in this state compared to other states, and best
3 practices adopted by other states that have proven to be successful in reducing
4 recidivism;

5 (8) the relationship between sentencing priorities and correctional
6 resources;

7 (9) the effectiveness of the state's current methodologies for the
8 collection and dissemination of criminal justice data; and

9 (10) whether the schedules for controlled substances in AS 11.71.140 -
10 11.71.190 are reasonable and appropriate, considering the criteria established in
11 AS 11.71.120(c).

12 (b) The commission may

13 (1) recommend legislative and administrative action on criminal justice
14 practices; [AND]

15 (2) select and retain the services of consultants as necessary;

16 **(3) appoint a working group to review and analyze the**
17 **implementation of the recommendations made in the justice reinvestment report**
18 **in December 2015, and other recommendations issued by the commission, and**
19 **regularly report to the commission on the status of the implementation; a**
20 **working group may include representatives of criminal justice agencies and key**
21 **constituencies who are not members of the commission; and**

22 **(4) enter into data-sharing agreements with the Justice Center at**
23 **the University of Alaska, the Alaska Judicial Council, or other research**
24 **institutions for the purposes of analyzing data and performance metrics.**

25 * Sec. 150. AS 44.19.645 is amended by adding new subsections to read:

26 (c) The commission shall

27 (1) receive and analyze data collected by agencies and entities charged
28 with implementing the recommendations of the 2015 justice reinvestment report and
29 other recommendations issued by the commission and who are collecting data during
30 the implementation and management of specific commission recommendations;

31 (2) track and assess outcomes from the recommendations the

1 commission has made and corresponding criminal justice reforms;

2 (3) request, receive, and review data and reports on performance
3 outcome data relating to criminal justice reform;

4 (4) appoint a working group to review and analyze sexual offense
5 statutes and report to the legislature if there are circumstances under which victims'
6 rights, public safety, and the rehabilitation of offenders are better served by changing
7 existing laws; the working group shall consult with the office of victims' rights in
8 developing the report; the commission shall deliver the report to the senate secretary
9 and the chief clerk of the house of representatives and notify the legislature that the
10 report is available; the commission may include in the working group people
11 representing a variety of viewpoints who are not members of the commission; and

12 (5) explore the possibility of entering into mutually agreeable
13 arrangements with regional nonprofit organizations, including tribes and tribal
14 organizations, to provide the pretrial, probation, and parole services needed in
15 underserved areas of the state.

16 (d) Agencies and entities reporting data to the working group authorized in
17 (b)(3) of this section under (e) - (g) of this section shall

18 (1) report data individually by case number, including an identifier
19 number such as the Alaska Public Safety Information Network number, the court case
20 number, the Alaska Corrections Offender Management System number, and the arrest
21 tracking number, as available;

22 (2) include demographic information necessary for tracking individuals
23 across multiple databases, including the individual's first name, last name, middle
24 initial as available, and date of birth; and

25 (3) include information necessary to measure possible disparate effects
26 of criminal justice laws and policies, such as race and gender as available.

27 (e) The judiciary shall report quarterly to the working group authorized in
28 (b)(3) of this section. The report shall include criminal case processing data, including

29 (1) the date, type, and number of all charges disposed within the
30 quarter;

31 (2) the disposition of each charge, whether convicted, dismissed,

1 acquitted, or otherwise disposed; and

2 (3) the date of the disposition for each charge.

3 (f) The Department of Public Safety shall report quarterly to the working group
4 authorized under (b)(3) of this section. The report shall include the following
5 information:

6 (1) data on citations and arrests for criminal offenses, including the
7 offense charged and reason for arrest if an arrest was made;

8 (2) data on all criminal convictions and sentences during the quarter;
9 and

10 (3) criminal history information for selected offenders as agreed on by
11 the department and the working group authorized in (b)(3) of this section.

12 (g) The Department of Corrections shall report quarterly to the working group
13 authorized in (b)(3) of this section. The report shall include the following information:

14 (1) data on pretrial decision making and outcomes, including
15 information on pretrial detainees admitted for a new criminal charge; detainees
16 released at any point before case resolution; time spent detained before first release or
17 case resolution; pretrial defendant risk level and charge; pretrial release
18 recommendations made by pretrial service officers; pretrial conditions imposed on
19 pretrial detainees by judicial officers, including amount of bail, and supervision
20 conditions; and information on pretrial outcomes, including whether or not the
21 defendant appeared in court or was re-arrested during the pretrial period;

22 (2) data on offenders admitted to the Department of Corrections for a
23 new criminal conviction, including the offense type, number of prior felony
24 convictions, sentence length, and length of stay;

25 (3) data on the population of the Department of Corrections, using a
26 one-day snapshot on the first day of the first month of each quarter, broken down by
27 type of admission, offense type, and risk level;

28 (4) data on offenders on probation supervised by the Department of
29 Corrections, including the total number of offenders supervised using a one-day
30 snapshot on the first month of each quarter; admissions to probation; assignments to a
31 program under AS 33.05.020(f); probation sentence length; time served on the

1 sentence; whether probation was successfully completed, any new convictions for a
2 felony offense, and any sentences to a term of imprisonment while on probation;

3 (5) data on parole, including the number of offenders supervised on
4 parole, using a one-day snapshot on the first month of each quarter; the number of
5 parole hearings; the parole grant rate and number of parolees released on
6 administrative, discretionary, and special medical parole; and information on parolees,
7 including time spent on parole, whether parole was successfully completed, any new
8 convictions for a new felony offense, and any sentences to a term of imprisonment
9 while on parole;

10 (6) data on the implementation of policies from the 2015 justice
11 reinvestment report, including the number and percentage of offenders who earn
12 compliance credits under AS 33.05.020(h) in one or more months, and the total
13 amount of credits earned; the average number of sanctions issued under
14 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
15 common violations of probation or parole; and

16 (7) data on probation and parole revocations, including information on
17 probationers and parolees admitted for a supervision violation pre-case and post-case
18 resolution; probationers and parolees admitted solely for a technical violation;
19 probationers and parolees admitted for a new arrest; the number of previous
20 revocations on the current sentence, if any; the length of time held pre-case resolution;
21 the length of time to case resolution; and the length of stay.

22 * **Sec. 151.** AS 44.19.647 is amended to read:

23 **Sec. 44.19.647. Annual report and recommendations.** The commission shall
24 submit to the governor and the legislature an annual report. **The report must include**

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

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

28 **(3) performance metrics and outcomes from the recommendations**
29 **the commission made in its December 2015 report, including recidivism rates,**
30 **defined as**

31 **(A) the percentage of inmates who return to prison within**

1 three years after release, broken down by offense type and risk level; and
2 (B) the percentage of inmates who return to prison within
3 three years after release for a new criminal conviction, broken down by
4 offense type and risk level; and

5 (4) recommendations for additional reforms, which may include
6 [AND MAY SUBMIT] recommendations for legislative and administrative action.
7 [REPORTS AND RECOMMENDATIONS PROVIDED UNDER THIS SECTION
8 SHALL BE SUBMITTED NOT LATER THAN FEBRUARY 1 OF EACH YEAR].

9 * **Sec. 152.** AS 44.19.647 is amended by adding a new subsection to read:

10 (b) The commission shall submit the reports and recommendations provided
11 under (a) of this section not later than November 1 of each year.

12 * **Sec. 153.** AS 44.66.010(a)(12) is amended to read:

13 (12) Alaska Criminal Justice Commission (AS 44.19.641) - **June 30,**
14 **2021** [JUNE 30, 2017];

15 * **Sec. 154.** AS 47.12.315(a) is amended to read:

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

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

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

22 (3) burglary in the first degree;

23 (4) distribution of child pornography;

24 (5) sex trafficking in the first degree;

25 (6) misconduct involving a controlled substance in the first **or** [,]
26 second [, OR THIRD] degrees involving distribution or possession with intent to
27 deliver; or

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

29 * **Sec. 155.** AS 47.27.015 is amended by adding a new subsection to read:

30 (i) A person convicted after August 22, 1996, of an offense that is classified as
31 a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has

1 as an element the possession, use, or distribution of a controlled substance, as defined
2 in AS 11.71.900, is disqualified from receiving temporary assistance under this
3 chapter or food stamps under AS 47.25 unless the person demonstrates, to the
4 satisfaction of the department, that the person

5 (1) is satisfactorily serving, or has successfully completed, a period of
6 probation or parole;

7 (2) is in the process of serving, or has successfully completed,
8 mandatory participation in a drug or alcohol treatment program;

9 (3) has taken action toward rehabilitation, including participation in a
10 drug or alcohol treatment program; or

11 (4) is successfully complying with the requirements of the person's
12 reentry plan.

13 * **Sec. 156.** AS 47.37.040 is amended to read:

14 **Sec. 47.37.040. Duties of department.** The department shall

15 (1) develop, encourage, and foster statewide, regional, and local plans
16 and programs for the prevention of alcoholism and drug abuse and treatment of
17 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
18 public and private agencies, organizations, and individuals, and provide technical
19 assistance and consultation services for these purposes;

20 (2) coordinate the efforts and enlist the assistance of all public and
21 private agencies, organizations, and individuals interested in prevention of alcoholism,
22 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
23 abusers, and inhalant abusers;

24 (3) cooperate with the Department of Corrections in establishing and
25 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
26 abusers, and inhalant abusers in or on parole from penal institutions;

27 (4) cooperate with the Department of Education and Early
28 Development, school boards, schools, police departments, courts, and other public and
29 private agencies, organizations, and individuals in establishing programs for the
30 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
31 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum

1 materials for use at all levels of school education;

2 (5) prepare, publish, evaluate, and disseminate educational material
3 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
4 volatile substances;

5 (6) develop and implement, as an integral part of treatment programs,
6 an educational program for use in the treatment of alcoholics, intoxicated persons,
7 drug abusers, and inhalant abusers that includes the dissemination of information
8 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

9 (7) organize and foster training programs for all persons engaged in
10 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
11 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
12 abuse workers;

13 (8) sponsor and encourage research into the causes and nature of
14 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
15 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
16 for information relating to alcoholism, drug abuse, and inhalant abuse;

17 (9) specify uniform methods for keeping statistical information by
18 public and private agencies, organizations, and individuals, and collect and make
19 available relevant statistical information, including number of persons treated,
20 frequency of admission and readmission, and frequency and duration of treatment;

21 (10) conduct program planning activities approved by the Advisory
22 Board on Alcoholism and Drug Abuse;

23 (11) review all state health, welfare, and treatment plans to be
24 submitted for federal funding, and advise the commissioner on provisions to be
25 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
26 abusers;

27 (12) assist in the development of, and cooperate with, alcohol, drug
28 abuse, and inhalant abuse education and treatment programs for employees of state
29 and local governments and businesses and industries in the state;

30 (13) use the support and assistance of interested persons in the
31 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to

1 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
2 treatment;

3 (14) cooperate with the Department of Public Safety and the
4 Department of Transportation and Public Facilities in establishing and conducting
5 programs designed to deal with the problem of persons operating motor vehicles while
6 under the influence of an alcoholic beverage, inhalant, or controlled substance, and
7 develop and approve alcohol information courses required to be taken by drivers under
8 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic
9 laws;

10 (15) encourage hospitals and other appropriate health facilities to admit
11 without discrimination alcoholics, intoxicated persons, drug abusers, and inhalant
12 abusers and to provide them with adequate and appropriate treatment;

13 (16) encourage all health insurance programs to include alcoholism and
14 drug abuse as a covered illness;

15 (17) prepare an annual report covering the activities of the department
16 and notify the legislature that the report is available;

17 (18) develop and implement a training program on alcoholism and drug
18 abuse for employees of state and municipal governments, and private institutions;

19 (19) develop curriculum materials on drug and alcohol abuse and the
20 misuse of hazardous volatile substances for use in grades kindergarten through 12, as
21 well as a course of instruction for teachers to be charged with presenting the
22 curriculum;

23 (20) develop and implement or designate, in cooperation with other
24 state or local agencies, a juvenile alcohol safety action program that provides alcohol
25 and substance abuse screening, referral, and monitoring of persons under 18 years of
26 age who have been referred to it by

27 (A) a court in connection with a charge or conviction of a
28 violation or misdemeanor related to the use of alcohol or a controlled
29 substance;

30 (B) the agency responsible for the administration of motor
31 vehicle laws in connection with a license action related to the use of alcohol or

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a controlled substance; or

(C) department staff after a delinquency adjudication that is related to the use of alcohol or a controlled substance;

(21) develop and implement, or designate, in cooperation with other state or local agencies, an alcohol safety action program that provides [ALCOHOL AND SUBSTANCE ABUSE SCREENING, REFERRAL, AND MONITORING] services to persons who have been referred by a court [IN CONNECTION WITH A CHARGE OR CONVICTION OF A MISDEMEANOR INVOLVING THE USE OF A MOTOR VEHICLE, AIRCRAFT, OR WATERCRAFT AND ALCOHOL OR A CONTROLLED SUBSTANCE, REFERRED BY A COURT] under AS 28.35.028, 28.35.030, or 28.35.032, or referred by an agency of the state with the responsibility for administering motor vehicle laws in connection with a driver's license action involving the use of alcohol or a controlled substance;

(22) whenever possible, apply evidence-based, research-based, and consensus-based substance abuse and co-occurring substance abuse and mental health disorders treatment practices and remove barriers that prevent the use of those practices;

(23) collaborate with first responders, hospitals, schools, primary care providers, developmental disability treatment providers, law enforcement, corrections, attorneys, the Alaska Court System, community behavioral treatment providers, Alaska Native organizations, and federally funded programs in implementing programs for co-occurring substance abuse and mental health disorders treatment.

* **Sec. 157.** AS 47.37.130(h) is amended to read:

(h) The department shall

(1) inspect, on a regular basis, approved public and private alcohol safety action programs at reasonable times and in a reasonable manner; [AND]

(2) maintain a list of approved public and private alcohol safety action programs; and

(3) develop regulations for the operation and management of alcohol safety action programs that ensure

(A) screenings are conducted using a validated risk tool;

1 and

2 (B) monitoring of participants is appropriate to the risk of
3 reoffense of the participant as determined by the screening.

4 * **Sec. 158.** AS 47.37.130 is amended by adding a new subsection to read:

5 (k) The public and private alcohol safety action programs established under
6 AS 47.37.040(21) shall provide

7 (1) screening of eligible persons to determine the risk of the person to
8 reoffend and the criminal risk factors that are contributing to the risk; and

9 (2) monitoring of participants based on the risk to reoffend as
10 determined by the screening.

11 * **Sec. 159.** AS 47.38.020 is amended to read:

12 **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The
13 commissioner, in cooperation with the commissioner of corrections, shall establish a
14 program using a competitive procurement process for certain persons with release
15 conditions ordered as provided under AS 12.30, or offenders with conditions of
16 probation, that include not consuming controlled substances or alcoholic beverages.

17 (b) The commissioner shall adopt regulations to implement the program. The
18 regulations must include regulations regarding products and services that
19 provide alcohol and substance abuse monitoring.

20 (c) The commissioner shall include in the program

21 (1) a requirement for twice-a-day testing, either remotely or in person
22 [IF PRACTICABLE], for alcoholic beverage use and random testing for controlled
23 substances;

24 (2) a means to provide the probation officer, prosecutor's office, or
25 local law enforcement agency with notice within 24 hours, so that a complaint may be
26 filed alleging a violation of AS 11.56.757, a petition may be filed with the court
27 seeking appropriate sanctions and may be scheduled by the court for a prompt hearing,
28 or an arrest warrant may be issued for the person on release or offender with
29 conditions of probation provided in this subsection, if the person or offender

30 (A) fails to appear for an appointment or fails to complete a
31 test through the use of remote alcohol or substance abuse monitoring

1 technology as required by the program requirements; or

2 (B) tests positive for the use of controlled substances or
3 alcoholic beverages; and

4 (3) a requirement that the person or offender pay, based on the person's
5 or offender's ability under financial guidelines established by the commissioner, for
6 the cost of participating in the program.

7 (d) The department shall contract with one or more vendors using a
8 competitive procurement process in accordance with AS 36.30 to provide or
9 conduct the testing required under (c) of this section.

10 * **Sec. 160.** AS 47.38.100(a) is amended to read:

11 (a) The recidivism reduction program is established to promote the
12 rehabilitation [THROUGH TRANSITIONAL RE-ENTRY PROGRAMS] of persons
13 on probation or parole or incarcerated for offenses and recently released from
14 correctional facilities.

15 * **Sec. 161.** AS 47.38.100(b) is amended to read:

16 (b) The commissioner, in cooperation with the Alaska Criminal Justice
17 Commission established in AS 44.19.641 [COMMISSIONER OF CORRECTIONS],
18 may provide for programs that have, as a primary focus, rehabilitation and reduction
19 of recidivism [THROUGH TRANSITIONAL RE-ENTRY] for persons on probation
20 or parole or incarcerated for offenses and recently released from correctional
21 facilities. The commissioner may enter into contracts to provide for programs under
22 this section. An eligible [A] program under this section must accomplish at least one
23 of the following objectives:

24 (1) increasing access to evidence-based rehabilitation programs,
25 including drug and alcohol treatment, mental health treatment, and cognitive
26 behavioral programs; or

27 (2) supporting offenders' transition and re-entry from correctional
28 facilities to the community, including transitional housing services, employment
29 services, vocational training, educational support, counseling, and medical care
30 [INCLUDE CASE MANAGEMENT;

31 (2) REQUIRE SOBER LIVING;

1 (3) PROVIDE, ON-SITE OR BY REFERRAL, TREATMENT FOR
2 SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT;

3 (4) REQUIRE EMPLOYMENT, EDUCATIONAL PROGRAMMING,
4 VOCATIONAL TRAINING, OR COMMUNITY VOLUNTEER WORK AS
5 APPROVED BY THE DIRECTOR OF THE TREATMENT PROGRAM; AND

6 (5) LIMIT RESIDENTIAL PLACEMENTS IN THE PROGRAM TO
7 A MAXIMUM OF ONE YEAR].

8 * **Sec. 162.** AS 47.38.100 is amended by adding a new subsection to read:

9 (d) In this section, "evidenced-based" means a program or practice that offers a
10 high level of research on effectiveness.

11 * **Sec. 163.** Section 35, ch. 83, SLA 2014, is amended to read:

12 Sec. 35. AS 22.20.210 is repealed June 30, 2021 [JUNE 30, 2017].

13 * **Sec. 164.** The uncodified law of the State of Alaska is amended by adding a new section
14 to read:

15 DIRECT COURT RULE AMENDMENT. Rule 38, Alaska Rules of Criminal
16 Procedure, is amended by adding new subsections to read:

17 (d) **Hearing Notice.** The court shall provide a notice to a defendant of the date,
18 time, and place of a scheduled hearing at which the defendant is required to appear in
19 a form and manner established by the court.

20 (e) **Hearing Reminder.** In addition to the notice required under (d) of this rule,
21 the court shall provide a reminder notification to a defendant who is not in custody and
22 to the Department of Corrections at least 48 hours prior to a scheduled hearing at
23 which the defendant is required to appear regarding the date, time, and place of the
24 scheduled hearing and the potential consequences of failure to appear, in a form and
25 manner established by the court.

26 * **Sec. 165.** AS 11.46.140(a)(3), 11.46.220(c)(2)(B); AS 11.71.020, 11.71.040(a)(3)(A)(ii),
27 11.71.040(a)(3)(B), 11.71.040(a)(3)(C), 11.71.040(a)(3)(D), 11.71.040(a)(3)(E),
28 11.71.040(a)(3)(F), 11.71.040(a)(3)(G), 11.71.050(a)(2); AS 12.30.016(d);
29 AS 12.55.125(c)(2)(B), 12.55.125(d)(2)(B), 12.55.125(o), 12.55.135(j); and AS 33.16.100(e)
30 are repealed.

31 * **Sec. 166.** The uncodified law of the State of Alaska is amended by adding a new section

1 to read:

2 INDIRECT COURT RULE AMENDMENT. (a) AS 12.30.011, as repealed and
3 reenacted by sec. 52 of this Act, has the effect of changing Rule 41, Alaska Rules of Criminal
4 Procedure, by changing and establishing release conditions for certain defendants, providing
5 for recommendations by pretrial services officers of release conditions based on a pretrial risk
6 assessment score, providing that a court shall order the release of a person under certain
7 circumstances, and providing new procedures for use of appearance, surety, and performance
8 bonds.

9 (b) AS 12.55.055(h), enacted by sec. 68 of this Act, has the effect of changing Rule
10 32, Alaska Rules of Criminal Procedure, by directing the court to include a provision in the
11 judgment that community work hours that are not completed shall be converted to a fine as
12 provided in AS 12.55.055(h), enacted by sec. 68 of this Act.

13 (c) AS 12.55.078, enacted by sec. 69 of this Act, has the effect of changing Rule 43,
14 Alaska Rules of Criminal Procedure, by creating an alternate procedure for when the court
15 may dismiss charges.

16 (d) AS 12.55.135(p), enacted by sec. 84 of this Act, has the effect of changing Rule
17 32.1, Alaska Rules of Criminal Procedure, by changing the procedure for notice of
18 aggravating factors.

19 (e) AS 33.07, enacted by sec. 103 of this Act, has the effect of changing Rule 41,
20 Alaska Rules of Criminal Procedure, by establishing pretrial services officers and procedures
21 and duties for pretrial services officers as officers of the superior and district courts, for the
22 purposes of performing risk assessments and making pretrial recommendations to the court
23 regarding a person's pretrial release and bail conditions.

24 * **Sec. 167.** The uncodified law of the State of Alaska is amended by adding a new section
25 to read:

26 COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. The Council
27 on Domestic Violence and Sexual Assault established in AS 18.66.010 shall create or expand
28 community-based violence prevention programming and services for victims of a crime
29 involving domestic violence or sexual assault in the fiscal year ending June 30, 2017. In this
30 section "domestic violence" and "sexual assault" have the meanings given to those terms in
31 AS 18.66.990.

1 * **Sec. 168.** The uncodified law of the State of Alaska is amended by adding a new section
2 to read:

3 REPORT ON OFFENSES OF DRIVING WHILE INTOXICATED, REFUSAL OF A
4 CHEMICAL TEST, AND DRIVING WITHOUT A VALID DRIVER'S LICENSE. The
5 Alaska Criminal Justice Commission, established in AS 44.19.641, shall prepare a report
6 regarding the effectiveness of the penalties, fines, and reformatory and rehabilitative measures
7 under state law for the offenses of driving while intoxicated, refusal to submit to a chemical
8 test, and driving without a valid driver's license. The commission shall include in the report an
9 opinion on whether the penalties, fines, and reformatory and rehabilitative measures under
10 state law for the offenses of driving while under the influence, refusal to submit to a chemical
11 test, and driving without a valid driver's license reduce recidivism, promote rehabilitation and
12 protect the public. The commission shall propose statutory changes for those offenses to
13 reduce recidivism, promote rehabilitation, and protect the public. The commission shall
14 deliver the report not later than December 1, 2016, to the senate secretary and the chief clerk
15 of the house of representatives and notify the legislature that the report is available.

16 * **Sec. 169.** The uncodified law of the State of Alaska is amended by adding a new section
17 to read:

18 REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING
19 RESTITUTION. The Alaska Criminal Justice Commission established in AS 44.19.641 shall
20 prepare a report regarding the implementation of a financial recovery and victim's restitution
21 program and shall make recommendations for statutory changes to improve the payment and
22 collection of victim's restitution. The report must include recommendations regarding
23 restitution for crimes against a person and for property crimes against businesses and
24 members of the public. The commission shall deliver the report not later than December 1,
25 2016, to the senate secretary and the chief clerk of the house of representatives and notify the
26 legislature that the report is available.

27 * **Sec. 170.** The uncodified law of the State of Alaska is amended by adding a new section
28 to read:

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

31 (1) AS 11.46.130(a), as amended by sec. 4 of this Act;

- 1 (2) AS 11.46.140(a), as amended by sec. 5 of this Act;
- 2 (3) AS 11.46.220(c), as amended by sec. 6 of this Act;
- 3 (4) AS 11.46.260(b), as amended by sec. 7 of this Act;
- 4 (5) AS 11.46.270(b), as amended by sec. 8 of this Act;
- 5 (6) AS 11.46.280(d), as amended by sec. 9 of this Act;
- 6 (7) AS 11.46.285(b), as amended by sec. 10 of this Act;
- 7 (8) AS 11.46.295, as amended by sec. 11 of this Act;
- 8 (9) AS 11.46.360(a), as amended by sec. 12 of this Act;
- 9 (10) AS 11.46.460, as amended by sec. 13 of this Act;
- 10 (11) AS 11.46.482(a), as amended by sec. 14 of this Act;
- 11 (12) AS 11.46.484(a), as amended by sec. 15 of this Act;
- 12 (13) AS 11.46.530(b), as amended by sec. 16 of this Act;
- 13 (14) AS 11.46.620(d), as amended by sec. 17 of this Act;
- 14 (15) AS 11.46.730(c), as amended by sec. 18 of this Act;
- 15 (16) AS 11.56.730(c), as amended by sec. 20 of this Act;
- 16 (17) AS 11.56.730(d), enacted by sec. 21 of this Act;
- 17 (18) AS 11.56.757(b), as amended by sec. 23 of this Act;
- 18 (19) AS 11.61.110(c), as amended by sec. 25 of this Act;
- 19 (20) AS 11.61.145(d), as amended by sec. 26 of this Act;
- 20 (21) AS 11.61.150(c), as amended by sec. 28 of this Act;
- 21 (22) AS 11.66.200(c), as amended by sec. 34 of this Act;
- 22 (23) AS 11.71.030(a), as amended by sec. 35 of this Act;
- 23 (24) AS 11.71.040(a), as amended by sec. 38 of this Act;
- 24 (25) AS 11.71.050, as amended by sec. 40 of this Act;
- 25 (26) AS 11.71.311(a), as amended by sec. 42 of this Act;
- 26 (27) AS 12.55.125(a), as amended by sec. 78 of this Act;
- 27 (28) AS 28.15.291(a), as repealed and reenacted by sec. 90 of this Act;
- 28 (29) AS 28.15.291(b), as repealed and reenacted by sec. 91 of this Act;
- 29 (30) AS 29.10.200(21), as amended by sec. 97 of this Act;
- 30 (31) AS 29.25.070(a), as amended by sec. 98 of this Act; and
- 31 (32) AS 43.23.065(b), as amended by sec. 147 of this Act.

1 (b) The following sections apply to offenses committed before, on, or after the
2 effective date of those sections:

- 3 (1) AS 11.66.110(a), as amended by sec. 30 of this Act;
- 4 (2) AS 11.66.130(a), as amended by sec. 31 of this Act;
- 5 (3) AS 11.66.130(c), as amended by sec. 32 of this Act; and
- 6 (4) AS 11.66.135(c), as amended by sec. 33 of this Act.

7 (c) The following sections apply to sentences imposed on or after the effective date of
8 those sections for conduct occurring before, on, or after the effective date of those sections:

- 9 (1) AS 12.55.027(a), as amended by sec. 61 of this Act;
- 10 (2) AS 12.55.027(b), as amended by sec. 62 of this Act;
- 11 (3) AS 12.55.027(c), as repealed and reenacted by sec. 63 of this Act; and
- 12 (4) AS 12.55.027(f) and (g), enacted by sec. 64 of this Act.

13 (d) The following sections apply to sentences imposed on or after the effective date of
14 those sections for conduct occurring before, on, or after the effective date of those sections:

- 15 (1) AS 12.55.025(a), as amended by sec. 59 of this Act;
- 16 (2) AS 12.55.025(c), as amended by sec. 60 of this Act;
- 17 (3) AS 12.55.115, as amended by sec. 77 of this Act;
- 18 (4) AS 28.35.030(k), as amended by sec. 93 of this Act;
- 19 (5) AS 28.35.032(o), as amended by sec. 96 of this Act;
- 20 (6) AS 33.16.010(f), enacted by sec. 106 of this Act;
- 21 (7) AS 33.16.060(a), as amended by sec. 107 of this Act;
- 22 (8) AS 33.16.089, enacted by sec. 108 of this Act;
- 23 (9) AS 33.16.090(b), as amended by sec. 110 of this Act;
- 24 (10) AS 33.16.130, as repealed and reenacted by sec. 119 of this Act; and
- 25 (11) AS 33.20.010(a), as amended by sec. 139 of this Act.

26 (e) AS 12.30.055(b), enacted by sec. 57 of this Act, applies to persons in custody for a
27 probation violation on or after the effective date of sec. 57 of this Act for a probation violation
28 that occurred before, on, or after the effective date of sec. 57 this Act.

29 (f) The following sections apply to community work service imposed on or after the
30 effective date of those sections for offenses committed on or after the effective date of those
31 sections:

- 1 (1) AS 12.55.055(a), as amended by sec. 66 of this Act;
2 (2) AS 12.55.055(c), as amended by sec. 67 of this Act; and
3 (3) AS 12.55.055(g) and (h), enacted by sec. 68 of this Act.

4 (g) AS 12.55.051(a), as amended by sec. 65 of this Act, applies to probation ordered
5 before, on, or after the effective date of sec. 65 of this Act, for offenses committed before, on,
6 or after the effective date of sec. 65 of this Act.

7 (h) AS 12.55.078, enacted by sec. 69 of this Act, applies to prosecutions occurring on
8 or after the effective date of sec. 69 this Act for offenses committed before, on, or after the
9 effective date of sec. 69 of this Act.

10 (i) AS 12.55.090(c), as amended by sec. 71 of this Act, applies to probation ordered on
11 or after the effective date of sec. 71 of this Act, for offenses committed before, on, or after the
12 effective date of sec. 71 of this Act.

13 (j) AS 12.55.100(a), as amended by sec. 74 of this Act, applies to probation ordered on
14 or after the effective date of sec. 74 of this Act, for offenses committed before, on, or after the
15 effective date of sec. 74 of this Act.

16 (k) The following sections apply to probation ordered before, on, or after the effective
17 date of those sections for offenses committed before, on, or after the effective date of those
18 sections:

- 19 (1) AS 12.55.090(b), as amended by sec. 70 of this Act;
20 (2) AS 12.55.090(f), as amended by sec. 72 of this Act;
21 (3) AS 12.55.090(g) - (n), enacted by sec. 73 of this Act;
22 (4) AS 12.55.110(c) - (h), enacted by sec. 76 of this Act; and
23 (5) AS 33.05.040, as amended by sec. 101 of this Act.

24 (l) The following sections apply to a revocation of a driver's license, privilege to drive,
25 or privilege to obtain a license occurring before, on, or after the effective date of those
26 sections for conduct occurring before, on, or after the effective date of those sections:

- 27 (1) AS 28.15.165(e), enacted by sec. 88 of this Act;
28 (2) AS 28.15.201(g) and (h), enacted by sec. 89 of this Act; and
29 (3) AS 28.35.030(o), as amended by sec. 95 of this Act.

30 (m) The following sections apply to parole granted on or after the effective date of
31 those sections for conduct occurring before, on, or after the effective date of those sections:

- 1 (1) AS 33.16.010(c), as amended by sec. 104 of this Act;
- 2 (2) AS 33.16.010(d), as amended by sec. 105 of this Act;
- 3 (3) AS 33.16.090(a), as amended by sec. 109 of this Act;
- 4 (4) AS 33.16.100(a), as amended by sec. 111 of this Act;
- 5 (5) AS 33.16.100(b), as amended by sec. 112 of this Act;
- 6 (6) AS 33.16.100(f), enacted by sec. 113 of this Act;
- 7 (7) AS 33.16.140, as amended by sec. 120 of this Act;
- 8 (8) AS 33.16.150(a), as amended by sec. 121 of this Act;
- 9 (9) AS 33.16.150(b), as amended by sec. 122 of this Act;
- 10 (10) AS 33.16.150(e), as amended by sec. 123 of this Act;
- 11 (11) AS 33.16.150(f), as amended by sec. 124 of this Act;
- 12 (12) AS 33.16.150(g), as amended by sec. 125 of this Act;
- 13 (13) AS 33.16.150(h), enacted by sec. 126 of this Act; and
- 14 (14) AS 33.16.200, as amended by sec. 128 of this Act.

15 (n) AS 11.56.730(e), enacted by sec. 21 of this Act, and sec. 164 of this Act apply to
16 offenses committed on or after the effective date of secs. 21 and 164 of this Act.

17 (o) The following sections apply to offenses committed on or after the effective date
18 of those sections:

- 19 (1) AS 12.30.006(b), as amended by sec. 48 of this Act;
- 20 (2) AS 12.30.006(c), as amended by sec. 49 of this Act;
- 21 (3) AS 12.30.006(d), as amended by sec. 50 of this Act;
- 22 (4) AS 12.30.006(f), as amended by sec. 51 of this Act;
- 23 (5) AS 12.30.011, as repealed and reenacted by sec. 52 of this Act;
- 24 (6) AS 12.30.016(b), as amended by sec. 53 of this Act;
- 25 (7) AS 12.30.016(c), as amended by sec. 54 of this Act;
- 26 (8) AS 12.30.021(a), as amended by sec. 55 of this Act;
- 27 (9) AS 12.30.021(c), as amended by sec. 56 of this Act; and
- 28 (10) AS 33.07, enacted by sec. 103 of this Act.

29 (p) The following sections apply to parole granted before, on, or after the effective
30 date of those sections:

- 31 (1) AS 33.16.180, as amended by sec. 127 of this Act;

- 1 (2) AS 33.16.210, as amended by sec. 129 of this Act;
- 2 (3) AS 33.16.210(c), enacted by sec. 130 of this Act;
- 3 (4) AS 33.16.215, enacted by sec. 131 of this Act;
- 4 (5) AS 33.16.220(b), as amended by sec. 132 of this Act;
- 5 (6) AS 33.16.220(f), as amended by sec. 133 of this Act;
- 6 (7) AS 33.16.220(i), as amended by sec. 134 of this Act;
- 7 (8) AS 33.16.220(j), enacted by sec. 135 of this Act;
- 8 (9) AS 33.16.240(h) and (i), enacted by sec. 136 of this Act; and
- 9 (10) AS 33.16.270, enacted by sec. 137 of this Act.

10 (q) AS 33.05.020(h), enacted by sec. 100 of this Act, applies to sentences imposed
11 before, on, or after the effective date of sec. 100 of this Act, for conduct occurring before, on,
12 or after the effective date of sec. 100 of this Act, for time served on probation on or after the
13 effective date of sec. 100 of this Act.

14 (r) AS 33.20.010(c), as repealed and reenacted by sec. 140 of this Act, applies to
15 sentences imposed before, on, or after the effective date of sec. 140 of this Act, for offenses
16 committed before, on, or after the effective date of sec. 140 of this Act, for time served on
17 electronic monitoring on or after the effective date of sec. 140 of this Act.

18 (s) The following sections apply to offenses committed before, on, or after the
19 effective date of those sections for contacts with peace officers occurring on or after the
20 effective date of those sections:

- 21 (1) AS 12.25.180, as amended by sec. 44 of this Act; and
- 22 (2) AS 12.25.190(b), as amended by sec. 46 of this Act.

23 (t) AS 12.25.150(a), as amended by sec. 43 of this Act, applies to offenses committed
24 before, on, or after the effective date of sec. 43 of this Act for contacts with peace officers
25 occurring on or after the effective date of sec. 43 of this Act.

26 (u) The following sections apply to sentences imposed on or after the effective date of
27 those sections for conduct occurring before, on, or after the effective date of those sections:

- 28 (1) AS 12.55.125(c), as amended by sec. 79 of this Act;
- 29 (2) AS 12.55.125(d), as amended by sec. 80 of this Act;
- 30 (3) AS 12.55.125(e), as amended by sec. 81 of this Act;
- 31 (4) AS 12.55.135(a), as amended by sec. 82 of this Act;

- 1 (5) AS 12.55.135(b), as amended by sec. 83 of this Act;
2 (6) AS 12.55.135(l) - (p), enacted by sec. 84 of this Act; and
3 (7) AS 29.25.070(g), enacted by sec. 99 of this Act.

4 * **Sec. 171.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **CONDITIONAL EFFECT.** (a) AS 11.56.730(e), enacted by sec. 21 of this Act, takes
7 effect only if sec. 164 of this Act receives the two-thirds majority vote of each house required
8 by art. IV, sec. 15, Constitution of the State of Alaska.

9 (b) AS 12.30.011, as repealed and reenacted by sec. 52 of this Act, takes effect only if
10 sec. 166(a) of this Act receives the two-thirds majority vote of each house required by art. IV,
11 sec. 15, Constitution of the State of Alaska.

12 (c) AS 12.55.055(h), enacted by sec. 68 of this Act, takes effect only if sec. 166(b) of
13 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
14 Constitution of the State of Alaska.

15 (d) AS 12.55.078, enacted by sec. 69 of this Act, takes effect only if sec. 166(c) of this
16 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
17 Constitution of the State of Alaska.

18 (e) AS 12.55.135(p), enacted by sec. 84 of this Act, takes effect only if sec. 166(d) of
19 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
20 Constitution of the State of Alaska.

21 (f) AS 33.07, added by sec. 103 of this Act, takes effect only if sec. 166(e) of this Act
22 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
23 of the State of Alaska.

24 * **Sec. 172.** Sections 2 - 20, 22 - 42, 66 - 69, 71, 78 - 85, 88 - 92, 95, 97 - 99, 140, 146 - 156,
25 165, 166(b), 166(c), and 166(d) of this Act, and AS 11.56.730(d), enacted by sec. 21 of this
26 Act, take effect July 1, 2016.

27 * **Sec. 173.** Section 87 of this Act takes effect October 1, 2016.

28 * **Sec. 174.** Sections 44 - 47, 57, 59, 60, 65, 70, 72 - 77, 93, 94, 96, 100 - 102, 104 - 139,
29 141 - 144, and 157 - 159 of this Act take effect January 1, 2017.

30 * **Sec. 175.** Section 145 of this Act takes effect July 1, 2017.

31 * **Sec. 176.** Sections 43, 48 - 56, 86, 103, 166(a), and 166(e) of this Act take effect

1 January 1, 2018.

2 * **Sec. 177.** If AS 11.56.730(e), enacted by sec. 21 of this Act, and sec. 164 of this Act take
3 effect, they take effect January 1, 2019.

ADOPTED

29-LS0541\U.3
Gardner
4/25/16

AMENDMENT #1

Rep. Wilson

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(FIN)

1 Page 2, line 5, following "INTENT.":

2 Insert "(a)"

3

4 Page 2, following line 8:

5 Insert a new subsection to read:

6 "(b) It is the intent of the legislature that reinvestment be made into providing
7 additional law enforcement resources in communities throughout the state."

① Amend to the amendment
ADD: "OF EXCESS FUNDS" (accepted)

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Adopted

Y	N
7	4

DATE: 4.27.2016

Amendment: #2 as am.

MEMBER

Favor

Oppose

REP. PRUITT	X	
REP. SADDLER		X
REP. WILSON	X	
REP. EDGMON		X
REP. GARA	X	
REP. GATTIS	X	
REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. MUNOZ	X	
REP. NEUMAN		X
REP. THOMPSON		X

YEA 7 NAY 4

Y | N
7 | 4

ADOPted

AMENDMENT #2 as amended

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: HCS CSSSSB 91(JUD)

1 Page 1, line 1, following "Act":

(Section 2 version ¹ ~~1~~).

2 Insert "relating to civil in rem forfeiture actions;"

3

4 Page 2, following line 6:

5 Insert a new bill section to read:

6 **** Section 1.** AS 09.55 is amended by adding a new section to read:

7 **Article 10. Civil in rem Forfeiture.**

8 **Sec. 09.55.700. In rem civil forfeiture actions.** Common law civil in rem
9 forfeiture actions are abolished if used instead of a criminal proceeding."

10

11 Page 2, line 7:

12 Delete "Section 1"

13 Insert "Sec. 2"

14

15 Renumber the following bill sections accordingly.

16

17 Page 118, line 10:

18 Delete "sec. 55"

19 Insert "sec. 56"

20

21 Page 118, line 16:

22 Delete "sec. 72"

23 Insert "sec. 73"

AMEND Amendment #2
~~ADD~~ ADOPted

1

2 Page 118, line 19:

3 Delete "sec. 72"

4 Insert "sec. 73"

5

6 Page 118, line 20:

7 Delete "sec. 73"

8 Insert "sec. 74"

9

10 Page 118, line 23:

11 Delete "sec. 89"

12 Insert "sec. 90"

13

14 Page 118, line 26:

15 Delete "sec. 117"

16 Insert "sec. 118"

17

18 Page 120, line 26:

19 Delete "sec. 3"

20 Insert "sec. 4"

21

22 Page 120, line 27:

23 Delete "sec. 4"

24 Insert "sec. 5"

25

26 Page 120, line 28:

27 Delete "sec. 5"

28 Insert "sec. 6"

29

30 Page 120, line 29:

31 Delete "sec. 6"

1 Insert "sec. 7"
2
3 Page 120, line 30:
4 Delete "sec. 7"
5 Insert "sec. 8"
6
7 Page 120, line 31:
8 Delete "sec. 8"
9 Insert "sec. 9"
10
11 Page 121, line 1:
12 Delete "sec. 9"
13 Insert "sec. 10"
14
15 Page 121, line 2:
16 Delete "sec. 10"
17 Insert "sec. 11"
18
19 Page 121, line 3:
20 Delete "sec. 11"
21 Insert "sec. 12"
22
23 Page 121, line 4:
24 Delete "sec. 12"
25 Insert "sec. 13"
26
27 Page 121, line 5:
28 Delete "sec. 13"
29 Insert "sec. 14"
30
31 Page 121, line 6:

1 Delete "sec. 14"
2 Insert "sec. 15"
3
4 Page 121, line 7:
5 Delete "sec. 15"
6 Insert "sec. 16"
7
8 Page 121, line 8:
9 Delete "sec. 16"
10 Insert "sec. 17"
11
12 Page 121, line 9:
13 Delete "sec. 17"
14 Insert "sec. 18"
15
16 Page 121, line 10:
17 Delete "sec. 18"
18 Insert "sec. 19"
19
20 Page 121, line 11:
21 Delete "sec. 19"
22 Insert "sec. 20"
23
24 Page 121, line 12:
25 Delete "sec. 20"
26 Insert "sec. 21"
27
28 Page 121, line 13:
29 Delete "sec. 23"
30 Insert "sec. 24"
31

1 Page 121, line 14:

2 Delete "sec. 26"

3 Insert "sec. 27"

4

5 Page 121, line 15:

6 Delete "sec. 28"

7 Insert "sec. 29"

8

9 Page 121, line 16:

10 Delete "sec. 29"

11 Insert "sec. 30"

12

13 Page 121, line 17:

14 Delete "sec. 31"

15 Insert "sec. 32"

16

17 Page 121, line 18:

18 Delete "sec. 37"

19 Insert "sec. 38"

20

21 Page 121, line 19:

22 Delete "sec. 38"

23 Insert "sec. 39"

24

25 Page 121, line 20:

26 Delete "sec. 41"

27 Insert "sec. 42"

28

29 Page 121, line 21:

30 Delete "sec. 43"

31 Insert "sec. 44"

1

2 Page 121, line 22:

3 Delete "sec. 45"

4 Insert "sec. 46"

5

6 Page 121, line 23:

7 Delete "sec. 82"

8 Insert "sec. 83"

9

10 Page 121, line 24:

11 Delete "sec. 86"

12 Insert "sec. 87"

13

14 Page 121, line 25:

15 Delete "sec. 100"

16 Insert "sec. 101"

17

18 Page 121, line 26:

19 Delete "sec. 101"

20 Insert "sec. 102"

21

22 Page 121, line 27:

23 Delete "sec. 111"

24 Insert "sec. 112"

25

26 Page 121, line 28:

27 Delete "sec. 112"

28 Insert "sec. 113"

29

30 Page 121, line 29:

31 Delete "sec. 113"

1 Insert "sec. 114"
2
3 Page 121, line 30:
4 Delete "sec. 173"
5 Insert "sec. 174"
6
7 Page 121, line 31:
8 Delete "sec. 181"
9 Insert "sec. 182"
10
11 Page 122, line 3:
12 Delete "sec. 67"
13 Insert "sec. 68"
14
15 Page 122, line 4:
16 Delete "sec. 68"
17 Insert "sec. 69"
18
19 Page 122, line 8:
20 Delete "sec. 33"
21 Insert "sec. 34"
22
23 Page 122, line 9:
24 Delete "sec. 34"
25 Insert "sec. 35"
26
27 Page 122, line 10:
28 Delete "sec. 35"
29 Insert "sec. 36"
30
31 Page 122, line 11:

- 1 Delete "sec. 36"
- 2 Insert "sec. 37"
- 3
- 4 Page 122, line 14:
 - 5 Delete "sec. 64"
 - 6 Insert "sec. 65"
 - 7
- 8 Page 122, line 15:
 - 9 Delete "sec. 65"
 - 10 Insert "sec. 66"
 - 11
- 12 Page 122, line 16:
 - 13 Delete "sec. 66"
 - 14 Insert "sec. 67"
 - 15
- 16 Page 122, line 17:
 - 17 Delete "sec. 153"
 - 18 Insert "sec. 154"
 - 19
- 20 Page 122, line 20:
 - 21 Delete "sec. 62"
 - 22 Insert "sec. 63"
 - 23
- 24 Page 122, line 21:
 - 25 Delete "sec. 63"
 - 26 Insert "sec. 64"
 - 27
- 28 Page 122, line 22:
 - 29 Delete "sec. 81"
 - 30 Insert "sec. 82"
 - 31

1 Page 122, line 23:

2 Delete "sec. 104"

3 Insert "sec. 105"

4

5 Page 122, line 24:

6 Delete "sec. 108"

7 Insert "sec. 109"

8

9 Page 122, line 25:

10 Delete "sec. 120"

11 Insert "sec. 121"

12

13 Page 122, line 26:

14 Delete "sec. 122"

15 Insert "sec. 123"

16

17 Page 122, line 27:

18 Delete "sec. 60"

19 Insert "sec. 61"

20

21 Page 122, line 28:

22 Delete "sec. 60"

23 Insert "sec. 61"

24

25 Page 122, line 29:

26 Delete "sec. 60"

27 Insert "sec. 61"

28

29 Page 123, line 2:

30 Delete "sec. 70"

31 Insert "sec. 71"

1

2 Page 123, line 3:

3 Delete "sec. 71"

4 Insert "sec. 72"

5

6 Page 123, line 4:

7 Delete "sec. 72"

8 Insert "sec. 73"

9

10 Page 123, line 5:

11 Delete "sec. 73"

12 Insert "sec. 74"

13

14 Page 123, line 6:

15 Delete "sec. 73"

16 Insert "sec. 74"

17

18 Page 123, line 7:

19 Delete "sec. 73"

20 Insert "sec. 74"

21

22 Page 123, line 8:

23 Delete "sec. 69"

24 Insert "sec. 70"

25

26 Page 123, line 9:

27 Delete "sec. 69"

28 Insert "sec. 70"

29

30 Page 123, line 10:

31 Delete "sec. 69"

- 1 Insert "sec. 70"
- 2
- 3 Page 123, line 11:
- 4 Delete "sec. 75"
- 5 Insert "sec. 76"
- 6
- 7 Page 123, line 12:
- 8 Delete "sec. 75"
- 9 Insert "sec. 76"
- 10
- 11 Page 123, line 13:
- 12 Delete "sec. 75"
- 13 Insert "sec. 76"
- 14
- 15 Page 123, line 14:
- 16 Delete "sec. 78"
- 17 Insert "sec. 79"
- 18
- 19 Page 123, line 15:
- 20 Delete "sec. 78"
- 21 Insert "sec. 79"
- 22
- 23 Page 123, line 16:
- 24 Delete "sec. 78"
- 25 Insert "sec. 79"
- 26
- 27 Page 123, line 20:
- 28 Delete "sec. 74"
- 29 Insert "sec. 75"
- 30
- 31 Page 123, line 21:

1 Delete "sec. 76"
2 Insert "sec. 77"
3
4 Page 123, line 22:
5 Delete "sec. 77"
6 Insert "sec. 78"
7
8 Page 123, line 23:
9 Delete "sec. 80"
10 Insert "sec. 81"
11
12 Page 123, line 24:
13 Delete "sec. 115"
14 Insert "sec. 116"
15
16 Page 123, line 28:
17 Delete "sec. 97"
18 Insert "sec. 98"
19
20 Page 123, line 29:
21 Delete "sec. 99"
22 Insert "sec. 100"
23
24 Page 123, line 30:
25 Delete "sec. 106"
26 Insert "sec. 107"
27
28 Page 124, line 2:
29 Delete "sec. 118"
30 Insert "sec. 119"
31

1 Page 124, line 3:

2 Delete "sec. 119"

3 Insert "sec. 120"

4

5 Page 124, line 4:

6 Delete "sec. 121"

7 Insert "sec. 122"

8

9 Page 124, line 5:

10 Delete "sec. 123"

11 Insert "sec. 124"

12

13 Page 124, line 6:

14 Delete "sec. 125"

15 Insert "sec. 126"

16

17 Page 124, line 7:

18 Delete "sec. 126"

19 Insert "sec. 127"

20

21 Page 124, line 8:

22 Delete "sec. 127"

23 Insert "sec. 128"

24

25 Page 124, line 9:

26 Delete "sec. 133"

27 Insert "sec. 134"

28

29 Page 124, line 10:

30 Delete "sec. 134"

31 Insert "sec. 135"

1

2 Page 124, line 11:

3 Delete "sec. 135"

4 Insert "sec. 136"

5

6 Page 124, line 12:

7 Delete "sec. 136"

8 Insert "sec. 137"

9

10 Page 124, line 13:

11 Delete "sec. 137"

12 Insert "sec. 138"

13

14 Page 124, line 14:

15 Delete "sec. 138"

16 Insert "sec. 139"

17

18 Page 124, line 15:

19 Delete "sec. 139"

20 Insert "sec. 140"

21

22 Page 124, line 16:

23 Delete "sec. 140"

24 Insert "sec. 141"

25

26 Page 124, line 17:

27 Delete "sec. 142"

28 Insert "sec. 143"

29

30 Page 124, line 18:

31 Delete "sec. 24"

- 1 Insert "sec. 25"
- 2 Delete "sec. 189"
- 3 Insert "sec. 190"
- 4
- 5 Page 124, line 19:
 - 6 Delete "secs. 24 and 189"
 - 7 Insert "secs. 25 and 190"
- 8
- 9 Page 124, line 22:
 - 10 Delete "sec. 51"
 - 11 Insert "sec. 52"
- 12
- 13 Page 124, line 23:
 - 14 Delete "sec. 52"
 - 15 Insert "sec. 53"
- 16
- 17 Page 124, line 24:
 - 18 Delete "sec. 53"
 - 19 Insert "sec. 54"
- 20
- 21 Page 124, line 25:
 - 22 Delete "sec. 54"
 - 23 Insert "sec. 55"
- 24
- 25 Page 124, line 26:
 - 26 Delete "sec. 55"
 - 27 Insert "sec. 56"
- 28
- 29 Page 124, line 27:
 - 30 Delete "sec. 56"
 - 31 Insert "sec. 57"

1

2 Page 124, line 28:

3 Delete "sec. 57"

4 Insert "sec. 58"

5

6 Page 124, line 29:

7 Delete "sec. 58"

8 Insert "sec. 59"

9

10 Page 124, line 30:

11 Delete "sec. 59"

12 Insert "sec. 60"

13

14 Page 124, line 31:

15 Delete "sec. 117"

16 Insert "sec. 118"

17

18 Page 125, line 3:

19 Delete "sec. 141"

20 Insert "sec. 142"

21

22 Page 125, line 4:

23 Delete "sec. 143"

24 Insert "sec. 144"

25

26 Page 125, line 5:

27 Delete "sec. 144"

28 Insert "sec. 145"

29

30 Page 125, line 6:

31 Delete "sec. 145"

- 1 Insert "sec. 146"
- 2
- 3 Page 125, line 7:
- 4 Delete "sec. 146"
- 5 Insert "sec. 147"
- 6
- 7 Page 125, line 8:
- 8 Delete "sec. 147"
- 9 Insert "sec. 148"
- 10
- 11 Page 125, line 9:
- 12 Delete "sec. 148"
- 13 Insert "sec. 149"
- 14
- 15 Page 125, line 10:
- 16 Delete "sec. 149"
- 17 Insert "sec. 150"
- 18
- 19 Page 125, line 11:
- 20 Delete "sec. 150"
- 21 Insert "sec. 151"
- 22
- 23 Page 125, line 12:
- 24 Delete "sec. 151"
- 25 Insert "sec. 152"
- 26
- 27 Page 125, line 13:
- 28 Delete "sec. 114"
- 29 Insert "sec. 115"
- 30
- 31 Page 125, line 14:

1 Delete "sec. 114"
2 Insert "sec. 115"
3
4 Page 125, line 15:
5 Delete "sec. 114"
6 Insert "sec. 115"
7
8 Page 125, line 16:
9 Delete "sec. 114"
10 Insert "sec. 115"
11
12 Page 125, line 17:
13 Delete "sec. 154"
14 Insert "sec. 155"
15
16 Page 125, line 18:
17 Delete "sec. 154"
18 Insert "sec. 155"
19
20 Page 125, line 19:
21 Delete "sec. 154"
22 Insert "sec. 155"
23
24 Page 125, line 20:
25 Delete "sec. 154"
26 Insert "sec. 155"
27
28 Page 125, line 24:
29 Delete "sec. 47"
30 Insert "sec. 48"
31

1 Page 125, line 25:

2 Delete "sec. 49"

3 Insert "sec. 50"

4

5 Page 125, line 26:

6 Delete "sec. 46"

7 Insert "sec. 47"

8

9 Page 125, line 27:

10 Delete "sec. 46"

11 Insert "sec. 47"

12

13 Page 125, line 28:

14 Delete "sec. 46"

15 Insert "sec. 47"

16

17 Page 125, line 31:

18 Delete "sec. 83"

19 Insert "sec. 84"

20

21 Page 126, line 1:

22 Delete "sec. 84"

23 Insert "sec. 85"

24

25 Page 126, line 2:

26 Delete "sec. 85"

27 Insert "sec. 86"

28

29 Page 126, line 3:

30 Delete "sec. 87"

31 Insert "sec. 88"

1

2 Page 126, line 4:

3 Delete "sec. 88"

4 Insert "sec. 89"

5

6 Page 126, line 5:

7 Delete "sec. 89"

8 Insert "sec. 90"

9

10 Page 126, line 9:

11 Delete "secs. 161 - 172, 193, and 199"

12 Insert "secs. 162 - 173, 194, and 202"

13

14 Page 126, line 17:

15 Delete "Sections 161 - 172 and 193"

16 Insert "Sections 162 - 173 and 194"

17

18 Page 126, line 21:

19 Delete "sec. 24"

20 Insert "sec. 25"

21

22 Page 126, line 22:

23 Delete "sec. 189"

24 Insert "sec. 190"

25

26 Page 126, line 24:

27 Delete "sec. 55"

28 Insert "sec. 56"

29

30 Page 126, line 25:

31 Delete "sec. 194(a)"

1 Insert "sec. 195(a)"

2

3 Page 126, line 27:

4 Delete "sec. 72"

5 Insert "sec. 73"

6 Delete "sec. 194(b)"

7 Insert "sec. 195(b)"

8

9 Page 126, line 30:

10 Delete "sec. 73"

11 Insert "sec. 74"

12 Delete "sec. 194(c)"

13 Insert "sec. 195(c)"

14

15 Page 127, line 2:

16 Delete "sec. 89"

17 Insert "sec. 90"

18 Delete "sec. 194(d)"

19 Insert "sec. 195(d)"

20

21 Page 127, line 5:

22 Delete "sec. 117"

23 Insert "sec. 118"

24 Delete "sec. 194(e)"

25 Insert "sec. 195(e)"

26

27 Page 127, line 8:

28 Delete "Sections 91, 93, 200, and 201"

29 Insert "Sections 92, 94, 201, and 202"

30

31 Page 127, lines 10 - 11:

1 Delete "Sections 1 - 23, 25 - 45, 70 - 73, 75, 82 - 90, 97, 99 - 101, 103, 106, 111 - 113,
2 154, 160, 173 - 182, 192, 194(b), 194(c), and 194(d)"

3 Insert "Sections 1 - 24, 26 - 46, 71 - 74, 76, 83 - 91, 98, 100 - 102, 104, 107, 112 -
4 114, 155, 161, 174 - 183, 193, 195(b), 195(c), and 195(d)"

5

6 Page 127, line 12:

7 Delete "sec. 24"

8 Insert "sec. 25"

9

10 Page 127, line 13:

11 Delete "Section 94"

12 Insert "Section 95"

13

14 Page 127, lines 14 - 15:

15 Delete "Sections 47 - 50, 60, 62, 63, 69, 74, 76 - 81, 92, 104, 105, 108, 114 - 116, 118
16 - 153, 156 - 158, and 183 - 185"

17 Insert "Sections 48 - 51, 61, 63, 64, 70, 75, 77 - 82, 93, 105, 106, 109, 115 - 117, 119 -
18 154, 157 - 159, and 184 - 186"

19

20 Page 127, line 16:

21 Delete "Sections 46, 51 - 59, 117, 190, 191, 194(a), and 194(e)"

22 Insert "Sections 47, 52 - 60, 118, 191, 192, 195(a), and 195(e)"

23

24 Page 127, line 18:

25 Delete "Section 159"

26 Insert "Section 160"

27

28 Page 127, line 19:

29 Delete "sec. 24"

30 Insert "sec. 25"

31 Delete "sec. 189"

1

Insert "sec. 190"

Y/N
5/6

Failed

29-LS0541\U.2
Gardner
4/25/16

AMENDMENT #3

Rep. Wilson

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(FIN)

- 1 Page 8, lines 9 - 10:
- 2 Delete "\$1,000 [\$750]"
- 3 Insert "\$750"
- 4
- 5 Page 8, line 13:
- 6 Delete "\$1,000 [\$750]"
- 7 Insert "\$750"

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Failed

Y	N
5	6

DATE: 4.27.16

Amendment: # 3

MEMBER

Favor

Oppose

REP. SADDLER	X	
REP. WILSON	X	
REP. EDGMON		X
REP. GARA		X
REP. GATTIS	X	
REP. GUTTENBERG		X
REP. KAWASAKI		X
REP. MUNOZ		X
REP. PRUITT	X	
REP. THOMPSON		X
REP. NEUMAN	X	

YEA 5 NAY 6

Y N
3 8

FAILED

29-LS0541\V.37
Gardner
4/22/16

AMENDMENT #4

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

1 Page 33, following line 12:

2 Insert a new subsection to read:

3 "(l) A person who is ordered as a condition of release under this section to be
4 on electronic monitoring may not be subject to a search of the person's dwelling by a
5 pretrial services officer or peace officer except upon probable cause."

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Failed

Y	N
3	8


DATE: 4-27-2016

Amendment: #4

MEMBER

Favor

Oppose

REP. WILSON	X	
REP. EDGMON		X
REP. GARA		X
REP. GATTIS		X
REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. MUNOZ		X
REP. PRUITT		X
REP. SADDLER		X
		
REP. NEUMAN		X
REP. THOMPSON		X

YEA 3 NAY 8

WITHDRAWN

AMENDMENT # 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

1 Page 47, line 7, following "offense,":

2 Insert "other than a crime against a person under AS 11.41 that is an unclassified, class
3 A, or class B felony,"

4

5 Page 90, line 30, following "offense,":

6 Insert "other than a crime against a person under AS 11.41 that is an unclassified, class
7 A, or class B felony,"

Y | N
6 | 5

ADOPTED

29-LS0541\V.63
Gardner
4/25/16

AMENDMENT # 6 *the house*

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS CSSSSB 91(JUD)

Pruitt.

1 Page 53, line 19, following "than":

(51 LINES 4-7) SECTION 83 - T VS.

2 Insert "(1)"

3

4 Page 53, line 20, following "section":

5 Insert "i:"

6

7 Page 53, following line 20:

8 Insert a new paragraph to read:

9

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

10

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

11

older; or

12

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

13

older."

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y | N
6 | 5

ADOPTED

DATE: 4-27-2016

Amendment: #6

MEMBER

Favor

Oppose

REP. EDGMON		X
REP. GARA	X	
REP. GATTIS		X
REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. MUNOZ	X	
REP. PRUITT	X	
REP. SADDLER	X	
REP. WILSON		X
REP. NEUMAN		X
REP. THOMPSON		X

YEA 6 NAY 5

Y | N
3 | 8

Failed

AMENDMENT

#7

Rep

Kawasaki

OFFERED IN THE HOUSE
TO: HCS CSSSSB 91(JUD)

1 Page 1, line 1, following "substances;":

2 Insert "relating to victims of criminal offenses;"

3

4 Page 56, following line 9:

5 Insert new bill sections to read:

6 *** Sec. 91.** AS 12.61 is amended by adding a new section to read:

7 **Sec. 12.61.016. Duties of agency investigating a sexual offense.** A law
8 enforcement agency investigating an offense under AS 11.41.410 - 11.41.470 may not
9 disclose information related to the investigation to an employer of the victim unless

10 (1) the victim expressly permits the disclosure; or

11 (2) the agency determines the disclosure is necessary to investigate or
12 prevent a crime.

13 *** Sec. 92.** AS 12.61.017(a) is amended to read:

14 (a) An employer may not penalize or threaten to penalize a victim of an
15 offense because the victim

16 (1) is subpoenaed or requested by the prosecuting attorney to attend a
17 court proceeding for the purpose of giving testimony; or

18 (2) reports the offense to a law enforcement agency or participates
19 in the investigation of the offense by a law enforcement agency [.

20 SUBSECTION, "PENALIZE" MEANS TO TAKE ACTION AFFECTING THE
21 EMPLOYMENT STATUS, WAGES, AND BENEFITS PAYABLE TO THE
22 VICTIM, INCLUDING

23 (1) DEMOTION OR SUSPENSION;

- 1 (2) DISMISSAL FROM EMPLOYMENT; AND
2 (3) LOSS OF PAY OR BENEFITS, EXCEPT PAY AND BENEFITS
3 THAT ARE DIRECTLY ATTRIBUTABLE TO THE VICTIM'S ABSENCE FROM
4 EMPLOYMENT TO ATTEND THE COURT PROCEEDING].

5 * Sec. 93. AS 12.61.017 is amended by adding a new subsection to read:

6 (d) In this section, "penalize" means to take action affecting the employment
7 status, wages, and benefits payable to the victim, including

8 (1) demotion or suspension;

9 (2) dismissal from employment; and

10 (3) loss of pay or benefits, except pay and benefits that are directly
11 attributable to the victim's absence from employment to

12 (A) attend the court proceeding;

13 (B) report the offense to a law enforcement agency;

14 (C) participate in a law enforcement agency investigation of the
15 offense."

16

17 Renumber the following bill sections accordingly.

18

19 Page 118, line 26:

20 Delete "sec. 117"

21 Insert "sec. 120"

22

23 Page 121, line 25:

24 Delete "sec. 100"

25 Insert "sec. 103"

26

27 Page 121, line 26:

28 Delete "sec. 101"

29 Insert "sec. 104"

30

31 Page 121, line 27:

1 Delete "sec. 111"
2 Insert "sec. 114"
3
4 Page 121, line 28:
5 Delete "sec. 112"
6 Insert "sec. 115"
7
8 Page 121, line 29:
9 Delete "sec. 113"
10 Insert "sec. 116"
11
12 Page 121, line 30:
13 Delete "sec. 173"
14 Insert "sec. 176"
15
16 Page 121, line 31:
17 Delete "sec. 181"
18 Insert "sec. 184"
19
20 Page 122, line 17:
21 Delete "sec. 153"
22 Insert "sec. 156"
23
24 Page 122, line 23:
25 Delete "sec. 104"
26 Insert "sec. 107"
27
28 Page 122, line 24:
29 Delete "sec. 108"
30 Insert "sec. 111"
31

1 Page 122, line 25:
2 Delete "sec. 120"
3 Insert "sec. 123"
4
5 Page 122, line 26:
6 Delete "sec. 122"
7 Insert "sec. 125"
8
9 Page 123, line 24:
10 Delete "sec. 115"
11 Insert "sec. 118"
12
13 Page 123, line 28:
14 Delete "sec. 97"
15 Insert "sec. 100"
16
17 Page 123, line 29:
18 Delete "sec. 99"
19 Insert "sec. 102"
20
21 Page 123, line 30:
22 Delete "sec. 106"
23 Insert "sec. 109"
24
25 Page 124, line 2:
26 Delete "sec. 118"
27 Insert "sec. 121"
28
29 Page 124, line 3:
30 Delete "sec. 119"
31 Insert "sec. 122"

1
2 Page 124, line 4:
3 Delete "sec. 121"
4 Insert "sec. 124"
5
6 Page 124, line 5:
7 Delete "sec. 123"
8 Insert "sec. 126"
9
10 Page 124, line 6:
11 Delete "sec. 125"
12 Insert "sec. 128"
13
14 Page 124, line 7:
15 Delete "sec..126"
16 Insert "sec. 129"
17
18 Page 124, line 8:
19 Delete "sec. 127"
20 Insert "sec. 130"
21
22 Page 124, line 9:
23 Delete "sec. 133"
24 Insert "sec. 136"
25
26 Page 124, line 10:
27 Delete "sec. 134"
28 Insert "sec. 137"
29
30 Page 124, line 11:
31 Delete "sec. 135"

1 Insert "sec. 138"
2
3 Page 124, line 12:
4 Delete "sec. 136"
5 Insert "sec. 139"
6
7 Page 124, line 13:
8 Delete "sec. 137"
9 Insert "sec. 140"
10
11 Page 124, line 14:
12 Delete "sec. 138"
13 Insert "sec. 141"
14
15 Page 124, line 15:
16 Delete "sec. 139"
17 Insert "sec. 142"
18
19 Page 124, line 16:
20 Delete "sec. 140"
21 Insert "sec. 143"
22
23 Page 124, line 17:
24 Delete "sec. 142"
25 Insert "sec. 145"
26
27 Page 124, line 18:
28 Delete "sec. 189"
29 Insert "sec. 192"
30
31 Page 124, line 19:

1 Delete "189"
2 Insert "192"
3
4 Page 124, line 31:
5 Delete "sec. 117"
6 Insert "sec. 120"
7
8 Page 125, line 3:
9 Delete "sec. 141"
10 Insert "sec. 144"
11
12 Page 125, line 4:
13 Delete "sec. 143"
14 Insert "sec. 146"
15
16 Page 125, line 5:
17 Delete "sec. 144"
18 Insert "sec. 147"
19
20 Page 125, line 6:
21 Delete "sec. 145"
22 Insert "sec. 148"
23
24 Page 125, line 7:
25 Delete "sec. 146"
26 Insert "sec. 149"
27
28 Page 125, line 8:
29 Delete "sec. 147"
30 Insert "sec. 150"
31

1 Page 125, line 9:

2 Delete "sec. 148"

3 Insert "sec. 151"

4

5 Page 125, line 10:

6 Delete "sec. 149"

7 Insert "sec. 152"

8

9 Page 125, line 11:

10 Delete "sec. 150"

11 Insert "sec. 153"

12

13 Page 125, line 12:

14 Delete "sec. 151"

15 Insert "sec. 154"

16

17 Page 125, line 13:

18 Delete "sec. 114"

19 Insert "sec. 117"

20

21 Page 125, line 14:

22 Delete "sec. 114"

23 Insert "sec. 117"

24

25 Page 125, line 15:

26 Delete "sec. 114"

27 Insert "sec. 117"

28

29 Page 125, line 16:

30 Delete "sec. 114"

31 Insert "sec. 117"

- 1
- 2 Page 125, line 17:
 - 3 Delete "sec. 154"
 - 4 Insert "sec. 157"
 - 5
- 6 Page 125, line 18:
 - 7 Delete "sec. 154"
 - 8 Insert "sec. 157"
 - 9
- 10 Page 125, line 19:
 - 11 Delete "sec. 154"
 - 12 Insert "sec. 157"
 - 13
- 14 Page 125, line 20:
 - 15 Delete "sec. 154"
 - 16 Insert "sec. 157"
 - 17
- 18 Page 126, line 9:
 - 19 Delete "secs. 161 - 172, 193, and 199"
 - 20 Insert "secs. 164 - 175, 196, and 204"
 - 21
- 22 Page 126, line 17:
 - 23 Delete "Sections 161 - 172 and 193"
 - 24 Insert "Sections 164 - 175 and 196"
 - 25
- 26 Page 126, line 22:
 - 27 Delete "sec. 189"
 - 28 Insert "sec. 192"
 - 29
- 30 Page 126, line 25:
 - 31 Delete "sec. 194(a)"

- 1 Insert "sec. 197(a)"
2
3 Page 126, line 27:
4 Delete "sec. 194(b)"
5 Insert "sec. 197(b)"
6
7 Page 126, line 30:
8 Delete "sec. 194(c)"
9 Insert "sec. 197(c)"
10
11 Page 127, line 2:
12 Delete "sec. 194(d)"
13 Insert "sec. 197(d)"
14
15 Page 127, line 5:
16 Delete "sec. 117"
17 Insert "sec. 120"
18 Delete "sec. 194(e)"
19 Insert "sec. 197(e)"
20
21 Page 127, line 8:
22 Delete "Sections 91, 93, 200, and 201"
23 Insert "Sections 94, 96, 203, and 204"
24
25 Page 127, lines 10 - 11:
26 Delete "97, 99 - 101, 103, 106, 111 - 113, 154, 160, 173 - 182, 192, 194(b), 194(c),
27 and 194(d)"
28 Insert "100, 102 - 104, 106, 109, 114 - 116, 157, 163, 176 - 185, 195, 197(b), 197(c),
29 and 197(d)"
30
31 Page 127, line 13:

1 Delete "Section 94"

2 Insert "Section 97"

3

4 Page 127, lines 14 - 15:

5 Delete "92, 104, 105, 108, 114 - 116, 118 - 153, 156 - 158, and 183 - 185"

6 Insert "95, 107, 108, 111, 117 - 119, 121 - 156, 159 - 161, and 186 - 188"

7

8 Page 127, line 16:

9 Delete "117, 190, 191, 194(a), and 194(e)"

10 Insert "120, 193, 194, 197(a), and 197(e)"

11

12 Page 127, line 18:

13 Delete "Section 159"

14 Insert "Section 162"

15

16 Page 127, line 19:

17 Delete "sec. 189"

18 Insert "sec. 192"

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y | N
3 | 8

DATE: 4/27/16

Amendment: # 7

MEMBER

Favor

Oppose

REP. GARA	X	
REP. GATTIS		X
REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. MUNOZ		X
REP. PRUITT		X
REP. SADDLER		X
REP. WILSON		X
REP. EDGMON		X
REP. THOMPSON		X
REP. NEUMAN		X

YEA 3 NAY 8

WITHDRAWN

29-LS0541\V.50
Martin/Gardner
4/22/16

AMENDMENT

Rep
#8 Kawasaki

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

- 1 Page 1, line 3, following "imprisonment;":
2 Insert "relating to reporting sexual assaults;"
3
4 Page 58, following line 7:
5 Insert a new bill section to read:
6 ** Sec. 94. AS 18.66 is amended by adding a new section to read:
7 Sec. 18.66.202. **Sexual assault online reporting.** The council shall provide an
8 online reporting procedure for a victim of a sexual offense to anonymously report the
9 offense to the council. The anonymous report is a confidential communication under
10 AS 18.66.200. In this section, "sexual offense" means a crime under AS 11.41.410 -
11 11.41.470."
12
13 Renumber the following bill sections accordingly.
14
15 Page 118, line 26:
16 Delete "sec. 117"
17 Insert "sec. 118"
18
19 Page 121, line 25:
20 Delete "sec. 100"
21 Insert "sec. 101"
22
23 Page 121, line 26:

1 Delete "sec. 101"

2 Insert "sec. 102"

3

4 Page 121, line 27:

5 Delete "sec. 111"

6 Insert "sec. 112"

7

8 Page 121, line 28:

9 Delete "sec. 112"

10 Insert "sec. 113"

11

12 Page 121, line 29:

13 Delete "sec. 113"

14 Insert "sec. 114"

15

16 Page 121, line 30:

17 Delete "sec. 173"

18 Insert "sec. 174"

19

20 Page 121, line 31:

21 Delete "sec. 181"

22 Insert "sec. 182"

23

24 Page 122, line 17:

25 Delete "sec. 153"

26 Insert "sec. 154"

27

28 Page 122, line 23:

29 Delete "sec. 104"

30 Insert "sec. 105"

31

1 Page 122, line 24:

2 Delete "sec. 108"

3 Insert "sec. 109"

4

5 Page 122, line 25:

6 Delete "sec. 120"

7 Insert "sec. 121"

8

9 Page 122, line 26:

10 Delete "sec. 122"

11 Insert "sec. 123"

12

13 Page 123, line 24:

14 Delete "sec. 115"

15 Insert "sec. 116"

16

17 Page 123, line 28:

18 Delete "sec. 97"

19 Insert "sec. 98"

20

21 Page 123, line 29:

22 Delete "sec. 99"

23 Insert "sec. 100"

24

25 Page 123, line 30:

26 Delete "sec. 106"

27 Insert "sec. 107"

28

29 Page 124, line 2:

30 Delete "sec. 118"

31 Insert "sec. 119"

- 1
- 2 Page 124, line 3:
 - 3 Delete "sec. 119"
 - 4 Insert "sec. 120"
 - 5
- 6 Page 124, line 4:
 - 7 Delete "sec. 121"
 - 8 Insert "sec. 122"
 - 9
- 10 Page 124, line 5:
 - 11 Delete "sec. 123"
 - 12 Insert "sec. 124"
 - 13
- 14 Page 124, line 6:
 - 15 Delete "sec. 125"
 - 16 Insert "sec. 126"
 - 17
- 18 Page 124, line 7:
 - 19 Delete "sec. 126"
 - 20 Insert "sec. 127"
 - 21
- 22 Page 124, line 8:
 - 23 Delete "sec. 127"
 - 24 Insert "sec. 128"
 - 25
- 26 Page 124, line 9:
 - 27 Delete "sec. 133"
 - 28 Insert "sec. 134"
 - 29
- 30 Page 124, line 10:
 - 31 Delete "sec. 134"

- 1 Insert "sec. 135"
- 2
- 3 Page 124, line 11:
- 4 Delete "sec. 135"
- 5 Insert "sec. 136"
- 6
- 7 Page 124, line 12:
- 8 Delete "sec. 136"
- 9 Insert "sec. 137"
- 10
- 11 Page 124, line 13:
- 12 Delete "sec. 137"
- 13 Insert "sec. 138"
- 14
- 15 Page 124, line 14:
- 16 Delete "sec. 138"
- 17 Insert "sec. 139"
- 18
- 19 Page 124, line 15:
- 20 Delete "sec. 139"
- 21 Insert "sec. 140"
- 22
- 23 Page 124, line 16:
- 24 Delete "sec. 140"
- 25 Insert "sec. 141"
- 26
- 27 Page 124, line 17:
- 28 Delete "sec. 142"
- 29 Insert "sec. 143"
- 30
- 31 Page 124, line 18:

- 1 Delete "sec. 189"
- 2 Insert "sec. 190"
- 3
- 4 Page 124, line 19:
- 5 Delete "189"
- 6 Insert "190"
- 7
- 8 Page 124, line 31:
- 9 Delete "sec. 117"
- 10 Insert "sec. 118"
- 11
- 12 Page 125, line 3:
- 13 Delete "sec. 141"
- 14 Insert "sec. 142"
- 15
- 16 Page 125, line 4:
- 17 Delete "sec. 143"
- 18 Insert "sec. 144"
- 19
- 20 Page 125, line 5:
- 21 Delete "sec. 144"
- 22 Insert "sec. 145"
- 23
- 24 Page 125, line 6:
- 25 Delete "sec. 145"
- 26 Insert "sec. 146"
- 27
- 28 Page 125, line 7:
- 29 Delete "sec. 146"
- 30 Insert "sec. 147"
- 31

- 1 Page 125, line 8:
- 2 Delete "sec. 147"
- 3 Insert "sec. 148"
- 4
- 5 Page 125, line 9:
- 6 Delete "sec. 148"
- 7 Insert "sec. 149"
- 8
- 9 Page 125, line 10:
- 10 Delete "sec. 149"
- 11 Insert "sec. 150"
- 12
- 13 Page 125, line 11:
- 14 Delete "sec. 150"
- 15 Insert "sec. 151"
- 16
- 17 Page 125, line 12:
- 18 Delete "sec. 151"
- 19 Insert "sec. 152"
- 20
- 21 Page 125, line 13:
- 22 Delete "sec. 114"
- 23 Insert "sec. 115"
- 24
- 25 Page 125, line 14:
- 26 Delete "sec. 114"
- 27 Insert "sec. 115"
- 28
- 29 Page 125, line 15:
- 30 Delete "sec. 114"
- 31 Insert "sec. 115"

- 1
- 2 Page 125, line 16:
 - 3 Delete "sec. 114"
 - 4 Insert "sec. 115"
 - 5
- 6 Page 125, line 17:
 - 7 Delete "sec. 154"
 - 8 Insert "sec. 155"
 - 9
- 10 Page 125, line 18:
 - 11 Delete "sec. 154"
 - 12 Insert "sec. 155"
 - 13
- 14 Page 125, line 19:
 - 15 Delete "sec. 154"
 - 16 Insert "sec. 155"
 - 17
- 18 Page 125, line 20:
 - 19 Delete "sec. 154"
 - 20 Insert "sec. 155"
 - 21
- 22 Page 126, line 9:
 - 23 Delete "secs. 161 - 172, 193, and 199"
 - 24 Insert "secs. 162 - 173, 194, and 202"
 - 25
- 26 Page 126, line 17:
 - 27 Delete "Sections 161 - 172 and 193"
 - 28 Insert "Sections 162 - 173 and 194"
 - 29
- 30 Page 126, line 22:
 - 31 Delete "sec. 189"

- 1 Insert "sec. 190"
- 2
- 3 Page 126, line 25:
- 4 Delete "sec. 194(a)"
- 5 Insert "sec. 195(a)"
- 6
- 7 Page 126, line 27:
- 8 Delete "sec. 194(b)"
- 9 Insert "sec. 195(b)"
- 10
- 11 Page 126, line 30:
- 12 Delete "sec. 194(c)"
- 13 Insert "sec. 195(c)"
- 14
- 15 Page 127, line 2:
- 16 Delete "sec. 194(d)"
- 17 Insert "sec. 195(d)"
- 18
- 19 Page 127, line 5:
- 20 Delete "sec. 117"
- 21 Insert "sec. 118"
- 22 Delete "sec. 194(e)"
- 23 Insert "sec. 195(e)"
- 24
- 25 Page 127, line 8:
- 26 Delete "200, and 201"
- 27 Insert "201, and 202"
- 28
- 29 Page 127, lines 10 - 11:
- 30 Delete "97, 99 - 101, 103, 106, 111 - 113, 154, 160, 173 - 182, 192, 194(b), 194(c),
- 31 and 194(d)"

- 1 Insert "98, 100 - 102, 104, 107, 112 - 114, 155, 161, 174 - 183, 193, 195(b), 195(c),
- 2 and 195(d)"
- 3
- 4 Page 127, line 13:
- 5 Delete "Section 94"
- 6 Insert "Section 95"
- 7
- 8 Page 127, lines 14 - 15:
- 9 Delete "104, 105, 108, 114 - 116, 118 - 153, 156 - 158, and 183 - 185"
- 10 Insert "105, 106, 109, 115 - 117, 119 - 154, 157 - 159, and 184 - 186"
- 11
- 12 Page 127, line 16:
- 13 Delete "117, 190, 191, 194(a), and 194(e)"
- 14 Insert "118, 191, 192, 195(a), and 195(e)"
- 15
- 16 Page 127, line 18:
- 17 Delete "Section 159"
- 18 Insert "Section 160"
- 19
- 20 Page 127, line 19:
- 21 Delete "sec. 189"
- 22 Insert "sec. 190"

Y/N
4/7

Failed
RECALLED
AMENDMENT #9

29-LS0541\V.64
Gardner
4/25/16

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS CSSSSB 91(JUD)

JNDP

1 Page 62, following line 26:

(Version T pg 56, LN 5 ~~3~~)
Section 89

2 Insert new subsections to read:

3 "(h) Notwithstanding (g)(2) of this section, if a person resides in a community
4 where a court-ordered treatment program under AS 28.35.028 is not available, the
5 person shall

6 (1) provide proof to the court that the person has successfully
7 completed a rehabilitative treatment program appropriate for the person's alcohol or
8 substance abuse condition; the program must

9 (A) include planning and treatment for alcohol or drug
10 addiction;

11 (B) include emphasis on personal responsibility;

12 (C) require payment of restitution to victims and completion of
13 community work service;

14 (D) include physician-approved treatment of physical addiction
15 and treatment of the psychological causes of addiction; and

16 (E) include a monitoring program and physical placement or
17 housing in communities where the court finds that a monitoring program and
18 placement or housing is available;

19 (2) provide proof by clear and convincing evidence to the court that the
20 person is currently sober and has maintained sobriety for a period of at least 18
21 months; and

22 (3) provide written notice to the district attorney's office of the person's
23 request for a limited license under this section.

1 (i) A person is not entitled to court-appointed counsel under (h) of this
2 section."

3

4 Reletter the following subsection accordingly.

5

6 Page 62, line 31, following "AS 28.35.028":

7 Insert "or a rehabilitative treatment program under (h) of this section"

8

9 Page 67, line 7, following "AS 28.35.028":

10 Insert "or a rehabilitative treatment program under AS 28.15.201(h)"

11

12 Page 123, line 29:

13 Delete "AS 28.15.201(g) and (h)"

14 Insert "AS 28.15.201(g) - (j)"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

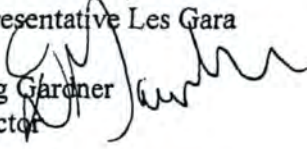
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 25, 2016

SUBJECT: Redo of "V.62" (HCS CSSSSB 91 (JUD);
Work Order No. 29-LS0541\W)

TO: Representative Les Gara

FROM: Doug Gardner 
Director

Please find attached a redo of "V.62" to change the reference in proposed AS 28.15.201(h) from a "court-ordered" treatment program to a "rehabilitative treatment" program.

In addition, you requested that I address the issue of why (g)(1), (g)(3), (g)(4), and (g)(5) are not restated in sec. 28.15.201(h). First, (g) is the only section that authorizes the court to grant a limited license as we discussed. Second, (h) is an exception to (g)(2), not to all requirements in (g) and will only apply to persons that reside in a community where AS 28.35.028 is not available. Therefore, (h) serves as a limited exception to (g)(2), not as a separate grant of authority apart from (g) for the court to grant a limited license.

DDG:lem
16-393.lem

Attachment

RECUINDED

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y | N
4 | 7

Failed

DATE: 4.27.2016

Amendment: #9

MEMBER

Favor

Oppose

REP. GATTIS		X
REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. MUNOZ		X
REP. PRUITT		X
REP. SADDLER		X
REP. WILSON		X
REP. EDGMON	X	
REP. GARA	X	
REP. NEUMAN		X
REP. THOMPSON		X

YEA 4 NAY 7

WITHDRAWN

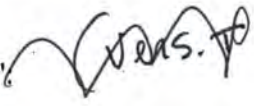
29-LS0541\V.34
Gardner
4/22/16

AMENDMENT # 10

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

1 Page 62, line 3, following "person" 

2 Insert "(A)"

3

4 Page 62, line 5, following "department;":

5 Insert "or

6

(B) resides in a community where a court-ordered treatment program under AS 28.35.028 is not available and the person has successfully participated for at least six months in a court-ordered treatment program approved by the court that

10

(i) includes planning and treatment for alcohol or drug

11

addiction;

12

(ii) includes emphasis on personal responsibility;

13

(iii) provides in-court recognition of progress and

14

sanctions for relapses;

15

(iv) requires payment of restitution to victims and

16

completion of community work service;

17

(v) includes physician-approved treatment of physical

18

addiction and treatment of the psychological causes of addiction; and

19

(vi) requires adherence to conditions of probation;"

20

21 Page 62, line 31, following "AS 28.35.028":

22

Insert "or a court-ordered treatment program under (g)(2)(B) of this section"

23

1 Page 67, line 7, following "AS 28.35.028":

2 Insert "or a court-ordered treatment program under AS 28.15.201(g)(2)(B)"

Y/N
3/8

Failed

29-LS0541\W.45
Martin/Gardner
4/22/16

AMENDMENT

Ref. #11
Kawasaki

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

(version T. pg 63)

- 1 Page 71, following line 25:
- 2 Insert a new bill section to read:
- 3 "* **Sec. 116.** AS 33.05.040 is amended by adding a new subsection to read:
- 4 (b) The caseload of a probation officer supervising probationers or the
- 5 combined caseload of a probation officer or parole officer supervising probationers
- 6 and persons on parole as provided for in (a)(5) of this section may not exceed 60
- 7 persons, except in temporary or extraordinary circumstances approved by the
- 8 commissioner."
- 9
- 10 Renumber the following bill sections accordingly.
- 11
- 12 Page 118, line 26:
- 13 Delete "sec. 117"
- 14 Insert "sec. 118"
- 15
- 16 Page 121, line 30:
- 17 Delete "sec. 173"
- 18 Insert "sec. 174"
- 19
- 20 Page 121, line 31:
- 21 Delete "sec. 181"
- 22 Insert "sec. 182"
- 23

1 Page 122, line 17:

2 Delete "sec. 153"

3 Insert "sec. 154"

4

5 Page 122, line 25:

6 Delete "sec. 120"

7 Insert "sec. 121"

8

9 Page 122, line 26:

10 Delete "sec. 122"

11 Insert "sec. 123"

12

13 Page 124, line 2:

14 Delete "sec. 118"

15 Insert "sec. 119"

16

17 Page 124, line 3:

18 Delete "sec. 119"

19 Insert "sec. 120"

20

21 Page 124, line 4:

22 Delete "sec. 121"

23 Insert "sec. 122"

24

25 Page 124, line 5:

26 Delete "sec. 123"

27 Insert "sec. 124"

28

29 Page 124, line 6:

30 Delete "sec. 125"

31 Insert "sec. 126"

1

2 Page 124, line 7:

3 Delete "sec. 126"

4 Insert "sec. 127"

5

6 Page 124, line 8:

7 Delete "sec. 127"

8 Insert "sec. 128"

9

10 Page 124, line 9:

11 Delete "sec. 133"

12 Insert "sec. 134"

13

14 Page 124, line 10:

15 Delete "sec. 134"

16 Insert "sec. 135"

17

18 Page 124, line 11:

19 Delete "sec. 135"

20 Insert "sec. 136"

21

22 Page 124, line 12:

23 Delete "sec. 136"

24 Insert "sec. 137"

25

26 Page 124, line 13:

27 Delete "sec. 137"

28 Insert "sec. 138"

29

30 Page 124, line 14:

31 Delete "sec. 138"

- 1 Insert "sec. 139"
- 2
- 3 Page 124, line 15:
- 4 Delete "sec. 139"
- 5 Insert "sec. 140"
- 6
- 7 Page 124, line 16:
- 8 Delete "sec. 140"
- 9 Insert "sec. 141"
- 10
- 11 Page 124, line 17:
- 12 Delete "sec. 142"
- 13 Insert "sec. 143"
- 14
- 15 Page 124, line 18:
- 16 Delete "sec. 189"
- 17 Insert "sec. 190"
- 18
- 19 Page 124, line 19:
- 20 Delete "189"
- 21 Insert "190"
- 22
- 23 Page 124, line 31:
- 24 Delete "sec. 117"
- 25 Insert "sec. 118"
- 26
- 27 Page 125, line 3:
- 28 Delete "sec. 141"
- 29 Insert "sec. 142"
- 30
- 31 Page 125, line 4:

- 1 Delete "sec. 143"
- 2 Insert "sec. 144"
- 3
- 4 Page 125, line 5:
- 5 Delete "sec. 144"
- 6 Insert "sec. 145"
- 7
- 8 Page 125, line 6:
- 9 Delete "sec. 145"
- 10 Insert "sec. 146"
- 11
- 12 Page 125, line 7:
- 13 Delete "sec. 146"
- 14 Insert "sec. 147"
- 15
- 16 Page 125, line 8:
- 17 Delete "sec. 147"
- 18 Insert "sec. 148"
- 19
- 20 Page 125, line 9:
- 21 Delete "sec. 148"
- 22 Insert "sec. 149"
- 23
- 24 Page 125, line 10:
- 25 Delete "sec. 149"
- 26 Insert "sec. 150"
- 27
- 28 Page 125, line 11:
- 29 Delete "sec. 150"
- 30 Insert "sec. 151"
- 31

- 1 Page 125, line 12:
2 Delete "sec. 151"
3 Insert "sec. 152"
4
5 Page 125, line 17:
6 Delete "sec. 154"
7 Insert "sec. 155"
8
9 Page 125, line 18:
10 Delete "sec. 154"
11 Insert "sec. 155"
12
13 Page 125, line 19:
14 Delete "sec. 154"
15 Insert "sec. 155"
16
17 Page 125, line 20:
18 Delete "sec. 154"
19 Insert "sec. 155"
20
21 Page 126, line 9:
22 Delete "secs. 161 - 172, 193, and 199"
23 Insert "secs. 162 - 173, 194, and 202"
24
25 Page 126, line 17:
26 Delete "Sections 161 - 172 and 193"
27 Insert "Sections 162 - 173 and 194"
28
29 Page 126, line 22:
30 Delete "sec. 189"
31 Insert "sec. 190"

- 1
- 2 Page 126, line 25:
 - 3 Delete "sec. 194(a)"
 - 4 Insert "sec. 195(a)"
 - 5
- 6 Page 126, line 27:
 - 7 Delete "sec. 194(b)"
 - 8 Insert "sec. 195(b)"
 - 9
- 10 Page 126, line 30:
 - 11 Delete "sec. 194(c)"
 - 12 Insert "sec. 195(c)"
 - 13
- 14 Page 127, line 2:
 - 15 Delete "sec. 194(d)"
 - 16 Insert "sec. 195(d)"
 - 17
- 18 Page 127, line 5:
 - 19 Delete "sec. 117"
 - 20 Insert "sec. 118"
 - 21 Delete "sec. 194(e)"
 - 22 Insert "sec. 195(e)"
 - 23
- 24 Page 127, line 8:
 - 25 Delete "200, and 201"
 - 26 Insert "201, and 202"
 - 27
- 28 Page 127, line 11:
 - 29 Delete "154, 160, 173 - 182, 192, 194(b), 194(c), and 194(d)"
 - 30 Insert "155, 161, 174 - 183, 193, 195(b), 195(c), and 195(d)"
 - 31

1 Page 127, lines 14 - 15:

2 Delete "114 - 116, 118 - 153, 156 - 158, and 183 - 185"

3 Insert "114, 115, 117, 119 - 154, 157 - 159, and 184 - 186"

4

5 Page 127, line 16:

6 Delete "117, 190, 191, 194(a), and 194(e)"

7 Insert "118, 191, 192, 195(a), and 195(e)"

8

9 Page 127, line 18:

10 Delete "Section 159"

11 Insert "Section 160"

12

13 Page 127, line 19:

14 Delete "sec. 189"

15 Insert "sec. 190"

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y | N
3 | 8

DATE: 4.27.2016

Amendment: # 11

MEMBER

Favor

Oppose

REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. MUNOZ		X
REP. PRUITT		X
REP. SADDLER		X
REP. WILSON		X
REP. EDGMON		X
REP. GARA	X	
REP. GATTIS		X
REP. THOMPSON		X
REP. NEUMAN		X

YEA 3 NAY 8

WITHDRAWN

29-LS0541\V.35
Martin/Gardner
4/22/16

Admin Parole

AMENDMENT #12

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

1 Page 76, line 27: (Pg 63, LN

2 Delete all material and insert:

3 "(A) one-half of the active term of imprisonment imposed for a
4 prisoner convicted of a class B felony or one-fourth of the active term of
5 imprisonment imposed for a prisoner convicted of a class C felony or
6 misdemeanor;"

7
8 Page 77, line 15:

9 Delete "90"

10 Insert "120"

Y/N

WITHDRAWN

29-LS0541\V.36
Martin/Gardner
4/22/16

AMENDMENT #13

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(JUD)

1 Page 78, line 2:

(Pg 70 LN 17 TVersion)

2 Delete "55"

3 Insert "65"

Y | N
4 | 7
Failed

29-LS0541\V.57
Gardner
4/22/16

AMENDMENT #14.

OFFERED IN THE HOUSE

BY REPRESENTATIVE GUTTENBERG

TO: HCS CSSSSB 91(JUD)

- 1 Page 105, line 3: (Pag 93 LN 4 - version t.)
2 Delete "50 percent of"
3
4 Page 105, lines 5 - 7:
5 Delete all material and insert:
6 "(d) The legislature may use the annual estimated balance in the fund to make
7 appropriations as follows:
8 (1) 50 percent to the Department of Corrections, the Department of
9 Health and Social Services, or the Department of Public Safety for recidivism
10 reduction programs; and
11 (2) 50 percent for drug and alcohol abuse prevention and treatment
12 grant programs administered by the Department of Health and Social Services."

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y | N
4 | 7

Failed

DATE: 4-27-2016

Amendment: #14

MEMBER

Favor

Oppose

REP. KAWASAKI	X	
REP. MUNOZ		X
REP. PRUITT		X
REP. SADDLER		X
REP. WILSON	X	
REP. EDGMON		X
REP. GARA	X	
REP. GATTIS		X
REP. GUTTENBERG	X	
REP. NEUMAN		X
REP. THOMPSON		X

YEA

4

NAY

7

WITHDRAWN

29-LS0541\V.17
Gardner
4/20/16

AMENDMENT #15

By Rep. Kawashtici

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

1 Page 2, line 3, following "Alaska;":

2 Insert "relating to standards for licensure or certification established by the
3 Department of Health and Social Services;"

4
5 Page 110, following line 16:

6 Insert a new bill section to read:

7 "* Sec. 180. AS 47.05.310(g) is amended to read:

8 (g) The department shall adopt regulations listing those criminal offenses that
9 are inconsistent with the standards for licensure or certification by the department.
10 The regulations may not provide that the offense of assault in the fourth degree
11 under AS 11.41.230, or an offense with similar elements in this or another
12 jurisdiction, is inconsistent with the standards for licensure or certification for
13 more than one year from the date of a person's unconditional discharge from a
14 conviction unless the offense is a crime involving domestic violence. In this
15 subsection.

16 (1) "crime involving domestic violence" has the meaning given in
17 AS 18.66.990; and

18 (2) "unconditional discharge" has the meaning given in
19 AS 12.55.185."

20
21 Renumber the following bill sections accordingly.

22
23 Page 118, following line 6:

1 Insert a new bill section to read:

2 "* **Sec. 195.** 7 AAC 10.905(d)(1)(A) is annulled."
3

4 Renumber the following bill sections accordingly.
5

6 Page 121, line 31:

7 Delete "sec. 181"

8 Insert "sec. 182"
9

10 Page 124, line 18:

11 Delete "sec. 189"

12 Insert "sec. 190"
13

14 Page 124, line 19:

15 Delete "189"

16 Insert "190"
17

18 Page 126, line 9:

19 Delete "193, and 199"

20 Insert "194, and 203"
21

22 Page 126, line 17:

23 Delete "193"

24 Insert "194"
25

26 Page 126, line 22:

27 Delete "sec. 189"

28 Insert "sec. 190"
29

30 Page 126, line 25:

31 Delete "sec. 194(a)"

- 1 Insert "sec. 196(a)"
2
3 Page 126, line 27:
4 Delete "sec. 194(b)"
5 Insert "sec. 196(b)"
6
7 Page 126, line 30:
8 Delete "sec. 194(c)"
9 Insert "sec. 196(c)"
10
11 Page 127, line 2:
12 Delete "sec. 194(d)"
13 Insert "sec. 196(d)"
14
15 Page 127, line 5:
16 Delete "sec. 194(e)"
17 Insert "sec. 196(e)"
18
19 Page 127, line 8:
20 Delete "200, and 201"
21 Insert "202, and 203"
22
23 Page 127, lines 10 - 11:
24 Delete "173 - 182, 192, 194(b), 194(c), and 194(d)"
25 Insert "173 - 183, 193, 196(b), 196(c), and 196(d)"
26
27 Page 127, lines 14 - 15:
28 Delete "183 - 185"
29 Insert "184 - 186"
30
31 Page 127, line 16:

1 Delete "190, 191, 194(a), and 194(e)"

2 Insert "191, 192, 196(a), and 196(e)"

3

4 Page 127, line 19:

5 Delete "sec. 189"

6 Insert "sec. 190"

Prisoner Reentry and the Uniform Collateral Consequences of Conviction Act

Deborah Periman

In July of 2009, the National Conference of Commissioners on Uniform State Laws (NCCUSL) approved for the first time model legislation—the Uniform Collateral Consequences of Conviction Act—designed to facilitate offender reentry throughout the United States. A revised Act was approved in July 2010 and published on January 6, 2011. Model or uniform legislation such as this does not carry the force of law; the NCCUSL is an advisory organization only. Nevertheless, uniform acts approved by the NCCUSL have been, and continue to be, tremendously important in shaping the development of law across the country. The newly approved Uniform Collateral Consequences Act is currently under consideration in Nevada, West Virginia, and Wisconsin—it has important implications for Alaska law as well.

Background

— The NCCUSL was established in 1892 as a confederation of state representatives for the purpose of improving state law and promoting uniformity of legislation in areas of national importance. It is an outgrowth of an 1889 resolution by the American Bar Association recommending that the states appoint commissioners to meet with other state representatives on the development of uniform state laws. By 1912 each state was sending commissioners to an annual meeting. (John McClaugherty, "The Uniform Law Process: Lessons for a New Millennium," 27 *Oklahoma City University Law Review* 535 (2002)). One hundred years

later, the Conference has promulgated to the states more than 250 uniform acts. Among the better known are the Uniform Commercial Code, the Uniform Probate Code, and the Uniform Partnership Act, each of which has been adopted, with some revisions, in Alaska.

Conference commissioners must be lawyers, and members of at least one state bar. The states differ in their methods of appointing commissioners, although most provide for appointment by the governor. As a group, the commissioners include not only practicing lawyers, but law professors, judges, legislators, and legislative staff. Over the decades, the Conference has comprised some of the most highly respected members of the legal community, including among its ranks such luminaries as former President Woodrow Wilson, former Chief Justice William Rehnquist, former Justices Brandeis and Rutledge, and law professors John Wigmore, Samuel Williston, Roscoe Pound, and George Bogart. Alaska currently has a Conference delegation of seven, among them Chief Justice of the Alaska Supreme Court Walter Carpentieri.

Overview of the Collateral Consequences Problem and the Proposed Act

The impetus for the Conference's work on the Uniform Collateral Consequences Act is detailed in an issues memorandum presented to the drafting committee in July of 2005. It notes:

Both the criminal justice system and society as a whole are faced with managing the growing proportion of the free population that has been convicted of a state or federal felony offense. In a trend showing little sign of abating, the U.S. prison population has increased dramatically since the early 1970s.... In 2003, the Department of Justice estimated that if the 2001 imprisonment rate remained un-

changed, 6.6% of Americans born in 2001 would serve prison time during their lives—this may be an underestimate given that the incarceration rate has increased every year since 2001....

In addition to those serving or who have served prison time, an even larger proportion of the population has been convicted of a criminal offense without going to prison.

Over 4 million adults were on probation on December 31, 2003, almost twice as many as the combined number on parole, in jail or in prison.

The growth of the convicted population means that there are literally millions of people being released from incarceration, probation and parole supervision every year. Of course, they must successfully reenter society or be at risk for recidivism. Although no one supports "coddling criminals," society has a strong interest in preventing recidivism. An individual who could have successfully reentered society but for avoidable cause reoffends generates the financial and human costs of the new crime, expenditure of law enforcement, judicial and corrections resources, and the loss of the productive work that the offender could have contributed to the economy. (Preliminary Report Collateral Sanctions and Disqualifications Act, (2005).)

The report goes on to state that as the importance of facilitating reentry has increased, a number of legislative developments have conversely made successful reintegration more difficult than ever before.

For many years, a person convicted of, say, a drug felony, lost his right to vote for a period of time or for life, could not possess a firearm, and was

Please see *Prisoner reentry*, page 8

HIGHLIGHTS INSIDE THIS ISSUE

- An examination of gang data from the Fairbanks Gang Assessment (page 2).
- A look at gang units in large local law enforcement agencies (page 7).

Prisoner reentry (continued from page 1)

barred from service in the military and on juries, state and federal, civil and criminal. If a non-citizen, the convicted person could be deported....

In recent years, [these collateral consequences] have been increasing. [For example], 1987 legislation made drug offenders ineligible for certain federal health care benefits; a 1991 law required states to revoke some drug offender's driver's licenses or lose federal funding.... In 1998, persons convicted of drug crimes were made ineligible for federal educational aid and for residence in public housing....

Like Congress, state legislatures have also been attracted to limiting the opportunities of convicted persons....

These laws limit the ability of convicted persons to work in particular fields, to obtain state licenses or permits, to obtain public benefits such as housing or educational aid, or to participate in civic life.

A second major development is the availability to all arms of government and the general public, via the Internet, of aggregations of public record information, including criminal convictions, about all Americans. Twenty years ago, an applicant might not have been asked for her criminal record when renting an apartment or applying for a job, and it would have been difficult for even an enterprising administrator to find, say, a 15 year old, out-of-state, marijuana offense. Now, gathering this kind of information is cheap, easy and common.

These legal disabilities, and the con-

comitant stigma of a criminal conviction, are termed collateral consequences because they are largely independent of an offender's sentence by the judicial system. The fact that they are collateral does not make them unimportant. In fact, as the 2005 issues memorandum notes, in many instances these collateral disabilities are the most significant consequence of a criminal offense. "In state courts in 2002, 59% of those convicted of felonies were not sentenced to prison; 31% received probation and 28% jail terms." Thus, in "a high percentage of cases, the real work of the legal system is done not by fine or imprisonment, but by changing the legal status of convicted persons" (emphasis added).

Despite the critical role that these collateral disabilities play in determining the future of those convicted of criminal offenses, few (if any) offenders fully understand the extent to which this web of state and federal legislation will affect their lives

Table 1. Operative Provisions of the 2010 Uniform Act

This table presents an abbreviated description of the operative provisions of the 2010 Uniform Act. Readers should refer to the pdf version of the Act at the University of Pennsylvania Law School's web site for the complete text and accompanying commentary to the revised Act. http://www.law.upenn.edu/bll/archives/ulc/ucsada/2010final_amends.pdf.

Omitted sections relate to matters associated with statutory interpretation.

Section 4. Identification, Collection, and Publication of Laws Regarding Collateral Consequences.

Requires state to identify all state laws, whether constitutional, statutory, or regulatory, that impose a collateral sanction on criminal offenders (and any provisions that may afford relief from such a consequence) and compile a list of citations to these provisions together with the provisions' text or a summary. This list and summary must be published on the Internet and available to the public. Its purpose is to assist judges, prosecutors, defense lawyers, probation and parole officers, legislators, and offenders. Collecting these laws in one place and describing them "in simple, plain language, would make the formal written law knowable" to offenders and assist them in understanding the consequences of a plea. (Drafting Committee Comment, Section 4.)

Section 5. Notice of Collateral Consequences in Pretrial Proceeding and at Guilty Plea.

Mandates that individuals charged with an offense receive explicit notice about collateral consequences in a form substantially similar to the following: "If you plead guilty or are convicted of an offense you may suffer additional legal consequences beyond [criminal penalties]. These consequences may include: being unable to get or keep some license, permits, or jobs...." The notice must include a warning that non-citizens may be deported or denied citizenship. (Note that Alaska already requires this notice to non-citizens. See Alaska R. Crim. P. 11(c)(3)(C).) The warning must also direct offenders to the web site where all of the collateral consequences are listed. Judges must confirm that offenders received and understood this warning before accepting a plea.

Section 6. Notice of Collateral Consequences at Sentencing and Upon Release.

Ensures that at sentencing and upon release offenders receive notice of possible collateral consequences, the Internet address where collateral consequences are listed, and that there may be ways to obtain relief from these consequences. They must also be given contact information for any agencies that assist individuals in obtaining such relief. In addition, the notice must include information on when an individual convicted of an offense may vote under state law.

Section 7. Authorization Required for Collateral Sanction; Ambiguity.

Limits imposition of blanket collateral sanctions to those specifically created by statute or ordinance, or through formal regulatory rulemaking. Any sanction that is ambiguous in whether it is mandatory or discretionary shall be construed to be discretionary only. (Drafting Committee Comment, Section 7.)

Section 8. Decision to Disqualify.

Addresses discretionary disqualification of offenders from state benefits or opportunities. It requires that those entrusted with deciding whether to impose a disqualification make an individualized assessment of whether a particular offender should be denied the benefit or opportunity at issue. Among the factors the decision-maker must consider are the particular facts of the offense and their relation to the benefit or opportunity at issue, the effect the decision might have on third parties, and whether the offender has been granted some type of relief from collateral consequences. This section would not "change existing law to the extent that it allows rejection of an applicant based on lack of qualification or misconduct unrelated to a criminal conviction," nor would it authorize or require "preferences for applicants who have criminal convictions." (Drafting Committee Comment, Section 8.)

after they have completed their sentence. This is because these barriers are dispersed throughout a complex maze of state and federal statutes and administrative regulations in areas as diverse as professional licensing, fish and game control, and foster parenting qualifications. (See "The Hidden Impact of a Criminal Conviction: A Brief Overview of Collateral Consequences in Alaska" in the Fall 2007 issue of the *Alaska Justice Forum*.) Identifying the full array of disabilities a particular conviction might trigger would be daunting for legal professionals; for lay offenders and the general public the task would be nearly impossible. In a criminal justice system like ours, where plea bargains are the norm and due process hinges on defendants' understanding the nature of their plea, this scattered multitude of collateral disabilities is deeply troubling.

The Uniform Collateral Consequences Act is intended to assist states in ameliorating the due process issues associated with

such "hidden" collateral consequences, and reduce recidivism by limiting barriers to safe housing, education, and productive employment. As originally approved in July of 2009, the Act included multiple operative sections addressing issues ranging from "Identification, Collection, and Publication of Laws Regarding Collateral Consequences" (Section 4) to "Certificate of Restoration of Rights" (Section 10) to "Victim's Rights" (Section 14). Revisions to the Act, approved in July 2010 and published on January 6, 2011, added a section related to imposition of discretionary disqualifications by decision-makers such as licensing boards and addressed issues related to the April 2010 opinion of the United States Supreme Court in *Padilla v. Kentucky*, 130 S. Ct. 1473. (The Court in *Padilla* held (7-2) that the Sixth Amendment right to advice of counsel includes for non-citizens the right to be informed whether a plea agreement carries with it the collateral risk that the of-

fender may be deported.)

Table 1 presents an abbreviated description of the operative provisions of the 2010 Uniform Act.

Implications for Alaska

Rehabilitation and reintegration of the convicted have been components of public policy in Alaska since statehood; the principle of reformation is one of the five considerations on which our Constitution requires that administration of the criminal justice system be based. (The others are public safety, community condemnation of the offender, rights of victims, and restitution from the offender. See Alaska Constitution art. I, § 12.) In recent years this policy has become a priority for many, and efforts to reduce the impact of collateral consequences and facilitate offender reentry within the

Please see Prisoner reentry, page 10

Table 1. Operative Provisions of the 2010 Uniform Act (continued)

Section 9. Effect of Conviction by Another State or the United States; Relieved or Pardoned Conviction.

Treats a conviction under federal law or in another state like a conviction in Alaska for purposes of imposing a collateral consequence under Alaska law. A conviction that has been vacated, reversed, or overturned on grounds other than rehabilitation or good behavior may not serve as a basis for imposition of collateral consequences. A pardon issued by another state or the federal government would have the same effect as a pardon issued in Alaska. This section also provides several alternative provisions states might consider in addressing the effect of out of jurisdiction restoration of rights and related issues. This section does not address the effect of judgments of tribal courts; the significant disparity among states in how tribal court judgments are treated was deemed to preclude a uniform model. (Drafting Committee Comment, Section 9.)

Section 10. Order of Limited Relief.

Provides a mechanism pursuant to which offenders may petition a court or a designated board or agency for "an order of limited relief from one or more collateral sanctions related to employment, education, housing, public benefits, or occupational licensing." This would lift the automatic bar of a collateral sanction, but allow agencies to decide on an individualized basis whether a benefit or opportunity should be denied to a former offender.

Section 11. Certificate of Restoration of Rights.

Would establish a designated board or agency authorized to issue a certificate of restoration of rights to those convicted of a criminal offense. Such a certificate would relieve the holder of all collateral sanctions other than those specifically excluded in the certificate, and those designated by statute as not subject to an order of limited relief or restoration of rights. (See following section.) Restoration of rights would be available only where an individual's petition establishes that a statutorily specified time period has elapsed since the individual's most recent conviction and release from confinement, and that the individual is engaged in lawful, productive activity and does not pose an unreasonable public risk.

Section 12. Collateral Sanctions not Subject to Order of Limited Relief or Certificate of Restoration of Rights.

Lists those collateral sanctions that cannot be avoided under an order of limited relief or certificate of restoration of rights. Examples listed include sex offender registration requirements and motor vehicle license actions resulting from driving under the influence convictions. If the state constitution imposes collateral consequences (such as the restrictions on felon voting under the Alaska Constitution) relief under this Act would not remove them. (Drafting Committee Comments, Section 12.)

Section 13. Issuance, Modification, and Revocation of Order of Limited Relief and Certificate of Restoration of Rights.

Sets out process for granting, modifying, or revoking relief from collateral consequences and identifies standards for restriction or revocation of an order of relief. Such orders could not be granted without notice to the prosecuting agency. Once granted, an order may be restricted or revoked where the issuing board or agency finds "just cause by a preponderance of the evidence." "Just cause includes subsequent conviction of a felony..." Offenders would be entitled to notice of a pending action to restrict or revoke, and a hearing.

Section 14. Reliance on Order or Certificate as Evidence of Due Care.

Provides that in a negligence lawsuit an order of limited relief or certificate of restoration of rights may be introduced as evidence of due care in hiring, licensing, or admitting to a school or program a former offender.

Section 15. Victim's Rights.

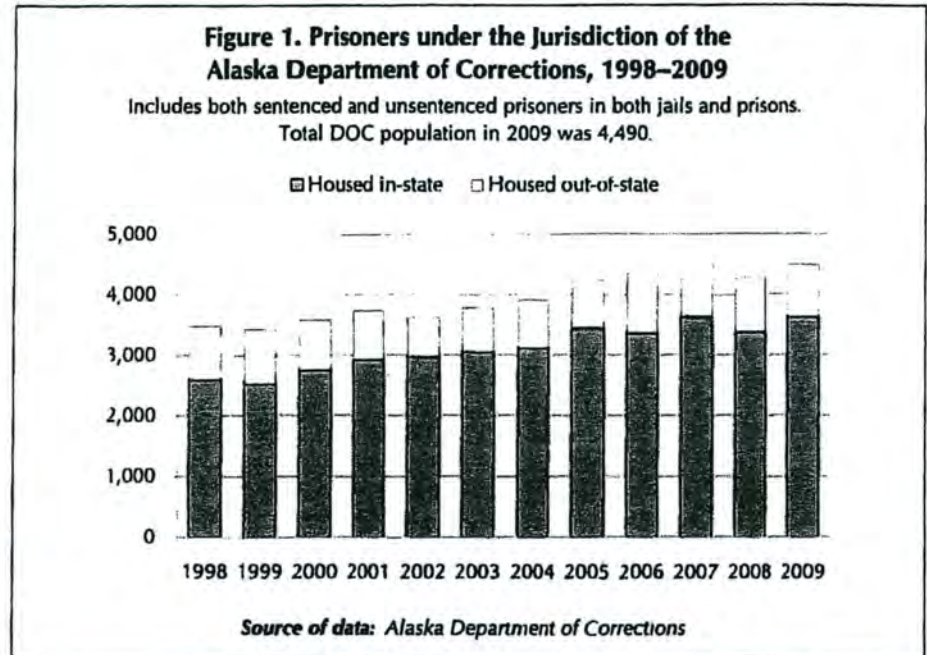
Allows victim to participate in proceedings for issuance, modification, or revocation of order of limited relief or certificate of restoration of rights.

Prisoner reentry (continued from page 9)

state are increasingly visible.

In 2007, then-Chief Justice Fabe of the Alaska Supreme Court established the Criminal Justice Working Group, an organization comprising representatives from justice agencies across the state. One of the group's key areas of focus is reducing recidivism. To further this end, the Working Group established a subcommittee, the Alaska Prisoner Reentry Task Force. Its goal is simple, to see that "individuals who are incarcerated do not return to custody."

The task force met in April 2010, and set up a number of working groups, many of which are addressing the difficulties posed in Alaska by state legislative barriers to reentry. The subcommittee on employment restrictions, for example, is working to "identify laws that are barriers to housing, employment, and other needs of persons with felony convictions," and to "consider what changes might be possible, in the context of public safety, and rehabilitation of the offender." (see "Alaska Prisoner Re-entry Task Force" in the Spring 2010 issue of the *Alaska Justice Forum*). In Alaska, these barrier laws number in the hundreds. (See the UAA Justice Center Working Paper "The Hidden Impact of Criminal Convictions," 2007.) The Task Force has recently completed "Alaska's 5-Year Prisoner Reentry Strategic Plan, 2011-2016," which was released in late February 2011. The document includes a lengthy chapter on collateral consequences



and recommendations to address this issue.

Alaska Supreme Court Justice Walter Carpeneti highlighted the importance of this work in his 2010 State of the Judiciary Address:

Probably no problem is of greater concern to us at this time than the alarmingly high rates of recidivism in our state. Fully 66% of offenders—two-thirds of those incarcerated—will reoffend and return to jail at some point in their lives. This is an astounding number, and one that must motivate all of us to examine what causes so many Alaskans to spend their lives cycling in and out of the criminal justice system.

He specifically noted that those offenders without resources for things like housing and employment may fall "quickly into the criminal behaviors that caused them to be jailed in the first place." (See Figure 1.)

The Uniform Collateral Consequences of Conviction Act directly addresses these concerns and provides a balanced approach to facilitating successful reintegration of those with criminal convictions, while retaining due regard for victims' rights and the state's legitimate interest in punishment and expression of community condemnation. If adopted substantially as drafted in the Uniform Act,

the various sections would mitigate some of most pressing problems associated with barrier statutes and regulations in Alaska.

For example, adoption of sections four through six would help ensure that judges, prosecutors, defense counsel, and those charged with a criminal offense may readily see the full array of collateral consequences a conviction or plea might carry. It would also ensure that offenders have the opportunity to consider these consequences before entering a plea. Finally, these sections would allow lawmakers and regulators considering adoption of new or expanded barriers to evaluate the effect of the proposed measures in the context of the broad range of existing impediments to reintegration.

Where state law establishes a potential barrier to employment or some other activity based on a criminal conviction, and there is ambiguity whether the barrier is automatic or whether state officials may exercise discretion in imposing it, sections seven and eight would create a presumption against automatic imposition of the barrier.

Together, sections 10 through 13 would establish for the first time in Alaska an administrative means by which those convicted of criminal offenses might obtain relief from some of the collateral consequences of their conviction. The availability of such relief would hinge on a period of good behavior, and would not prevent a third-party from considering the facts of the offender's misconduct in making any decision concerning the offender.

Finally, section 14 is directed toward the business community; it is intended to encourage employers to hire offenders by reducing the legal risks associated with neg-

Table 2. Estimated Number of Adults under Correctional Supervision in Alaska and the U.S., by Correctional Status, 2009

	United States	Alaska
Incarcerated	2,284,900^{a, b}	5,285
Jail	760,400 ^c	— ^e
Prison	1,524,513 ^d	— ^e
Community supervision	5,018,900^a	5,848
Probation	4,203,967	— ^e
Parole	819,308	— ^e
Total	7,225,800	11,133

a. Estimates were rounded to the nearest 100 and include some offenders with multiple correctional statuses. For these reasons, details do not sum to totals.

b. Includes jail inmates and prisoners held in private facilities.

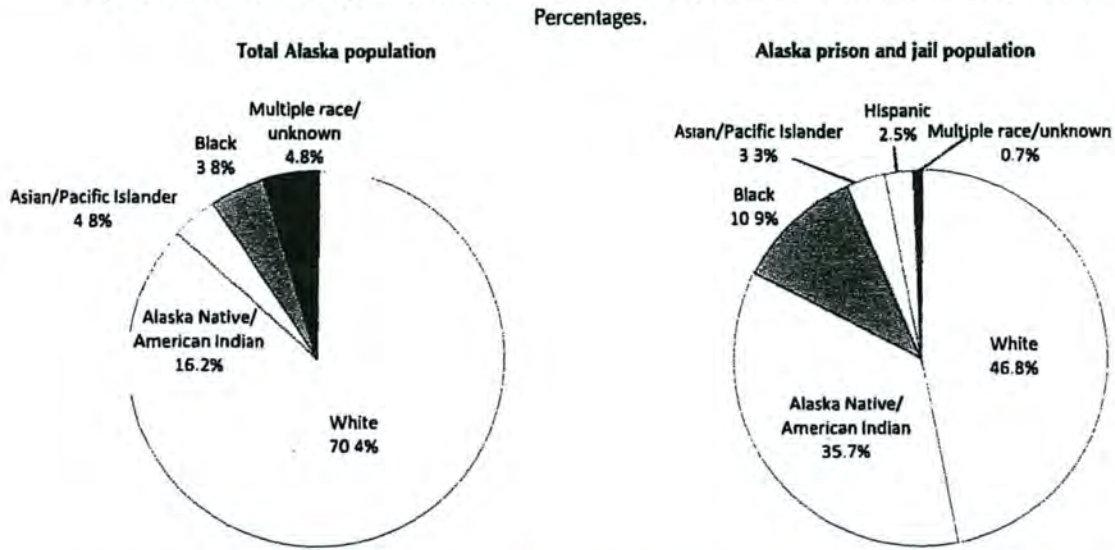
c. Total represents adults held in local jails.

d. Includes prisoners held in the custody of state or federal prisons and may include juveniles held in adult facilities in the 6 states with combined jail-prison systems.

e. Breakdowns not available.

Source of data: "Correctional Populations in the United States, 2009," Bureau of Justice Statistics; *2009 Offender Profile*, Alaska Department of Corrections

Figure 2. Total Alaska Population and Alaska Prison/jail Population by Race and Ethnicity*, 2009



* The two data sources differ in their treatment of Hispanic ethnicity. The Alaska Department of Corrections categorizes race and ethnicity together under the term "ethnicity." The Alaska Department of Labor categorizes Hispanic as a separate ethnic group, and not as a racial group. The estimated Hispanic population in Alaska in July 2009 was 34,400 (or 4.9% of the total Alaska population).

Source of data: Alaska Department of Labor and Workforce Development; 2009 Offender Profile, Alaska Department of Corrections

ligent hire or negligent supervision lawsuits. Under section 14, an employer who hired a former offender holding an order of relief or certificate of restoration of rights could introduce the order or certificate as evidence of due care in a lawsuit based on the malfeasance of the offender. While none of these sections standing alone will eliminate the problems associated with state barrier laws, together this panoply of initiatives can reduce the extent to which such laws impede

offenders' efforts to build productive lives post-conviction or incarceration.

Individuals released from incarceration return to communities throughout Alaska; thus we all have an interest in promoting the success of every former offender (Table 2). Palliative measures such as those just discussed are particularly critical, however, for addressing one of the most troubling aspects of criminal justice in Alaska—that is the disproportionate number of Alaska

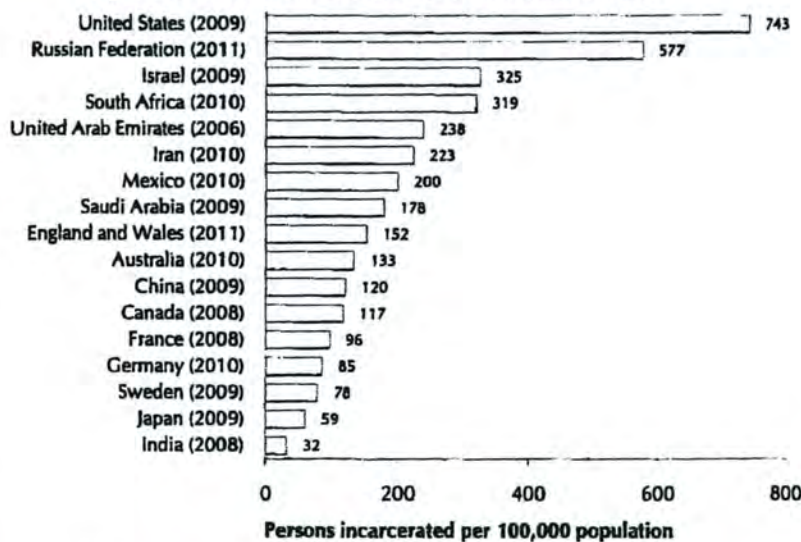
Natives incarcerated. The Alaska Department of Corrections 2009 Offender Profile identified Alaska Natives as accounting for close to 36 percent of the overall offender population, though they comprise just 16 percent of the state's general population. (See "Alaska Offender Profile 2009" in the Winter 2010 issue of the *Alaska Justice Forum*.) (African-Americans are also incarcerated at a disproportionate rate.) Although the causes of this disparity are open to question, there is no doubt that the Alaska Native community (like other minority groups throughout the country) disproportionately suffers the cumulative effect of the hundreds of state and federal laws that limit former offenders' access to many types of employment and educational and other government benefits. The effects of the associated poverty and social stigma can reverberate through several generations. (See Figure 2.)

Summary

Rates of incarceration in the United States have reached unprecedented levels; at the same time, the proliferation of municipal, state, and federal barrier laws has dramatically increased the challenges faced by individuals as they complete their sentences, move back into the community, and seek housing and employment. (See Figure 3.) Those who have been incarcerated, and those who depend upon them for support, face enduring financial, social, and psychological repercussions stemming

Please see *Prisoner reentry*, page 12

Figure 3. Rate of Incarceration in Selected Nations



Incarceration data were collected on the varying dates listed and are the most current data available as of February 2011.

Source of data: *World Prison Brief*, International Centre for Prison Studies, King's College of London, <http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief>



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Prisoner reentry (continued from page 11)

from the fact of conviction. But it is not only offenders and their families who suffer the effect of these collateral consequences. Lack of meaningful employment is one of the strongest predictors of recidivism. Thus, communities have a strong public safety, if

not humanitarian, interest in facilitating the successful reintegration of these individuals. Offenders who find stable employment to support themselves and their families contribute to the state's economic infrastructure, reduce social welfare costs, are able to pay restitution to victims, and pose a reduced threat to others. Given this, policymakers should consider measures to alleviate un-

necessary barriers to the employment and reintegration of those transitioning from incarceration back into Alaska's communities—evaluation of the proposals in the Uniform Collateral Consequences Act would be a first step.

Deb Periman, J.D., is a member of the Justice Center faculty.

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Collateral Consequences and Reentry in Alaska: An Update

Deborah Periman

"Our legal system has created barriers to work, education, business opportunities, volunteerism, and housing — the very things that are necessary to prevent recidivism."

— Alaska Senator John Coghill (R-North Pole), "Alaska Tops List of Collateral Consequences of Conviction Project" (Press Release, March 28, 2013)

Introduction

Alaska ranks number one in the nation for state-created legislative and regulatory barriers to successful reentry for individuals with a criminal record, according to the National Legal Action Center (LAC). The LAC is a public interest law and policy organization focused on reducing impediments to employment and housing for those arrested or convicted of criminal conduct. Alaska's dismal ranking is based on state statutes and regulations that create hurdles to successful reintegration in seven areas: employment, public assistance, third party access to criminal records, voting, public housing, eligibility for adoptive or foster parenting, and driver's licenses. Of these seven, Alaska received the lowest score possible with respect to employment, public assistance, and parenting.

Many of these institutionally created barriers (often referred to as the collateral

consequences of a conviction) have no direct relationship to the crimes for which individuals have been convicted. Perhaps one of the clearest examples is administration of the federal Supplemental Nutrition Assistance Program (SNAP — more colloquially known as "food stamps") in Alaska. Although convicted drug felons are subject to a blanket ban on receiving this benefit, Congress specifically authorized states to opt out of this prohibition and permit their residents access to benefits. All but eleven states have either opted out of the ban completely or moved to minimize its impact. Alaska is one of the few states that has not opted out, despite the fact that the federal government shoulders the entire cost of the food subsidies and pays half of the states' costs to administer the program. As a result, Alaskans convicted of felony drug offenses return to their families and communities ineligible for this important nutritional assistance.

At the close of the 2013 legislative session, Alaska Senate Majority Leader John Coghill and Minority Leader Johnny Ellis moved to address the community safety and public health issues associated with collateral consequences. In a letter written to the

National Inventory of the Collateral Consequences of Conviction (NICCC) Project, the senators explicitly recognized that some of Alaska's barrier statutes and regulations are not rationally related to the promotion of public safety. To the contrary, the senators observed in a March 26, 2013 letter to then-project director Margaret Love that these laws may have "the unintended result of impeding a former offender's ability to find employment and housing" that will support and shelter their families. This has important policy implications for lawmakers because meaningful employment and family connections are two factors consistently shown to reduce the risk that those released will reoffend. Under the leadership of Senators Coghill and Dyson, a bipartisan legislative workgroup of four senators — Coghill, Dyson, Ellis, and French — is working to advance an Omnibus Crime bill intended to reduce rates of criminal recidivism in Alaska by removing some of these barriers to finding stable employment and safe housing.

This article provides a brief summary of recent efforts at the national level to ameliorate the public costs of unnecessary

Please see Collateral consequences, page 7

HIGHLIGHTS INSIDE THIS ISSUE

- An examination of prison visitation policies in Alaska and nationally (page 2).
- An update on the work of the Alaska Prisoner Reentry Task Force (page 5).
- In memoriam: Dr. Nancy E. Schafer (page 6).
- The relationship between barriers to employment and domestic violence (page 10).
- Recent faculty publications (page 11).

Alaska Resources on Reentry

A number of groups across the state are looking for reasonable solutions to the problem of collateral consequences in Alaska, solutions that will reduce the burgeoning costs of prison maintenance, facilitate the transition from incarceration to productive citizenship for those convicted of a criminal offense, and improve the quality of life for the families of those making the transition. These include:

Alaska Criminal Justice Working Group (<http://www.gov.state.ak.us/admin-orders/138.html>) (see "Criminal Justice Working Group Update," *Alaska Justice Forum*, Summer 2013).

Alaska Native Justice Center Reentry Program (http://www.anjc.org/?page_id=869).
Alaska Prisoner Reentry Task Force and regional reentry coalitions in Anchorage, Fairbanks, Juneau, Mat-Su and Bristol Bay (<http://www.correct.state.ak.us/rehabilitation-reentry>) (see "Alaska Prisoner Reentry Task Force Update," page 5).
New Life Development, Inc. (<http://www.nldinc.org/>).

Partners for Progress Reentry Center (<http://partnersforprogressak.org/focus-on-re-entry/>).

Alaska Prisoner Reentry Task Force Update

The Alaska Prisoner Reentry Task Force focuses on reducing recidivism by identifying and supporting strategies and programs to help released offenders reintegrate into their communities. The task force was established in 2010 as a statewide sub-committee of the Criminal Justice Working Group. (The Criminal Justice Working Group is a collaborative group of state and federal agencies and the Alaska Mental Health Trust.) There are five task force work groups: Employment, Misdemeanants, Behavioral Health, Housing, and the newly formed Alaska Native work group. Their efforts are guided by the *Five-Year Prisoner Reentry Strategic Plan, 2011–2016* which was developed by the task force. (See *Alaska Justice Forum* 28(2–3), Summer/Fall 2011, for a plan summary.)

Task force members include representatives from the Alaska State Troopers, Department of Labor, Alaska Court System, Department of Corrections, Alaska Mental Health Trust Authority, Division of Behavioral Health, Department of Corrections Chaplaincy Program, Alaska Housing Finance Corporation, Victims for Justice, Partners for Progress, Nine Star Education and Employment Services, Cook Inlet Tribal Corporation, United Way, Akeela House, the Alaska Native Justice Center, New Life Development, and an ex-offender. The co-chairs of the Task Force are Ron Taylor, Deputy Commissioner for Rehabilitation and Reentry of the Alaska Department of Corrections (DOC) and Dianne Blumer, Commissioner of the Alaska Department of Labor and Work Force Development (DOL); until December 2013, Melissa Hermansen was the Project Coordinator.

Following are highlights of task force activity in 2013.

Regional Reentry Coalitions

The task force has been concentrating on establishing regional reentry coalitions. There are currently five (see map on page 4).

• **Anchorage Reentry Coalition:** The coalition has not met formally since May 2013, but a meeting was held November 19 with DOC Deputy Commissioner Taylor and a consultant, Dennis Schrantz of Envision Justice Solutions, to hear about the current evaluation of DOC offender reentry programs. The coalition is in the process of reorganizing.

• **Mat-Su Reentry Coalition:** The reentry coalition is a subcommittee of the Mat-Su Coalition on Housing and Homelessness. The Mat-Su Coalition on Housing and Homelessness, the Mat-Su

Health Foundation, and the Alaska Prisoner Reentry Task Force partnered to present a Mat-Su Community and Corrections Forum on October 24 in Wasilla. Over 80 attendees participated in the event. Cosponsors included the City of Wasilla, United Way of Mat-Su, and the Alaska Department of Corrections. Topics included assistance for reentering prisoners, how a community can increase successful prisoner reentry, and the impacts of the Goose Creek Correctional Center on the Mat-Su Borough. Some of these impacts include the increased number of released prisoners in the Mat-Su Borough, as well as growth in employment due to the correctional center and the need for housing and schools. Transportation is also an issue, and the coalition is developing a relationship with the Mat-Su bus system to provide transportation for visitors, staff, and released prisoners to and from the Goose Creek facility. The coalition meets monthly.

• **Fairbanks Reentry Coalition:** The reentry coalition is a subcommittee of the Fairbanks Housing and Homelessness Coalition. A recent presentation was made at the Rural Providers Conference in Fairbanks to engage the Native community. Its first identified goal is to work with DOC to collect regional data, and build strategies from the baseline data. Time is set aside for community presentations at each Fairbanks coalition meeting. This has proven to be successful in developing referrals and building release points for offenders returning to Fairbanks. As a result of these meetings, the DOL's One Stop Center is in the process of expanding its services at the Fairbanks Correctional Center to facilitate pre-release job readiness workshops and implement the Employment after Incarceration program at the One Stop Center. Two staff members at the Fairbanks Rescue Mission and case managers at the Northstar Center (a halfway house) have been trained to present Ready to Rent workshops. The coalition meets monthly.

• **Juneau Reentry Coalition:** In August 2013 the coalition was awarded a small project grant of \$10,000 from the Alaska Mental Health Trust Authority. There are seven active work groups for the following areas: peer support, education/employment, housing, behavioral health, pre/post release, family, and community education/public outreach. The focus for the community education/public outreach work group has been to support and provide direction to Nice Touch Films in developing a local reentry film, the design of a coalition logo and a website, and organizing educational

speaking events for coalition meetings and the community. In November, the coalition partnered with the Alaska Mental Health Board and the Advisory Board on Alcoholism and Drug Abuse to host the training "How to Tell Your Story to a Policymaker" for people who have experienced incarceration. The coalition meets monthly.

• **Bristol Bay Reentry Coalition:** In October 2012, the Bristol Bay Native Association was awarded \$732,000 by the U.S. Department of Justice to develop and design a culture-based prisoner reentry program for citizens returning to the Bristol Bay region after incarceration. A Prisoner Reentry Meeting was held November 4–5 in Dillingham as part of Tribal Justice Week. The event was supported by the Bristol Bay Native Association, University of Alaska Fairbanks (UAF), U.S. Bureau of Justice Administration, and the National Reentry Resource Center. The purpose of the November meeting was to mobilize the coalition to oversee this culture-based reentry initiative. Topics included: integrating cultural traditions and practices into prisoner reentry, overview of the Alaska Native Justice Center's Adult Reentry Program, partnership and collaboration, and prioritizing coalition work groups and appointing members. A UAF tribal management course, "Tribal Court Development for Alaska Tribes," was offered immediately following the November event.

Work Groups

• **Affordable housing:** The goal of the Affordable Housing Work Group is to educate the public about the higher cost of incarceration compared to transitional housing for offenders. The group focuses on outreach to landlords and implementing Ready to Rent workshops. This 12-hour workshop is based on a nationwide model which teaches participants skills needed to be a good renter, including how to search for housing, manage finances, interact appropriately with landlords, and perform basic housekeeping. Individuals who successfully complete the program receive a certificate. DOC Probation officers and education coordinators are involved in this effort. Through funding from Alaska Housing Finance Corporation, 30 Department of Corrections staff have been trained to deliver this workshop. New Life Development and Partners for Progress also offer this workshop to clients who are receiving transitional housing assistance at their reentry centers in Anchorage.

Please see *Prisoner reentry*, page 6

Prisoner reentry (continued from page 5)

• **Educating employers about hiring ex-offenders:** The Employment Work Group assisted with a special presentation in October to the Alaska Workforce Investment Board (AWIB) on the improved social and public safety implications related to successful offender reentry. The goal is to deliver presentations statewide by identifying regional reentry coalition members who could present at their local rotaries and chambers of commerce. The work group is exploring Ban the Box, a nationwide campaign that calls for removing the conviction history question from employment applications, and is also reviewing strategies from the recently released U.S. Bureau of Justice Assistance report, *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness* (<https://www.bja.gov/Publications/CSG-Reentry-and-Employment.pdf>).

• **Sentencing options for misdemeanants:** The Misdemeanants Work Group is examining a deferred sentencing model for specific state cases. Included in the discussion are representatives from the Department of Law, the Public Defender Agency, Municipality of Anchorage Prosecutor's Office, Department of Corrections Electronic Monitoring, and the Alaska Court System Therapeutic Courts. The 2011 recidivism study by the Alaska Judicial Council, *Criminal Recidivism in Alaska, 2008 and 2009* (<http://www.ajc.state.ak.us/reports/recid2011.pdf>), reported that the highest level of recidivism is found among misdemeanants 17-29 years of age. The

deferred sentencing program would focus on individuals in this group who are charged with property offenses. An assessment tool would be used to identify needs, including mental health/substance abuse treatment, education, and employment services. If the individual agrees to this intervention and completes the requirements within six months, the case would be dismissed. The major barrier to the implementation of this plan is the lack of low-cost or free services for this population. At this time, funds are prioritized for services for felons. The work group has collaborated with the Behavioral Health Work Group to explore requesting the use of alcohol tax funds to cover the costs of substance abuse assessment and treatment for misdemeanants at high risk of incurring a felony charge.

• **Behavioral Health:** In August the work group identified the need to update the behavioral health chapter (chapter 5) of the *Five-Year Prisoner Reentry Strategic Plan*. Co-chair DOC Deputy Commissioner Taylor indicated that the strategies and performance measures in the chapter would be updated prior to the completion of the current DOC needs assessment. A sub-group has been meeting to discuss using peer helpers to increase the number of offenders who are exposed to substance abuse programs in DOC facilities.

In addition to the specific activities noted above, other progress on the *Five-Year Plan* includes:

• **Fairbanks PACE Project:** The Fairbanks PACE (Probationer Accountability and Certain Enforcement) domestic violence program for repeat offender misdemeanants has been operating for over a year. This pilot

project has 18 offenders who have met the eligibility criteria and are in the program. A violation of the conditions of probation results in an immediate court appearance and the imposition of a jail sentence. The jail sentence is usually three days for a first violation; additional probation violations result in longer sentences. Based on program data, there appears to be a significant reduction in petitions to revoke probation for individuals in this program. The project also includes a survey of victims' perceptions of safety before, during, and after the offenders complete a batterers' intervention program. The UAA Justice Center is evaluating this project.

For information on the Alaska Prisoner Reentry Task Force and Alaska Department of Corrections Rehabilitation & Reentry, go to <http://www.correct.state.ak.us/rehabilitation-reentry>.

Legislative Events — SB 64 Hearings

Senate Bill 64 Omnibus Crime/Corrections Bill is a bipartisan effort to deal with the increasing costs of incarceration and the need for alternatives to prison. Hearings have been held in Wasilla and Fairbanks. The July 25, 2013 hearing in Wasilla is available at http://www.360north.org/gavel-archives/?event_id=2147483647_2013111006.

The November 4 hearing in Fairbanks can be viewed in two parts at http://www.360north.org/gavel-archives/?event_id=2147483647_2013111006 and at http://www.360north.org/gavel-archives/?event_id=2147483647_2013111010.

For further reading, see http://justice.uaa.alaska.edu/a-z/o/offender_reentry.html.

In Memoriam

Dr. Nancy E. Schafer, Professor Emeritus at the Justice Center, died September 26, 2013 after an illness. Dr. Schafer was on the faculty of the Justice Center from 1983 until her retirement in 2002, twice serving as acting director of the Justice Center, once as interim co-director, and once as acting dean of the School of Justice. Before joining the University of Alaska Anchorage she served on the faculty of Indiana University-Purdue University at Indianapolis (1977-1983) and Trenton State College in Trenton, New Jersey (1974-1977). She received her Ph.D. from the University of Michigan in 1977.

Dr. Schafer's principal teaching and research areas were in corrections, criminology, and juvenile justice. She was a prolific author and coauthor of journal articles and research studies including "Exploring the Link between Visits and Parole Success: A Survey of Prison Visitors," "State Operated Jails: How and Why," "Delivering Justice in Rural Alaska," and "Community Jails in Alaska." Research projects for which she was principal investigator included an evaluation of the pretrial intervention program conducted by the Alaska Department of Law in the late 1980s, monitoring Alaska's compliance with the federal Juvenile

Justice and Delinquency Prevention Act, a study of disproportionate representation of minority youth in Alaska's juvenile justice system, and the Community Jails Statewide Research Consortium, a research partnership with fifteen community jails in Alaska. Dr. Schafer's professional affiliations included the American Correctional Association, the Academy of Criminal Justice Sciences, and the Midwestern Criminal Justice Association, of which she was past president. She served on numerous community committees, boards, and advisory boards including the Alaska Women's Resource Center, the Subcommittee on Disparate Minority Confinement of the Alaska Supreme Court's Committee on Fairness and Access, and the Alaska Juvenile Justice Work Group, as well as on a variety of UAA committees. Dr. Schafer's contributions to the Justice Center were invaluable, and the university is grateful for her service and commitment.

Research publications and papers by Dr. Schafer can be viewed at <http://justice.uaa.alaska.edu/publications/authors/schafer/>.

Condolences may be sent to her family c/o the Justice Center, 3211 Providence Drive, LIB 213, Anchorage, AK 99508.

Collateral consequences (continued from page 1)

Collateral consequences, summarizes the daunting array of statutory and regulatory impediments faced by released offenders in Alaska, and highlights the nascent reform movement in Alaska, focusing on the efforts of Senators Coghill and Dyson's work group to improve community safety and public health by facilitating prisoner reintegration and reducing rates of recidivism.

Collateral Consequences in the U.S.: 2013-2014

Although Alaska is identified as the state with the highest statutory and regulatory barriers to successful reentry for those convicted of criminal offenses, this is a national problem. The empirical and abundant evidence is clear: offenders who complete their sentences seldom, if ever, actually stop paying for their crimes. They — and their families — continue paying in multiple ways ranging from inadequate employment, to ineligibility for public food and housing benefits, to restrictions on the ability to adopt or receive placement of foster children. Their neighborhoods and communities pay as well, through a reduction in workforce, increased social service costs, and heightened demand on police and corrections officials.

The explosion in the number of Americans imprisoned has turned these collateral consequences into a national crisis for America's families and communities. Between 1991 and 1999, the number of children in the United States with a parent incarcerated in a state or federal facility increased over 100 percent, from approximately 900,000 to approximately two million children. Current figures for Alaska are difficult to determine but as of 2011, according to a survey conducted by the Sentencing Project, there were 1,520 Alaska parents in prison.

In August of 2013, U.S. Attorney General Eric Holder identified the problem of collateral consequences as a "top priority" for justice officials throughout the country. In remarks to the American Bar Association's House of Delegates, he called upon state and federal lawmakers to focus on improving reentry prospects for those with criminal convictions, emphasizing that this work has importance far beyond the offenders themselves, or even their families:

Ultimately, this is about much more than fairness for those who are released from prison. It's a matter of public safety and public good. It makes plain economic sense. It's about who we are as a people. And it

has the potential to positively impact the lives of every man, woman, and child — in every neighborhood and city — in the United States. After all, whenever a recidivist crime is committed, innocent people are victimized. Communities are less safe. Burdens on law enforcement are increased. And already-strained resources are depleted even further.

Barriers to successful reentry affect an enormous segment of the population. In recent years, the number of persons returning to their communities from state and federal prisons has reached approximately 650,000 annually. Approximately 12 million more are released each year from local jails, according to the U.S. Bureau of Justice Assistance (<https://www.bja.gov/ProgramDetails.aspx?ProgramID=90>).

A number of initiatives at the federal level target this problem. The most significant of these is perhaps the Federal Interagency Reentry Council. The Council was established in 2011 by the U.S. Attorney General's office for the purpose of coordinating efforts by various federal agencies to promote effective reentry policy and practice. Its focus is removing federal barriers that prevent individuals who have completed their sentences from transitioning into safe housing and productive employment. This coordinated effort rests on recognition that the twin issues of reentry and recidivism affect almost every aspect of federal government; they affect not only corrections and law enforcement agencies, but child welfare and public housing agencies, veterans' programs, Social Security benefits, emergency rooms and community health providers, substance abuse and addiction services, and education. Through the Reentry Council, a total of twenty federal agencies — ranging from the Department of Agriculture to the Department of Veterans Affairs — are working together to reduce recidivism and promote reintegration.

Across the country, state and local agencies are experimenting with innovative programs designed to improve public safety and reduce taxpayer costs associated with released individuals who reoffend. Many of these are assisted by grants from the U.S. Department of Justice pursuant to the Second Chance Act of 2007: Community Safety through Recidivism Prevention, PL 110-199. The Second Chance Act, as its title indicates, was enacted to "break the cycle of criminal recidivism, increase public safety, and help [s]tates, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit

new crimes." It authorizes grant funding, administered by the Bureau of Justice Assistance, for new or continuing programs that promote successful reintegration. Services provided by grantees in the years since the Act's implementation include substance abuse treatment, educational programs, employment assistance, anger and stress management counseling, family counseling, and life skills training.

Collateral Consequences in Alaska: 2013-2014

Here in Alaska, there are currently no fewer than 553 state statutes and regulations affecting in myriad ways the lives of those with past criminal convictions. These Alaskans are, of course, also subject to the vast array of federal statutes and regulations triggered by a criminal conviction. When these federal collateral consequences are added to Alaska's, the number of legislative and regulatory restrictions on the lives of these individuals swells to a staggering 1,597. And these figures do not include the panoply of laws at the local level that

Please see *Collateral consequences*, page 8



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Collateral consequences

(continued from page 7)

restrict access to municipal or borough employment or other benefits. Fairbanks North Star Borough Ordinance 2.12.160, for example, provides that a "person's vote shall not count where the voter has been convicted" of a felony involving a moral turpitude unless his civil rights have been restored. Ordinance 11.56.050 of the City and Borough of Sitka makes individuals convicted of certain crimes ineligible for a license to operate a taxicab. In Anchorage, section 2.35.120 of the municipal code prohibits anyone with a felony conviction in any jurisdiction within the preceding ten years from acting as a lobbyist. There are a multitude of similar restrictions throughout Alaska's municipalities and boroughs.

The state and federal figures above come from a recently completed survey of Alaska statutes and regulations by the American Bar Association's (ABA's) National Inventory of the Collateral Consequences of Conviction (NICCC) project. The NICCC is the result of a mandate from Congress to the National Institute of Justice (NIJ), included in the Court Security Act of 2007, to collect and study collateral consequences legislation

and regulation across the country. NIJ designated the ABA Criminal Justice Section to do the research. The results are posted on the ABA's website at <http://www.abacollateralconsequences.org/>.

The inventory was spearheaded by U.S. Senator Patrick Leahy (D-VT), who understood that legislation unnecessarily restricting the ability of those with criminal convictions to find work or to fully participate in civic life is detrimental, rather than beneficial, to public safety. In his September 19, 2012 remarks lauding the launch of the database, he observed:

As a former prosecutor, I believe there should be serious consequences for criminal activity. I also know well that most of those convicted of crimes will return to our communities, and we should be doing everything we can to give them the skills and opportunities they need to reintegrate successfully, rather than returning to a life of crime. That is the right thing to do, and it makes us all safer.

The NICCC website is interactive, allowing users to search jurisdiction by jurisdiction using keywords, triggering offense, or

category of consequence. It was designed to serve as a resource for judges, defense counsel, and prosecutors to locate important information about the consequences of a conviction beyond the sentence imposed. And, importantly, it allows lawyers and their clients to understand the full impact a conviction might carry as they consider defense strategies and the long term consequences of a particular plea.

The project was initially launched in late 2012. Because of the critical importance of this information to policymakers and researchers as well as to judges, lawyers, and defendants, the database was put on line before most of the states, including Alaska, had been fully inventoried. In March 2013, Alaska Senators Coghill and Ellis wrote to the director of the NICCC, requesting that Alaska be placed at the top of the list for inventory completion. Specifically, they noted that having "an accurate understanding of the full extent of state collateral consequences" would assist the bipartisan legislative work group's efforts to "advance an Omnibus Crime bill to reduce Alaska's rate of criminal recidivism." Their request was granted immediately, a decision praised by Alaska's Attorney General Michael C. Geraghty. Geraghty, who also serves as

The Second Chance Act in Alaska

The Second Chance Act (SCA) of 2007 was enacted to address problems posed by the growing number of adults and juveniles released from incarceration and returned to their communities. In 2013, the U.S. Department of Justice (DOJ) reported there were over 2.2 million Americans serving time in prison and millions cycling through local jails annually. DOJ predicts that 95 percent of all offenders currently incarcerated will eventually be released and returned to their communities. SCA funds are awarded to help communities develop and implement strategies to facilitate reentry and reduce recidivism for these individuals.

In FY 2013, the Department of Justice Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice and Delinquency Prevention awarded more than 100 grants totaling over \$62 million pursuant to the Second Chance Act. These awards were made to support reentry programs across the country and funded a diverse range of efforts. The focus of these projects included mental health/substance abuse, technology career training, juvenile reentry, and smart probation.

In Alaska, SCA funds have supported efforts by the Alaska Native Justice Center (ANJC), in collaboration with the Alaska Department of Corrections and the Alaska Prisoner Reentry Task Force, to reduce recidivism and promote successful reentry for both Alaska Natives and non-Natives. Improving reentry outcomes is a critical need across the state. A 2007 Alaska Judicial Council report found that of 2,000 offenders convicted of a felony in 1999, 66 percent were reincarcerated within three years for a new offense or a probation/parole violation.

In 2010, ANJC received \$175,000 in SCA funds under the BJA Adult and Juvenile Offender Reentry Demonstration

Projects. Eligibility for this award was limited to projects that sought "to reduce recidivism among their target population by 50 percent within a 5-year period" (<http://www.ojjdp.gov/grants/solicitations/FY2010/Secondchancementoring.pdf>). The project was designed to build on ANJC's existing adult prisoner reentry program by extending reentry services to one of the three community residential centers (CRCs) in the Anchorage area.

The most recent grant to ANJC, for \$100,000 in 2013, covers statewide recidivism reduction planning. It was one of 13 awards made nationwide by BJA to state correctional agencies or state administering agencies. These funds were awarded for the purpose of supporting a formal 12-month comprehensive planning process to develop a Statewide Recidivism Reduction Strategic Plan. Upon completion of the strategic plan, BJA will evaluate the grantees' work and determine which agencies will be invited to submit applications for implementation grants of \$1 million to \$3 million.

The importance of this work and the continuing need to reduce recidivism across the country has prompted bipartisan legislation to reauthorize SCA grant programs. The proposed Second Chance Reauthorization Act of 2013 (S1690/H.R. 3465—113th Congress) would promote greater accountability from grantees while expanding the number of grant programs available. The bill places a priority on data collection, outcome evaluation, and evidence-based practices. In urging Congress to act, sponsors of the bill note that more than 650,000 individuals return from prison each year: "how we integrate them into the broader community when they are released...profoundly affect[s] the communities in which we live."

co-chair of the Criminal Justice Working Group, a multi-agency group formed to address issues such as criminal recidivism, emphasized in a letter dated March 26, 2013 that “unnecessary and/or gratuitous barriers to employment once a prisoner leaves incarceration can easily foster a return to crime...”

The NICCC’s inventory of Alaska statutes and regulations was complete by mid-June, and in July 2013, Alaska’s House and Senate Judiciary Standing Committees held a joint hearing on the Omnibus Crime bill, Senate Bill 64, referenced in Senators Ellis and Coghill’s letter to the NICCC. As proposed, the bill will modify existing statutes and adopt new statutes all with the dual aims of improving public safety and reducing spending on corrections. Reducing recidivism is integral to the bill’s purpose. Citing a 2011 report by the Alaska Judicial Council, Senator Ellis noted that Alaska has one of the highest levels of prison population growth in the nation and “an alarming recidivism rate.” He referred to studies reporting that one out of every 36 Alaskans were incarcerated, and that two-thirds of those released were back in custody within three years. (See minutes, <http://bit.ly/akleg-sb64>.)

In Alaska, the burden of barriers to em-

ployment and other collateral consequences of criminal convictions fall disproportionately on the Native community. Although Alaska Natives/American Indians comprised just 17 percent of the overall 2012 population of Alaska by Alaska Department of Labor estimates, they comprised slightly more than 37 percent of those incarcerated according to the Alaska Department of Corrections 2012 *Offender Profile*. Nearly 33 percent of youth in the juvenile justice system in 2012 were Alaska Native/American Indian, according to the Alaska Division of Juvenile Justice.

For lawmakers considering the impact of barrier statutes on community safety, the employment difficulties faced by those released from incarceration have important ramifications beyond the risk of recidivism. Unemployment or underemployment is also one of the key predictors of domestic violence, a problem that is arguably the most significant public health and law enforcement challenge in the state. Joblessness is associated with increased psychological and physical aggression. (See “Employment Barriers and Domestic Violence,” page 10.) Research has shown that family economic stress also gives rise to a host of physical and mental problems including anxiety and sleep disorders, digestive ailments, and headaches. Rates of alcoholism and drug abuse also rise. This in turn translates into increased hospital admissions and demand on public health services.

The number of Alaska families facing the challenge of reintegration make barrier legislation a significant public health and safety issue across the state. In 2012, the Alaska Department of Corrections (DOC) reported 4,095 felon releases (Table 1). The total number of offender releases that year was 11,917. There was an average of 1,144 releases—including felons and misdemeanants—each month. (These figures do not include releases from contract jails, community residential centers, or electronic monitoring.) Table 2 shows the total figures for offenders under DOC jurisdiction in 2012.

Table 1. Unique Releases of Offenders from Alaska Department of Corrections Facilities by Offense Type, 2012

Unduplicated counts.

Offense type	N
Felony	4,095
Misdemeanor	7,766
Violation	56
Total	11,917
Average number of unduplicated offenders released per month	1,144

Note: Monthly releases are based on all convictions. If an offender was released more than one time in a given month, then only one release was counted for that month. If an offender was released more than once but in different months, then one release per month was counted.

Source of data: Alaska Department of Corrections

The Reform Movement

Testimony taken by the Joint Judiciary Committees on Senate Bill 64 in Wasilla in July 2013 was unanimous in recognizing that policing, prosecution, and incarceration alone will not make Alaska’s communities safer places to live. (A Joint Judiciary Committee meeting on SB64 was also held in Fairbanks in October.) Lawmakers must turn their attention to prevention and strategies to reduce recidivism among the thousands of prisoners released each year, including removing unnecessary barriers to employment and public benefits for Alaskans with past convictions for criminal offenses.

Former Alaska Supreme Court Justice Walter Carpeneti in his testimony noted that the Conference of Commissioners on Uniform State Laws recently adopted a proposed uniform law addressing the problem of institutionalized barriers to reintegration. This proposed legislation, the Uniform Collateral Consequences of Conviction Act, includes a variety of measures designed to mitigate the counter-productive effects of unnecessary barrier laws. They include provisions such as expungement for relief from the consequences of overturned or pardoned convictions and procedural mechanisms by which jurisdictions may improve the employability of those who were convicted but have served their sentence. In 2013, five states—Connecticut, Minnesota, New Mexico, New York, and Vermont—considered bills to adopt one or more of these measures.

Texas Representative Jerry Madden, former chair of the Texas House of Representatives Corrections Committee, attended the Wasilla joint meeting. He described

Please see *Collateral consequences*, page 10

Table 2. Offenders in Institutions under the Jurisdiction of the Alaska Department of Corrections, 2012

Includes both sentenced and unsentenced prisoners in both jails and prisons.

In-state	3,800
Anchorage Correctional Complex East	428
Anchorage Correctional Complex West	418
Anvil Mountain Correctional Center (Nome)	115
Fairbanks Correctional Center	277
Goose Creek Correctional Center (Wasilla)	429
Hiland Mountain Correctional Center (Eagle River)	400
Ketchikan Correctional Center	68
Lemon Creek Correctional Center (Juneau)	221
Mat-Su Pretrial (Palmer)	86
Palmer Medium Correctional Center	288
Palmer Minimum Correctional Center	176
Point Mackenzie Correctional Farm (Wasilla)	16
Spring Creek Correctional Center (Seward)	305
Wildwood Correctional Center (Kenai)	285
Wildwood Pretrial (Kenai)	115
Yukon-Kuskokwim Correctional Center (Bethel)	173
Out-of-state	1,051
Colorado State Prison	6
Hudson Correctional Facility (Colorado)*	1,035
Washington State Prison	1
Federal Bureau of Prisons	9
Total	4,851

* Hudson Correctional Facility is a private correctional facility operated by Cornell Companies, Inc.

Source of data: 2012 *Offender Profile*, Alaska Department of Corrections

Collateral consequences (continued from page 9)

Various Smart Justice initiatives across the country and highlighted the progress Texas has made in reducing recidivism and lowering numbers of prisoners. In brief, *Smart Justice* or *Justice Reinvestment* refers to diverting public funds away from prison growth and maintenance and using them on programs designed to reduce the numbers entering prison for the first time and break the cycle of recidivism for those already incarcerated. Following implementation of these programs in Texas, in the two years between 2011 and 2013 the state housed 7,000 fewer prisoners, parole revocations dropped 40 percent, juvenile probations dropped 30 percent, and the arrest rate declined 10 percent. The state closed one prison during that period and has approved closing two more. These results stand in stark contrast to the 2007 prediction by the Texas Legislative Budget Board that within five years there would be 17,700 new prisoners in the state and that eight or nine new prisons would be required, at a public cost of \$250 million plus annual operating costs of \$40–50 million per prison.

Representative Madden recommended that Alaska legislators look at legislation recently passed in other states — among them, Ohio. Ohio has emerged as a national leader in its efforts to promote the successful reintegration of released individuals. In 2012, the Ohio legislature passed Senate Bill 337 which created a certificate for qualification for employment. The certificate does

two things — it relieves eligible individuals from automatic disqualification from some state-issued occupational licenses and it provides immunity for employers from negligent hiring liability related to hires of individuals holding a certificate. The 2012 reforms also included a mechanism by which eligible individuals with no more than one felony conviction, two different misdemeanor convictions, or one felony and one misdemeanor conviction may have their records sealed.

These and similar measures are slowly being adopted across the country as state leaders acknowledge that conviction-based constraints on employment and participation in other aspects of civic life make communities less safe and increase the public cost of policing and corrections. Such measures include “ban the box” legislation preventing employers from asking about an applicant’s criminal past at the initial stages of hiring or licensing, protection for employers from negligent hire suits based on employment of those with criminal convictions, provisions for the expungement and sealing of certain criminal records, statutes that would make state residents with criminal convictions eligible for federal food and housing benefits from which they might otherwise be barred, and repeal of laws preventing individuals with criminal convictions from voting. Senators Ellis and Coghill’s work to advance the cataloging of collateral consequences in Alaska and examine the impact of these laws on families and local communities falls squarely within this bipartisan reform movement.

Conclusion

As Senator Coghill noted in a March 28, 2013 press release, “The whole point of rehabilitation is to keep people from going back down that road of crime. If we take away every opportunity they have to rebuild their lives after serving their time, we are basically paving their way back to prison.” And as Attorney General Holder observed, this is about far more than fairness to those released. Fundamentally, it is about the public good. The bipartisan working group’s initiative to reduce state-created obstacles to successful employment and full enjoyment of civic life for those with criminal convictions in their past has the potential to improve community safety and public health, reduce state expenses associated with recidivism, make available an underutilized human resource to Alaska’s businesses, and vastly improve the quality of life for the children of those convicted.

This work is not easy. It is, in fact, immensely difficult. It requires thoughtful, time-consuming analysis of hundreds of individual statutory and regulatory provisions and a careful, objective balancing of public interests. It is, nevertheless, work that is overdue and work that is a critical component of community health and safety.

Deb Periman, J.D., is a member of the Justice Center faculty. Simona Gerdtz and Nessabeth Rooks contributed valuable research on this topic. For further reading on the collateral consequences of criminal conviction, see http://justice.uaa.alaska.edu/a-z/c/collateral_consequences.html.

Employment Barriers and Domestic Violence

Deborah Periman

In 2003 the *American Journal of Public Health* published the results of an 11-city study looking at risk factors for femicide. In the article, “Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study,” investigators looked at differences in demographic, background, and relationship variables between a group of femicide victims and a control group of abused women. Of the variables examined,

the strongest risk factor for intimate partner femicide was the perpetrator’s lack of employment.

The researchers also found that “[i]n fact, abuser’s [sic] lack of employment was the only demographic risk factor that significantly predicted femicide risks” after con-

trolling for other factors. Unemployment increased the risk of femicide four times over the risk associated with employed abusers. Moreover, unemployment appeared to underlie increased risks generally attributed to race and ethnicity.

The link between perpetrator unemployment and domestic violence is so significant that experts conclude any effective domestic violence prevention strategy must address unemployment and male poverty. Professor Deborah Weissman of the University

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of North Carolina School of Law, who has written extensively on this issue, points to the work of researcher and law professor Rody Raphael which indicates that "the elimination of male poverty is a critical part of domestic violence prevention strategy." In her article, "The Personal Is Political — and Economic: Rethinking Domestic Violence," Professor Weissman also notes that the effect of economic instability on mental health is tremendous: "Poverty creates stress, households have diminished resources available to cope with stress, and stress is a source of violence." A 1994 study by the U.S. Department of Justice cited by researchers Jennifer Nou and Christopher Timmins demonstrated that as household income decreases, family violence increases. At the time of the study, women in households where the annual income was below

\$10,000 disclosed suffering from domestic abuse at a rate five times higher than women from higher income households. Based on this evidence, Professor Weissman and others conclude that to reduce rates of domestic violence officials must focus on offender joblessness at sentencing, in probation, and in reentry services. Batterers who have jobs and concomitant ties to the community are less likely to reoffend.

Reducing the risk that a former offender will engage in family violence has important consequences for the growth and development of Alaska's children. National data shows that over 35 percent of violence between partners occurs while at least one child is in the home. Children living in homes where one adult partner is abused are much more likely to be physically or psychologically abused than children living

in homes without such violence. These children are also at increased risk of becoming batterers themselves, attempting suicide, and suffering from depression, obesity, substance abuse, and overall poor physical health in later life.

Deb Periman, J.D., is a member of the Justice Center faculty.

New Staff

Khristy Parker, Justice '08 and MPA (Criminal Justice emphasis) '13, has joined the staff of the Alaska Justice Statistical Analysis Center (AJSAC) as a research professional. Ms. Parker has worked for the Justice Center as a research assistant and for the UAA Institute for Social and Economic Research (ISER) as a research associate.

The AJSAC, established in 1986 and housed within the Justice Center, assists Alaska criminal justice and law enforcement agencies through the collection, analysis, and reporting of crime and justice statistics.

Early Online Version of Forum

If you would like to receive an early online version of the *Alaska Justice Forum*, please email editor@uaa.alaska.edu and put "Forum online" in the subject line.

Recent Faculty Publications

- Barton, William H.; Jarjoura, G. Roger; & Rosay, André B. (2012). "Applying a Developmental Lens to Juvenile Reentry and Reintegration." *Journal of Juvenile Justice* 1(2): 95-107 (Spring 2012). (<http://www.journalofjuvjustice.org/jojj0102/article07.htm>; http://justice.uaa.alaska.edu/research/2000/0411.targeted_reentry/0411.06.applying_lens.html).
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Collateral Consequences and Reentry in Alaska: An Update

Deborah Periman

"Our legal system has created barriers to work, education, business opportunities, volunteerism, and housing — the very things that are necessary to prevent recidivism."
— Alaska Senator John Coghill (R-North Pole), "Alaska Tops List of Collateral Consequences of Conviction Project" (Press Release, March 28, 2013)

Introduction

Alaska ranks number one in the nation for state-created legislative and regulatory barriers to successful reentry for individuals with a criminal record, according to the National Legal Action Center (LAC). The LAC is a public interest law and policy organization focused on reducing impediments to employment and housing for those arrested or convicted of criminal conduct. Alaska's dismal ranking is based on state statutes and regulations that create hurdles to successful reintegration in seven areas: employment, public assistance, third party access to criminal records, voting, public housing, eligibility for adoptive or foster parenting, and driver's licenses. Of these seven, Alaska received the lowest score possible with respect to employment, public assistance, and parenting.

Many of these institutionally created barriers (often referred to as the collateral consequences of a conviction) have no direct relationship to the crimes for which individuals have been convicted. Perhaps one of the clearest examples is administration of the federal Supplemental Nutrition Assistance Program (SNAP — more colloquially known as "food stamps") in Alaska. Although convicted drug felons are subject to a blanket ban on receiving this benefit, Congress specifically authorized states to opt out of this prohibition and permit their residents access to benefits. All but eleven states have either opted out of the ban completely or moved to minimize its impact. Alaska is one of the few states that has not opted out, despite the fact that the federal government shoulders the entire cost of the food subsidies and pays half of the states' costs to administer the program. As a result, Alaskans convicted of felony drug offenses return to their families and communities ineligible for this important nutritional assistance.

At the close of the 2013 legislative session, Alaska Senate Majority Leader John

Coghill and Minority Leader Johnny Ellis moved to address the community safety and public health issues associated with collateral consequences. In a letter written to the National Inventory of the Collateral Consequences of Conviction (NICCC) Project, the senators explicitly recognized that some of Alaska's barrier statutes and regulations are not rationally related to the promotion of public safety. To the contrary, the senators observed in a March 26, 2013 letter to then project director Margaret Love that these laws may "have the unintended result of impeding a former offender's ability to find employment and housing" that will support and shelter their families. This has important policy implications for lawmakers because meaningful employment and family connections are two factors consistently shown to reduce the risk that those released will reoffend. Under the leadership of Senators Coghill and Dyson, a bipartisan legislative workgroup of four senators — Coghill, Dyson, Ellis, and French — is working to advance an Omnibus Crime bill intended to

Please see Collateral consequences, page 7

HIGHLIGHTS INSIDE THIS ISSUE

- An examination of prison visitation policies in Alaska and nationally (page 2).
- An update on the work of the Alaska Prisoner Reentry Task Force (page 3).
- In memoriam: Dr. Nancy E. Schafer (page 5).
- The relationship between barriers to employment and domestic violence (page 10).
- Recent faculty publications (page 11).

Alaska Resources on Reentry

A number of groups across the state are looking for reasonable solutions to the problem of collateral consequences in Alaska, solutions that will reduce the burgeoning costs of prison maintenance, facilitate the transition from incarceration to productive citizenship for those convicted of a criminal offense, and improve the quality of life for the families of those making the transition. These include:

Alaska Criminal Justice Working Group (<http://www.gov.state.ak.us/admin-orders/138.html>) (see "Criminal Justice Working Group Update," *Alaska Justice Forum*, Summer 2013).

Alaska Native Justice Center Reentry Program (http://www.anjc.org/?page_id=869)
Alaska Prisoner Reentry Task Force and regional reentry coalitions in Anchorage, Fairbanks, Juneau, Mat-Su and Bristol Bay (<http://www.correct.state.ak.us/rehabilitation-reentry>) (see "Alaska Prisoner Reentry Task Force Update," this issue page _).

New Life Development, Inc. (<http://www.nldinc.org/>).

Partners for Progress Reentry Center (<http://partnersforprogressak.org/focus-on-reentry/>).

Collateral consequences (continued from page 1)

duce rates of criminal recidivism in Alaska by removing some of these barriers to finding stable employment and safe housing.

This article provides a brief summary of recent efforts at the national level to ameliorate the public costs of unnecessary collateral consequences, summarizes the daunting array of statutory and regulatory impediments faced by released offenders in Alaska, and highlights the nascent reform movement in Alaska, focusing on the efforts of Senators Coghill and Dyson's workgroup to improve community safety and public health by facilitating prisoner reintegration and reducing rates of recidivism.

Collateral Consequences in the U.S.: 2013-2014

Although Alaska is identified as the state with the highest statutory and regulatory barriers to successful reentry for those convicted of criminal offenses, this is a national problem. The empirical and abundant evidence is clear: offenders who complete their sentences seldom, if ever, actually stop paying for their crimes. They — and their families — continue paying in multiple ways ranging from inadequate employment, ineligibility for public food and housing benefits, to restrictions on the ability to adopt or receive placement of foster children. Their neighborhoods and communities pay as well, through a reduction in workforce, increased social service costs, and heightened demand on police and corrections officials.

The explosion in the number of Americans imprisoned has turned these collateral consequences into a national crisis for America's families and communities. Between 1991 and 1999, the number of children in the United States with a parent incarcerated in a state or federal facility increased over 100 percent, from approximately 900,000 to approximately two million children. Current figures for Alaska are difficult to determine but according to a survey conducted by the Sentencing Project, as of 2011 there were 1,520 Alaska parents in prison.

In August of 2013, U.S. Attorney General Eric Holder identified the problem of collateral consequences as a "top priority" for justice officials throughout the country. In remarks to the American Bar Association's House of Delegates, he called upon state and federal lawmakers to focus on improving reentry prospects for those with criminal convictions, emphasizing that this work has importance far beyond the offenders themselves, or even their families:

Ultimately, this is about much more

than fairness for those who are released from prison. It's a matter of public safety and public good. It makes plain economic sense. It's about who we are as a people. And it has the potential to positively impact the lives of every man, woman, and child — in every neighborhood and city — in the United States. After all, whenever a recidivist crime is committed, innocent people are victimized. Communities are less safe. Burdens on law enforcement are increased. And already-strained resources are depleted even further.

Barriers to successful reentry affect an enormous segment of the population. In recent years, the number of persons returning to their communities from state and federal prisons has reached approximately 650,000 annually. Approximately 12 million more are released each year from local jails, according to the U.S. Bureau of Justice Assistance (https://www.bja.gov/ProgramDetails.aspx?Program_ID=90).

A number of initiatives at the federal level target this problem. The most significant of these is perhaps the Federal Interagency Reentry Council. The Council was established in 2011 by the U.S. Attorney General's office for the purpose of coordinating efforts by various federal agencies to promote effective reentry policy and practice. Its focus is removing federal barriers that prevent individuals who have completed their sentences from transitioning into safe housing and productive employment. This coordinated effort rests on recognition that the twin issues of reentry and recidivism affect almost every aspect of federal government; they affect not only corrections and law enforcement agencies, but child welfare and public housing agencies, veterans' programs, Social Security benefits, emergency rooms and community health providers, substance abuse and addiction services, and education. Through the Reentry Council, a total of twenty federal agencies — ranging from the Department of Agriculture to the Department of Veterans Affairs — are working together to reduce recidivism and promote reintegration.

Across the country, state and local agencies are experimenting with innovative programs designed to improve public safety and reduce taxpayer costs associated with released individuals who reoffend. Many of these are assisted by grants from the U.S. Department of Justice pursuant to the Second Chance Act of 2007: Community Safety through Recidivism Prevention, PL 110-199. The Second Chance Act, as its title indicates, was enacted to "break the cycle of

criminal recidivism, increase public safety, and help [s]tates, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit new crimes." It authorizes grant funding, administered by the Bureau of Justice Assistance, for new or continuing programs that promote successful reintegration. Services provided by grantees in the years since the Act's implementation include substance abuse treatment, educational programs, employment assistance, anger and stress management counseling, family counseling, and life skills training.

Collateral Consequences in Alaska: 2013-2014

Here in Alaska, there are currently no fewer than 553 state statutes and regulations affecting in myriad ways the lives of those with past criminal convictions. These Alaskans are, of course, also subject to the vast array of federal statutes and regulations triggered by a criminal conviction. When these federal collateral consequences are

Please see Collateral consequences, page 8



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Collateral consequences (continued from page 7)

ded to Alaska's, the number of legislative and regulatory restrictions on the lives of these individuals swells to a staggering 1,597. And these figures do not include the panoply of laws at the local level that restrict access to municipal or borough employment or other benefits. Fairbanks North Star Borough Ordinance 2.12.160, for example, provides that a "person's vote shall not count where the voter has been convicted" of a felony involving a moral turpitude unless his civil rights have been restored. Ordinance 11.56.050 of the City and Borough of Sitka makes individuals convicted of certain crimes ineligible for a license to operate a taxicab. In Anchorage, section 2.35.120 of the municipal code prohibits anyone with a felony conviction in any jurisdiction within the preceding ten years from acting as a lobbyist. There are a multitude of similar restrictions throughout Alaska's municipalities and boroughs.

The state and federal figures above come from a recently completed survey of Alaska statutes and regulations by the American Bar Association's (ABA's) National Inventory of Collateral Consequences (NICC) project.

The NICC is the result of a mandate from Congress to the National Institute of Justice (NIJ), included in the Court Security Act of 2007, to collect and study collateral consequences legislation and regulation across the country. NIJ designated the ABA Criminal Justice Section to do the research. The results are posted on the ABA's website at <http://www.abacollateralconsequences.org/>.

The inventory was spearheaded by U.S. Senator Patrick Leahy (D-VT), who understood that legislation unnecessarily restricting the ability of those with criminal convictions to find work or to fully participate in civic life is detrimental, rather than beneficial, to public safety. In his September 19, 2012 remarks lauding the launch of the database, he observed:

As a former prosecutor, I believe there should be serious consequences for criminal activity. I also know well that most of those convicted of crimes will return to our communities, and we should be doing everything we can to give them the skills and opportunities they need to reintegrate successfully, rather than returning to a life of crime. That is the right thing to do, and it makes us all safer.

The NICC website is interactive, allowing users to search jurisdiction by jurisdiction using keywords, triggering offense, or category of consequence. It was designed to serve as a resource for judges, defense counsel and prosecutors to locate important information about the consequences of a conviction beyond the sentence imposed. And importantly, it allows lawyers and their clients to understand the full impact a conviction might carry as they consider defense strategies and the long term consequences of a particular plea.

The project was initially launched in late 2012. Because of the critical importance of this information to policymakers and researchers as well as to judges, lawyers, and defendants, the database was put on line before most of the states, including Alaska, had been fully inventoried. In March of this year, Alaska Senators Coghill and Ellis wrote to the director of the NICCC, requesting that Alaska be placed at the top of the list for inventory completion. Specifically, they noted that having "an accurate understanding of the full extent of state collateral consequences" would assist the bipartisan legislative work group's efforts to "advance an Omnibus Crime bill to reduce Alaska's rate of criminal recidivism. Their request

The Second Chance Act in Alaska

The Second Chance Act (SCA) of 2007 was enacted to address problems posed by the growing number of adults and juveniles released from incarceration and returned to their communities. In 2013, the U.S. Department of Justice (DOJ) reported there were over 2.2 million Americans serving time in prison and millions cycling through local jails annually. DOJ predicts that 95 percent of all offenders currently incarcerated will eventually be released and returned to their communities. SCA funds are awarded to help communities develop and implement strategies to facilitate reentry and reduce recidivism for these individuals.

In FY2013, the Department of Justice Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice and Delinquency Prevention awarded more than 100 grants totaling over \$62 million pursuant to the Second Chance Act. These awards were made to support reentry programs across the country and funded a diverse range of efforts. The focus of these projects included mental health/substance abuse, technology career training, juvenile reentry, and smart probation.

In Alaska, SCA funds have supported efforts by Alaska Native Justice Center (ANJC), in collaboration with the Alaska Department of Corrections and the Alaska Prisoner Reentry Task Force, to reduce recidivism and promote successful reentry for both Alaska Natives and non-Natives. Improving reentry outcomes is a critical need across the state. A 2007 Alaska Judicial Council report found that of 2,000 offenders convicted of a felony in 1999, 66 percent were reincarcerated within three years for a new offense or a probation/parole violation.

In 2010, ANJC received \$175,000 in SCA funds under the BJA Adult and Juvenile Offender Reentry Demonstration

Projects. Eligibility for this award was limited to projects that sought "to reduce recidivism among their target population by 50 percent within a 5-year period" (<http://www.ojjdp.gov/grants/solicitations/FY2010/Secondchancementoring.pdf>). The project was designed to build on ANJC's existing adult prisoner reentry program by extending reentry services to one of the three community residential centers (CRCs) in the Anchorage area.

The most recent grant to ANJC, for \$100,000 in 2013, covers statewide recidivism reduction planning. It was one of 13 awards made nationwide by BJA to state correctional agencies or state administering agencies. These funds were awarded for the purpose of supporting a formal 12-month comprehensive planning process to develop a Statewide Recidivism Reduction Strategic Plan. Upon completion of the strategic plan, BJA will evaluate the grantees' work and determine which agencies will be invited to submit applications for implementation grants of \$1 million to \$3 million.

The importance of this work and the continuing need to reduce recidivism across the country has prompted bipartisan legislation to reauthorize SCA grant programs. The proposed Second Chance Reauthorization Act of 2013 (S1690/H.R. 3465 — 113th Congress) would promote greater accountability from grantees while expanding the number of grant programs available. The bill places a priority on data collection, outcome evaluation, and evidence-based practices. In urging Congress to act, sponsors of the bill note that more than 650,000 individuals return from prison each year: "how we integrate them into the broader community when they are released...profoundly affect[s] the communities in which we live."

was granted immediately, a decision praised by Alaska's Attorney General Michael C. Geraghty. Geraghty, who also serves as chair of the Criminal Justice Working Group, a multi-agency group formed to address issues such as criminal recidivism, emphasized in a letter dated March 26, 2013 that "unnecessary and/or gratuitous barriers to employment once a prisoner leaves incarceration can easily foster a return to crime..."

The NICC's inventory of Alaska statutes and regulations was complete by mid-June, and in July, 2013, Alaska's House and Senate Judiciary Standing Committees held a joint hearing on the Omnibus Crime bill, Senate Bill 64, referenced in Senators Ellis and Coghill's letter to the NICC. As proposed, the Bill will modify existing statutes and adopt new statutes all with the dual aims of improving public safety and reducing spending on corrections. Reducing recidivism is integral to the Bill's purpose. Citing a 2011 report by the Alaska Judicial Council, Senator Ellis noted that Alaska has one of the highest levels of prison population growth in the nation and "an alarming recidivism rate." He referred to studies reporting that one out of every 36 Alaskans were incarcerated, and that two-thirds of those released were back

in custody within three years. (See minutes, <http://bit.ly/akleg-sb64>.)

In Alaska, the burden of barriers to employment and other collateral consequences of criminal convictions fall disproportionately on the Native community. Although Alaska Natives/American Indians comprised just 17 percent of the overall 2012 population of Alaska by Alaska Department of Labor estimates, they comprised slightly more than 37 percent of those incarcerated according to the Alaska Department of Corrections 2012 Offender Profile. Nearly 33 percent of youth in the juvenile justice system in 2012 were Alaska Native/American Indian, according to the Alaska Division of Juvenile Justice.

For lawmakers considering the impact of barrier statutes on community safety, the employment difficulties faced by those released from incarceration have important ramifications beyond the risk of recidivism. Unemployment or underemployment is also one of the key predictors of domestic violence, a problem that is arguably the most significant public health and law enforcement challenge in the state. Joblessness is associated with increased

psychological and physical aggression. (See "Employment Barriers and Domestic Violence," page 10.) Research has shown that family economic stress also gives rise to a host of physical and mental problems including anxiety and sleep disorders, digestive ailments, and headaches. Rates of alcoholism and drug abuse also rise. This in turn translates into increased hospital admissions and demand on public health services.

The numbers of Alaska families facing the challenge of reintegration make barrier legislation a significant public health and safety issue across the state. In 2012, the Alaska Department of Corrections reported 4,095 felon releases. The total number of offender releases that year was 11,917. There was an average of 1,144 releases — including felons and misdemeanants — each month. (These

Table 1. Unique Releases of Offenders from Alaska Department of Corrections Facilities by Offense Type, 2012

Unduplicated counts.	
Offense type	N
Felony	4,095
Misdemeanor	7,766
Violation	56
Total	11,917
Average number of unduplicated offenders released per month	1,144

Note: Monthly releases are based on all convictions. If an offender was released more than one time in a given month, then only one release was counted for that month. If an offender was released more than once but in different months, then one release per month was counted.

Source of data: Alaska Department of Corrections

figures do not include releases from contract jails, community residential centers, or electronic monitoring.)

The Reform Movement

Testimony taken by the Joint Judiciary Committees on Senate Bill 64 in Wasilla in July 2013 was unanimous in recognizing that policing, prosecution, and incarceration alone will not make Alaska's communities safer places to live. (A Joint Judiciary Committee meeting on SB64 was also held in Fairbanks in October.) Lawmakers must turn their attention to prevention and strategies to reduce recidivism among the thousands of prisoners released each year, including removing unnecessary barriers to employment and public benefits for Alaskans with past convictions for criminal offenses.

Former Alaska Supreme Court Justice Walter Carpeneti in his testimony noted that the Conference of Commissioners on Uniform State Laws recently adopted a proposed uniform law addressing the problem of institutionalized barriers to reintegration. This proposed legislation, the Uniform Collateral Consequences of Conviction Act, includes a variety of measures designed to mitigate the counter-productive effects of unnecessary barrier laws. They include provisions such as expungement for relief from the consequences of overturned or pardoned convictions, and procedural mechanisms by which jurisdictions may improve the employability of those who were convicted but have served their sentence. In 2013, five states — Connecticut, Minnesota, New Mexico, New York, and Vermont — considered bills to adopt one or more of these measures.

Please see *Collateral consequences*, page 10

Table 2. Offenders in Institutions under the Jurisdiction of the Alaska Department of Corrections, 2012

Includes both sentenced and unsentenced prisoners in both jails and prisons.

In-state	3,800
Anchorage Correctional Complex East	428
Anchorage Correctional Complex West	418
Anvil Mountain Correctional Center (Nome)	115
Fairbanks Correctional Center	277
Goose Creek Correctional Center (Wasilla)	429
Hiland Mountain Correctional Center (Eagle River)	400
Ketchikan Correctional Center	68
Lemon Creek Correctional Center (Juneau)	221
Mat-Su Pretrial (Palmer)	86
Palmer Medium Correctional Center	288
Palmer Minimum Correctional Center	176
Point Mackenzie Correctional Farm (Wasilla)	16
Spring Creek Correctional Center (Seward)	305
Wildwood Correctional Center (Kenai)	285
Wildwood Pretrial (Kenai)	115
Yukon-Kuskokwim Correctional Center (Bethel)	173
Out-of-state	1,051
Colorado State Prison	6
Hudson Correctional Facility (Colorado)*	1,035
Washington State Prison	1
Federal Bureau of Prisons	9
Total	4,851

* Hudson Correctional Facility is a private correctional facility operated by Cornell Companies, Inc.

Source of data: 2012 Offender Profile, Alaska Department of Corrections

Collateral consequences (continued from page 9)

Texas Representative Jerry Madden, former chair of the Texas House of Representatives Corrections Committee, attended the Wasilla joint meeting. He described various "Smart Justice" initiatives across the country and highlighted the progress Texas has made in reducing recidivism and lowering numbers of prisoners. In brief, "Smart Justice" or "Justice Reinvestment" refers to diverting public funds away from prison growth and maintenance and using them on programs designed to reduce the numbers entering prison for the first time and break the cycle of recidivism for those already incarcerated. Following implementation of these programs in Texas, in the two years between 2011 and 2013 the state housed 7,000 fewer prisoners, parole revocations dropped 40 percent, juvenile probations dropped 30 percent, and the arrest rate declined 10 percent. The state closed one prison during that period and has approved closing two more. These results stand in stark contrast to the 2007 prediction by the Texas Legislative Budget Board that within five years there would be 17,700 new prisoners in the state and that eight or nine new prisons would be required, at a public cost of \$250 million plus annual operating costs of \$40-50 million per prison.

Representative Madden recommended that Alaska legislators look at legislation recently passed in other states — among them, Ohio. Ohio has emerged as a national leader in its efforts to promote the successful reintegration of released individuals. In

2012, the Ohio legislature passed Senate Bill 337 which created a certificate for qualification for employment. The certificate does two things — it relieves eligible individuals from automatic disqualification from some state-issued occupational licenses and it provides immunity for employers from negligent hiring liability related to hires of individuals holding a certificate. The 2012 reforms also included a mechanism by which eligible individuals with no more than one felony offense, two different misdemeanor offenses, or more than one felony and one misdemeanor offense may have their records sealed.

These and similar measures are slowly being adopted across the country as state leaders acknowledge that conviction-based constraints on employment and participation in other aspects of civic life make communities less safe and increase the public cost of policing and corrections. Such measures include "ban the box" legislation preventing employers from asking about an applicant's criminal past at the initial stages of hiring or licensing, protection for employers from negligent hire suits based on employment of those with criminal convictions, provisions for the expungement and sealing of certain criminal records, statutes that would make state residents with criminal convictions eligible for federal food and housing benefits from which they might otherwise be barred, and repeal of laws preventing individuals with criminal convictions from voting. Senators Ellis and Coghill's work to advance the cataloging of collateral consequences in Alaska and examine the impact of these laws on families and local communities

falls squarely within this bipartisan reform movement.

Conclusion

As Senator Coghill noted in a March 28, 2013 press release, "The whole point of rehabilitation is to keep people from going back down that road of crime. If we take away every opportunity they have to rebuild their lives after serving their time, we are basically paving their way back to prison." And as Attorney General Holder observed, this is about far more than fairness to those released. Fundamentally, it is about the public good. The bipartisan working group's initiative to reduce state-created obstacles to successful employment and full enjoyment of civic life for those with criminal convictions in their past has the potential to improve community safety and public health, reduce state expenses associated with recidivism, make available an underutilized human resource to Alaska's businesses, and vastly improve the quality of life for the children of those convicted.

This work is not easy. It is, in fact, immensely difficult. It requires thoughtful, time-consuming analysis of hundreds of individual statutory and regulatory provisions and a careful, objective balancing of public interests. It is, nevertheless, work that is overdue and work that is a critical component of community health and safety.

Deb Periman, J.D., is a member of the Justice Center faculty. Simona Gerdtz and Nessabeth Rooks contributed valuable research on this topic.

Employment Barriers and Domestic Violence

Deborah Periman

In 2003 the *American Journal of Public Health* published the results of an 11-city study looking at risk factors for femicide. In the article, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," investigators looked at differences in demographic, background, and relationship variables between a group of femicide victims and a control group of abused women. Of the variables examined,

the strongest risk factor for intimate partner femicide was the perpetrator's lack of employment.

The researchers also found that "[i]n fact, [the] user's [sic] lack of employment was the only demographic risk factor that significantly predicted femicide risks" after controlling for other factors. Unemployment

increased the risk of femicide four times over the risk associated with employed abusers. Moreover, unemployment appeared to underlie increased risks generally attributed to race and ethnicity.

The link between perpetrator unemployment and domestic violence is so significant

that experts conclude any effective domestic violence prevention strategy must address unemployment and male poverty. Professor Deborah Weissman of the University of North Carolina School of Law, who has written extensively on this issue, points to the work of researcher and law professor

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Jody Raphael which indicates that "the elimination of male poverty is a critical part of domestic violence prevention strategy." In her article, "The Personal Is Political - and Economic: Rethinking Domestic Violence," Professor Weissman also notes that the effect of economic instability on mental health is tremendous: "Poverty creates stress, households have diminished resources available to cope with stress, and stress is a source of violence." A 1994 study by the U.S. Department of Justice cited by researchers Jennifer Nou and Christopher Timmins demonstrated that as household income decreases family violence increases. At the time of the study, women in households where the annual income was below \$10,000 disclosed suffering from domestic abuse at a rate five times higher than women from

higher income households. Based on this evidence, Professor Weissman and others conclude that to reduce rates of domestic violence officials must focus on offender joblessness at sentencing, in probation, and in re-entry services. Batterers who have jobs and concomitant ties to the community are less likely to reoffend.

Reducing the risk that a former offender will engage in family violence has important consequences for the growth and development of Alaska's children. National data shows that over 35% of violence between partners occurs while at least one child is in the home. Children living in homes where one adult partner is abused are much more likely to be physically or psychologically abused than children living in homes without such violence. These children are also at

increased risk of becoming batterers themselves, attempting suicide, and suffering from depression, obesity, substance abuse, and overall poor physical health in later life.

Deb Periman, J.D., is a member of the Justice Center faculty.

New Staff

Khristy Parker, Justice '08 and MPA (Criminal Justice emphasis) '13, has joined the staff of the Alaska Justice Statistical Analysis Center (AJSAC) as a research professional. Ms. Parker has worked for the Justice Center as a research assistant and for the UAA Institute for Social and Economic Research (ISER) as a research associate.

The AJSAC, established in 1986 and housed within the Justice Center, assists Alaska criminal justice and law enforcement agencies through the collection, analysis, and reporting of crime and justice statistics.

Early Online Version of Forum

If you would like to receive an early online version of the *Alaska Justice Forum*, please email editor@uaa.alaska.edu and put "Forum online" in the subject line.

Recent Faculty Publications

- Barton, William H.; Jarjoura, G. Roger; & Rosay, André B. (2012). "Applying a Developmental Lens to Juvenile Reentry and Reintegration." *Journal of Juvenile Justice* 1(2): 95-107 (Spring 2012). (<http://www.journalofjuvjustice.org/joij0102/article07.htm>; http://justice.uaa.alaska.edu/research/2000/0411.targeted_reentry/0411.06.applying_lens.html).
- Barton, William H.; Jarjoura, G. Roger; & Rosay, André B. (2014). "Evaluating a Juvenile Reentry Program: An Elusive Target." Chap. 13. In Matthew S. Crow & John Ortiz Smykla (eds.), *Offender Reentry: Rethinking Criminology and Criminal Justice*, pp. 307-329. Burlington, MA: Jones & Bartlett Learning. (http://justice.uaa.alaska.edu/research/2000/0411.targeted_reentry/0411.07.evaluating_tr.html).
- Knudsen Latta, Kristin S. (2013). *Alaska Boards and Commissions: Results of the Alaska Citizen Members Survey*. Summary report prepared for the Office of the Governor, Boards and Commissions. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1403.01). (http://justice.uaa.alaska.edu/research/2010/1403.boards_commissions/1403.01.akboards.html).
- Myr Stol, Brad A. (2012). "The Alcohol-Related Workload of Patrol Officers." *Policing: An International Journal of Police Strategies & Management* 35(1): 55-75 (2012). (<http://dx.doi.org/10.1108/13639511211215450>).
- Myr Stol, Brad A.; & Brandeis, Jason. (2012). *The Predictive Validity of Marijuana Odor Detection: An Examination of Alaska State Trooper Case Reports 2006-2010*. Report prepared for the Alaska State Troopers. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1110.02). (<http://justice.uaa.alaska.edu/research/2010/1110.02.ast.marijuana/1110.02.marijuana.html>).
- Payne, Troy C. (2013). "Hot Spots." In Kenneth J. Peak (ed.), *Encyclopedia of Community Policing and Problem Solving*, pp. 194-198. Los Angeles: SAGE Publications. (http://justice.uaa.alaska.edu/publications/authors/payne/1060.03.hot_spots.html).
- Payne, Troy C. (2013). *Officer-Involved Shootings in Anchorage 1993-2013*. Report prepared for Anchorage Police Department. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1402.01). (http://justice.uaa.alaska.edu/research/2010/1402.apd_ois/1402.01.officer_involved_shootings.html).
- Payne, Troy C.; & Arneson, Michelle. (2012). *Green Bay Chronic Nuisance Notification Evaluation, 2006-2010*. Report prepared for the Green Bay Police Department, Green Bay, Wisconsin. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1301.01). (http://justice.uaa.alaska.edu/research/2010/1301.greenbay/1301.01.green_bay_eval.html).
- Payne, Troy C.; Gallagher, Kathleen; Eck, John E.; & Frank, James. (2013). "Problem Framing in Problem Solving: A Case Study." *Policing: An International Journal of Police Strategies & Management* 36(4): 670-682. (<http://dx.doi.org/10.1108/PIJPSM-01-2012-0081>).
- Rivera, Marny; Parker, Khristy; & McMullen, Jennifer. (2012). *2010 Anchorage Underage Drinking Survey: A Look at Adult Attitudes, Perceptions, and Norms*. Report prepared for Communities Mobilizing for Change on Alcohol, Volunteers of America Alaska. Anchorage, AK: Justice Center, University of Alaska Anchorage. (JC 1010.03). (http://justice.uaa.alaska.edu/research/2010/1010.voa/1010.03.auds_2010_report.html).
- Snodgrass, G. Matthew; Rosay, André B.; & Gover, Angela R. (2013). "Modeling the Referral Decision in Sexual Assault Cases: An Application of Random Forests." *American Journal of Criminal Justice* (May 2013). (<http://dx.doi.org/10.1007/s12103-013-9210-x>).

WITHDRAWN

29-LS8007A.6
Martin
4/22/16

AMENDMENT #16

OFFERED IN THE HOUSE

BY REPRESENTATIVE GUTTENBERG

TO:

1 Page _____, line _____:

2 Insert "; relating to major medical insurance coverage under the Public
3 Employees' Retirement System of Alaska; and providing for an effective date"

4
5 Page _____, following line _____:

6 Insert new bill sections to read:

7 ** Sec. A. AS 39.30.400(b) is amended to read:

8 (b) Upon application of an eligible person, the administrator shall reimburse to
9 the eligible person the costs for medical care expenses as defined in 26 U.S.C. 213(d).
10 Reimbursement is limited to the medical expenses of

11 (1) an eligible member, the spouse of an eligible member, and the
12 dependent children of an eligible member; [OR]

13 (2) a surviving spouse and the dependent children of an eligible
14 member dependent on the surviving spouse; or

15 (3) an eligible member's dependent children if the member dies
16 and there is no surviving spouse.

17 * Sec. B. AS 39.35.535(a) is amended to read:

18 (a) Except as provided in (d) of this section, the following persons are entitled
19 to major medical insurance coverage under this section:

20 (1) for employees first hired before July 1, 1986,

21 (A) an employee who is receiving a monthly benefit from the
22 plan and who has elected coverage;

23 (B) the spouse and dependent children of the employee

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described in (A) of this paragraph;

(C) the surviving spouse of a deceased employee who is receiving a monthly benefit from the plan and who has elected coverage;

(D) the dependent children of a deceased employee **for whom coverage has been elected** [WHO ARE DEPENDENT ON THE SURVIVING SPOUSE DESCRIBED IN (C) OF THIS PARAGRAPH];

(2) for members first hired on or after July 1, 1986,

(A) an employee who is receiving a monthly benefit from the plan and who has elected coverage for the employee;

(B) the spouse of the employee described in (A) of this paragraph if the employee elected coverage for the spouse;

(C) the dependent children of the employee described in (A) of this paragraph if the employee elected coverage for the dependent children;

(D) the surviving spouse of a deceased employee who is receiving a monthly benefit from the plan and who has elected coverage;

(E) the dependent children of a deceased employee **for whom coverage has been elected;**

(3) for deceased members who were peace officers or firefighters,

(A) the dependent children of the deceased member who are eligible to receive a pension benefit under AS 39.35.430 and for whom coverage has been elected;

(B) the surviving spouse of the deceased member who [ARE DEPENDENT ON THE SURVIVING SPOUSE DESCRIBED IN (D) OF THIS PARAGRAPH IF THE SURVIVING SPOUSE] has elected coverage **and is eligible to receive a pension benefit under AS 39.35.430** [FOR THE DEPENDENT CHILDREN].

* Sec. C. AS 39.35.535(c) is amended to read:

(c) A benefit recipient may elect major medical insurance coverage in accordance with regulations and under the following conditions:

(1) a person, other than a disabled member or a disabled member who is appointed to normal retirement, must pay an amount equal to the full monthly group

1 premium for retiree major medical insurance coverage if the person is

2 (A) younger than 60 years of age and has less than

3 (i) 25 years of credited service as a peace officer under
4 AS 39.35.360 and 39.35.370; or

5 (ii) 30 years of credited service under AS 39.35.360 and
6 39.35.370 that is not service as a peace officer; or

7 (B) of any age and has less than 10 years of credited service;

8 (2) a person is not required to make premium payments for retiree
9 major medical coverage if the person

10 (A) is a disabled member;

11 (B) is a disabled member who is appointed to normal
12 retirement;

13 (C) is 60 years of age or older and has at least 10 years of
14 credited service; [OR]

15 (D) has at least

16 (i) 25 years of credited service as a peace officer under
17 AS 39.35.360 and 39.35.370; or

18 (ii) 30 years of credited service under AS 39.35.360 and
19 39.35.370 not as a peace officer; or

20 **(E) is receiving a benefit under (a)(3) of this section.**

21 * **Sec. D.** AS 39.35.870(c) is repealed and reenacted to read:

22 (c) The following persons are eligible to elect medical benefits under
23 AS 39.35.880:

24 (1) a member who is eligible for retirement under (a) of this section;

25 (2) a member's surviving spouse if the member had retired or was
26 eligible for retirement and medical benefits at the time of the member's death;

27 (3) a deceased member's surviving spouse, if the deceased member
28 was a peace officer or firefighter and the deceased member's surviving spouse is
29 eligible to receive a benefit under AS 39.35.892; and

30 (4) a deceased member's dependent children if the deceased member
31 was a peace officer or firefighter and the deceased member's surviving spouse or

1 dependent children are eligible to receive a benefit under AS 39.35.892.

2 * **Sec. E.** AS 39.35.870(d) is amended to read:

3 (d) **A person** [MEMBERS] shall apply for retirement and medical benefits on
4 the forms and in the manner prescribed by the administrator.

5 * **Sec. F.** AS 39.35.870(g) is repealed and reenacted to read:

6 (g) If an eligible person elects not to participate in the retiree major medical
7 insurance plan, the election becomes irrevocable upon application for retirement and
8 medical benefits or when the person reaches 70 1/2 years of age, whichever is later.

9 * **Sec. G.** AS 39.35.870 is amended by adding a new subsection to read:

10 (h) Notwithstanding cessation of benefits under AS 39.35.892(b), medical
11 benefits for a survivor under (c)(3) and (4) of this section shall be paid until the last
12 day of the month in which there is no surviving spouse and no dependent child.

13 * **Sec. H.** AS 39.35.880(b) is repealed and reenacted to read:

14 (b) Retiree major medical insurance plan coverage elected by a person who is
15 eligible under AS 39.35.870(c) covers

16 (1) the member, the spouse of the eligible member, and the dependent
17 children of the eligible member if the member is the elector;

18 (2) the surviving spouse and the dependent children of the eligible
19 member who are dependent on the surviving spouse if the surviving spouse is the
20 elector;

21 (3) the dependent child if the dependent child, or a person authorized
22 to act on behalf of the dependent child, is the elector.

23 * **Sec. I.** AS 39.35.880(d) is amended to read:

24 (d) Major medical insurance coverage takes effect on the first day of the
25 month following the date of the administrator's approval of the election and stops
26 when the person who elects coverage **is no longer eligible to receive coverage**
27 [DIES] or fails to make a required premium payment.

28 * **Sec. J.** AS 39.35.880(g) is amended to read:

29 (g) The cost of premiums for retiree major medical insurance coverage for an
30 eligible **person** [MEMBER OR SURVIVING SPOUSE] who is

31 (1) not eligible for Medicare is an amount equal to the full monthly

1 group premiums for retiree major medical insurance coverage;

2 (2) eligible for Medicare is the following percentage of the premium
3 amounts established for retirees who are eligible for Medicare:

4 (A) 30 percent if the member had 10 or more, but less than 15,
5 years of service;

6 (B) 25 percent if the member had 15 or more, but less than 20,
7 years of service;

8 (C) 20 percent if the member had 20 or more, but less than 25,
9 years of service;

10 (D) 15 percent if the member had 25 or more, but less than 30,
11 years of service;

12 (E) 10 percent if the member had 30 or more years of service.

13 * **Sec. K.** AS 39.35.880 is amended by adding a new subsection to read:

14 (l) Notwithstanding (g) of this section, a person who is eligible for major
15 medical insurance coverage under AS 39.35.870(c)(3) or (4) is not required to pay
16 premiums under (g)(1) of this section.

17 * **Sec. L.** AS 39.35.894 is amended to read:

18 **Sec. 39.35.894. Premiums for retiree major medical insurance coverage**
19 **upon termination of disability benefits or survivor's pension.** The premium for
20 retiree major medical insurance coverage payable by an employee whose disability
21 benefit is terminated under AS 39.35.890(g) or by an eligible survivor whose survivor
22 pension is terminated under AS 39.35.890(k) [OR 39.35.892(e)] when the employee
23 would have been eligible for normal retirement if the employee had survived shall be
24 determined under AS 39.35.880(g)(2) as if the employee or survivor were eligible for
25 Medicare.

26 * **Sec. M.** AS 39.35.880(c) is repealed.

27 * **Sec. N.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 **TRANSITION: REGULATIONS.** (a) The Department of Administration may adopt
30 regulations necessary to implement this Act. Regulations adopted by the Department of
31 Administration under this Act relate to the internal management of a state agency and are not

1 subject to AS 44.62 (Administrative Procedure Act) under AS 39.30.160 and AS 39.35.005.

2 (b) Regulations adopted under this section may not take effect before the effective
3 date of the law being implemented by the regulation.

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

6 **RETROACTIVITY.** Sections _____ of this Act are retroactive to January 1, 2013.

7 * **Sec. P.** Section _____ of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. Q.** Except as provided in sec. _____ of this Act, this Act takes effect January 1,
9 2017."

Y | N
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FAILED

29-LS0541\T.1
Gardner
4/26/16

#16A

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GUTTENBERG

TO: HCS CSSSSB 91(FIN)

1 Page 1, line 8, following "license":

2 Insert "; relating to major medical insurance coverage under the Public
3 Employees' Retirement System of Alaska"

4

5 Page 92, following line 5:

6 Insert new bill sections to read:

7 **** Sec. 147.** AS 39.30.400(b) is amended to read:

8 (b) Upon application of an eligible person, the administrator shall reimburse to
9 the eligible person the costs for medical care expenses as defined in 26 U.S.C. 213(d).

10 Reimbursement is limited to the medical expenses of

11 (1) an eligible member, the spouse of an eligible member, and the
12 dependent children of an eligible member; [OR]

13 (2) a surviving spouse and the dependent children of an eligible
14 member dependent on the surviving spouse; or

15 (3) an eligible member's dependent children if the member dies
16 and there is no surviving spouse.

17 * **Sec. 148.** AS 39.35.535(a) is amended to read:

18 (a) Except as provided in (d) of this section, the following persons are entitled
19 to major medical insurance coverage under this section:

20 (1) for employees first hired before July 1, 1986,

21 (A) an employee who is receiving a monthly benefit from the
22 plan and who has elected coverage;

23 (B) the spouse and dependent children of the employee

1 described in (A) of this paragraph;

2 (C) the surviving spouse of a deceased employee who is
3 receiving a monthly benefit from the plan and who has elected coverage;

4 (D) the dependent children of a deceased employee **for whom**
5 **coverage has been elected** [WHO ARE DEPENDENT ON THE
6 SURVIVING SPOUSE DESCRIBED IN (C) OF THIS PARAGRAPH];

7 (2) for members first hired on or after July 1, 1986,

8 (A) an employee who is receiving a monthly benefit from the
9 plan and who has elected coverage for the employee;

10 (B) the spouse of the employee described in (A) of this
11 paragraph if the employee elected coverage for the spouse;

12 (C) the dependent children of the employee described in (A) of
13 this paragraph if the employee elected coverage for the dependent children;

14 (D) the surviving spouse of a deceased employee who is
15 receiving a monthly benefit from the plan and who has elected coverage;

16 (E) the dependent children of a deceased employee **for whom**
17 **coverage has been elected;**

18 **(3) for deceased members who were peace officers or firefighters,**

19 **(A) the dependent children of the deceased member who**
20 **are eligible to receive a pension benefit under AS 39.35.430 and for whom**
21 **coverage has been elected;**

22 **(B) the surviving spouse of the deceased member** who [ARE
23 DEPENDENT ON THE SURVIVING SPOUSE DESCRIBED IN (D) OF
24 THIS PARAGRAPH IF THE SURVIVING SPOUSE] has elected coverage
25 **and is eligible to receive a pension benefit under AS 39.35.430** [FOR THE
26 DEPENDENT CHILDREN].

27 * **Sec. 149.** AS 39.35.535(c) is amended to read:

28 (c) A benefit recipient may elect major medical insurance coverage in
29 accordance with regulations and under the following conditions:

30 (1) a person, other than a disabled member or a disabled member who
31 is appointed to normal retirement, must pay an amount equal to the full monthly group

1 premium for retiree major medical insurance coverage if the person is

2 (A) younger than 60 years of age and has less than

3 (i) 25 years of credited service as a peace officer under
4 AS 39.35.360 and 39.35.370; or

5 (ii) 30 years of credited service under AS 39.35.360 and
6 39.35.370 that is not service as a peace officer; or

7 (B) of any age and has less than 10 years of credited service;

8 (2) a person is not required to make premium payments for retiree
9 major medical coverage if the person

10 (A) is a disabled member;

11 (B) is a disabled member who is appointed to normal
12 retirement;

13 (C) is 60 years of age or older and has at least 10 years of
14 credited service; [OR]

15 (D) has at least

16 (i) 25 years of credited service as a peace officer under
17 AS 39.35.360 and 39.35.370; or

18 (ii) 30 years of credited service under AS 39.35.360 and
19 39.35.370 not as a peace officer; or

20 **(E) is receiving a benefit under (a)(3) of this section.**

21 * **Sec. 150.** AS 39.35.870(c) is repealed and reenacted to read:

22 (c) The following persons are eligible to elect medical benefits under
23 AS 39.35.880:

24 (1) a member who is eligible for retirement under (a) of this section;

25 (2) a member's surviving spouse if the member had retired or was
26 eligible for retirement and medical benefits at the time of the member's death;

27 (3) a deceased member's surviving spouse, if the deceased member
28 was a peace officer or firefighter and the deceased member's surviving spouse is
29 eligible to receive a benefit under AS 39.35.892; and

30 (4) a deceased member's dependent children if the deceased member
31 was a peace officer or firefighter and the deceased member's surviving spouse or

1 dependent children are eligible to receive a benefit under AS 39.35.892.

2 * **Sec. 151.** AS 39.35.870(d) is amended to read:

3 (d) **A person** [MEMBERS] shall apply for retirement and medical benefits on
4 the forms and in the manner prescribed by the administrator.

5 * **Sec. 152.** AS 39.35.870(g) is repealed and reenacted to read:

6 (g) If an eligible person elects not to participate in the retiree major medical
7 insurance plan, the election becomes irrevocable upon application for retirement and
8 medical benefits or when the person reaches 70 1/2 years of age, whichever is later.

9 * **Sec. 153.** AS 39.35.870 is amended by adding a new subsection to read:

10 (h) Notwithstanding cessation of benefits under AS 39.35.892(b), medical
11 benefits for a survivor under (c)(3) and (4) of this section shall be paid until the last
12 day of the month in which there is no surviving spouse and no dependent child.

13 * **Sec. 154.** AS 39.35.880(b) is repealed and reenacted to read:

14 (b) Retiree major medical insurance plan coverage elected by a person who is
15 eligible under AS 39.35.870(c) covers

16 (1) the member, the spouse of the eligible member, and the dependent
17 children of the eligible member if the member is the elector;

18 (2) the surviving spouse and the dependent children of the eligible
19 member who are dependent on the surviving spouse if the surviving spouse is the
20 elector;

21 (3) the dependent child if the dependent child, or a person authorized
22 to act on behalf of the dependent child, is the elector.

23 * **Sec. 155.** AS 39.35.880(d) is amended to read:

24 (d) Major medical insurance coverage takes effect on the first day of the
25 month following the date of the administrator's approval of the election and stops
26 when the person who elects coverage **is no longer eligible to receive coverage**
27 [DIES] or fails to make a required premium payment.

28 * **Sec. 156.** AS 39.35.880(g) is amended to read:

29 (g) The cost of premiums for retiree major medical insurance coverage for an
30 eligible **person** [MEMBER OR SURVIVING SPOUSE] who is

31 (1) not eligible for Medicare is an amount equal to the full monthly

1 group premiums for retiree major medical insurance coverage;

2 (2) eligible for Medicare is the following percentage of the premium
3 amounts established for retirees who are eligible for Medicare:

4 (A) 30 percent if the member had 10 or more, but less than 15,
5 years of service;

6 (B) 25 percent if the member had 15 or more, but less than 20,
7 years of service;

8 (C) 20 percent if the member had 20 or more, but less than 25,
9 years of service;

10 (D) 15 percent if the member had 25 or more, but less than 30,
11 years of service;

12 (E) 10 percent if the member had 30 or more years of service.

13 * **Sec. 157.** AS 39.35.880 is amended by adding a new subsection to read:

14 (I) Notwithstanding (g) of this section, a person who is eligible for major
15 medical insurance coverage under AS 39.35.870(c)(3) or (4) is not required to pay
16 premiums under (g)(1) of this section.

17 * **Sec. 158.** AS 39.35.894 is amended to read:

18 **Sec. 39.35.894. Premiums for retiree major medical insurance coverage**
19 **upon termination of disability benefits or survivor's pension.** The premium for
20 retiree major medical insurance coverage payable by an employee whose disability
21 benefit is terminated under AS 39.35.890(g) or by an eligible survivor whose survivor
22 pension is terminated under AS 39.35.890(k) [OR 39.35.892(e)] when the employee
23 would have been eligible for normal retirement if the employee had survived shall be
24 determined under AS 39.35.880(g)(2) as if the employee or survivor were eligible for
25 Medicare."
26

27 Page 105, following line 30:

28 Insert a new bill section to read:

29 "** **Sec. 178.** AS 39.35.880(c) is repealed."
30

31 Renumber the following bill sections accordingly.

1

2 Page 108, line 31:

3 Delete "sec. 147"

4 Insert "sec. 159"

5

6 Page 111, line 15:

7 Delete "sec. 164"

8 Insert "sec. 176"

9

10 Page 111, line 16:

11 Delete "164"

12 Insert "176"

13

14 Page 113, following line 3:

15 Insert new bill sections to read:

16 **** Sec. 184.** The uncodified law of the State of Alaska is amended by adding a new section
17 to read:

18 TRANSITION: REGULATIONS. (a) The Department of Administration may adopt
19 regulations necessary to implement this Act. Regulations adopted by the Department of
20 Administration under this Act relate to the internal management of a state agency and are not
21 subject to AS 44.62 (Administrative Procedure Act) under AS 39.30.160 and AS 39.35.005.

22 (b) Regulations adopted under this section may not take effect before the effective
23 date of the law being implemented by the regulation.

24 *** Sec. 185.** The uncodified law of the State of Alaska is amended by adding a new section
25 to read:

26 SEVERABILITY. If this Act is held invalid by a court of competent jurisdiction under
27 the requirement of art. II, sec. 13, Constitution of the State of Alaska, that every bill be
28 confined to one subject, the provisions of secs. 147 - 158, 178, 184, and 186 of this Act shall
29 be severed so that the remainder of this Act is not affected.

30 *** Sec. 186.** The uncodified law of the State of Alaska is amended by adding a new section
31 to read:

1 RETROACTIVITY. Sections 147 - 158 and 178 of this Act are retroactive to
2 January 1, 2013."
3

4 Renumber the following bill sections accordingly.
5

6 Page 113, line 7:

7 Delete "sec. 164"

8 Insert "sec. 176"
9

10 Page 113, line 10:

11 Delete "sec. 166(a)"

12 Insert "sec. 179(a)"
13

14 Page 113, line 12:

15 Delete "sec. 166(b)"

16 Insert "sec. 179(b)"
17

18 Page 113, line 15:

19 Delete "sec. 166(c)"

20 Insert "sec. 179(c)"
21

22 Page 113, line 18:

23 Delete "sec. 166(d)"

24 Insert "sec. 179(d)"
25

26 Page 113, line 21:

27 Delete "sec. 166(e)"

28 Insert "sec. 179(e)"
29

30 Page 113, lines 24 - 25:

31 Delete "146 - 156, 165, 166(b), 166(c), and 166(d)"

1 Insert "146, 159 - 168, 177, 179(b), 179(c), and 179(d)"

2

3 Page 113, lines 28 - 29:

4 Delete "and 157 - 159"

5 Insert "147 - 158, 169 - 171, 178, and 184 - 186"

6

7 Page 113, line 31:

8 Delete "166(a), and 166(e)"

9 Insert "179(a), and 179(e)"

10

11 Page 114, line 2:

12 Delete "sec. 164"

13 Insert "sec. 176"

14

15 Page 114, following line 3:

16 Insert a new bill section to read:

17 **** Sec. 194.** Section 184 of this Act takes effect immediately under AS 01.10.070(c)."

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y	N
4	7

FAILED

DATE: 4.27.2016

Amendment: # 16A

MEMBER

Favor

Oppose

REP. MUNOZ	X	
REP. PRUITT		X
REP. SADDLER		X
REP. WILSON		X
REP. EDGMON		X
REP. GARA	X	
REP. GATTIS		X
REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. THOMPSON		X
REP. NEUMAN		X

YEA 4 NAY 7

Y/N

ADOPTED
NO OBJECTION

29-LS0541\V.65
Gardner
4/26/16

AMENDMENT #17

OFFERED BY REP. FRUITT

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD)

1 Page 49, following line 16:

2 Insert a new bill section to read:

3 **** Sec. 83.** AS 12.55.125(b) is amended to read:

4 (b) A defendant convicted of attempted murder in the first degree, solicitation
5 to commit murder in the first degree, conspiracy to commit murder in the first degree,
6 kidnapping, or misconduct involving a controlled substance in the first degree shall be
7 sentenced to a definite term of imprisonment of at least five years but not more than
8 99 years. A defendant convicted of murder in the second degree or murder of an
9 unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of
10 imprisonment of at least 15 [10] years but not more than 99 years. A defendant
11 convicted of murder in the second degree shall be sentenced to a definite term of
12 imprisonment of at least 20 years but not more than 99 years when the defendant is
13 convicted of the murder of a child under 16 years of age and the court finds by clear
14 and convincing evidence that the defendant (1) was a natural parent, a stepparent, an
15 adoptive parent, a legal guardian, or a person occupying a position of authority in
16 relation to the child; or (2) caused the death of the child by committing a crime against
17 a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and
18 "position of authority" have the meanings given in AS 11.41.470."

19

20 Renumber the following bill sections accordingly.

21

22 Page 52, line 2, through page 53, line 1:

23 Delete all material.

1

2 Renumber the following bill sections accordingly.

3

4 Page 121, following line 23:

5 Insert a new paragraph to read:

6 "(30) AS 12.55.125(b), as amended by sec. 83 of this Act;"

7

8 Renumber the following paragraphs accordingly.

9

10 Page 121, line 24:

11 Delete all material.

12

13 Renumber the following paragraphs accordingly.

14

15 Page 125, line 31:

16 Delete "sec. 83"

17 Insert "sec. 84"

18

19 Page 126, line 1:

20 Delete "sec. 84"

21 Insert "sec. 85"

22

23 Page 126, line 2:

24 Delete "sec. 85"

25 Insert "sec. 86"

Withdrawn
4/27/16

29-LS0541\V.55
Gardner
4/22/16

AMENDMENT # 18

By Rep. Pruitt.

OFFERED IN THE HOUSE
TO: HCS CSSSSB 91(JUD)

1 Page 1, line 11, following "license;":

2 Insert "relating to identification cards and driver's licenses for parolees;"

3

4 Page 2, following line 6:

5 Insert a new bill section to read:

6 ** Section 1. AS 04.16.160 is amended to read:

7 (a) Except as otherwise provided by law, a person who is 21 years of age or
8 older may not purchase alcoholic beverages if the person has been ordered to refrain
9 from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a
10 sentence for conviction of a crime under AS 28.35.030, 28.35.032, or a similar
11 municipal ordinance, [OR] as a condition of probation or parole from a conviction
12 under AS 28.35.030, 28.35.032, or a similar municipal ordinance, or as a condition of
13 probation or parole for any other crime. The restriction on purchasing alcoholic
14 beverages applies during the period that the person is required to refrain from
15 consuming alcoholic beverages under the sentence or condition of probation or
16 parole."

17

18 Page 2, line 7:

19 Delete "Section 1"

20 Insert "Sec. 2"

21

22 Renumber the following bill sections accordingly.

23

1 Page 60, following line 19:

2 Insert a new bill section to read:

3 **** Sec. 99.** AS 28.15.191(g) is amended to read:

4 (g) A court that has ordered a person to refrain from consuming alcoholic
5 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
6 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
7 following a conviction under those sections or a similar municipal ordinance, or as a
8 condition of probation or parole for any other crime shall

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

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

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

17
18 Renumber the following bill sections accordingly.

19
20 Page 88, line 7:

21 Delete "a new subsection"

22 Insert "new subsections"

23
24 Page 88, following line 15:

25 Insert a new subsection to read:

26 "(i) In addition to other conditions of parole imposed under this section, for a
27 prisoner who is serving a sentence for an offense involving the use of alcohol and
28 whom the board has ordered to refrain from possessing or consuming alcoholic
29 beverages, the board shall impose as a condition of parole that, if the parolee is
30 eligible for a driver's license, the department shall issue the license under
31 AS 28.15.111 with a physical display on the license that the person is restricted from

1 possessing or consuming alcoholic beverages. The board shall notify the department
2 of the board's order under this subsection by providing a copy of the board's order.
3 Upon discharge from parole, the board shall notify the department of the parolee's
4 discharge. In this subsection, "department" means the Department of Administration."
5

6 Page 118, line 10:

7 Delete "sec. 55"

8 Insert "sec. 56"

10 Page 118, line 16:

11 Delete "sec. 72"

12 Insert "sec. 73"

14 Page 118, line 19:

15 Delete "sec. 72"

16 Insert "sec. 73"

18 Page 118, line 20:

19 Delete "sec. 73"

20 Insert "sec. 74"

22 Page 118, line 23:

23 Delete "sec. 89"

24 Insert "sec. 90"

26 Page 118, line 26:

27 Delete "sec. 117"

28 Insert "sec. 119"

30 Page 120, line 26:

31 Delete "sec. 3"

1 Insert "sec. 4"

2

3 Page 120, line 27:

4 Delete "sec. 4"

5 Insert "sec. "5

6

7 Page 120, line 28:

8 Delete "sec. 5"

9 Insert "sec. 6"

10

11 Page 120, line 29:

12 Delete "sec. 6"

13 Insert "sec. 7"

14

15 Page 120, line 30:

16 Delete "sec. 7"

17 Insert "sec. 8"

18

19 Page 120, line 31:

20 Delete "sec. 8"

21 Insert "sec. 9"

22

23 Page 121, line 1:

24 Delete "sec. 9"

25 Insert "sec. 10"

26

27 Page 121, line 2:

28 Delete "sec. 10"

29 Insert "sec. 11"

30

31 Page 121, line 3:

- 1 Delete "sec. 11"
- 2 Insert "sec. 12"
- 3
- 4 Page 121, line 4:
- 5 Delete "sec. 12"
- 6 Insert "sec. 13"
- 7
- 8 Page 121, line 5:
- 9 Delete "sec. 13"
- 10 Insert "sec. 14"
- 11
- 12 Page 121, line 6:
- 13 Delete "sec. 14"
- 14 Insert "sec. 15"
- 15
- 16 Page 121, line 7:
- 17 Delete "sec. 15"
- 18 Insert "sec. 16"
- 19
- 20 Page 121, line 8:
- 21 Delete "sec. 16"
- 22 Insert "sec. 17"
- 23
- 24 Page 121, line 9:
- 25 Delete "sec. 17"
- 26 Insert "sec. 18"
- 27
- 28 Page 121, line 10:
- 29 Delete "sec. 18"
- 30 Insert "sec. 19"
- 31

1 Page 121, line 11:

2 Delete "sec. 19"

3 Insert "sec. 20"

4

5 Page 121, line 12:

6 Delete "sec. 20"

7 Insert "sec. 21"

8

9 Page 121, line 13:

10 Delete "sec. 23"

11 Insert "sec. 24"

12

13 Page 121, line 14:

14 Delete "sec. 26"

15 Insert "sec. 27"

16

17 Page 121, line 15:

18 Delete "sec. 28"

19 Insert "sec. 29"

20

21 Page 121, line 16:

22 Delete "sec. 29"

23 Insert "sec. 30"

24

25 Page 121, line 17:

26 Delete "sec. 31"

27 Insert "sec. 32"

28

29 Page 121, line 18:

30 Delete "sec. 37"

31 Insert "sec. 38"

1

2 Page 121, line 19:

3 Delete "sec. 38"

4 Insert "sec. 39"

5

6 Page 121, line 20:

7 Delete "sec. 41"

8 Insert "sec. 42"

9

10 Page 121, line 21:

11 Delete "sec. 43"

12 Insert "sec. 44"

13

14 Page 121, line 22:

15 Delete "sec. 45"

16 Insert "sec. 46"

17

18 Page 121, line 23:

19 Delete "sec. 82"

20 Insert "sec. 83"

21

22 Page 121, line 24:

23 Delete "sec. 86"

24 Insert "sec. 87"

25

26 Page 121, line 25:

27 Delete "sec. 100"

28 Insert "sec. 102"

29

30 Page 121, line 26:

31 Delete "sec. 101"

1 Insert "sec. 103"
2
3 Page 121, line 27:
4 Delete "sec. 111"
5 Insert "sec. 113"
6
7 Page 121, line 28:
8 Delete "sec. 112"
9 Insert "sec. 114"
10
11 Page 121, line 29:
12 Delete "sec. 113"
13 Insert "sec. 115"
14
15 Page 121, line 30:
16 Delete "sec. 173"
17 Insert "sec. 175"
18
19 Page 121, line 31:
20 Delete "sec. 181"
21 Insert "sec. 183"
22
23 Page 122, line 3:
24 Delete "sec. 67"
25 Insert "sec. 68"
26
27 Page 122, line 4:
28 Delete "sec. 68"
29 Insert "sec. 69"
30
31 Page 122, line 8:

- 1 Delete "sec. 33"
- 2 Insert "sec. 34"
- 3
- 4 Page 122, line 9:
 - 5 Delete "sec. 34"
 - 6 Insert "sec. 35"
 - 7
- 8 Page 122, line 10:
 - 9 Delete "sec. 35"
 - 10 Insert "sec. 36"
 - 11
- 12 Page 122, line 11:
 - 13 Delete "sec. 36"
 - 14 Insert "sec. 37"
 - 15
- 16 Page 122, line 14:
 - 17 Delete "sec. 64"
 - 18 Insert "sec. 65"
 - 19
- 20 Page 122, line 15:
 - 21 Delete "sec. 65"
 - 22 Insert "sec. 66"
 - 23
- 24 Page 122, line 16:
 - 25 Delete "sec. 66"
 - 26 Insert "sec. 67"
 - 27
- 28 Page 122, line 17:
 - 29 Delete "sec. 153"
 - 30 Insert "sec. 155"
 - 31

1 Page 122, line 20:

2 Delete "sec. 62"

3 Insert "sec. 63"

4

5 Page 122, line 21:

6 Delete "sec. 63"

7 Insert "sec. 64"

8

9 Page 122, line 22:

10 Delete "sec. 81"

11 Insert "sec. 82"

12

13 Page 122, following line 22:

14 Insert a new paragraph to read:

15 "(4) AS 28.15.191(g), as amended by sec. 99 of this Act;"

16

17 Renumber the following paragraphs accordingly.

18

19 Page 122, line 23:

20 Delete "sec. 104"

21 Insert "sec. 106"

22

23 Page 122, line 24:

24 Delete "sec. 108"

25 Insert "sec. 110"

26

27 Page 122, line 25:

28 Delete "sec. 120"

29 Insert "sec. 122"

30

31 Page 122, line 26:

- 1 Delete "sec. 122"
- 2 Insert "sec. 124"
- 3
- 4 Page 122, line 27:
 - 5 Delete "sec. 60"
 - 6 Insert "sec. 61"
 - 7
- 8 Page 122, line 28:
 - 9 Delete "sec. 60"
 - 10 Insert "sec. 61"
 - 11
- 12 Page 122, line 29:
 - 13 Delete "sec. 60"
 - 14 Insert "sec. 61"
 - 15
- 16 Page 123, line 2:
 - 17 Delete "sec. 70"
 - 18 Insert "sec. 71"
 - 19
- 20 Page 123, line 3:
 - 21 Delete "sec. 71"
 - 22 Insert "sec. 72"
 - 23
- 24 Page 123, line 4:
 - 25 Delete "sec. 72"
 - 26 Insert "sec. 73"
 - 27
- 28 Page 123, line 5:
 - 29 Delete "sec. 73"
 - 30 Insert "sec. 74"
 - 31

- 1 Page 123, line 6:
- 2 Delete "sec. 73"
- 3 Insert "sec. 74"
- 4
- 5 Page 123, line 7:
- 6 Delete "sec. 73"
- 7 Insert "sec. 74"
- 8
- 9 Page 123, line 8:
- 10 Delete "sec. 69"
- 11 Insert "sec. 70"
- 12
- 13 Page 123, line 9:
- 14 Delete "sec. 69"
- 15 Insert "sec. 70"
- 16
- 17 Page 123, line 10:
- 18 Delete "sec. 69"
- 19 Insert "sec. 70"
- 20
- 21 Page 123, line 11:
- 22 Delete "sec. 75"
- 23 Insert "sec. 76"
- 24
- 25 Page 123, line 12:
- 26 Delete "sec. 75"
- 27 Insert "sec. 76"
- 28
- 29 Page 123, line 13:
- 30 Delete "sec. 75"
- 31 Insert "sec. 76"

- 1
- 2 Page 123, line 14:
 - 3 Delete "sec. 78"
 - 4 Insert "sec. 79"
 - 5
- 6 Page 123, line 15:
 - 7 Delete "sec. 78"
 - 8 Insert "sec. 79"
 - 9
- 10 Page 123, line 16:
 - 11 Delete "sec. 78"
 - 12 Insert "sec. 79"
 - 13
- 14 Page 123, line 20:
 - 15 Delete "sec. 74"
 - 16 Insert "sec. 75"
 - 17
- 18 Page 123, line 21:
 - 19 Delete "sec. 76"
 - 20 Insert "sec. 77"
 - 21
- 22 Page 123, line 22:
 - 23 Delete "sec. 77"
 - 24 Insert "sec. 78"
 - 25
- 26 Page 123, line 23:
 - 27 Delete "sec. 80"
 - 28 Insert "sec. 81"
 - 29
- 30 Page 123, line 24:
 - 31 Delete "sec. 115"

1 Insert "sec. 117"

2

3 Page 123, line 26, following "license":

4 Insert "or an identification card or driver's license issued to a parolee"

5

6 Page 123, following line 27:

7 Insert a new paragraph to read:

8 "(1) AS 4.16.160, as amended by sec. 1 of this Act;"

9

10 Renumber the following paragraphs accordingly.

11

12 Page 123, line 28:

13 Delete "sec. 97"

14 Insert "sec. 98"

15

16 Page 123, line 29:

17 Delete "sec. 99"

18 Insert "sec. 101"

19

20 Page 123, line 30:

21 Delete "sec. 106"

22 Insert "sec. 108"

23

24 Page 124, line 2:

25 Delete "sec. 118"

26 Insert "sec. 120"

27

28 Page 124, line 3:

29 Delete "sec. 119"

30 Insert "sec. 121"

31

- 1 Page 124, line 4:
 - 2 Delete "sec. 121"
 - 3 Insert "sec. 123"
 - 4
- 5 Page 124, line 5:
 - 6 Delete "sec. 123"
 - 7 Insert "sec. 125"
 - 8
- 9 Page 124, line 6:
 - 10 Delete "sec. 125"
 - 11 Insert "sec. 127"
 - 12
- 13 Page 124, line 7:
 - 14 Delete "sec. 126"
 - 15 Insert "sec. 128"
 - 16
- 17 Page 124, line 8:
 - 18 Delete "sec. 127"
 - 19 Insert "sec. 129"
 - 20
- 21 Page 124, line 9:
 - 22 Delete "sec. 133"
 - 23 Insert "sec. 135"
 - 24
- 25 Page 124, line 10:
 - 26 Delete "sec. 134"
 - 27 Insert "sec. 136"
 - 28
- 29 Page 124, line 11:
 - 30 Delete "sec. 135"
 - 31 Insert "sec. 137"

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Page 124, line 12:

Delete "sec. 136"

Insert "sec. 138"

Page 124, line 13:

Delete "sec. 137"

Insert "sec. 139"

Page 124, line 14:

Delete "sec. 138"

Insert "sec. 140"

Page 124, line 15:

Delete "sec. 139"

Insert "sec. 141"

Page 124, line 16:

Delete "AS 33.16.150(h)":

Insert "AS 33.16.150(h) and (i)"

Delete "sec. 140"

Insert "sec. 142"

Page 124, line 17:

Delete "sec. 142"

Insert "sec. 144"

Page 124, line 18:

Delete "sec. 24"

Insert "sec. 25"

Delete "sec. 189"

1 Insert "sec. 191"

2

3 Page 124, line 19:

4 Delete "secs. 24 and 189"

5 Insert "secs. 25 and 191"

6

7 Page 124, line 22:

8 Delete "sec. 51"

9 Insert "sec. 52"

10

11 Page 124, line 23:

12 Delete "sec. 52"

13 Insert "sec. 53"

14

15 Page 124, line 24:

16 Delete "sec. 53"

17 Insert "sec. 54"

18

19 Page 124, line 25:

20 Delete "sec. 54"

21 Insert "sec. 55"

22

23 Page 124, line 26:

24 Delete "sec. 55"

25 Insert "sec. 56"

26

27 Page 124, line 27:

28 Delete "sec. 56"

29 Insert "sec. 57"

30

31 Page 124, line 28:

1 Delete "sec. 57"

2 Insert "sec. 58"

3

4 Page 124, line 29:

5 Delete "sec. 58"

6 Insert "sec. 59"

7

8 Page 124, line 30:

9 Delete "sec. 59"

10 Insert "sec. 60"

11

12 Page 124, line 31:

13 Delete "sec. 117"

14 Insert "sec. 119"

15

16 Page 125, line 3:

17 Delete "sec. 141"

18 Insert "sec. 143"

19

20 Page 125, line 4:

21 Delete "sec. 143"

22 Insert "sec. 145"

23

24 Page 125, line 5:

25 Delete "sec. 144"

26 Insert "sec. 146"

27

28 Page 125, line 6:

29 Delete "sec. 145"

30 Insert "sec. 147"

31

- 1 Page 125, line 7:
 - 2 Delete "sec. 146"
 - 3 Insert "sec. 148"
 - 4
- 5 Page 125, line 8:
 - 6 Delete "sec. 147"
 - 7 Insert "sec. 149"
 - 8
- 9 Page 125, line 9:
 - 10 Delete "sec. 148"
 - 11 Insert "sec. 150"
 - 12
- 13 Page 125, line 10:
 - 14 Delete "sec. 149"
 - 15 Insert "sec. 151"
 - 16
- 17 Page 125, line 11:
 - 18 Delete "sec. 150"
 - 19 Insert "sec. 152"
 - 20
- 21 Page 125, line 12:
 - 22 Delete "sec. 151"
 - 23 Insert "sec. 153"
 - 24
- 25 Page 125, line 13:
 - 26 Delete "sec. 114"
 - 27 Insert "sec. 116"
 - 28
- 29 Page 125, line 14:
 - 30 Delete "sec. 114"
 - 31 Insert "sec. 116"

1

2 Page 125, line 15:

3 Delete "sec. 114"

4 Insert "sec. 116"

5

6 Page 125, line 16:

7 Delete "sec. 114"

8 Insert "sec. 116"

9

10 Page 125, line 17:

11 Delete "sec. 154"

12 Insert "sec. 156"

13

14 Page 125, line 18:

15 Delete "sec. 154"

16 Insert "sec. 156"

17

18 Page 125, line 19:

19 Delete "sec. 154"

20 Insert "sec. 156"

21

22 Page 125, line 20:

23 Delete "sec. 154"

24 Insert "sec. 156"

25

26 Page 125, line 24:

27 Delete "sec. 47"

28 Insert "sec. 48"

29

30 Page 125, line 25:

31 Delete "sec. 49"

1 Insert "sec. 50"

2

3 Page 125, line 26:

4 Delete "sec. 46"

5 Insert "sec. 47"

6

7 Page 125, line 27:

8 Delete "sec. 46"

9 Insert "sec. 47"

10

11 Page 125, line 28:

12 Delete "sec. 46"

13 Insert "sec. 47"

14

15 Page 125, line 31:

16 Delete "sec. 83"

17 Insert "sec. 84"

18

19 Page 126, line 1:

20 Delete "sec. 84"

21 Insert "sec. 85"

22

23 Page 126, line 2:

24 Delete "sec. 85"

25 Insert "sec. 86"

26

27 Page 126, line 3:

28 Delete "sec. 87"

29 Insert "sec. 88"

30

31 Page 126, line 4:

- 1 Delete "sec. 88"
- 2 Insert "sec. 89"
- 3
- 4 Page 126, line 5:
 - 5 Delete "sec. 89"
 - 6 Insert "sec. 90"
 - 7
- 8 Page 126, line 9:
 - 9 Delete "secs. 161 - 172, 193, and 199"
 - 10 Insert "secs. 163 - 174, 195, and 203"
 - 11
- 12 Page 126, line 17:
 - 13 Delete "Sections 161 - 172 and 193"
 - 14 Insert "Sections 163 - 174 and 195"
 - 15
- 16 Page 126, line 21:
 - 17 Delete "sec. 24"
 - 18 Insert "sec. 25"
 - 19
- 20 Page 126, line 22:
 - 21 Delete "sec. 189"
 - 22 Insert "sec. 191"
 - 23
- 24 Page 126, line 24:
 - 25 Delete "sec. 55"
 - 26 Insert "sec. 56"
 - 27
- 28 Page 126, line 25:
 - 29 Delete "sec. 194(a)"
 - 30 Insert "sec. 196(a)"
 - 31

1 Page 126, line 27:

2 Delete "sec. 72"

3 Insert "sec. 73"

4 Delete "sec. 194(b)"

5 Insert "sec. 196(b)"

6

7 Page 126, line 30:

8 Delete "sec. 73"

9 Insert "sec. 74"

10 Delete "sec. 194(c)"

11 Insert "sec. 196(c)"

12

13 Page 127, line 2:

14 Delete "sec. 89"

15 Insert "sec. 90"

16 Delete "sec. 194(d)"

17 Insert "sec. 196(d)"

18

19 Page 127, line 5:

20 Delete "sec. 117"

21 Insert "sec. 119"

22 Delete "sec. 194(e)"

23 Insert "sec. 196(e)"

24

25 Page 127, line 8:

26 Delete "Sections 91, 93, 200, and 201"

27 Insert "Sections 93, 95, 202, and 203"

28

29 Page 127, lines 10 - 11:

30 Delete "Sections 1 - 23, 25 - 45, 70 - 73, 75, 82 - 90, 97, 99 - 101, 103, 106, 111 - 113,

31 154, 160, 173 - 182, 192, 194(b), 194(c), and 194(d)"

1 Insert "Sections 1 - 24, 26 - 46, 71 - 74, 76, 83 - 91, 98, 99, 101 - 103, 105, 108, 113 -
2 115, 156, 162, 175 - 184, 194, 196(b), 196(c), and 196(d)"

3

4 Page 127, line 12:

5 Delete "sec. 24"

6 Insert "sec. 25"

7

8 Page 127, line 13:

9 Delete "Section 94"

10 Insert "Section 95"

11

12 Page 127, lines 14 - 15:

13 Delete "Sections 47 - 50, 60, 62, 63, 69, 74, 76 - 81, 92, 104, 105, 108, 114 - 116, 118
14 - 153, 156 - 158, and 183 - 185"

15 Insert "Sections 48 - 51, 61, 63, 64, 70, 75, 77 - 82, 93, 106, 107, 110, 116 - 118, 120 -
16 155, 158 - 160, and 185 - 187"

17

18 Page 127, line 16:

19 Delete "Sections 46, 51 - 59, 117, 190, 191, 194(a), and 194(e)"

20 Insert "Sections 47, 52 - 60, 119, 192, 193, 196(a), and 196(e)"

21

22 Page 127, line 18:

23 Delete "Section 159"

24 Insert "Section 161"

25

26 Page 127, line 19:

27 Delete "sec. 24"

28 Insert "sec. 25"

29 Delete "sec. 189"

30 Insert "sec. 191"

ADOPTED
NO OBJECTION

29-LS0541\T.7
Gardner
4/26/16

AMENDMENT #19

OFFERED IN THE HOUSE

BY REPRESENTATIVE THOMPSON

TO: HCS CSSSSB 91(FIN), Draft Version "T"

1 Page 50, line 13, following "violated":

2 Insert "

3 (A)"

4

5 Page 50, line 14, following "years":

6 Insert ";

7 (B) AS 28.35.030(n)(1)(A) or 28.35.032(p)(1)(A), 120 days to

8 239 days;

9 (C) AS 28.35.030(n)(1)(B) or 28.35.032(p)(1)(B), 240 days to

10 359 days;

11 (D) AS 28.35.030(n)(1)(C) or 23.35.032(p)(1)(C), 360 days to

12 two years"

13

14 Page 112, line 30:

15 Delete "AS 12.55.125(e)"

16 Insert "AS 12.55.125(e)(1) - (3)"

17

18 Page 113, following line 3:

19 Insert a new subsection to read:

20 "(v) The amendment to AS 12.55.125(e) by the addition of new
21 subparagraphs (4)(B) - (D), providing presumptive ranges for violation of
22 AS 28.35.030(n) and 28.35.032(p), apply to offenses committed on or after the
23 effective date of sec. 81 of this Act, except that references to previous

1

convictions in AS 28.35.030(n) and 28.35.032(p) apply to convictions

2

occurring before, on, or after the effective date of sec. 81 of this Act."



Failed

29-LS0541\T.3
Gardner
4/26/16

AMENDMENT # 20

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS CSSSSB 91(FIN), Draft Version "T"

- 1 Page 4, line 2:
- 2 Delete "\$1,000"
- 3 Insert "\$2,000"
- 4
- 5 Page 4, line 10:
- 6 Delete "\$1,000"
- 7 Insert "\$2,000"
- 8
- 9 Page 4, line 26:
- 10 Delete "\$1,000"
- 11 Insert "\$2,000"
- 12
- 13 Page 5, line 5:
- 14 Delete "\$1,000"
- 15 Insert "\$2,000"
- 16
- 17 Page 5, line 7:
- 18 Delete "\$1,000"
- 19 Insert "\$2,000"
- 20
- 21 Page 5, line 18:
- 22 Delete "\$1,000"
- 23 Insert "\$2,000"

- 1
- 2 Page 5, line 29:
 - 3 Delete "\$1,000"
 - 4 Insert "\$2,000"
 - 5
- 6 Page 5, line 31:
 - 7 Delete "\$1,000"
 - 8 Insert "\$2,000"
 - 9
- 10 Page 6, line 7:
 - 11 Delete "\$1,000"
 - 12 Insert "\$2,000"
 - 13
- 14 Page 6, line 9:
 - 15 Delete "\$1,000"
 - 16 Insert "\$2,000"
 - 17
- 18 Page 6, line 16:
 - 19 Delete "\$1,000"
 - 20 Insert "\$2,000"
 - 21
- 22 Page 6, line 19:
 - 23 Delete "\$1,000"
 - 24 Insert "\$2,000"
 - 25
- 26 Page 6, line 27:
 - 27 Delete "\$1,000"
 - 28 Insert "\$2,000"
 - 29
- 30 Page 6, line 29:
 - 31 Delete "\$1,000"

1 Insert "\$2,000"

2

3 Page 7, line 20:

4 Delete "\$1,000"

5 Insert "\$2,000"

6

7 Page 7, line 22:

8 Delete "\$1,000"

9 Insert "\$2,000"

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11 Page 8, line 21:

12 Delete "\$1,000"

13 Insert "\$2,000"

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15 Page 9, line 6:

16 Delete "\$1,000"

17 Insert "\$2,000"

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19 Page 9, line 21:

20 Delete "\$1,000"

21 Insert "\$2,000"

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23 Page 9, line 23:

24 Delete "\$1,000"

25 Insert "\$2,000"

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27 Page 9, line 28:

28 Delete "\$1,000"

29 Insert "\$2,000"

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31 Page 9, line 31:

- 1 Delete "\$1,000"
- 2 Insert "\$2,000"
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- 4 Page 10, line 3:
- 5 Delete "\$1,000"
- 6 Insert "\$2,000"
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- 8 Page 10, line 6:
- 9 Delete "\$1,000"
- 10 Insert "\$2,000"

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y	N
5	6

 Failed

DATE: 4-27-2016

Amendment: #20

MEMBER

Favor

Oppose

REP. SADDLER		X
REP. WILSON		X
REP. EDGMON	X	
REP. GARA	X	
REP. GATTIS		X
REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. MUNOZ	X	
REP. PRUITT		X
REP. THOMPSON		X
REP. NEUMAN		X

YEA 5 NAY 6

WITHDRAWN

29-LS0541\T.6
Gardner
4/26/16

AMENDMENT # 21

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS CSSSSB 91(FIN), Draft Version "T"

1 Page 4, line 2, following "services":

2 Insert "adjusted for inflation as provided in AS 11.46.982."

3

4 Page 4, line 10, following "property":

5 Insert "adjusted for inflation as provided in AS 11.46.982."

6

7 Page 4, line 25, following "services":

8 Insert "adjusted for inflation as provided in AS 11.46.982."

9

10 Page 4, line 28, following "property":

11 Insert "adjusted for inflation as provided in AS 11.46.982."

12

13 Page 4, following line 31:

14 Insert a new bill section to read:

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

16 (a) A person commits the crime of theft in the fourth degree if the person
17 commits theft as defined in AS 11.46.100 and the value of the property or services is
18 less than \$250, adjusted for inflation as provided in AS 11.46.982."

19

20 Renumber the following bill sections accordingly.

21

22 Page 5, line 5, following "merchandise":

23 Insert "adjusted for inflation as provided in AS 11.46.982."

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Page 5, line 6, following "merchandise":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

Page 5, line 17, following "merchandise":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

Page 5, line 19, following "merchandise":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

Page 5, line 24, following "merchandise":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

Page 5, line 29, following "appeared":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

Page 5, line 31, following "appeared":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

Page 6, line 3, following "appeared":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

Page 6, line 7, following "appeared":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

Page 6, line 9, following "appeared":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

Page 6, line 12, following "appeared":

Insert "**, adjusted for inflation as provided in AS 11.46.982,**"

1 Page 6, line 16, following "check":

2 Insert ", adjusted for inflation as provided in AS 11.46.982,"

3

4 Page 6, line 19, following "check":

5 Insert ", adjusted for inflation as provided in AS 11.46.982,"

6

7 Page 6, line 20, following "check":

8 Insert ", adjusted for inflation as provided in AS 11.46.982,"

9

10 Page 6, line 26, following "obtained":

11 Insert ", adjusted for inflation as provided in AS 11.46.982,"

12

13 Page 6, line 29, following "obtained":

14 Insert ", adjusted for inflation as provided in AS 11.46.982,"

15

16 Page 7, line 20, following "amount":

17 Insert ", adjusted for inflation as provided in AS 11.46.982,"

18

19 Page 8, line 21, following "amount":

20 Insert ", adjusted for inflation as provided in AS 11.46.982,"

21

22 Page 8, line 22, following "amount":

23 Insert ", adjusted for inflation as provided in AS 11.46.982,"

24

25 Page 9, line 6, following "amount":

26 Insert ", adjusted for inflation as provided in AS 11.46.982,"

27

28 Page 9, following line 17:

29 Insert a new bill section to read:

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

31 (a) A person commits the crime of criminal mischief in the fifth degree if,

1 having no right to do so or any reasonable ground to believe the person has such a
2 right,

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

6 (2) with intent to damage property of another, the person damages
7 property of another in an amount, adjusted for inflation as provided in
8 AS 11.46.982, less than \$250; or

9 (3) the person rides in a propelled vehicle knowing it has been stolen or
10 that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1)."
11

12 Renumber the following bill sections accordingly.

13
14 Page 9, line 20, following "represent":

15 Insert "adjusted for inflation as provided in AS 11.46.982,"

16
17 Page 9, line 23, following "represent":

18 Insert "adjusted for inflation as provided in AS 11.46.982,"

19
20 Page 9, line 25, following "represent":

21 Insert "adjusted for inflation as provided in AS 11.46.982,"

22
23 Page 9, line 28, following "misapplied":

24 Insert "adjusted for inflation as provided in AS 11.46.982,"

25
26 Page 9, line 30, following "misapplied":

27 Insert "adjusted for inflation as provided in AS 11.46.982,"

28
29 Page 10, line 3, following "loss":

30 Insert "adjusted for inflation as provided in AS 11.46.982,"

31

1 Page 10, line 6, following "loss":

2 Insert "**adjusted for inflation as provided in AS 11.46.982,**"

3
4 Page 10, following line 7:

5 Insert new bill sections to read:

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

7 (d) In making a finding related to the degree or classification of a crime under
8 this chapter, a court shall refer to the most recent property value threshold set by the
9 Alaska Judicial Council under AS 11.46.982.

10 *** Sec. 22.** AS 11.46 is amended by adding a new section to read:

11 **Sec. 11.46.982. Adjustment for inflation increasing the value of property**
12 **or services as an element of an offense.** (a) The Alaska Judicial Council shall publish
13 a report on July 1, 2020, calculating the increase in value, if any, of property or
14 services as an element of an offense in this chapter from a base value of \$250 and
15 \$2,000, based on a formula provided by the Department of Labor and Workforce
16 Development, reflecting the change in the Consumer Price Index for the Anchorage
17 metropolitan area compiled by the Bureau of Labor Statistics, United States
18 Department of Labor.

19 (b) The Alaska Judicial Council shall, in calculating the price of property or
20 services as provided in this section,

21 (1) recalculate the base value of property and services of \$250 and
22 \$2,000 every five years; and

23 (2) report the base value of property and services of \$250 and \$2,000
24 rounded to the nearest \$50 increment.

25 (c) The Alaska Judicial Council shall publish the report provided in this section
26 by electronically providing copies of the report

27 (1) to all law enforcement agencies in the state;

28 (2) the Public Defender Agency;

29 (3) the office of public advocacy;

30 (4) the attorney general;

31 (5) the court system;

1 (6) on the judicial council's Internet website; and
2 (7) to the senate secretary and the chief clerk of the house of
3 representatives."
4

5 Renumber the following bill sections accordingly.
6

7 Page 106, line 3:

8 Delete "sec. 52"

9 Insert "sec. 56"

10

11 Page 106, line 9:

12 Delete "sec. 68"

13 Insert "sec. 72"

14

15 Page 106, line 12:

16 Delete "sec. 68"

17 Insert "sec. 72"

18

19 Page 106, line 13:

20 Delete "sec. 69"

21 Insert "sec. 73"

22

23 Page 106, line 16:

24 Delete "sec. 84"

25 Insert "sec. 88"

26

27 Page 106, line 19:

28 Delete "sec. 103"

29 Insert "sec. 107"

30

31 Page 108, following line 1:

1 Insert "(3) AS 11.46.150(a), as amended by sec. 6 of this Act;"

2

3 Renumber the following paragraphs accordingly.

4

5 Page 108, line 2:

6 Delete "sec. 6"

7 Insert "sec. 7"

8

9 Page 108, line 3:

10 Delete "sec. 7"

11 Insert "sec. 8"

12

13 Page 108, line 4:

14 Delete "sec. 8"

15 Insert "sec. 9"

16

17 Page 108, line 5:

18 Delete "sec. 9"

19 Insert "sec. 10"

20

21 Page 108, line 6:

22 Delete "sec. 10"

23 Insert "sec. 11"

24

25 Page 108, line 7:

26 Delete "sec. 11"

27 Insert "sec. 12"

28

29 Page 108, line 8:

30 Delete "sec. 12"

31 Insert "sec. 13"

1

2 Page 108, line 9:

3 Delete "sec. 13"

4 Insert "sec. 14"

5

6 Page 108, line 10:

7 Delete "sec. 14"

8 Insert "sec. 15"

9

10 Page 108, line 11:

11 Delete "sec. 15"

12 Insert "sec. 16"

13

14 Page 108, following line 11:

15 Insert "(14) AS 11.46.486(a), as amended by sec. 17 of this Act;"

16

17 Renumber the following paragraphs accordingly.

18

19 Page 108, line 12:

20 Delete "sec. 16"

21 Insert "sec. 17"

22

23 Page 108, line 13:

24 Delete "sec. 17"

25 Insert "sec. 19"

26

27 Page 108, line 14:

28 Delete "sec. 18"

29 Insert "sec. 20"

30

31 Page 108, following line 14:

1 Insert "(18) AS 11.46.982, enacted by sec. 22 of this Act;"

2

3 Renumber the following paragraphs accordingly.

4

5 Page 108, line 15:

6 Delete "sec. 20"

7 Insert "sec. 24"

8

9 Page 108, line 16:

10 Delete "sec. 21"

11 Insert "sec. 25"

12

13 Page 108, line 17:

14 Delete "sec. 23"

15 Insert "sec. 27"

16

17 Page 108, line 18:

18 Delete "sec. 25"

19 Insert "sec. 29"

20

21 Page 108, line 19:

22 Delete "sec. 26"

23 Insert "sec. 30"

24

25 Page 108, line 20:

26 Delete "sec. 28"

27 Insert "sec. 32"

28

29 Page 108, line 21:

30 Delete "sec. 34"

31 Insert "sec. 38"

- 1
- 2 Page 108, line 22:
 - 3 Delete "sec. 35"
 - 4 Insert "sec. 39"
 - 5
- 6 Page 108, line 23:
 - 7 Delete "sec. 38"
 - 8 Insert "sec. 42"
 - 9
- 10 Page 108, line 24:
 - 11 Delete "sec. 40"
 - 12 Insert "sec. 44"
 - 13
- 14 Page 108, line 25:
 - 15 Delete "sec. 42"
 - 16 Insert "sec. 46"
 - 17
- 18 Page 108, line 26:
 - 19 Delete "sec. 78"
 - 20 Insert "sec. 82"
 - 21
- 22 Page 108, line 27:
 - 23 Delete "sec. 90"
 - 24 Insert "sec. 94"
 - 25
- 26 Page 108, line 28:
 - 27 Delete "sec. 91"
 - 28 Insert "sec. 95"
 - 29
- 30 Page 108, line 29:
 - 31 Delete "sec. 97"

- 1 Insert "sec. 101"
- 2
- 3 Page 108, line 30:
- 4 Delete "sec. 98"
- 5 Insert "sec. 102"
- 6
- 7 Page 108, line 31:
- 8 Delete "sec. 147"
- 9 Insert "sec. 151"
- 10
- 11 Page 109, line 3:
- 12 Delete "sec. 30"
- 13 Insert "sec. 34"
- 14
- 15 Page 109, line 4:
- 16 Delete "sec. 31"
- 17 Insert "sec. 35"
- 18
- 19 Page 109, line 5:
- 20 Delete "sec. 32"
- 21 Insert "sec. 36"
- 22
- 23 Page 109, line 6:
- 24 Delete "sec. 33"
- 25 Insert "sec. 37"
- 26
- 27 Page 109, line 9:
- 28 Delete "sec. 61"
- 29 Insert "sec. 65"
- 30
- 31 Page 109, line 10:

- 1 Delete "sec. 62"
- 2 Insert "sec. 66"
- 3
- 4 Page 109, line 11:
 - 5 Delete "sec. 63"
 - 6 Insert "sec. 67"
 - 7
- 8 Page 109, line 12:
 - 9 Delete "sec. 64"
 - 10 Insert "sec. 68"
 - 11
- 12 Page 109, line 15:
 - 13 Delete "sec. 59"
 - 14 Insert "sec. 63"
 - 15
- 16 Page 109, line 16:
 - 17 Delete "sec. 60"
 - 18 Insert "sec. 64"
 - 19
- 20 Page 109, line 17:
 - 21 Delete "sec. 77"
 - 22 Insert "sec. 81"
 - 23
- 24 Page 109, line 18:
 - 25 Delete "sec. 93"
 - 26 Insert "sec. 97"
 - 27
- 28 Page 109, line 19:
 - 29 Delete "sec. 96"
 - 30 Insert "sec. 100"
 - 31

- 1 Page 109, line 20:
- 2 Delete "sec. 106"
- 3 Insert "sec. 110"
- 4
- 5 Page 109, line 21:
- 6 Delete "sec. 107"
- 7 Insert "sec. 111"
- 8
- 9 Page 109, line 22:
- 10 Delete "sec. 108"
- 11 Insert "sec. 112"
- 12
- 13 Page 109, line 23:
- 14 Delete "sec. 110"
- 15 Insert "sec. 114"
- 16
- 17 Page 109, line 24:
- 18 Delete "sec. 119"
- 19 Insert "sec. 123"
- 20
- 21 Page 109, line 25:
- 22 Delete "sec. 139"
- 23 Insert "sec. 143"
- 24
- 25 Page 109, line 26:
- 26 Delete "sec. 57"
- 27 Insert "sec. 61"
- 28
- 29 Page 109, line 27:
- 30 Delete "sec. 57"
- 31 Insert "sec. 61"

- 1
- 2 Page 109, line 28:
 - 3 Delete "sec. 57"
 - 4 Insert "sec. 61"
 - 5
- 6 Page 110, line 1:
 - 7 Delete "sec. 66"
 - 8 Insert "sec. 70"
 - 9
- 10 Page 110, line 2:
 - 11 Delete "sec. 67"
 - 12 Insert "sec. 71"
 - 13
- 14 Page 110, line 3:
 - 15 Delete "sec. 68"
 - 16 Insert "sec. 72"
 - 17
- 18 Page 110, line 4:
 - 19 Delete "sec. 65"
 - 20 Insert "sec. 69"
 - 21
- 22 Page 110, line 5:
 - 23 Delete "sec. 65"
 - 24 Insert "sec. 69"
 - 25
- 26 Page 110, line 6:
 - 27 Delete "sec. 65"
 - 28 Insert "sec. 69"
 - 29
- 30 Page 110, line 7:
 - 31 Delete "sec. 69"

- 1 Insert "sec. 73"
- 2
- 3 Page 110, line 8:
- 4 Delete "sec. 69"
- 5 Insert "sec. 73"
- 6
- 7 Page 110, line 9:
- 8 Delete "sec. 69"
- 9 Insert "sec. 73"
- 10
- 11 Page 110, line 10:
- 12 Delete "sec. 71"
- 13 Insert "sec. 75"
- 14
- 15 Page 110, line 11:
- 16 Delete "sec. 71"
- 17 Insert "sec. 75"
- 18
- 19 Page 110, line 12:
- 20 Delete "sec. 71"
- 21 Insert "sec. 75"
- 22
- 23 Page 110, line 13:
- 24 Delete "sec. 74"
- 25 Insert "sec. 78"
- 26
- 27 Page 110, line 14:
- 28 Delete "sec. 74"
- 29 Insert "sec. 78"
- 30
- 31 Page 110, line 15:

- 1 Delete "sec. 74"
- 2 Insert "sec. 78"
- 3
- 4 Page 110, line 19:
 - 5 Delete "sec. 70"
 - 6 Insert "sec. 74"
 - 7
- 8 Page 110, line 20:
 - 9 Delete "sec. 72"
 - 10 Insert "sec. 76"
 - 11
- 12 Page 110, line 21:
 - 13 Delete "sec. 73"
 - 14 Insert "sec. 77"
 - 15
- 16 Page 110, line 22:
 - 17 Delete "sec. 76"
 - 18 Insert "sec. 80"
 - 19
- 20 Page 110, line 23:
 - 21 Delete "sec. 101"
 - 22 Insert "sec. 105"
 - 23
- 24 Page 110, line 27:
 - 25 Delete "sec. 88"
 - 26 Insert "sec. 92"
 - 27
- 28 Page 110, line 28:
 - 29 Delete "sec. 89"
 - 30 Insert "sec. 93"
 - 31

- 1 Page 110, line 29:
- 2 Delete "sec. 95"
- 3 Insert "sec. 99"
- 4
- 5 Page 111, line 1:
- 6 Delete "sec. 104"
- 7 Insert "sec. 108"
- 8
- 9 Page 111, line 2:
- 10 Delete "sec. 105"
- 11 Insert "sec. 109"
- 12
- 13 Page 111, line 3:
- 14 Delete "sec. 109"
- 15 Insert "sec. 113"
- 16
- 17 Page 111, line 4:
- 18 Delete "sec. 111"
- 19 Insert "sec. 115"
- 20
- 21 Page 111, line 5:
- 22 Delete "sec. 112"
- 23 Insert "sec. 116"
- 24
- 25 Page 111, line 6:
- 26 Delete "sec. 113"
- 27 Insert "sec. 117"
- 28
- 29 Page 111, line 7:
- 30 Delete "sec. 120"
- 31 Insert "sec. 124"

- 1
- 2 Page 111, line 8:
 - 3 Delete "sec. 121"
 - 4 Insert "sec. 125"
 - 5
- 6 Page 111, line 9:
 - 7 Delete "sec. 122"
 - 8 Insert "sec. 126"
 - 9
- 10 Page 111, line 10:
 - 11 Delete "sec. 123"
 - 12 Insert "sec. 127"
 - 13
- 14 Page 111, line 11:
 - 15 Delete "sec. 124"
 - 16 Insert "sec. 128"
 - 17
- 18 Page 111, line 12:
 - 19 Delete "sec. 125"
 - 20 Insert "sec. 129"
 - 21
- 22 Page 111, line 13:
 - 23 Delete "sec. 126"
 - 24 Insert "sec. 130"
 - 25
- 26 Page 111, line 14:
 - 27 Delete "sec. 128"
 - 28 Insert "sec. 132"
 - 29
- 30 Page 111, line 15:
 - 31 Delete "sec. 21"

- 1 Insert "sec. 25"
- 2 Delete "sec. 164"
- 3 Insert "sec. 168"
- 4
- 5 Page 111, line 16:
- 6 Delete "secs. 21 and 164"
- 7 Insert "secs. 25 and 168"
- 8
- 9 Page 111, line 19:
- 10 Delete "sec. 48"
- 11 Insert "sec. 52"
- 12
- 13 Page 111, line 20:
- 14 Delete "sec. 49"
- 15 Insert "sec. 53"
- 16
- 17 Page 111, line 21:
- 18 Delete "sec. 50"
- 19 Insert "sec. 54"
- 20
- 21 Page 111, line 22:
- 22 Delete "sec. 51"
- 23 Insert "sec. 55"
- 24
- 25 Page 111, line 23:
- 26 Delete "sec. 52"
- 27 Insert "sec. 56"
- 28
- 29 Page 111, line 24:
- 30 Delete "sec. 53"
- 31 Insert "sec. 57"

- 1
- 2 Page 111, line 25:
 - 3 Delete "sec. 54"
 - 4 Insert "sec. 58"
 - 5
- 6 Page 111, line 26:
 - 7 Delete "sec. 55"
 - 8 Insert "sec. 59"
 - 9
- 10 Page 111, line 27:
 - 11 Delete "sec. 56"
 - 12 Insert "sec. 60"
 - 13
- 14 Page 111, line 28:
 - 15 Delete "sec. 103"
 - 16 Insert "sec. 107"
 - 17
- 18 Page 111, line 31:
 - 19 Delete "sec. 127"
 - 20 Insert "sec. 131"
 - 21
- 22 Page 112, line 1:
 - 23 Delete "sec. 129"
 - 24 Insert "sec. 133"
 - 25
- 26 Page 112, line 2:
 - 27 Delete "sec. 130"
 - 28 Insert "sec. 134"
 - 29
- 30 Page 112, line 3:
 - 31 Delete "sec. 131"

- 1 Insert "sec. 135"
- 2
- 3 Page 112, line 4:
- 4 Delete "sec. 132"
- 5 Insert "sec. 136"
- 6
- 7 Page 112, line 5:
- 8 Delete "sec. 133"
- 9 Insert "sec. 137"
- 10
- 11 Page 112, line 6:
- 12 Delete "sec. 134"
- 13 Insert "sec. 138"
- 14
- 15 Page 112, line 7:
- 16 Delete "sec. 135"
- 17 Insert "sec. 139"
- 18
- 19 Page 112, line 8:
- 20 Delete "sec. 136"
- 21 Insert "sec. 140"
- 22
- 23 Page 112, line 9:
- 24 Delete "sec. 137"
- 25 Insert "sec. 141"
- 26
- 27 Page 112, line 10:
- 28 Delete "sec. 100"
- 29 Insert "sec. 104"
- 30
- 31 Page 112, line 11:

- 1 Delete "sec. 100"
- 2 Insert "sec. 104"
- 3
- 4 Page 112, line 12:
- 5 Delete "sec. 100"
- 6 Insert "sec. 104"
- 7
- 8 Page 112, line 13:
- 9 Delete "sec. 100"
- 10 Insert "sec. 104"
- 11
- 12 Page 112, line 14:
- 13 Delete "sec. 140"
- 14 Insert "sec. 144"
- 15
- 16 Page 112, line 15:
- 17 Delete "sec. 140"
- 18 Insert "sec. 144"
- 19
- 20 Page 112, line 16:
- 21 Delete "sec. 140"
- 22 Insert "sec. 144"
- 23
- 24 Page 112, line 17:
- 25 Delete "sec. 140"
- 26 Insert "sec. 144"
- 27
- 28 Page 112, line 21:
- 29 Delete "sec. 44"
- 30 Insert "sec. 48"
- 31

- 1 Page 112, line 22:
- 2 Delete "sec. 46"
- 3 Insert "sec. 50"
- 4
- 5 Page 112, line 23:
- 6 Delete "sec. 43"
- 7 Insert "sec. 47"
- 8
- 9 Page 112, line 24:
- 10 Delete "sec. 43"
- 11 Insert "sec. 47"
- 12
- 13 Page 112, line 25:
- 14 Delete "sec. 43"
- 15 Insert "sec. 47"
- 16
- 17 Page 112, line 28:
- 18 Delete "sec. 79"
- 19 Insert "sec. 83"
- 20
- 21 Page 112, line 29:
- 22 Delete "sec. 80"
- 23 Insert "sec. 84"
- 24
- 25 Page 112, line 30:
- 26 Delete "sec. 81"
- 27 Insert "sec. 85"
- 28
- 29 Page 112, line 31:
- 30 Delete "sec. 82"
- 31 Insert "sec. 86"

- 1
- 2 Page 113, line 1:
 - 3 Delete "sec. 83"
 - 4 Insert "sec. 87"
 - 5
- 6 Page 113, line 2:
 - 7 Delete "sec. 84"
 - 8 Insert "sec. 88"
 - 9
- 10 Page 113, line 3:
 - 11 Delete "sec. 99"
 - 12 Insert "sec. 103"
 - 13
- 14 Page 113, line 6:
 - 15 Delete "sec. 21"
 - 16 Insert "sec. 25"
 - 17
- 18 Page 113, line 7:
 - 19 Delete "sec. 164"
 - 20 Insert "sec. 168"
 - 21
- 22 Page 113, line 9:
 - 23 Delete "sec. 52"
 - 24 Insert "sec. 56"
 - 25
- 26 Page 113, line 10:
 - 27 Delete "sec. 166(a)"
 - 28 Insert "sec. 170(a)"
 - 29
- 30 Page 113, line 12:
 - 31 Delete "sec. 68"

- 1 Insert "sec. 72"
- 2 Delete "sec. 166(b)"
- 3 Insert "sec. 170(b)"
- 4
- 5 Page 113, line 15:
- 6 Delete "sec. 69"
- 7 Insert "sec. 73"
- 8 Delete "sec. 166(c)"
- 9 Insert "sec. 170(c)"
- 10
- 11 Page 113, line 18:
- 12 Delete "sec. 84"
- 13 Insert "sec. 88"
- 14 Delete "sec. 166(d)"
- 15 Insert "sec. 170(d)"
- 16
- 17 Page 113, line 21:
- 18 Delete "sec. 103"
- 19 Insert "sec. 107"
- 20 Delete "sec. 166(e)"
- 21 Insert "sec. 170(e)"
- 22
- 23 Page 113, lines 24 - 25:
- 24 Delete "Sections 2 - 20, 22 - 42, 66 - 69, 71, 78 - 85, 88 - 92, 95, 97 - 99, 140, 146 -
- 25 156, 165, 166(b), 166(c), and 166(d)"
- 26 Insert "Sections 2 - 24, 26 - 46, 70 - 73, 75, 82 - 89, 92 - 96, 99, 101 - 103, 144, 150 -
- 27 160, 169, 170(b), 170(c), and 170(d)"
- 28
- 29 Page 113, line 25:
- 30 Delete "sec. 21"
- 31 Insert "sec. 25"

1

2 Page 113, line 27:

3 Delete "Section 87"

4 Insert "Section 91"

5

6 Page 113, lines 28 - 29:

7 Delete "Sections 44 - 47, 57, 59, 60, 65, 70, 72 - 77, 93, 94, 96, 100 - 102, 104 - 139,
8 141 - 144, and 157 - 159"

9 Insert "Sections 48 - 51, 63, 64, 69, 74, 76 - 81, 97, 98, 100, 104 - 106, 108 - 143, 145
10 - 148, and 161 - 163"

11

12 Page 113, line 30:

13 Delete "Section 145"

14 Insert "Section 149"

15

16 Page 113, line 31:

17 Delete "Sections 43, 48 - 56, 86, 103, 166(a), and 166(e)"

18 Insert "Sections 47, 52 - 60, 90, 107, 170(a), and 170(e)"

19

20 Page 114, line 2:

21 Delete "sec. 21"

22 Insert "sec. 25"

23 Delete "sec. 164"

24 Insert "sec. 168"

Y	N
6	5

~~ADOPTED / RECALLED~~

29-LS0541\T.4
Gardner
4/26/16

AMENDMENT #22

OFFERED IN THE HOUSE

BY REPRESENTATIVE KAWASAKI

TO: HCS CSSSSB 91(FIN), Draft Version "T"

1 Page 19, lines 10 - 11:

2 Delete "listed in AS 11.71.140(e)"

3

4 Page 22, line 16:

5 Delete "AS 11.71.040(a)(3)(A)(i) or"

6 Insert "AS"

7

8 Page 22, line 7:

9 Delete "IA,"

Failed ON RE-VOTE

Y	N
0	11

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

4 | N
6 | 5

ADOPTED

DATE: 4.27.2016

Amendment: #22

MEMBER

Favor

Oppose

REP. WILSON		X
REP. EDGMON	X	
REP. GARA	X	
REP. GATTIS	X	
REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. MUNOZ	X	
REP. PRUITT		X
REP. SADDLER		X
REP. NEUMAN		X
REP. THOMPSON		X

YEA 6 NAY 5

REVOTE ON RE-offered Amend.

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y / N
0 / 11

Failed

DATE: 4-27-2016

Amendment: #22

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
REP. GATTIS		X
REP. GUTTENBERG		X
REP. KAWASAKI		X
REP. MUNOZ		X
REP. PRUITT		X
REP. SADDLER		X
REP. WILSON		X
REP. EDGMON		X
REP. GARA		X
REP. NEUMAN		X
REP. THOMPSON		X

YEA 0 NAY 11

WITHDRAWN

29-LS0541\T.2
Martin/Gardner
4/26/16

AMENDMENT #23

OFFERED IN THE HOUSE

BY REPRESENTATIVE MUÑOZ

TO: HCS CSSSSB 91(FIN), Draft Version "T"

1 Page 107, following line 26:

2 Insert a new bill section to read:

3 **"* Sec. 170.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 REPORT ON OFFENSES OF SEXUAL ABUSE OF A MINOR. The Alaska
6 Criminal Justice Commission established in AS 44.19.641 shall prepare a report on offenses
7 of sexual abuse of a minor where the defendant and victim are both under 19 years of age. ~~and~~
8 ~~students~~. The commission shall deliver the report, not later than December 1, 2016, to the
9 governor, the senate secretary, and the chief clerk of the house of representatives and notify
10 the legislature that the report is available."

11

12 Renumber the following bill sections accordingly.

ADOPTED
NO OBJECTION

29-LS0541\T.9
Martin/Gardner
4/27/16

AMENDMENT # 24

OFFERED IN THE HOUSE

BY REPRESENTATIVE THOMPSON

TO: HCS CSSSSB 91(FIN), Draft Version "T"

1 Page 49, lines 5 - 8:

2 Delete "if, as a condition of probation under AS 12.55.086, the defendant is required
3 to serve an active term of imprisonment within the range specified in this paragraph, unless
4 the court finds that a mitigation factor under AS 12.55.155 applies"

5 Insert "[IF, AS A CONDITION OF PROBATION UNDER AS 12.55.086, THE
6 DEFENDANT IS REQUIRED TO SERVE AN ACTIVE TERM OF IMPRISONMENT
7 WITHIN THE RANGE SPECIFIED IN THIS PARAGRAPH, UNLESS THE COURT
8 FINDS THAT A MITIGATION FACTOR UNDER AS 12.55.155 APPLIES]"

9

10 Page 50, lines 2 - 8:

11 Delete "[TWO YEARS; A DEFENDANT SENTENCED UNDER THIS
12 PARAGRAPH MAY, IF THE COURT FINDS IT APPROPRIATE, BE GRANTED A
13 SUSPENDED IMPOSITION OF SENTENCE UNDER AS 12.55.085, AND THE COURT
14 MAY, AS A CONDITION OF PROBATION UNDER AS 12.55.086, REQUIRE THE
15 DEFENDANT TO SERVE AN ACTIVE TERM OF IMPRISONMENT WITHIN THE
16 RANGE SPECIFIED IN THIS PARAGRAPH]"

17 Insert "[TWO YEARS]; a defendant sentenced under this paragraph may, if the court
18 finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085 [,
19 AND THE COURT MAY, AS A CONDITION OF PROBATION UNDER AS 12.55.086,
20 REQUIRE THE DEFENDANT TO SERVE AN ACTIVE TERM OF IMPRISONMENT
21 WITHIN THE RANGE SPECIFIED IN THIS PARAGRAPH]"

Y | N

29-LS0541\T.8
Gardner
4/27/16

AMENDMENT #25

offered by:
Rep. Gara
Rep. Thompson
Rep. Munoz
Rep. Edgemon

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(FIN), Draft Version "T"

- 1 Page 50, line 2:
- 2 Delete "zero to 120 days"
- 3 Insert "probation, with a suspended term of imprisonment of zero to 18 months"

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y | N
6 | 5

ADOPTED

DATE: 4-27-2016

Amendment: # 25

MEMBER

Favor

Oppose

REP. EDGMON	X	
REP. GARA	X	
REP. GATTIS		X
REP. GUTTENBERG	X	
REP. KAWASAKI	X	
REP. MUNOZ	X	
REP. PRUITT		X
REP. SADDLER		X
REP. WILSON		X
REP. NEUMAN		X
REP. THOMPSON	X	

YEA

6

NAY

5

ADOPTED
NO OBJECTION

29-LS0541V.64
Gardner
4/25/16

AMENDMENT #9

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS CSSSSB 91(JUD)

THOMPSON
WILSON
NEUMAN
KAWASAKI
GATTIS

1 Page 62, following line 26:

2 Insert new subsections to read:

3 "(h) Notwithstanding (g)(2) of this section, if a person resides in a community
4 where a court-ordered treatment program under AS 28.35.028 is not available, the
5 person shall

6 (1) provide proof to the court that the person has successfully
7 completed a rehabilitative treatment program appropriate for the person's alcohol or
8 substance abuse condition; the program must

9 (A) include planning and treatment for alcohol or drug
10 addiction;

11 (B) include emphasis on personal responsibility;

12 (C) require payment of restitution to victims and completion of
13 community work service;

14 (D) include physician-approved treatment of physical addiction
15 and treatment of the psychological causes of addiction; and

16 (E) include a monitoring program and physical placement or
17 housing in communities where the court finds that a monitoring program and
18 placement or housing is available;

19 (2) provide proof by clear and convincing evidence to the court that the
20 person is currently sober and has maintained sobriety for a period of at least 18
21 months; and

22 (3) provide written notice to the district attorney's office of the person's
23 request for a limited license under this section.

1 (i) A person is not entitled to court-appointed counsel under (h) of this
2 section."

3

4 Reletter the following subsection accordingly.

5

6 Page 62, line 31, following "AS 28.35.028":

7 Insert "or a rehabilitative treatment program under (h) of this section"

8

9 Page 67, line 7, following "AS 28.35.028":

10 Insert "or a rehabilitative treatment program under AS 28.15.201(h)"

11

12 Page 123, line 29:

13 Delete "AS 28.15.201(g) and (h)"

14 Insert "AS 28.15.201(g) - (j)"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

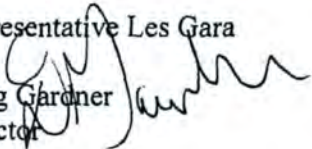
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 25, 2016

SUBJECT: Redo of "V.62" (HCS CSSSSB 91 (JUD);
Work Order No. 29-LS0541\V)

TO: Representative Les Gara

FROM: Doug Gardner
Director 

Please find attached a redo of "V.62" to change the reference in proposed AS 28.15.201(h) from a "court-ordered" treatment program to a "rehabilitative treatment" program.

In addition, you requested that I address the issue of why (g)(1), (g)(3), (g)(4), and (g)(5) are not restated in sec. 28.15.201(h). First, (g) is the only section that authorizes the court to grant a limited license as we discussed. Second, (h) is an exception to (g)(2), not to all requirements in (g) and will only apply to persons that reside in a community where AS 28.35.028 is not available. Therefore, (h) serves as a limited exception to (g)(2), not as a separate grant of authority apart from (g) for the court to grant a limited license.

DDG:lem
16-393.lem

Attachment

CONCEPTUAL Amendment # 26
OFFERED BY Rep. T. Wilson

2016 HOUSE FINANCE COMMITTEE VOTE SHEET

Y | N
6 | 5

DATE: 4/27/16

Amendment: CONCEPTUAL Amend # 26

MEMBER

Favor

Oppose

REP. GARA		X
REP. GATTIS	X	
REP. GUTTENBERG		X
REP. KAWASAKI		X
REP. MUNOZ	X	
REP. PRUITT		X
REP. SADDLER		X
REP. WILSON	X	
REP. EDGMON	X	
REP. THOMPSON	X	
REP. NEUMAN	X	

YEA 6 NAY 5

Changing 120 days to 360 (pre-trial)
Pg 38, LN 11 version T.