

SB 91

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FILE

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<TARGET><BILL>SB 91</BILL><SUBJECT>SB 91 - FILE
2</SUBJECT><COMM>HJUD29</COMM></TARGET>

Alaska State Legislature

Senate Majority Leader

Joint Armed Services Committee
Co-Chairman
Judiciary Committee
Vice-Chairman
Resources Committee
State Affairs Committee
Legislative Council
Rules Committee



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SENATE BILL 91

SUMMARY OF CHANGES

Omnibus Criminal Law & Procedure; Corrections
Version Y.A to X

- 1) Felony theft threshold lowered from \$2000 to \$1000 and adjusted for inflation every five years.
- 2) Failure to appear after missing a court date for thirty days or more can no longer be charged as a Class C felony; instead will always be a Class A Misdemeanor.
- 3) Additional crimes have been added to the affirmative defense to prostitution for someone who is cooperating with law enforcement.
- 4) Establishes an affirmative defense to the crime of sex trafficking to ensure a prostitute cannot be charged with trafficking themselves.
- 5) Reestablishes the weight threshold between class B felony drug distribution and class C felony drug distribution at 2.5 grams and removes references to dosage units and aggregate weight.
- 6) Reclassifies simple possession of GHB as a Class A misdemeanor, in line with simple possession of other types of drugs.
- 7) Removes the 120 cap on pretrial credit while on electronic monitoring.
- 8) Provides additional guidance to the courts in crediting time spent pretrial in residential treatment.
- 9) Increases the maximum fine that may be imposed for a Class A misdemeanor from \$10,000 to \$25,000.
- 10) Changes maximum probation term lengths as follows: five years for an unclassified felony that is not a sex offense (was 10); three years for any other non-sex felony (was five), and then sets any misdemeanor involving domestic violence at two years.
- 11) Includes misdemeanants in the early discharge provisions.
- 12) Does not exclude failure to complete batterer's intervention and special conditions of probation for sex offenders from the definition of technical violation.
- 13) Does not increase the mandatory minimum for murder I and murder II by 5 years.
- 14) Does not exclude non-DV related Assault 4 from the misdemeanor A presumptive range.

- 15) Includes a provision to conduct a national criminal background check to determine eligibility for a commercial marijuana license.
- 16) Prohibits the court from publishing case information regarding a suspended entry of judgement when all criminal charges were dismissed.
- 17) Relaxes driver's license requirements for areas that are off the road system and where no DMV office exists.
- 18) Does not include misdemeanants in the earned compliance credits policy.
- 19) Requires probation officers to set up a restitution plan based on the probationer's income and ability to pay if the court has not already set a restitution payment schedule.
- 20) Does not require DOC to consult with the Office of Victims' Rights on the pretrial release recommendation regulations.
- 21) Does not exclude criminally negligent homicide from the administrative parole policy.
- 22) Does not exclude unclassified felons and sexual felons from the geriatric parole policy, and sets the age of eligibility at 55 (was 60).
- 23) Does not exclude unclassified sexual offenses from eligibility for discretionary parole, and sets eligibility at 1/3 of the sentence (was 1/2).
- 24) Does not require the parole board to consult with a corrections officer designated by the Commissioner before making a release decision.
- 25) Allows sex offenders to earn good time credit if they have completed any required treatment programming.
- 26) Does not include a requirement that the Department of Corrections partner with non-profit organizations to assist in prisoner re-entry.
- 27) Does not establish the recidivism reduction fund and designate fifty percent of marijuana tax revenue to recidivism reduction programs.
- 28) Does not require the Alaska Criminal Justice Commission to review and analyze sexual offense statutes and make recommendations to the legislature, or to review the potential for partnering with tribes and tribal organizations to provide pretrial probation and parole services in underserved areas of the state.
- 29) Does not include language requiring DHSS to use a competitive procurement process when contracting with vendors for the 24/7 Sobriety program.
- 30) Includes requirements for the Alaska Criminal Justice Commission to study the following topics: the effectiveness of Alaska's driving while impaired laws; enhancing financial recovery of victim's restitution; and the potential for using social impact bonds to reduce recidivism.

AMENDMENT #7

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 25, lines 16 - 18:

2 Delete "[THE CONTACTING OFFICER REASONABLY BELIEVES THE
3 PERSON IS A DANGER TO SELF OR OTHERS;

4 (3)]"

5 Insert "the peace [CONTACTING] officer reasonably believes the person is a danger
6 to [SELF OR] others;

7 (3)"

8

9 Renumber the following paragraphs accordingly.

10

11 Page 25, line 22, following "AS 11.56.750,":

12 Insert "disorderly conduct under AS 11.61.110,"

13

14 Page 26, line 23:

15 Delete "and who"

16 Insert "and the person"

17

18 Page 27, line 26:

19 Delete "only receive"

20 Insert "receive only"

21

22 Page 32, lines 4 - 8:

23 Delete all material and insert:

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

4

5 Page 33, line 7:

6 Delete "or bail review hearing"

7 Insert ", bail review hearing, or bail hearing in connection with a petition to revoke
8 probation"

9

10 Page 40, line 27, through page 41, line 4:

11 Delete all material and insert:

12 **** Sec. 70. AS 12.55.055(a) is amended to read:**

13 (a) The court may order a defendant convicted of an offense to perform
14 community work as a condition of probation, a suspended sentence, [OR] suspended
15 imposition of sentence, or suspended entry of judgment, or in addition to any fine or
16 restitution ordered. If the defendant is sentenced to imprisonment, the court may
17 recommend to the Department of Corrections that the defendant perform community
18 work."

19

20 Page 42, lines 25 - 26:

21 Delete all material and insert:

22 "(f) The court may not suspend the imposition or entry of judgment and may
23 not defer prosecution under this section of a person who"

24

25 Page 44, line 24:

26 Delete "and"

27

28 Page 44, following line 24:

29 Insert a new paragraph to read:

30 "(4) is currently in compliance with all conditions of probation for all
31 of the cases for which the person is on probation; and"

1

2 Renumber the following paragraph accordingly.

3

4 Page 46, line 6:

5 Delete "paragraph"

6 Insert "subparagraph [PARAGRAPH]"

7

8 Page 48, line 12:

9 Delete "result from"

10 Insert "constitute"

11

12 Page 48, line 13:

13 Delete "commission of"

14

15 Page 51, line 11:

16 Delete "or"

17

18 Page 51, line 15:

19 Delete "the"

20

21 Page 52, line 12:

22 Delete "fifth"

23 Insert "fourth"

24

25 Page 52, lines 12 - 13:

26 Delete "a person convicted of"

27

28 Page 52, line 13:

29 Delete "sixth"

30 Insert "fifth"

31

1 Page 53, line 3:

2 Delete "aggravating factors in"

3 Insert "an aggravating factor under"

4

5 Page 53, line 10:

6 Delete "20 days"

7 Insert "not later than 10 days"

8

9 Page 53, line 11:

10 Delete "within"

11 Insert "not later than"

12

13 Page 53, line 14, following "(C)":

14 Insert "not later than"

15

16 Page 53, line 15, following "court":

17 Insert "unless the defendant waives the notice requirement"

18

19 Page 72, line 14, through page 76, line 17:

20 Delete all material and insert:

21 "(c) A pretrial services officer shall recommend for release on personal
22 recognizance, upon execution of an unsecured appearance bond, or upon execution of
23 an unsecured performance bond, with nonmonetary conditions as appropriate, if a
24 defendant is charged with

25 (1) a misdemeanor, unless that misdemeanor is

26 (A) a crime involving domestic violence, as defined in
27 AS 18.66.990;

28 (B) a crime against the person under AS 11.41;

29 (C) an offense under AS 11.56.730 or 11.56.757;

30 (2) a class C felony unless that felony is

31 (A) a crime involving domestic violence, as defined in

1 AS 18.66.990;

2 (B) a crime against the person under AS 11.41;

3 (C) an offense under AS 11.56.730;

4 (3) an offense under AS 28.35.030 or 28.35.032, if the defendant has
5 been assessed as being low or moderate risk on the pretrial risk assessment.

6 (d) A pretrial services officer shall recommend release on personal
7 recognizance, upon execution of an unsecured appearance bond, or upon execution of
8 an unsecured performance bond, with nonmonetary conditions as appropriate, unless
9 the pretrial services officer finds

10 (1) by substantial evidence that no nonmonetary conditions of release
11 in combination with release on personal recognizance or upon execution of unsecured
12 bond can reasonably ensure public safety and appearance in court; and

13 (2) the defendant has been charged with

14 (A) an offense under AS 28.35.030 or 28.35.032, and the
15 offender has been assessed as high risk under a pretrial risk assessment;

16 (B) an offense under AS 11.56.730 or 11.56.757, and the
17 offender has been assessed as low to moderate risk under a pretrial risk
18 assessment; or

19 (C) any other offense, and the defendant has been assessed as
20 being low risk under a pretrial risk assessment.

21 (e) A pretrial services officer may supervise a defendant released while
22 awaiting trial, imposing the least restrictive level of supervision that will reasonably
23 ensure the appearance of the person in court and the safety of the victim, other
24 persons, and the community, and prioritizing higher levels of supervision for a
25 defendant accused of serious charges or assessed as moderate or high risk under a
26 pretrial risk assessment. The commissioner may, in accordance with AS 36.30,
27 procure and enter into agreements or contracts for the supervision of defendants on
28 electronic monitoring during the pretrial period."

29
30 Reletter the following subsection accordingly.

31

1 Page 76, line 22:

2 Delete "arrest a defendant who has been released pretrial without a warrant"

3 Insert "arrest, without a warrant, a defendant who has been released while awaiting
4 trial"

5

6 Page 78, line 23:

7 Delete "AS 33.16.050"

8 Insert "AS 33.16.150"

9

10 Page 78, line 26:

11 Delete "established"

12 Insert ", including completing programming in the case plan,"

13

14 Page 78, line 31, through page 79, line 2:

15 Delete all material and insert:

16 "(c) If a victim makes a request at least 60 days before the prisoner's earliest
17 parole eligibility date for a hearing under AS 33.16.120, the board shall conduct the
18 hearing not later than 30 days before the prisoner's earliest parole eligibility date. The
19 board may release or deny release of a prisoner on administrative parole after the
20 hearing.

21 (d) The board shall send notice to the victim at least 90 days before the
22 prisoner's earliest parole eligibility date and provide instructions on how to request a
23 hearing under AS 33.16.120."

24

25 Page 83, lines 15 - 19:

26 Delete "[AND]

27 (9) other relevant information that may be reasonably available;

28 **(10) the case plan created under AS 33.30.011(8) for the prisoner,**
29 **including a compliance report on the case plan; and**

30 **(11) a reentry plan created under AS 33.30.011(9)."**

31

1 Insert "**(9) the case plan created under AS 33.30.011(8) for the prisoner, including**
2 **a compliance report on the case plan;**

3 **(10) a reentry plan created under AS 33.30.011(9); and**
4 **(11) [AND (9)] other relevant information that may be reasonably**
5 available."

6
7 Page 84, line 7, following "violence":

8 Insert "or of a sexual assault under AS 11.41.110 - 11.41.427"

9
10 Page 91, line 24, through page 92, line 3:

11 Delete all material and insert:

12 "* **Sec. 143.** AS 33.16.210 is amended by adding a new subsection to read:

13 (c) A parole officer shall recommend to the board early discharge for all
14 parolees who

15 (1) have completed at least one year on parole;

16 (2) have completed all treatment programs required as a condition of
17 parole;

18 (3) have not been found in violation of conditions of parole by the
19 board for at least one year; and

20 (4) have not been convicted of

21 (A) an unclassified felony offense under AS 11;

22 (B) a sexual felony as defined by AS 12.55.185;

23 (C) a crime involving domestic violence as defined by
24 AS 18.66.990; or

25 (D) a misdemeanor."

26
27 Page 92, line 5:

28 Delete "a technical violation"

29 Insert "technical and other violations"

30
31 Page 92, following line 23:

1 Insert a new subsection to read:

2 "(d) If the defendant is ordered to complete treatment under
3 AS 33.16.150(a)(3) and does not comply with the board's order, the board may order
4 the parolee to show cause why the board should not revoke the parole for
5 noncompletion of treatment. In a parole revocation proceeding brought as a result of
6 failure to complete treatment, it is an affirmative defense that the parolee was unable
7 to afford the cost of treatment or secure a place in a free treatment program, despite
8 having made continuing good faith efforts. If the board finds that the parolee was
9 unable to complete treatment despite having made continuing good faith efforts, the
10 parole may not be revoked solely because of an inability to pay. If the board does not
11 find that the noncompletion of treatment was attributable to the parolee's inability to
12 pay, the board may revoke parole subject to the limits established in this section."
13

14 Reletter the following subsection accordingly.

15
16 Page 92, line 30:

17 Delete "result from"

18 Insert "constitute"
19

20 Page 92, line 31:

21 Delete "commission of"
22

23 Page 93, line 27:

24 Delete "cannot"

25 Insert "may not"
26

27 Page 95, lines 15 - 20:

28 Delete all material and insert:

29 **** Sec. 153.** AS 33.20.010(c) is amended to read:

30 (c) A prisoner may not be awarded a good time deduction under (a) of this
31 section for any time [PERIOD] spent [IN A TREATMENT PROGRAM,] in a private

1 residence **unless, during that time, the prisoner was** [, OR WHILE] under electronic
2 monitoring."
3

4 Page 95, line 21:

5 Delete "a new subsection"

6 Insert "new subsections"

7

8 Page 95, following line 21:

9 Insert a new subsection to read:

10 "(d) A prisoner may be awarded a good time deduction under (a) of this
11 section for any time spent in a treatment program."
12

12

13 Reletter the following subsection accordingly.

14

15 Page 97, line 10, following "program;":

16 Insert **"the program must include a requirement for an assessment before a**
17 **prisoner's release on parole, furlough, or electronic monitoring from a**
18 **correctional facility;"**
19

19

20 Page 102, line 30:

21 Delete the second occurrence of "and"

22

23 Page 103, line 1, following "reform":

24 Insert "; and"

25 (4) explore the possibility of entering into mutually agreeable
26 arrangements with regional nonprofit organizations, including tribes and tribal
27 organizations, to provide the pretrial, probation, and parole services needed in
28 underserved areas of the state"
29

29

30 Page 110, lines 16 - 19:

31 Delete **"(A) assessments are conducted using a validated risk and needs**

1 **assessment tool; and**

2 **(B) supervision of participants is appropriate to the**
3 **assessed risk of re-offense of the participant."**

4 Insert "**(A) screenings are conducted using a validated risk tool; and**

5 **(B) monitoring of participants is appropriate to the risk of**
6 **reoffense of the participant as determined by the screening."**

7

8 Page 110, lines 23 - 25:

9 Delete "(1) assessment of eligible participants to determine the risk of the person to
10 re-offend and the criminal risk factors that are contributing to the risk; and

11 (2) supervision of participants based on the assessed risk to re-offend."

12 Insert "(1) screening of eligible persons to determine the risk of the person to reoffend
13 and the criminal risk factors that are contributing to the risk; and

14 (2) monitoring of participants based on the risk to reoffend as
15 determined by the screening."

AMENDMENT #2

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 17, lines 16 - 20:

2 Delete all material and insert:

3 "(1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER
4 AS 11.71.020(a)(2) - (6),] manufactures or delivers, [ANY AMOUNT OF A
5 SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] or possesses [ANY
6 AMOUNT OF A SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] with
7 intent to manufacture or deliver, one or more preparations, compounds, mixtures,
8 or substances of an aggregate weight of 2.5 grams or more containing a schedule
9 IA, IIA, or IIIA controlled substance;"

10

11 Page 22, lines 7 - 9:

12 Delete all material and insert:

13 "(11) manufactures or delivers, or possesses with the intent to
14 manufacture or deliver, one or more preparations, compounds, mixtures, or
15 substances of an aggregate weight of less than 2.5 grams containing a schedule
16 IA, IIA, or IIIA controlled substance."

AMENDMENT #3

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

- 1 Page 43, line 30:
- 2 Delete "**involving domestic violence**"
- 3 Insert "**under AS 11.41.230**"

AMENDMENT #4

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 48, line 13:

2 Delete "or"

3

4 Page 48, line 14, following "treatment":

5 Insert "; or

6 (C) failing to complete an intervention program for batterers"

7

8 Page 92, line 31:

9 Delete "or"

10

11 Page 93, line 1, following "treatment":

12 Insert "; or

13 (C) failing to complete an intervention program for batterers"

AMENDMENT #5

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 48, following line 20:

2 Insert a new bill section to read:

3 **** Sec. 82.** AS 12.55.125(a) is amended to read:

4 (a) A defendant convicted of murder in the first degree or murder of an unborn
5 child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment
6 of at least 30 [20] years but not more than 99 years. A defendant convicted of murder
7 in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years
8 when

9 (1) the defendant is convicted of the murder of a uniformed or
10 otherwise clearly identified peace officer, firefighter, or correctional employee who
11 was engaged in the performance of official duties at the time of the murder;

12 (2) the defendant has been previously convicted of

13 (A) murder in the first degree under AS 11.41.100 or former
14 AS 11.15.010 or 11.15.020;

15 (B) murder in the second degree under AS 11.41.110 or former
16 AS 11.15.030; or

17 (C) homicide under the laws of another jurisdiction when the
18 offense of which the defendant was convicted contains elements similar to first
19 degree murder under AS 11.41.100 or second degree murder under
20 AS 11.41.110;

21 (3) the defendant subjected the murder victim to substantial physical
22 torture;

23 (4) the defendant is convicted of the murder of and personally caused

1 the death of a person, other than a participant, during a robbery; or
2 (5) the defendant is a peace officer who used the officer's authority as a
3 peace officer to facilitate the murder."
4

5 Renumber the following bill sections accordingly.

6

7 Page 51, following line 5:

8 Insert a new bill section to read:

9 **"* Sec. 86. AS 12.55.127(c) is amended to read:**

10 (c) If the defendant is being sentenced for
11 (1) escape, the term of imprisonment shall be consecutive to the term
12 for the underlying crime;

13 (2) two or more crimes under AS 11.41, a consecutive term of
14 imprisonment shall be imposed for at least

15 (A) the mandatory minimum term under AS 12.55.125(a) for
16 each additional crime that is murder in the first degree;

17 **(B) one-fourth of the mandatory minimum term under**
18 **AS 12.55.125(b) for each additional crime that is murder in the second**
19 **degree;**

20 **(C) [(B)] the mandatory minimum term for each additional**
21 **crime that is an unclassified felony governed by AS 12.55.125(b) other than**
22 **murder in the second degree;**

23 **(D) [(C)] the presumptive term specified in AS 12.55.125(c) or**
24 **the active term of imprisonment, whichever is less, for each additional crime**
25 **that is**

26 (i) manslaughter; or

27 (ii) kidnapping that is a class A felony;

28 **(E) [(D)] two years or the active term of imprisonment,**
29 **whichever is less, for each additional crime that is criminally negligent**
30 **homicide;**

31 **(F) [(E)] one-fourth of the presumptive term under**

1 AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the
2 first degree under AS 11.41.410 or sexual abuse of a minor in the first degree
3 under AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those
4 offenses; and

5 (G) [(F)] some additional term of imprisonment for each
6 additional crime, or each additional attempt or solicitation to commit the
7 offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 -
8 11.41.458, or 11.41.500 - 11.41.520."

9
10 **Renumber the following bill sections accordingly.**

11
12 **Page 113, line 12:**

13 Delete "sec. 87"

14 Insert "sec. 89"

15
16 **Page 113, line 15:**

17 Delete "sec. 116"

18 Insert "sec. 118"

19
20 **Page 116, following line 12:**

21 Insert new paragraphs to read:

22 "(29) AS 12.55.125(a), as amended by sec. 82 of this Act;

23 (30) AS 12.55.127(c), as amended by sec. 86 of this Act;"

24
25 **Renumber the following paragraphs accordingly.**

26
27 **Page 116, line 13:**

28 Delete "sec. 99"

29 Insert "sec. 101"

30
31 **Page 116, line 14:**

- 1 Delete "sec. 100"
- 2 Insert "sec. 102"
- 3
- 4 Page 116, line 15:
- 5 Delete "sec. 110"
- 6 Insert "sec. 112"
- 7
- 8 Page 116, line 16:
- 9 Delete "sec. 111"
- 10 Insert "sec. 113"
- 11
- 12 Page 116, line 17:
- 13 Delete "sec. 112"
- 14 Insert "sec. 114"
- 15
- 16 Page 116, line 18:
- 17 Delete "sec. 160"
- 18 Insert "sec. 162"
- 19
- 20 Page 116, line 19:
- 21 Delete "sec. 167"
- 22 Insert "sec. 169"
- 23
- 24 Page 117, line 5:
- 25 Delete "sec. 152"
- 26 Insert "sec. 154"
- 27
- 28 Page 117, line 11:
- 29 Delete "sec. 103"
- 30 Insert "sec. 105"
- 31

1 Page 117, line 12:

2 Delete "sec. 107"

3 Insert "sec. 109"

4

5 Page 117, line 13:

6 Delete "sec. 119"

7 Insert "sec. 121"

8

9 Page 117, line 14:

10 Delete "sec. 121"

11 Insert "sec. 123"

12

13 Page 118, line 12:

14 Delete "sec. 114"

15 Insert "sec. 116"

16

17 Page 118, line 16:

18 Delete "sec. 95"

19 Insert "sec. 97"

20

21 Page 118, line 17:

22 Delete "sec. 96"

23 Insert "sec. 98"

24

25 Page 118, line 18:

26 Delete "sec. 98"

27 Insert "sec. 100"

28

29 Page 118, line 19:

30 Delete "sec. 105"

31 Insert "sec. 107"

- 1
- 2 Page 118, line 22:
 - 3 Delete "sec. 117"
 - 4 Insert "sec. 119"
 - 5
- 6 Page 118, line 23:
 - 7 Delete "sec. 118"
 - 8 Insert "sec. 120"
 - 9
- 10 Page 118, line 24:
 - 11 Delete "sec. 120"
 - 12 Insert "sec. 122"
 - 13
- 14 Page 118, line 25:
 - 15 Delete "sec. 122"
 - 16 Insert "sec. 124"
 - 17
- 18 Page 118, line 26:
 - 19 Delete "sec. 124"
 - 20 Insert "sec. 126"
 - 21
- 22 Page 118, line 27:
 - 23 Delete "sec. 125"
 - 24 Insert "sec. 127"
 - 25
- 26 Page 118, line 28:
 - 27 Delete "sec. 126"
 - 28 Insert "sec. 128"
 - 29
- 30 Page 118, line 29:
 - 31 Delete "sec. 132"

- 1 Insert "sec. 134"
- 2
- 3 Page 118, line 30:
- 4 Delete "sec. 133"
- 5 Insert "sec. 135"
- 6
- 7 Page 118, line 31:
- 8 Delete "sec. 134"
- 9 Insert "sec. 136"
- 10
- 11 Page 119, line 1:
- 12 Delete "sec. 135"
- 13 Insert "sec. 137"
- 14
- 15 Page 119, line 2:
- 16 Delete "sec. 136"
- 17 Insert "sec. 138"
- 18
- 19 Page 119, line 3:
- 20 Delete "sec. 137"
- 21 Insert "sec. 139"
- 22
- 23 Page 119, line 4:
- 24 Delete "sec. 138"
- 25 Insert "sec. 140"
- 26
- 27 Page 119, line 5:
- 28 Delete "sec. 139"
- 29 Insert "sec. 141"
- 30
- 31 Page 119, line 6:

- 1 Delete "sec. 141"
- 2 Insert "sec. 143"
- 3
- 4 Page 119, line 7:
- 5 Delete "sec. 175"
- 6 Insert "sec. 177"
- 7
- 8 Page 119, line 8:
- 9 Delete "175"
- 10 Insert "177"
- 11
- 12 Page 119, line 20:
- 13 Delete "sec. 116"
- 14 Insert "sec. 118"
- 15
- 16 Page 119, line 23:
- 17 Delete "sec. 140"
- 18 Insert "sec. 142"
- 19
- 20 Page 119, line 24:
- 21 Delete "sec. 142"
- 22 Insert "sec. 144"
- 23
- 24 Page 119, line 25:
- 25 Delete "sec. 143"
- 26 Insert "sec. 145"
- 27
- 28 Page 119, line 26:
- 29 Delete "sec. 144"
- 30 Insert "sec. 146"
- 31

1 Page 119, line 27:

2 Delete "sec. 145"

3 Insert "sec. 147"

4

5 Page 119, line 28:

6 Delete "sec. 146"

7 Insert "sec. 148"

8

9 Page 119, line 29:

10 Delete "sec. 147"

11 Insert "sec. 149"

12

13 Page 119, line 30:

14 Delete "sec. 148"

15 Insert "sec. 150"

16

17 Page 119, line 31:

18 Delete "sec. 149"

19 Insert "sec. 151"

20

21 Page 120, line 1:

22 Delete "sec. 150"

23 Insert "sec. 152"

24

25 Page 120, line 2:

26 Delete "sec. 113"

27 Insert "sec. 115"

28

29 Page 120, line 3:

30 Delete "sec. 113"

31 Insert "sec. 115"

1

2 Page 120, line 4:

3 Delete "sec. 113"

4 Insert "sec. 115"

5

6 Page 120, line 5:

7 Delete "sec. 113"

8 Insert "sec. 115"

9

10 Page 120, line 6:

11 Delete "sec. 153"

12 Insert "sec. 155"

13

14 Page 120, line 7:

15 Delete "sec. 153"

16 Insert "sec. 155"

17

18 Page 120, line 8:

19 Delete "sec. 153"

20 Insert "sec. 155"

21

22 Page 120, line 9:

23 Delete "sec. 153"

24 Insert "sec. 155"

25

26 Page 120, line 20:

27 Delete "sec. 82"

28 Insert "sec. 83"

29

30 Page 120, line 21:

31 Delete "sec. 83"

1 Insert "sec. 84"

2

3 Page 120, line 22:

4 Delete "sec. 84"

5 Insert "sec. 85"

6

7 Page 120, line 23:

8 Delete "sec. 85"

9 Insert "sec. 87"

10

11 Page 120, line 24:

12 Delete "sec. 86"

13 Insert "sec. 88"

14

15 Page 120, line 25:

16 Delete "sec. 87"

17 Insert "sec. 89"

18

19 Page 120, line 26:

20 Delete "sec. 153"

21 Insert "sec. 155"

22

23 Page 120, line 30:

24 Delete "sec. 175"

25 Insert "sec. 177"

26

27 Page 121, line 2:

28 Delete "sec. 179(a)"

29 Insert "sec. 181(a)"

30

31 Page 121, line 4:

1 Delete "sec. 179(b)"

2 Insert "sec. 181(b)"

3

4 Page 121, line 7:

5 Delete "sec. 179(c)"

6 Insert "sec. 181(c)"

7

8 Page 121, line 10:

9 Delete "sec. 87"

10 Insert "sec. 89"

11 Delete "sec. 179(d)"

12 Insert "sec. 181(d)"

13

14 Page 121, line 13:

15 Delete "sec. 116"

16 Insert "sec. 118"

17 Delete "sec. 179(e)"

18 Insert "sec. 181(e)"

19

20 Page 121, line 16:

21 Delete "Sections 89 and 91"

22 Insert "Sections 91 and 93"

23

24 Page 121, lines 17 - 18:

25 Delete "82 - 88, 95, 96, 98 - 100, 102, 105, 110 - 112, 153, 159 - 168, 178, 179(b),
26 179(c), and 179(d)"

27 Insert "83 - 90, 97, 98, 100 - 102, 104, 107, 112 - 114, 155, 161 - 170, 180, 181(b),
28 181(c), and 181(d)"

29

30 Page 121, line 20:

31 Delete "Section 92"

1 **Insert "Section 94"**

2

3 **Page 121, lines 21 - 22:**

4 **Delete "90, 103, 104, 107, 113 - 115, 117 - 152, 155 - 157, and 169 - 171"**

5 **Insert "92, 105, 106, 109, 115 - 117, 119 - 154, 157 - 159, and 171 - 173"**

6

7 **Page 121, line 23:**

8 **Delete "116, 176, 177, 179(a), and 179(e)"**

9 **Insert "118, 178, 179, 181(a), and 181(e)"**

10

11 **Page 121, line 25:**

12 **Delete "Section 158"**

13 **Insert "Section 160"**

14

15 **Page 121, line 26:**

16 **Delete "sec. 175"**

17 **Insert "sec. 177"**

AMENDMENT # 6

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

- 1 Page 71, line 15, following "Safety,":
- 2 Insert "the office of victims' rights,"

AMENDMENT #7

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 79, line 22, through page 81, line 14:

2 Delete all material and insert:

3 **** Sec. 123.** AS 33.16.090(b) is amended to read:

4 (b) A prisoner eligible under (a)(1) [(a)] of this section who is sentenced

5 (1) to a single sentence under AS 12.55.125(a) or (b) may not be
6 released on discretionary parole until the prisoner has served the mandatory minimum
7 term under AS 12.55.125(a) or (b), one-third of the active term of imprisonment
8 imposed, or any term set under AS 12.55.115, whichever is greatest;

9 (2) to a single sentence within or below a presumptive range set out in
10 AS 12.55.125(i)(1) and (2) [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)],
11 and has not been allowed by the three-judge panel under AS 12.55.175 to be
12 considered for discretionary parole release, may not be released on discretionary
13 parole until the prisoner has served the term imposed, less good time earned under
14 AS 33.20.010;

15 (3) to a single sentence under AS 12.55.125(i) [AS 12.55.125(c), (d)(2)
16 - (4), (e)(3) AND (4), OR (i)], and has been allowed by the three-judge panel under
17 AS 12.55.175 to be considered for discretionary parole release during the second half
18 of the sentence, may not be released on discretionary parole until

19 (A) the prisoner has served that portion of the active term of
20 imprisonment required by the three-judge panel; and

21 (B) in addition to the factors set out in AS 33.16.100(a), the
22 board determines that

23 (i) the prisoner has successfully completed all

1 rehabilitation programs ordered by the three-judge panel that were
2 made available to the prisoner; and

3 (ii) the prisoner would not constitute a danger to the
4 public if released on parole;

5 (4) to a single enhanced sentence under AS 12.55.155(a) that is above
6 the applicable presumptive range may not be released on discretionary parole until the
7 prisoner has served the greater of the following:

8 (A) an amount of time, less good time earned under
9 AS 33.20.010, equal to the upper end of the presumptive range plus one-fourth
10 of the amount of time above the presumptive range; or

11 (B) any term set under AS 12.55.115;

12 (5) to a single sentence under any other provision of law may not be
13 released on discretionary parole until the prisoner has served at least one-fourth of the
14 active term of imprisonment, any mandatory minimum sentence imposed under any
15 provision of law, or any term set under AS 12.55.115, whichever is greatest;

16 (6) to concurrent sentences may not be released on discretionary parole
17 until the prisoner has served the greatest of

18 (A) any mandatory minimum sentence or sentences imposed
19 under any provision of law;

20 (B) any term set under AS 12.55.115; or

21 (C) the amount of time that is required to be served under (1) -
22 (5) of this subsection for the sentence imposed for the primary crime, had that
23 been the only sentence imposed;

24 (7) to consecutive or partially consecutive sentences may not be
25 released on discretionary parole until the prisoner has served the greatest of

26 (A) the composite total of any mandatory minimum sentence or
27 sentences imposed under any provision of law, including AS 12.55.127;

28 (B) any term set under AS 12.55.115; or

29 (C) the amount of time that is required to be served under (1) -
30 (5) of this subsection for the sentence imposed for the primary crime, had that
31 been the only sentence imposed, plus one-quarter of the composite total of the

1 active term of imprisonment imposed as consecutive or partially consecutive
2 sentences imposed for all crimes other than the primary crime;

3 (8) to a single sentence under AS 12.55.125(i)(3) and (4), and has
4 not been allowed by the three-judge panel under AS 12.55.175 to be considered
5 for discretionary parole release, may not be released on discretionary parole until
6 the prisoner has served, after a deduction for good time earned under
7 AS 33.20.010, one-half of the active term of imprisonment imposed."

AMENDMENT #8

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 39, following line 17:

2 Insert a new bill section to read:

3 **"* Sec. 67. AS 12.55.027(d) is amended to read:**

4 (d) A court may grant credit against a sentence of imprisonment for time spent
5 under electronic monitoring if the electronic monitoring is administered by the
6 Department of Corrections, the person has not committed a criminal offense while
7 under electronic monitoring, and the court imposes restrictions on the person's
8 freedom of movement and behavior while under the electronic monitoring program,
9 including requiring the person to be confined to a residence except for a

10 (1) court appearance;

11 (2) meeting with counsel; or

12 (3) period during which the person is at a location ordered by the court
13 for the purposes of employment, attending educational or vocational training,
14 performing community volunteer work, or attending a rehabilitative activity or
15 medical appointment."
16

17 Renumber the following bill sections accordingly.

18

19 Page 98, lines 12 - 13:

20 Delete "and procedures for approving electronic monitoring programs provided
21 by private contractors"
22

23 Page 113, line 5:

- 1 Delete "sec. 72"
- 2 Insert "sec. 73"
- 3
- 4 Page 113, line 8:
 - 5 Delete "sec. 72"
 - 6 Insert "sec. 73"
 - 7
- 8 Page 113, line 9:
 - 9 Delete "sec. 73"
 - 10 Insert "sec. 74"
 - 11
- 12 Page 113, line 12:
 - 13 Delete "sec. 87"
 - 14 Insert "sec. 88"
 - 15
- 16 Page 113, line 15:
 - 17 Delete "sec. 116"
 - 18 Insert "sec. 117"
 - 19
- 20 Page 116, line 13:
 - 21 Delete "sec. 99"
 - 22 Insert "sec. 100"
 - 23
- 24 Page 116, line 14:
 - 25 Delete "sec. 100"
 - 26 Insert "sec. 101"
 - 27
- 28 Page 116, line 15:
 - 29 Delete "sec. 110"
 - 30 Insert "sec. 111"
 - 31

- 1 Page 116, line 16:
- 2 Delete "sec. 111"
- 3 Insert "sec. 112"
- 4
- 5 Page 116, line 17:
- 6 Delete "sec. 112"
- 7 Insert "sec. 113"
- 8
- 9 Page 116, line 18:
- 10 Delete "sec. 160"
- 11 Insert "sec. 161"
- 12
- 13 Page 116, line 19:
- 14 Delete "sec. 167"
- 15 Insert "sec. 168"
- 16
- 17 Page 116, line 22:
- 18 Delete "sec. 67"
- 19 Insert "sec. 68"
- 20
- 21 Page 116, line 23:
- 22 Delete "sec. 68"
- 23 Insert "sec. 69"
- 24
- 25 Page 117, line 5:
- 26 Delete "sec. 152"
- 27 Insert "sec. 153"
- 28
- 29 Page 117, line 10:
- 30 Delete "sec. 81"
- 31 Insert "sec. 82"

- 1
- 2 Page 117, line 11:
 - 3 Delete "sec. 103"
 - 4 Insert "sec. 104"
 - 5
- 6 Page 117, line 12:
 - 7 Delete "sec. 107"
 - 8 Insert "sec. 108"
 - 9
- 10 Page 117, line 13:
 - 11 Delete "sec. 119"
 - 12 Insert "sec. 120"
 - 13
- 14 Page 117, line 14:
 - 15 Delete "sec. 121"
 - 16 Insert "sec. 122"
 - 17
- 18 Page 117, line 21:
 - 19 Delete "sec. 70"
 - 20 Insert "sec. 71"
 - 21
- 22 Page 117, line 22:
 - 23 Delete "sec. 71"
 - 24 Insert "sec. 72"
 - 25
- 26 Page 117, line 23:
 - 27 Delete "sec. 72"
 - 28 Insert "sec. 73"
 - 29
- 30 Page 117, line 24:
 - 31 Delete "sec. 73"

1 Insert "sec. 74"

2

3 Page 117, line 25:

4 Delete "sec. 73"

5 Insert "sec. 74"

6

7 Page 117, line 26:

8 Delete "sec. 73"

9 Insert "sec. 74"

10

11 Page 117, line 27:

12 Delete "sec. 69"

13 Insert "sec. 70"

14

15 Page 117, line 28:

16 Delete "sec. 69"

17 Insert "sec. 70"

18

19 Page 117, line 29:

20 Delete "sec. 69"

21 Insert "sec. 70"

22

23 Page 117, line 30:

24 Delete "sec. 75"

25 Insert "sec. 76"

26

27 Page 117, line 31:

28 Delete "sec. 75"

29 Insert "sec. 76"

30

31 Page 118, line 1:

- 1 Delete "sec. 75"
- 2 Insert "sec. 76"
- 3
- 4 Page 118, line 2:
 - 5 Delete "sec. 78"
 - 6 Insert "sec. 79"
 - 7
- 8 Page 118, line 3:
 - 9 Delete "sec. 78"
 - 10 Insert "sec. 79"
 - 11
- 12 Page 118, line 4:
 - 13 Delete "sec. 78"
 - 14 Insert "sec. 79"
 - 15
- 16 Page 118, line 8:
 - 17 Delete "sec. 74"
 - 18 Insert "sec. 75"
 - 19
- 20 Page 118, line 9:
 - 21 Delete "sec. 76"
 - 22 Insert "sec. 77"
 - 23
- 24 Page 118, line 10:
 - 25 Delete "sec. 77"
 - 26 Insert "sec. 78"
 - 27
- 28 Page 118, line 11:
 - 29 Delete "sec. 80"
 - 30 Insert "sec. 81"
 - 31

- 1 Page 118, line 12:
- 2 Delete "sec. 114"
- 3 Insert "sec. 115"
- 4
- 5 Page 118, line 16:
- 6 Delete "sec. 95"
- 7 Insert "sec. 96"
- 8
- 9 Page 118, line 17:
- 10 Delete "sec. 96"
- 11 Insert "sec. 97"
- 12
- 13 Page 118, line 18:
- 14 Delete "sec. 98"
- 15 Insert "sec. 99"
- 16
- 17 Page 118, line 19:
- 18 Delete "sec. 105"
- 19 Insert "sec. 106"
- 20
- 21 Page 118, line 22:
- 22 Delete "sec. 117"
- 23 Insert "sec. 118"
- 24
- 25 Page 118, line 23:
- 26 Delete "sec. 118"
- 27 Insert "sec. 119"
- 28
- 29 Page 118, line 24:
- 30 Delete "sec. 120"
- 31 Insert "sec. 121"

1

2 Page 118, line 25:

3 Delete "sec. 122"

4 Insert "sec. 123"

5

6 Page 118, line 26:

7 Delete "sec. 124"

8 Insert "sec. 125"

9

10 Page 118, line 27:

11 Delete "sec. 125"

12 Insert "sec. 126"

13

14 Page 118, line 28:

15 Delete "sec. 126"

16 Insert "sec. 127"

17

18 Page 118, line 29:

19 Delete "sec. 132"

20 Insert "sec. 133"

21

22 Page 118, line 30:

23 Delete "sec. 133"

24 Insert "sec. 134"

25

26 Page 118, line 31:

27 Delete "sec. 134"

28 Insert "sec. 135"

29

30 Page 119, line 1:

31 Delete "sec. 135"

- 1 Insert "sec. 136"
- 2
- 3 Page 119, line 2:
- 4 Delete "sec. 136"
- 5 Insert "sec. 137"
- 6
- 7 Page 119, line 3:
- 8 Delete "sec. 137"
- 9 Insert "sec. 138"
- 10
- 11 Page 119, line 4:
- 12 Delete "sec. 138"
- 13 Insert "sec. 139"
- 14
- 15 Page 119, line 5:
- 16 Delete "sec. 139"
- 17 Insert "sec. 140"
- 18
- 19 Page 119, line 6:
- 20 Delete "sec. 141"
- 21 Insert "sec. 142"
- 22
- 23 Page 119, line 7:
- 24 Delete "sec. 175"
- 25 Insert "sec. 176"
- 26
- 27 Page 119, line 8:
- 28 Delete "175"
- 29 Insert "176"
- 30
- 31 Page 119, line 20:

- 1 Delete "sec. 116"
- 2 Insert "sec. 117"
- 3
- 4 Page 119, line 23:
- 5 Delete "sec. 140"
- 6 Insert "sec. 141"
- 7
- 8 Page 119, line 24:
- 9 Delete "sec. 142"
- 10 Insert "sec. 143"
- 11
- 12 Page 119, line 25:
- 13 Delete "sec. 143"
- 14 Insert "sec. 144"
- 15
- 16 Page 119, line 26:
- 17 Delete "sec. 144"
- 18 Insert "sec. 145"
- 19
- 20 Page 119, line 27:
- 21 Delete "sec. 145"
- 22 Insert "sec. 146"
- 23
- 24 Page 119, line 28:
- 25 Delete "sec. 146"
- 26 Insert "sec. 147"
- 27
- 28 Page 119, line 29:
- 29 Delete "sec. 147"
- 30 Insert "sec. 148"
- 31

- 1 Page 119, line 30:
- 2 Delete "sec. 148"
- 3 Insert "sec. 149"
- 4
- 5 Page 119, line 31:
- 6 Delete "sec. 149"
- 7 Insert "sec. 150"
- 8
- 9 Page 120, line 1:
- 10 Delete "sec. 150"
- 11 Insert "sec. 151"
- 12
- 13 Page 120, line 2:
- 14 Delete "sec. 113"
- 15 Insert "sec. 114"
- 16
- 17 Page 120, line 3:
- 18 Delete "sec. 113"
- 19 Insert "sec. 114"
- 20
- 21 Page 120, line 4:
- 22 Delete "sec. 113"
- 23 Insert "sec. 114"
- 24
- 25 Page 120, line 5:
- 26 Delete "sec. 113"
- 27 Insert "sec. 114"
- 28
- 29 Page 120, line 6:
- 30 Delete "sec. 153"
- 31 Insert "sec. 154"

1

2 Page 120, line 7:

3 Delete "sec. 153"

4 Insert "sec. 154"

5

6 Page 120, line 8:

7 Delete "sec. 153"

8 Insert "sec. 154"

9

10 Page 120, line 9:

11 Delete "sec. 153"

12 Insert "sec. 154"

13

14 Page 120, line 20:

15 Delete "sec. 82"

16 Insert "sec. 83"

17

18 Page 120, line 21:

19 Delete "sec. 83"

20 Insert "sec. 84"

21

22 Page 120, line 22:

23 Delete "sec. 84"

24 Insert "sec. 85"

25

26 Page 120, line 23:

27 Delete "sec. 85"

28 Insert "sec. 86"

29

30 Page 120, line 24:

31 Delete "sec. 86"

1 Insert "sec. 87"

2

3 Page 120, line 25:

4 Delete "sec. 87"

5 Insert "sec. 88"

6

7 Page 120, line 26:

8 Delete "sec. 153"

9 Insert "sec. 154"

10

11 Page 120, line 30:

12 Delete "sec. 175"

13 Insert "sec. 176"

14

15 Page 121, line 2:

16 Delete "sec. 179(a)"

17 Insert "sec. 180(a)"

18

19 Page 121, line 4:

20 Delete "sec. 72"

21 Insert "sec. 73"

22 Delete "sec. 179(b)"

23 Insert "sec. 180(b)"

24

25 Page 121, line 7:

26 Delete "sec. 73"

27 Insert "sec. 74"

28 Delete "sec. 179(c)"

29 Insert "sec. 180(c)"

30

31 Page 121, line 10:

- 1 Delete "sec. 87"
- 2 Insert "sec. 88"
- 3 Delete "sec. 179(d)"
- 4 Insert "sec. 180(d)"
- 5
- 6 Page 121, line 13:
 - 7 Delete "sec. 116"
 - 8 Insert "sec. 117"
 - 9 Delete "sec. 179(e)"
 - 10 Insert "sec. 180(e)"
 - 11
- 12 Page 121, line 16:
 - 13 Delete "Sections 89 and 91"
 - 14 Insert "Sections 90 and 92"
 - 15
- 16 Page 121, lines 17 - 18:
 - 17 Delete "70 - 73, 75, 82 - 88, 95, 96, 98 - 100, 102, 105, 110 - 112, 153, 159 - 168, 178,
 - 18 179(b), 179(c), and 179(d)"
 - 19 Insert "71 - 74, 76, 83 - 89, 96, 97, 99 - 101, 103, 106, 111 - 113, 154, 160 - 169, 179,
 - 20 180(b), 180(c), and 180(d)"
 - 21
- 22 Page 121, line 20:
 - 23 Delete "Section 92"
 - 24 Insert "Section 93"
 - 25
- 26 Page 121, lines 21 - 22:
 - 27 Delete "69, 74, 76 - 81, 90, 103, 104, 107, 113 - 115, 117 - 152, 155 - 157, and 169 -
 - 28 171"
 - 29 Insert "70, 75, 77 - 82, 91, 104, 105, 108, 114 - 116, 118 - 153, 156 - 158, and 170 -
 - 30 172"
 - 31

1 Page 121, line 23:

2 Delete "116, 176, 177, 179(a), and 179(e)"

3 Insert "117, 177, 178, 180(a), and 180(e)"

4

5 Page 121, line 25:

6 Delete "Section 158"

7 Insert "Section 159"

8

9 Page 121, line 26:

10 Delete "sec. 175"

11 Insert "sec. 176"

AMENDMENT #9

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 110, lines 26 - 29:

2 Delete all material and insert:

3 **"* Sec. 171. AS 47.38.020 is amended to read:**

4 **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The
5 commissioner, in cooperation with the commissioner of corrections, shall establish a
6 program **using a competitive procurement process** for certain persons with release
7 conditions ordered as provided under AS 12.30, or offenders with conditions of
8 probation, that include not consuming controlled substances or alcoholic beverages.

9 (b) The commissioner shall adopt regulations to implement the program. **The**
10 **regulations must include regulations regarding products and services that**
11 **provide alcohol and substance abuse monitoring.**

12 (c) The commissioner shall include in the program

13 (1) a requirement for twice-a-day testing, **either remotely or** in person
14 [IF PRACTICABLE], for alcoholic beverage use and random testing for controlled
15 substances;

16 (2) a means to provide the probation officer, prosecutor's office, or
17 local law enforcement agency with notice within 24 hours, so that a complaint may be
18 filed alleging a violation of AS 11.56.757, a petition may be filed with the court
19 seeking appropriate sanctions and may be scheduled by the court for a prompt hearing,
20 or an arrest warrant may be issued for the person on release or offender with
21 conditions of probation provided in this subsection, if the person or offender

22 (A) fails to appear for an appointment **or fails to complete a**
23 **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."

AMENDMENT #10

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

- 1 Page 78, line 11:
- 2 Delete "sexual felony"
- 3 Insert "sex offense"
- 4
- 5 Page 78, line 12:
- 6 Delete "AS 12.55.185"
- 7 Insert "AS 12.63.100"

AMENDMENT ~~11~~ | |

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 92, lines 1 - 3:

2 Delete all material and insert:

3 "(4) has not been convicted of

4 (A) an unclassified felony offense under AS 11;

5 (B) a sexual felony as defined by AS 12.55.185;

6 (C) a crime involving domestic violence as defined by

7 AS 18.66.990; or

8 (D) a misdemeanor."

AMENDMENT #12

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 99, line 5:

2 Delete "and"

3

4 Page 99, line 6, following "appropriate":

5 Insert "; and

6 (4) a partnership with one or more nonprofit organizations to allow
7 access to a prisoner before the prisoner's discharge, release, or furlough to assist the
8 prisoner with the prisoner's application for Medicaid, Social Security benefits, public
9 assistance under AS 47.25, and a state identification card or driver's license and
10 provide other programs to assist the prisoner's transition into the community, promote
11 rehabilitation, and reduce recidivism."

AMENDMENT #13

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 101, following line 5:

2 Insert a new bill section to read:

3 **** Sec. 161.** AS 43.61.010 is amended by adding new subsections to read:

4 (c) The recidivism reduction fund is established in the general fund. The
5 Department of Administration shall separately account for 50 percent of the tax
6 collected under this section and deposit it into the recidivism reduction fund.

7 (d) The legislature may use the annual estimated balance in the fund to make
8 appropriations to the Department of Corrections, the Department of Health and Social
9 Services, or the Department of Public Safety for recidivism reduction programs.

10 (e) Nothing in this section creates a dedicated fund."
11

12 Renumber the following bill sections accordingly.
13

14 Page 116, line 19:

15 Delete "sec. 167"

16 Insert "sec. 168"
17

18 Page 119, line 7:

19 Delete "sec. 175"

20 Insert "sec. 176"
21

22 Page 119, line 8:

23 Delete "175"

1 Insert "176"

2

3 Page 120, line 30:

4 Delete "sec. 175"

5 Insert "sec. 176"

6

7 Page 121, line 2:

8 Delete "sec. 179(a)"

9 Insert "sec. 180(a)"

10

11 Page 121, line 4:

12 Delete "sec. 179(b)"

13 Insert "sec. 180(b)"

14

15 Page 121, line 7:

16 Delete "sec. 179(c)"

17 Insert "sec. 180(c)"

18

19 Page 121, line 10:

20 Delete "sec. 179(d)"

21 Insert "sec. 180(d)"

22

23 Page 121, line 13:

24 Delete "sec. 179(e)"

25 Insert "sec. 180(e)"

26

27 Page 121, line 18:

28 Delete "159 - 168, 178, 179(b), 179(c), and 179(d)"

29 Insert "159, 160, 162 - 169, 179, 180(b), 180(c), and 180(d)"

30

31 Page 121, line 22:

- 1 Delete "169 - 171"
- 2 Insert "170 - 172"
- 3
- 4 Page 121, line 23:
 - 5 Delete "176, 177, 179(a), and 179(e)"
 - 6 Insert "177, 178, 180(a), and 180(e)"
 - 7
- 8 Page 121, line 26:
 - 9 Delete "sec. 175"
 - 10 Insert "sec. 176"

AMENDMENT #14

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 102, line 30, following "reforms;":

2 Delete "and"

3

4 Page 103, line 1, following "reform":

5 Insert "; and

6 (4) appoint a working group to review and analyze sexual offense
7 statutes and report to the legislature if there are circumstances under which victims'
8 rights, public safety, and the rehabilitation of offenders are better served by changing
9 existing laws; the commission shall deliver the report to the senate secretary and the
10 chief clerk of the house of representatives and notify the legislature that the report is
11 available; the commission may include in the working group people representing a
12 variety of viewpoints who are not members of the commission"

AMENDMENT #15

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 2, line 2, following "corrections;":

2 Insert "relating to major medical insurance coverage under the Public Employees'
3 Retirement System of Alaska;"

4

5 Page 100, following line 11:

6 Insert new bill sections to read:

7 **** Sec. 160.** 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. 161.** 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. 162.** 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. 163. 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. 164.** 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. 165.** 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. 166.** 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. 167.** 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. 168.** 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. 169.** 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. 170.** AS 39.35.880 is amended by adding a new subsection to read:

14 (f) 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. 171.** 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 Renumber the following bill sections accordingly.

28
29 Page 112, following line 26:

30 Insert a new bill section to read:

31 **** Sec. 19.** AS 39.35.880(c) is repealed."

1

2 **Renumber the following bill sections accordingly.**

3

4 **Page 116, line 18:**5 **Delete "sec. 160"**6 **Insert "sec. 172"**

7

8 **Page 116, line 19:**9 **Delete "sec. 167"**10 **Insert "sec. 179"**

11

12 **Page 119, line 7:**13 **Delete "sec. 175"**14 **Insert "sec. 187"**

15

16 **Page 119, line 8:**17 **Delete "175"**18 **Insert "187"**

19

20 **Page 120, following line 26:**21 **Insert new bill sections to read:**22 **"* Sec. 198. The uncodified law of the State of Alaska is amended by adding a new section**
23 **to read:**24 **TRANSITION: REGULATIONS. (a) The Department of Administration may adopt**
25 **regulations necessary to implement secs. 160 - 171, 191, and 199 of this Act. Regulations**
26 **adopted by the Department of Administration under this section relate to the internal**
27 **management of a state agency and are not subject to AS 44.62 (Administrative Procedure Act)**
28 **under AS 39.30.160 and AS 39.35.005.**29 **(b) Regulations adopted under this section may not take effect before the effective**
30 **date of the law being implemented by the regulation.**31 *** Sec. 199. The uncodified law of the State of Alaska is amended by adding a new section**

1 to read:

2 RETROACTIVITY. Sections 160 - 171 and 191 of this Act are retroactive to
3 January 1, 2013."

4

5 Renumber the following bill sections accordingly.

6

7 Page 120, line 30:

8 Delete "sec. 175"

9 Insert "sec. 187"

10

11 Page 121, line 2:

12 Delete "sec. 179(a)"

13 Insert "sec. 192(a)"

14

15 Page 121, line 4:

16 Delete "sec. 179(b)"

17 Insert "sec. 192(b)"

18

19 Page 121, line 7:

20 Delete "sec. 179(c)"

21 Insert "sec. 192(c)"

22

23 Page 121, line 10:

24 Delete "sec. 179(d)"

25 Insert "sec. 192(d)"

26

27 Page 121, line 13:

28 Delete "sec. 179(e)"

29 Insert "sec. 192(e)"

30

31 Page 121, line 16:

- 1 Delete "and 91"
- 2 Insert ", 91, 198, and 199"
- 3
- 4 Page 121, line 18:
 - 5 Delete "159 - 168, 178, 179(b), 179(c), and 179(d)"
 - 6 Insert "159, 172 - 180, 190, 192(b), 192(c), and 192(d)"
 - 7
- 8 Page 121, line 22:
 - 9 Delete "169 - 171"
 - 10 Insert "181 - 183, and 191"
 - 11
- 12 Page 121, line 23:
 - 13 Delete "176, 177, 179(a), and 179(e)"
 - 14 Insert "188, 189, 192(a), and 192(e)"
 - 15
- 16 Page 121, line 26:
 - 17 Delete "sec. 175"
 - 18 Insert "sec. 187"

AMENDMENT #16

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 111, line 18:

2 Delete "counseling, and medical care"

3 Insert "and counseling"

4

5 Page 111, line 31:

6 Delete "peer-reviewed data"

7 Insert "research"

AMENDMENT

#17

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

- 1 Page 58, line 23, through page 59, line 10:
- 2 Delete all material.
- 3
- 4 Renumber the following bill sections accordingly.
- 5
- 6 Page 60, line 25, following "person":
- 7 Insert "is participating in and"
- 8
- 9 Page 60, line 27, following "AS 28.35.028":
- 10 Insert ", and submits verification acceptable to the department"
- 11
- 12 Page 61, lines 16 - 18:
- 13 Delete all material.
- 14
- 15 Renumber the following paragraphs accordingly.
- 16
- 17 Page 61, line 20:
- 18 Delete "subsection"
- 19 Insert "section"
- 20 Delete "section;"
- 21 Insert "section."
- 22
- 23 Page 61, lines 21 - 23:

1 Delete all material.

2

3 Page 65, line 23:

4 Delete "(b) or"

5

6 Page 65, line 27, following "a":

7 Insert "driving related"

8

9 Page 66, lines 11 - 12:

10 Delete all material and insert:

11 "(E) the person is otherwise eligible to have the person's
12 driving privileges restored as provided in AS 28.15.211; in an application
13 under this subsection, a person whose license was revoked for a violation
14 of AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as
15 required under AS 28.35.030(h) or 28.35.032(l); and"

16

17 Page 113, line 15:

18 Delete "sec. 116"

19 Insert "sec. 115"

20

21 Page 116, line 13:

22 Delete "sec. 99"

23 Insert "sec. 98"

24

25 Page 116, line 14:

26 Delete "sec. 100"

27 Insert "sec. 99"

28

29 Page 116, line 15:

30 Delete "sec. 110"

31 Insert "sec. 109"

1

2 Page 116, line 16:

3 Delete "sec. 111"

4 Insert "sec. 110"

5

6 Page 116, line 17:

7 Delete "sec. 112"

8 Insert "sec. 111"

9

10 Page 116, line 18:

11 Delete "sec. 160"

12 Insert "sec. 159"

13

14 Page 116, line 19:

15 Delete "sec. 167"

16 Insert "sec. 166"

17

18 Page 117, line 5:

19 Delete "sec. 152"

20 Insert "sec. 151"

21

22 Page 117, line 11:

23 Delete "sec. 103"

24 Insert "sec. 102"

25

26 Page 117, line 12:

27 Delete "sec. 107"

28 Insert "sec. 106"

29

30 Page 117, line 13:

31 Delete "sec. 119"

- 1 Insert "sec. 118"
- 2
- 3 Page 117, line 14:
- 4 Delete "sec. 121"
- 5 Insert "sec. 120"
- 6
- 7 Page 118, line 12:
- 8 Delete "sec. 114"
- 9 Insert "sec. 113"
- 10
- 11 Page 118, line 17:
- 12 Delete all material.
- 13
- 14 Renumber the following paragraphs accordingly.
- 15
- 16 Page 118, line 18:
- 17 Delete "sec. 98"
- 18 Insert "sec. 97"
- 19
- 20 Page 118, line 19:
- 21 Delete "sec. 105"
- 22 Insert "sec. 104"
- 23
- 24 Page 118, line 22:
- 25 Delete "sec. 117"
- 26 Insert "sec. 116"
- 27
- 28 Page 118, line 23:
- 29 Delete "sec. 118"
- 30 Insert "sec. 117"
- 31

- 1 Page 118, line 24:
- 2 Delete "sec. 120"
- 3 Insert "sec. 119"
- 4
- 5 Page 118, line 25:
- 6 Delete "sec. 122"
- 7 Insert "sec. 121"
- 8
- 9 Page 118, line 26:
- 10 Delete "sec. 124"
- 11 Insert "sec. 123"
- 12
- 13 Page 118, line 27:
- 14 Delete "sec. 125"
- 15 Insert "sec. 124"
- 16
- 17 Page 118, line 28:
- 18 Delete "sec. 126"
- 19 Insert "sec. 125"
- 20
- 21 Page 118, line 29:
- 22 Delete "sec. 132"
- 23 Insert "sec. 131"
- 24
- 25 Page 118, line 30:
- 26 Delete "sec. 133"
- 27 Insert "sec. 132"
- 28
- 29 Page 118, line 31:
- 30 Delete "sec. 134"
- 31 Insert "sec. 133"

1

2 Page 119, line 1:

3 Delete "sec. 135"

4 Insert "sec. 134"

5

6 Page 119, line 2:

7 Delete "sec. 136"

8 Insert "sec. 135"

9

10 Page 119, line 3:

11 Delete "sec. 137"

12 Insert "sec. 136"

13

14 Page 119, line 4:

15 Delete "sec. 138"

16 Insert "sec. 137"

17

18 Page 119, line 5:

19 Delete "sec. 139"

20 Insert "sec. 138"

21

22 Page 119, line 6:

23 Delete "sec. 141"

24 Insert "sec. 140"

25

26 Page 119, line 7:

27 Delete "sec. 175"

28 Insert "sec. 174"

29

30 Page 119, line 8:

31 Delete "175"

- 1 Insert "174"
- 2
- 3 Page 119, line 20:
- 4 Delete "sec. 116"
- 5 Insert "sec. 115"
- 6
- 7 Page 119, line 23:
- 8 Delete "sec. 140"
- 9 Insert "sec. 139"
- 10
- 11 Page 119, line 24:
- 12 Delete "sec. 142"
- 13 Insert "sec. 141"
- 14
- 15 Page 119, line 25:
- 16 Delete "sec. 143"
- 17 Insert "sec. 142"
- 18
- 19 Page 119, line 26:
- 20 Delete "sec. 144"
- 21 Insert "sec. 143"
- 22
- 23 Page 119, line 27:
- 24 Delete "sec. 145"
- 25 Insert "sec. 144"
- 26
- 27 Page 119, line 28:
- 28 Delete "sec. 146"
- 29 Insert "sec. 145"
- 30
- 31 Page 119, line 29:

- 1 Delete "sec. 147"
- 2 Insert "sec. 146"
- 3
- 4 Page 119, line 30:
- 5 Delete "sec. 148"
- 6 Insert "sec. 147"
- 7
- 8 Page 119, line 31:
- 9 Delete "sec. 149"
- 10 Insert "sec. 148"
- 11
- 12 Page 120, line 1:
- 13 Delete "sec. 150"
- 14 Insert "sec. 149"
- 15
- 16 Page 120, line 2:
- 17 Delete "sec. 113"
- 18 Insert "sec. 112"
- 19
- 20 Page 120, line 3:
- 21 Delete "sec. 113"
- 22 Insert "sec. 112"
- 23
- 24 Page 120, line 4:
- 25 Delete "sec. 113"
- 26 Insert "sec. 112"
- 27
- 28 Page 120, line 5:
- 29 Delete "sec. 113"
- 30 Insert "sec. 112"
- 31

1 Page 120, line 6:

2 Delete "sec. 153"

3 Insert "sec. 152"

4

5 Page 120, line 7:

6 Delete "sec. 153"

7 Insert "sec. 152"

8

9 Page 120, line 8:

10 Delete "sec. 153"

11 Insert "sec. 152"

12

13 Page 120, line 9:

14 Delete "sec. 153"

15 Insert "sec. 152"

16

17 Page 120, line 26:

18 Delete "sec. 153"

19 Insert "sec. 152"

20

21 Page 120, line 30:

22 Delete "sec. 175"

23 Insert "sec. 174"

24

25 Page 121, line 2:

26 Delete "sec. 179(a)"

27 Insert "sec. 178(a)"

28

29 Page 121, line 4:

30 Delete "sec. 179(b)"

31 Insert "sec. 178(b)"

- 1
- 2 Page 121, line 7:
 - 3 Delete "sec. 179(c)"
 - 4 Insert "sec. 178(c)"
 - 5
- 6 Page 121, line 10:
 - 7 Delete "sec. 179(d)"
 - 8 Insert "sec. 178(d)"
 - 9
- 10 Page 121, line 13:
 - 11 Delete "sec. 116"
 - 12 Insert "sec. 115"
 - 13 Delete "sec. 179(e)"
 - 14 Insert "sec. 178(e)"
 - 15
- 16 Page 121, lines 17 - 18:
 - 17 Delete "98 - 100, 102, 105, 110 - 112, 153, 159 - 168, 178, 179(b), 179(c), and
 - 18 179(d)"
 - 19 Insert "97 - 99, 101, 104, 109 - 111, 152, 158 - 167, 177, 178(b), 178(c), and 178(d)"
 - 20
- 21 Page 121, lines 21 - 22:
 - 22 Delete "103, 104, 107, 113 - 115, 117 - 152, 155 - 157, and 169 - 171"
 - 23 Insert "102, 103, 106, 112 - 114, 116 - 151, 154 - 156, and 168 - 170"
 - 24
- 25 Page 121, line 23:
 - 26 Delete "116, 176, 177, 179(a), and 179(e)"
 - 27 Insert "115, 175, 176, 178(a), and 178(e)"
 - 28
- 29 Page 121, line 25:
 - 30 Delete "Section 158"
 - 31 Insert "Section 157"

1

2 Page 121, line 26:

3 Delete "sec. 175"

4 Insert "sec. 174"

| Amendment | Policy | Explanation | LAA Legal | Offered By |
|-----------|--------------------------------|---|-----------|---------------|
| 1 | Technical Amendment | Technical fixes and edits (see spreadsheet). | x.17 | PD/Law/Courts |
| 2 | Drugs | Takes aggregate weight into account for the purposes of determining the classification for drug distribution/manufacturing. | x.2 | Claman |
| 3 | Probation Term Lengths | Applies the two-year misdemeanor probation limit to all assault-4s, not just crimes involving domestic violence. | x.7 | Senate |
| 4 | Technical Violations | Excludes batterer's intervention from the definition of technical violation. | x.8 | Senate |
| 5 | Murder | Increases the mandatory minimum for Murder 1 to 30 years. Also, in Murder 2 cases where there are multiple victims from a single act, requires only ¼ of mandatory minimum to be imposed for each sentence. | x.3 | Claman |
| 6 | Pretrial | Adds Office of Victims Right to the list of agencies to be consulted by the Department of Corrections in developing pretrial release recommendation regulations. | x.13 | Lynn |
| 7 | Discretionary Parole | Excludes unclassified sex offenders from discretionary parole eligibility; raises point of eligibility for discretionary parole at ½ of the sentence for other sex offenders. | X.19 | Senate |
| 8 | Pretrial Electronic Monitoring | Prohibits the court from awarding pretrial credit for time spent on private (non-DOC) electronic monitoring. | X.1 | LeDoux |

| | | | | |
|----|--------------------------|---|---------|---------|
| 9 | Pretrial – Contracts | Requires DHSS to enter into contracts for the administration of the 24/7 Sobriety Program using a competitive procurement process. | X.14 | Senate |
| 10 | Administrative Parole | Excludes all sexual offenders from administrative parole eligibility. | x.18 | Senate |
| 11 | Early Discharge | Excludes misdemeanants from the early discharge policy. | x.10 | Senate |
| 12 | Re-Entry | Requires the DOC to partner with non-profits to assist in re-entry. | x.11 | Senate |
| 13 | Marijuana Tax | Provides for 50% of marijuana excise taxes to be dedicated to recidivism reduction fund. | x.12 | Senate |
| 14 | ACJC Commission | Directs the ACJC to review and analyze sexual offense statutes and make recommendations to the legislature. | x.21 | JKT |
| 15 | Public Employee Benefits | Provides for medical care expenses to be reimbursed for dependent children and surviving spouse of deceased members of PERS/TERS who were peace officers or fire fighters killed in the line of duty. | x.15 | Millett |
| 16 | Recidivism Reduction | Technical fixes. | x.20 | |
| 17 | Limited Licenses | Technical changes at direction of Court System and DMV. | x.16 | |
| 18 | Applicability | Applicability changes. | Waiting | |

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSSSB 91(JUD), Draft Version "X"

1 Page 116, line 17, following "Act;":

2 Insert "and"

3

4 Page 116, lines 18 - 19:

5 Delete "; and

6 (35) AS 47.27.015(i), enacted by sec. 167 of this Act"

7

8 Page 116, lines 20 - 23:

9 Delete all material and insert:

10 "(b) AS 12.55.035(b), as amended by sec. 68 of this Act, applies to offenses
11 committed on or after the effective date of sec. 68 of this Act.

12 "(c) AS 12.55.027(f), enacted by sec. 67 of this Act, applies to sentences imposed on or
13 after the effective date of sec. 67 of this Act, for conduct occurring before, on, or after the
14 effective date of sec. 67 of this Act."

15

16 Reletter the following subsections accordingly.

17

18 Page 117, line 4:

19 Delete "and"

20

21 Page 117, line 5, following "Act":

22 Insert "; and

23 (5) AS 33.20.010(d), enacted by sec. 154 of this Act"

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2
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19

Page 117, line 13:

Delete "and"

Page 117, line 14, following "Act":

Insert "; and

(8) AS 33.16.090(b), as amended by sec. 123 of this Act"

Page 120, line 24, following "Act;":

Insert "and"

Page 120, lines 25 - 26:

Delete "; and

(7) AS 33.20.010(c), as amended by sec. 153 of this Act"

Page 120, following line 26:

Insert a new subsection to read:

"(x) AS 47.27.015(i), enacted by sec. 167 of this Act, applies to offenses committed before, on, or after the effective date of sec. 167 of this Act."



April 1, 2016

The Honorable Representative Gabrielle LeDoux, Chair
The Honorable Representative Wes Keller, Vice Chair
House Judiciary Committee
Alaska House of Representatives
State Capitol
Juneau, AK 99801

by email: Representative.Gabrielle.LeDoux@akleg.gov
Representative.Wes.Keller@akleg.gov

**Re: House Bill 205: Omnibus Criminal Justice Reform Bill
ACLU of Alaska Review**

Dear Chair LeDoux and Vice Chair Keller:

Thank you for the opportunity to share our feedback on House Bill 205, an ambitious endeavor to enact much-needed reform of Alaska's criminal justice system. The American Civil Liberties Union of Alaska represents thousands of members and activists throughout Alaska who seek to preserve and expand the individual freedoms and civil liberties guaranteed by the Alaska and United States Constitutions. While we understand that a House Judiciary Committee Substitute of HB 205 will be released soon, we wanted to offer our thoughts on—along with our overall support for—the H version of HB 205.

1. Support from the ACLU

Of particular note, the ACLU approves of Alaska's joining those states that have set up a way for people who have been convicted of certain drug felonies to re-qualify for public benefits rather than being exiled to a lifetime ban. For people struggling with addiction who otherwise qualify for assistance, a lifetime ban is not only unduly punitive, it is counter-productive. Rehabilitative programs such as Alaska would now use to re-qualify someone for assistance, plus the lifeline that public assistance can represent, together represent a much more constructive option of breaking the cycle of recidivism and enabling individuals with drug and alcohol problems to use public assistance to put their lives back together.

The ACLU also approves of, unlike the G version of the Senate Judiciary Committee Substitute of Senate Bill 91, not tying requalification for public assistance to a drug-testing regime that raises constitutional concerns about privacy and the intrusiveness of government searches.

Additionally, we are encouraged that HB 205 requires the Alaska Criminal Justice Commission to annually report on the progress of criminal justice reform and recommend additional improvements. It is essential to the pursuit of justice that the issues HB 205

addresses today continue to be addressed tomorrow, lest Alaska forsake the opportunity to learn from ongoing experience.

And we are pleased that HB 205 expands the use of citations in lieu of arrest for lower-level nonviolent offenses.

2. Recommendations from the ACLU

As generally pleased as the ACLU is with the H version of HB 205, we suggest the bill include the following recommendations from the Alaska Criminal Justice Commission:

A. HB 205 should include three consensus recommendations of the Alaska Criminal Justice Commission's December 2015 Justice Reinvestment Report.

Three consensus recommendations of the Alaska Criminal Justice Commission's December 2015 Justice Reinvestment Report are not included in HB 205. We suggest that HB 205 include them:

Consensus Recommendation #13 included limits of 3, 5, and 10 days for first, second, and third revocations to prison, respectively, for technical violations of probation or parole. HB 205 incorporates this part of the recommendation. But the recommendation also included that revocations for fourth and subsequent technical violations should be limited to 10 days and a referral to PACE supervision if such a program is available in the jurisdiction, or that the sanction be up to the judge or parole board in jurisdictions where it is not. This has not been incorporated in HB 205. We recommend that it be.

Recommendation #6 included making the sentences for first- and second-time possession offenses *suspended* sentences. We note that HB 205 downgrades simple possession to an A misdemeanor and reduces the applicable maximum sentence for an A misdemeanor conviction to 30 days. We welcome this change. But HB 205 does not *suspend* the sentences for first- and second-time possession offenses. We recommend that it do so.

Recommendation #20 would have required 10-year fiscal impact statements to accompany future sentencing and correction legislation. We recommend that HB 205 incorporate this.

B. HB 205 should include six majority-approved recommendations from the Justice Reinvestment Report.

Additional Recommendation #1: We agree with the recommendation that electronic monitoring at a private residence or alternative monitoring sentencing is the appropriate punishment for anyone convicted of driving under the influence. HB 205 only provides such prison alternatives for first-time DUI offenders, leaving that option at the discretion of the commissioner of corrections for re-offenders. We recommend making electronic monitoring at a private residence the standard form of punishment for re-offenders, too.

Additional Recommendation #2: We agree with the recommended threshold of 5 grams to distinguish between more serious (B felony) and less serious (C felony) commercial drug offenses. HB 205 uses a lower 2.5 grams threshold. We recommend using a 5 grams threshold.

Additional Recommendation #3: We agree with the recommendation to bring all presumptive sentencing ranges below the ceiling of the relevant presumptive terms as they stood in 2005. But HB 205 straddles the 2005 maximums. For example, the 2005 presumptive sentence for a first class A felony was 5 years. The presumptive range today is 5–8 years. HB 205 reduces it to 3–6 years.

Also, we agree with the recommendation to extend presumptive probation to both first- and second-time class C felony convictions. HB 205 only provides presumptive probation for first-time class C felonies. Second convictions under HB 205 would carry a presumptive range of 2–4 years.

Additional Recommendation #4: We agree with the recommendation to return sentence lengths for B and C felony sex offenses to 2005 levels. HB 205 does not change the relevant sentences, which are generally 2, 3, or 4 times as long as other felonies of the same class.

Additional Recommendation #5: We agree with the recommendation to expand the availability of Medicaid for substance abuse treatment for indigent persons. HB 205 does not incorporate it.

Additional Recommendation #6: We agree with the recommendation to limit use of multiple misdemeanor revocations for the same instance of program noncompliance. HB 205 does not incorporate these provisions.

C. HB 205 should incorporate select reclassifications of class B misdemeanors subject to incarceration to criminal violations subject to arrest.

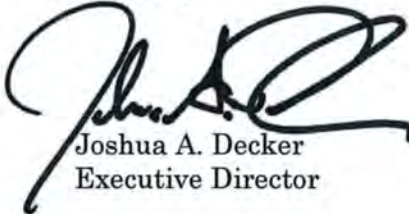
Early versions of the Senate's corollary to HB 205, Senate Bill 91, reduced four class B misdemeanors to criminal violations subject to arrest: (1) criminal trespass in the second degree, (2) criminal mischief in the fifth degree, (3) disorderly conduct, and (4) harassment in the second degree. Reclassifying these nonviolent offenses so that persons convicted of them are not subject to incarceration would spare Alaska undue expense, both by reducing incarceration and by reducing reliance on public defenders, and would reflect the overriding purpose of reforming Alaska's criminal justice system to mete out justice in a more just and proportional manner. We recommend that HB 205 include these reclassifications.

Chair Gabrielle LeDoux & Vice Chair Wes Keller
ACLU Review of HB 205
March 31, 2016
Page 4 of 4

Thank you for the opportunity to share our thoughts on HB 205 with you. We look forward to working with the committee to help the Legislature enact meaningful and effective improvements to Alaska's criminal justice system.

Please let us know if you have any questions or if we may offer any additional information.

Sincerely,



Joshua A. Decker
Executive Director

| | |
|------------------------------|--|
| cc: Rep. Neal Foster | Representative.Neal.Foster@akleg.gov |
| Rep. Bob Lynn | Representative.Bob.Lynn@akleg.gov |
| Rep. Charisse Millett | Representative.Charisse.Millett@akleg.gov |
| Rep. Matt Claman | Representative.Matt.Claman@akleg.gov |
| Rep. Jonathan Kreiss-Tomkins | Representative.Jonathan.Kreiss-Tomkins@akleg.gov |
| Rep. Kurt Olson | Representative.Kurt.Olson@akleg.gov |



March 31, 2016

Honorable Kevin Meyer
Senate President, Alaska Senate
Juneau, Alaska

Honorable Mike Chenault
Speaker, Alaska House of Representatives
Juneau, Alaska

Re: Support for HB 205 and Criminal Justice Reform in Alaska

Dear Senate President Meyer and House Speaker Chenault:

The Alaska Federation of Natives submits this letter in support of HB 205, an act relating to criminal law and procedure and geared towards criminal justice reform.

AFN is the largest statewide Native organization in Alaska. Our membership includes 185 federally recognized Alaska Native tribes, 153 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that compact and contract to run federal and state programs. Formed fifty years ago, AFN continues to be the principle forum and voice of Alaska Natives in dealing with critical issues of public policy and government.

In 2014, the Alaska Legislature established the bi-partisan, interbranch Alaska Criminal Justice Commission ("Commission") and it was tasked with "develop[ing] recommendations aimed at safely controlling prison and jail growth and recalibrating our correctional investments to ensure that we are achieving the best possible public safety return on our state dollars." In addition, you and other legislative leaders requested that, because the state's difficult budget situation rendered reinvestment in evidence-based programs and treatment possible only with significant net savings, the Commission forward policy options that would not only avert future prison growth, but would also reduce the prison population between 15 and 25 percent below current levels.

The Commission developed a comprehensive package of policy recommendations that would protect public safety, hold offenders accountable, and reduce the state's average daily prison population by 21%, saving the state an estimated \$424 million over the next decade.

The Commission found that a disproportionate number of Alaska Natives are being confined. While Alaska Natives represent about 15 percent of the state resident population, they represent 36 percent of the state's pretrial inmates, 34 percent of the state's sentenced prisoners, and 42 percent of the probation and parole violators in prison. Measures recommended in the Criminal Justice Commission report aimed at safely reducing pretrial incarceration, diverting low-level offenders from prison, adjusting criminal penalties to get better outcomes, and making penalties for probation and parole

violations more proportional will have a disproportionately positive effect on Alaska Natives, who are overrepresented in the state's incarcerated population.

Alaska Natives are also overrepresented among crime victims. Effective practices that reduce reoffending and result in fewer victims, as well as reinvestments into victims' services, will directly improve the lives of Alaska Natives.

HB 205 is a great start towards criminal justice reform in Alaska. I testified in the House Judiciary Committee hearing on March 22, and we listened in on the continuation of the hearing on March 23. We were happy to hear that the bill's sponsors intend to add a reinvestment component to help offenders with re-entry back into society. There is a severe lack of alcohol and drug rehabilitation beds in this state, and a lack of programs that would help get offenders into jobs upon release or help victims get back on their feet. We strongly believe that rather than simply locking people away, the system should focus on targeting the causes of the behavior and helping to make offenders productive members of society.

We urge legislators to amend HB 205 to match the Commission's sentencing recommendations for Class A and B misdemeanors. The bill language, as currently written, has carved out exceptions that significantly reduce the savings associated with the reform package, making reinvestment more difficult. It has also departed from the evidence base, which shows that shorter jail sentences and alternatives to jail can effectively manage the risks low-level offenders pose to the community, while avoiding the harmful effects of mixing those low-level offenders in prison with more serious, violent offenders. We believe these changes will produce more savings for the state, reduce recidivism, and help build and support healthy communities in Alaska.

If you have any questions or require further clarification about the content of this letter, please contact me directly at (907) 274-3611 or mblair@nativefederation.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maude Blair', with a stylized flourish at the end.

Maude Blair
Vice President

cc: AFN Board of Directors
Governor Bill Walker
Lt. Governor Byron Mallott
Rep. Bryce Edgmon, Bush Caucus



SERVING THE
VILLAGES OF:
BREVIG MISSION
COUNCIL
DIOMEDE
ELIM
GAMBELL
GOLOVIN
KING ISLAND
KOYUK
MARY'S IGLOO
NOME
SAVOONGA
SHAKTOOLIK
SHISHMAREF
SOLOMON
STEBBINS
ST. MICHAEL
TELLER
UNALAKLEET
WALES
WHITE MOUNTAIN

March 23, 2016

The Honorable Senator Coghill and Representative Millett
Alaska State Legislature
Juneau, AK

via : e-mail to: jordan.shilling@akleg.gov, grace.abbott@akleg.gov, and kalyssa.maile@akleg.gov

RE: Support for SB91 and HB205 and Opposing the Amendment Concerning Public Assistance

Dear Senator Coghill and Representative Millett:

As President/CEO of Kawerak, Inc., the regional non-profit tribal consortium in the Bering Strait Region of Alaska, and also as co-chair of AFN's Council for Advancement of Alaska Natives, I write to you today in support of SB91 and HB205, which would provide criminal justice reform in Alaska. Please do not allow these bills to be "watered down."

In the Bering Strait Region of Alaska, the majority of those incarcerated for crimes are low-income Alaska Natives. The majority of those who have committed crimes have done so under the influence of alcohol and/or other substances. The bills as you have introduced them, will provide an avenue to break the vicious cycle of social ills that contributes to the high rates of incarceration. Your bills will help restore healthy communities, improve public safety, save the state money, and expand treatment and supportive services to reduce recidivism.

However, denying public assistance to one class of criminals, as suggested by Senator Bill Stoltze's amendment to SB91 to ban convicted drug offenders from receiving food stamps if they test positive for drugs, is contrary to the overall intent to provide people the assistance they need to become productive, law-abiding citizens. Food, water, and shelter are the basic necessities for life. Punishing people who are addicted to drugs by denying them access to food is both morally and logically incomprehensible. People addicted to drugs should be provided treatment options, not denied food.

Other states that had implemented a similar provision have already repealed the ban (18 states), and 26 other states have modified it. Please ensure the Alaska State Legislature does not allow this amendment to your bills.

Thank you for your sponsorship of SB91 and HB205; please do not allow any amendments that will contradict the overall intention of the actual bills.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Bahnke". The signature is fluid and cursive, with the first name "Melanie" written in a larger, more prominent script than the last name "Bahnke".

Melanie Bahnke, President
Kawerak, Inc.

cc: Senator Donny Olson
Representative Neal Foster



NEWT GINGRICH

March 31, 2016

RE: Support for SB 91

To the Honorable Members of the Alaska State Legislature:

Keeping the public safe is one of the primary responsibilities of government. We need prisons to separate dangerous offenders from our communities. However, as with all government programs, Alaska's prisons have expanded to include many low risk offenders, and prison costs have skyrocketed without a similar increase in public safety.

Like many other states, Alaska is at a crossroads. Saddled with an unprecedented budget shortfall, the state faces the daunting task of figuring out how to spend less on government services while getting a better return on investment.

Addressing state spending on prisons is a critical part of that challenge. Over the past decade, Alaska's prison population has increased by 27 percent, rising almost three times faster than the resident population. Costs have skyrocketed right along with that growth, and Alaska now spends more than \$300 million annually on corrections.

With all that spending, you'd think the state would get impressive results. Yet two out of three Alaskans released from prison are returned to custody within three years. That failure rate is simply unacceptable, and government must be held accountable to do a better job with tax dollars – especially in lean times.

This is why I am asking you to support SB 91, which will hold offenders accountable and protect public safety, and also produce cost savings in an area of government where spending has been increasing unchecked for decades.

These reforms have already been tried in several states, and have produced lower crime rates and saved billions of tax dollars. I am part of Right on Crime which is dedicated to helping government leaders apply conservative principles to the criminal justice system. Our movement is anchored by a Statement of Principles signed by some of the nation's most respected conservative leaders, including Rick Perry, Grover Norquist, David Keene, and more than 40 others.

We advocate proven ways to reduce recidivism and improve public safety, and draw on successful policies enacted in other states. We recognize that unless we create a system dedicated to changing criminal behavior, we will never stop the cycle of victimization that causes so much human suffering.

Alaska crime victims understand that such reforms are necessary if we are to have fewer victims in the future. Victims were actively engaged in shaping these reforms from the beginning. Many crime victims testified in favor of SB 91, which makes a priority of victim services and violence prevention programs.

Brenda Stanfill, a victims' advocate who also served on the Alaska Criminal Justice Commission, summed up her support in testimony before the Senate Judiciary Committee: "One less victim to me is worth a tremendous amount. This is why I truly stand behind what we are doing here and I think we are on the right track to making something different happen in a safe way."

By passing SB 91, Alaska will join many other conservative states in implementing criminal justice reform to improve safety while saving money. Texas, for instance, decided to stop spending its taxpayers' money building prisons and put it instead into programs proven to reduce recidivism. The state has now averted \$3 billion in prison costs and has its lowest crime rate since 1968. Georgia, South Carolina, Pennsylvania, Mississippi, Utah, and South Dakota are among the other states that have adopted research-based reforms and are proving it is possible to curb prison growth and keep crime rates low.

In fact, in the last five years, a majority of states in the U.S. have reduced both imprisonment and crime. As a conservative, I see that as a major achievement. States are successfully reining in a hugely expensive government program while making neighborhoods safer. And while prisons will always play an essential role in punishing dangerous criminals, we are finding better, more cost-effective ways to sanction lower level offenders.

For a conservative like me, the choice is obvious. SB 91 will give Alaskans more safety for their tax dollars. This is right on crime.

Sincerely,



Newt Gingrich
Former Speaker of the U.S. House of Representatives



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

VIOLENT CRIMES COMPENSATION BOARD

PO Box 110230
Juneau, Alaska 99811
Main: 800.764.3040
Fax: 907.465.2379
www.doa.alaska.gov/vccb
doa.vccb@alaska.gov

April 7, 2016

Senator Coghill
Chair, Senate Judiciary Committee
Juneau, AK 99801

Dear Senator Coghill

RE: Senate Bill 91

As a victim advocacy entity some may find it surprising that the Violent Crimes Compensation Board would support this crime bill, a major element of which promotes reduced jail time for criminal offenders.

Here's why the Board does support this bill.

Alaska's prison population has been growing fast. In 1994 the incarceration rate was 293 inmates per 100,000 residents; in 2015 it was 690 inmates per 100,000 residents. Recidivism is at 64%. Based on those statistics alone it is fair to conclude that locking people up is not acting as a deterrent to crime. Moreover, 64% of Alaska inmates are non-violent offenders. The Board does not agree with releasing violent offenders early – a violent crime should be met with an appropriate sentence that protects the victimized individual and the community from the violent offender. But it doesn't appear to be helping anyone to keep non-violent offenders locked up for extended periods of time, time during which they are likely learning anti-social behaviors and ways of coping with their stressful circumstances, which will not serve them or society at large favorably when they are eventually released.

Moreover, my experience of being on this Board means I can't overlook the fact that victimization, addiction and criminal activity are inextricably linked. As an advocacy group, one of our major goals is to promote the healing of crime victims and help them to not fall prey to victimization again. And we want to prevent the vicious cycle that we have unfortunately seen time and again where a young victim of crime, particularly sexual abuse, goes on themselves to become a predator and perpetrator of abuse. Incarceration on its own has not been effective in cutting into that cycle, or impacting an individual's behavior.

The reinvestment provisions of this bill are vitally important. Funding more treatment programs; funding violence prevention programs; providing direct services to victims; funding

re-entry programs to help people coming out of the corrections system to find gainful employment and housing and escape the lifestyle they were in previously. These are all types of reinvestment that have been demonstrated by experience in other states as having a positive impact on recidivism rates.

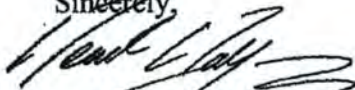
Evidence from other states such as South Carolina and Colorado supports the underlying philosophy of this bill, that certain practices and policies can reduce recidivism including:

- Using risk and needs assessments to inform case management, sorting individuals based on their assessed risk levels in a consistent manner, tailoring interventions and prioritizing resources for those at highest risk of reoffending.
- Improved community supervision, informed by an individual's risk level, to provide greater support and access to services, with parole and probation officers given a range of options for swift and certain sanctions and incentives that are proportionate to the event and appropriate to the individual under supervision.
- Investing in community based treatment such as Alaska's Alcohol Safety Action Program – so much crime is linked to drug and alcohol abuse and addiction. An increased emphasis on supported sobriety can help see an impact on criminal activity.

At the same time, the Board is very cognizant of the constitutional rights of victims and wants to ensure that crime victims are heard in this process. The Board was invited to participate and did indeed participate in the victim round table discussion that informed the Alaska Criminal Justice Commission recommendations. The Board believes that victims must continue to have the opportunity to give their input into release conditions, sentencing and should also have the same ability to provide input into the initial risk assessment of an individual.

Finally, the lengthy pendency of criminal cases is an area which must also be addressed. Crime victims and their families can endure further trauma and suffering as they see court date after court date delayed due to motion practice, scheduling conflicts or simple casework overload on the part of public defenders and the court system. This is an area where crime victims feel most let down by "the system", and as the Commission's recommendations make clear, the length of pre-trial incarceration is contributing significantly to overall costs. Without rushing to trial, a more streamlined process would benefit everyone involved.

Sincerely,



Gerard Godfrey

Chairman

Violent Crimes Compensation Board



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

VIOLENT CRIMES COMPENSATION BOARD

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www.doa.alaska.gov/vccb
doa.vccb@alaska.gov

April 7, 2016

Representative Millett
Capitol Building, Room 204
Juneau, AK 99801

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Sincerely,



Gerad Godfrey

Chairman

Violent Crimes Compensation Board



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P.O. Box 230330, Anchorage, AK 99523
907-561-7500 | www.apdea.net

February 23, 2016

The Honorable John Coghill
State Capitol Room 119
Juneau, AK 99801
Senator.John.Coghill@akleg.gov

Dear Senator Coghill,

I am writing today to discuss a matter of much import to my members, the employees of the Anchorage Police Department. Many of us have been monitoring the efforts related to Senate Bill 91 and associated impacts on the work we do. The common theme is that many of the desired legislative changes would likely have negative impacts on our ability, as a component of the criminal justice system, to keep our community safe. Therefore, I write to you today in opposition to the bill.

I understand this work began in 2014 with the formation of the Alaska Criminal Justice Commission. The initial goals were to explore ways to reduce the growing prison population while reducing recidivism and assuring that the state is achieving the best public safety return on its corrections spending. Since then, we have heard it suggested that the proposed changes would also make our communities safer. All of these stated goals are justified and desired by all, including the employees of the Anchorage Police Department. Unfortunately, however, it seems the original intent of the effort has been redirected in a manner we feel will ultimately compromise the safety of our Alaska communities.

In the midst of the Commission's work on this bill, additional legislative direction was given that shifted the conversation to emphasize cost savings while compressing the timeline in anticipation of this legislative session. This shift has, in effect, changed the focus from one of reform that creates long-term sustainable programs to reduce recidivism through reinvestment of cost savings, to an exercise that solely targets ways to reduce the budget. I suggest that every dollar "saved" through these changes should be put back into the system in other areas to help mitigate the recurrent commission of crime and the associated victimization of our citizens. More plainly stated, if we are going to change from "plan A" which has been developed and in place for many years, lets have a fully vetted "plan B" in place. While decriminalizing offenses and decreasing sentencing thresholds may save money and "lower crime" from a purely statistical standpoint, what does it do to actually reduce the commission of crime?

Since the release of the Alaska Criminal Justice Commission Justice Reinvestment Report, I have been meeting with numerous colleagues who work directly and indirectly in the field. The sentiments I am expressing are commonly held by a broad spectrum of those who participate in the work daily in the areas of law enforcement, prosecution and victim

advocacy. I have been surprised to hear how little actual practitioners were consulted during the development of the final report and Senate Bill 91 that followed. While I respect and appreciate the work of the Commission members, I can't help but observe that many of them do not directly do the work on a daily basis; therefore unforeseen flaws exist in the final product. Many of the recommendations were based on an evaluation of surface level statistics without a full recognition and understanding of the processes that created the statistics.

Fundamentally, many in the criminal justice system feel that the current system is already overly lenient on offenders. Offenders often share, amongst themselves and to us, their disregard for the system because they know they will soon be released – often before we can even complete the paperwork. I have already heard that inmates are commenting positively on SB91 because they feel it will get them out of jail. We should look critically at what message we are sending to offenders with the passage of this bill.

I would like to discuss some specific issues we feel deserve particular evaluation.

- This legislation largely removes an officer's discretion on making physical arrests vs. issuing a summons for many criminal offenses. Currently, officers will routinely take advantage of the option to issue a summons if appropriate, but they are still able to conduct a physical arrest if there is further concern for the public's safety. SB91 will remove an officer's discretion in these cases, thereby eliminating an important tool used to aide in maintaining the safety to the community.
- The idea that any Violations of Conditions of Release, or any other offense which is a violation of a judge's order, would be merely a violation is troubling. I suggest that a person who commits a criminal offense, then is released with an order from the court but chooses to violate that order, is a person who has demonstrated a disregard for lawful behavior and represents a risk to all of us.
- In the past, I have worked with the Department of Corrections on finding solutions to problems we are seeing with the Community Residential Centers (CRCs). Many of those problems continue to persist. Right now, in Anchorage, one prisoner escapes custody from a CRC every other day; this fact should worry us all. There have been repeated reports of drug activity occurring in and associated with the CRCs and their intersection with DOC and the court system. To further compound the issue, the risk assessment protocol and the already expanded use of these facilities have caused un-sentenced felons and repeat misdemeanants to be placed in these unsecure facilities, some of whom promptly escape causing danger to our community and the victims who we should be protecting. Continuing to expand the use of an already fractured system is problematic.
- The legislation creates a new section in the DOC that will be charged with conducting risk assessments and monitoring of pre-trial detainees. We all are aware of the challenges that the DOC has been facing in recent years with decreased staffing,

management instability and deaths of inmates. We respect the work being done by our brothers and sisters in corrections but we worry about putting more responsibility on their already taxed resources. Further, it seems problematic to have DOC charged with affecting whether an individual should remain in custody or not; that seems to be a conflict of interest without the necessary checks and balances, for both the government and the detainees.

- There are some structural problems with the concept of lowering the current levels of crimes. The ability of officers to enforce laws and the possible need for and lawfulness of uses of force are directly tied to the level of offense being investigated. In the scenario of responding to a call for Disorderly Conduct where two people are fighting in public, we will be hampered in our ability to stop the action since what they are doing would now be considered a violation rather than an arrestable misdemeanor offense. In today's environment, we need to provide our officers more tools, not less.
- I have worked personally with the PACE Program which has established sentencing guidelines to create swift and certain punishment for select offenders on probation. This program has been seen as a model and has grown in the past couple years. Many of the sentencing guidelines in SB91 will be in contradiction to what is being done in that program.
- The DOC has had problems with offenders who abscond from probation. Our officers routinely come across these individuals who represent a danger to our community. It is troubling that these individuals who are choosing to not only ignore the orders of the court but of their probation officer as well would be capped at a 30-day sentence.
- Offenses relating to "cyber-bullying", harassment and illegal use of the telephone should remain as misdemeanors. The underlying nature of these offenses often involves a crime against a person but isn't always treated that way.

As a way to illustrate an overriding concern, please place yourself in the shoes of a citizen whose car is broken into and personal belongings stolen. If the suspect is caught and is issued either a summons or, more likely, a citation for a violation, what is the deterrence for the suspect or justice for the victim? I suggest that in this scenario, crime and victimization will only increase. Put more simply, if someone steals your car, does it seem adequate to merely issue the offender a summons to appear and then let him or her go? Would the average citizen see this as an adequate response? In reality, people involved in the theft of vehicles are often involved in other issues.

I ask that our legislators slow down this entire process and consult in an unbridled way with current practitioners who use the processes we are seeking to change. I am left with an impression that the desired changes started with well-placed intent, but the focus shifted with alarming results. We can't just "reform", we must reinvest. I am certain that none of us



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desire unintended consequences while we selectively unravel an elaborate system that has been in place for a long time.

Thank you for your consideration on this matter. If desired, I can make myself available for additional discussions with you or any other interested legislators.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gerard Asselin'.

Sergeant Gerard Asselin
President
Anchorage Police Department Employees Association

PO Box 230330
Anchorage, AK 99523
(907) 561-7500
president@apdea.org

From: Kenneth Ray

Sent: Thursday, April 14, 2016 7:03 PM

To: Kalyssa Maile <Kalyssa.Maile@akleg.gov>

Cc: Rep. Gabrielle LeDoux <Rep.Gabrielle.LeDoux@akleg.gov>; Rep. Wes Keller <Rep.Wes.Keller@akleg.gov>; Rep. Neal Foster <Rep.Neal.Foster@akleg.gov>; Rep. Bob Lynn <Rep.Bob.Lynn@akleg.gov>; Rep. Charisse Millett <Rep.Charisse.Millett@akleg.gov>; Rep. Kurt Olson <Rep.Kurt.Olson@akleg.gov>

Subject: House SB 91 please add to the recordd

Hello

I testified yesterday before the Alaska House Judiciary about sb91 house bill.

I reminded everyone of the absolutely fine job Vicki Walner Stop Valley Thieves has done. Their site on Facebook is one of our first lines of defense in local neighborhoods in the wild west of the MatSu Valley. 6 troopers on duty to cover the size of the state of West Virginia.

I emphasize the 128 empty beds at Pt Mac Prison farm unused for years. A Proposal by the nonprofit MyHouse to create a detox center was advised by corrections PO Dept to make other plans while this sits empty. Lets get the State of Alaska out of the detox business. [She died in an Alaska jail while detoxing from heroin. Her family ...](#) Nonprofits are not welcomed by corrections in lieu of hiring more correction officers. Let the nonprofits get sued instead of the state. They have no money and we can always get another thru an RFD.

Please require an RFD to put the beds out to public proposals.....

Prision Industries needs to be encouraged. Timid DOC personell scared of offending the private sector has held this back for years.

Definition

“appropriate Place” or facility needs to be defined to allow private and nonprofit facilities the ability to offer the minimum supervision at a far less price than DOC can provide.

Presumptive Sentencing has filled our jails to the bursting point. Consider allowing judges and DA more ability to use their judgement. Consider giving them the tools to use the judgement presumptive sentencing has removed. A Suggestion id to allow 10% of their caseload to be judged by the bench. Sunset the law and please give it a try.

Here is an article that defies the logic of all out effort.

Mississippi Jails Are Losing Inmates, And Local Officials Are 'Devastated' By The Loss Of Revenue

http://www.huffingtonpost.com/entry/mississippi-jails-revenue_us_57100dale4b06f35cb6f14e8

respectfully
Ken Ray
Wasilla AK
907-373-2397

From: Sweet, Deborah B
Sent: Wednesday, April 06, 2016 2:28 PM
To: 'grace.abbott@akleg.gov'; 'kalyssa.maile@akleg.gov'; 'jenna.crouse@akleg.gov'; 'erin.shine@akleg.gov'; 'jordan.shilling@akleg.gov'
Subject: Victim Impact Statement for HB205 / SB91

Good Afternoon,

My name is Deborah Sweet and I'm a recent victim of a violent crime. I received your contact information from my victims' rights attorney at the Office of Victims' Rights. I'm contacting you regarding HB205 / SB91, and the overwhelming detrimental impact these bills will have not only to victims, but to public safety as well.

I would like to share my story with you, in order to provide you with a victims viewpoint, and detail the severity of the crime that would no longer be punishable by jail time if these bills were to pass.

My husband and I, are both educated professionals, and currently live in Anchorage. He is in custody for assault with a deadly weapon. Until recently he was an engineering professional in the medical industry, for a major hospital.

My journey begins with my husband's recent back surgery, and subsequent abuse of prescription pain relief and muscle relaxers, combined with alcohol. The end result was my husband cornering me in a small back bedroom, in our home, and firing an AR-15, .223 caliber, with a 30 round clip, at my head. The subsequent struggle for the gun resulted in 2 more shots fired, and me sustaining multiple lacerations, bite marks, and contusions to the head, face, torso, arms, hands, and legs.

Due to the crime legislation bills that are currently being considered, I reluctantly agreed with the DA, regarding the plea bargain terms, which were accepted by the defendant last week. He pled guilty to one C felony assault, 24 month term, with 21 months suspended and 3 years' probation.

After presenting my victims impact statement to the Court, the Judge expressed not only concern for public safety, but spoke at length regarding the multitude of concerns he had regarding the leniency of the plea agreement in relation to the crime. He stated this is the worse C class felony case he had seen and has serious misgivings about accepting the plea bargain agreement.

Attached is my written statement detailing the assault that occurred on February 15th of this year. As you read my statement, I would please ask that you consider, if this happened to you.....or a loved one.....would you want the attacker to only receive probation and no jail time. Because under the proposed legislation.....that's exactly what will happen. I respectfully request to be added to the list of individuals scheduled to provide public testimony for the House Judiciary Committee tomorrow.

On behalf of all victims who are too terrified to speak, for those who can no longer speak for themselves.....and for all those who will be a victim in the future, thank you for your time.

Please do not pass this legislation.....let us stop being victims..... let us be survivors.

Deborah Sweet

On February 15th, at approximately 9:30 PM, in the kitchen/dining area on the second floor of our condominium. Bruce was highly intoxicated and taking excessive doses of prescription oxycodone and flexeril, due to a recent back surgery. He had become aggressive, agitated, verbally abusive, and appeared, at times, to be confused about who I was and why I was in the house. I realized I may need to call for help when I noticed my cell phone was dead. I left the room and went to the 3rd floor back bedroom, used as my office, to plug in my phone. While attempting to turn on the phone, I could hear Bruce downstairs stumbling around. I could hear him pick up the AR-15, loaded with a 30 round clip, that was in the corner between the kitchen island and bar stool, and make his way upstairs. When he reached the top of the stairs he fell, I could hear the gun and his body slam into the baseboard heater. I hear the tearing of metal as the baseboard comes off the wall. He said "Deb, I could use some help here." I can hear him get up and walk to the end of the hallway, and arrive at the open door to my office. As he comes down the hallway, I back myself into the closet, but the bi-fold doors are still open. The closet is stocked full of all the other guns, stored in cases, and tubs of ammunition we own. I crouch down in the small space between the long guns and tubs of ammo. I see him stop where the hardwood in the hallway ends, and meets the carpet in my office. He lies down on the floor in the prone position. His upper body is on the carpet and his legs are on the hardwood in the hallway. I see him position himself so he's looking through the scope; his head is leaning slightly to the right, as he adjusts the scope to his right eye. I see his finger on the trigger. He's yelling at me....I'm crying, begging him to let me go. That I won't tell anyone just please let me go. He won't stop yelling....I keep begging him to let me go. Then he is quite.....I wonder if this where and how my life will end....and then he pulls the trigger. The bullet hits the sheetrock in the closet 24 inches from the left side of my head. I see the sheetrock spraying out of the wall....the smell that only comes from when a gun is fired. The sound of the shot so horrifically loud....my ears are ringing and there is a continuous high pitched frequency. I hear myself screaming for help, but my voice is muffled, and this frequency buzzing noise is making my head hurt. I hear him yelling at me to get out of the closet. I stand up and go to the window next to the closet and start screaming "help me....somebody please help me". He's screaming at me "get down....get down on the f***** floor." I get on the floor and beg him to let me go....he's yelling at me to crawl towards him. I crawl across the bedroom floor...towards the barrel of the AR pointed at my head. As I'm crawling towards him (he's still in the prone position, looking at me through the scope, with his finger on the trigger) he slowly scoots himself backwards until

his upper body is out in the hallway. I keep crawling toward him until my head and torso are in the hallway. I'm now next to him, the barrel of the AR next to the right side of my head. I grab the barrel with both hands and we fight for the gun. I'm on the floor, sitting with my back against the wall in the corner of the hallway and the bedroom....he is now on his knees. Both of us have both our hands on the gun. He's biting my hands trying to get me to drop the gun. I don't let go.... he keeps biting my hands, moving from one hand to the next. He's frustrated I won't let go. He takes one hand off the gun and starts punching my head and face repeatedly. I feel the back and sides of my head bouncing off the door moldings and the wall. I still don't let go. He stops punching me with his fist, and uses the gun to hit me in the head, face, arms, torso and legs. The rail of the AR slams into my forehead and I can feel my own warm, sticky blood run down my face...it's running into my eye. I still don't let go of the gun. The barrel is pointed down the dark hallway away from both of us. He fires 2 more shots....I didn't know his finger was still on the trigger.....I have no idea where the dogs are. The shots are so loud and it echoes down the hallway. He's getting tired of fighting....he's losing his strength to the muscle relaxers and alcohol. We continue to fight for the AR....he finally collapses and falls from his knees and is now lying on the floor chest and face down. I let go of the gun, stand up, and run down the hallway....just waiting to feel the bullets hit my back. But they don't come. I run down 2 flights of stairs to the front door. As I make it down the first flight of stairs to the second floor living area, I see the dogs, and they run towards me as I continue to run down the second flight of stairs to the front door. I unlock the deadbolt and run out the front door and down the steps to the gate. I open it and run down the next set of steps to see my neighbor standing on his front porch, under the porch light, on the phone. He motions me towards him. I run to him with my two Jack Russell's (Gunny & JR) running behind me. We run into his house, where he lives with his wife and 3 children. JR makes it in to the house with me but Gunny is locked out. I beg them to open the door and let her in but they can't. He's on the phone with police dispatch. I sit on the step in their stairwell, bleeding on their floor. JR is covered in my blood and sitting on my lap trying to clean me. I hug JR as my neighbor's wife gives me a towel to try to stop the bleeding from my head. He gives me the phone to talk to dispatch. I talk to her until she tells me it's safe to go outside. My neighbor opens his front door and I look outside....there are flashing lights and police, all holding weapons, everywhere...I run across the common area, past my own condo, to the police officers. I see Bruce standing on our front porch under the porch light. I'm terrified he's going to shoot me as I run by. The officers place me in a patrol car parked in the next cul-de-sac, which is adjacent to the cul-de-sac where our condo is located. They take me around the block to where there are more patrol cars, and emergency vehicles, and place me in the ambulance.

I am taken to Providence Medical Center for treatment. After I am released, I am escorted to the local women's shelter by a Providence employee. I'm encouraged to stay at the shelter, for my own mental well-being, even though he is in custody. I decline as I only want to go home and ensure my two Jack Russell's are safe.

Date:

April 4, 2016

To:

Alaska State House Committee Members

From: Mat-Su Pre-Trial Institutional Chaplain Steve Alexander

I commend the efforts of many of the House and Senate members working on SB91. The issues are many and significant. My concerns have to do with my 25-plus years of work with prisoners and addicts for recovery and recidivism reduction. I am the Institutional Chaplain at Mat-Su Pre-Trial Facility in Palmer working under the oversight of DOC Superintendent Earl Houser and DOC Statewide Chaplaincy Director James Duncan. One of our main problems in returning recovered addicts to full societal function once they choose sobriety and forsake lawlessness is getting them safely back to driving functions since that is plainly essential to economic function in our Alaskan culture. They have usually lost their drivers license for "life" through DMV felony DUI regulations, and the current efforts to restructure our laws on this matter seem to be a step in the right direction towards getting those who choose recovery back to full economic function in society. This is indeed a key to reducing recidivism and keeping the recovering addict from once again becoming dependent upon "under-ground" cash production systems or even governmental "support" systems. Those attempting to return to healthy family functions are especially vulnerable to the propagation of poor choices when sufficient income cannot possibly be procured to support a family due to lack of driving privileges. Responsibility to ensure the driving public's safety notwithstanding, we can do better at assisting these recovering addicts and ex-inmates return to functioning status in their communities and thus help ourselves prevent more crime and recidivism.

My interests in SB91 specifically lie in the sections in pages 50 through 56 (version S) regarding the wording that would allow for these DUI offenders and addicts to return to driving privileges once proof of sobriety is sufficient. Admitting that sufficient proof may never exist for some folks does not absolve us of the responsibility to craft legislation that helps those who are truly help-able. The efforts I can detect in this legislation with my layman's efforts at deciphering the legal jargon seems to indicate progress. However, you are totally missing the most "recovered" and safest group among the ex-addict and ex-inmate population in the bill's provisions to safely return them to driving status.

All the provisions that I can find are slanted towards those persons who have completed "court ordered" addiction recovery programs that are of short duration or of an "out-patient" nature. That it all well and good, but there is a group of recovered addicts that have much better outcomes and enduring success at staying sober and never again driving while compromised. That is the folks who voluntarily admit themselves to year-long residential addiction recovery programs and graduate. There are several of these programs statewide. Some are secular and some faith-based, but they all are excellent at enabling a recovery from addictive lifestyles. The self-initiative demonstrated by this group of folks is highly indicative of strong will to make better choices and it shows in the low rates of recidivism and return to addictive behavior.

These folks need to be the first ones to be trusted with a return to driving privileges and to be encouraged in making that choice with laws/regulations that recognize and reward their initiative. Admittedly without firms statistics, I will guess that this select group of recovering addicts numbers a hundred or so statewide in any given year.

I am going to suggest that an amendment should be added to SB91 that specifically addresses this group's successful efforts at recovery by reducing the ten year restriction before a temporary driving permit can be restored to a five year time frame and lifts the expensive ignition interlock requirements for this subset of ex-DUI offenders. If these folks can complete the rigors of a year-long residential addiction recovery system, you have quality evidence that they can be trusted with the temporary driver's permit. Even if you allowed them to get the temporary permit after two years into their post-graduate phase so that they had full driving privileges by the time the five years was over, you have not taken inordinate risks with public

safety. I work with these kinds of folks - and with those who will not engage in their own selfinitiated reach for sobriety with that kind of serious effort. I can testify that the differences are huge.

Those who self-initiate the year-long commitment to their own future health without having to have the court mandate them into some sort of sensible choices are people we should reward with sooner acceptance back into the communal fold of productive citizens. I would think that statues or amendments requiring DMV to accept proof of completion of a year-long residential recovery program of any sort as sufficient for a return to driving should not be too difficult to justify or craft. Your efforts to undertake this law-craft will help reduce our prison costs and reduce pressures on a vulnerable but still valuable group of recovering addicts and ex-inmates.

In review, my experience of working with ex-inmates and other in addiction recovery efforts indicates that one special subset of those individuals who do choose to make a return to sober lifestyles is entirely missed in the new statues that you are attempting to craft. That subset is the group of people who willingly enter and complete year-long residential recovery programs. They do the best of all such offenders at avoiding recidivism and/or addiction relapse. I hope to solicit an amendment that allows that specific subset of folks to be rewarded with only a 5 year moratorium on return to driving and no requirement for an ignition interlock device. This is as risk-free a group of ex-DUI offenders as we will ever have. They need the return to economic function that mobility allows in order to return to community function ant to step yet further way from their addictive past.

Thank you for your consideration of my experiences that give rise to these comments.

Steve Alexander, Wasilla

April 11, 2016

Honorable Chair Gabrielle LeDoux and Members of the House Judiciary:

The League of Women Voters of Alaska (LWVAK) strongly urges the members of the House Judiciary to amend SB 91, the Omnibus Criminal Law & Procedure bill, to include restoration of felon suffrage upon release from incarceration rather than release from parole/probation. After many months of study and research, LWVAK developed an Election Processes and Procedures Position that states the following regarding felon rights:

The LWVAK supports providing the right to vote to felons who have completed their incarceration time rather than having this right restored after their probation and/or parole. Further, the LWVAK supports the provision of appropriate information and assistance to felons who have completed their incarceration in order to facilitate their voter registration or re-registration.

This Position was adopted in 2015.

If one of the major purposes of SB 91 is lowering recidivism rates, then restoring voting rights at the time of release may have a positive effect in supporting this purpose. Add to that a voter

education program just prior to release and the recidivism rate may be lowered even further. According to Nancy Leong, an associate professor at The University of Denver's Sturm College of Law, part of the rehabilitation process is to help a felon readjust his or her self image from a "felon" to a "rehabilitated, law-abiding citizen." Leong cites a study of individuals in the criminal justice system in New York, Connecticut and Ohio in which 66.4% reported that they intended to vote as soon as possible, a voting rate higher than the national average in most elections. In addition, Leong encourages programs that help felons understand their voting rights and the political process in general. Leong suggests, "By providing a means of civic involvement, voting would allow felons to rebiography themselves and help create a vision of a lawful life." This adjustment is critical for success in reducing recidivism.

The League of Women Voters works across the nation to assist voters in both voter education and registration. Local League members who work on voter registration have encountered young people who, when asked if they are registered, say that they are not allowed to vote. That announcement is almost always made with a look of guilt and shame. Logically this restriction of voting rights does not seem to be the way toward rehabilitation. Restoring voting rights at the time of release is an addition to SB 91 that has no apparent cost and is supported by evidence that restoration can help reduce recidivism. The League of Women Voters of Alaska strongly encourages the House to amend SB 91 to reflect voting rights restoration at the end of incarceration rather than the end of parole/probation.

Thank you for your consideration.

Sincerely,

Hetty Barthel, LWVAK Secretary

From: carolyn V Brown <cvbrown1937@yahoo.com>

Date: April 11, 2016 at 16:38:53 PDT

To: "Rep.Gabrielle.LeDoux@akleg.gov" <Rep.Gabrielle.LeDoux@akleg.gov>

Subject: SB 91 and HB 205

Reply-To: carolyn V Brown <cvbrown1937@yahoo.com>

Dear Representative LeDoux:

I understand that SB 91 and HB 205 are both before the Judiciary Committee for consideration.

I respectfully request that the Judiciary Committee consider an amendment to these bills that will enable a felon to register to vote upon completion of incarceration with removal of probation and/or parole restrictions currently in place in Alaska.

The League of Women Voters of Alaska has provided a Position Statement that addresses this issue. That statement is attached. Our study of this issue for the past 2.5 years suggests recidivism rates can be further reduced if these ex-prisoners have access to the right to register to vote upon completion of incarceration.

I have spoken with Senators Coghill, Ellis, McGuire as well as Representative Munoz about this issue and this possibility. There is no need for a fiscal note for this change.

In addition to the information attached, we have significant other information and data to support enfranchisement of felons upon release from their incarceration and without restrictions to vote related to parole and/or probation.

I ask that you give this your serious consideration. I am pleased to discuss this with you further, to provide additional information as appropriate and to answer any questions you may have.

Thank you for this consideration. I respectfully request that this communication and its attachment be entered into the permanent record of deliberations and action.

carolyn V Brown MD MPH
1640 Second Street
Douglas Alaska 99824-5211 USA

President, League of Women Voters Juneau

907-364-2726 home
907-364-2727 fax

907-321-0784 cellular

cvbrown1937@yahoo.com

From: <skconn@mtaonline.net>

Date: April 11, 2016 at 17:02:12 PDT

To: Rep. Gabrielle LeDoux <Representative.Gabrielle.LeDoux@akleg.gov>, Rep. Kreiss-Tomkins <representative.jonathan.kreiss-tomkins@akleg.gov>

Subject: Senate Bill 91

Good Afternoon,

I am contacting concerning Senate Bill 91 which is in your committee at this time, and ask you to please go through it carefully.

While I would prefer that you not move this bill, it appears that it will be moved on and be passed, just as it was in the Senate. Since this option has very little chance, I do ask that you please put safeguards in to protect us from the ramifications of its enactment.

I live in the Valley, and we have seen an explosion of criminal activity out here over the past 10 years. My concern is that this bill will increase personal property crimes since it won't take long for those committing the crimes to realize that investigation and prosecution of these crimes are lessening, or not happening.

People have been testifying that personal property crimes are victimless, but that is not true. Having your vehicle stolen, when it is the only one you have to get you to your place of

employment definitely makes you feel victimized. Especially when you now have to purchase another vehicle to replace it in order to support yourself and your family. I have personally had my home burglarized. Coming home and finding that someone broke into your residence, rifled through your belongings while they stole from you is bad enough, but then you have to worry and wait to see if they return.

My other concerns with this bill include the early releases. If those who choose to commit crimes have very little consequences, then where is the motivation to not commit crimes? If you know that if caught you will be let off lightly, will that really be a deterrent?

My husband and I are concerned that this bill will empower the criminals, and leave those of us who work hard sitting ducks. We send you to Juneau to create laws that protect the citizens of our state, and I do not feel that this bill does. Instead, it appears to give a free pass to people who choose to commit crimes in our communities. Please be our voice and protect our rights as well.

Sincerely,
Shannon Connelly
District 11
907-745-7046

Sent from Windows Mail

From: Amanda LeDesma <amanda.l.ledesma@gmail.com>
Date: April 10, 2016 at 11:00:25 PDT
To: undisclosed-recipients;;
Subject: Regarding the crime bill

April 10, 2016

Amanda LeDesma
3650 E. 65th Ave
Anchorage, AK 99507

To the State of Alaska Representatives

Dear Representative:

I am writing to you in regards to the crime bill that just passed the Senate. I see the proposed changes as a good way to change our criminal justice system from simply punishing criminals to providing people who have committed a crime with a path for rehabilitation. This will be an effective way to not only improve society, but also avoid the unnecessary costs of housing people in prisons and maintaining them on probation for exceedingly long periods of time.

I am in support of most of the changes to the bill as published, however there are a few areas for which I have recommendations for consideration. The recommendations I am suggesting are to provide more consistency across crimes and encourage rehabilitation and prevention of reoffending. While I agree that there are some crimes that warrant more severe punishment than others, I also believe that in some situations a first time offender should be given an opportunity to prove that they have rehabilitated.

The first recommendation that I have is in regards to Sec. 64. AS 12.55.090 (c). Specifically, I am asking that you consider revising the bill to state that the period of probation for sex, together with any extension, may not exceed ten years for a first offense of any class A or unclassified felony; seven years for a first offense of a class B or class C felony; and five years for a misdemeanor. I support harsher penalties for a subsequent offense, however sex offenses have been found to have a 14% rate of recidivism over the first five years (Arkowitz & Lilienfeld, 2008) whereas the average recidivism rate for all criminals is 77% in the first five years following release from prison (Slifer, 2014). Aside from the time they do spend in prison, the treatment and counseling programs that we require of sex offenders seems to be an effective way to promote change in their behavior.

The second recommendation that I have is in regards to Sec. 66 AS 12.55.090 (g). Specifically, I am asking that you reconsider extending a similar opportunity to first time sexual and domestic violence offenders to have their probation officer recommend termination of probation. Since these crimes are often more serious than others, they already require the offender to complete treatment which lasts a significant amount of time. I am asking that you amend this section to state that if a person is a first time offender for sexual or domestic violence they must complete at least two years on probation, have completed all treatment programs required, has not been found in violation for at least one year, and are currently in compliance with all conditions of probation.

I am confident that these changes will allow the state to still be tough on these offenders while promoting rehabilitation for first time offenders. Thank you for your time and your consideration of my recommendations.

Respectfully,
Amanda LeDesma

From: Nicole Borromeo

Date: April 8, 2016 at 16:33:13 AKDT

Cc: <Rep.Gabrielle.LeDoux@akleg.gov>, <Rep.Wes.Keller@akleg.gov>, <Rep.Neal.Foster@akleg.gov>, <Rep.Bob.Lynn@akleg.gov>, <Rep.Charisse.Millett@akleg.gov>, <Rep.Matt.Claman@akleg.gov>, <Rep.Jonathan.Kreiss-Tomkins@akleg.gov>, <Rep.Kurt.Olson@akleg.gov>

Subject: HB 200/SB 91 (Adoption Bill); HB 205/SB 91 (Crime Bill)

Dear House Judiciary Committee Members:

Thank you for scheduling hearings on the above referenced bills. The Alaska Federation of Natives strongly **supports** both bills. Please move them out of the House Judiciary Committee as quickly as possible and onto the House floor.

AFN looks forward to providing public testimony on Sunday and Monday.

Kind Regards,
Nicole

Nicole Borromeo
Executive Vice-President & General Counsel
Alaska Federation of Natives
1577 C St., Ste. 300
Anchorage, AK 99501
T (907) 263-1310 | F (907) 276-7989

From: Reece Burk
Sent: Thursday, April 07, 2016 4:58 PM
To: Rep. Gabrielle LeDoux <Rep.Gabrielle.LeDoux@akleg.gov>
Subject: SB 91 / HB 205

Representative

As you know this session of the legislator is nearing an end.
I am hoping that you will support and vote FOR passage of this very important legislation.
It will save a lot of money for the state, allow myself and hundreds of others like me a drivers license back.

Please vote FOR these bills.
Thank you,
Reece W Burke
Fairbanks AK